



**BURLINGTON POLICE DEPARTMENT
DEPARTMENT DIRECTIVE
DD14 Digital Imaging, Digital Audio & Video, and Body Worn Camera Systems**

POLICY: To insure that images utilized to document crime scenes and evidence are preserved to maintain their integrity and to provide a method for Officers to document law enforcement activity through the use of on-Officer audio/video equipment designed to record Officer-involved incidents as they are occurring.

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I. DIGITAL IMAGING, AUDIO, and VIDEO PROCEDURES:

- A. The Deputy Chief of Administration or their designee will be responsible for providing digital audio recorders and digital cameras. Only Department authorized devices are to be utilized by personnel for documenting information/evidence during an investigation unless exigent circumstances exist.
- B. Taking Photographs
 - 1. The first digital image/photograph taken should document the date, time, case report number, location and victim's name. Write the information on a piece of paper and photograph it.
 - 2. Subject matter should range from the general to the specific:
 - a. Take overall photographs of the entire scene to show its relationship to the surrounding areas
 - b. Take mid-range photographs to show the relationship of the evidence in the scene
 - c. Take close-up photographs of evidence for comparison
 - 3. When Photographing Persons:
 - a. Identification photographs - full frontal and facial for identification;
 - b. Midrange photographs to show injuries and other body parts;
 - c. Close-up photography, with and without scale, in regards to scars, marks, tattoos and injuries.
 - 4. Mug Shots:
 - a. A photograph will be taken of all persons arrested and processed at Department. The Automated Fingerprint Identification System (AFIS) machine shall be used for this photograph. In the event it is not in operation, a department owned digital camera shall be substituted.
 - b. Have subject stand centered with back toward the gray background.
 - c. Have subject remove any hats, glasses and noticeable jewelry.
 - d. **IF** the subject wears glasses take one addition photo with the glasses on.

(Note: Mug shots will not be available until the following scheduled work day for the ID Unit.)

C. Submission & Documentation:

Each officer taking audio, images, or video shall upload those files without alteration to the Department's electronic records management system for storage prior to the end of their shift.

D. Distributing Files:

1. Images will be printed upon request for on-going investigations and for trial. Preference will be given to electronic transfer/digital image transmission of duplicate images whenever possible. All duplicate images will be copied in an unaltered file format as that of the original.
2. Other manners of appropriate distribution of duplicate files may include electronic mail and copying the duplicate files to contemporary external storage media.
3. All requests for printed or duplicate images for attorneys, insurance companies and citizens will be determined in accordance with existing Department policy. Generally, the Records Division or the ID Unit will complete this request. Emphasis will be placed on electronic transfer/digital image transmission or duplication of images via external storage media whenever possible.

E. Working with Files:

1. Original digital files will be archived directly to the Department's electronic records management system with the incident/case file that they were captured without alteration of any kind.
2. Alterations or obliteration of files is not permitted.
3. Secondary processing of image files to improve quality will be limited to those used with traditional negative based processing:
 - a. Sharpen focus
 - b. Correct contrast/brightness
 - c. Correct color balance
 - d. Enlarge the image or part of it
5. Manipulation, actually altering properties of the image will **only be performed on a copy** of the original. This may involve, but is not limited to:
 - a. Sharpness enhancement
 - b. Removal/addition of objects/features (i.e. text, pointers/ arrows, etc.)
 - c. Use of images in court displays
6. Under no circumstances will a corrected or manipulated image be substituted for the original/primary image. All processed images will be saved as a separate file.
7. Any alterations made to a copy of an image require documentation in a report detailing, at a minimum the following:
 - a. Software used
 - b. Date and time the copy of the image(s) were altered
 - c. Processing procedures used

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d. The nature of the alterations

F. Use of Digital Audio & Video Recorders (other than body worn cameras):

1. Officers who elect to use digital audio or video recorders may do so at their own discretion dependent on circumstance. However, it is strongly preferred to audio or video-record all statements taken. As with digital photographs, digital audio and video recordings must be uploaded to the Department's electronic records management system prior to the officer ending their shift or as soon as practical.
2. Any copies of files for distribution shall be made from the original in the electronic records management system or as otherwise prescribed herein.
3. Requests for transcription of audio or video files should be made to the Executive Assistant to the Chief of Police and incident number and the file name.
4. **Interviews or interrogations of suspects in homicide or sexual assault cases must be recorded under certain circumstances as prescribed by 13 VSA 5581.**

II. BODY WORN CAMERA SYSTEMS

Notes: As of the date of the last update to this policy, BWCs have limited battery capacity based on their size and current battery technology. As a result, constant recording is not possible. The prescribed use outline below is designed to maximize the capture of video recordings in instances where significant information or documentation of an event may be captured. These parameters will be modified based on user experience and changes in technology as they occur.

