

<b>CAMDEN COUNTY POLICE DEPARTMENT</b>		
<b>SPECIAL ORDER</b>	<b># OF PAGES: 15</b>	
<b>SUBJECT: BODY WORN CAMERA PROGRAM</b>		
<b>EFFECTIVE DATE:</b> May 20, 2016	<b>DISTRIBUTION TO:</b>  NRT Central	<b>ISSUED BY:</b> Assistant Chief Orlando Cuevas
<b>NUMBER: 2016-014</b>		<b>APPROVED BY:</b> Chief John S. Thomson

**PURPOSE** The purpose of this Special Order is to establish Attorney General directive compliant procedures for the use, management, storage, and release of audio-visual media recorded by body worn video/audio cameras (BWC). BWCs are intended to enhance officer safety, promote accountability, produce effective materials for training, and to produce an additional method of collecting evidence to prosecute those who violate the law.

**POLICY** It is the policy of the Camden County Police Department to utilize body worn video/audio cameras (BWC) to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

All personnel (sworn and/or civilian) wearing/utilizing a BWC shall use this equipment (including accessing recordings) consistent with the manufacturer’s guidelines, department policy, and directives issued by the New Jersey Attorney General and Camden County Prosecutor’s Office. An officer who knowingly fails to comply with these directives shall be subject to discipline.

The Camden County Police Department website/webpage shall contain a clear statement that this department utilizes body worn video/audio cameras. The website posting shall include an image showing what the device looks like and how it is to be worn by uniformed officers so that citizens will be able to determine whether an officer is equipped with the device.

## PROCEDURES

### I. DEFINITIONS

- A. For purposes of this directive, the following terms are defined:
1. Activate – means to actuate (put into operation) the recording mode/function of a BWC.
  2. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. All references to BWC include the body worn devices and, where appropriate, the wireless transmitter, microphone, removable media, server, and other accessories necessary to operate these systems. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
  3. Constructive authority – involves the use of an officer’s authority to exert control over a subject (see *Directive V3C2 Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., “...show me your hands,” “...get out of the vehicle”, etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., “...move out of the way”, “...get down”, etc.).
  4. Force – has the same meanings as defined in *Directive V3C2 Use of Force*.
  5. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
  6. School – means an elementary or secondary school (i.e., middle school or high school), public or private.
  7. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

## II. GENERAL

- A. While visual and audio evidence may be captured on the recordings, the use of BWC is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
1. Personnel shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
  2. BWC shall only be utilized for legitimate law enforcement purposes.
- B. BWC recordings will serve the following purposes:
1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
  2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
  3. The recordings can resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
  4. The recordings can enhance the ability to hold both officers and members of the public accountable for their behavior during contacts.
  5. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
  6. Supervisors will be able to view the recordings and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
  7. Recordings can permit supervisors to undertake more meaningful performance evaluations.
  8. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
  9. Recordings enhance management's ability to train personnel in proper police procedures.
- C. Employees shall only use a BWC system that has been issued and approved by the department.
- D. No employee shall wear or operate a BWC unless he or she:
1. Has been authorized to do so by the Chief of Police;
  2. Has received training on the proper care and use of the device in accordance with department policy.

- E. BWC shall be used only in performance of official police duties and not for personal purposes.
1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWC.
  2. The BWC shall not be used to record:
    - a. Encounters with undercover officers or confidential informants;
    - b. Communications with other police personnel without the advanced permission of the Chief of Police;
    - 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. When engaged in police union business;
    - f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction;
    - g. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording, see Section III.D of this directive (e.g. if an officer conducts an arrest inside a hospital, the encounter shall be recorded); or
    - h. While discussing criminal investigation strategies.
- F. No BWC recording shall be accessed, viewed, copied, disseminated, or otherwise used by an officer or civilian employee, except for an official purpose specified in this directive.
- G. When not in use, BWCs shall be stored in the designated docking stations at the station houses. The docking stations allow for the units to be charged and for the download of events to the BWC server.
- H. Repairs to any BWC equipment shall only be performed under the direction of the system administrator or his/her designee. Malfunctioning BWC shall be marked and tagged out of service.
- I. Officers assigned BWC shall wear and utilize the BWC at all times while on-duty including primary and secondary employment. Officers will wear the BWC mounted to the front of the uniform on the chest using the mounting equipment provided by the manufacturer.
- J. BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations.
- K. A training program-curriculum shall be sustained and managed directly by the department's BWC Administrator. The curriculum content and instruction shall ensure that all employees equipped with BWC and/or access/handle BWC recordings are familiar and demonstrate a

satisfactory degree of understanding and working knowledge of the provisions of this directive.

