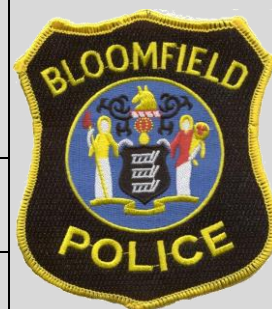


BLOOMFIELD POLICE DEPARTMENT GENERAL ORDERS



VOLUME:

5

CHAPTER:

13

OF PAGES:

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SUBJECT: MOBILE VIDEO RECORDING SYSTEM (MVR)

BY THE ORDER OF:

Director of Public Safety Samuel A. DeMaio

ACCREDITATION STANDARDS:

3.5.5

Effective Date:

July 1, 2015

SUPERSEDES ORDER #:

General Order 5.13

PURPOSE

The purpose of this general order is to establish procedures for the use of mobile video recording equipment (MVR). MVR 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 Bloomfield Township Police Department to utilize MVR to its fullest extent for the day-to-day patrol function and to maintain the necessary safeguards that will ensure the 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 consistent with manufacturer's guidelines, this directive, and those directives or guidelines issued by the Essex County Prosecutor.

PROCEDURES

I. GENERAL

- A. All references to MVR shall include the equipment installed in the police vehicles and where appropriate, the wireless transmitter, microphone and other accessories necessary to operate the system.
- B. MVR recordings are invaluable to law enforcement for evidential purposes. MVR has consistently demonstrated its 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.
- C. While visual and audio evidence may be captured on the recordings, the use of MVR 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 as a management tool to punish officers for minor departmental rule infractions.
 - 1. Personnel shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 - 2. MVR shall only be utilized for legitimate law enforcement purposes.
- D. Adequate safeguards are necessary to ensure that this technology is:
 - 1. Used in a non-discriminating way;
 - 2. Used to properly preserve evidence;
 - 3. Used to safeguard against potential violations of the New Jersey State Wiretap Laws, NJSA 2A: 156A-1, et seq.
- E. 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.
- F. These records 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. The recording can provide a record of police/citizen interaction within the police vehicle itself when an officer's attention is on driving. For example, the recorder will record events during transportation of arrested persons, escape risks, mentally disturbed individuals, intoxicated persons, people who are physically injured and members of the opposite sex. The recording can provide accurate documentation of highly detailed and/or fast-moving incidents, such as roadside sobriety testing, violent encounters, and pursuits.
 6. Supervisors will be able to view the recordings and select portions to use to train officers in safety, FTO training, interpersonal skills, proper police procedures, and legal doctrines.
 7. Officers will be able to view their own recordings to assist in preparing police reports and reviewing incidents.
 8. Recordings can permit supervisors to undertake more meaningful performance evaluations.
 9. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
 10. Recordings enhance management's ability to train personnel in proper police procedures.
- G. Installation, removal or repairs to any of the MVR equipment shall only be performed under the direction of the IT supervisor or designee.
- H. If a police vehicle is towed due to a collision the internal affairs commander will decide whether to immediately remove the SD card or wait until their next working day.
- I. Only officers who have received training in the use of MVR are permitted to use the system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of the system.
- J. MVR equipment is preprogrammed to automatically begin recording when the vehicle's emergency lights are activated, when the wireless microphone is activated, or in the event of a crash. Whenever the MVR is activated, officers shall ensure that the audio portion is also activated. Video recording may not completely document events as they occur. Therefore, officers are encouraged to provide narration as the events are occurring.
1. Officers can manually activate the system by pushing the 'record' button on the console, the 'record' button on the monitor or by activating the transmitter.
 2. The MVR transmitter has a long range. Although the video portion may only record the current field of view an officer may remotely activate the microphone to record audio away from the viewing area of the camera.

