

City of Long Branch Police Department

Policy & Procedures

Standard Operating Procedure



BODY WORN CAMERAS / MOBILE VIDEO RECORDERS

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PURPOSE It is the purpose of the Long Branch Police Department to maintain guidelines for the use, management, storage, and release of audio-visual media recorded by mobile video recorders (MVRs) and body worn video/audio cameras (BWCs). MVRs and BWCs are intended to enhance officer safety, produce effective materials for training, to produce an additional method of documenting evidence to prosecute those who violate the law, and to promote police accountability and transparency.

POLICY It is the policy of the Long Branch Police Department to utilize body worn video/audio cameras (BWCs) and mobile video recorders (MVRs) to assist officers in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

All personnel (sworn and civilian) shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this SOP, and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office. Failure to use this technology in accordance with this SOP and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office may result in discipline.

The use of MVR and/or BWCs with electronically enhanced audio/visual capabilities such as infrared/night vision features are not authorized.

The Long Branch 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 or plainclothes detectives so that the public will be able to determine whether an officer is equipped with the device.

Any willful or repetitive violations of this SOP shall be reported the Professional Standards Bureau commander who shall report such directly to the officer-in-charge and the Monmouth County Prosecutor's Office. The officer-in-charge will then notify the Director of Public Safety. The Monmouth County Prosecutor's Office is authorized to take such actions as are reasonable and necessary to ensure compliance with this SOP and to prevent future violations.

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 or MVR.
2. Body worn audio/video camera (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).
3. Cabin microphone: refers to the internal microphone installed in the passenger compartment of the police vehicle.
4. 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 (e.g., "...move out of the way", "...get down", etc.).
5. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
6. Equipped with a BWC – means that an officer is wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from the agency.
7. Force – has the same meanings as defined in the New Jersey Attorney General's policy on *Use of Force* and this department's SOP on *Use of Force*. The term force shall include physical, mechanical, enhanced mechanical, and deadly force.
8. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, 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. Law enforcement incident, as defined in *New Jersey Attorney General Directive 2019-4*, includes:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.

- b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.
- 10. Metadata – A created digital image may include metadata that describes how large the picture is, the color depth, the image resolution, when the image was created, and other data.
 - 11. Mobile video / audio recorder (MVR) – is a recording device installed in a police vehicle. All references to MVR shall include the equipment installed in the police vehicles, removable components and media devices, and where appropriate, other accessories necessary to operate the system.
 - 12. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
 - 13. School – means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
 - 14. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. for purposes of this SOP, serious bodily injury and serious bodily harm have the same meaning.
 - 15. Significant bodily injury – means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.
 - 16. Significant event: refers to any non-criminal event recorded on a BWC or MVR that could have administrative or evidentiary value and should be reviewed and/or saved. This would include alleged complaints against the members of the department.
 - 17. Subject of the video footage – means any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body worn camera recording and shall not include a person who only incidentally appears on the recording.

18. Substantive report – means a report that includes a detailed accounting of the incident. It does not include a report which simply refers to other reports or to the existence of BWC or other camera recordings.
19. Tactical team – is a group of officers who are specially selected, trained, and equipped to handle high-risk incidents including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
20. Tagging – is the electronic labeling of a video/audio file captured by a BWC or MVR. The terms categorizing or category can be used interchangeably with the terms tagging or tag. Tagging includes assigning categories and/or flags.
21. Undercover officer – is a law enforcement officer operating with an assumed identity and/or disguise for the purposes of gaining the trust of an individual or organization to learn or confirm confidential information or to gain the trust of targeted individuals to gather information or evidence. Plain-clothed officers and detectives are not considered undercover officers unless working with an assumed identity and/or disguise.
22. Youth facility – means a facility where children (under 18) assemble under adult supervision for educational or recreational purposes, such as day-care centers, group homes, residential facilities, youth camps, pre-schools, tutoring locations, vocational schools etc.

II. GENERAL

- A. BWC and MVR recordings are invaluable to law enforcement for evidential purposes. BWCs and MVRs have demonstrated its value in the prosecution of criminal, traffic, and other related offenses and to protect officers from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. While visual and audio evidence may be captured on the recordings, the use of BWCs and MVRs 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.
- C. Adequate safeguards are necessary to ensure that this technology is:
 1. Used in a non-discriminating way.
 2. Used to document visual 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* (MVRs).
- 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 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.
 5. Subject to the restrictions in this SOP, 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.
 6. Subject to the restrictions in this SOP, recordings can permit supervisors to undertake more meaningful performance evaluations.
 7. Subject to the restrictions in this SOP, recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.
 8. Recordings enhance management's ability to train personnel in proper police procedures.
- E. Repairs to any BWC/MVR equipment shall only be performed under the direction of the support services commander or his/her designee.
- F. No officer or employee of this department shall remove, dismantle, or tamper with any hardware/software component or part of a BWC or MVR without the expressed permission of the Director of Public Safety, his/her designee, or the support services commander. No officer/employee of this department shall request or entice another to remove, dismantle, or tamper with any hardware/software component or part of a BWC or MVR without the expressed permission of the Director of Public Safety, his/her designee, or the support services commander.
- G. The support services commander or his/her designee shall maintain a training program on the lawful and proper use of BWC and MVR equipment. The support services commander may designate one or more persons to coordinate and/or conduct such training. Proper use of a BWC/MVR is considered an essential job requirement.
1. Only officers who have received training in the use of BWCs/MVRs are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.

