

abridged

City of North Wildwood, New Jersey
 901 Atlantic Avenue, P.O. Box 499
 North Wildwood, NJ 08260
 609-522-2030 ext. 1400
 609-522-6180 (Fax)

RECEIVED

SEP 14 2017

PUBLIC RECORDS REQUEST FORM CITY CLERK
 CITY OF NORTH WILDWOOD

Important Notice:

The reverse of this form contains important information related to your rights to request government records. Please read it carefully.

Requester Information: (Please Print - see reverse side for Important Information)

First Name: Joseph MI: C Last name: Grassi

Company: Barry, Corrado & Grassi

Mailing Address: 2700 Pacific Avenue

City: Wildwood State: NJ Zip Code: 08260

e-mail Address: jgrassi@capelegal.com

Business Hours Telephone #: (609) 729 - 1333 Ext. _____

Fax # (If applicable): (609) 522 - 4927 Ext. _____

Preferred Delivery: Pick-up ☐ US Mail ☒ On site inspection ☐

Under penalty of N.J.S.A. 2C:28-3, I certify that I Have ~~Have Not~~ been convicted of any indictable offense under the laws of New Jersey or any other state or the United States.

Signature: [Signature] Date: 9/14/2017

Payment Information:

Maximum Authorized Cost:

\$ 25.00

Select Payment Method:

Cash ☐

Check ☒

Money Order ☐

Fees: Pages 1 - 10 @ \$0.75 per
 Pages 11 - 20 @ \$0.50 per
 Pages 21 + @ \$0.25 per

137-17

Delivery: Delivery/postage fees additional depending upon delivery type

Extras: Extraordinary service fees dependent upon request

Record Request Information: (To expedite your request be as specific as possible in describing the records requested.)

1. Any and all CAD transcripts and transmissions involving any incidents at Keenan's at from 2:45 a.m. to 3:30 a.m. on July 29, 2017. This request was also made as a discovery request in the matter of State v. Atanasie Jovanov.
2. Use of Force reports for all officers responding to any incidents at Keenan's at or around 3:00 a.m. on July 29, 2017. This request was also made as a discovery request in the matter of State v. Atanasie Jovanov.
3. All Use of Force reports filed by Chukwoma Nwadike, 1702 from the beginning of his employment with the NWPD through present.
4. All Use of Force reports filed by Michael Gruber, 247 from the beginning of his employment with the NWPD through present.
5. All Use of Force reports filed by Justin Robinson, 257 from the beginning of his employment with the NWPD through present.
6. Standing orders, general orders, special orders, standing operating procedures, directives, or any other document governing the use and exceptions for the use of body cameras for North Wildwood Police Officers. This request was also made as a discovery request in the matter of State v. Atanasie Jovanov.

OFFICE USE ONLY

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TO Police Dept. JVS

SEP 15 2017

NORTH WILDWOOD POLICE DEPT.

137-17



North Wildwood Police Department

901 Atlantic Avenue, North Wildwood, NJ 08260
Phone: 609-522-2411 Fax: 609-522-0412 Mun. Code: 0507

71



CAD Report

17-27976	17-27976	07/29/17	03:03	03:04	03:04	03:32	
Report	Incident Code	Substation	Waiting				
Incident Type		Building / School / Location Name			Response Code		
Disorderly Person		Keenan's					
Location		Address			Altitude / Elevation		
113 N		New Jersey Avenue					
Call Number / Incident Number		Call / VOX			Cell Phone		
Notes							
10-10 out side of keenans 3:04:34 AM one under, 205 en route for transport 3:09:56 AM 205 is on a 19 with one adult male							
Officer(s)	Unit	Dispatched At	Arrived	Clear	Response Time	On-Scene Time	
Sgt. Michael Griser 247	230	03:04	03:04	03:32	00:00	00:27	
PO Justin Robinson 257	205	03:04	03:07	03:53	00:03	00:46	
Average Response Time (minutes)							
01:39							
Dispatched By							
arescio							

