

BANGOR POLICE DEPARTMENT
POLICY
General Order

BODY WORN CAMERA

This policy is effective May 26, 2021 and amends or supersedes all previous policies on this topic.

I. PURPOSE:

This policy provides guidelines and procedures for the use of Body Worn Cameras to include maintenance, recording, data storage, data retention, and release of video.

II. POLICY:

It is the policy of the Bangor Police Department to utilize Body Worn Cameras (BWC) to protect the safety of officers and the public, to enhance transparency and improve the reliability of investigations and probable prosecutions.

III. DEFINITIONS:

Activate: Switch the BWC from passive recording to active recording mode. No audio is captured while the BWC is operating in passive mode.

Active Recording Mode: Capturing video and audio into incident-based media segments.

Body Worn Camera (BWC): A Department issued device worn affixed to an officer's uniform with the capability of capturing, recording, and storing audio and video information.

Critical 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 or potential serious bodily injury.

Evidentiary Recording: Recording of an incident/encounter that is relevant to an administrative, civil, or criminal investigation including a crime, an arrest, citation, a search, or a use of force. Evidentiary recordings also include verbal statements given by a victim, witness, or suspect during the investigation into a crime or potential crime.

Healthcare Facility: Any place primarily engaged in providing healthcare. Examples include hospitals, urgent care centers, doctor's offices, and nursing homes.

Law Enforcement Encounter: any encounter between an officer and a member of the public in which there is the potential for, the likelihood of or certainty of some type of official law enforcement action. Examples of such encounters include, but are not limited to traffic stops, field interviews, investigative stops, searches, detentions, and arrests. A law enforcement encounter does NOT mean a casual greeting given to the public or an encounter in which a member of the public seeks information such as directions or other general information from an officer.

Mobile Video Recorder (MVR): Vehicle based digital audio/video recording system

Non-evidentiary Recording: Recordings which do not aid in an investigation or prosecution. Examples of non-evidentiary recordings include a traffic stop which does not result in a citation, summons, or arrest; an emergency response which does not lead to a law enforcement result (e.g. medical call); a citizen contact that does not result in enforcement action and is not necessary for a particular investigation (e.g. assisting a motorist, a general conversation with a member of the community, a field interview (FI) not associated with an investigation); or a call which results only in a warning (e.g. loud party complaint).

School: An institution for educating children.

Undercover: a law enforcement officer whose identity as an officer is fully concealed and/or in working a plain clothes assignment

IV. GENERAL:

- A. The Department-issued BWC is authorized for use in the course of official, uniformed police duties; BWC shall not be used for personal purposes.
- B. The use of non-Department issued BWC while on duty is prohibited.
- C. Officers must complete an approved BWC training before being authorized to wear and use the device.
- D. Additional training will be provided as necessary to ensure the continued effective use of BWC and to incorporate changes, updates, or other modifications to this policy and/or the BWC equipment.
- E. The BWC equipment and all data, images, video, and metadata captured, recorded or otherwise produced by the equipment is the property of the Bangor Police Department and shall be securely stored and retained in accordance with applicable laws and department policy.
- F. Department personnel shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute BWC recordings without prior authorization of the Chief of Police or Deputy Chief of Police.
- G. The BWC shall be stored in a transfer station dock when not in use by an officer.

V. PROCEDURES:

A. Maintenance and General Use

- 1. At the start of each shift, officers shall properly check out the BWC prior to undocking it from the transfer station. Officers shall confirm the BWC is correctly configured and properly functioning. Malfunctions, damage, loss or theft of BWC equipment shall be immediately reported to a supervisor.
- 2. If assigned to a mobile video recorder (MVR) equipped cruiser compatible with the BWC system, officers shall log in to the MVR and dock the camera in the mobile docking station to synchronize the BWC and MVR equipment. Once the equipment is synced, the BWC will automatically activate when the emergency lights are activated.
- 3. Once powered on, the BWC passively records video until activated. No audio is captured during passive recording. Upon activation, the BWC saves sixty (60) seconds of pre-activation video and continues to record both video and audio.

