



# Lincoln Police Department

Standard Operating Procedures

Integrity, Competency, Fairness



|                           |                                                                                 |                      |                |
|---------------------------|---------------------------------------------------------------------------------|----------------------|----------------|
| <b>Subject:</b>           | <b>Body Worn Camera Use</b>                                                     | <b>Policy #</b>      | <b>O-33</b>    |
| <b>Effective Date:</b>    | <b>March 31, 2025</b>                                                           | <b>Review Cycle:</b> | <b>2 Years</b> |
| <b>Distribution:</b>      | <b>All Sworn Personnel</b>                                                      | <b># of pages:</b>   | <b>7</b>       |
| <b>MLEAP:</b>             | <b>7.34.A, 7.34.B, 7.34.C, 7.34.D, 7.34.E, 7.34.F, 7.34.G</b>                   |                      |                |
|                           | <b><i>Rescinds All Previous Policies<br/>Related To This Current Policy</i></b> |                      |                |
| <b>Issuing Authority:</b> | <b>Chief of Police Lee Miller</b>                                               |                      |                |

## **I. POLICY:**

It is the policy of the Lincoln Police Department to use body-worn cameras (BWC) to enhance transparency, and to promote the safety and welfare of officers and the public, and to, when appropriate, collect, gather, and produce recorded evidence.

### **MLEAP 7.34.A**

## **II. PURPOSE:**

This policy provides guidelines and procedures for using body-worn cameras, including maintenance, recording, data storage, data retention, and video release.

## **III. DEFINITIONS:**

- A. **Activate:** Switch the BWC from passive recording to active recording mode. No audio is captured while the BWC is operating in passive mode.
- B. **Active Recording Mode:** A BWC camera mode or setting that captures video and audio and turns them into incident-based media segments.
- C. **Body Worn Camera (BWC):** A device worn and affixed to an officer's uniform with the capability of capturing, recording, and storing audio and video information.
- D. **Deadly Force Incident:** Any incident involving the use of deadly force by an officer, the use of any level of force which results in death, any departmental in-custody death, or a use of force incident that results in serious bodily injury.
- E. **Evidentiary Recording:** Recording of an incident or encounter, including a crime, an arrest, the issuance of a citation, a search, or the use of force, that is relevant to an administrative, civil, or criminal investigation. Evidentiary recordings also include recordings of verbal statements given by a victim, witness, or suspect during the investigation of a crime or potential crime.
- F. **Healthcare Facility:** Any place primarily engaged in providing healthcare. Examples include hospitals, urgent care centers, doctor's offices, and nursing homes.
- G. **Law Enforcement Encounter:** any encounter between an officer and a citizen in which there is the potential for official law enforcement action or the use of the officer's authority, e.g., traffic stops, field interviews of a victim or witness, investigative stops, searches, detentions, arrests, and uses of force. Not included are casual greetings or interactions with the public or an encounter in which a citizen seeks information, such as directions or other general information.

- H. **Mobile Video Recorder (MVR):** a vehicle-based digital audio and/or video recording system.
- I. **Non-evidentiary Recording:** Recordings that do not aid in an investigation or prosecution. Examples of non-evidentiary recordings include a traffic stop that does not result in a citation, summons, or arrest; a code run that does not lead to a law enforcement encounter, such as a medical call; a citizen contact that results in no enforcement action and is not needed for a particular investigation, such as assisting a motorist, a general conversation with a member of the community, or an a field interview not associated with a particular investigation; or a call that results only in a warning, such as a loud party complaint where no one is charged.
- J. **Undercover:** a law enforcement officer whose identity as an officer is fully concealed. Undercover officers differ from plainclothes officers who wear civilian clothing instead of a uniform but carry normal police equipment and identification.

