

**MILTON POLICE DEPARTMENT  
GENERAL ORDER**

**SUBJECT:** Body Worn Cameras

**NUMBER:** 8d

**EFFECTIVE DATE:** June 14, 2021

**REVIEW DATE:** November 25, 2025<sup>1</sup>

**AMENDS/SUPERCEDES:** All Previous

**APPROVED:**   
Frank Scalise, Chief of Police

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Purpose: Body Worn Cameras are intended to record police interactions with members of the public. These recordings serve many purposes including enhancing agency transparency, accountability and public trust while documenting emergency responses and crime scenes, collecting evidence and more. This policy provides consistent guidance statewide for how and when body cameras will be used by law enforcement. It also provides consistent guidance on storage, retention, and release of recordings.

Agencies are required to adopt each component of this policy and may adopt additional components, provided that the additional components do not conflict with provisions of this policy. Agency policies that do not meet the minimum requirements of this policy shall be void, and that agency shall be subject to this model policy.

The policy must be publicly available on the agency's website or by contacting the agency.

This policy shall apply to any Vermont law enforcement agency that equips their officers with Body Worn Cameras. Generally, only uniformed officers assigned to patrol functions are required to wear Body Worn Cameras unless individual agencies determine otherwise.

Policy: This policy provides consistent statewide guidance for how and when body cameras will be used by law enforcement.

Definitions:

**Body Worn Camera (BWC):** An electronic device capable of capturing audio and visual recordings worn on a person's body.

**Law enforcement officer or sworn member:** A Vermont law enforcement officer with the authority to conduct searches and make arrests. Referred to as "officer" in this policy.

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<sup>1</sup>Body worn camera policy adopted from the policy provided by the Vermont League of Cities and Towns (VLCT Body Camera Policy 2025).

**Lethal force incident:** Whenever an officer uses lethal force (whether the subject is injured or not); and any incident where an officer takes action that results in death or serious bodily injury to a person.

**Recordings:** Refers to files captured by BWCs.

**Subject of the video footage:** Any identifiable law enforcement officer or any identifiable suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body camera recording and shall not include people who only incidentally appear on the recording.

**Use of force:** Any action beyond verbal commands and compliant handcuffing by a law enforcement officer that is intended to control, restrain, or overcome the resistance of another. This includes any action that results in death, injury, or complaint of injury or pain that persists beyond the use of a physical control hold. Force also includes the use of a weapon (including pointing of a firearm at a person) or empty-handed control and restraint tactics against a member of the public.

**Video footage or file:** any images or audio and metadata recorded by a body camera.

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### **SECTION 1. USE OF BWCs**

- A. BWCs shall be worn in a location and manner consistent with the manufacturer's recommendations that maximize the camera's ability to capture video and audio footage of the officer's activities.
- B. Generally, body worn cameras (BWC) shall be worn by all sworn uniform officers. An agency head may exempt specific personnel or functions. An agency head may authorize non-sworn personnel to wear a BWC.
- C. BWCs are not intended to be used surreptitiously. Specifically, officers should not conceal the presence of a body worn camera, nor shall they attempt to utilize the body camera to record in secret unless authorized by a judicial order.
- D. Both the video and audio recording functions of the body camera shall be activated in any of the following situations:
  1. At the beginning of any investigative or enforcement encounter between an officer and a member of the public, except that when an immediate threat to the officer's life or safety

makes activating the camera impossible or dangerous. The officer shall activate the camera at the first reasonable opportunity to do so.

2. During all requests made in the field to conduct a search and during the performance of the search, including K-9 searches.
  3. During administration of Miranda warnings and any response when in the field.
  4. At any incident that the officer reasonably anticipates may be confrontational or result in the need to use force.
  5. Agency heads may develop a local policy establishing additional circumstances where BWC's shall be used.
- E. Except as authorized in subsections (G & F) of this section, body cameras shall not be deactivated until the encounter has fully concluded and the officer leaves the scene or continued custody of a person has ended.
- F. Prior to entering a private residence, or premise where there is a reasonable expectation of privacy, without a warrant or in non-exigent circumstances, an officer shall notify the occupant(s) of use of the body camera as soon as practical.
1. If an occupant with privacy rights objects to the operation of the body cameras, an officer shall consider the need to continue the encounter. If the officer has no lawful basis to continue the encounter absent consent, the officer shall consider terminating the encounter. If the officer has a lawful basis to continue the encounter or remain present, other than the individual's consent, the officer may continue using the body camera.
  2. If entering a private residence pursuant to a search warrant, the officer shall, at the time of applying for the search warrant, consult with the State's Attorney's Office or Attorney General's Office to determine whether a search warrant is needed for use of the body worn camera.
- G. Permissive agency restrictions on the use of BWCs:
1. There are specific situations in which the use of BWCs is not appropriate and officers should not initiate a recording or, if an audiovisual recording has been initiated, the officer may pause or stop the recording prior to the conclusion of the event. Acceptable reasons for discontinuing recording or activating the mute feature include:
    - a. During on scene conferences between officers, supervisors, advocates, clinicians, EMS personnel, attorneys, prosecutors, or other situations in which the officer determines the conference would violate confidentiality, privacy, or individual rights.