A. DEFINITION: BODY WORN CAMERAS (BWCs) – Any system worn by an Officer that captures audio and video.

B. OBJECTIVES:

The Department uses BWCs to meet the following objectives:

1. To enhance Officer safety
2. To document statements and events as they are occurring
3. To document crime or incident scenes
4. To enhance an Officer's ability to document and review statements and actions for reporting and criminal prosecution
5. To preserve visual and audio information for use in current and future investigations
6. To serve as a tool for officer training
7. To enhance public trust

C. PRESCRIBED & PERMITTED USE:

1. BWCs shall be used to record the following types of calls or reasonably foreseeable events unless otherwise prohibited under this policy:
 - a. Any report of a crime or active incident (such as a fight or "disturbance") in progress;
 - b. Arrests and investigative detentions;
 - c. Traffic stops and pursuits;
 - d. Searches;
 - e. Mental health calls or any other incidents where a person is presenting an altered mental status;

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- f. Events and incidents reasonably foreseeable to be confrontational citizen contacts, interactions with aggressive subjects, responses to resistance / uses of force (factors in determining that they are foreseeable include but are not limited to initial reports, subject actions upon arrival, prior history with a subject or location);
2. BWCs may be used to record the following types of events unless otherwise prohibited under this policy:
 - a. To record statements made by suspects, involved parties, victims and witnesses. Further, BWCs could be used when advising individuals of their Miranda rights, interrogations or any other legitimate law enforcements contact.
 - b. To document crime scenes or other physical evidence.
 - c. Any other incident at the officer's discretion.
3. Inside a residence, absent exigent circumstances, it is required that officers advise those present that a recording is being captured. In other settings officers should inform individuals that they are being recorded whenever possible. The preferred method of memorializing an announcement that a recorder is in operation **using language prescribed by the current criminal law standard in Vermont**, while the BWC is running.
4. Once activated, BWCs shall remain on through the duration of an incident, event, or contact UNLESS:
 - a. A prohibited use described below occurs AND it is no longer reasonable to continue using the device.
 - b. A BWC may be paused or stopped during on scene conferences between officers, supervisors, advocates, mental health clinicians, fire and emergency medical personnel, doctors, nurses, or others discussing confidential medical information or investigative strategy / methodology, the disclosure of which would compromise future investigations.
5. At the discretion of the Chief of Police or their designee, BWC video may be used for training purposes.
6. To the extent that an Officer is not equipped with a BWC or the BWC is not working, the requirements of this policy shall not apply.

D. PROHIBITED USES:

1. Officers issued BWCs will respect the dignity of all and use sound judgment as to when and how the device will be used. Officers will try to avoid recording videos of persons who are nude or when sensitive human areas are exposed and will refrain from activating the device in places where a reasonable expectation of privacy exists, such as locker rooms, dressing rooms or restrooms; unless activation of the device is necessary for a legitimate law enforcement purpose.
2. Officers shall avoid using the BWC to record individuals who are picketing or engaging in a protest or during First Amendment demonstrations *unless* an obvious violation of criminal or municipal law is occurring or if the Officer is in the same vicinity for other legitimate law enforcement purposes; or as directed by the Chief of Police of their designee under circumstances where disorder or criminal conduct is anticipated.
3. BWCs shall not be used to record: any personal activities; conversations with other officers or staff (unless pertinent to a criminal investigation such as formal processing or interviews); encounters with undercover officers or cooperating /confidential informants; and in any setting or situation otherwise prohibited by law.
4. Non-law enforcement personnel shall not be allowed to view video at the scene of an incident unless doing so is necessary to further an investigation or ensure the safety of the public or property and only then with the express permission of a supervisor.