2. Officers shall receive initial training during their field training phase or as otherwise directed by the support services commander or his/her designee.
 3. The BWC and MVR user manuals shall be posted on PowerDMS. All users must acknowledge receipt of this user manual.
 4. Officers shall receive periodic refresher training at least once every three years to ensure the continued effective use and operation of the equipment in accordance with any changes, updates, or other revisions in this SOP and equipment.
 5. Any supervisor may provide supplemental training to any officer who has demonstrated a lack of knowledge of the proper use of BWCs/MVRs or as part of a disciplinary matter.
 6. All BWC/MVR training records shall be made available to Monmouth County Prosecutor's Office upon its request.
- H. BWCs and MVRs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- I. All recording media, video, images, metadata, and audio are the sole intellectual property of the Long Branch Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this SOP without the expressed written consent of the Director of Public Safety, his/her designee, or the Monmouth County Prosecutor's Office.
- J. Under no circumstances will any employee of the Long Branch Police Department make a personal copy of any recorded event without the permission of the Director of Public Safety, his/her designee, the Monmouth County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
- K. Officers will use only those BWCs and MVRs approved by the Director of Public Safety or his/her designee. Such BWCs/MVRs shall not be capable of recording images or conversations that cannot be seen or heard by the officer using/wearing the device without the expressed approval of the Monmouth County Prosecutor or his/her designee. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Director of Public Safety, his/her designee, the Monmouth County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- L. BWCs and MVRs shall be used only in conjunction with official law enforcement duties.
1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWCs or MVRs.
 2. BWCs and MVRs shall not be used to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Strip and body cavity searches.

- 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 (BWC).
 - e. When engaged in police union business.
 - f. When involved in internal affairs interviews, 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 V.(C) of this SOP.
 - h. While discussing criminal investigation strategies.
3. Officers are not required to wear and use a BWC:
- a. When engaged in hostage negotiations.
 - b. When processing crime scenes.
 - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
 - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.
4. BWCs shall not be used surreptitiously or covertly. Requests to make a covert recording shall be made directly to the appropriate section captain of detectives of the Monmouth County Prosecutor's Office (e.g., Major Crimes, Narcotics or Special Prosecutions).
5. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, culture, LGBTQ+ status, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC or MVR.
6. BWCs shall not be used to gather intelligence information based on 1st Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.
- M. If a civilian makes an inquiry whether they are being recorded, officers shall inform him/her that there is a BWC and/or MVR in use.

- N. Officers shall not cease recording an event at the request of any person or entity other than a police supervisor. Prior to the cessation of any recording, the officer shall narrate the circumstances for the de-activation and will document such in the appropriate police report.

III. BODY WORN CAMERAS

- A. BWC will be assigned to officers working in a uniformed capacity and shall be utilized daily consistent with the requirements and restrictions in this SOP.
 - 1. Officers shall deactivate their BWCs in police headquarters unless they are investigating a walk-in complaint, processing an arrestee, or other similar related functions.
 - 2. Detectives and staff officers shall wear BWCs when conducting arrests and while engaged in field duties (e.g., patrol coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this SOP.
 - 3. BWCs shall be worn and used on all extra duty assignments.
 - 4. Officers shall wear and use a BWC consistent with this SOP when:
 - a. On aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 - b. When assigned to front desk assignments and interacting with the public on a law enforcement matter.
 - c. When assigned to or assisting any tactical team (including MOCERT) in the field.
 - d. When assigned to duties at demonstrations or potential civil disturbances.
 - 5. Any requests for an exemption from wearing a BWC shall be submitted in advance in writing to the MCPO Professional Responsibility Unit at mcpopru@mcponj.org.
- B. When not in use, BWCs shall be stored in designated multi-charger docking stations. The docking stations allow for the units to be charged and for the download of recorded events to the BWC server.
 - 1. Only those BWCs believed to be in full working order will be stored in the docking station to assure that all data is transferred, the battery is fully charged, and the unit is ready to be issued for redeployment.
 - 2. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection.
 - a. Perform a test of the BWC to ensure it is in proper working order by pressing the record button on the front of the unit below the lens and lights. A red light next to the light should be activated when recording.

- b. State your name, badge number, date, and time along with the shift you are working during the test.
 - 3. BWCs that are not in full working order shall be taken out of service, removed from the charging station, and forwarded to the support services commander or his/her designee pending repair. The support services commander or his/her designee shall contact the BWC service provider to schedule repair or replacement based on the problem as soon as practicable.
 - 4. When assigned to a vehicle, officers shall place the BWC into the MVR dock, which will synchronize the BWC and the MVR.
 - 5. Any problems preventing the use of the unit during the shift will be immediately reported to the duty shift supervisor and the support services commander or his/her designee.
 - 6. If a BWC is placed out of order, the officer, with approval from a supervisor, shall equip him/herself with a spare BWC.
 - 7. Officers shall inspect BWCs at the beginning and conclusion of each shift to ensure system integrity.
 - 8. Officers will dock their BWCs in their docking station for download upon completion of their shift.
- C. Officers will wear the BWC mounted to the front of the uniform using the mounting equipment provided by the manufacturer.
- 1. Officers authorized to wear vest carriers shall properly mount the BWC to its respective manufacturer and department approved mounting device
 - 2. Officers are responsible for ensuring that the BWC is properly placed closest to the center of the officer's chest area to maximize the device's recording function.
 - 3. While in attendance at ceremonial functions, officers may be relieved of this requirement at the discretion of the detail supervisor.
- D. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- E. When assigned to an officer for duty, the BWC will remain on and in standby mode ready to be activated at any time. Officers can see the status of their BWC by looking at the device's LED screen. When an officer activates the recording mode / function, the device will begin to record (audio and video), causing a red light to appear on the BWC and a change in status on the device's LED screen. The device has an internal function, which allows for a video (no audio) recording to begin thirty (30) seconds prior to the actual activation. This retroactive recording function is used in every department deployed BWC.