2 e # 3

All Incident Information				
Date	Time	Day of Week	Location	INCIDENT NUMBER
07/29/17	03:03	Saturday	113 Olde New Jersey Ave	17-27976
<u>Type of Incident:</u>				
☐ Crime in Progress ☐ Domestic ☐ Other Dispute ☐ Suspicious Person ☐ Traffic Stop ☒ Other Type of Call (Specify) Fight Call				

Name, (Last, First, Middle)		Badge#	Sex	Race	Age	Injured	Killed
SLEO 2 Chukwuma Nwadike 1702		1702	M	Black	22	No	No
Rank	Duty Assignment			Years of Service		On Duty	Uniform
SLEO 2	Squad 5			1		Yes	Yes

Name, (Last, First, Middle)		Sex	Race	Age	Injured	Killed
Jovanov, Atanasie		M	Cauc	32	No	No
☒ Under the Influence ☐ Other unusual Condition (Specify)		Arrested	Charges			
		Yes	2C:33-2A1 , 2C:29-2			
<u>Subject's actions (check all that apply)</u> ☒ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (specify:)			<u>Officer's use of force toward this subject (check all that apply)</u> ☒ Compliance Hold ☐ Hands/Fists ☐ Kicks/Feet ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☒ Other (specify: Push)			
			Firearms Discharge ☐ Intentional ☐ Accidental Number of Shots Fired: Number of Hits: [Use "UNK" if unknown]			

Name.(Last, First, Middle)		Sex	Race	Age	Injured	Killed
☐ Under the Influence ☐ Other unusual Condition (Specify)		Arrested	Charges			
<u>Subject's actions (check all that apply)</u> ☐ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (Specify:)		<u>Officer's use of force toward this subject (check all that apply)</u> ☐ Compliance Hold ☐ Hands/Fists ☐ Kicks/Feet ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:) Firearms Discharge ☐ Intentional ☐ Accidental Number of Shots Fired: Number of Hits: [Use "UNK" if unknown]				

Signature: SLEO 2 Chukwuma Nwadike 1702 	Date: 07/29/17
Print Supervisor Name: Sgt Michael Griser #247	Supervisor Signature:  #247 

#4

Date	Time	Day of Week	Location	INCIDENT NUMBER
07/04/15	01:54	Saturday	Virginia and Pine Ave	15-23878B
<u>Type of Incident:</u> ☐ Crime in Progress ☐ Domestic ☐ Other Dispute ☐ Suspicious Person ☐ Traffic Stop ☒ Other Type of Call (Specify) Suspicious Motor				

Name,(Last, First, Middle)		Badge#	Sex	Race	Age	Injured	Killed
Det. Michael Griser 247		247	M	Cauc	29	No	No
Rank	Duty Assignment			Years of Service		On Duty	Uniform
Detective	Detective			Eight (8)		Yes	No

Name, (Last, First, Middle)		Sex	Race	Age	Injured	Killed
Doroshenko, Ryan P		M	Cauc	27	Yes	No
☒ Under the Influence ☒ Other unusual Condition (Specify) Suspicious Motor Vehicle		Arrested Yes	Charges 2C:29-2A(3)(A), 2C:35-10A(4), 2C:36-2			
<u>Subject's actions (check all that apply)</u> ☒ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (specify:)		<u>Officer's use of force toward this subject (check all that apply)</u> ☒ Compliance Hold ☐ Hands/Fists ☐ Kicks/Feet ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:) Firearms Discharge ☐ Intentional ☐ Accidental Number of Shots Fired: Number of Hits: [Use "UNK" if unknown]				

