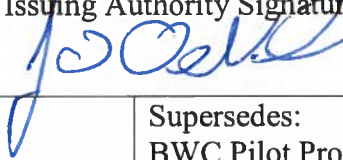


MAPLEWOOD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE

Subject: Body Worn Cameras (BWC)		Number: 3.20	No. of Pages: 11	Effective Date: 9/1/2016
Issuing Authority: Chief Jim DeVaul		Issuing Authority Signature: 		Signed Date: 9/7/19
Source Documents: NJAG BWC Guidelines		Supersedes: BWC Pilot Program SOP of 7-27-15	Accreditation Standards:	
Reviewed/Revised Dates: 12-09-15	Revised: 12-09-15	Revised 7-28-16	Revised 10/7/19	

PURPOSE: To establish guidelines for the proper and lawful operation of the body worn audio/video camera systems worn by members of the Maplewood Police Department, and to define the media storage and retention system for the events recorded by the devices.

POLICY: Body Worn Cameras (hereinafter BWC) will be employed by department officers in a manner consistent with the provisions outlined in this written directive. These cameras are viewed as a valuable asset intended to assist department officers in the prosecution of certain offenders by augmenting an officer's testimony with a video/audio record of the incident. Additionally, this equipment will enable department administrators to conduct periodic reviews of officer-citizen contacts for quality control purposes and aid in the investigation of citizen complaints.

PROCEDURE:

I. Administration

A. The department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:

1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
2. Audio and video recordings enhance the department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.

II. Equipment

A. The department has purchased DATA 911 Model as issued Body Worn Cameras (BWC). The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of Maplewood Police Department.

1. References to BWC shall include the device, which houses a video camera, audio/video recording hardware, and a port for charging the device and downloading events.

B. Members who are assigned BWCs must complete the agency provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other

revisions in policy and equipment.

- C. Most of the BWC units are equipped with a clip and shall be affixed on center of the member's uniform shirt in the center chest/sternum area.
- D. Each member assigned to wear a BWC, shall wear the device as an authorized component of the uniform of the day. Officers assigned BWCs shall use the equipment unless otherwise authorized by supervisory personnel.
- E. BWC equipment is the responsibility of individual officers and shall be used with reasonable care to ensure proper functioning. The officer is responsible for determining that the device is fully functional and that the battery is adequately charged at the start of the officer's shift and before going into the field. The officer is responsible to check the operating and functionality at the conclusion of every shift. Equipment malfunctions shall be immediately brought to the attention of the officer's supervisor before going into the field. If a malfunction occurs while in the field, the malfunction shall be reported to the officer's supervisor as soon as it is safe and practical to do so.
- F. The department shall designate one or more training officers and shall establish a training program to ensure that officers equipped with BWCs and others who access or handle BWC recordings are familiar with the policy, the AG directive No. 2015-1 and standard operating procedures.
- G. All trained Officers shall acquaint themselves with and refer to training guides and reference materials supplied to Officers for their use.

III. Operation

A. Activation Required

A uniformed officer equipped with a BWC shall be required to activate the device in any of the following circumstances as soon as it is safe and practicable to do so:

1. the officer initiates an investigative detention or criminal suspicion stop, or a checkpoint or roadblock stop;
2. the officer is responding to a call for service (Domestic Violence, Assault, Disputes, Suspicious Person/Vehicles Stops, Disorderly Persons, Motor Vehicle Accidents, etc.) and is at or near the location to which another officer has been dispatched;
3. the officer is conducting a motorist aid or community caretaking check;
4. the officer is engaged in a motor vehicle stop (self assigned or otherwise) or a violation of the motor vehicle code or Township Ordinance;
- 5.. the officer is interviewing a witness in the course of investigating a criminal offense;
6. 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);
7. the officer is making an arrest;
8. the officer is conducting a protective frisk for weapons;
- 9 the officer is conducting any kind of search (consensual or otherwise);

10. the officer is engaged in a police response to any type of civil disorder 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;