4. Body worn cameras shall not be completely powered off during an officer's shift for any reason. Any BWC with a low or inoperable battery will be replaced for a new unit.
5. In order to capture quality data, the BWC must be worn in a vertical, upright position outside the outermost uniform garment/item so as to give the lens a clear, unobstructed view of the event/person contacted (utilizing the inverted T model). Uniform clothing shall not cover or shield the BWC or hinder its functionality. Officers must utilize the department provided mounting equipment.
6. The BWC shall be stored in an officer's uniform pocket or, if in the police station, left in a charging station during restroom breaks. The officer shall return the BWC to a proper position prior to returning to duty.
7. Officers are encouraged to inform individuals that they are being recorded if the officer believes it may help de-escalate the situation. Officers are encouraged to notify all individuals that they are being recorded when reasonable and appropriate.

B. Mandatory Recording

1. The body camera shall be activated at the initiation of any law enforcement encounter with a member of the public, except that when an immediate threat to the officer's life or safety makes activating the camera impracticable or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so.
2. Engagements that must be recorded, in part, include (not an all-inclusive list):
 - a. Traffic stops;
 - b. Suspicious persons, vehicles or circumstances;
 - c. Arrests;
 - d. Use of Force;
 - e. Search warrant, forced entry, consent search;
 - f. Disturbance or disorderly behavior calls;
 - g. "In progress" situations;
 - h. Emotionally disturbed persons (persons in crisis) with potential aggression;
 - i. Building search;
 - j. Detainment of persons/vehicles, field interviews;
 - k. Violence (or perceived violence);
 - l. When requested by a citizen during an interaction with an officer;
 - m. Or, whenever the officer deems it necessary.
3. Once activated, the camera should stay on for the duration of the call or encounter except as outlined in "Ending a Recording" (§ D). Whenever a camera is muted for the purpose of discussing policy, procedure, or plans amongst law enforcement personnel, the reason for the muting must be explained before muting occurs.

4. All requests for consent (e.g. consent to search without a warrant), should be recorded along with the individual's response to that request unless the BWC has been deactivated in accordance with this policy.
 5. Supervisors shall ensure that officers equipped with BWC utilize them in accordance with this policy.
- C. Unless specifically prohibited in "Prohibited Recordings" (§ E), an officer may activate their BWC whenever they deem its use is appropriate to further law enforcement purposes.
- D. Ending a recording
1. Officers are not required to cease recording an event, situation or circumstance solely at the demand of a member of the public. Victims of crimes are the exception; once a scene is stable and safety concerns have been alleviated, an officer, who is engaged with or interviewing a victim will inform the victim the recording is in process. If the victim requests for the recording to be turned off, the officer shall comply.
 2. Officers should also deactivate the BWC when specifically requested by a person having a reasonable expectation of privacy in a location such as a residence. The exception in this instance would be (i) if the officer is present as result of a warrant or court ordered document (ex. search warrant or arrest warrant) or (ii) when an emergent situation exists.
 3. Officers may end a recording 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.
 4. Officers who stop recording an incident shall document the reason the recording was stopped on camera and in the corresponding incident report or Computer Aided Dispatch (CAD) narrative if no report is generated.
 5. Upon responding to a crime scene, officers shall 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 shall be stopped at the direction of the on-scene supervisor in charge.
- E. Prohibited Recordings
1. BWC shall be used only for official law enforcement duties. BWC shall not be used to record:
 - a. Communications with co-workers or other law enforcement personnel without their knowledge or permission;
 - b. When officers are on break or otherwise engaged in personal activities or where there is a reasonable expectation of privacy such as in offices, restrooms or locker rooms;
 - c. While appearing before an officer of the court;
 - d. While inside correctional facilities with a posted no-recording policy;

- e. During encounters with undercover officers and confidential informants (CI);
- f. For communications involving law enforcement tactical and strategic policies, procedures, or plans;
- g. While conducting strip searches;
- h. Domestic Violence incidents related to safety planning and threat assessments.
- i. Officers in the same room as a breath testing instrument shall remove their BWC from the room during the administration of the test to prevent RFI interference with the breath testing device.

F. Special Circumstances

1. Schools

- a. While on the grounds of any public, private, or parochial elementary or secondary school, responding officers and School Resource Officers (SRO) shall only activate their BWC in cases of suspected criminal activity or when assisting school personnel with matters that may result in disorderly or otherwise disruptive behavior in the school environment.
- b. Officers (including SRO) shall inform the subjects involved they are being video and audio recorded as soon as it is practical and safe to do so.
- c. SRO will 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.