3. Officers are encouraged to manually activate the MVR prior to activating overhead emergency lights.
 4. All actions recorded may assist in demonstrating probable cause or capturing video evidence of a violation.
 5. There is a 60 second pre-event recording when system is on.
- K. Officers shall record all incidents of significance to law enforcement for evidence and/or training purposes including, but not limited to:
1. All traffic stops from the time the violation is observed until the stop is concluded, including sobriety testing;
 2. Stationary police details, such as DWI sobriety checkpoints, car/truck inspections, seatbelt use checkpoints, etc.;
 3. All vehicle responses when using emergency lights and/or siren;
 4. Crash scenes, including interviews on the scene;
 5. Major crime scenes;
 6. Motor vehicle pursuits;
 7. Investigations of criminal violations;
 8. Motor vehicle assistance calls;
 9. 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;
 10. Investigative detentions/field interviews;
 11. Strikes, picket lines, demonstrations;
 12. Disturbances;
 13. All transports of arrestees, prisoners, and other civilians;
 14. In all other situations wherein an officer's training and experience indicates that the situation should be recorded or when instructed to do so by a supervisor.
- L. Officers shall not cease recording an event at the request of any person or entity other than a police supervisor, which will be documented in the applicable Incident Report. If a citizen makes an inquiry whether or not they are being recorded, officers shall inform him/her that there is an MVR in use.

- M. When an officer has a passenger or prisoner in the patrol vehicle, the rear camera shall remain activated primarily to capture any interaction. This shall include, but not be limited to, anytime the recording may be of value in a prosecution or to document unusual or bizarre behavior, or any behavior that may cause personal injury to the occupant
1. In all circumstances when a person will be video or audio recorded in the police car, the officer shall advise the suspect/occupant that he/she is being recorded with both audio and digital equipment. This notification shall take place when the MVR is recording.
 2. The rear camera shall be activated when anyone is in the rear/prisoner/occupant seat.
 3. Each patrol vehicle equipped with an in-car camera will conspicuously display placard signs, facing the rear seat, reading, *"Notice: please be advised that any conversations held in this car are subject to being recorded."* Signs will be displayed in both English and Spanish.
- N. To prevent allegations of arbitrary and capricious utilization of the system, the following procedural guidelines shall strictly be adhered to:
1. Recordable incidents shall be video and audio recorded from beginning to end.
 - a. This procedure applies to primary as well as secondary/back-up units on these incidents.
 - b. This procedure applies to both adult and juvenile incidents.
 - c. MVR shall remain activated (audio and video recording) during motor vehicle stops and other law enforcement actions until the entire enforcement action has been completed and either the officer or stopped motorist has departed the scene.
 - d. When executing a motor vehicle stop, the officer should activate the Zoom feature to record the registration of the subject motor vehicle. Officers should record the plate number audibly into the microphone/transmitter to verify the plate is recorded.
 - e. Officers shall ensure that the camera is properly positioned to capture the officer-subject interaction at the outset of the incident. Ask the subject to speak up if necessary. Be cognizant of where you stand.
 - f. If necessary, an officer may elect to reposition the camera to capture other images relevant to the enforcement action. The officers may want to verbally describe the action(s) taken and the video obtained.
 2. Officers shall maintain activation of the wireless transmitter at **all** times when they are out of the vehicle on a car stop/incident that is being recorded.

- a. In some instances an officer may wish to mute the audio portion of the MVR to discuss strategy with another officer or to share intelligence. This is acceptable as long as the subject(s) of the police activity remains visible on the camera.
 - b. The officer should verbally record the reasons for muting, prior to muting the transmitter and should re-activate the audio portion as quickly as possible.
 - c. **At no time** should the MVR be turned off or transmitter muted while an officer is interacting verbally or physically with a subject.
3. The system will continue to record video after the emergency lights are shut off. The operator of the system must stop the recording **manually** at the conclusion of the stop/event.
4. No recording of video or audio is permissible in non-enforcement situations where prolonged recording from a stationary position is unlikely to capture information that may be useful in any prosecution or civil proceeding. Prior to stopping the MVR, officers shall announce on the audio their intention to stop recording along with the reason for such action (e.g., traffic post etc.).
5. 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.
6. Officers shall note in the narrative portion of any reports related to the incident, arrest, investigative detention, or motor vehicle stop the fact that audio/video recordings were made and also indicate the unit number of the police vehicle that was used.
7. Officers who capture evidence or critical incidents on a recording shall bring it to the attention of their supervisor.