11. the officer uses constructive authority or force, or reasonably believes that two or more of the below-listed activities are likely to occur during a single encounter or event. For example, a frisk ordinarily occurs after an officer already has initiated an investigative detention (i.e. a "stop"), and a custodial interrogation typically occurs after the officer has arrested the person being interrogated. Although these specified activities often will co-occur and overlap, they are presented in this section to ensure complete coverage of the circumstances when a BWC must be activated. The specified activity that occurs first during an unfolding encounter will trigger the obligation to activate a BWC. Once activated based upon the initiation of any of the listed police activities, the BWC generally must remain in operation until the police-civilian encounter is concluded (i.e., until the officer is no longer interacting with or in the presence of the civilian), and not just while the officer is engaged in the specified activity that required activation.

12. 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;'

13. 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; or

14. the officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.

15. any other specific activity designated by the Chief of Police.

B. Continuous Recording Pending Completion of Encounter.

To ensure that the entire encounter/event/episode is recorded, when feasible, a BWC should be activated before a uniformed officer arrives at the scene of a dispatched call for service or other police activity listed in section III. However, the officer need not begin recording at the moment he or she receives instructions from a dispatcher to respond to a call for service. Rather, the officer may delay activation until he or she is near the destination.

Except as otherwise expressly provided in this policy, when a BWC is required to be activated by a uniformed officer, the device must remain activated throughout the entire encounter/event/episode and shall not be deactivated until it is concluded (the BWC-equipped officer has left the scene; all civilians involved in the encounter have left the scene; the officer has informed the dispatcher or a supervisor that the event has concluded; the event is "closed" on the department's computer-aided dispatch ("CAD") system, etc.).

When a BWC is activated pursuant to the transport of an arrestee, whether by an officer in uniform or in plain clothes, 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 holding cell or processing room, 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.

C. Use of BWCs by Plainclothes Officers.

If an officer in a plainclothes duty assignment is authorized to wear a BWC, the officer shall be required to activate the device, under the same circumstances as a uniformed officer (i.e., situations involving use of constructive authority or force, transport of an arrestee, deadly force events, and responses to emergency assistance requests). A plainclothes officer may de-activate the device only under the same circumstances as a Uniformed Officers.

D. Special Activation Rules Governing Deadly-Force Incidents and Other Exigent Circumstances Where Officers Are in Danger.

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 (i.e., an officer in distress, shots fired, etc.), the officer shall activate the BWC before arriving at the scene when feasible. 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 de-activate the BWC unless instructed to do so by the Assistant Prosecutor or Assistant or Deputy Attorney General supervising the investigation of the deadly-force incident pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her designee. Such instruction may be given telephonically by the Assistant Prosecutor, Assistant or Deputy Attorney General, or designee supervising the investigation.

E. Notification of Activation of a BWC

1. An officer is not required to notify a suspect or subject of an investigation that they are being recorded.
2. The Maplewood Police Department shall provide public notice that it has acquired BWCs and is deploying them. This notification shall be made by publishing this information on the Department's website.
3. When an officer equipped with a BWC is required to activate the device during an encounter a) with a civilian occurring inside the person's residence, or b) with a person reasonably believed to be a victim of a criminal offense, the officer shall verbally notify the person(s) with whom the officer is conversing that the BWC has been activated unless it is unsafe or infeasible to provide such notification. If the officer decides not to provide notification of BWC activation because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report and/or by narrating the reasons on the BWC recording. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
4. 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 County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, has expressly authorized the officer to make a covert electronic recording. Cf. section 2(a) (Directive does not apply to officers while operating in an undercover capacity, or while conducting/participating in a station house custodial interrogation electronically recorded in accordance with Rule 3: 17).

IV Deactivation of the BWC upon the request of a civilian, when discussing investigation, strategy, planning, or on instruction of a Prosecutor.