IV. MOBILE VIDEO RECORDERS

- A. MVR consists of the following major components:
 - 1. A miniaturized video camera is windshield mounted on a swivel bracket slightly toward the passenger's side of the vehicle.
 - 2. The MVR has its own volume, zoom and activation buttons. The MVR is connected to the mobile data terminal (MDT) mount. If connected, an MDT can be used to access live or recorded video data and other functions via the front-end client computer software application.
- B. Equipment installed in a patrol vehicle is the responsibility of the officer assigned to that vehicle. The officer must ensure that the MVR is operating properly prior to the start of his/her shift and must report all malfunctions, damage, or other problems to the duty on duty watch commander via the chain of command.
- C. Officers assigned to MVR equipped vehicles shall ensure that all preoperational checks are performed in accordance with provided training and shall bring any problems at this or other times to the attention of the on duty watch commander via the chain of command as soon as possible.
- D. Installation, removal, or repairs to any of the MVR equipment shall only be performed under the direction of the support services commander or his/her designee.
 - 1. Recordings will automatically upload to the MVR server when a vehicle returns to headquarters and is in proximity to the server's antenna.
 - 2. No officer or other police employee shall conduct him/herself in any way that would intentionally interfere with any data upload from occurring. If an officer or police employee is found to have intentionally interfered with any upload, an internal affairs investigation shall be initiated.
 - 3. If a police vehicle is towed due to a collision or other mechanical problem and if feasible, the on duty watch commander shall direct that the vehicle is towed to headquarters to allow the upload/transfer of any critical data to the server prior to being taken to any garage for repair. If the vehicle's electrical system is damaged, the support services commander or his/her designee will decide whether to immediately remove the hard drive/media or wait until the next working day.
 - 4. The support services commander shall be promptly notified through the chain of command concerning any MVR equipped vehicle that is involved in (not just present at):
 - a. A crime of the 1st, 2nd, 3rd, or 4th degree.
 - b. A collision with death or serious bodily injuries to any party.
 - c. Any in-custody death occurring within the vehicle or in view of the MVR.

5. The support services commander or his/her designee shall either respond and collect the hard drive/media or designate someone to collect the hard drive/media and secure it as evidence.
- E. No one is permitted to move the installed components of the system from its positions without authorization by the support services commander or his/her designee. Likewise, no one is authorized to repair any MVR equipment or related component except those personnel authorized by the support services commander or his/her designee.
- F. Equipment shall be maintained according to manufacturer's recommendations.
- G. Whenever the MVR is activated, officers shall ensure that the audio portion is activated and the volume on the patrol vehicle's AM/FM radio and other broadcasting devices is turned off. Video recording may not completely document events as they occur. Therefore, officers are encouraged to provide narration as the events are occurring.
- H. Recordable incidents in section V of this SOP shall be recorded from beginning to end.
 1. Officers are encouraged to park/position their patrol vehicle in the best position to allow the camera to record the pertinent event.
 2. If necessary, an officer may reposition a camera to capture the event, when possible, but officer safety always comes first.
 3. If an MVR recording must be terminated, the officer must verbally justify the reason on the recording prior to deactivation and document the reasons for such termination in the report of the incident. In instances not requiring an incident report, officers shall clearly document the reasons in the CAD/RMS record of the incident.
 4. At no time should the MVR be deactivated while an officer is interacting verbally or physically with a subject.

V. INCIDENTS TO RECORD

- A. When assigned to an officer for duty, the BWC will remain in standby mode ready to be activated at any time. When an officer activates the recording mode / function, the device will record from the moment the record start / stop button is pressed.
- B. Activation of MVR equipment will automatically occur when:
 1. The officer's synched BWC is activated.
 2. The patrol vehicle's emergency lights are in operation.
 3. The patrol vehicle is involved in a motor vehicle collision severe enough to trigger sensor on MVR.
 4. The patrol vehicle speed reaches 75 MPH.
 5. The MVR has a prerecord feature of 30 seconds (video only just like BWCs).

- C. Except when otherwise restricted in this SOP, officers shall video and audio record all law enforcement activity including any interaction with a civilian. However, if an immediate threat to the officer's life or safety makes activating the BWC or MVR impossible or dangerous, the officer shall activate the BWC/MVR at the first reasonable opportunity to do so. Examples of such required recordings include, but are not limited to:
1. All traffic stops from the time of the stop until the stop is concluded, including field sobriety testing.
 2. An officer is responding to a call for service and is at or near the location to where the officer has been dispatched.
 3. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
 4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
 5. Crime scenes except for crime scene processing.
 6. Motor vehicle and foot pursuits.
 7. Uniformed officer interviews in the field of witnesses when conducting investigations of criminal violations (not to include undercover investigations, related surveillance activities).
 8. Investigative detentions/field interviews.
 9. Custodial interrogations and custodial interviews in accordance with Court Rule R 3:17 (electronic recordings).
 10. Warrantless searches (all types, including protective frisks, but not strip or body cavity searches).
 11. Search or arrest warrant service (entire service).
 12. Out-of-court identifications (i.e., show ups, lineups).
 13. Arrests.
 14. Drug recognition expert evaluations:
 - a. If the arresting officer is the DRE or if he/she is on duty and responds to another agency, the BWC would have to be activated for the evaluation.
 - b. If the DRE is off duty and not in uniform, a member of the arresting agency should be present and record the evaluation on a BWC
 15. Overdose and suspected overdose investigations.
 16. Emotionally disturbed person investigations.

