



LINCOLN POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 2070
TOPIC: BODY WORN CAMERAS
ISSUED BY: TERESA EWINS, CHIEF OF POLICE
DATE: 1-1-2022
SUPERSEDES: G.O. 2070 1-1-21
REFERENCE: N.R.S. 81-1452, et seq.

I. POLICY

It is the policy of the Lincoln Police Department to utilize body worn cameras solely for legitimate public safety purposes. Cameras will be used within accepted legal and in a professional and ethical manner. All staff using body worn cameras for on duty and outside employment and/or accessing the technology will be appropriately trained and supervised in its use. Modifications of this policy must be sent to the Nebraska Crime Commission to comply with N.R.S. 81-1453 as well as meet all criteria of the Crime Commission's model policy as outlined in N.R.S. 81-1455.

- c. General Orders and laws,
- d. Community feedback,
- e. Liability and legal issues,
- f. Audit review discoveries.

II. PROCEDURE

A. Definition

1. Body worn camera (BWC): Body-worn camera is a device worn by a peace officer in uniform which has the capability to record both audio and video of an interaction between a peace officer and a member of the public but does not include any device used by a plain clothes officer;

B. Training

1. The Education and Personnel Unit will coordinate the initial and annual training for BWC for commissioned and civilian employees.
2. Initial training is to include:
 - a. General Orders and applicable laws,
 - b. Procedures for operating a BWC,
 - c. Procedures for tagging recorded data captured by a BWC,
 - d. Procedures for uploading, accessing and reviewing the data,
 - e. Procedures for documenting and reporting a malfunction,
 - f. Retention and production requirements,
 - g. Requirements for positioning a BWC on officers.
3. Annual training may include:
 - b. Technology updates,

C. Use

1. Officers are only allowed to use a department issued BWC.
 - a. The use of any BWC must comply with the applicable laws and this policy.
2. The Education and Personnel Unit will determine proper positioning of the BWC to maximize the benefits of the technology.
 - a. Consideration for the proper display of the BWC can be based on the officer's body type, uniform, technology, and other appropriate factors.
 - b. Officers shall wear the BWC in a manner as determined by the Education and Personnel Unit.
3. Officers shall ensure that the BWC is charged and operational.
 - a. Officers are required to test the BWC at the beginning of their shift or immediately prior to outside employment while in uniform.
 - b. The officer is required to activate the record button to confirm the BWC is functional.
 - c. If the camera is not operational the officer will immediately contact a supervisor.
4. Prior to making contact with a member of the public for a known investigatory or law enforcement purpose, a uniformed officer shall make every reasonable effort to activate the BWC. If the initial contact with a member of the public was voluntary and unrelated to an investigation or other law enforcement purpose, the uniformed officer is not required to activate the BWC. However, if the uniformed officer begins to take law enforcement action, the officer should activate the BWC.
 - a. Officers shall record the call for service, or the investigatory or law enforcement