A. De-Activation at the Request of a Civilian Providing Information/Cooperation --Notwithstanding section III, an officer may de-activate 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." The officer shall not suggest to the person that the BWC should be

de-activated; nor shall the officer ask the person whether he or she would prefer that the BWC be de-activated. Rather, the request for de-activation must be self-initiated by the civilian. The officer may explain the consequences of de-activation (ie, evidence relevant to a criminal investigation will not be recorded). In deciding whether to de-activate the BWC, the officer shall consider the privacy and safety interests of the person requesting de-activation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide only if the de-activation request is honored.

B. De-Activation at the Request of a Person Seeking Emergency Medical Assistance. Notwithstanding section III, an officer may de-activate 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 de-activated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting de-activation and the person in need of medical assistance.

C. Procedures for De-Activation Upon a Civilian's Request. When an officer de-activates a BWC pursuant to section IV A or B, the following procedures shall be followed:

1. the conversation between the officer and the civilian concerning the request for de-activation shall be electronically recorded;
2. the officer before de-activating the BWC shall narrate the circumstances of the de-activation (eg, "I am now turning off my BWC as per the victim's request.");
3. the officer shall report the circumstances concerning the de-activation to his or her superior as soon as is practicable; and
4. the officer shall document the circumstances of the de-activation in any investigation or incident report concerning the incident under investigation.

D. Decision to Decline a Civilian's De-Activation Request. If an officer declines a request to de-activate a BWC pursuant to section IV A or B, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be documented and shall be reported to the officer's superior as soon as it is safe and practicable to do so. In the event that the officer declines a de-activation request, the officer immediately shall inform the person making the request of that decision. An officer shall be prohibited from misleading the person making the de-activation request into believing that the BWC has been turned off when in fact it is operating unless the County Prosecutor or designee or the Director of the Division of Criminal Justice or designee expressly has authorized covert recording.

E. De-Activation During Criminal Investigation Strategy/Planning Discussions. Notwithstanding section III, a BWC-equipped officer may de-activate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian (e.g. under circumstances where a civilian might overhear the strategy discussion), and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (e.g. conducting a search). When an officer de-activates a BWC pursuant to this section, the officer shall narrate the circumstances of the de-activation (e.g. "I am now turning off my BWC to discuss investigative strategy with my supervisor.").

F. De-Activation on Instruction from Prosecutor. Notwithstanding section III, an officer may de-activate a BWC when specifically authorized to do so by an assistant prosecutor or assistant or deputy attorney general for good and

sufficient cause as determined by the Assistant Prosecutor or Assistant or Deputy Attorney General. When an officer de-activates a BWC pursuant to this section, the officer shall narrate the circumstances of the de-activation indicating the Assistant Prosecutor or Assistant or Deputy Attorney General who authorized the de-activation (e.g., "I am now turning off my BWC as per the instruction of Assistant Prosecutor (insert name).").

G. Re-activation When Reason for De-Activation No Longer Exists. In any instance where a BWC was de-activated pursuant to section IV A, B, E or F, the device shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances justifying de-activation no longer exist (e.g. the interview of the person requesting de-activation is completed), and the officer would otherwise be required to activate the BWC (e.g., where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Directive).

H. Re-Activation When Actual Law Enforcement Force is Authorized. Notwithstanding any other provision of this Directive, in any instance where a BWC was de-activated pursuant to section IV A, B, E or F or any other provision of this Directive, or de-activated pursuant to any policy, standing operating procedure, directive, or order issued by a department, if the circumstances develop so that an officer is authorized to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

V. Restrictions and Special Conditions

A. Special Restrictions When Recording in Schools, Healthcare/Treatment Facilities, and Places of Worship.

Notwithstanding section III of this Policy, and except as otherwise required by section III D, unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall de-activate a BWC that has been activated, while the officer: 1) is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC; 2) is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or 3) is in a place of worship under circumstances where worshipers would be in view of the BWC. See also (notation, "tagging") of certain events/encounters raising privacy or other special issue).

