

## DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

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| <b>VOORHEES TOWNSHIP<br/>POLICE DEPARTMENT</b>                |  | <b>EFFECTIVE DATE</b><br>06/20/15  | <b>VOLUME</b><br>12 |
| <b>VOLUME TITLE</b><br>OPERATIONS                             | <b>TOTAL PAGES</b><br>12                                                          | <b>CHAPTER</b><br>3                |                     |
| <b>SUBJECT</b><br>Body Worn Cameras                           | <b>REFERENCE</b><br>Appendix A                                                    | <b>REVISION DATE</b><br>08/26/2015 |                     |
| <b>ISSUING AUTHORITY</b><br><i>Chief Louis J. Bordi #3434</i> |                                                                                   | <b>EVALUATION DATE</b><br>Annually |                     |

### PURPOSE

To establish guidelines in accordance with Attorney General Law Enforcement Directive 2015-1 for the proper and lawful operation of the body worn audio/video camera systems worn by members of the Voorhees Police Department, and to define the media storage and retention system for the events recorded by these devices.

### POLICY

Body Worn Cameras (hereinafter BWC) will be deployed by department and Officers will utilize them 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 aid department administrators in the investigation of citizen complaints.

## CONSIDERATIONS AND LIMITATIONS

- **A camera doesn't follow an Officer's eyes nor see as they see.**

There can be a huge disconnect between an Officer's visual perception and the camera's. Someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring.
- **Some important danger cues can't be recorded.**

Tactile cues that are often important to Officers in deciding to use force are difficult for cameras to capture. Resistive tension by a suspect is a prime example.
- **Camera speed differs from the speed of life.**

Because of the time it takes for Officer's mind to process what is occurring, known as the reactionary curve, an Officer can be half a second or more behind the action as it unfolds on the camera footage. Whether he's shooting or stopping shooting, his recognition, decision-making, and physical activation all take time.
- **A camera may see better than you do in low light.**

The high-tech imaging of body cameras allows them to record with clarity in many low-light settings. Footage of the scene may be in sharper detail than an Officer could at the time the camera was activated. As an example, it may be evident that the object in his hand was a cell phone rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate.
- **Your body may block the view.**

Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.
- **A camera encourages second-guessing.**

According to the U. S. Supreme Court in *Graham v. Connor*, an Officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight. But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to second guess an Officer's actions.

Under calm and comfortable conditions, reviewers can infinitely replay the action, scrutinize it for hard-to-see details, slow it down, and freeze it. The Officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.
- **A camera can never replace a thorough investigation.**

A camera's recording should never be regarded solely as the truth about a controversial incident. It needs to be weighed and tested against witness testimony, forensics, the involved Officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

## 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 interaction between the police and the public, including but not limited to basic contact, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
  - 2. Audio and video recordings also enhance the department's ability to review probable cause for arrest, officer and suspect interaction, 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.
- B. The Department recognizes that video images cannot always show the full story nor do video images capture an entire scene. The use of body-worn cameras does not reduce the requirement to provide thorough written documentation of an incident.

### II. EQUIPMENT

- A. The department has purchased Digital Ally FirstVu HD audio/video recording units. This shall be the only BWC authorized for use by members of the department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Voorhees Police Department.
  - 1. References to BWC shall include the Digital Ally FirstVu HD 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 operation. Additional training may be required at periodic intervals to incorporate updates, ensuring the continued effective use and operation of the equipment or revisions in policy and equipment.

- C. The BWC units are equipped with a clip and shall be affixed on center of the buttoned placket on the member's uniform shirt in the center chest/sternum area. The separate DVR shall be secured in the breast pocket of the uniform shirt. In the event an approved uniform shirt does not have a breast pocket, the DVR shall be secured in the department approved pouch or other available, secure location.
- D. Each Uniformed Officer who has been assigned BWC and shall wear the device as an authorized component of the uniform of the day. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Officers assigned BWCs shall use the equipment unless otherwise authorized by supervisory personnel.
- E. Officers on extra-duty assignments shall also deploy their BWC during the traffic or security detail. Officers shall utilize the BWC during the detail in accordance with the requirements of this policy.
- F. BWC equipment is the responsibility of individual officers and shall be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be immediately brought to the attention of the Officer's supervisor so that a replacement unit may be procured. Officers reporting the malfunction shall complete an email documenting the malfunction, unique serial number of the BWC and the supervisor notified and send it to the Internal Affairs Unit Commander.