17. Arrestee/prisoner/civilian transportation.
 18. 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 (must be documented by narration on the recording and/or in any investigation report).
 19. Crowd control, unruly crowds, or any incident requiring activation of the all-hazards or emergency operations plan.
 20. Domestic violence investigations.
 21. Strikes, picket lines, demonstrations.
 22. The officer is conducting a motorist aid or community caretaking check.
 23. An officer reasonably believes that any other officer on the scene has undertaken, or is engaged, in any of the foregoing police actions/activities.
- D. BWCs and MVRs shall remain activated for the entire duration of a civilian contact required in section V.C above until the officer has departed the scene and the officer has notified communications that the event is completed.
- E. Notwithstanding any other provision of this SOP, when an officer equipped with a BWC or MVR 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.), the officer shall activate his/her BWC/MVR before arriving at the scene when feasible.
- F. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event, pursuit resulting in a fatality, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC/MVR unless instructed to do so by the assistant prosecutor or deputy attorney general supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The assistant prosecutor, deputy attorney general, or his/her designee supervising the investigation may provide such instruction telephonically.
1. Officers can deactivate their BWCs once they leave the scene of the incident.
 2. BWCs do not need to remain activated while officers are receiving medical evaluation, medical treatment, or have returned to headquarters.
 3. Once officers deactivate their BWCs in these instances, they shall surrender their BWCs to a supervisor, who shall submit them as evidence in accordance with this agency's SOP on *Evidence and Property*.

- G. When a BWC and/or MVR 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 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. NOTE: if the vehicle is equipped with a working MVR, the officer is not required to record the transportation with his/her BWC but shall reactivate the BWC upon alighting from the vehicle.
- H. When wearing a BWC, officers shall notify the subject of the recording that they are being recorded unless it is unsafe or unfeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible.
1. Prior to entering a private residence, officers shall notify the occupant that the occupant is being recorded and, if the occupant requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force.
 2. When interacting with an apparent crime victim, officers shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC.
 3. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, if the person requests that the officer discontinue use of the BWC, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.
 4. 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.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- I. If a civilian inquires of an officer whether the officer is equipped with a BWC or MVR, or inquires whether the device is activated, the officer shall answer truthfully unless the Monmouth County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWC/MVR 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 (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).

- a. Officers shall not suggest to the person that the BWC/MVR should be deactivated, nor shall the officer ask the person whether he or she would prefer that the BWC/MVR be deactivated. Rather, the request for deactivation must be self-initiated by the civilian.
 - b. In deciding whether to deactivate the BWC/MVR, 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.
 - c. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
2. Officers may deactivate a BWC/MVR when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC/MVR be deactivated. In deciding whether to deactivate the BWC/MVR, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.). However, in situations when an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.
3. When an officer deactivates a BWC or MVR:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded; and
 - b. The officer before deactivating the BWC or MVR shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC/MVR as per the victim's request.*"); and
 - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in the law 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/MVR, 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 memorialized on the recording, documented, and shall be reported to the on duty watch commander via the chain of command as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation request, the officer shall immediately 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/MVR has been turned off when in fact it is operating unless the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, expressly has authorized covert recording.
5. Officers can deactivate a BWC/MVR when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC/MVR pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation.
6. Officers should deactivate/mute a BWC/MVR 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 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 (MVR) to discuss investigative strategy with my supervisor.*").
7. 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.*"). The BWC shall be reactivated as soon as it is safe and practicable to do so 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).
8. **If** a BWC captures the image of a patient in a substance abuse treatment facility, the Director of Public Safety or his/her designee shall notify the Monmouth County Prosecutor 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). The recording shall not be accessed without the permission of the Monmouth County Prosecutor or his/her 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.) All other requests for approval to show/disseminate a BWC recording under this subsection shall be made to the Professional Responsibility Unit at mcpopru@mcponj.org.
9. In any instance where a BWC/MVR was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so 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/MVR.

- J. 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.
- K. Officers shall not activate a BWC/MVR, and shall deactivate a BWC/MVR that has been activated, if the officer knows or reasonably believes that the BWC/MVR 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 on duty watch commander via the chain of command that the image of an undercover officer or confidential informant was recorded. The BWC/MVR shall be activated/reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- L. BWC shall be deactivated and 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*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- M. When a BWC/MVR is activated, officers are encouraged to provide narration where practical and appropriate to augment the value of the recording and to provide clarity for the viewer.
- N. 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 this department's SOP on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section VIII of this SOP.
- O. If an officer fails to activate the BWC or MVR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report the reason(s) why a recording was not made, was interrupted, or was terminated.

VI. OFFICER RESPONSIBILITIES

- A. When video/audio footage is captured involving any part of an arrest or significant event officers will classify (categorize) the recording with the incident number and the defendant's name and type/write the letters BWC and/or MVR in all capital letters at the end of the law incident report, along with any applicable MVRs in use, to signify that video/audio is available for the case.
 - 1. BWC and MVR recordings are not a replacement for written reports.

