

HARRISON TOWNSHIP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE



SUBJECT: BODY WORN CAMERAS

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BY THE ORDER OF:
Chief of Police Thomas Mills

PURPOSE The purpose of this standard operating procedure is to maintain guidelines for the use, management, storage, and release of audio-visual media recorded by body worn video/audio cameras (BWC). BWC is intended to enhance officer safety, produce effective materials for training and to produce an additional method of collecting evidence to prosecute those who violate the law.

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

All personnel 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 Gloucester 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 Gloucester County Prosecutor's Office can result in discipline.

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

The Harrison Township 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 internal affairs supervisor who shall report such directly to the Chief of Police and Gloucester County Prosecutor's Office. The Gloucester 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.
2. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
3. Constructive authority – involves the use of an officer's authority to exert control over a subject (see SOP on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...show me your hands," "...get out of the vehicle", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...move out of the way", "...get down", etc.).
4. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
5. Force – has the same meanings as defined in this department's SOP on *Use of Force*.
6. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
7. School – means an elementary or secondary school (i.e., middle school or high school), public or private.
8. Tagging – is the electronic labeling of a video/audio file captured by a BWC.
9. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

B. All references to BWC include the body worn devices and, where appropriate, the wireless transmitter, microphone, removable media, L3 DES server, metadata, and other accessories necessary to operate this system.

II. GENERAL ADMINISTRATION

- A. BWC recordings are invaluable to law enforcement for evidential purposes. BWC 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 BWC is not intended to document all evidentiary material relevant to court or administrative proceedings but, it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
 - 1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 - 2. BWC shall only be utilized for legitimate law enforcement purposes.
- C. These recordings will serve the following purposes:
 - 1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 - 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 - 3. The recordings can resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
 - 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 - 5. 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. Recordings can permit supervisors to undertake more meaningful performance evaluations.
 - 7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
 - 8. Recordings enhance management's ability to train personnel in proper police procedures.
- D. Repairs to any BWC equipment shall only be performed under the direction of the BWC coordinator or his/her designee.
- E. The Chief of Police shall maintain a training program on the lawful and proper use of BWC equipment. The Chief of Police can designate one or more persons to coordinate and/or conduct such training.

1. Training for new officers shall take place during their *Field Training and Evaluation period*.
 2. Only officers who have received training in the use of BWC are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
 3. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, a disciplinary matter, and to incorporate changes, updates, or other revisions in policy and equipment.
 4. Officers assigned to a multi-agency taskforce can wear a BWC with the authorization of the chief law enforcement officer of the agency overseeing the taskforce.
 5. Proper use of a BWC is considered an essential job requirement.
- F. BWC is 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.
- G. All recording media, video, images, metadata, and audio are the sole intellectual property of the Harrison Township 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 Chief of Police or the Gloucester County Prosecutor's Office.
- H. Under no circumstances will any officer of the Harrison Township Police Department make a personal copy of any recorded event or get another person to make a personal copy without the expressed permission of the Chief of Police or the Gloucester County Prosecutor's Office.
- I. Officers will use only those BWCs approved and issued by the Chief of Police. Such BWCs shall not be capable of recording images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Gloucester County Prosecutor or his/her designee. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Gloucester County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- J. BWCs 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 BWC.
 2. BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - a. Communications with other police personnel without the advanced permission of the Chief of Police, the Gloucester County Prosecutor's Office or the New Jersey Division of Criminal Justice;

- b. Encounters with undercover officers or confidential informants;
 - c. When on break or otherwise engaged in personal activities;
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
 - e. When engaged in police union business;
 - f. When involved in 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 III.B of this SOP; or
 - h. While discussing criminal investigation strategies.
3. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identify, gender expression, transgender status, sexual orientation, religion, economic status, age, culture, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC.

III. 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. The following incidents shall be recorded:
 - 1. All traffic stops from the initiation of the stop until the stop is concluded, including sobriety testing;
 - 2. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 - 3. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.;
 - 4. Motorist aid or community caretaking checks;
 - 5. Crime scenes;
 - 6. Motor vehicle pursuits;
 - 7. Officer interviews in the field of witnesses when conducting investigations of criminal violations (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interrogations/interviews);

8. Custodial interrogation of a subject, unless the interrogation is otherwise being recorded in accordance with Court Rule R. 3:17;
 9. Investigative detentions/field interviews;
 10. Warrantless searches (all types, including frisks);
 11. Arrests;
 12. Arrestee/prisoner transportation;
 13. 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);
 14. Special events or projects, including but not limited to crowd control, unruly crowds, or any incident requiring activation of the all hazards or emergency operations plan;
 15. Domestic violence investigations;
 16. Strikes, picket lines, demonstrations, civil disorders;
 17. When receiving a civilian complaint.
- C. BWC shall remain activated for the entire duration of a citizen contact required in section III.B above until either the officer or citizen have departed the scene and the officer has notified communications that the event is completed.
- D. Notwithstanding any other provision of this SOP, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene when feasible.
- E. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.
- F. When BWCs are available, detectives and plainclothes personnel should wear and activate the BWC in accordance with the provisions of this SOP with the following exceptions:
1. During investigative interviews that would best be conducted in the audio/video recording station house interview and interrogation room.
 2. During undercover operations.