### III. OPERATION

- A. Officers shall activate the BWC to record all citizen encounters, motor vehicle stops, field interviews, investigative detentions, sobriety checkpoints and for any other action/incident where it is necessary or prudent to create a recording. (Some exceptions are detailed within this policy)
- B. The use of BWCs allow for a clearly documented, first hand, and completely objective account of an incident. Therefore, officers shall activate their BWC prior to arrival at the scene of a dispatched call for service and officers shall activate their BWC for a proactive event prior initiation of the event or as soon as safely possible. This will allow the maximum amount of information regarding the incident to be captured.

- C. Officers have no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, lawful search, or the circumstances clearly dictate that continued recording is necessary.
  - 1. However, officers should evaluate the situation and when appropriate, honor the citizen's request. Such requests include, but are not limited to;
    - a) Citizens reporting confidential information regarding criminal activity, and
    - b) Citizens requesting to remain anonymous.
    - c) If asked whether or not a BWC is activated the Officer must be truthful unless the Prosecutor or designee has expressly authorized the officer to make a covert electronic recording.
  - 2. The request to turn the camera off shall be recorded, as well as the officer's response. The BWC shall be reactivated immediately upon conclusion of the confidential conversation.
- D. BWCs shall remain activated for the entire duration of an event detailed in subsection (III. A) until either the Officer or citizen has departed the scene.
  - 1. Any officer providing assistance or back-up to an Officer on an event detailed in subsection (III. A) is required to have their BWC activated until the citizen has departed the scene or their assistance is no longer needed.
  - 2. Officers at the scene of an incident detailed in subsection (III. A), may deactivate the BWC for the specific purpose of briefing assisting Officers or supervisors, or conducting in-person or telephone notifications as required by policy.
    - a) Officers shall only deactivate the BWC when not in direct contact with the victim, suspect, witness or an individual who is being detained.
    - b) Prior to deactivating BWC, Officers shall record their intention to deactivate along with the reason for such action.
    - c) In the event that citizen contact is reestablished, the BWC shall be immediately reactivated.
- E. The BWC shall remain activated during the transportation of all arrestees from the scene of the arrest to the Police Administration Building and continue to remain activated until the arrestee is secured in the holding cell or processing room, at which time the BWC shall be deactivated. Officers shall secure the BWC with their police portable radio during all ALCOTEST operation.
- F. When BWC is activated, Officers are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer. Officers may also mark significant events while recording and provide details of marked segment within the VuVault video management software.

- G. If an Officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the Officer shall document in the applicable incident or case report why a recording was not made, was interrupted, or was terminated.
- H. Officers shall note in incident and case reports when BWC recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- I. Civilians shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the directives set forth in V1C09 Internal Affairs Policy. All other requests to view and/or obtain footage by the public shall be handled in accordance with V2C11 Records Management Policy.
- J. Officers utilizing the BWC shall periodically, and no later than the end of each shift, download the contents of the unit by placing the unit in the designated docking station. Each file downloaded shall contain information related to the date, BWC identifier, and assigned Officer. Officers shall perform the following steps when labeling the recording in the VuVault system;
  - 1. Document the Incident / Actual CFS Type in the VuVault Description section, with sufficient detail to identify the type of incident recorded,
  - 2. Select the corresponding Event ID, and
  - 3. Document the IMC PD case/call number in the VuVault Incident # section

#### IV. RESTRICTIONS

- A. BWCs shall be used only in conjunction with official law enforcement duties. The BWCs shall not be used to record:
  - 1. During courtroom proceedings, unless responding to a call for service or incident.
  - 2. Communications with other police personnel without the permission of the Chief of Police or his or her designee.
  - 3. Encounters with undercover officers or confidential informants.
  - 4. When on break or otherwise engaged in personal activities; or in any location where individuals have a reasonable expectation of privacy, such as a restroom, individual offices or break room.
  - 5. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect. If an incident occurs with a patient in a treatment facility or hospital, denote "Hospital" or "Treatment Center" in description field. This recording would require and email via the chain of command for CCPO notification.
  - 6. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