### III. INCIDENTS TO RECORD

- A. The decision to electronically record an encounter is not discretionary. Officers shall activate their BWC without unnecessary delay upon being dispatched, and in the case of self-initiated events—prior to citizen engagement, and/or immediately upon observing circumstances supporting constitutional justification; when feasible.
- B. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in an information report why a recording was not made, was interrupted, or was terminated. The officer shall make immediate notification to the watch commander of any such occurrence via the chain of command.
- C. When a BWC is activated, officers shall state the time and are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
- D. The following circumstances shall be recorded:
  - 1. The officer is conducting a traffic stop, from the time the violation is observed until the stop is concluded, to include:
    - a. Field sobriety testing
    - b. Motor vehicle pursuit
    - c. Car/truck inspection
    - d. Seatbelt use checkpoint
  - 2. The officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
  - 3. The officer is on the crime scene of a sudden death, homicide, kidnapping, or shooting incident;
  - 4. The officer is interviewing a witness in the course of investigating a criminal offense, domestic violence offense or traffic crash investigation;
  - 5. The officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogations);
  - 6. The officer is conducting an investigative detention/field interview (e.g. a Terry v. Ohio criminal suspicion stop);
  - 7. The officer is conducting any kind of search (consensual or otherwise, including a protective frisk for weapons);
  - 8. The officer is making an arrest;
  - 9. The officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility;
  - 10. When an officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting

heightened caution that are documented by narration on the recording and/or in any investigation or incident report;

11. The officer is engaged in a police response to any type of civil disorder, strike, picket line, demonstration or protest in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force;
12. The officer is conducting an officer-initiated pedestrian stop, which includes a stop that falls short of a *Terry* stop because the pedestrian technically is free to walk away, such as a 'mere inquiry' (e.g. asking where someone is going);
13. The officer is conducting motorist aid or community caretaking check;
14. Notwithstanding any other provision of this directive, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.)
15. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.

#### **IV. FAILURE TO ACTIVATE/DE-ACTIVATION OF BWC**

- A. Notwithstanding any other provision of this directive, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC unless instructed to do so by the Chief of Police or Professional Standards Commander, acting in accordance with Attorney General directives.
- B. BWC shall remain activated for the entire duration of a citizen contact required in Section III.D above until the encounter/event/episode is concluded.
- C. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee.
- D. When wearing a BWC, officers shall notify crime victims and civilians inside of their homes or places of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.
  1. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
  2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- E. For all other interactions with members of the public, officers should inform subjects that they are being recorded at the earliest opportunity that it is safe and feasible to do so. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.

- F. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the Chief of Police, acting in accordance with Attorney General directives, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected.
    - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
    - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation, yet is not critical to require recording.
  2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance.
  3. When an officer deactivates a BWC pursuant to Sections IV.F.1 or IV.F.2 of this policy:
    - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
    - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g. "*...I am now turning off my BWC as per the victim's request.*" State the time);
    - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is possible; and
    - d. The officer shall document the circumstances of the deactivation in any investigation report concerning the incident under investigation, including the time of activation and/or deactivation.
  4. If an officer declines a request to deactivate a BWC pursuant to Sections IV.F.1 or IV.F.2 of this policy, the reasons for declining the request must be documented by narrating the reason for declining the request on the recording and shall notify the on-duty watch commander via the chain of command as soon as it is safe and practicable to do so.
    - a. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.

- b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless covert recording has been expressly approved by the Chief of Police, acting in accordance with Attorney General directives.
5. Officers may deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning, provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "...I am now turning off my BWC to discuss investigative strategy with my supervisor." State the time).
6. If an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "...I am entering a school building where children are present." State the time). The BWC shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC). School resource officers should not activate their BWC unless involved in any incident listed in section III.C of this directive.
7. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the BWC Administrator shall notify the Chief of Police or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). A notation documenting the date, time, person notified and details of the notification shall be documented in the BWC record keeping system. The recording shall not be accessed without the expressed approval of the Chief of Police, acting in accordance with Attorney General directives. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
8. In any instance where a BWC was deactivated pursuant to this directive, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- G. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- H. In the event that a BWC worn during the execution of tactical operations (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) records

confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.

- I. Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation.
- J. If the BWC produces radio-frequency interference while activated or while in standby mode, the device shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST device is being used. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for deactivation (e.g., "...*I am deactivating the BWC because the suspect is about to take a breath test*") (State the time), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- K. When a BWC is de-activated, officers shall immediately prior to BWC de-activation, state the time, and provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
- L. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in *Directive V2C15 Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with Section VII of this directive.
- M. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable investigation-incident report why a recording was not made, was interrupted, or was terminated.