#### **IV. GENERAL**

- A. The department-issued BWC is authorized for use in the course of official police duties; department-issued BWCs may not be used for personal purposes.
- B. The use of personal or other BWCs that were not issued by the department is prohibited while on duty.
- C. Officers must complete an approved BWC training to wear and use the BWC. **MLEAP 7.34.F**
  - 1. Additional training will be provided as necessary to ensure the continued effective use of the BWC and to incorporate changes, updates, or other modifications to this policy and/or BWC equipment.
- D. The primary goals for the use of BWC are as follows: **MLEAP 7.34.C**
  - 1. Accurate documentation of specified law enforcement-public contacts, arrests, and critical incidents.
  - 2. Enhanced accuracy of official reports and testimony in court.
  - 3. Enhanced capabilities for assessment of probable cause for arrest or search, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and providing additional information for officer evaluation and training.
  - 4. The Patrol Vehicle Audio / Video recording may also be helpful in documenting crime and crash scenes or other events that include the confiscation and documentation of evidence or contraband.
  - 5. Preservation of evidence for use in state and federal prosecutions of criminal cases.
- E. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the department and will be securely stored and retained in accordance with applicable laws and department policy.
- F. Department personnel may not edit, alter, erase, duplicate, or otherwise distribute BWC recordings without prior authorization from the Chief of Police. Recordings may be copied or shared only for investigative or prosecutorial purposes.
- G. The BWC will be stored in a transfer station dock when not in use by an officer or, if the dock is not available, will be connected to a charging port. If connected to a charging port, officers will ensure that all data is transferred to the appropriate storage location. These steps will help ensure that the BWC is ready for future deployment.

#### **V. PROCEDURES**

- A. **Maintenance and General Use** **MLEAP 7.34.E**
  - 1. At the start of each shift or overtime detail, officers will properly check out the BWC prior to undocking it from the transfer station. Officers will confirm the BWC is correctly configured and properly functioning. Malfunctions, damage, loss, or theft of BWC equipment will be immediately reported to a supervisor.
  - 2. If assigned to a mobile video recorder (MVR) equipped cruiser, officers will log into the MVR. The MVR will automatically activate:
    - i. when the emergency lights are turned on, and

- ii. in the event of a crash.
3. Once powered, the BWC passively records video until activated. No audio is captured during passive recording. Upon activation, the BWC saves 30 seconds of pre-activation video and continues to record both video and audio.
4. Body-worn cameras may not be completely powered off during an officer's shift for any reason. BWCs are configured with vibrating alerts and indicator lights to allow police staff to know when the BWC is recording. Officers can put their BWC into a covert mode for tactical and officer safety purposes.
5. To capture quality data, the BWC must be worn in a vertical, upright position outside the outermost uniform garment or item such that the BWC lens has a clear, unobstructed view of an event. Officers will wear the BWC so that uniform clothing does not cover or shield the BWC or otherwise hinder its functionality. Officers should use the mounting equipment provided by the Department.
6. The BWC may be stored in a cruiser docking station, if equipped, or an officer's uniform pants cargo pocket whenever the officer is on break, in the restroom, locker room, or office.
7. Officers are encouraged to inform individuals that they are being recorded if the officer believes that it may help de-escalate a situation.

**B. Mandatory Recording**

**MLEAP 7.34.B**

1. The BWC will be activated at the initiation of any law enforcement encounter with a citizen. When an immediate threat to the officer's life or safety makes activating the camera impossible or dangerous, the officer will activate the camera at the first reasonable opportunity to do so.
2. Once activated, the camera should, except as outlined in section *C – Ending a Recording*, stay on for the duration of the call or encounter.
3. All requests for consent, such as consent to search, should be recorded along with the individual's response to the request unless the BWC has been deactivated in accordance with paragraph *C- Ending a Recording*.
4. Unless specifically prohibited in section *D – Prohibited Recording* or *E – Special Recording Circumstances* below, an officer may activate the BWC whenever appropriate for law enforcement purposes.

**C. Ending a Recording**

1. Officers are not required to cease recording an event, situation, or circumstance solely at the demand of a citizen except:
  - i. At the request of a victim;
  - ii. When specifically requested by a person having a reasonable expectation of privacy in a location, such as a residence, when officers are present without a warrant and in non-exigent circumstances; or
  - iii. When speaking with a person seeking to anonymously report a crime or assist in a law enforcement investigation if the person requests the camera be turned off or if the officer believes that ending the recording may facilitate the exchange of information.
2. Officers who stop recording an incident will document the reason the recording was stopped in the corresponding incident report or Computer Aided Dispatch (CAD) narrative.
3. Upon responding to a crime scene, officers will record any encounters with witnesses, suspects, or other involved parties. Once the scene is secured and investigators or evidence technicians have assumed control of the scene, BWC recordings may be stopped at the direction of the on-scene commander.

