



# MAINE STATE POLICE GENERAL ORDER

## E-138

**SUBJECT:** MAINE STATE POLICE POLICY REGARDING THE STORAGE OF INVESTIGATION-RELATED DIGITAL AUDIO FILES AND DIGITAL IMAGE FILES

**EFFECTIVE DATE:** 08.01.2020

**EXPIRATION DATE:** 08.01.2027

**RECENT HISTORY:** AMENDED (08.01.2020); NEW (09.03.2019)

**DISTRIBUTION CODE:** 2 (MAY BE PUBLICLY DISCLOSED)

**APPLICABILITY CODE:** S, Z

**SIGNATURE OF COLONEL:**

A handwritten signature in black ink, appearing to read "W. B. R.", is written over a light blue rectangular background.

### I. PURPOSE

1. The purpose of this General Order is to establish the policy of the Maine State Police regarding the storage of investigation-related digital audio files and digital image files.

### II. POLICY

1. The policy of the Maine State Police is to store investigation-related digital audio files and digital image files in Spillman in accordance with applicable law and Maine State Police policy.

### III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.
  - A. Audio file. "Audio file" means a digital audio file.

- B. Compact Disc Recordable (CD-R). "Compact Disc Recordable" means a compact disc that only may be electronically written on once.
- C. Copy digital audio file. "Copy digital audio file" (or "copy audio file") means an exact digital replication of an original digital audio file.
- D. Copy digital image file. "Copy digital image file" (or "copy image file") means an exact replication of an original digital image file.
- E. Digital audio file. "Digital audio file" (or "audio file") means a recording of sound that is stored electronically in numerical form.
- F. Digital audio recorder. "Digital audio recorder" means a device designed to create a digital audio file.
- G. Digital camera. "Digital camera" means a device designed to create a digital image file.
- H. Digital image file. "Digital image file" (or "image file") means a visual depiction of a person, place, or thing that is stored in numerical form.
- I. Image file. "Image file" means a digital image file.
- J. Original digital audio file. "Original digital audio file" means an exact digital replication of a primary digital audio file.
- K. Original digital image file. "Original digital image file" means an exact digital replication of a primary digital image file.
- L. Primary digital audio file. "Primary digital audio file" means an initially-constituted digital audio file created on a digital audio recorder.
- M. Primary digital image file. "Primary digital image file" means an initially-constituted digital image file created on a digital camera.
- N. Spillman. "Spillman" means the electronic records management system used by the Maine State Police, or any such future equivalent system.

#### IV. PROCEDURE

##### 1. GENERAL MATTERS

- A. An officer shall not use Spillman until he or she is trained to do so.
- B. Each sworn Maine State Police officer shall be issued a digital audio recorder.
  - 1. Personally-owned digital audio recorders and digital cameras must **not** be used to conduct Maine State Police business.
    - a. The use of personally-owned digital audio recorders and digital cameras to conduct Maine State Police business could result in those devices later needing to be forensically examined for purposes of discovery or public records requests.
- C. Investigation-related primary audio files must not be deleted from a digital audio recorder before being entered into Spillman in accordance with this policy.
  - 1. Otherwise, a recorder's sequential numbering may be disrupted and, consequently, questions later might be raised (including during Court proceedings) about the content of any deleted files.

- D. Investigation-related primary image files must not be deleted from a digital camera before being entered into Spillman in accordance with this policy.
- E. An officer who uses a digital audio recorder or digital camera is responsible being able to authenticate the audio files and image files respectively created by such devices.
- F. Audio files and image files must not be embedded within reports that are entered into Spillman.
- G. The capture format of primary audio files and primary image files must not be intentionally changed prior to entering such files into Spillman.
  - 1. For example, if a primary digital audio file is a \*.dvf file, an officer **shall not** intentionally convert the file to a \*.wav file prior to entering the file into Spillman.
- H. Changes to an image file that are made for illustrative purposes (such as, as examples only, adding arrows, captions, or changing contrast to such a file) may be made to a copy image file through the use of imaging software, **but only after** the primary digital image file has been successfully entered into Spillman as an original image file, and as long as the changes do not alter the scene depicted in the image.
  - 1. An officer who makes such changes to a copy image file shall document that the changes were made.
- I. To facilitate the largest amount of data storage with an acceptable level of clarity, all primary audio files should be made with the digital audio recorder set on the "SP" recording mode (or if there is no "SP" recording mode, then in a similar mode).