## **V. OFFICER AND SUPERVISORY RESPONSIBILITIES**

- A. Officers assigned BWC are responsible for ensuring the BWC remains in a position to allow the recording of an encounter or incident and is in good working order.
  - 1. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
  - 2. When conducting the pre and post shift inspection, the officer shall activate the BWC and verbally state the date, time, whether a pre or post-shift inspection is being conducted, and that a test is being performed on the unit.
  - 3. The results of the inspection, including any malfunctions or deficiencies, shall be noted by the officer on an information report.
  - 4. Any problems preventing the use of the unit during the shift will be reported to the shift supervisor with a CAD record generated noting the details of the problem.
  - 5. Officers will dock their BWC for download to the BWC docking station upon completion of their shift and prior to making relief.

B. When video/audio footage is captured involving any part of an arrest or significant event, officers shall categorize the recording using the BWC application on their assigned smart phone device prior to clearing the assignment. Additionally, officers shall type/write the letters *BWC* (including BWC number) in all capital letters at the beginning of the investigative-incident report to signify that video/audio is available for the case. All recordings shall be categorized by selecting one of the following applicable categories:

1. Arrest (Crime)-Video involves an arrest for a 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, or 4<sup>th</sup> degree offenses;
2. Arrest (DP/PDP)-Video involves an arrest for a Disorderly Persons or Petty Disorderly Persons Offense;
3. Arrest (DWI) – Video involves an arrest for DWI;
4. Arrest (Warrant) – Video involves an arrest for active warrant(s);
5. Arrest (Other) – Video involves an arrest which does not meet above criteria;
6. CFS (Homicide) – Video involves a call for service involving a Homicide;
7. CFS (Arson) – Video involves a call for service involving an Arson;
8. CFS (Sex Offense) - Video involves a call for service involving a Sex Offense;
9. CFS (Suspicious Death) - Video involves a call for service involving a suspicious or unattended death;
10. CFS (Suicide)- Video involves a call for service involving a Suicide;
11. CFS (Crime) – Video involves a call for service or assignment involving a crime not listed;
12. CFS (PD/PDP) – Video involves a call for service or assignment involving a disorderly persons or petty disorderly persons offense;
13. CFS (Missing Person) – Video involves a call for service or assignment involving a missing person;
14. CFS (EMS Call) – Video involves a call for service or assignment involving assisting EMS that does not meet other category criteria;
15. CFS (Non Crime) – Video involves a call for service or assignment for a non-crime event that does not meet other category criteria;
16. MVA (Fatal) – Video involves a motor vehicle accident involving a fatality;
17. MVA (Serious Bodily Injury) – Video involves a motor vehicle accident involving serious bodily injuries;
18. MVA (Other) – Video involves a motor vehicle accident without a fatality or serious bodily injuries;
19. Car Stop – Video involves a motor vehicle stop;
20. Pedestrian Stop – Video involves a Ped-Stop or investigative detention of one or more individuals;
21. Mere Inquiry – Video involves a mere inquiry;
22. Pursuit (No Arrest) – Video involves a vehicle pursuit where no apprehension is made. (If apprehension – label as arrest);
23. Parking Enforcement - Video involves issuing parking or other ticket to an unoccupied vehicle;
24. Police Vehicle Inspection – Video involves pre tour or post tour vehicle inspection;
25. Test – Video involves performance of body worn camera functionality or other test;
26. IA- Video involves an Internal Affairs complaint or investigation;
27. Other- video does not fall within the aforementioned categories (operator must explain what video involved in the video description field)

C. In the event the smart phone malfunctions, officers shall report to the nearest station house to complete the report and categorization. The officer shall make immediate notification to the

watch commander of any such occurrence.

- D. To identify BWC recordings that may raise special, privacy or safety issues, and officers shall tag recordings using the BWC application on their assigned smart phone device prior to clearing the assignment. Recordings containing any of the following shall be tagged for privacy-safety by entering “P” in the field labeled Reference ID:
1. Captures the image of a victim of a criminal offense;
  2. Captures the image of a child;
  3. Were made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
  4. Captures a conversation with a person whose request to deactivate the BWC was declined;
  5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
  6. Captures the image of an undercover officer or confidential informant; or
  7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
  8. In the event the smart phones malfunctions, officers shall report to the nearest station house to complete the report, tag the recording and make immediately notification to the on-duty watch commander via the chain of command.
- E. The on-duty watch commander and shift supervisors are responsible for ensuring that all officers under their command and control, assigned BWC, are equipped with functioning BWCs and assigned smart phone devices at all times while working primary or secondary employment duty.
1. Supervisors shall conduct random formal reviews weekly of their subordinates’ recordings in order to assess officer performance as well as to flag video/audio that may be appropriate for training purposes.
  2. The on-duty watch commander shall ensure all instances where a BWC is deactivated prior to the conclusion of an incident are reviewed either personally by the watch commander or by an on-duty commander/supervisor, to determine if the deactivation was authorized and warranted, the reviewing personnel shall document their findings and forward the documented review through the on-duty watch commander to the Professional Standards Commander prior to making relief for the day.
  3. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the on-duty watch commander shall ensure the recording is categorized as “Internal Affairs” following procedures set forth in Section V-B of this directive.

