



FREEHOLD TOWNSHIP POLICE

GENERAL ORDER

SUBJECT: MOBILE VIDEO/ BODY WORN RECORDERS		G.O. 2023- 06
		EFFECTIVE DATE September 25, 2023
SUPERSEDES 2022- 01	ORDER #	DATED April 4, 2022
		SECTION CODE POLICY

TO: ALL SWORN PERSONNEL

PURPOSE: The purpose of this general order is to maintain a procedure for the use of mobile video recorders (MVR) and body worn recorders (BWR). MVR/BWR are intended to enhance officer safety, promote police accountability and electronically record evidence that might help to solve a crime and successfully prosecute an offender.

New Jersey now requires police departments and agencies to employ BWCs in their daily law enforcement functions. And while P.L. 2020, c. 128 & 129 provide the basic framework for BWR use, this Policy seeks to provide additional guidance and requirements for officers to follow.

POLICY: It is the policy of the Freehold Township Police Department to utilize MVR/BWR to their fullest extent for the day-to-day patrol function and to maintain the necessary safeguards that will ensure non-discriminating use, as well as the proper preservation of evidence that may be obtained through use of this technology.

All personnel shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this general order, 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 general order and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office can result in discipline.

The Freehold Township Police Department website/webpage shall contain a clear statement that this department utilizes BWR. 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 citizens will be able to determine whether an officer is equipped with the device. The Chief of Police shall provide certification to the Monmouth County Prosecutor's Office of this general notification to the public.

Any willful or repetitive violations of this general order shall be reported to the internal affairs supervisor who shall report directly to the Chief of Police and Monmouth County Prosecutor's Office. The Monmouth County Prosecutor is authorized to take such actions as are reasonable and necessary to ensure compliance with this general order and to prevent future violations.

PROCEDURES:

I. DEFINITIONS

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

1. Activate- means to actuate (put into operation) the recording mode/ function of a BWR or MVR.
2. Advisement – a statement made by an officer at the outset of using a BWR camera to record a communication, conversation, or interaction with a civilian for the specific purpose of informing the civilian that the communication or conversation is being recorded.
3. Body worn audio/video recorder (BWR) – 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). Body worn recorders (BWR) are sometimes referred to as a body worn camera (BWC).

4. Consent – Consent to record shall be considered obtained when the recording party (officer) has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that the communication or conversation is being recorded. This announcement itself to the other parties must also be recorded.
5. Constructive Authority- Shall have the same meaning as defined in the Attorney General’s Use of Force Policy, 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 a person if the officer has un-holstered a firearm or a conducted energy device (e.g., “move out of the way,” “get down,” etc.).
6. Deactivate – means to shut off the recording mode of a BWR.
7. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
8. Force – Shall have the same meaning as defined in the Attorney General’s Use of Force Policy. The term “force” shall include physical, mechanical, enhanced mechanical, and deadly force.
9. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, operating while intoxicated 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.
10. Mobile video recorder – is a vehicle mounted device that makes an electronic audio/video recording of activities that take place during any law enforcement action.
11. 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 such activities, and they are sometimes referred to as crime suppression units. The nature of their work is varied and 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.

12. 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.

13. 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.

14. Tactical team - 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.

15. Tagging – is an electronic labeling of an electronic file captured by a BWR or MVR.

16. 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.

17. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, residential facilities, treatment facilities, etc.

II. GENERAL ADMINISTRATION

A. MVRs/BWRs are invaluable to law enforcement for evidential purposes. MVRs/BWRs have consistently demonstrated their value in the prosecution of criminal, traffic, and other related offenses and to protect personnel 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 MVRs/BWRs 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 MVR/BWR 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 to enforcement matters.

2. MVRs/ BWRs shall only be utilized for legitimate law enforcement purposes.

C. When properly used, this equipment will have the following capabilities:

1. Creation of accurate documentation of motorist contacts and other patrol related activities.

2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.

D. These recordings will serve the following purposes:

1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.

2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.

3. The recordings can resolve disputes concerning what occurred during 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, an audio/visual recording can provide an accurate record of events.