II. OFFICER RESPONSIBILITIES

- A. **PRE-SHIFT TESTING** – Officers shall inspect the MVR at the beginning of each shift to ensure both video and audio recording readiness of the system.
 1. Log in to the camera system.
 2. Check camera position and zoom.
 3. Confirm the wireless transmitter's is on and synched to the vehicle.
 4. If it is not, officers will synchronize a charged transmitter with the system. This is accomplished by placing the contacts on the bottom of the transmitter against the contacts mounted inside the vehicle.
 5. Each officer will then take the transmitter from the dock and wear the transmitter or place the transmitter in his/her shirt pocket

6. After the transmitter has been synchronized to the patrol vehicle, the officer will conduct a test of the system by performing the following:
 - a. Ensure that the camera is operational and the LCD display is on.
 - b. Conduct a test of the video and audio recorder by activating the system and ensuring that both the video and audio are working properly.
 - c. If there are any problems with any of these procedures, note it on your log sheet and report it to your supervisor as soon as practical.
 - d. Verify that the external warning light on the front camera is flashing, indicating that both video and audio are being captured.
7. Officers shall immediately notify their supervisor of any MVR units found to be malfunctioning. Officers shall also note the observed deficiency on their *Daily Log Sheet*.
8. In the event that an MVR is found to be malfunctioning, supervisors shall reassign the officer to another vehicle equipped with an MVR. In the event a vehicle with an MVR is unavailable, a vehicle with the non-operating MVR may be used.
9. Officers shall conduct pre-shift tests again with the pool/secondary vehicle.
- B. MVR is equipped with software to identify why a particular video clip should be held (hold class).
 1. After each recorded motor vehicle stop or interaction/situation with a citizen, the officer will push the 'stop' button. A window will pop up with a list of the reasons for the stop (e.g., MV violation, DWI accident etc.) The officer will choose an appropriate *Hold Class*.
 2. If an officer feels that an MVR recording contains information needed to support a court case, the officer must use the hold classifications. Failure to use the hold classifications could result in the recording being automatically purged after 90 days and prior to the adjudication of the officer's case. The officer shall tag recordings that will be designated as evidence utilizing the hold classifications. The officer shall utilize *The Beast* evidence management system to log the recording as digitally transmitted media within *The Beast*. The evidence detective shall download and create a digital copy of the recording saved to the server which shall be to be stored in the evidence room. A *Video Discovery Form* shall be completed by the officer and submitted with *The Beast* label and placed into evidence locker #22.
 3. The junk classification shall be used for recordings that do not have evidentiary value (e.g., car wash, medical call with no unusual incident or when an officer is canceled from a call prior to arriving on scene).

III. SUPERVISORY RESPONSIBILITY

- A. Supervisors shall:

1. Ensure that all officers follow procedures for proper use of MVR as outlined in this general order;
 2. Ensure that MVR equipment is being fully and properly used;
 3. Document requests for repairs or replacement of damaged or non-functional MVR equipment on the appropriate form. The paperwork will be forwarded to the IT Supervisor or designee. The IT Supervisor will take the necessary measures to have the equipment repaired.
 4. Identify material or incidents that may be appropriate for training.
- B. Supervisors shall encourage and assist officers in using MVR as a training aid.
- C. The training supervisor will provide training to all supervisors, who will then train their officers and other officers (as the need arises) in the department on the proper use of the MVR system. This training will ensure proficiency in the operation of the MVR. The content of the training material will be documented and all officers are expected to adhere to it. Any questions in terms of the operation of the equipment shall be immediately brought to the attention of the supervisor(s). It is the responsibility of all supervisors and officers to make themselves familiar with the operation of the equipment and use it in accordance with this general order.
- D. Supervisors shall conduct random reviews of the MVR recordings of their squad members to assist in the following:
1. Review of officer safety techniques on car stops/incidents;
 2. Periodic assessment of officers' performance;
 3. Determination if the MVR equipment is being used in accordance with departmental general orders;
 4. Identify training needs.
- E. Supervisors must understand that minor infractions (not criminal in nature) discovered while reviewing the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed the appropriate disciplinary or corrective action shall be taken.