7. Upon recording any juveniles (no COC email required) denote in the description field, "Juvenile(s) recorded".
- B. Officers shall not be required to activate the BWC when engaged in conversations with individuals with whom the Officer is in a privileged relationship (e.g., spouse, attorney, police peer counselor, labor representative, minister, etc.)
  - C. Officers assigned as a School Resource Officer shall only activate the BWC during student encounters in accordance with subsection (III. A). The BWC shall not be activated or shall be deactivated upon being advised the incident involves;
    1. Student(s) meeting with the School Counselors, SAC or Child Study Team (CST) members and the SRO or other Police personnel are called in for assistance. (Due to the confidential status that must be maintained by State Law),
    2. Conversations between the student, Counselor, SAC or CST about any ongoing counseling services or follow-up after a crisis,
    3. The SRO being called in for information during Intervention and Referral Service (I&RS) meeting, and
    4. Conversations in regards to homeless, DCP&P and educational stability students.
    5. A School Counselor, SAC or CST member reporting a confidential incident to the SRO may request the BWC be deactivated in accordance with subsection III. E.
  - D. Members assigned to the Investigations Bureau shall wear a BWC in accordance with this policy when assigned as primary officer for incidents detailed in subsection III. A, or when assigned to a traffic, security or other detail requiring a Class A or Class B Patrol Uniform
    1. Members assigned to the Investigations Bureau may utilize a BWC for the purpose of interviewing individuals as part of a criminal investigation.
    2. Members assigned to the Investigations Bureau assisting in the service of a warrant, and with markings clearly identifying themselves as Police Officers shall wear a BWC and activate the BWC prior to the service of the warrant, but not during circumstances prior to the warrant service that may be confidential in nature.

## V. INSPECTION AND MAINTENANCE

- A. While Patrol Officers are on duty and their BWCs are not in use, they shall be stored in the designated docking station located outside of the Ready Room. The docking station allows for the units to be charged and for the download of events to the secure storage site. Officers are required to have their department issued BWC vehicle charger with them during their tour of duty. When Officers are not on duty, they must charge their BWC at home with their department provided charger.

- B. BWCs shall be inspected by officers at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system.
1. The inspection shall include, but not be limited to,
    - a) Ensuring the battery is fully charged,
    - b) Ensuring the device has sufficient memory to complete their tour of duty, and
    - c) Ensuring the proper positioning of the BWC on the Officer's uniform.
  2. When conducting the pre and post shift inspection, the Officer shall activate the BWC and verbally state the date, time, whether a pre or post-shift inspection is being conducted, and that a test is being performed on the unit.
  3. The results of the inspection, including any malfunctions or deficiencies, shall be noted in the notes area on the Roll Call Sheet and the supervisor advised. Refer to II(F) of this policy.
- C. Officers are permitted to conduct a review of the contents of a BWC to ensure accurate reporting and to assist in articulation of probable cause prior to downloading the events to the digital storage site.
1. Viewing of BWC events is strictly limited to sworn Officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his or her designee, or consistent with a provision of this written directive.
  2. If the Officer is giving a formal statement about police involved shootings and other serious use of force incidents, the Officer shall; have the right to review their recordings and recordings from other BWCs capturing the Officer's image or voice during the underlying incident. This will require approval of the County Prosecutor or Attorney General or their designee.
  3. If the Officer is the subject of a disciplinary investigation, the Officer shall; have the right to review their recordings from other BWCs capturing the Officer's image or voice during the underlying incident. This will require approval of the Chief of Police or designee.