C1. Subject 2 (List only the person who was the subject of the use of force by the officer listed in Section						
Name, (Last, First, Middle)		Sex	Race	Age	Injured	Killed
☐ Under the Influence ☐ Other unusual Condition (Specify)		Arrested	Charges			
<u>Subject's actions (check all that apply)</u> ☐ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (Specify:)		<u>Officer's use of force toward this subject (check all that apply)</u> ☐ Compliance Hold ☐ Hands/Fists ☐ Kicks/Feet ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:) Firearms Discharge ☐ Intentional ☐ Accidental Number of Shots Fired: Number of Hits: [Use "UNK" if unknown]				

Signature:  #247	Date: 7/5/2015
Print Supervisor Name: Capt. J. Stevenson #234	Supervisor Signature:  #234

**NORTH WILDWOOD POLICE DEPARTMENT
USE OF FORCE REPORT**

45

A. Incident Information

Date 05/28/17	Time 23:06	Day of Week Sunday	Location 511 East 13th Avenue	INCIDENT NUMBER 17-16846
Type of Incident:				
☐ Crime in Progress ☐ Domestic ☐ Other Dispute ☐ Suspicious Person ☐ Traffic Stop ☒ Other Type of Call (Specify) Noise Complaint				

B. Officer Information

Name, (Last, First, Middle) PO Justin Robinson 257	Badge# 257	Sex M	Race Cauc	Age 26	Injured Yes	Killed No
Rank Officer	Duty Assignment Patrol	Years of Service 6		On Duty Yes	Uniform Yes	

C1. Subject 1 (List only the person who was the subject of the use of force by the officer listed in Section

Name, (Last, First, Middle) Hagans, Andrew N	Sex M	Race Cauc	Age 16	Injured No	Killed No
☐ Under the Influence ☒ Other unusual Condition (Specify) Noise Complaint		Arrested Yes			
		Charges 2C:29-2, 2C:17-3, 2C:33-15a			
Subject's actions (check all that apply) ☒ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (specify:)			Officer's use of force toward this subject (check all that apply) ☒ Compliance Hold Firearms Discharge ☒ Hands/Fists ☐ Intentional ☐ Kicks/Feet ☐ Accidental ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:)		

C1. Subject 2 (List only the person who was the subject of the use of force by the officer listed in Section

Name, (Last, First, Middle)	Sex	Race	Age	Injured	Killed
☐ Under the Influence ☐ Other unusual Condition (Specify)		Arrested Charges			
Subject's actions (check all that apply) ☐ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (Specify:)			Officer's use of force toward this subject (check all that apply) ☐ Compliance Hold Firearms Discharge ☐ Hands/Fists ☐ Intentional ☐ Kicks/Feet ☐ Accidental ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:)		

If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature:	Date: 5/28/17
Print Supervisor Name: Sgt. Adam McGraw #242	Supervisor Signature:

NORTH WILDWOOD POLICE DEPARTMENT USE OF FORCE REPORT

(45)

A. Incident Information

Date 03/12/17	Time 01:11	Day of Week Sunday	Location 100 West Spruce Avenue	INCIDENT NUMBER 17-07617
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Type of Incident:

- ☐ Crime in Progress
 ☐ Domestic
 ☐ Other Dispute
 ☒ Suspicious Person
 ☐ Traffic Stop
☐ Other Type of Call
 (Specify)

B. Officer Information

Name, (Last, First, Middle) PO Justin Robinson 257	Badge# 257	Sex M	Race Cauc	Age 26	Injured No	Killed No
Rank Officer	Duty Assignment Patrol	Years of Service 5 years		On Duty Yes	Uniform Yes	

C1. Subject 1 (List only the person who was the subject of the use of force by the officer listed in Section B)

Name, (Last, First, Middle) Wright, Bryon- Michael	Sex M	Race Cauc	Age 22	Injured Yes	Killed No
☒ Under the Influence ☐ Other unusual Condition (Specify)	Arrested Yes	Charges 2C:29-1A			
<u>Subject's actions (check all that apply)</u> ☒ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☒ Other (specify: fleeing)			<u>Officer's use of force toward this subject (check all that apply)</u> ☒ Compliance Hold Firearms Discharge ☒ Hands/Fists ☐ Intentional ☐ Kicks/Feet ☐ Accidental ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:)		