5. Subject to the viewing restrictions in this general order, supervisors will be able to view the recordings, select portions to use to train officers in safety, field officer training, interpersonal skills, proper police procedures, and legal doctrines.

6. Recordings can permit supervisors to review the department's current policies, procedures, and police tactics to ensure they are being employed correctly.

7. Recordings supplement 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 police personnel in proper procedures.
- E. Installation, removal, or repairs to any of the MVR and/or BWR equipment shall only be performed under the direction of the operations captain, the designated police supervisor overseeing the BWR/MVR program or his/her designee.
 1. No one is permitted to move the installed components of the system from its positions without authorization by the Chief of Police or his/her designee. Likewise, no one is authorized to repair any MVR equipment or related component except those personnel authorized by the Chief of Police.
 2. Equipment shall be maintained according to manufacturer's recommendations.
- F. The Chief of Police shall maintain a training program on the lawful and proper use of the BWR/MVR equipment. The Chief of Police may designate one of more persons to coordinate and/or conduct such training.
 1. Only officers who have received training in the use of MVR/BWR are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
 2. Proper use of an MVR/BWR is considered an essential job requirement.
 3. Officers shall receive initial training during their field training phase or as otherwise directed by the Chief of Police or his/her designee.
 4. The BWR and MVR user manuals shall be made available to officers during initial training or via the manufacturers training module.
 5. Officers shall receive periodic refresher training on the operation of the equipment in accordance with any changes, updates, or other revisions in this general order and equipment.
 6. The Chief of Police or his/her designee shall ensure supplemental training to any officer who has demonstrated a lack of knowledge of the proper use of MVR or as part of a disciplinary matter.
- G. BWR/MVR 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.
- H. BWR shall be worn and utilized on all extra duty assignments (e.g. special events, security, bicycle patrol, parades, etc.)

III. MOBILE VIDEO RECORDERS

- A. The MVR system consists of a front view and rear seat/view digital camera, control unit, display monitor with controls, hard drive, and system server.
- B. The MVR is preprogrammed to automatically begin recording when the vehicle's emergency lights are activated, when the BWR is activated, or in the event of a crash. Whenever the MVR is activated, officers shall ensure that the audio portion is also activated.
 - 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, the shift supervisor shall direct that the vehicle is towed to headquarters for enough time to allow the upload/transfer of data to the server prior to being taken to any garage for repair. If the vehicle's electrical system is damaged, the operations captain or his/her designee will decide whether to immediately remove the hard drive/media or wait until the next working day.
 - 4. Officers engaged in undercover operations or surveillance activities are not required to utilize MVR. Detectives are not required to utilize an MVR during the course of their normal daily assignment.
- C. Every officer operating a departmental police vehicle equipped with an MVR shall carry and utilize a BWR. Officers shall synchronize the BWR with the vehicle's MVR at the beginning of their shift.
- D. At the beginning of each shift, officers shall determine whether their MVR equipment is working satisfactorily. An audio/video check shall be conducted at the beginning and end of the officer's tour of duty concurrently with the pre-shift check of their BWR. Normally, this will be done during the daily pre-shift preparation and inspection.
 - 1. The MVR shall be turned on at the beginning of the officer's tour of duty and shall not be turned off until the end of his/her tour.
 - 2. Officers shall ensure the MVR is working properly by recording themselves in front of the vehicle with both video and audio.