2. Health Care Facilities

- a. When responding to a healthcare facility, officers shall not activate the BWC until just prior to meeting with the complainant/victim/person of interest on a call for service or when encountering an incident which would require BWC activation under this policy.
- b. However, if an officer anticipates a violent or assaultive engagement, the officer shall activate the BWC in advance of the encounter or as soon as reasonably practicable.
- c. Officers shall not record patients during medical or psychological evaluations or treatments and shall take all reasonable measures to avoid recording uninvolved persons or medical documents.

3. Constitutionally Protected Assemblies

- a. Facilitating the protection of an individual's First Amendment rights is a principal function of law enforcement. Officers present at an assembly for a law enforcement purpose (e.g. crowd control, escort service, or response to a call for service) will record these events for purposes of documenting violations of law, police actions, and for training purposes. These recordings shall not be used to gather intelligence, information or to identify individual participants not engaged in unlawful conduct.

4. Special Teams

- a. Members of the Special Response Team (SRT) will activate the recording mode in advance of engaging in an action of breaching, entry of premises (forcible or non-forcible), use of force, use of less lethal or use of techniques or equipment as part of their engagement to resolve a critical incident.
- b. As directed by team supervisors, team members will not use BWC during tactical planning, briefings, and instruction or by members in a non-engagement role.
- c. Members of the Bomb Squad will not use BWC during operational periods of examining, investigating, or rendering suspicious items safe.
- d. Members of the Bangor Evidence Recovery Team will use BWC in accordance with the procedures of this policy.
- e. BWC will not be used during operational periods of evaluating, examining, or recovering evidence at crime scenes or traffic crash scenes.

G. Inadvertent Recordings

1. Officers may request, in writing to the Chief of Police or Deputy Chief of Police, that any specific inadvertent recording of a strictly personal nature (e.g. in the restroom or in other areas where a reasonable expectation of employee privacy exists) 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 will be purged. Video purging will be tracked via an entry in the Department Computer Aided Dispatch System (CAD). -

H. Downloading Video

1. Officers will place the BWC in the transfer station (charging) dock in the police station at the end of each shift to allow for automatic download of recordings.
2. If a critical incident occurs, a supervisor shall take custody of all involved BWC and transfer them directly to the Criminal Investigations Division (CID) Lieutenant. The supervisor shall document the collection and transfer of the BWC in a supplemental report. The CID Lieutenant (or his/her designee) will ensure that data is preserved, downloaded and maintained in accordance with department policy.
3. In the case of a serious crime, BWC may be collected and downloaded by an Evidence Technician, at the direction of the CID Lieutenant or Patrol Lieutenant.

I. Viewing Video

1. Personnel shall NOT:
 - a. Access or view a recording unless doing so involves a legitimate law enforcement purpose.
 - b. Use any device to copy, photograph, or record the playback of any video/audio recorded by a BWC.

- c. Upload a BWC recording to any social media or public website except with permission of the Chief of Police or Deputy Chief of Police.
2. The Evidence Library software includes an audit log for each recording. The log lists all historical information about the event file to include when it was played back and by whom.
3. BWC recordings shall be only viewed on the Department computer system or by using the vendor supplied equipment/application for video viewing.
4. Officers may review video footage during report preparation except when ordered otherwise or in the event of a deadly force incident. If a deadly force incident occurs, an officer must obtain the express permission of the Chief of Police or Deputy Chief of Police to review video footage prior to report preparation.
5. Officers shall document their review of video footage in the narrative portion of their report. 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 prosecuting authority and the Chief of Police.
6. Members of Union Executive Teams representing an officer who is the subject of an Internal Affairs (IA) complaint or witness to the incident which is the basis for the complaint may view, with the officer, any audio/video recordings specifically related to the incident prior to the initial interview with IA investigator. The exception to this will be if an investigation potentially will or does involve a parallel investigation by the Office of the District Attorney or Office of the Attorney General.
7. Non-law enforcement personnel shall not be allowed to view video at the scene of an incident unless doing so is necessary to further an investigation or ensure the safety of the public.
8. Shift Supervisors 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.
9. Supervisors shall conduct monthly reviews of recordings to ensure the BWC system is working properly and that recordings are being captured in accordance with this policy and department training. Supervisors are also permitted to conduct audits of recordings when reviewing an incident. Minor violations of this policy should be viewed as training opportunities and not as cause for discipline. Should the behavior be repeated after being informally addressed, appropriate corrective action shall be taken. If the behavior exceeds the threshold as a minor violation the reviewing supervisor will notify the Deputy Chief of Police.
10. Any time a supervisor is reviewing or investigating a Use of Force or Pursuit, he/she shall review BWC recordings of all officers who were involved or witness to the incident.