## **D. Prohibited Recordings**

**MLEAP 7.34.B**

1. BWCs may be used only for official law enforcement duties. Cameras may not be used to record:
  - i. Communications with co-workers or other law enforcement personnel without their knowledge or permission.
  - ii. When officers are on break or otherwise engaged in personal activities or where there is a reasonable expectation of privacy such as offices, restrooms, or locker rooms;
  - iii. While appearing before an officer of the court.
  - iv. Inside while inside correctional facilities with a posted no-recording policy.
  - v. During encounters with undercover officers and confidential informants.
  - vi. Communications involving law enforcement tactical and strategic policy, procedures, or plans.
  - vii. Strip searches.
  - viii. While conducting or in the same room as an officer conducting an intoxilyzer test (due to the possibility of radio frequency interference); or
  - ix. Domestic violence related safety planning and threat assessments.

## **E. Special Recording Circumstances**

1. School Resource Officers (SROs)
  - i. SROs may only activate the BWC when responding to cases of suspected criminal activity, such as incidents that may lead to or include searches, seizures, arrests, interrogations, or the issuance of summonses; or when responding to incidents that involve or are likely to involve disruptive, adversarial, or confrontational behavior; or as otherwise consistent with policy and law.
  - ii. The SRO's BWC may not be operated covertly and the light indicating the BWC is recording will be visible whenever the BWC is activated on school property.
  - iii. SROs may not activate their BWC when present during meetings between students and school personnel that are of an administrative nature and do not involve suspected criminal activity or the potential for disruptive behavior.
  - iv. SROs may not record in places where there is a reasonable expectation of privacy, such as locker rooms or restrooms unless the activation is required for the performance of official duties as described above.
  - v. SROs must inform persons that they are being video and audio recorded as soon as it is practical and safe to do so.
2. Constitutionally Protected Assemblies
  - i. Facilitating the First Amendment rights of individuals is one of our primary law enforcement purposes.
  - ii. Officers present at an assembly for a law enforcement purpose, such as providing escort services, crowd control, or in response to a call for service, will record these events for purposes of documenting violations of law, police actions, and for training purposes.
  - iii. These recordings may not be used to gather intelligence or to identify individual participants engaged in lawful conduct.

## **F. Classifying Recordings**

At the conclusion of an incident, the officer will stop the recording and select, from the available device options, the most appropriate classification for the event.

## **G. Inadvertent Recordings**

Officers may request in writing to the Chief of Police that a specific inadvertent recording of a strictly personal nature be purged. The Chief or designee will review the request and the recording. If the recording is strictly personal and fails to capture a law enforcement purpose, it may be purged. Video purging will be tracked through the Evidence Library software audit feature.

## **H. Downloading Video**

1. Officers will place the BWC in the appropriate transfer station dock (or use a transfer cable if the dock is not available) at the end of each shift or overtime detail to allow for the automatic download of recordings.
2. Officers must confirm that the event is properly classified.
3. If a deadly force incident occurs, a supervisor will take custody of all involved BWCs and transfer them directly to Internal Affairs or the Chief of Police for download. The supervisor will document the collection and transfer of the BWCs in a supplemental report.
4. In the case of a serious crime, BWCs may be collected and downloaded by an Evidence Technician or Shift Supervisor at the direction of the Criminal Investigations Division (CID) Captain or Chief of Police.

## **I. Viewing Video**

1. Personnel may not:
  - i. Access or view a recording unless doing so involves a legitimate law enforcement purpose.
  - ii. Use any device to copy, photograph, or record the playback of any video/audio recorded by a BWC unless specifically authorized to do so by the Chief of Police.
  - iii. Upload a BWC recording to any social media or public website except with permission of the Chief of Police or their designee.
2. The Evidence Library software includes an audit log for each recording. The log lists all historical information about the event file including when it was played back and by whom.
3. BWC recordings will be viewed on the department computer system or by using the appropriate manufacturer's software. Officers may not take screenshots of any recording.
4. Officers may review video footage during report preparation except when ordered otherwise.
5. Officers should document their review of video footage in the narrative portion of their report.
6. Officers who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon the approval of the investigating agency.
7. The parent or legal guardian of a minor subject of a BWC recording may request to schedule a time to view a BWC recording.
8. Unless authorized by the Chief, officers who are the subject of a personnel complaint or investigation or a witness to the incident that is the basis for the complaint or investigation may not view any audio/video recordings related to the incident. The personnel investigator may show the video to involved officers as necessary as part of the investigation.
9. Non-law enforcement personnel may not view video footage unless doing so is necessary to further an investigation or ensure the safety of the public.
10. Personnel authorized by the Chief of Police may be authorized to view BWC recordings regarding incidents that may serve as learning or teaching tools. The Captain or Chief of Police must approve any use of a BWC recording in a training.
11. The Department retains the right to restrict or limit access to recordings related to critical, unusual, or other incidents on a case-by-case basis. Access to specific files may be restricted at the direction of Internal Affairs, the Town Attorney, and members of Chief of Police.