- b. Conferences between officers and supervisors that might compromise this or further investigations or would otherwise impede law enforcement efforts or strategy.
- c. Encounters with undercover officers or confidential informants.
- d. If a person reporting a crime or assisting with an investigation requests to remain anonymous.
- e. During times of prolonged waiting absent contact with members of the public such as waiting for a tow truck, funeral home, or similar.
- f. Recordings are not expected during non-enforcement activities.
- g. Recordings are not expected during operations such as routine regulatory functions that are unique to specialized law enforcement agencies.
- h. Recordings are not expected during the execution of a search warrant for evidence of child pornography where capturing recordings of such material and uploading them to a third-party vendor's storage would constitute a crime.
- i. Recordings are not expected during transports conducted pursuant to a transport order or where a cruiser camera is enabled and captures the individual being recorded.
- j. Recordings should not be made to record personal activities such as meal breaks or conversations with other officers, supervisors, or staff outside of the scope of official duties.

#### H. Prohibitions on Use of BWCs:

- 1. Officer shall, upon request of a victim of domestic or sexual violence, stop recording, provided the scene has been stabilized and made safe following initial response.
- 2. Once a scene has been stabilized and made safe by law enforcement, recording shall stop for victims of domestic or sexual violence during interactions involving matters of safety planning or related to victim privacy.
- 3. Officers shall not activate a body camera while on the grounds of any public, private or parochial elementary or secondary school, nor within a hospital or medical facility except when responding to an imminent threat to life or health or when a use of force is anticipated.
  - a. This prohibition does not prevent officers from using BWCs as recording devices as part of an investigatory interview in a private setting within a school or medical environment.

4. Officers shall not use body cameras to record for the sole purpose of gathering intelligence information on First Amendment protected activities such as speech, associations, or religion.
    - a. This shall not be construed to limit lawful use of body cameras to record investigative encounters between an officer and a member of the public or activity that raises an articulable suspicion of on-going or imminent criminal conduct.
  5. Agencies shall not run recordings through facial recognition or automated analysis programs without appropriate judicial review, except for automated redaction processes which are not for the purpose of identification or comparison to any other source.
- I. Recording should resume as soon as any exception no longer exists.
  - J. If an officer pauses or stops a recording, or uses a mute feature, they shall document the reason for the termination or suspension of the recording.
  - K. Review of Recordings:
    1. Except as otherwise prohibited (see section 2 below), an officer may review BWC recordings prior to writing reports about incidents or arrests.
    2. In situations that result in an officer involved shooting, or death or serious bodily injury to a member of the public due to the actions of an officer, the officer shall not review any recordings or be provided an account of any recordings of the incident prior to being interviewed or writing a report, unless doing so is necessary, while in the field, to address an immediate threat to life or safety.
    3. See appendix A for procedures following a lethal force incident.

## **SECTION 2: EQUIPMENT & TRAINING**

### **A. Responsibilities of Officers:**

1. Prior to start of each shift officers are responsible for checking their body camera equipment to be sure it is operational, fully charged, and free of any defects. Officers shall report any malfunctioning equipment to a supervisor, seek a replacement if available, and make a log note or other written notation of the date and time equipment malfunction was discovered.
  - a. During interactions where there is an expectation that the body camera would be activated, an officer should periodically check the body camera to assess that it is functioning properly.

2. In the event a body camera either fails to activate and begin recording or fails to cease recording, the officer will describe this, along with any additional relevant details, in a written report.
3. Officers are responsible for categorizing each recording appropriately. The tags or categories of files correspond to its retention period; therefore, officers must take extreme care to properly categorize each recording. Intentionally miscategorizing recordings will result in appropriate disciplinary action.
4. Officers shall transfer data from their assigned BWC to the agency's storage as soon as practical, but no less than prior to use by another officer and/or prior to the capacity of the device being reached.
5. Under no circumstances shall an officer erase, edit, alter, duplicate share or otherwise distribute any recordings on their device except as allowed by this policy. Only a system administrator is authorized to delete or edit files pursuant to section 3 of this policy. Only designated staff are authorized to duplicate and distribute copies of recordings pursuant to section 3 of this policy.
6. Should any officer or employee fail to adhere to the recording requirements contained in this policy, intentionally interfere with a body camera's ability to accurately capture video footage, or otherwise manipulate the video footage captured by a body camera during or after its operation, appropriate disciplinary action shall be taken.