C1. Subject 2 (List only the person who was the subject of the use of force by the officer listed in Section B)

Name, (Last, First, Middle)	Sex	Race	Age	Injured	Killed
☐ Under the Influence ☐ Other unusual Condition (Specify)	Arrested	Charges			
<u>Subject's actions (check all that apply)</u> ☐ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with knife/cutting object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (Specify:)			<u>Officer's use of force toward this subject (check all that apply)</u> ☐ Compliance Hold Firearms Discharge ☐ Hands/Fists ☐ Intentional ☐ Kicks/Feet ☐ Accidental ☐ Chemical/Natural Agent ☐ Strike/Use Baton or Other Object ☐ Canine ☐ Other (specify:)		

If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature: PO Justin Robinson 257	Date: 03/12/17
Print Supervisor Name: Sgt. Keith McGee #238	Supervisor Signature:

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NORTH WILDWOOD POLICE DEPARTMENT USE OF FORCE REPORT

A. Incident Information

Date 07/19/2013	Time 0115 hrs	Day of Week Friday	Location 1400 New Jersey Avenue	INCIDENT NUMBER 13-22724
Type of Incident ☐ Crime in progress ☐ Domestic ☐ Other dispute ☐ Suspicious person ☐ Traffic stop ☒ Other (specify) Interference of Traffic Stop by subject on Bicycle				

B. Officer Information

Name (Last, First, Middle) Robinson, Justin, R		Badge # 257	Sex M	Race W	Age 23	Injured No	Killed No
Rank Officer	Duty assignment Street Patrol	Years of service 1 1/2 YEARS	On-Duty Yes		Uniform Yes		

C1. Subject 1 (List only the person who was the subject of the use of force by the officer listed in Section B.)

Name (Last, First, Middle) Matarazzo, Michael, J		Sex M	Race W	Age 38	Weapon No	Injured Yes	Killed No
☒ Under the influence ☐ Other unusual condition (specify)		Arrested Yes		Charges 2c:33-2A(1) 2C:29-2A(1)			
Subject's actions (check all that apply) ☒ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (specify)		Officer's use of force toward this subject (check all that apply) ☒ Compliance hold Firearms Discharge ☒ Hands/fists ☐ Intentional ☐ Kicks/feet ☐ Accidental ☐ Chemical/natural agent ☐ Strike/use baton or other object Number of Shots Fired ____ ☐ Canine Number of Hits ____ ☐ Other (specify) (Use 'UNK' if unknown)					

C2. Subject 2 (List only the person who was the subject of the use of force by the officer listed in Section B.)

Name (Last, First, Middle)		Sex	Race	Age	Weapon	Injured	Killed
☐ Under the influence ☐ Other unusual condition (specify)		Arrested		Charges			
Subject's actions (check all that apply) ☐ Resisted police officer control ☐ Physical threat/attack on officer or another ☐ Threatened/attacked officer or another with blunt object ☐ Threatened/attacked officer or another with motor vehicle ☐ Threatened officer or another with firearm ☐ Fired at officer or another ☐ Other (specify)		Officer's use of force toward this subject (check all that apply) ☐ Compliance hold Firearms Discharge ☐ Hands/fists ☐ Intentional ☐ Kicks/feet ☐ Accidental ☐ Chemical/natural agent ☐ Strike/use baton or other object Number of Shots Fired ____ ☐ Canine Number of Hits ____ ☐ Other (specify) [Use 'UNK' if unknown]					

> If this officer used force against more than two subjects in this incident, attach additional USE OF FORCE REPORTS.