3. Officers shall log into the MVR system using their name/badge#. Officers should log out at the end of the tour.
4. All malfunctions and/or damaged or missing parts to the system shall be immediately reported to the shift supervisor and then documented on a repair slip unless specified differently by a supervisor. This shall be forwarded to the supervisor overseeing the MVR/BWR operations and/or his designee. MVR equipment shall only be repaired or adjusted at the direction of the operations captain or designee(s).
5. Vehicles with an inoperable or damaged MVR system will not result in the automatic non-use of the vehicle pending repair. The shift supervisor shall first determine if another MVR equipped vehicle is available. If another vehicle is available, the shift supervisor or designee should assign the officer to this other MVR equipped vehicle. If not, the vehicle with the non-operating MVR can still be used for patrol purposes.
- E. While it is recognized that not every event takes place in the camera's field of view and that subjects may move off camera, officers are encouraged to position their patrol vehicle in the best position to allow the camera to record the pertinent event. If necessary, an officer can reposition a camera to capture the event, when possible, making sure to never rotate any camera more than 180 degrees. The camera shall be placed back into the original position as soon as practicable. Officer safety always comes first.
- F. To prevent allegations of arbitrary and capricious utilization of the system, the following procedural guidelines shall be followed:
 1. Recordable incidents shall be video and audio recorded from the beginning to the end.
 - a. This procedure applies to the primary and any secondary/back up units on these incidents.
 - b. Whenever the MVR is activated, officers shall ensure that their BWR is also activated. Video recording may not completely document events as they occur. Officers are encouraged to provide narration as the events are occurring.
 - c. Officers can manually activate the MVR by depressing the 'Record' button located in the police vehicle or on by activating their BWR.
 - d. Once an MVR is activated, it must continue in the record mode until the completion of the incident or law enforcement action except for the

circumstances described within this general order (see subsections III.F.2 and III.F.3 below).

- e. During any of the mandatory recordable incidents the MVR must be activated and left on until the investigation/detention is complete except for circumstances specifically described within this general order.
 - f. In the event a CAD number is generated, it shall be documented on the recording upon completion of the recording event.
2. Officers shall not deactivate the MVR when responding to calls for service with a multiple unit response. All units shall record the incident and shall follow the same guidelines in this section.
- a. If an MVR recording is ceased prior to the conclusion of an incident, the officer shall provide justification by recording the reason verbally on the system (e.g., “MVR will be turned off, at scene of down utility pole, MVR not needed”) 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 record of the incident.
 - b. Only the assigned officer or his/her supervisor is authorized to manually turn off the recording system.
 - c. At no time should the MVR be deactivated while an officer is interacting with a subject.
 - d. Any officer found to have purposely deactivated the MVR (video or audio) without justification, in violation, of this general order, shall be the subjected of an internal affairs investigation and potential discipline.
3. When transporting an arrestee, prisoner, or EDP, the rear seat camera shall be activated to record the rear compartment for the duration of the person’s stay in the vehicle. Any non-custodial transport shall also be recorded.

IV. BODY WORN RECORDERS

- A. Officers will use only those BWRs approved and issued by the Chief of Police. Such BWRs 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 Monmouth 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 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.

B. When not in use, BWRs shall be stored in the designated docking station. The docking station allows for the units to be charged and for the download of events to the secure storage units.

C. Uniformed officers assigned to the patrol division shall wear and use BWRs daily as part of the uniform of the day, consistent with the requirements and restrictions in this general order.

1. Officers are not required to activate their BWRs in police headquarters unless they are investigating a walk-in complaint, processing an arrestee, or other similar related functions.
2. Detectives, street crimes personnel, and administrative officers shall wear BWRs when conducting arrests, conducting interviews, and while engaged in field duties (e.g., patrol coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this general order.
3. BWRs shall be worn and used on all extra duty assignments except for traffic direction/control extra duty jobs.
4. Officers shall also wear and use a BWR consistent with this general order when:
 - a. On aggressive driver enforcement, DWI interdiction assignments, security jobs or other proactive enforcement team.
 - b. When assigned to headquarters and interacting with the public on a law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.
5. Each officer is assigned their own BWR and will remain the responsibility of each assigned officer unless otherwise reassigned by a supervisor of the BWR program.
6. BWRs are considered issued equipment and shall be the responsibility of the officer it was issued to.
7. Officers shall inspect their BWRs at the commencement of each shift to guarantee both video and audio recording readiness of the system. The inspection shall include, but not be limited to:

- a. Ensuring that the battery is fully charged; and
 - b. Ensuring that the device has sufficient memory to complete their tour of duty; and
 - c. Ensuring the proper positioning of the BWR on their uniform; and
8. Before starting a duty shift, all officers assigned to the shift shall conduct the following pre-shift checklist:
- a. Body worn recorder (BWR) inspection & maintenance. Officers shall conduct a pre-shift inspection and verbally state that this is a test and give the date, time, name, and badge number during the pre-shift inspection.
 - b. BWR shall then be allowed to upload the pre-shift inspection.
 - c. Attend roll call, training or as assigned by the shift supervisor.
 - d. Officers shall also pair their BWR with their assigned patrol vehicle and conduct the pre-shift inspection of the patrol vehicles in car camera (MVR), BWR and microphone. Officers shall verbally state this is a test and give the date, time, name, and badge number during the pre-shift MVR inspection.
 - e. Officers must leave the proximity of police headquarters to conduct the pre-shift inspection of their MVR in order to play back their test recording.
 - f. Any malfunctions or deficiencies shall be immediately brought to the attention of the shift supervisor who shall assign a replacement vehicle or BWR.
 - g. Officers shall ensure that all test recordings were successful before starting their patrol duties or assignment.
- D. Officers engaged in undercover operations or surveillance activities are not required to utilize BWR. BWR shall be used only in conjunction with official law enforcement duties. The BWR shall not be used to record:
- 1. Courtroom proceedings, unless responding to a call for service or incident.
 - 2. When acting as hostage negotiators or crisis negotiators working in conjunction with tactical teams.

3. Crime scene processing by crime scene technicians, detectives, or officers trained in crime scene processing.
 4. Strip and body cavity searches.
 5. Encounters with undercover officers or confidential informants.
 6. When on break or otherwise engaged in personal activities.
 7. When engaged in police union business.
 8. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
 9. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction.
 10. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording.
 11. While discussing criminal investigation strategies.
 12. When engaged in conversations with individuals with whom the officer has a privileged relationship (e.g., spouse, attorney, minister, etc.).
- E. Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (SROs) and Class III Special Law Enforcement Officers (SLEO IIIs) are not required to wear BWC.
1. Officers assigned to duties at schools or youth facilities, working security or crowd-control functions at special events such as athletic competitions, graduations or similar public events shall be equipped with BWC.
 2. Confidential conversations regarding a student's housing or residential status, Division of Child Protection & Permanency, and educational stability of students should not be recorded and an officer can deactivate their BWC.
 3. A school counselor, school administrator or school community member discussing a confidential incident to an officer may request the BWR be deactivated.
- F. When a BWR is activated to transport an arrestee/prisoner, it shall remain activated while the BWR-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.

G. When wearing a BWR, 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 BWR, the officer shall immediately discontinue use of the BWR 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 BWR, the officer shall immediately discontinue use of the BWR.
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 body worn camera, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWR.
4. If the officer decides not to provide notification of BWR 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 BWR recording.
5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.

H. If a civilian inquires of an officer whether the officer is equipped with a BWR, 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 BWR 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 BWR should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWR be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWR, 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.
2. Officers may deactivate a BWR when a person, other than an arrestee, is seeking emergency medical services for himself or herself or another and requests that the BWR be deactivated. In deciding whether to deactivate the BWR, 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 a BWR:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded.
 - b. The officer before deactivating the BWR shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWR 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.
 - d. The officer shall document the circumstances of the deactivation in the incident report concerning the incident under investigation, including the time of activation and/or deactivation.
 4. If an officer declines a request to deactivate a BWR, 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. If the officer declines a deactivation request, the officer immediately shall 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 BWR 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. In any instance where a BWR was deactivated, 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 BWR.
- I. Officers should deactivate/mute a BWR 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 BWR-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWR pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWR to discuss investigative strategy with my supervisor.*").
- J. Officers can deactivate a BWR 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 BWR pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off my BWR as per the instruction of assistant prosecutor (insert name).*").
- K. If an officer is required to deactivate the BWR 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 BWR 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 BWR).
- L. If a BWR captures the image of a patient in a substance abuse treatment facility, the Chief of Police 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.)

M. Officers shall not activate a BWR, and shall deactivate a BWR that has been activated, if the officer knows or reasonably believes that the BWR 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 shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWR 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.