#### B. RESPONSIBILITIES OF AGENCY HEADS:

1. Each agency is responsible for providing training on the proper use of equipment to include the contents of this policy, instruction on operation of the BWC, how and when to transfer files, proper identification and categorization of recordings.
2. Agencies shall provide instruction to officers on how to report and replace malfunctioning equipment.
3. Agency supervisors may review recordings for the purpose of ensuring compliance with established policies, verifying the equipment is functioning properly, to identify any areas in which additional training or guidance is required and to identify material that would be appropriate for training.
4. Agency heads are responsible for ensuring that all BWCs are equipped with a "buffering" feature and have such feature activated and set to record and retain at least the most recent 30 seconds of video prior to activation of the BWC.

5. Agency heads are responsible to ensure that the provisions of section 3 below are followed.

### **SECTION 3: STORAGE, RETENTION and RELEASE:**

#### **A. Storage:**

1. Agencies are responsible for ensuring the secure storage of all recordings made by their employees. All recordings or files are the property of this agency and shall only be used for official purposes.

#### **B. Retention and Release:**

1. At a minimum, all recordings shall be held in accordance with the State's record retention act for law enforcement records. [See VT State Archives & Records Administration's specific record schedule for this agency]. When appropriate and not exempt under 1 V.S.A. 317, recordings shall be released, or released with redaction, upon request to members of the public or media.
2. Should any employee intentionally fail to adhere to the retention requirements contained in this policy, appropriate disciplinary action shall be taken.
3. Agencies shall make a good faith effort to locate recordings of interest to the public. If recordings exist of an interaction or event captured by BWC and that interaction or event is identified with reasonable specificity, the agency will make that recording(s) available for review or release consistent with 1 V.S.A. 317 and any other applicable records release schedule.
4. If an agency authorizes access to stored footage by a vendor such as a technician, information technology staff, etc. they shall not be permitted to access, view, copy, alter, or delete footage unless in accordance with this policy and at the express direction of the agency.
5. When a BWC fails to capture some or all of the audio or video of an incident due to malfunction, displacement of camera, or any other cause, any audio or video footage that is captured shall be treated the same as any other recording as described in this policy.
6. Recording related to the following will be retained indefinitely and require manual deletion:
  - i. Officer involved shootings;

- ii. Major incidents such as mass arrests;
  - iii. Offenses listed under 33 V.S.A. § 5204(a);
  - iv. Homicide cases;
  - v. Active missing persons cases.
7. Whenever an officer equipped with a BWC is involved in, a witness to, or within audio or sight range of a police use of force that results in a death or serious bodily injury including discharge of a firearm for other than humane destruction of an animal, or when any officer conduct becomes the subject of a criminal investigation:
- i. Such officer's body camera shall be immediately seized by the officer's agency or department, or the agency or department conducting the related criminal investigation, and maintained in accordance with the rules governing the preservation of evidence;
  - ii. All files on the seized body camera shall be maintained in accordance with the rules governing the preservation of evidence; and
  - iii. The procedure referenced in Appendix A "*Lethal force incident procedures and statewide policy on review of BWC recordings following lethal force incidents*".
8. Nothing in this policy shall be read to contravene any laws governing the maintenance, production, and destruction of evidence in criminal investigations and prosecutions.

**Appendix A - Statewide Use of Force Policy on lethal force post-incident procedures and statewide policy on review of BWC recordings following lethal force incidents.**

**A. INTRODUCTION:**

Impartial and thorough investigation of officer involved shootings and other serious use of force incidents is essential to ensure police accountability, transparency and to maintain public trust. The following procedure is to be followed whenever an officer is involved in a lethal force incident (see definition below).

Among other things, this document describes the transition from an officer(s) being the investigator to that officer(s) becoming the subject of parallel investigations (administrative and potential criminal) in the wake of a lethal force incident. It also provides clear direction on the use of BWC recordings in the wake of a lethal force incident.