## 2. APPLICATION OF POLICY TO NONSWORN PERSONNEL

- A. This policy applies to nonsworn personnel who, in the normal course of their duties, at times interview individuals and/or take photos of scenes of investigations.
  - 1. Such personnel include, as examples only, Motor Vehicle Inspectors and Motor Carrier Inspectors.

## 3. STORAGE OF DIGITAL AUDIO FILES AND DIGITAL IMAGE FILES

- A. All investigation-related primary audio files and primary image files must be entered into Spillman to be stored as original audio files and original image files, respectively.
- B. Investigation-related primary audio files stored on a digital audio recorder must not be deleted from the recorder until they have been entered into Spillman as original audio files.
- C. Investigation-related image files stored on a digital camera must not be deleted from the camera until they have been entered into Spillman as original image files.

4. DISSEMINATION OF AUDIO FILES AND IMAGE FILES

- A. Maine State Police personnel who need a copy audio file or a copy image file from Spillman may be provided with such electronically or on a CD-R.
  - 1. Image files may be printed as photographs in special circumstances, if warranted.
- B. Only after a primary digital audio file has been successfully entered into Spillman as an original digital audio file may a copy audio file of such be made available for transcription.
- C. Copies of audio files and image files may not be disseminated to any person unless permitted by applicable law and in accordance with Maine State Police General Order M-8, MAINE STATE POLICE POLICY REGARDING PUBLIC ACCESS TO MAINE STATE POLICE RECORDS.

5. ASSIGNMENT AND MAINTENANCE OF DIGITAL AUDIO RECORDERS AND DIGITAL CAMERAS

- A. The Troop or Unit Commander, or her or his designee, is responsible for all digital audio recorders issued to Troop or Unit officers, including, but not limited to, the repair and maintenance of such devices.
- B. To the extent any officers within a Troop or Unit are assigned digital cameras, the Troop or Unit Commander, or her or his designee, is responsible for the digital cameras, including, but not limited to, the repair and maintenance of such devices.
- C. The Troop or Unit Commander, or her or his designee, shall keep a record of the devices that have been issued and assigned, including, but not limited to, their serial numbers.
  - 1. Damaged devices that cannot be repaired either must be removed from the record or a notation must be made in the record that the devices have been disposed of.
- D. If an officer transfers to another Troop or Unit, all Maine State Police-issued digital audio recorders and digital cameras in the officer's custody must be promptly returned to the Troop or Unit Commander whose Troop or Unit issued or assigned the devices.
- E. If an officer resigns or retires from the Maine State Police, all Maine State Police-issued digital audio recorders and digital cameras in the officer's custody must be promptly returned to that officer's Troop or Unit Commander whose Troop or Unit issued or assigned the devices.

6. OFFICER RESPONSIBILITIES

- A. Each officer who is issued a digital audio recorder and, when applicable, assigned a digital camera, shall ensure that the devices are in proper working order.

1. As soon as an officer discovers that a device is not working properly, the officer shall promptly notify her or his supervisor that the device needs to be repaired or replaced.
2. The supervisor then shall give direction to the officer to ensure that the device is repaired or replaced as expeditiously as practicable.

7. OWNERSHIP OF AUDIO FILES AND IMAGE FILES

- A. Audio files and image files created by Maine State Police personnel in the course of official agency business are the property of the Maine State Police and may ***neither*** be retained by Maine State Police personnel for personal use ***nor*** disseminated to any person not authorized to receive such, unless permitted by law and Maine State Police policy.

**NOTICE**

**THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.**