Signature: #238 Print Supervisor Name: Sgt. K. McGee #238	Date: 7/19/13 Supervisor Signature: #238
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Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- ☐ Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- ☐ Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- ☐ Certain records maintained by the Office of the Governor
- ☐ Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- ☐ Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- ☐ Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- ☐ Information in a personal income or other tax return
- ☐ Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- ☐ Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- ☐ Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.
(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

(No items were denied for this request)

Documents / files provided for this request:

Item #1 - CAD Report; Digital media files - "Police Repeater (Channel 1) and Dispatch Phone 1"
Items #2 & #3 - Use of Force Report from Off. C. Nwadike (only one since beginning of employment)
Item #4 - Use of Force Report from Off. M. Griser (only one since beginning of employment)
Item #5 - Use of Force Reports from Off. J. Robinson
Item #6 - NWPD Directive - G.O. #78 - "Body Worn Cameras, Mobile Vision Recorders and Other Video Systems"

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

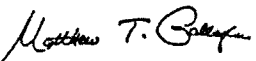
A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

☐ Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

NORTH WILDWOOD POLICE DEPARTMENT		GENERAL ORDER # 78 EFFECTIVE DATE: 10/24/16 # OF PAGES: 11																																																			
SUBJECT: BODY WORN CAMERAS, MOBILE VISION RECORDERS AND OTHER VIDEO SYSTEMS		<table border="1"><thead><tr><th>REVIEWED</th><th>REVISED</th><th>PAGE #</th><th>APPROVED</th></tr></thead><tbody><tr><td>10/13/16</td><td>ALL</td><td>ALL</td><td>10/24/16</td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td><td> </td></tr></tbody></table>				REVIEWED	REVISED	PAGE #	APPROVED	10/13/16	ALL	ALL	10/24/16																																								
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SOURCE: A.G. DIR. 2015-1; CMC CHIEF'S SOP #77; GO#12																																																					

1.0 Purpose

- 1.1 The purpose of this general order is to establish guidelines for the utilization of Mobile Video Recorders, Body Worn Cameras and other video systems. Such devices have proven to be valuable to law enforcement as a means to document events, actions, conditions, and statements made during arrests, critical incidents, or other events, and by assisting in the preparation of reports, documenting the collection of evidence, the preparation and presentation of court testimony, and by improving training capabilities by providing a means to review incidents to evaluate procedures concerning officer safety, arrest procedures, and officer / citizen interaction. Police work by its very nature is often confrontational and in many cases witnesses, victims, and suspects misinterpret actions taken by police.
- 1.2 MVRs, BWCs and other video systems are an independent witness that record police/citizen encounters. The files produced by the system may be used in investigating allegations of officer misconduct however, it is not the intent of the department to use the systems as a primary source to discover or initiate disciplinary action for violations of department policy or procedures. The primary purpose of these systems is to improve officer safety.

2.0 POLICY

- 2.1 It will be the policy of this department to utilize MVRs in department vehicles whose primary function is patrol. All new patrol vehicles will be equipped with MVRs. BWCs will be assigned for use to designated officers who have received training and have demonstrated proficiency in their use. Other video systems will be utilized to document events and monitoring live video streaming.

3.0 DEFINITIONS

- 3.1 Mobile Vision Recorder (MVR): Designated cameras, microphones (internal and officer worn) and a secured DVR. MVRs are capable of video recording of visual images with or without electronic recording of conversation or spoken words (audio) and are mounted in designated patrol vehicles.
- 3.2 Body Worn Camera (BWC): Designated camera worn by officers capable of video recording of visual images with or without electronic recording of conversation or spoken words (audio). BWCs minimum standards shall conform to CMC SOP#77 & A.G. Dir 2015-1.
- 3.3 Other video systems: Include police building camera systems, pole-mounted cameras (PTZ & panoramic) with coverage of the Boardwalk and certain areas of the beach, pole-mounted cameras (PTZ & panoramic) within the entertainment district. All of which are capable of video recording of visual images without electronic recording of conversation or spoken words (no audio).