If an officer is required to de-activate the BWC in accordance with the provisions of this section, the officer shall narrate the reason for de-activation (e.g., "I am entering a school building where children are present."). The BWC shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances requiring de-activation 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).

In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, shall be notified to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information. See 42 U.S.C. § 290dd-2, 42 C.F.R. §23.1 to 23.41. The recording shall not be accessed without the permission of the County Prosecutor or designee, or Director or designee. (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.)

Re-activation When Reason for De-Activation No Longer Exists. In any instance where a BWC was de-activated pursuant to section IV A,B,E or F, the device shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances justifying de-activation no longer exist (e.g., the interview

of the person requesting de-activation is completed), and the officer would otherwise be required to activate the BWC (e.g., where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Directive).

B. Special Restrictions When Undercover Officers or Confidential Informants May Be Recorded.

Notwithstanding the provisions of sections III and except as required by section III D, an officer shall not activate a BWC, or shall de-activate 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 his or her supervisor that the image of an undercover officer or confidential informant was recorded. (See also section notation or "tagging" to indicate a BWC recording that raises special issues), and (Prosecutor's authority to seek protective order when complying with discovery obligations). Notwithstanding the foregoing general rule prohibiting the recording of an undercover officer or confidential informant, in the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (~, a raid where the undercover operative will be arrested to preserve his or her cover), the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any BWC-equipped officers participating in the operation on whether to activate their devices.

The BWC shall be activated/re-activated 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.

C. Special Precautions When a BWC Recording May Reveal Tactical Operations Information

In the event that a BWC worn during the execution of tactical operations (e.g., "Special Operations" or "SWAT" 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". See NJ.S.A.47:1A-1.1 (exempting from disclosure under the Open Public Records Act "security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons"); NJ.A.C.13: IE-3.2 (2) (exempting records that may reveal "surveillance, security, tactical, investigative, or operational techniques"); see also (Prosecutor's authority to seek protective orders when complying with discovery obligations).

D. Special Restrictions on Recording in Courtrooms.

An officer 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 such activation is expressly authorized by the judge.

E. De-Activation/Removal of BWC from Alcohol Breath Testing Area.

If the BWC model selected by a department produces radio-frequency interference while activated or while in standby mode, see note 1, the device shall be de-activated while in the area where an electronic alcohol breath testing device is being used, or, as necessary, shall be removed from the area where such 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 breath-testing area while the electronic breath testing device is being operated. If this provision requires de-activation of a BWC, the officer shall narrate the reasons for de-activation (e.g., "I am de-activating the BWC because the suspect is about to take a breath test."), and the BWC shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.

F. Restrictions on Using BWCs with Enhanced Audio/Visual Capabilities.

A BWC with enhanced audio/video capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device (e.g., infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance), that feature/capability shall not be used without the express approval of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, in accordance with any applicable legal requirements.

G. BWC to be Used Only for Official Police Duties

BWCs shall be used only in performance of official police duties and not for personal purposes. No BWC recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the agency except for an official purpose. Any sworn officer or civilian employee of the agency who knowingly violates the requirements of this Policy or AG Directive 2015-1 shall be subject to discipline. BWCs shall be activated only while in performance of official police duties and for the purpose of recording incidents, investigations, and police-civilian encounters involving those law enforcement activities specified in this policy. A BWC shall not be activated while the officer is on break or otherwise is not actively performing law enforcement functions (while eating meals, while in a restroom, etc.). A BWC shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction.

VI Retention of Recordings

A. The retention period shall not be less than 90 days, and shall be subject to the following additional retention periods:

1. when a BWC recording pertains to a criminal investigation or otherwise records information that may be subject 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.
2. when a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.
3. 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.