11. Supervisors may refer to body camera reviews when preparing performance evaluations or reviewing complaints against an employee, however review of recordings is not intended to replace the review of officer performance in the field. The Services Division Sergeant (training) is authorized to view BWC recordings regarding incidents which may serve as learning or teaching tools. The Services Division Lieutenant must approve any use of a BWC recording in a training.

J. Recording After the fact

1. The BWC system allows for an event to be re-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 be approved by the Shift Supervisor with Deputy Chief of Police notification.
3. After the fact recordings must involve a legitimate law enforcement purpose.

K. Classifying Recordings

1. At the conclusion of an incident, the officer shall stop the recording and select the appropriate classification for the event:
 - a. Traffic Stop
 - b. Traffic Crash
 - c. Misdemeanor
 - d. Felony
 - e. Non-Evidence (property that does not have evidentiary value and/or is considered found or mislaid property)
 - f. Critical Incident

VI. USE:

The following personnel shall be equipped with BWC:

- A. Uniformed officers assigned to a patrol duty function, to include officers assigned to other units/divisions but requested to assist in a patrol duty function, on a temporary basis.
- B. Uniformed officers, not assigned to a patrol duty function who that may have routine duties outside of the police station (e.g. Court Officer, Special Enforcement Team, Bangor International Airport Unit).
- C. Officers assigned to a City or Private duty (detail) assignment.
- D. Any officer, regardless of assignment, who may not be required to wear a BWC but who requests to be equipped.

VII. RETENTION:

- A. All recordings shall be retained for 375 days from the original date of recording, unless otherwise flagged for extended retention¹.
 - 1. Whenever a recording is provided to the District Attorney electronically (or at the request of an investigating officer), the event will be flagged to prevent purge. Once a case disposition is returned from the District Attorney, the flag will be removed and the recording will be purged following the expiration of an additional 375 day period.
 - 2. Anytime an investigator is assigned a case, he/she shall flag the associated recordings to prevent purge. The video will be retained until otherwise released. The flag will be removed when the case is inactivated or cleared exceptionally and the recording will be purged following the expiration of an additional 375 day period.
 - 3. The Chief of Police or Deputy Chief of Police shall flag recordings associated with any claim filed, pending litigation or a personnel complaint. These recordings shall be preserved at the direction of the Chief of Police or Deputy Chief of Police until the matter is resolved and archived in accordance with retention periods established in state law.

VIII. RELEASE OF RECORDINGS:

- A. BWC recordings are a record and property of the Bangor Police Department. Members of the public may request copies of BWC recordings as directed by the Maine Freedom of Access Act (FOAA) process.
- B. BWC recordings will be released by the Chief of Police or his/her designee in accordance with the Maine Freedom of Access Act and other applicable laws.
- C. Recordings, or portions thereof, may not be distributed unless authorized by the Chief of Police or Deputy Chief of Police (unless otherwise specified in this policy). Distribution includes, but is not limited to: personal transfer, transfer by electronic means, placement on the Internet, placement on a computer, placement on a storage device, or transfer by any other means that allows for any portion of the recorded information to be viewed by another person.

Approved: May 17, 2021

Effective: May 26, 2021

Mark J. Hathaway
Chief of Police

¹ Period of retention will be adjusted as/when necessary to follow prescribed Maine State Law. Maine State Law does not define a BWC retention time period as of the effective date of this policy.

Body Worn Camera (BWC)

Appendix 1

Retention Schedule

Title	Period of Retention (days)
All	375*

*unless flagged requiring longer retention period

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