## VI. CONTROL AND MANAGEMENT

- A. Contents downloaded from BWCs will be stored on the secure department server. All images and sounds recorded by the BWC are the exclusive property of the department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
  - 1. Copies of an event captured on BWCs will not be released to other criminal justice agencies, other than the Camden County Prosecutor's Office, without the express permission of the Chief of Police or his designee.
- B. BWC recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such:
  - 1. The secure department server shall be designated as the authorized storage location of all BWC recordings.
  - 2. The VuVault video management software shall be designated as the activity tracking software for all BWC recordings.
  - 3. All BWC recordings covered in this subsection shall be maintained on the department server until such time as authorized to be destroyed by statute, rule, or other directive governing the record. See Appendix "A" for retention schedule
  - 4. Video recordings shall not to be released to any person without proper written approval.
  - 5. BWC recordings authorized for release shall be burned to a disk and shall be subject to the same security restrictions and chain of evidence safeguards and documentation as outlined in V7C11 Property Evidence.
  - 6. BWC recordings will not be released to any person or agency without having a duplicate copy made and entered into secure storage.
- C. BWC recordings not utilized for court proceedings or other departmental uses shall be maintained 90 days and purged in accordance with directives set forth by the New Jersey Division of Archives and Records Management.
- D. All access to downloaded BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
- E. All recordings are maintained within the BWC system in the VuVault software and are authenticated by an internal audit program with the BWC system.
- F. The BWC system is administered by the Internal Affairs Unit Commander. Only the Internal Affairs Unit Commander shall have access to delete video/audio segments.

- G. Under no circumstance shall any officer of this department erase, reuse or alter the recording of any DVS system. It is a fourth degree crime to purposely and knowingly alter, destroy, conceal, remove or disable any camera or monitoring device including any videotape, film or other medium used to record sound or image that is issued by a Police Department to monitor and record Officers/Citizen encounters and their related actions (N.J.S.A. 2C:28-7c).
- H. Officers shall inform their supervisor of any recordings that may be of value for training purposes. Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the chief. Officers shall be provided with at least thirty days' notice if recordings intended for use for training purposes were either made by them or captured their image or voice.

## VII. 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.
- B. The Internal Affairs Unit is responsible for periodic and random reviewing of non-evidential BWC events in an effort to ensure the equipment is operation properly, to assess Officers' performance and adherence to written directives and established professional standards, and to identify other training needs.
  - 1. In order to maintain fairness in the selection of videos reviewed, the Internal Affairs Unit member will access the LEA Administrative Program "Random Employee List Generator" to create a list of randomly selected individual officers to observe.
  - 2. Upon completion of the periodic review, the Internal Affairs Unit member shall prepare a Special Investigations Report documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
  - 3. All Special Investigations Reports generated in accordance with this policy shall be retained by the Internal Affairs Unit and a copy will be forwarded to the Chief of Police for review.
- C. Separate from the above mentioned periodic review of randomly selected officers, the Chief of Police or Internal Affairs Commander may review specific BWC footage if circumstances arise that requires an investigative effort to commence.
- D. In addition to the above mentioned supervisory reviews, Patrol Sergeants, as first line supervisors, will be randomly monitoring recordings in preparation for quarterly accountability meetings (ACMET).

VIII. NOTICE THAT BWCs ARE DEPLOYED/ACTIVATED

The department shall give Public notice that BWCs are being deployed. The department shall publish a statement that it has deployed BWCs on its Internet web site. The web site posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers or plainclothes detectives so that citizens will be able to determine whether an Officer is equipped with the device.

**Retention Period for Uploaded videos from Body Worn Cameras:**

|                                  |          |
|----------------------------------|----------|
| Homicide                         | NEVER    |
| Sexual Assault                   | NEVER    |
| Arson                            | NEVER    |
| Fatal MVC                        | NEVER    |
| Suicide/Sudden Death             | NEVER    |
| Arrest                           | 75 YEARS |
| Assist Arrest                    | 75 YEARS |
| Bribery                          | 7 YEARS  |
| Arrest – DUI                     | 6 YEARS  |
| Criminal Investigation           | 5 YEARS  |
| Disorderly Persons Investigation | 1 YEAR   |
| EMS Call                         | 1 YEAR   |
| Pursuits- no arrest              | 1 YEAR   |
| No Crime (Events)                | 1 YEAR   |
| Warrant Arrest                   | 1 YEAR   |
| Assist Other PD/FD               | 90 DAYS  |
| CFS Reports                      | 90 DAYS  |
| Missing Persons                  | 90 DAYS  |
| MV Stop                          | 90 DAYS  |
| MV Crash                         | 90 DAYS  |
| MV Stop – Search                 | 90 DAYS  |
| Pedestrian Stop                  | 90 DAYS  |
| Parking Enforcement              | 90 DAYS  |
| Administrative                   | 30 DAYS  |
| Function Test                    | 30 DAYS  |
| Training Videos                  | 30 DAYS  |
| 4mb Error Message                | 30 DAYS  |