2. Under no circumstances shall officers simply refer to a BWC or MVR recording on a law report instead of detailing the facts and circumstances of their investigation/observations.
 3. Officers shall note in their incident report the presence of any other officers at the scene, and the presence of any MVR equipped vehicles (note the vehicle numbers).
- B. Officers shall categorize their BWC and MVR recordings following completion of an event. See Appendix D.
1. Officers serving as primary or supplemental officers, or follow-up investigators are responsible for requesting BWC/MVR preservation on DVD or USB flash drive for incidents they investigate and believe need to be preserved.
 2. This request will be accomplished using the approval process within Spillman. Officers and/or supervisors through the Spillman approval process will update the call status by changing the 'Assigned Group' to **25VLT** and 'Status' to **TOVULT**.
 3. They shall, in the message text field, explain in detail exactly what they are requesting. See Appendix B
- C. Additionally, officers shall tag recordings as special privacy that capture any of the following circumstances that the New Jersey Attorney General has deemed 'special privacy' issues as such. The following BWC/MVR recordings must be specifically tagged as they raise special privacy or safety issues:
1. Images of a law enforcement incident, as defined by *New Jersey Attorney General Directive 2019-4* (see definitions).
 2. Images of a victim of a criminal offense.
 3. Images of a juvenile.
 4. Images made in a residence/dwelling (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. Recordings of s with persons who requested to deactivate the BWC/MVR was declined.
 5. Video of special operations event of an arrest and/or search warrant when 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. Images of any screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.

- F. If more than one officer captures video/audio of an event that will be maintained as evidence, it is the responsibility of the on duty watch commander via the chain of command to ensure that all recordings of such event are tagged properly and uniformly.

VII. SUPERVISOR / RECORDS / PROPERTY OFFICER RESPONSIBILITIES

- A. Supervisors shall:
 - 1. Ensure that all officers follow procedures for proper use of BWCs and MVRs as outlined in this SOP.
 - 2. Document requests for repairs or replacement of damaged or non-functional BWC and MVR equipment via electronic mail to the support services division.
 - 3. Identify material or incidents that may be appropriate for training.
- B. On duty supervisors and acting on duty supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
 - 1. Except when restricted by this SOP, shift supervisors will conduct random formal reviews of selected segments to assess officer performance as well as to flag video/audio that may be appropriate for training purposes. Behaviors to review include, but are not limited to:
 - a. Review of officer safety techniques on car stops/incidents; and
 - b. Officers' demeanor; and
 - c. Periodic assessment of officers' overall performance; and
 - d. Determination if the BWC/MVR equipment is being used in accordance with departmental policies; and
 - e. Identify training needs.
 - 2. Except when restricted by this SOP, shift supervisors shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain-of-command to the officer-in-charge or his/her designee.
 - 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 will tag the video/audio for indefinite retention.
 - 4. As part of the meaningful review process, supervisors shall review all BWC footage involving the below, unless restricted in subsection VIII.C of this SOP:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and

- c. Officer involved collisions; and
 - d. Officer involved injuries.
- C. Supervisors must understand that minor infractions (not criminal in nature) discovered while reviewing the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed the appropriate disciplinary or corrective action shall be taken.
- D. The Professional Standards Bureau commander or his/her designee is responsible for flagging BWC/MVR recordings in the server for discovery and approving/disapproving flagged BWC/MVR recordings for discovery for those pertinent to incidents they are investigating. This flagging will be accomplished by classifying those BWC/MVR recordings 'Internal Affairs'. The Professional Standards Bureau commander or his/her designee is responsible for retaining BWC/MVR recordings they determine to be pertinent to an investigation as required by the New Jersey Attorney General.
- E. The property officer is responsible for the following:
 - 1. Creation and duplication of BWC/MVR recordings on DVD or USB flash drives for evidence preservation and discovery.
 - 2. The adding/removal/replacement of any MVR SSD Drive to/from MVR equipped vehicles for evidence preservation.
 - 3. Getting approval from the Professional Standards Bureau commander or his/her designee to process any evidence preservation and discovery request for BWC/MVR recordings classified as 'Internal Affairs'.
 - 4. Receiving preservation and/or discovery requests from the following:
 - a. Patrol Division.
 - b. Criminal Investigations Division.
 - c. Traffic and Safety Unit.
 - d. Professional Standards Bureau.
 - e. Administration/ Support Services.
 - f. Records Bureau.
 - g. Monmouth County Prosecutor's Office (MCPO).
- F. The Records Bureau is responsible for the following:
 - 1. Receiving BWC/MVR discovery requests from the following:
 - a. Other law enforcement/governmental agencies (other than the MCPO).

- b. Defense attorneys.
- c. Municipal Prosecutor.
- d. Public Defender.
- e. Civilians.
- f. Media outlets - either print or electronic.
- g. Video data depicting security details of critical infrastructure/key resource (CKIR) sites will not be released.
- h. NOTE: the municipal prosecutor and public defender may request audio-visual media discovery directly from the property officer, as they deem necessary.

VIII. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC and MVR events is limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Director of Public Safety, his/her designee, or consistent with the provisions of this SOP. BWC/MVR recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- B. At no time is it permissible for police employees to record/copy or photograph any of the recorded contents of a BWC or MVR through the means of any phone, camera, or any other electronic device.
- C. NOTE: this section applies to BWCs ONLY. 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.
 - 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 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/her own substantive police report, providing a statement, or submitting to an interview.
 - a. Except:
 - 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or

- 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's SOP on *Use of Force*); or
 - 3) The incident involved the death of a person while in law enforcement custody; or
 - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
 - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.
- b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
 - 1) The officer shall document each BWC recording that was reviewed and the date of the review.
 - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting, and the specific BWC recording for which an accounting was provided.
- c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
 - 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
 - 2) In all other cases, the officer-in-charge or his/her designee is the investigating entity.
 - 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
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 occurred during the encounter so that the person can make an informed decision whether to file the complaint.

