



LINCOLN POLICE DEPARTMENT GENERAL ORDERS

NUMBER: 2060
TOPIC: MONITORING AND RECORDING SYSTEMS
ISSUED BY: MICHON MORROW, CHIEF OF POLICE
DATE: 11-01-2024
SUPERSEDES: G.O. 2060, 2024
REFERENCE: G.O. 2030, G.O. 1770, GO 2080

I. POLICY (41.3.8)

It is the policy of the Lincoln Police Department to utilize monitoring and recording technology solely for legitimate public safety purposes. This may include crime detection/investigation, crime prevention, traffic safety, evidence retention, liability reduction or for the efficient response and distribution of public safety resources. We are committed to enhancing the quality of life within the community by integrating the best practices of safety and security with state-of-the-art technology.

Cameras will be used within accepted legal & community practices regarding privacy and in a professional and ethical manner. Police personnel using any camera system will be appropriately trained and supervised in the use of this technology.

All recordings, obtained while on-duty, are to be considered property of the Lincoln Police Department and are prohibited from being used or accessed for personal use. Employees will not post quotes, excerpts, or images to the public.

Modifications to this General Order must be approved by the mayor through an Executive Order.

II. PROCEDURE

A. Definitions

1. Authorized User: A Lincoln Police Department employee trained as an operator in the lawful use of the camera system with access granted by the chief of police or a designee. Training will include but is not limited to the operation of the equipment, ethics, policy, and law. (41.3.8)
2. Public Safety Camera System (PSCS): A camera system used for the purpose of deterring violent crime and gathering evidence of a crime. It constitutes a combination of camera(s) and supporting technology deployed to monitor public location(s). The public is informed of the camera location(s) through LPD's website.
3. Covert Surveillance System: A disguised or concealed system intended to gather evidence in order to further an investigation based on reasonable suspicion.
4. Mobile In-car Camera: A video & audio camera mounted in a police vehicle that is operated either automatically with trigger(s) or manually.
5. Portable Recording Equipment: Hand-held units used to record either audio or images (audio recorder, camera, cell phone, etc.). This does not include body worn cameras outlined in General Order 2070, "Body Worn Cameras".
6. Automatic License Plate Reader (ALPR): One or more mobile or fixed automated high-speed cameras used in combination with computer algorithms to convert images of license plates into computer-readable data.

B. Public Safety Camera System

1. Justification
 - a. Justification for camera placement will be accomplished through a comprehensive assessment of the totality of circumstances.
 - b. This may include the evaluation of criminal justice records, public information, crime data, officer observations, as well as community input and concerns.
 - c. Public cameras are only one of the many tools and methods available to enhance public safety. Other alternatives should be considered, where appropriate or cost effective.

2. Approval
 - a. Requests for the deployment of a PSCS must be made to the chief of police citing the justification, the type of equipment to be deployed, estimated costs, and the examination of alternative methods considered.
 - b. Requests for the use of any PSCS will be made by the chief of police to the mayor for final approval by Executive Order.
3. Placement
 - a. The PSCS is for use in public areas and city owned property.
 - b. Under no circumstances will equipment be placed on privately owned property or quasi-public property without the express consent of the owner or by court order.
 - c. Cameras shall be placed where monitoring is a necessary and/or a viable deterrent.
 - d. Cameras will not be used to monitor areas where people have a reasonable expectation of privacy (i.e. changing rooms, restrooms).
 - e. A command officer will oversee the installation of approved camera systems with the assistance of other applicable city departments or private contractors.
 - f. All departmental proposals and recommendations for camera installations will be reviewed to determine that the perimeter of view of fixed location cameras conforms to policy.
4. Operation
 - a. The PSCS cameras are not monitored continuously under normal operating conditions but may be monitored as needed.
 - b. Access to live or recorded footage from cameras shall be limited to authorized users as determined by the chief of police or a designee.
 - c. Camera monitoring software access shall be kept secure through password protection technology. Passwords are available only through the chief of police or a designee.
 - d. Camera functions shall not be used or operated in such a manner that violates a person's constitutional rights or discriminates against an individual for any reason.
 - e. Under no circumstances shall the camera equipment be used to hear or record oral conversations without a court order.
 - f. The PSCS may not be used to try to identify individuals that are only exercising their First Amendment Rights.
5. Oversight
 - a. The department will monitor developments in the law, practices and technology to ensure that camera monitoring is consistent with the best practices and complies with all federal and state laws and this General Order.
 - b. At a minimum, the Management Services Unit will conduct an annual evaluation of the PSCS to assess the value of each camera's placement and determine if changes are needed to camera quantity and location.
 - c. The department will provide ongoing maintenance and testing of all monitoring and recording equipment in use. (41.3.8)

C. Covert Electronic Surveillance Systems

1. Justification
 - a. Covert surveillance equipment will only be used in accordance with Federal, State and local laws and Lincoln Police Department written directives.
2. Operation
 - a. Only authorized users may use or deploy the surveillance systems.
 - b. Use of covert surveillance equipment must be approved by a commanding officer and operated under the direction of a supervisor.

D. Recorded Interviews

1. Justification
 - a. Personnel are encouraged to utilize recording equipment, when possible, to assist in capturing information involving major incidents or serious crimes.