4.0 PROCEDURES

- 4.1 This agency will comply with CMC Chiefs SOP #77 and AG Directive 2015-1 with regards to BWCs.
- 4.2 Officers shall receive training in the proper operation, use and maintenance of this agency's video and audio recording systems.
- 4.3 MVR, BWC and other video systems video/audio files will be stored on secured, separate servers designated specifically for each recording system and accessible only by the Chief of Police and designee(s). (Retention refer to G.O. #12)
 - 4.3.1 Video/audio event files will be stored on designated and secured servers for a minimum of (90) days.
 - a. Requests shall be made to a Command level officer for the preservation of any video event file, that has been made, which has evidentiary value. Incidents in which such requests shall be made include but are not limited to:
 - 1. Use of Force
 - 2. Aggravated Assault on an officer (if there's injury or not)
 - 3. Prisoner injury or prisoner request for medical attention
 - 4. Bias based policing complaints
 - 5. Critical Incidents
 - 6. Other incidents in which video/audio memorialization would serve an evidentiary purpose. (Refer G.O. #12).

- 4.3.2 Video and audio recording systems will only be utilized for legitimate police business and by sworn officers only.
- a. In cases where an officer has been assigned a BWC, the MVR and BWC shall be used simultaneously unless impracticable.
 - b. BWCs shall not be activated:
 - 1. When the officer is on a break or otherwise not engaged in the performance of his / her duties.
 - 2. By any officer for personal purposes, or when engaged in police union business.
 - 3. To record conversations involving counseling sessions, personal evaluation reviews, internal affairs investigations or any other similar supervisory interaction.

4.3.3 Assigning of BWC to officers

- a. BWCs will remain in the docking stations until ready for use.
 - 1. Sergeants or O.I.C.s will log into the “WatchGuard Evidence Library”, and proceed to the “Vista Dashboard” where all docked BWCs will be displayed.
 - I. Checking out a device requires the selection of an officer / detective to whom it will be assigned during any particular shift, assignment or investigation.

4.3.4 MVRs & BWCs shall be utilized for but not limited to the recording of following circumstances / incidents:

- a. Mere inquiries or Investigative detentions
- b. Upon approaching the location of a call for service dispatched to
- c. DWI investigations
- d. On scene interviews of witnesses during investigations
- e. Effecting an arrest
- f. Vehicle and traffic stops (MVR & BWC-if assigned)
- g. During “Terry Frisks” for weapons
- h. While conducting “any” search (incident to arrest, consent)
- i. During any type of civil disturbance
- j. Any incident where constructive authority or force is used
- k. Disturbances / Disorderly persons
- l. Transporting arrestees to the PD, county jail or other place

1. BWCs shall remain activated until the person is in the police building/booking room;
 2. BWCs shall remain activated until the person is turned over to jail or other appropriate personnel.
- m. Vehicular pursuits
 - n. Any application of force used by any officer present
 - o. Other enforcement actions
 - p. Scenes where the officer knows/reasonably knows, that deadly force has been or is going to be employed
1. BWCs / MVRs shall not be deactivated/turned off unless directed by the Assistant Prosecutor or other person supervising the deadly force incident (A.G.'s office).
- q. when an officer has requested emergency assistance
 - r. When on scene and any other officer is engaged in any of the above actions/activities.
- 4.3.5 Officers shall activate the video recording device(s) at the beginning of any of the above given incidents, whether officer initiated or initiated by another, unless impracticable.
- a. Activation need not be made upon being dispatched rather BWCs shall be activated when arriving on scene.
 - b. "Covert" mode disables the LED recording and power lights as well as any audible indicators.
- 4.3.6 Specific notifications
- a. During contact with persons inside their residence or during an encounter where it is reasonably believed that the person is a victim of a crime, officers shall:
 1. Verbally notify the person that the BWC has been activated and is recording, unless it is unsafe or infeasible to provide such notification.
 - I. If an officer decides not to provide notification of the BWC's activation because it's unsafe or infeasible to do so, the officer shall document the reasons for that decision in an O.R. or I.R..
 2. Failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.