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. This agency reserves the right to redact video/audio as applicable by law with software approved by the BWC/MVR vendor or the Monmouth County Prosecutor's Office.
 - 1) Confidential personal identifiers must be redacted including social security numbers, driver's license numbers, vehicle registration numbers, insurance policy numbers, active financial account or credit card account numbers, and information regarding an individual's military status (R. 1:38-7 and R.3:9-1(b)).
 - 2) Redaction includes, blurring images or muting audio segments.
 - 3) Redactions could include, but are not limited to:
 - a) Faces of victims by blurring.
 - b) Faces of civilians that are not part of the investigation by blurring.
 - c) Addresses, social security numbers, dates of birth, etc. unless pertinent to the investigation by muting.
 - 4) Consult with an assistant prosecutor before redacting any recording involving a criminal matter under its jurisdiction.
 - 5) Consult with the municipal prosecutor before redacting any recording involving a matter under municipal court jurisdiction.
 - 6) Consult with the city attorney before redacting any recording involving a civil matter involving litigation against the township, the department, or an employee.
 - 7) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted.
 - 8) This confidential information includes, but is not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.

- d. All requests for copies or review of BWC/MVR 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. Solely and exclusively for internal 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.
 - a. Note: consent is not required from Long Branch police officers appearing in the recording.
 - b. BWC recordings retained beyond 180 days solely and exclusively for training purposes shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.
 - 10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Monmouth County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that 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.
 - 11. To conduct an audit to ensure compliance with this SOP.
 - 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 Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee; or
 - 13. Any other specified official purpose where the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC or MVR recording
- D. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this SOP, N.J.S.A. 2C: 28-7, N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWCs/MVRs ability to accurately capture audio or video recordings:
- 1. The officer, employee, or agent shall be subject to appropriate disciplinary action and potential criminal sanctions; and
 - 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and

3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of this SOP or any other applicable law shall be immediately brought to the attention of the officer-in-charge via the chain of command, who will notify the Director of Public Safety. Such recordings shall immediately be destroyed by the officer-in-charge or his/her designee following consultation and approval by the Monmouth County Prosecutor or Director of the Office of Public Integrity and Accountability. Such recordings shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.
- E. Recordings are considered investigatory records of this police department and shall be maintained on a secure server and disposed of in accordance with law and New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of:
 - a. BWCs, at least 180 days.
 - b. MVRs, at least 90 days.
 2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any additional retention period as required.
 3. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency.
 4. BWC recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
 5. BWC recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWC made the recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - b. The officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or

- c. Any immediate supervisor of an officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWC recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWC recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - g. A deceased subject's next of kin or legally authorized designee.
 - h. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections VIII.E.5 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
- 6. When a BWC/MVR records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
- F. Open public record requests. Only the following BWC recordings shall be exempt from public inspection:
 - 1. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E.4 of this SOP if the subject of the BWC recording making the complaint requests the BWC recording not be made available to the public.
 - 2. Recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection VIII.E.5 of this SOP.
 - 3. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E.5(a)(b)(c)(d) of this SOP.
 - 4. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E.5(e)(f)(g) if an officer, parent, or legal guardian, or next of kin or designee requests the recording not be made available to the public.
- G. The support services commander or his/her designee shall notify the Monmouth County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA request for a BWC or MVR recording before complying with it.
 - 1. The support services commander or his/her designee shall utilize a *Monmouth County Prosecutor's Office Body Worn Camera OPRA Notification Form* and emailing the form to opra@mcponj.org.

2. The form must contain the date the request was received, the deadline by which a response must be made, whether the agency intends to release or deny the request, and the justification for that decision.
 3. Provide the type of police action or activity depicted in the recording, including but not limited to, whether the officer was involved in an investigative detention, an arrest, an interrogation of a suspect, a witness interview, a search, a protective frisk for weapons, or was using constructive or actual force.
 4. Indicate whether the recording is part of an ongoing criminal or internal affairs investigation or whether release of the recording potentially infringes upon a victim and/or juvenile privacy rights.
 5. The support services commander or his/her designee will receive an email acknowledgement. If no further communication is received within 72 hours, the support services commander or his/her designee should respond to the request as deemed appropriate.
- H. A BWC/MVR 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 required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the officer-in-charge in consultation with the Director of Public Safety and the Monmouth County Prosecutor or his/her 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.
1. 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, the Monmouth County Prosecutor or his/her designee 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.
 2. A BWC/MVR recording tagged pursuant to subsections VI.D.2 through VI.D.2 of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the officer-in-charge and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC/MVR recordings tagged pursuant subsections VI.D.2 through VI.D.2. All other requests for approval to show/disseminate a BWC recording under this subsection shall be made to the Professional Responsibility Unit at mcpopru@mcponj.org.

3. The assistant prosecutor, deputy attorney general or his or her designee overseeing an investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC/MVR recording of the incident under investigation (subsection VI.D.1). All other requests for approval to show/disseminate a BWC recording under this subsection shall be made to the Professional Responsibility Unit at mcpopru@mcponj.org.
- I. The support services commander or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted.
- J. The Director of Public Safety shall cause a periodic audit of records to ensure compliance with this SOP.
- K. If a recording is required by another law enforcement agency, that recording shall not be released without the prior approval of the Director of Public Safety or his/her designee.
- L. Officers 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 Director of Public Safety.

BY ORDER OF:



William Broughton
Director of Public Safety

APPENDIX A

PATROL DIVISION BWC/DMVR SYSTEM QUICK REFERENCE GUIDE

LOGGING IN TO ARBITRATOR BWC/DMVR SYSTEM

THE OFFICER WILL TURN ON HIS/HER ASSIGNED VEHICLE AND PLACE THE POWERED-ON BWC INTO THE VEHICLE DOCK. THE BWC WILL COMPLETE AN APPROXIMATE ONE MINUTE SELF-DIAGNOSTIC CHECK WHICH WILL PAIR IT TO THE DMVR SYSTEM AND CONNECT IT TO THE COMMON TRIGGER BOX.