## **VI. BWC ADMINISTRATOR RESPONSIBILITIES**

- A. The BWC Administrator is responsible for the overall management and coordination of the

BWC initiative. Examples of responsibilities include:

1. Ensuring all equipment and systems are in good working order;
2. Ensuring a policies and directives related to the BWC initiative are reflective of best practices and contemporary business processes;
3. Serving as the BWC training officer, establishes, maintains, instructs an up to date training curriculum that ensures all employees equipped with BWC or who have access –handle BWC recordings are familiar with the provisions of this directive.
4. Maintaining an inventory of all BWC equipment and assignments;
5. Performing periodic performance audits. The results of those audits shall be forwarded to the Professional Standards Commander for retention and inclusion in the monthly report.
6. Evaluating the BWC initiative and providing a written synopsis of findings and recommendations to the Chief of Police within five days of the BWC Pilot expiration.

## **VII. SECURE STORAGE AND ACCESSIBILITY OF BWC RECORDINGS**

- A. Viewing of BWC events is strictly limited to authorized employees of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, or consistent with the provisions of this written directive.
- B. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to and use of a stored BWC recording is permitted only:
  1. When relevant to and in furtherance of a criminal investigation or prosecution;
  2. When relevant to and in furtherance of an internal affairs investigation;
  3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
  4. To assist the officer whose BWC made the recording in preparing his or her own police report (NOTE exception in Section VII-E. of this directive, see below);
  5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
  6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint (NOTE: it is the policy of this Department to show BWC footage to prospective complainants unless doing so would interfere with an ongoing investigation, threaten the safety or privacy interests of other individuals who appear on the recording, or is otherwise prohibited under this Directive);
  7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
    - a. Such request must be specific and on the proper instrument, i.e., subpoena,

discovery request, etc.

- b. Only those portions of the recording pertinent to the request shall be forwarded.
  - c. The Camden County Police Department reserves the right to redact video as applicable by law.
  - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity;
  9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
  10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, when expressly approved by the Chief of Police, acting in accordance with Attorney General directives;
  11. To conduct an audit to ensure compliance with this directive;
  12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is expressly approved by the Chief of Police, acting in accordance with Attorney General directives;
  13. Any other specified official purpose where the Chief of Police, acting in accordance with Attorney General directives, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
- C. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of NJSA 2C: 28-7, and is a 4<sup>th</sup> degree crime.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained on the server for a period of ninety-days (90).
    - a. When a BWC recording pertains to a criminal investigation or otherwise recorded information that may be subjected to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution.
    - b. When a BWC records an arrest that did not result in an ongoing prosecution, or records the use of force, the recording shall be kept until the expiration of the statute of limitation for filing a civil complaint against the officer and/or agency.
    - c. When a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.

- d. When a civilian who is the subject of the video makes a written request that footage be retained, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.
  2. Prior to the destruction-erasing-deletion of any BWC recording, the BWC Administrator shall review the specifics recording as well as relevant department reports/case files to confirm proper retention schedule compliance.
- D. All requests for a BWC recording via subpoena, court order or OPRA must be expressly approved by the Chief of Police before complying with the request.
- E. No civilian or law enforcement witness, including the principal(s) of a police involved shooting or other use of force investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the Chief of Police or Professional Standards Commander, acting in accordance with Attorney General directives.
- F. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is expressly approved by the Chief of Police, acting in accordance with Attorney General directives.
- G. A BWC recording tagged pursuant to section V.D of this directive shall not be accessed, viewed, copied, disseminated, or otherwise used without the express permission of the Chief of Police, acting in accordance with Attorney General directives.
- H. The Chief of Police or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted.
- I. Professional Standards Bureau shall cause random performance audits of BWC recordings to ensure compliance with this directive.
- J. Minimally, the BWC record keeping system shall document the following information:
  1. The date and time of access;
  2. The specific recording(s) that was/were accessed;
  3. The officer or civilian employee who accessed the stored recording;
  4. The person who approved access, where applicable; and
  5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
- K. In the event that a recording is required for use in court or by another law enforcement agency, that recording shall not be released without the expressed approval of the Chief of Police and only if a duplicate copy is retained by the department.
  1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
  2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas

that may facilitate corruption in the property room.

- L. Employees shall not reproduce or store any recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.
- M. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.

**VI. RESPONSIBILITY**

- A. It shall be the responsibility of all personnel to adhere to the provision of this Special Order.