

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Require Law Enforcement Officers To Wear Body Cameras**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA c. 411** is enacted to read:

### **CHAPTER 411**

### **BODY-WORN CAMERAS**

#### **§ 3841. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Body-worn camera.** "Body-worn camera" means an electronic camera system for creating, generating, sending, receiving, storing, displaying and processing audiovisual recordings that may be worn about the person of a law enforcement officer.

**2. Community caretaking function.** "Community caretaking function" means a task undertaken by a law enforcement officer in which the officer is performing an articulable act unrelated to the investigation of a crime. "Community caretaking function" includes, but is not limited to, participating in town halls or other community outreach, helping a child find the child's parents, providing death notifications, dealing with individuals asking for directions or other assistance and performing in-home or hospital well-being checks on persons who are sick, elderly or presumed missing.

**3. In uniform.** "In uniform," with respect to a law enforcement officer, means wearing any officially authorized uniform designated by a law enforcement agency or visibly wearing articles of clothing or other items indicating that the officer is an officer acting in the course of the officer's duties, including, but not limited to, a badge, tactical gear, a gun belt, a patch or other insignia.

**4. Law enforcement agency.** "Law enforcement agency" or "agency" has the same meaning as in section 3701, subsection 1.

**5. Law enforcement officer.** "Law enforcement officer" or "officer" has the same meaning as in section 3701, subsection 3.

**6. Law enforcement-related encounters or activities.** "Law enforcement-related encounters or activities" includes, but is not limited to, traffic stops, pedestrian stops, arrests, searches, interrogations, investigations, pursuits, crowd control, traffic control, interactions with individuals while on patrol that are not community caretaking functions or any other instance in which the officer is enforcing the laws of the municipality, county or state. "Law enforcement-related encounters or activities" does not include:

A. Activities occurring while the officer is completing paperwork alone or in the presence of another officer; or

B. Community caretaking functions.

**7. Recording.** "Recording" means the process of capturing data or information stored on a recording medium for the retention and playback of recorded audio and video including, but not limited to, hard drive, cloud storage, solid state, digital or flash memory technology or any other electronic medium.

### **§ 3842. Use of body-worn cameras required**

Beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. No later than January 1, 2021, a law enforcement agency shall adopt policies and procedures relating to the use of body-worn cameras by officers in its employ and the maintenance and retention of data and recordings that are consistent with the policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 3843.

### **§ 3843. Model policies and procedures on the use of body-worn cameras by law enforcement officers**

No later than January 1, 2020, the Board of Trustees of the Maine Criminal Justice Academy in accordance with the requirements of this section shall develop and make available to law enforcement agencies model policies and procedures regarding the use of body-worn cameras by law enforcement officers as required under section 3842 and the maintenance and retention of data and recordings by law enforcement agencies. The Board of Trustees of the Maine Criminal Justice Academy shall annually review and, if necessary, amend the model policies and procedures developed under this section.

## **SUMMARY**

This bill requires that, beginning January 1, 2021, a law enforcement agency shall ensure that each law enforcement officer in its employ is equipped with a body-worn camera and that such body-worn camera is in operation and creating a recording at all times the officer is in uniform and engaged in law enforcement-related encounters or activities. Use of body-worn cameras by law enforcement officers and the maintenance and retention of data and recordings must be consistent with model policies and procedures developed by the Board of Trustees of the Maine Criminal Justice Academy.