VII Procedures to Ensure Secure Storage and Accessibility of Recordings

A. The Maplewood Police Department will use a storage system that will:

1. ensure that all recordings are uploaded to a secure data storage system in a timely fashion;
2. prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the storage system;
3. prevent unauthorized access to stored BWC recordings;
4. document all instances where BWC recordings are accessed, viewed, copied, disseminated, or deleted;
5. permit auditing of all instances where BWC recordings are accessed, viewed, copied, or deleted.
6. is capable of tagging and/or categorizing downloaded files for easy retrieval and location.
7. The system must be able to identify BWC recordings that may raise special privacy or safety issues and will establish and implement a system to tag or make a notation when the recording: a) captures the image of a victim of a criminal offense; b) captures the image of a child; c) was 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 de-activate the BWC was declined; 5) captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information (e.g., verbal codes and hand signals used to give direction to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.) may have been recorded; 6) captures the image of an undercover officer or confidential informant; or 7) captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.

B. Approval for Access to Tagged BWC Recordings

A BWC recording tagged pursuant to section VII A7 shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee. Except for recordings tagged pursuant to section 5A (when a BWC captures the image of a patient at a substance abuse treatment facility), and disclosure of the recording has been requested, notice must be made to County Prosecutor or Director prior to complying with a subpoena, court order, or request for records under the Open Public Records Act or the common law right to know, the County Prosecutor or Director may authorize the Chief of the department, and one or more superior officers or duty positions (e.g., head of the detective bureau) identified by the Chief of the department, to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to section VII A7.

C. Compliance with Discovery Obligations Relating to BWC Recordings That Might Expose Officers or Other Persons to Danger

If disclosure of a BWC recording as part of the State's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal 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 during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee in cases prosecuted by the Division, shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or Court Rule to protect the information from disclosure, such as by seeking a protective order from the court.

VIII Restrictions on Access to, use and Dissemination of BWC Recordings

- A. No law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in this section. 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, subject to the restrictions established in section VIII B;
 5. when relevant to a supervisor's review of an officer's actions as part of the supervisory process;
 6. to comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
 7. to comply with any other legal obligation to turn over the recording to a person or entity;'
 8. to show or disseminate the recording to a civilian or a non-law enforcement entity,
 9. to disseminate it to the public, where the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, determines that disclosure to that particular person/entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 10. 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;
 11. to conduct an audit to ensure compliance with this Directive and a department's policy, standing operating procedure, directive, or order promulgated pursuant to 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 approved by the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee; or
 13. any other specified official purpose where the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.

B. Authorization for Access to BWC Recordings Related to Use-of-Force Investigations.

The Assistant Prosecutor or Assistant or Deputy Attorney General overseeing a police use-of- force investigation pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any

other provision of this Directive, no civilian or law enforcement witness, including the principal(s) of the 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 Assistant Prosecutor, Assistant or Deputy Attorney General, or designee.

C. Documentation of Access to Stored BWC Recordings

A record shall be maintained that documents the user, the date and time, the specific recording/s that were accessed, the person that approved the review if applicable and the reason or purpose for the access. The case number shall also be documented.

IX Public Disclosure of BWC Recordings

A. Notice to Prosecutor of Subpoena, Court Order or OPRA Request.

When the agency receives a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the County Prosecutor, or to the Division of Criminal Justice where the recording was made by a state-level law enforcement agency. Such notice shall state clearly the deadline by which a response must be made.

B. Disclosure of BWC Recordings Pertaining to Criminal Investigations

- C. Except as otherwise provided in section VIII A, a BWC recording of an event or encounter that involves an investigation of a criminal offense (*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*) 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 required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the law enforcement agency in consultation with the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, determines that the person' s/entity' s/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.

X. Supervisory Review

- A. Supervisory personnel shall ensure that officers under their command equipped with BWC devices utilize them in accordance with policy and procedures defined therein.

1. The Shift Supervisor (Watch Commander) shall review officers Body Worn Camera Video as authorized in section VIII A(5) on all investigative stops and/or arrest incidents prior to the conclusion of the involved officer(s) shift and document the review

2. The Shift Supervisors shall periodically review a sample of patrol officers motor vehicle stop Body Worn Camera videos.