



ORONO POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

Protect with Vigilance & Serve with Compassion and Excellence

Subject:	Body Worn Camera Use	Policy #	O-33
Effective Date:	February 16, 2023	Review Cycle:	2 Years
Distribution:	All Sworn Personnel	# of pages:	4
MLEAP:	7.34.A, 7.34.B, 7.34.C, 7.34.D, 7.34.E, 7.34.F, 7.34.G		
	<i>Rescinds All Previous Policies Related To This Current Policy</i>		
Issuing Authority:	Chief of Police Daniel Merrill		

I. POLICY

It is the policy of the Orono Police Department to sworn officers with body-worn cameras so as to create audio and/or video recordings for evidentiary purposes in civil, criminal, or administrative proceedings.

MLEAP 7.34.A

II. PURPOSE

To establish procedures provide officers with information on when and how to use body-worn cameras (BWCs) so that officers may reliably and lawfully record specified contacts with the public

III. DEFINITIONS

Digital recording media: A recording media used with digital recording equipment –typically, USB, CD-R, or DVD.

Recording: A digital audio and/or video record of sounds and/or images.

Recording media: The medium (Server, USB, DVD, or CD-R) on which the recording is stored.

Recording equipment: The equipment that may be used to create digital audio and/or video recording.

BWC: Body Worn Camera.

IV. PROCEDURES

1. **ADMINISTRATION** – The Orono Police Department has adopted the use of BWC technology to accomplish several objectives. The primary goals are as follows: **MLEAP 7.34.C**

- a. Accurate documentation of specified police-public contacts, arrests, and critical incidents.
- b. Enhanced accuracy of official reports and testimony in court.
- c. Enhanced capabilities for assessment of probable cause for arrest or search, officer and suspect interaction, evidence for investigative and prosecutorial purposes, and provide additional information for officer evaluation and training.
- d. The BWC may also be helpful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
- e. Preservation of evidence for use in state and federal prosecutions of criminal cases.

2. **REQUIRED USE OF THE BWC**

MLEAP 7.34.B

- a. This policy is not intended to describe every possible situation in which BWC technology may be used. However, as provided in the paragraph below, there are situations in which the technology shall be used, for example:
 1. Traffic stops
 2. Pedestrian checks
 3. Suspicious/disabled vehicles
 4. Detentions and arrests
 5. Prisoner transports
 6. OUI investigations
 7. Contacts with individuals in situations that an officer reasonably believes may become confrontational or result in combative behavior by the individual
 8. Any call for service involving a crime in which a recording may aid in the apprehension and/or prosecution of a suspect, such as:
 - a. Any incident involving an allegation of domestic violence
 - b. Any incident involving violence, drugs, or weapons
 9. Any situation in which an officer reasonably believes that an audio/video recording may have evidentiary value, limit liability, or resolve citizen complaints.
 10. Any other circumstance in which an officer believes that a recording of an incident would be appropriate.
- b. BWC devices shall remain activated until the event is completed to ensure the integrity of the recording unless the contact moves into an area restricted by this policy.
- c. If an officer fails to activate his/her BWC device, fails to record the full contact, or interrupts the recording, the officer shall document the reasons a recording was not made or possible, was interrupted, or was terminated.
- d. Officers shall note in their offense reports, arrest reports, and any related reports that audio/video recordings were made during the incident that is the subject of the reports.

3. **PROCEDURES**

- a. Officers shall be issued BWC devices for their use and officers shall only use their issued BWC.
- b. Police personnel shall use only BWC devices issued by the department. The BWC device, as well as all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment, is the sole property of the Orono Police Department.
- c. Police personnel assigned BWCs must complete an agency-approved training program to ensure proper use of the devices. Additional training may be required periodically to ensure the effective use of the equipment, accurate calibration, and performance, and to install updates to the equipment or to regard revisions to BWC policy and new equipment capabilities. **MLEAP 7.34.F**
- d. BWC devices shall be used with reasonable care to ensure proper functioning. Officers shall notify their supervisors about equipment malfunctions as soon as possible so that a replacement unit may be provided. **MLEAP 7.34.E**
- e. Officers shall inspect and test their BWC devices at the beginning of each shift to confirm proper functioning.
- f. Officers shall properly and securely attach the BWC to the front of their uniform to facilitate the collection of the best video footage possible.
- g. Except as necessary, when providing evidence for transmittal to prosecutors, officers shall not edit, alter, erase, duplicate, copy, share or otherwise distribute in any manner BWC recordings without prior written authorization from the Chief of Police designee.
- h. Video recordings that are useful for prosecution purposes shall be handled as evidence consistent with relevant provisions of the department's *Property and Evidence Policy*.
- i. Officers are encouraged to inform their supervisors of any recordings that may be useful for training purposes.