- b. If a person asks an officer whether the officer is equipped with a BWC or asks if the BWC has been activated, the officer shall answer truthfully unless the county prosecutor or designee has previously authorized the officer to make a secret recording.
 - 1. This does not apply to officers while operating in an undercover capacity or while conducting/participating in a station house custodial interrogation electronically recorded.

4.4 Deactivation (turning off) of video recording devices is authorized when:

4.4.1 Deactivation will occur when the incident is concluded:

- a. Involved persons of the incident have left the scene.
- b. Officer(s) have left the scene and have given the disposition to dispatch.

4.4.2 When a civilian requests that the BWC be deactivated/turned off, under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless the request is respected.

- a. Officers shall not recommend or suggest to the person that the BWC should be deactivated/turned off nor ask the person whether or not they prefer that the BWC be deactivated.
- b. A request to deactivate a BWC must be self-initiated by the civilian.
- c. In deciding to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting the deactivation whether the encounter is occurring in the person's residence and the need for information or assistance that the person will provide only if the deactivation request is honored.

4.4.3 At the request of a person seeking medical assistance/services for themselves or another.

- a. Privacy interests shall be considered by the officer when deciding to deactivate.

4.4.4 The BWC shall remain on during the actual request to deactivate the device so that the request is electronically recorded.

- a. Officers shall verbally state the circumstances of the request to deactivate the BWC, such as: "I am now turning the BWC recording off as per the victim's / person's request".
 - b. Notification of such deactivations shall be made to an officer's immediate supervisor.
 - c. Officers shall document the circumstances of the deactivation in the associated report/CAD entry.
- 4.4.5 Decisions to decline a deactivation request shall be documented and a supervisor shall be notified as soon as safe/practicable.
- a. When a request to deactivate is declined by the officer, the person making the request shall be informed immediately of the decision.
 - b. Officers are prohibited from misleading a person making a request for deactivation of a BWC into believing that it has been turned off.
 - 1. Authorization from the CMCPD or Dir. of Div. of Criminal Justice or designee(s) is required for covert recordings.
- 4.4.6 Deactivation of a BWC, or (muting an MVR microphone) before the conclusion of the encounter during criminal investigations for strategy, planning or discussion is authorized. The officer shall narrate the circumstances of the deactivation such as: "I am now turning the BWC recording off (muting the MVR microphone) to discuss investigative strategies with my supervisor.
- 4.4.7 Deactivation at the order of an Asst. Prosecutor / Dep. Att. General is authorized and the officers shall narrate the circumstances of the deactivation such as: "I am now turning the BWC recording off as per the instruction of Asst. Prosecutor (include the name of the Asst. Pros.) who gave instruction to deactivate the device.
- 4.4.8 Reactivation of BWC after an initial deactivation
- a. In any instance where a BWC was deactivated, it shall be activated (recording started) as soon as safe/practicable when the circumstances justifying the deactivation no longer exist and the officer would otherwise be required to activate the BWC.

4.4.9 Upon completion of the incident, officers with BWC(s) shall “categorize” (“tag”) the event on the BWC as determined by the disposition.

a. The tag of “**Investigation-secure**” shall be used to indicate that the recorded event contains any of the following and are to be protected as per NJSA 47:1A-1.1 exemptions from OPRA requests:

1. Surveillance, Security, Tactical, Investigations, or Operational Techniques

4.5 Restrictions on activation of BWCs

4.5.1 Unless an officer is actively engaged in investigating the commission of a crime, or is responding to an emergency, or reasonably believes that he/she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall deactivate a BWC that has been activated while the officer is:

- a. in a school, youth facility on the property of either under circumstances where minor children would be in view of the BWC,
- b. in patient care area of a healthcare facility, medical office or substance abuse treatment facility under circumstances where patients would be in view of the BWC,
- c. in a place of worship under circumstances where patients would be in view of the BWC,
- d. if an officer is required to deactivate a BWC as per this section, the officer shall narrate the reason for deactivation such as: “I am now turning the BWC recording off as I am entering a school where children are present”,

4.5.2 A BWC shall be reactivated as soon as safe/practicable to do so if and when the circumstances requiring the deactivation no longer exist.