IV. RECORDS RETENTION AND REVIEW

- A. When an officer is requested to provide information regarding an event that has been recorded on a MVR, the officer shall be given the opportunity to review the recording prior to making any statements.
1. Officers are permitted to conduct a review of the contents of MVR recordings to ensure accurate reporting and to assist in articulation of probable cause.

2. Viewing of MVR recordings is strictly limited to sworn members of this department. Viewing by any other person is prohibited unless authorized by the Director of Public Safety, his/her designee, or consistent with this general order.
- B. At no time is it permissible for police employee to record/copy any of the recorded contents of the MVR through the means of any phone, camera or any other electronic device. Any violation of this paragraph shall result in discipline up to and including termination.
 - C. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal video/audio recordings or remove or disable any camera or monitoring device installed in a police vehicle. Any such tampering is a violation of NJSA 2C: 28-7, and is a 4th degree crime.
 - D. A *Video Discovery Form* shall be completed and turned into evidence for all incidents where a hard drive has been removed and held for evidence. This shall include all arrests including DWI and any other incident that an officer or supervisor deems necessary.
 1. When a recording is considered relevant or of evidentiary value, the incident report number shall be entered into the title field on MVR system.
 2. The officer recording the video shall enter the appropriate information into the evidence management system and submit the label into evidence.
 - E. Recordings are considered routine business records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Archives and Records Management (NJDARM) 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 ninety days (90).
 2. Recordings that are being stored for criminal, civil, or administrative purposes are to be processed and submitted as evidence.
 3. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case. Examples of retention periods include, but are not limited to:
 - a. Any death investigation (permanent);
 - b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime;
 - c. Non-criminal arrest, excluding DWI (2 years);
 - d. DWI arrest (10 years following adjudication of the case).
 4. Recordings maintained for these purposes can only be erased or destroyed in accordance with the appropriate NJDARM Record Retention Schedule.
 - F. Video and/or audio recordings shall be provided in discovery to defendants and their attorneys, in accordance with *R. 3:13-3*, *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.
 2. Only those portions of the recording pertinent to the request shall be forwarded.
 3. All requests for copies or review of MVR recordings are subject to the fee requirements of the prevailing municipal ordinance.
 4. Requests for copies of the entire contents of an MVR recording shall only be provided upon issuance of an order by a superior court judge.
- G. In the event that a 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 Director of Public Safety or designee and only if a duplicate copy is retained by the department. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
- H. Recordings will not be released to any other agency or individual without the written permission of the Director of Public Safety or his/her designee.
- I. Attorneys requesting information regarding the contents of video/audio recordings will be afforded the opportunity to view/hear the video/audio at police headquarters, by appointment during normal business hours.
- J. All requests by the media or general public to view video/hear audio related to a crime must be referred to the Essex County Prosecutor's Office.
- K. Arrangements may be made through the Director of Public Safety to exhibit, display and demonstrate department MVR equipment to prosecutors, judges and others reasonably affected by its use. Every effort should be made to ensure that the demonstration is both positive and thorough. The goal of this effort is to foster positive support for the use of MVR equipment and to resolve any questions that may hamper the effectiveness and efficiency of the equipment as an enforcement tool.
- L. The Director of Public Safety reserves the right to view any and all files captured by the MVR system in order to provide for the efficient and professional operations of the agency. The viewing of files is to be used only for departmental purposes and shall never be used to embarrass an officer and such use will not be tolerated.
- M. No member of the department is authorized to copy any file (using any format or source) from the server without the authorization of the Director of Public Safety or otherwise in compliance with this general order (e.g., OPRA, discovery, etc.).
- N. Records/administrative personnel will maintain a list of all DVDs that have been produced and distributed. If a request is made to use a video/audio file for training purposes then that request must be made in writing and approved by the Director of Public Safety or his/her designee. The Director of Public Safety will designate departmental personnel who are authorized to copy audio/video files from the server.