AT THE "LOGIN-ARBITRATOR" DISPLAY SCREEN (IF THE "LOGIN-ARBITRATOR" IS NOT VISIBLE, SELECT "FRONT-END" ICON). LOGON WITH YOUR INFORMATION AS FOLLOWS:

- BADGE#
- AGENCY: "LONG BRANCH PD"
- SHIFT:
- AREA:
- VEHICLE NUMBER:

AFTER THE BWC IS PAIRED WITH THE DMVR, THE OFFICER WILL REMOVE THE BWC FROM THE VEHICLE DOCK AND PLACE IT ON THEIR OUTERMOST GARMENT, AS CLOSE TO CENTER MASS AS POSSIBLE AND AFFIXED ONLY BY APPROVED DEPARTMENTAL SYSTEM. CAMERAS SHALL REMAIN POWERED ON THROUGHOUT THE ENTIRE SHIFT.

THE BWC/DMVR SYSTEM WILL HAVE DUAL TRIGGERING CAPABILITIES INCLUDING BUT NOT LIMITED TO PRESSING RECORD ON THE BWC, PRESSING RECORD ON THE VEHICLE VIDEO CAMERA, PRESSING RECORD ON THE COMPUTER WHEN LOGGED INTO ARBITRATOR FRONT END CLIENT AND ADDITIONAL INTERNAL PROGRAMMED TRIGGERS.

MANDATORY BWC/DMVR SYSTEM USE:

- TRAFFIC STOPS
- SOBRIETY TESTING
- CRIMINAL MOTOR VEHICLE STOPS
- PRISONER/CIVILIAN TRANSPORTS
- MOTOR VEHICLE PURSUITS
- EMERGENCY RESPONSES
- STRANDED MOTORIST/MOTORIST ASSISTS
- CRIMINAL ACTIVITY
- STATIONARY DETAILS (SUCH AS SOBRIETY CHECKPOINTS, DIRECTED TRAFFIC ENFORCEMENT)
- VEHICLE SEARCHES
- MOTOR VEHICLE ACCIDENT SCENES, DAMAGED/DISABLED CITY PROPERTY (I.E. CARS IN WATER, ETC.)
- MOTORIST INTERVIEWS
- FIELD INTERVIEWS
- ALL ARRESTS
- ALL DV CALLS
- ALL CITIZEN CONTACTS
- SPECIAL EVENTS (I.E. CROWD CONTROL, STRIKES, PICKET LINES, DEMONSTRATIONS OR RIOTS)
- WHEN DIRECTED BY A SUPERVISOR
- OTHER INCIDENTS OR SITUATIONS BASED ON OFFICER'S TRAINING AND EXPERIENCE.

VIDEO CLASSIFICATION

ALL RECORDED VIDEO MUST BE CLASSIFIED (MUST USE THE PREDEFINED DROPDOWN MENU).

MOTOR VEHICLE STOPS MUST BE CLASSIFIED AS "MOTOR VEHICLE OFFENSE".

VIDEO THAT HAS NO EVIDENTIARY PURPOSE MUST BE CLASSIFIED AS "NO EVIDENCE" AND NOT AS "OTHER".

RECORD THE CASE NUMBER IN THE NOTE AREA OF THE CLASSIFY TAB.

“LOGOUT” OF THE DMVR SYSTEM

WITH THE ARBITRATOR SCREEN DISPLAYED, SELECT THE “X” IN THE UPPER RIGHTHAND CORNER. THE “EXIT OR LOGOUT” DIALOGUE BOX WILL DISPLAY, THEN SELECT “LOGOUT”. THE NEXT OFFICER USING THE SYSTEM WILL LOG IN WITH HIS/HER INFO (SEE “LOGGING IN TO ARBITRATOR (DMVR) SYSTEM” AT TOP OF THIS GUIDE).

NON-PATROL DIVISION OFFICER BWC/DMVR SYSTEM QUICK REFERENCE GUIDE

OFFICERS NOT ASSIGNED TO THE PATROL DIVISION, (I.E. ADMINISTRATORS, DETECTIVES, ETC.) WILL NOT HAVE ACCESS TO A DMVR IN THEIR NORMALLY ASSIGNED VEHICLE. IN THE EVENT THAT A MARKED PATROL UNIT WITH A DMVR IS UTILIZED FOR A NON-PATROL DIVISION OFFICER’S SHIFT, ALL DIRECTIVES FOR THE BWC/DMVR SYSTEM SHALL BE FOLLOWED.

TO RECORD AN EVENT THE OFFICER SIMPLY NEEDS TO PRESS THE RECORD BUTTON ON THE BWC.

MANDATORY BWC/DMVR SYSTEM USE:

- TRAFFIC STOPS
- SOBRIETY TESTING
- CRIMINAL MOTOR VEHICLE STOPS
- PRISONER/CIVILIAN TRANSPORTS
- MOTOR VEHICLE PURSUITS
- EMERGENCY RESPONSES
- STRANDED MOTORIST/MOTORIST ASSISTS
- CRIMINAL ACTIVITY
- STATIONARY DETAILS (SUCH AS SOBRIETY CHECKPOINTS, DIRECTED TRAFFIC ENFORCEMENT)
- VEHICLE SEARCHES
- MOTOR VEHICLE ACCIDENT SCENES, DAMAGED/DISABLED CITY PROPERTY (I.E. CARS IN WATER, ETC.)
- MOTORIST INTERVIEWS
- FIELD INTERVIEWS
- ALL ARRESTS
- ALL DV CALLS
- ALL CITIZEN CONTACTS
- SPECIAL EVENTS (I.E. CROWD CONTROL, STRIKES, PICKET LINES, DEMONSTRATIONS OR RIOTS)
- WHEN DIRECTED BY A SUPERVISOR
- OTHER INCIDENTS OR SITUATIONS BASED ON OFFICER’S TRAINING AND EXPERIENCE.