- j. If an officer is suspected of wrongdoing or involved in an officer-involved shooting or other serious use of force, non-involved personnel shall be restricted from viewing the video.
 - k. Officers shall note in offense, arrest, and related reports when recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
 - l. Officers are not required to inform the public that recording equipment is in use, but shall not deny its use if asked.
4. **RESTRICTIONS** – BWC devices shall be used only in conjunction with official law enforcement duties. The BWC shall not generally be used to record the following situations, and the following restrictions on disclosure of video recordings shall apply: **MLEAP 7.34.B**
- a. Communications with other police personnel without the permission of the Chief of Police.
 - b. Encounters with undercover officers or confidential informants.
 - c. When on break or otherwise engaged in personal activities.
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - e. Unusual or exceptional situations related to law enforcement activities generate public interest. However, department employees shall not, outside of the parameters of law enforcement purposes, disclose video recordings except under a prior written authorization by the Chief of Police or designee.
 - f. No video recording shall be used in a manner that may embarrass individuals depicted in the recording or discredit this department.
5. **STORAGE** **MLEAP 7.34.D**
- a. Each WatchGuard video shall be maintained indefinitely.
 - b. All files shall be securely downloaded periodically and no later than the end of each shift. Each file shall contain information related to the date, BWC device identifier, and assigned officer.
 - c. All images and sounds recorded by BWC devices are the exclusive property of the Orono Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
 - d. All access to BWC files must be authorized explicitly in writing by the Chief of Police or designee, and all access shall be audited on an annual basis to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
6. **SUPERVISORY RESPONSIBILITIES** **MLEAP 7.34.G**
- a. Supervisory personnel shall ensure that officers equipped with BWC devices follow all applicable policies and procedures for using the devices.
 - b. BWC recordings shall be reviewed and documented by supervisors and/or command staff.
 - 1. When a Use of Force as defined under the policy has occurred.
 - 2. Complaints made by the public against a member of the Orono Police Department.
 - 3. Calls for service while an officer is undergoing field training to order to assess their performance.
7. **CONTROL AND MANAGEMENT**
- a. Video recordings containing information that may be useful as evidence in any criminal or civil proceeding shall:

1. Be subject to the same security restrictions and chain of evidence safeguards as detailed in this agency's evidence and property handling.
 2. Not be released to another criminal justice agency for trial or other reasons without having a duplicate copy made and the original returned to safe storage.
 3. Not be released to anyone other than a law enforcement officer or prosecutor without prior approval of the Police Chief or designee.
- b. Recordings stored as evidence shall be electronically transferred into specified electronic folders on the department's computer system.
 - c. Additionally, an electronic sharing of a video recording shall be labeled with the incident number, date of the incident and shall be placed in a case file for use by the District Attorney's Office.
 - d. At the end of each scheduled shift, Officers shall ensure that the contents of BWC devices are downloaded into their designated electronic folder on the Department's computer system using the **WatchGuard Software Program**, and officers shall label the video accordingly, as follows:
 1. Warning
 2. Citation
 3. Arrest
 4. Domestic Violence
 5. Drugs
 6. Citizen Contact
 7. Interview
 8. Traffic Crash
 9. Mistake
 - e. Officers shall then ensure that their assigned BWC devices are plugged in for proper charging of the unit so that it will be ready for use during the next tour of duty.
 - f. When a video recording is needed for training or any purpose other than prosecution by the DA's office, officers shall notify the Captain in writing that a copy is needed. The officer shall provide the date, time, and approximate duration of the event and what the occasion was. The Captain shall be responsible for making the requested copy of the recording and providing it to requesting officers in a timely fashion.