## **J. Supervisory Responsibilities**

1. Shift Supervisor are authorized to allow involved civilians and/or their parents or guardians, if a juvenile is involved, to view recordings of incidents in which they are involved after the fact in order to aid in inquiry or complaint resolution.

2. Supervisors will conduct routine reviews of recordings to ensure the BWC system is working properly and that recordings are being captured in accordance with this policy and departmental training. Supervisors are also permitted to conduct audits of recordings when reviewing an incident. **MLEAP 7.37.G**
3. Any time a supervisor or designated Review Board is reviewing or investigating a use of force or pursuit incident, they will review BWC recordings of all officers who were involved or were a witness to the incident.
4. Supervisors may refer to BWC recordings when preparing performance evaluations; however, the review of such recordings is not intended to replace the review of officer performance in the field.

## **K. Recording After the Fact**

1. The MVR, and if so equipped, the BWC system allows for an event to be created after the fact whether or not the camera was activated if the recording has not been overwritten. No audio is captured in an after-the-fact recording.
2. Any request to create an event after the fact must involve a legitimate law enforcement purpose and be approved by the supervisor with Command Staff notification.
3. If not already recorded, a recording after the fact must be created for any incident involving the use of force.
4. If a non-time-sensitive recording after the fact cannot be created due to technical difficulties, the involved camera will be taken out of service and set aside for the Chief of Police or their designee to process during working hours.

## **VI. RETENTION**

### **MLEAP 7.34.D**

The Lincoln Police Department recognizes that the use of audio/video recording offers significant benefits to law enforcement and judicial officers; they further recognize that retention of such audio/video recordings can create an information security concern for citizens. The following audio/video recording retention schedule shall be followed in order to honor both sets of interests.

The following categories of recordings reflect instances where it has been determined that an audio or video recording has captured evidentiary information. The categories have been broken down by the seriousness of the offense to which the audio/video recording corresponds.

- A. Homicide: Audio and video recordings containing information regarding any homicide. RET: Permanent
- B. Felony Arrest and/or Charge: Audio and video recordings determined to have evidentiary value where suspects have been arrested, issued citations, and/or a report has been forwarded to the prosecutor for a charging decision. RET: 90 days after sentencing, or disposition.
- C. Felony with No Suspect(s): Audio and video recordings determined to have evidentiary value where no suspect(s) have been developed, and/or no individuals have been formally charged. RET: Statute of limitation for corresponding crime(s) (crimes are as labeled by the police department; when there is more than one crime labeled by the police department retention shall be based upon the crime with the longest statute of limitation)
- D. Misdemeanor Crimes with Arrest and/or Charge: Audio and video recordings deemed to have evidentiary value where suspects have been arrested, issued citations, and/or a report has been forwarded to the prosecutor for a charging decision. RET: 90 days after sentencing, or disposition.
- E. Misdemeanor Crimes with No Suspect(s): Audio and video recordings determined to have evidentiary value where no suspect(s) have been developed and/or no individuals have been formally charged. RET: Statute of limitation for corresponding crime(s) (crimes are as labeled by the police department; when there is more than

one crime labeled by the police department retention shall be based upon the crime with the longest statute of limitation)

- F. Civil Offense: Audio and video recordings containing information regarding any civil offense. RET: 1 day after disposition or after statute of limitation has run, whichever is longer
- G. Use of Force: Audio and video recordings containing information of any incident where force was used and supervisory review is completed. RET: 6 years
- H. Internal Investigation: Audio and video recordings determined to have evidentiary value in any internal investigation. RET: 6 years
- I. Extraneous Audio and Video Recordings: Audio and video recordings which cannot be categorized under A-H of this Appendix A and hold no value to the police department for training and compliance. RET: 10 days.

## **VII. RELEASE OF RECORDINGS**

- A. Members of the public may request copies of BWC recordings using the standard Maine Freedom of Access Act (FOAA) process.
- B. BWC recordings will be released by the Chief of Police or their designee in accordance with the Maine Freedom of Access Act and other applicable laws.
- C. A fee will be charged in accordance with applicable state law (FOAA) to cover the administrative costs associated with the release of BWC recordings.