3. During tactical entries upon the execution of a search warrant.
 4. During the on-scene processing of a search subsequent to a court authorized search warrant.
 5. During crime scene processing.
 6. On-call detectives/investigators will respond directly to the crime scene or hospital when conducting follow-up investigations. In this instance, the retrieval of the BWC from headquarters is not required. Subsequent to this initial response, during prolonged investigations, the detective/investigator shall retrieve the BWC as soon as practicable in the event that he/she becomes involved in any police / citizen encounter in accordance with subsection III.B, excluding the exceptions as listed above.
- G. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee, including processing except for any Alcotest procedure, and until the arrestee is secured in a jail cell following processing, 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 crime victims and civilians inside of their homes or place of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.
1. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
 2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
 3. If an officer fails to activate the BWC, fails to record the entire event contact, interrupts the recording, or mutes the audio recording feature, the officer shall document in the applicable investigation report why a recording was not made, was interrupted, or was terminated.
- I. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the Gloucester 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 can deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances when 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 should be deactivated, nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian.
 - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet, is not critical to require recording.
 - 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 when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.)
3. When an officer deactivates or mutes the audio recording feature of a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g. "...I am now turning off my BWC as per the victim's request.");
 - 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 investigation report concerning the incident under investigation, including the approximate time of activation and/or deactivation.
4. If an officer declines a request to deactivate a BWC, 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 and documented and shall be reported to the shift supervisor as soon as it is safe and practicable to do so.
 - a. In the event that 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 has been turned off when in fact it is operating unless the Gloucester 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 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 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 or mute the audio recording feature of a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC to discuss investigative strategy with my supervisor.*").
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 if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).
8. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Gloucester 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 Gloucester 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.)
9. In any instance where a BWC was deactivated or muted pursuant to this section, the device shall be reactivated or unmuted as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- 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. In the event that a BWC worn during the execution of tactical operations (e.g., execution of pre-planned arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.
- L. BWC shall be deactivated or removed while in the ALCOTEST area and stored in another room when the ALCOTEST device is being used prior to the 20-minute observation period. 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 can be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- M. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- N. When a 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.
- O. 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 V of this SOP.
- P. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable investigation report why a recording was not made, was interrupted, or was terminated.

IV. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. Patrol officers shall utilize a BWC on patrol unless one is unavailable.
 - 1. BWCs shall be utilized on a daily basis as part of the uniform of the day. Use on extra duty assignments is required as long as there are sufficient units available.

2. 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
 3. If an officer, who has not officially reported for duty and has not signed out the assigned BWC for his/her shift comes upon an incident, the officer can respond even if he/she does not have his/her BWC. In that instance, the officer should respond to the incident in accordance with applicable SOPs and report the absence of the BWC to the shift supervisor, and note the encounter in the formal investigation report, or have the communications center make a note in the calls for service if a formal investigation report is not required
- B. When not in use, BWCs shall be stored in the designated multi-charger docking stations. The docking stations allow for the units to be charged and for the download of events to the BWC server.
1. Only those BWCs believed to be in full working order will be stored in the docking station to ensure that all data is transferred, the battery is fully charged, and the unit is ready to be issued for service.
 2. Prior to beginning a shift, officers will ensure his/her BWC's readiness by conducting an operational inspection.
 - a. 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.
 - b. After recording, the officer shall then sync up the unit through the icon on a desktop computer, or through the mobile application on a smart device to verify the audio and video test recorded properly.
 - c. The results of the inspection, including any malfunctions or deficiencies, shall be reported to the shift supervisor and the BWC coordinator.
 3. BWCs that are not in full working order shall be taken out of service, removed from the charging station, and forward to the BWC coordinator pending repair. The BWC coordinator or his/her designee shall contact the BWC service provider to schedule repair or replacement based on the problem as soon as practicable.
 4. Any problems preventing the use of the unit during the shift will be immediately reported to the shift supervisor and the BWC coordinator or his/her designee.
 5. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 6. Officers will dock their BWC for download to the BWC docking station 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. BWC units shall be affixed on center of the buttoned jacket or the officer's uniform shirt in the center chest/sternum area. Plain clothes officers have the option of wearing the BWC either on the shirt, jacket or belt.
 - 2. Officers authorized to wear exterior vest covers shall clip the BWC to their sternum area utilizing the metal clip.
 - 3. Officers are responsible for ensuring that the BWC remains in a position to allow them to record an encounter or incident.
 - 4. While in attendance at ceremonial functions, officers can 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 video/audio footage is captured involving any part of an arrest or significant event officers will classify (tag) the recording with the incident number and the defendant's name and type/write the letters *BWC* in all capital letters at the end of the investigation report to signify that video/audio is available for the case.
 - 1. BWC recordings are not a replacement for written reports.
 - 2. Under no circumstances shall officers simply refer to a BWC recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations.
- F. Officers shall tag their BWC recordings following completion of an event. Although officers have the ability to and should make every effort to tag their BWC recordings in the field, they may not always have the opportunity to do so. In the event that an officer is not able to tag a recording in the field, they may do so in headquarters from a BWC workstation.
- G. BWC recordings that have been tagged as having evidentiary value shall be securely stored on the L3 DES server for indefinite retention or copied by the evidence officer as soon as practicable to a CD/DVD and stored as evidence in accordance with this department's SOP on *Property and Evidence*. The L3 DES server maintains an audit trail of recordings stored, accessed, reviewed, and downloaded.
- H. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 - 1. Captures the image of a victim of a criminal offense;
 - 2. Captures the image of a child;
 - 3. Were made in a residential premise (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;

