

21-129

PD

Olivola, Sandi

From: joel Caplan <opra+request-21055-98cc2662@requests.opramachine.com>
Sent: Saturday, March 13, 2021 9:08 AM
To: Galland, Kevin
Subject: OPRA request - Body Worn Camera

Dear Woodland Park Borough,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

1. Departments Body-Worn Camera Policy and Procedures 2. Body-Worn Camera Audit for the year 2020

Yours faithfully,

Joel Caplan

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-21055-98cc2662@requests.opramachine.com

Is kgalland@wpnj.us the wrong address for OPRA requests to Woodland Park Borough? If so, please contact us using this form:

https://opramachine.com/change_request/new?body=woodland_park_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/body_worn_camera_2

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Due: 3-23-2021

WOODLAND PARK POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE



SUBJECT: BODY WORN CAMERAS

EFFECTIVE DATE: October 12, 2016

NUMBER OF PAGES: 16

ACCREDITATION STANDARDS: 3.5.5

BY THE ORDER OF:
Chief of Police Anthony Galietti

PURPOSE The purpose of this standard operating procedure is to establish uniform guidelines for the lawful use and operation of the agency-authorized body worn camera recording system (BWC). The goals and objectives in deploying BWCs is the accurate documentation of interactions between law enforcement and members of the public, arrests and other critical incidents. Further, this SOP establishes protocols for the maintenance, storage and preservation of recordings in order to maintain the lawful chain of custody.

POLICY It is the policy of the Woodland Park 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 civilian) shall use (including accessing recordings) this equipment consistent with manufacturer's guidelines, applicable laws and statutes, this SOP, and those policies or guidelines issued by the New Jersey Attorney General and the Passaic County Prosecutor's Office. Failure to use this technology in accordance with this SOP, applicable laws and statutes, and those policies or guidelines issued by the New Jersey Attorney General and Passaic County Prosecutor's Office can result in disciplinary action. Any willful or repetitive violations of this SOP shall be promptly reported to the Passaic County Prosecutor's Office.

The Woodland Park Police Department website/webpage shall contain a clear statement that this department utilizes body worn cameras. The website/webpage posting shall include an image showing of 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. Currently, only uniformed officers will be equipped with body worn cameras. The Chief of Police shall provide certification to the Passaic County Prosecutor's Office of this general notification to the public.

PROCEDURES

I. DEFINITIONS

A. For purposes of this SOP, the following terms are defined:

1. Activate – means to actuate (put into operation) the recording mode/function of a BWC.
2. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation or interaction with a citizen for the specific purpose of informing the citizen that the communication or conversation is being recorded.
3. 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. 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).
4. Consent – Consent to record shall be considered obtained when the recording party (officer) has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that the communication or conversation is being recorded. This announcement itself to the other parties must also be recorded.
5. Constructive authority – involves the use of an officer's authority to exert control over a subject (see this department's *SOP on 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.).
6. Deactivate – means to shut off the recording mode of a BWC.
7. Force – has the same meanings as defined in this department's *SOP on Use of Force*.
8. 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.
9. School – means an elementary or secondary school (i.e., middle school or high school), public or private.

10. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.
11. Tagging – is an electronic labeling of an electronic file captured by a BWC.

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. Officers 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. Adequate safeguards are necessary to ensure that this technology is:
 1. Used in a non-discriminating way;
 2. Used to properly preserve evidence;
 3. Used to safeguard against potential violations of N.J.S.A. 2A: 156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act*.
- C. When properly used, this equipment will have the following capabilities:
 1. Creation of accurate documentation of motorist contacts and other patrol related activities.
 2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.
- D. These 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. 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.