E. GENERAL OPERATIONS OF DEVICES

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1. Officers shall receive approved training on the BWC equipment prior to using the equipment in an operational setting.
2. BWC devices are generally assigned to individual officers and shall be stored in the designated secure locations.
3. Prior to beginning each shift, assigned Officers shall inspect the BWC for any defects or wear and immediately report any problems to the designated BWC supervisor. If problems are encountered with any component of the system it will not be used.
4. BWC operational modes are limited to three categories; **a)** Buffering – during which a continuously looping video of the last 30 seconds is captured and then recycled; **b)** Event – during which the triggered previous buffering loop is then actually recorded and a constant record function continues until stopped; and **c)** Privacy – during which the camera is placed into a “sleep” mode and no audio or visual images are captured or retained in any capacity.
5. Officers shall, upon the end of each shift or as soon as practical, place the BWC into its designated transfer unit and use the approved process to download the data. Under no circumstances shall Officers erase or edit any media recorded by the unit during the shift. All access rights to this site will be controlled by the Burlington Police Department for any of its employees or requesting parties (i.e., State’s Attorney).
6. When the BWC is used in any incident or event its use will be documented on any affidavit and/or report prepared by the Officer.
7. Once BWC video evidence has been uploaded to Evidence.com, officers shall add the case/incident number to the video file (20XXBUXXXXX). Officers then add the video file to a category to identify the file for evidence retention purposes (i.e., General/Use of Force/Arrests/Traffic Stops/DUI).
8. No other devices may be attached, installed or connected to the BWC system, except system such as phones or tablets used to view the video streaming from the device. Additionally, no secondary recording in any form may be made from the device or its stored copies of recordings. No staff shall edit, delete, erase, duplicate, copy, share, or other wise distribute BWC video except as prescribed by Department policy.
9. All media captured or recorded by the BWC system is considered the property of the Burlington Police Department and any unapproved access, copying or releasing of such is prohibited. All requests for copies of media are to be subject of the same scrutiny and evidence handling procedures used for any other digital images obtained and retained by the agency.
10. Officers are encouraged to inform their supervisor of any video that may be of value for training purposes.

F. VIDEO STORAGE, CONTROL, AND MANAGEMENT

1. All videos, which remain the sole and exclusive property of the Department and may never be used for any purpose other than official business, will be uploaded to Evidence.com by the end of the officers’ shift unless otherwise authorized by a supervisor. Date a time stamps are automatically assigned by the software.
2. Access to recording shall be for official business only. Staff with access to recordings shall be controlled by a BWC Program Manager designated by the Chief of Police.

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3. Pursuant to Title 23 V.S.A 1203 (j), video files on Evidence.com identified in the “General” category may be erased, deleted, or destroyed no earlier than 90 days after final judgment, or if no civil or criminal action is filed, no earlier than 90 days after the date the video was created. Videos assigned to any other category will remain on file and kept for three (3) years and 90 days. After this period, those video files may be completely deleted from Evidence.com. Some individual video files may be maintained indefinitely or until manually deleted at the discretion of the Chief of Police or their designee.
4. All requests for copies of videos must be made to the Burlington Police Department ID/Property Unit. A copy will be made and sent to the requestor within 10 days of the request pursuant to Title 23 V.S.A. 1203(k). A duplication fee dictated by statute will be assessed and must be paid by the requestor.

H. PERSONNEL PERFORMANCE & BODY WORN CAMERAS

1. BWC recordings shall not be *randomly* audited to monitor officer or personnel performance.
2. The existence of a BWC recording that captures an officer making a mistake or not in compliance with a policy or rule shall not be the basis for enhanced discipline. The existence of the recording does not exacerbate or aggravate the conduct. It only presents a clear account of it. It is directly acknowledged as we deploy BWCs broadly that staff regularly encounters stressful situations in a fast paced and often unpredictable street-level operating environment that most Department work occurs in staff will sometimes misstep, make mistakes, or use foul language. While we make every effort to avoid these errors, the BWC recordings will assist in coaching for improved performance, not to levy more substantial discipline to employees than the same unrecorded conduct would subject them to.
3. It is acknowledged by the Department (and by the Courts) that equipment of all kinds is sometimes subject to failure. In the event of an equipment failure or if an officer forgets to activate the BWC device, the circumstances and details shall be documented in a report and the on duty officer in charge shall be made aware as soon as practical. Repeated failures or errors in this regard by a single employee could be the cause for further training or inquiry.

Reviewed and adopted by the Burlington Police Commission on July 22, 2014



Michael E. Schirling, Chief of Police

August 1, 2014

Effective Date