

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.174 Name of Bill: This bill proposes to require the Law Enforcement Advisory Board to propose a model State policy for use of body cameras by law enforcement officers.

Agency/Dept: Vermont State Police Author of Bill Review: Lt. Garry Scott

Date of Bill Review: 01-13-2016 Related Bills and Key Players: Vermont Law Enforcement

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

1. **Summary of bill and issue it addresses.** The Vermont legislature is requesting a model State Policy related to Body Worn Cameras (BWC) and the policy should address the following: (1) when a law enforcement officer should wear a body camera; (2) under what circumstances a law enforcement officer wearing a body camera should turn the camera on and off; (3) whether and when a video recording made by a law enforcement officer's body camera, including a recording that involves a crime victim, should be a public record; and (4) treatment of situations when a law enforcement officer's body camera malfunction or is unavailable.

2. **Is there a need for this bill?** Yes. A standardized policy will be beneficial for all Vermont law enforcement and create consistency throughout the state. A DRAFT Vermont State Police Policy is attached.
Addressing specific concerns of this Bill:

1. When they are to be worn – Should be changed to "when they shall be activated/used". When they are worn is a difficult and broad subject, I think it is better to keep it to when they shall be used.

2. When they are to be activated - is covered in our model policy 3.1 (A-G), 3.2, 3.3, 3.4.

3. When they are a public record - Requests should be made through the records request process (3.5) and that would automatically revert to the statute on public records requests. Be mindful that if they try to add language about protection of victims by blocking their features and statements out of a recording, that takes a great deal of technical time and know how to do. That would be a huge hurdle for our agency and I would bet any other agency to go through to block out victim images in a video file.

4. Malfunctions - is covered in our policy in section 4.3 and 4.4.

****VERY IMPORTANT:** The Vermont State Police request the wording in the statute to read the LEAB Model policy OR the VSP Policy. This will be similar to the Data Collection statute where they gave agencies an option.

Please return this bill review as a Microsoft Word or PDF document to Jahala.Dudley@vermont.gov and Jessica Mishaan@vermont.gov

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The initial estimated start-up cost of a Body Worn Cameras for the Vermont State Police is approximately \$1,457,000.00. This amount does not include the backend storage cost. That cost is dependent on which make and model system is chosen and how long data should be stored. These unknown cost could be approximately \$200,000.00 per year. DI&I will also need to be included in the over cost which could be approximately \$90,000.00 for the first year to review the project. There are unknown cost associated with the administration of the project, training and records requests. There are NO identified funding sources for this project.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

Same as above.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? There is tremendous public support for law enforcement to have BWC but there is no identified funding source to purchase the initial units or for the continued yearly cost. So ultimately the taxpayers, will fund this program.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

The general public overwhelming supports law enforcement wearing body cameras. The video images provide helpful information in criminal investigation

6.2 Who else is likely to oppose the proposal and why?

Many law enforcement agencies in Vermont do not have funding for BWC or the storage cost associated with them.

7. Rationale for recommendation: Having a standardized policy will create consistency within Vermont and address potential problems and concerns. The standardized policy will give Vermont law enforcement agencies and the public a clear understanding of how the BWC program is administered. See attached Vermont State Police DRAFT POLICY.

8. Specific modifications that would be needed to recommend support of this bill:

Identification and allotment of funding resources to purchase, maintain and storage cost.

9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many? None

Secretary/Commissioner has reviewed this document



Date: 2/1/16