VIDEO CLASSIFICATION

ALL MVR VIDEOS MUST BE PROPERLY CLASSIFIED VIA THE ARBITRATOR 360 FRONT END OR BACKEND CLIENT COMPUTER PROGRAMS. ALL BWC VIDEOS THAT WERE NOT AUTOMATICALLY CLASSIFIED BY THE MVR/BWC SYNCHED FUNCTION MUST ALSO BE PROPERLY CLASSIFIED USING THE ARBITRATOR 360 BACKEND CLIENT COMPUTER PROGRAM

MOTOR VEHICLE STOPS MUST BE CLASSIFIED AS “MOTOR VEHICLE OFFENSE” UNLESS FURTHER RETENTION IS REQUIRED BASED ON THE FINAL DISPOSITION OF THE STOP.

VIDEO THAT HAS NO EVIDENTIARY PURPOSE MUST BE CLASSIFIED AS “NO EVIDENCE” AND NOT AS “OTHER”.

RECORD THE CASE NUMBER # IN THE NOTE AREA.

SAMPLE MVR PRESERVATION REQUEST

Spillman Message Center - [Law - TEST]

File Edit Search Screens Tools Help

Back Alt+Left Right Alt+Right Home Alt+Home Ctrl+J F6 F5 F10 Shift+F5 Ctrl+O

Names Vehicle Property Law Premises Gun Hazmat Boat

Law: TEST

When Reported: 07:16:29 10/09/2015 Address: 344 BROADWAY; LONG BRANCH CITY HALL; PD 25 LONG BRANCH, NJ 07740 Area: P253 - P25 Zone 3 Agency: P25 Officer: Shirley, C Contact: Disposition: 10/09/2015	Complainant Name: Address: Race: Sex: Phone: Birth Date:	Incident #: 15LB23976 Thumbnail Photo Not Available
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Other Information: [icon]

Narrative:

Supplements: [icon] 1 - CAD Call info/comments - 07:33:20 10/09/2015 - Shirley, C

Radio Logs: [icon] 07:33:20 10/09/2015 - C

Involvements: [icon] CAD Call - 10/09/2015 - 07:16 10/09/2015 TEST - Initiating Call

Approval History: [icon] TOOFF - Shirley, C - CAD - Shirley, C - 07:33:20 10/09/2015 - You have been assigned Law rec...

Files:

Refresh Data Approval Edit

Update Status

Current Status

Assigned Individual: Shirley, C Responsible: Shirley, C

Assigned Group: Supervisor:

Status: TOOFF Date: 07:33:33 10/09/15

New Status

Assigned Individual: Responsible: SHIRLEY, C

Assigned Group: 25VLT Supervisor:

Status: TOVULT

Message:

Please save DMVR recordings for units # 4, 8 & 22 during this incident.

OK Cancel

Status: AVAIL 00:02:20 | No Active Call | 07:35:40 | State Returns: 0 | Messages: 0 | No Alerts



MONMOUTH COUNTY PROSECUTOR'S OFFICE

Municipal Police Department Body-Worn Camera OPRA Notification Form

Police Department: _____ Officer Recording: _____

Date of Recording: _____ Time Begun: _____ Length of Recording: _____

Recording Depicts (please explain): _____

Criminal Investigation?

☐ Ongoing criminal investigation

☐ Completed criminal investigation

Complaints signed? ☐ Yes ☐ No

For ☐ Crime(s) ☐ DP ☐ PDP ☐ Ordinance

Name(s) of anyone charged: _____

Police action depicted (check all that apply): ☐ Witness Interview ☐ Search ☐ Investigative Detention

☐ Arrest ☐ Interrogation of Suspect ☐ Use of Force ☐ Motor Vehicle Stop ☐ Show Up

☐ Protective Frisk for Weapon Other: _____

Person(s) being recorded (check all that apply): ☐ Arrestee ☐ Driver ☐ Passenger ☐ Victim

☐ Juvenile ☐ Witness ☐ Informant ☐ Other: _____

Place being recorded (check all that apply): ☐ Residence ☐ Outside ☐ Motor Vehicle ☐ Hospital

☐ School ☐ Business ☐ Police Department ☐ Other: _____

Are there any privacy interest concerns that need to be addressed before releasing BWC? (please explain): _____

Name of OPRA Requestor: _____ Organization: _____

Date Received: _____ Deadline to Respond: _____

Submitted by: _____ Date: _____ Contact #: _____

Intended Response: ☐ Approved for Release ☐ Denied Reason: _____

For Use by the Monmouth County Prosecutor's Office Only

Request reviewed by: _____ Date: _____

Notes: _____

Submit by email to opra@mcponj.org

SERVER RETENTION

No Evidence	90 Days
Motor Vehicle Offense	90 Days
Ordinance Violation Miscellaneous/ Non-Criminal	1 Year
D.W.I.	10 Years after adjudication
Arrest (1 st and 2 nd degree crimes)	75 Years
Arrest (all others)	7 Years
Use of Force	7 Years
Vehicle Search	7 Years
Field Inquiry	1 Year
Internal Investigation	10 Years
Death/Fatality	Permanent
Transport	90 Days
Training	90 Days
Test Recording	90 Days
Other	1 Year

Retention periods can be extended for investigative purposes or by order of the Director of Public Safety or his/her designee.

Only the Director of Public Safety or his/her designee can authorize the deletion of any recording prior to the expiration of assigned retention periods.