## **B. DEFINITIONS:**

- a. Chief Executive Officer (CEO):** Means the person in control of a police agency, normally the Chief, Colonel or Sheriff.
- b. Lethal force incident:** Whenever an officer uses lethal force (whether the subject is injured or not); and, any incident where an officer takes any action that results in death or serious bodily injury to a person. Hereinafter referred to as “incident”.
- c. Public Safety Statement:** A statement given at the scene of a lethal force incident, or as soon as practical, that allows the on-scene investigation to continue once the involved officer(s) leaves the area. It is a brief statement provided to the on-scene supervisor. The statement should include initial information such as type of force used; location of injured or dead person(s); description of any outstanding subject(s) including direction and mode of travel, known weapons, clothing description, etc.; description and location of any known victims, witnesses or evidence; and, any other information necessary to ensure officer and public safety and assist in the apprehension of outstanding suspects.

## **C. PROCEDURE: When an incident covered by this policy occurs:**

- a.** Officers should take actions necessary to render the scene safe.
- b.** When necessary, officers shall immediately summon emergency medical services and immediately provide appropriate medical attention.
- c.** The ranking officer on scene shall assume incident command, and immediately request the response of a supervisor. Upon arrival, the supervisor shall take control of the incident scene.
- d.** The incident location should be secured for purposes of investigation and evidence preservation.
- e.** The involved officer(s) will provide a Public Safety Statement prior to leaving the scene when practical. The Public Safety Statement should be made as contemporaneously to the event as possible.
- f.** The involved officer(s) should be removed from the scene to a secure location or a medical treatment facility if necessary. An officer or other support person should be assigned to stay with the involved officer(s). If available, a Peer Officer Support Team (POST) member or similar crisis response staff should be assigned this task. The support person should avoid conversations about the incident and instead focus on the officer’s health and well-being.
- g.** To maintain the integrity of the investigation those involved should not discuss the incident amongst themselves. This excludes communication with family, legal counsel, mental health personnel, medical personnel or union representation. Employees should be encouraged to refrain from watching or listening to the news, social media or podcasts regarding the incident in which they were involved.

- h.** Appropriate personnel should be contacted, including but not limited to the CEO, the VT State Police Major Crime Unit, the State's Attorney's Office and POST members or counselors as necessary.
- i.** At the direction of the Major Crime Unit, the involved officer(s) shall be photographed, and any injuries documented prior to the end of the shift. All BWC or other recordings of the incident shall be preserved as evidence by the home agency. The home agency will be asked to provide all video, audio, phone and radio transmission recordings of the entire incident to the Major Crimes Unit. Additionally, the officer(s)' firearm or other tools used in the incident will be collected and preserved as evidence. The CEO will determine if and when a replacement firearm will be issued to the involved officer(s).
- j.** When practical, the involved officer may walk through the scene to assist Major Crimes Unit with their location at the time lethal force was used and/or leading up to lethal force.
- k.** Involved officers shall not be allowed to view their body-worn camera footage prior to being interviewed by the Major Crime Unit, nor will they be permitted to review any other recordings of the incident or have them described by others. (See below for additional detail)

#### **D. VT STATE POLICE INVESTIGATION:**

- a.** When a Vermont law enforcement agency is involved in a lethal force incident, there are multiple priorities that must be considered. First and foremost, the agency must ensure public safety by cooperating with any investigation that seeks to identify person(s) who violate State or Federal law. Further, the agency has an obligation to its community to be as transparent and accountable as possible. Agencies also have an obligation to their employees who have the right to be treated fairly and in accordance with applicable collective bargaining agreements. There are times in the wake of a lethal force incident, when the officer(s) becomes the focus of a criminal investigation to assess compliance with the law.
- b.** Officers involved in lethal force incidents are afforded the same constitutional rights as any person under criminal investigation. It is preferable for transparency that officers participate in the Major Crime Unit's investigative process.
- c.** The following procedure is the statewide practice for Major Crime Unit review of lethal force incidents:
  - i.** Officer(s) provides a public safety statement at the scene.
  - ii.** Officer(s) do not review BWC or other recordings of the incident, nor are they given an account of any recordings by anyone.
  - iii.** Officer and their attorney meet with investigators to provide an initial statement unaided by recordings or other information surrounding the incident.

- iv. Following this statement, the officer and their attorney may review the officer's BWC or cruiser camera footage and or other video that would show the officer's perspective at the time force was used.
- v. The officer and their attorney may then provide investigators with additional information.
- d. Discrepancies between an officer's unaided and aided statements following an incident are expected. The science of memory in the wake of a stressful or traumatic event is extensive and points to numerous physiological phenomena during acutely stressful situations (I.e. auditory exclusion and tunnel vision) being common causes of discrepancies.