N. BWR shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST device is being used. The BWR should be left outside of the ALCOTEST/ DWI processing room. Nothing herein shall be construed to preclude the use of a BWR 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 BWR, the officer shall narrate the reasons for deactivation (e.g., "...*I am deactivating the BWR because the suspect is about to take a breath test*"), and the BWR shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.

O. Officers shall not activate a BWR 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.

P. When a BWR 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. Likewise, immediately prior to BWR deactivation, officers shall state the time.

Q. 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 general order 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 general order.

- R. If an officer fails to activate the BWR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report the reasons why a recording was not made, was interrupted, or was terminated.

V. INCIDENTS TO RECORD

- A. When on duty, the BWR will remain in standby mode ready to be activated at any time. When an officer activates the recording mode/function, the device will record video (no audio) from 30 seconds prior to the moment the record start/stop button is pressed. Activation should occur before arriving at the scene, when feasible. Likewise, the vehicle's MVR shall be in the standby mode and ready to record motor vehicle-related encounters when the officer is assigned to an MVR-equipped vehicle. The MVR, when activated, will record from 30 seconds prior to the record starting.
- B. Except when otherwise restricted in this general order, 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 BWR impossible or dangerous, the officer shall activate the body worn camera 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 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 to the extent possible except for crime scene processing.
 6. Motor vehicle and foot pursuits.
 7. Interviews of witnesses by officers in the field 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. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
 11. Out-of-court identifications (i.e., show ups, lineups).
 12. Warrantless searches (all types, including protective frisks, but not strip or body cavity searches).
 13. Arrests.
 14. Arrestee, prisoner, detainee, emotionally disturbed person, and civilian transportation. When an officer is processing a prisoner at police headquarters they are permitted to remove the BWR and place it at a vantage point where it continues to record the arrestee but is not in view of a computer monitor, officer cell phone, etc.
 15. Drug recognition expert (DRE) evaluations.
 16. Overdose and suspected overdose investigations.
 17. 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 applicable report).
 18. 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.
 19. Domestic violence investigation.
 20. Strikes, picket lines, demonstrations, civil disorders.
 21. Any public contact that becomes adversarial.
- C. BWR shall remain activated for the entire duration of a public contact required in sections V. B. above until the officer has departed the scene and the officer has notified communications that the event is closed.
- D. Notwithstanding any other provision of this general order, when an officer equipped with a BWR 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 BWR before arriving at the scene when feasible.

E. Notwithstanding any other provision of this general order, 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 BWR or MVR unless instructed to do so by the independent investigator supervising the investigation of the deadly force incident pursuant to Attorney General Law Enforcement Directive 2019-4. The independent investigator or his/her designee supervising the investigation may provide such instruction telephonically.

VI. OFFICER RESPONSIBILITIES

A. MVRs – officers may tag their digital files captured while the MVR recording is in progress. This function will allow officers to further document the type of incident that is being recorded for more efficient file retrieval and discovery. Bookmarks may also be placed within a recording to mark evidentiary points or points of interest for later review.

1. Incident #.
2. Type of incident (e.g., MV stop, crime scene, etc.).
3. CAD entry (if different from the incident #).

B. BWRs – No later than the end of each shift, officers shall 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, BWR identifier, and assigned officer. The recordings should be tagged/labeled as indicated above (subsection VI.B).

C. Recordings of the same incident shall be tagged/labeled consistently.

D. To identify BWR recordings that may raise special privacy or safety issues, officers shall appropriately label (tag) recordings that:

1. Captured a law enforcement incident, as defined in New Jersey Attorney General Directive 2019-4:
 - 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.
2. Captured the image of a victim of a criminal offense; or
3. Captured the image of a child; or
4. Were made in a residence (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; or
5. Captured a conversation with a person whose request to deactivate the BWR was declined; or
6. Captured a special operations event (e.g., MOCERT, etc.) or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or
7. Captured the image of an undercover officer or confidential informant; or
8. Captured the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

VII. SUPERVISORY RESPONSIBILITY

A. Supervisors shall:

1. Ensure that all officers follow procedures for proper use of MVRs/BWRs as outlined in this general order.
2. Ensure that MVR/BWR equipment is being fully and properly used.
3. Identify material or incidents that may be appropriate for training.
4. Document requests for repairs, maintenance, or replacement for non-functioning MVR/BWR equipment.
5. Randomly review recordings to assist in identifying officer's performance and ensuring state, county and departmental guidelines are being followed. Supervisors should be randomly reviewing officers MVR/ BWR videos on a daily basis.
6. Ensure that MVR/BWR digital video procedures are followed.