- contact until the event has concluded or until the officer has left the scene. This policy contains a limited number of situations where an officer may deactivate the BWC during these types of contact.
- b. Prior to making contact with a member of the public on a call for service, officers are encouraged to verbally announce details of the call in order to properly tag and/or locate the video recording at a later time. Type of information to verbalize may include the nature of the call, case number, known names, or other known information.
 - c. Officers are encouraged to verbalize the disposition of the contact.
 - d. Officers shall document the use of the BWC in the narrative portion of a reportable case report.
 - e. Prior to the end of an officer's shift, the officer shall upload the BWC data. Supervisor approval is required to wait to upload data at the beginning of the officer's next shift. BWC data recorded during an officer's outside employment shall be uploaded at the beginning of the officer's next shift.
5. Discontinuing the use of BWC during a call for service, investigation, or while officer is taking a law enforcement action is discouraged unless approved by this policy or authorized by a supervisor.
 - a. If requested to discontinue use by a member of the public, the uniformed officer may redirect the viewing angle if the officer determines the request does not place the officer in a harmful situation and if the officer does not believe that use of force will be necessary. The request and officer's reasoning shall be documented.
 - b. If an officer fails to activate the BWC, fails to record the entire encounter, or interrupts the BWC recording, such officer shall document in a report the reasons that the recording was not made, was interrupted, or was terminated.
 6. Unless approved by supervisors, employees are prohibited from using a BWC
 - a. To surreptitiously record communications with any department employee.
 - b. To record communications with undercover law enforcement officers or informants.
 - c. In any location where individuals are present and who have a reasonable expectation of privacy, such as locker rooms and restrooms, without a law enforcement purpose.
 - d. During personal conversations with a superior officer when discussing counseling, guidance sessions, or personnel evaluations.
 - e. During courts proceedings.
7. Officers may briefly discontinue use of BWC during a call for service or community contact when there is no enforcement action being taken or further recording would not be of evidentiary value or serve a proper police service such as, but not limited to:
 - a. When discussing sensitive tactical or law enforcement information away from community members.
 - b. During non-enforcement activities such as directing traffic, protecting a crime scene, standing by while others conduct a recorded interview, waiting for a tow truck or standing by at a hospital while a party is being treated.
 - c. When the incident that caused the BWC activation has stabilized and it's necessary to discuss issues with an officer, supervisor, doctor, nurse or others in private or when the information being discussed is not part of the case investigation.
 8. Prior to deactivating the BWC during a call for service, officers shall make a recorded announcement as to the reason the BWC is being deactivated. Officers shall reactivate the BWC when enforcement action resumes and make a recorded announcement noting recording has resumed.
 - a. General Order 1910 includes radio codes for employees to use when making verbal announcements regarding their BWC recording status. Code 82 indicates BWC recording is on while Code 83 indicates BWC recording status is off.
 - b. Supervisors may also use these codes in compliance with General Orders to communicate with all BWC users at a scene via a single radio transmission; however, all employees are still responsible for compliance with General Orders.
- D. Accessing Data
1. Officers will have a user name and password to view only their event recordings.
 2. Officers will be allowed to view the recorded event prior to completing their initial reports from the incident.

3. Supervisory Responsibilities
 - a. Field Training Officers will be allowed to view their recruits BWC media to provide immediate or remedial training.
 - b. Supervisors shall randomly review their officers' BWC usage by viewing at least two videos per officer per month to ensure compliance with this General Order and to evaluate an officer's performance.
 - c. They will document the review on the camera review form to their captain, who will forward a copy to the Management Services Unit, listing any equipment concerns and any violation of policy.
4. All BWC data is to be considered property of the Lincoln Police Department and is prohibited from being used or accessed for personal use.
5. Employees who have not received BWC training are prohibited from accessing or distributing BWC data.

E. Event Category Tagging

1. Every recorded event must be categorized. The following is a list of category tags which will be utilized:
 - a. Non-event (90 day retention)
This classification should be used when there is nothing of evidentiary value captured on the video.
 - b. Traffic (180 day retention)
This classification should be used for all traffic stops when no case number is necessary (warnings AND officials) and evidence is captured on the video.
 - c. Criminal (180 day retention, then moved to cloud storage for long term retention)
This classification should be used for all investigations which require case numbers, including DUS, DUI, vehicle pursuits, narcotics investigations, assaults, or any other crime, and evidence is captured on the video.
2. If a BWC video is associated with any criminal case number(s), the case number(s) shall be added to the BWC event details in order to aid in records retention and discovery processes.

F. BWC Management

1. Retention of BWC data shall comply with applicable laws, court order or litigation hold governing record retention.
2. The department shall maintain BWC data for a minimum of 90 days for non-events and no

longer than useful for the purposes of training, investigation or prosecution. In the following circumstances, BWC data shall be retained:

- a. Until final judgement is entered in a civil or criminal proceeding;
 - b. Until final determination on a complaint or when discipline has been finalized; and/or
 - c. Until an investigation has been officially cleared, closed or suspended if the investigation does not result in an arrest or is not prosecuted.
3. Records may also be held as a part of criminal intelligence but they must comply with federal and state laws including but not limited to Title 28, Part I, Chapter 23 of the Code of Federal Regulations as pursuant to 42 U.S.C. 3782(a) and 42 U.S.C. 3789g(c), intended to ensure conformance with the privacy and constitutional rights of individuals and the purging of criminal intelligence files.
 4. The BWC software and electronic files are to be maintained by the Technical Resource Unit manager.
 5. In the event that the BWC is damaged, lost, stolen, or sustains a malfunction, the officer shall immediately contact a supervisor who will coordinate repair or replacement.
 - a. The supervisor should forward a repair or replacement request to the Technical Resource Unit manager.
 - b. The repair or replacement request shall be maintained by the Technical Resource Unit manager in compliance with applicable laws.