#### **E. ADMINISTRATIVE INVESTIGATION:**

- a. Whenever an officer uses lethal force, the home agency will initiate a parallel administrative investigation. The CEO of the home agency may request an independent review or investigation by an outside entity. Even if an outside entity is used, the administrative investigation is different from a potential criminal investigation in that the involved officer(s) is/are compelled to participate in the administrative investigation process as a condition of employment. The administrative investigation will be conducted in compliance with 20 V.S.A. Sections 2401(4) and 2402 and any other applicable law or regulation of the Vermont Criminal Justice Council.

In the event that an outside law-enforcement agency with jurisdiction (normally the VSP Major Crime Unit) initiates an investigation into the incident for the purpose of determining if there is criminal liability, the administrative investigation should occur after the criminal investigation and decisions by the Attorney General's Office and the State's Attorney's Office are complete.

The administrative investigator will interview the involved officer(s) and witnesses, and review all available evidence, information and statements. The administrative investigator may use information obtained as part of the criminal investigation but may not provide any information from the administrative investigation to criminal investigators or prosecutors. All applicable collective bargaining agreements will be followed during an administrative investigation.

The officer shall be kept informed of the progress of the administrative investigation and upon completion, notified in writing of the outcome.

The CEO or designee shall notify the State's Attorney, relevant municipal/state legal counsel, and any duly appointed police oversight body (in executive session) of the administrative investigation's outcome. If the investigation concludes a necessity to report to the VCJC, it shall be done without delay.

#### **F. RECOMMENDATIONS PRIOR TO RETURN TO DUTY:**

- a. The officer(s) should be placed on administrative leave or assigned to administrative duties with no enforcement responsibilities pending completion of the criminal investigation and decision about prosecution by both the Attorney General's Office and the State's Attorney's Office.<sup>2</sup>

It is strongly recommended that the CEO direct the officer to obtain psychological follow-up for post-incident trauma and that the agency pays for such services. With prior approval from the CEO, an officer may seek psychological follow-up from a licensed professional of their choice. At least an initial psychological follow-up should be completed before the officer is reassigned to duty.

#### **G. RELEASE OF BWC OR OTHER RECORDINGS IN THE WAKE OF A LETHAL FORCE INCIDENT:**

- a. Recordings, or portions thereof, taken during the course of these significant incidents do become public pursuant to public records law. In the wake of an incident, ensuring due process for every person involved is essential. The question of releasing recording is not if, but when.
- b. Following lethal force incidents, it is not uncommon for multiple agencies to possess copies of BWC or other recordings. For instance, the home agency, the Vermont State Police and the State's Attorney's Office or Attorney General's Office may all have copies of the relevant recordings. This can create confusion, duplication of effort and expense as well as inconsistency when presented with public information requests for release of the footage. Because multiple copies of digital recordings will exist, the following guidance is intended to identify the agency with the superordinate interest at certain stages post-incident.
- c. When an outside agency (usually VSP) conducts a criminal investigation, the investigating agency will provide the home agency with a letter requesting preservation of all evidentiary items and describing the investigative process. Recordings are considered evidence in a criminal investigation. While the criminal investigation is ongoing, VSP (or other outside agency) is in control of the record and, in consultation with prosecutors, will control release of recordings until the investigation is complete and the case has been reviewed by both the Attorney General's Office and the State's Attorney's Office.
  - i. If the VSP investigation results in criminal charges, the prosecuting agency shall be in control of the record and control release until such charges are resolved.
  - ii. If the VSP investigation does not result in criminal charges, the home agency resumes its controlling role as the keeper of the record.
- d. This procedure is intended to provide clarity to involved agencies, members of the public and media and to avoid confusion and unnecessary duplication of effort to process requests for

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<sup>2</sup> Keeping an officer on administrative duty may not be feasible in some agencies. The CEO should carefully evaluate the circumstances and consult with the State's Attorney and Attorney General's Office prior to returning the officer to duties that may involve enforcing laws/ordinances or using force.

recordings. Nothing in this guidance is intended to shield recordings from public examination. There are numerous factors that impact the release of body-worn camera or other recordings of a serious incident. It is not possible to create a definitive timeline for the release of recordings given the number of legal, investigative, operational, and external factors that bear on events on a case-by-case basis. Footage should be released as soon as practical in consultation with investigators, prosecutors, victim services, and organizational leaders. Whenever possible, release will occur within 30 days of the incident.