- B. Supervisors shall encourage and assist officers in using MVRs/BWRs as a training aid.
- C. Each patrol sergeant shall randomly review a minimum of four (4) incidents each calendar month to include vehicle stops, investigative detentions and other incidents of interest. The review can be conducted on the in-vehicle monitor with the officer present; however, the sergeant may review recordings already logged into records or the digital systems at their discretion subject to the viewing restrictions in subsection VIII.D.
 - 1. If upon review of the video, there is a supervisory, training, operational and/or any other issue that needs to be addressed, the supervisor shall verify and immediately address the issue.
 - 2. All supervisory reviews and actions shall be documented appropriately and notice provided to their assigned lieutenant.
 - 3. Sergeants must ensure that recordings generated by all officers under their supervision are reviewed periodically. Sergeants may conduct additional reviews at their discretion for follow up purposes.
 - 4. As part of the meaningful review process, supervisors shall review all BWR/MVR footage involving the below, unless restricted in section VIII of this general order:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and
 - c. Officer involved collisions; and
 - d. Officer involved injuries.
- D. Patrol lieutenants shall review incidents involving the above list or training issues indicated by the sergeant. Patrol lieutenants will then direct and oversee the appropriate and timely resolution of any issues that need further attention.
- E. Supervisors will be responsible for reviewing the footage of only those officers assigned to them for their particular shift or under their supervision. Supervisors viewing the BWR footage of officers not assigned to them may be completed for good cause and must be accompanied by the “Supervisor MVR/ BWR Review” form.
 - 1. Upon completion of the “Supervisor MVR/ BWR Review” form the responsible supervisor will email same to police records, the chief, the operations captain and the administrative captain. Records will in turn ensure that the form is attached to any discovery requests for the videos.

F. It is recognized that regular use of the ‘Record after the Fact’ feature of an MVR can be detrimental to employee performance, but is also a tool that can be used to evaluate, investigate, and review employee performance. The ‘Record after the Fact’ feature of an MVR shall not be utilized as routine practice.

1. An internal affairs officer or other officer designated by the Chief of Police shall be the only personnel authorized to utilize the ‘Record after the Fact’ feature and review the recording. The internal affairs officer shall then provide the appropriate division commander or the Chief of Police with a report regarding his/her findings.

VIII. RECORDS RETENTION AND REVIEW

A. MVR files are automatically uploaded to the system server while in the immediate vicinity of headquarters. No officer should conduct him/herself in any way that would intentionally interfere with this upload from occurring.

B. All recording media, images, and audio will be stored on the department’s secure cloud based server. The contents (images and audio) of all MVR/BWR are the intellectual property of the Freehold Township Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this general order without the expressed written consent of the Chief of Police.

C. BWR/MVR recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.

D. NOTE: this subsection (VIII.D) applies to BWRs only. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWR recording except for an official purpose. Access to and use of a stored BWR 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 as provided in paragraph (1, below) of this subsection, a law enforcement officer shall be permitted to review and receive an accounting of a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.

- a. A law enforcement officer **shall not** be permitted to review and receive an accounting of a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event if the body worn camera recording contains images involving:
 - i. An encounter about which a complaint has been registered by a subject of the body worn camera recording;
 - ii. The use of police force resulting in death or serious bodily injury;
 - iii. The discharge of a firearm by a law enforcement officer;
 - iv. The death of a person while in police custody; or
 - v. An incident that is the subject of an internal affairs complaint.
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. Only the internal affairs supervisor or his/her designee can show such a recording to a civilian.
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 and audio as applicable by law.
 - i. 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.