- b. Recordings will follow state law.
 - (1) All statements relating to crimes resulting in death or felonies involving sexual assault, kidnapping, child abuse or strangulation and statements regarding any waiver of constitutional rights made during a custodial interrogation at a place of detention shall be electronically recorded.
 - i. Place of detention includes the County Attorney's Office and all law enforcement and correctional facilities.
- 2. Operation
 - a. Officers will receive training on the use of the recording equipment.
 - b. Recorded statements, except those captured using BWC, shall be preserved on a CDR, DVD disk or SD card and placed into evidence. This includes formal statements and any other voice recording of an interview.
 - c. Recorded statements from victims, witnesses, and suspects in serious crimes should be preserved regardless of their perceived value to the case.
- 3. Dissemination
 - a. All outside requests for recordings of interviews will be handled through the Property and Evidence Unit in accordance with internal policies.
 - b. Officers will not release interview recordings to anyone outside the Lincoln Police Department other than to the prosecutor's office and in no case will an original recording be released except as directed by the court.

E. Mobile In-Car Recording Systems (41.3.8)

- 1. Some patrol vehicles are equipped with mobile in-car recording systems. Only officers trained in its use shall operate the recording equipment.
- 2. Mobile video and audio will automatically activate by designated triggers or manually by the officer. Officers shall not manually deactivate the recording device during a traffic stop or pursuit.
- 3. At the beginning of each shift, the assigned officer shall inspect the mobile recording system to ensure it is functioning. Malfunctions shall be reported to the immediate supervisor who will determine if the vehicle can go into service.
- 4. Malfunctions or inoperable mobile recording equipment shall immediately be reported to Technical Resources Unit.
- 5. An audit of in-car server files will be conducted yearly by the Internal Affairs Sergeant.
- 6. Supervisors shall randomly review their officers' in-car camera usage monthly by viewing at least one video involving driving behavior per officer per month.
 - a. For Watchguard or Arbitrator in-car camera systems, they will submit the department in-car camera review form to their captain, who will forward an electronic copy to the Management Services Unit. (41.3.8)
 - b. For Axon in-car camera systems, the review form is completed online during the supervisory review and can be printed at a later time if required. (41.3.8)
- 7. All video recordings involving pursuits and/or crashes involving police vehicles shall be classified correctly with a case number attached and uploaded. Those video recordings captured by Arbitrator shall be transferred to a DVD, tagged as evidence, and turned into the Property & Evidence Unit.
- 8. Original recordings are not to be altered.
- 9. If a video is associated with any case number(s), the case number(s) shall be added to the video event details in order to aid in records retention and discovery processes.

F. Portable Recording Equipment

- 1. Portable recording equipment may be used to assist personnel in the performance of their duties.
 - a. The use of non-departmental issued recording equipment is discouraged but if used its use falls under the guidelines of this General Order.

G. Automatic License Plate Readers (ALPR) (41.3.9) (G.O. 2080)

- 1. The use of an ALPR system shall be restricted to legitimate law enforcement uses for enhancing public safety.
- 2. Only authorized personnel may operate the ALPR system or access the stored data.
- 3. The release of a captured license plate shall follow the department's General Orders and the law.

4. The Lincoln Police Department is required to report annually to the Nebraska Commission on Law Enforcement and Criminal Justice the use of the ALPR system.

H. Emergency Communications Center Recordings

1. Some radio groups and telephone lines are recorded at the Emergency Communications Center.

I. Storage and Retention (41.3.8)

1. Retention of records shall comply with federal and state law or court order governing record retention.
2. 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.
3. All video recordings with evidentiary or subject to a legal hold shall be classified correctly with a case number attached and uploaded. Those video recordings captured by Arbitrator shall be transferred to a DVD, tagged as evidence and turned into the Property & Evidence Unit. They will be disposed of according to Property and Evidence policy.
 - a. PSCS
 - (1) Recordings will be overwritten after 5 days unless footage is needed for an investigation, complaint or when the recording would likely be evidence in a legal action. Every effort will be made to retain recorded footage in compliance with this directive.
 - (2) With approval from a command officer and with the assistance of an authorized user, members of the department may create copies of recorded footage for investigations or potential litigation.
 - (3) Information and evidence, in any form, obtained through the use of camera technology will be handled according to accepted departmental procedures and legal rules governing the handling of evidence and criminal justice records.
 - b. Covert Recordings and Interview Recordings
 - (1) All recordings will be considered evidence and shall be turned into the Property and Evidence Unit.
 - (2) Once an investigation is complete, a determination can be made to preserve or dispose of recordings utilizing normal property and evidence procedures and in accordance with federal, state and local laws.
 - c. Mobile In-Car Recording Systems (41.3.8)
 - (1) Mobile recordings shall be uploaded to a server for storage.
 - (2) Mobile recordings containing material of evidentiary importance shall be treated as evidence, classified correctly with a case number attached and uploaded. Those mobile video recordings captured by Arbitrator shall be transferred to a DVD and turned into the Property and Evidence Unit at the end of each shift.
 - (3) Non-evidentiary mobile recordings shall be maintained for seven days before being permanently deleted.
 - d. Portable Recording Equipment
 - (1) If a complaint is associated with a recorded event, or an officer believes an incident may generate a complaint, the footage shall be retained for 45 days and then destroyed, in accordance with General Order 1430, "Internal Investigations."
 - e. Emergency Communications Center Recordings
 - (1) Refer to General Order 1910, "Radio Communications", for internal requests for copies of radio transmissions.
 - (2) No recording shall be released to any outside individual or business without approval from the chief of police and the City Attorney's Office.
 - (3) Recordings are archived for a minimum of ninety days and then recycled.
4. Unless otherwise provided herein, recordings of non-evidentiary value can be destroyed after 48 hours. (41.3.8)