4. Captures a conversation with a person whose request to deactivate the BWC was declined;
 5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 6. Captures the image of an undercover officer or confidential informant; or
 7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
- I. Shift supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
1. Shift supervisors shall notify the BWC coordinator when a BWC is non-functional or damaged. The BWC coordinator shall assign a spare BWC (or direct the shift supervisor to assign a spare BWC) to the officer and log such reassignment in the BWC software.
 2. Supervisors are responsible for reviewing at least one of each of their subordinate's BWC events per calendar month in an effort to assess officers' performance and adherence to written directives and established professional standards, and to identify other training needs.
 - a. Upon completion of the monthly review, supervisors shall log such reviews in Guardian Tracking documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
 - b. The operations commander shall review all completed Guardian Tracking records.
 3. Shift supervisors shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and shall initiate a Guardian Tracking record with his/her conclusions.
 4. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the shift supervisor or internal affairs supervisor will tag the video/audio for indefinite retention.

V. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC events is limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with the provisions of this SOP.
- B. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to and use of a stored BWC recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution;

2. When relevant to and in furtherance of an internal affairs investigation;
3. When relevant to and in furtherance of a management review process to identify circumstances indicating police misconduct or to determine the existence of a pattern or practice of possible misconduct;
4. Except in officer involved deadly force incidents, to assist the officer whose BWC made the recording in preparing his or her own police report (see subsection V.E.3 of this SOP);
5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. The Harrison Township Police Department reserves the right to redact video and audio as applicable by law.
 - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity;
9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Gloucester County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that particular person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
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 Gloucester 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 Gloucester 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 recording
- C. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of N.J.S.A. 2C: 28-7 and is a 4th degree crime.
- D. Recordings are considered investigatory records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Contents downloaded from BWCs will be securely stored on the L3 DES server or other designated storage device(s).
 2. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of at least ninety-days (90).
 3. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period. Examples of retention periods include but, are not limited to:
 - a. Any death investigation (at least 7 years);
 - b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime (at least 5 years);
 - c. Non-criminal arrest, excluding DWI (at least 2 years);
 - d. DWI arrest (at least 10 years following adjudication of the case).
 - e. Use of force incidents (at least 2 years);
 - f. Internal affairs investigations (6 years after separation from employment or following any discipline or appeal, whichever is later.
 - g. Normally, recordings of warrant arrests or violation of TRO arrests without any other criminal charges need not be preserved as evidence, except when law enforcement force is used.
 4. Recordings maintained for these purposes can only be erased or destroyed in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
 5. When a BWC 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.

- E. The Chief of Police or his/her designee shall notify the Gloucester County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it.
1. The notification 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.
 2. 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.
 3. 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.
 4. The Chief of Police or his/her designee will receive an acknowledgement. If no further communication is received within 72 hours, the record custodian or his/her designee should respond to the request as deemed appropriate.
- F. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Gloucester 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 Gloucester 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 recording tagged pursuant to section IV.G.3 of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to section IV.G.3.

3. The assistant prosecutor overseeing a law enforcement use of force investigation pursuant to *Attorney General Law Enforcement Directive 2006-5*, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this SOP, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the expressed prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.
- G. The BWC administrator or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted.
- H. The Chief of Police shall cause a periodic audit of records to ensure compliance with this SOP.
- I. In the event that a recording is required by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or his/her designee and only if a duplicate copy is retained by the department.
 1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
- J. 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.
- K. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.