- ii. 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 BWR 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 Freehold Township police officers appearing in the recording.
 - b. 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 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.
- 11. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, when 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.
- 12. To conduct an audit to ensure compliance with this general order.
- 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 BWR recording.

E. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWR or MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWR 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 policy, N.J.S.A. 2C:28-7, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with BWR/MVR's ability to accurately capture audio or video recordings:

1. The officer, employee, or agent shall be subject to appropriate disciplinary action (and criminal sanctions, as applicable); 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 BWR recorded in contravention of N.J.S.A. 40A:14-118.5 et seq. or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding.

F. Under no circumstances will any member of the Freehold Township Police Department make or permit to be made a personal copy of any recorded event without the expressed permission of the Chief of Police.

G. Officers who capture evidence or critical incidents shall bring it to the attention of the shift supervisor. The shift supervisor shall then make arrangements to flag the incident as needed and ensure the recording is preserved.

H. No department personnel shall copy, record, or share any MVR/BWR recordings outside the agency except as permitted by this general order without approval from the Chief of Police.

I. Recordings are considered investigatory records of this police department and shall be maintained on the department's secure cloud based server and disposed of in accordance with 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 180 days.
2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.
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. 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 BWR/MVR recording.
5. Recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWR/MVR 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 BWR/MVR recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BWR/MVRC made the recording or who is a subject of the BWR/MVR recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWR/MVR recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWR/MVR recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWR/MVR 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.1.5 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance

- E. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWR or MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWR 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 policy, N.J.S.A. 2C:28-7, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with BWR/MVR's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action (and criminal sanctions, as applicable); 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 BWR recorded in contravention of N.J.S.A. 40A:14-118.5 et seq. or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding.
- F. Under no circumstances will any member of the Freehold Township Police Department make or permit to be made a personal copy of any recorded event without the expressed permission of the Chief of Police.
- G. Officers who capture evidence or critical incidents shall bring it to the attention of the shift supervisor. The shift supervisor shall then make arrangements to flag the incident as needed and ensure the recording is preserved.
- H. No department personnel shall copy, record, or share any MVR/BWR recordings outside the agency except as permitted by this general order without approval from the Chief of Police.
- I. Recordings are considered investigatory records of this police department and shall be maintained on the department's secure cloud based server and disposed of in accordance with 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 180 days.
2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.
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. 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 BWR/MVR recording.
5. Recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWR/MVR 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 BWR/MVR recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BW/MVRC made the recording or who is a subject of the BWR/MVR recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWR/MVR recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWR/MVR recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWR/MVR 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.1.5 (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 an MVR/BWR 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 and any resulting administrative action.
7. The evidence officer is responsible for the retrieval, storage, and dissemination of MVR/BWR data.
- J. Open public records requests. Only the following BWR recordings shall be exempt from public inspection:
 1. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.1.4 of this general order if the subject of the BWR recording making the complaint requests the 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.1.5 of this general order.
 3. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.1.5 (a) (b) (c) (d) of this general order.
 4. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.1.5(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.
 5. Body worn camera recordings – The records custodian 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 BWR recording before complying with it.
 - a. The records custodian 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.
 - b. 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.

- c. 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.
 - d. 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.
 - e. The records custodian or his/her designee will receive an email 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.
6. Mobile video recordings:

- a. In accordance with New Jersey Attorney General Directive 2018-1, the Monmouth County Prosecutor's Office must authorize the release of any video/audio recordings (e.g., MVR, surveillance, etc.) in the agency's possession resulting from a police-involved use of force incident involving death or serious bodily injury.
 - b. The Monmouth County Prosecutor's Office will determine on a case-by-case basis whether and when such recordings will be made publicly available.
 - c. The Chief of Police or his/her designee shall promptly notify the Monmouth County Prosecutor's Office upon receiving such a request and provide the name and contact information of the requestor.
 - d. In other criminal matters, the Chief of Police or his/her designee shall contact an assistant prosecutor for guidance when receiving an OPRA request for MVR recordings for matters under the jurisdiction of the MCPPO.
 - e. In other than in criminal matters, the Chief of Police or his/her designee shall contact the township attorney for guidance when receiving an OPRA request for MVR recordings.
- K. MVR/BWR recordings shall be provided in discovery to defendants and their attorneys, in accordance with R. 3:1-3-3, R. 7:4.2, and R. 7:7-7.

1. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc. Only those portions of the recording pertinent to the request shall be forwarded.
2. All requests for copies or review of MVR/BWR recordings are subject to the fee requirements of the prevailing municipal ordinance.
3. Only an assistant prosecutor can release MVR recordings for discovery in a criminal matter under the jurisdiction of the MCPPO.
4. Requests for copies of the entire contents of an MVR/BWR recording shall only be provided upon issuance of an order by a superior court judge.
5. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or designee and only if a duplicate copy is retained by the department.
 - i. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.

L. All requests by the media or public to view video/hear audio related to a crime must be referred to the Monmouth County Prosecutor's Office.

M. A BWR/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 Chief of Police in consultation with 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 BWR/MVR 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 BWR recording tagged pursuant to section VI.E of this general order 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 Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWR recordings tagged pursuant to section VI.E.

3. The independent investigator or his/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 BWR recording of the incident under investigation. To ensure the integrity of such investigations and to avoid possible contamination of a witness's personal recollection of events that could undermine his/her credibility as a witness, notwithstanding any other provision of this general order, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWR/MVR recording of the incident, or a BWR/MVR recording of the response or on-scene investigation of the incident, without the expressed prior approval of the independent investigator or his/her designee.

N. The records custodian or his/her designee shall maintain a record of all BWR/MVR recordings that are accessed, viewed, copied, disseminated, or deleted. Minimally, the record keeping system shall document the following information:

1. The date and time of access; and
2. The specific recording(s) that was/were accessed; and
3. The officer or civilian employee who accessed the stored recording; and
4. The person who approved access, where applicable; and
5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.

O. The Chief of Police or his/her designee may conduct random reviews of MVR/BWR recordings to assess the training needs of the department and to ensure compliance with current safety procedures.

V. CONTROL AND MANAGEMENT

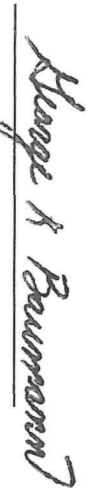
A. MVR and BWR recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such:

1. The agency cloud based server or other designated storage device shall be designated as the authorized storage location of all MVR/BWR recordings.
 2. MVR/BWR software shall be designated as the activity tracking software for all MVR/BWR recordings.
 3. All MVR/BWR recordings covered in this general order shall be maintained within the agency cloud server until such time they are authorized for destruction by statute, rule, or other directive governing the record.
 4. Video recordings shall not be released to any person without proper written approval. MVR/BWR recordings authorized for release shall be copied to portable media and shall be subject to the same security restrictions and chain of evidence safeguards and documentation in accordance with the agency's evidence general order.
 5. MVR/BWR recordings will not be released to any person or agency without having retained a copy and locked a copy in the server.
- B. All recordings are maintained within the BWR/MVR system in the BWR/MVR's software and are authenticated by an internal audit program with the BWR system. The MVR/BWR system administrator shall have access to delete video/audio segments.

C. Officers shall inform their supervisor of any recordings that may be of value for training purposes. Recordings from MVR/BWR may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the consent of the Chief of Police.

1. Subject to the viewing restriction in this general order, officers are entitled to review recordings depicting their own activity to evaluate their own performance.
2. Requests to view MVR/BWR recordings of other officers or events shall be made in writing and forwarded to the operations captain or designee, through the established chain-of-command. The request must articulate the reason for the review.

BY ORDER:



Chief George K. Baumann



FTPDP SUPERVISOR

MVR / BWR REVIEW FORM

Requesting Supervisor:	Today's Date:	Time:
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INCIDENT INFORMATION:

Involved Officer(s):	Case #:	Date of Incident:
Time of Incident: (approximate)	Location:	Video Tagged Correctly: ☐ Yes ☐ No
Video Reviewed:	☐ MVR	☐ BWR
Reason for Review:		

E-Mail

Print

Clear Form