4.5.3 Undercover officers and C.I. recordings

- a. Officers shall not activate a BWC if the officer knows or reasonably should know that the BWC would capture the image of an undercover officer or confidential informant or otherwise pose risk to the safety of either, unless activation is expressly authorized by a supervisor or the exigency of the situation and any danger posed to an officer requires that encounter/incident be recorded.

- b. Immediate notification to the officer's supervisor shall be made that the undercover officer and or C.I. has been recorded.
- 4.5.4 When an incident arises that requires the immediate retrieval of a digital recording, (serious crime scenes, serious incidents within the police building, Officer involved shootings, department involved motor vehicle accidents), a supervisor shall respond to the scene to secure the BWC and maintain chain of custody.
- 4.5.5 Video and audio recording system files may be used for the following purposes:
 - a. To accurately document events, actions, conditions and statements made during investigative stops, field interviews, arrests and critical incidents.
 - b. To enhance the department's ability to review arrest procedures, officer-suspect interaction and evidence for investigative purposes.
 - c. Officer evaluation and training.
 - d. To provide protection for officers and the department from false claims of police misconduct.
 - e. For administrative reviews (video/audio files are to become part of each administrative review.
- 4.5.6 Copies of MVR or BWC footage will not be given to any individual who is not a member of this agency or any outside agency without prior approval of the Chief of Police or his/her designee.
 - a. No person shall make a copy of any video/audio file(s) by using any device, i.e. cellphone, to record such files while being played back on an agency computer.
- 4.5.7 Equipment that is not working properly or is in need of repair shall be removed from service or clearly identified as such (put on roll call). Notice shall be made to the Administrative Division Commander of such discrepancies as soon as practicable.
 - a. If a recording device malfunctions while on patrol or during an incident, it shall be immediately be reported to a supervisor.
 - b. Inoperable BWCs shall be secured and a command level officer is to be notified.

4.6 Officer responsibilities:

- 4.6.1 A BWC and the MVR system in a police vehicle are the responsibility of the officer assigned (person and or vehicle). The officer is responsible for the proper operation and care of the equipment during his/her shift.
- a. At the beginning of each shift, as part of the pre-tour vehicle inspection, officers will visually check the MVR system / BWC for any apparent damage.
 - b. Officers will check the BWC (powers up, battery level remaining is sufficient, internal storage percentage is at 0%); test and verify that all MVR equipment is functioning properly (both cameras, microphones, monitor display / volume).
 - 1. MVR "test" recordings should be conducted with a test count, then played back to ensure proper video/audio recording has taken place.
 - c. Functioning video equipment will remain "powered" on during an officer's tour of duty.
 - d. If there is any visual damage to the equipment or any aspect is not functioning properly, the officer will immediately notify a supervisor and proper documentation shall be made.
 - e. Officers will not, in any manner, alter or damage video equipment. Measures should be taken to keep BWC and MVR microphones from becoming wet.
 - f. Officers should place the BWC into the docking station when doing reports or during meal breaks to ensure frequent uploads are conducted and battery charge levels remain sufficient.
 - g. Officers shall return the BWC to the docking station at the end of their assigned shift / tour of duty.
 - h. BWC and MVR microphones are to be removed from the officers' person whenever in the DWI room during Alcotest operations.
- 4.6.2 MVR footage is stored on a SD card in the DVR. If storage capacity reaches a specified level as indicated at the top middle portion of the monitor, (of approx.. 6gig) officers will:
- a. Park the patrol unit in the police department's rear parking lot and check the MVR monitor to confirm that video is "uploading" as the connection status bar will show connection (multiple green

bars) to the building mounted access points (antennas) and “file transfer” will be displayed.

1. Patrol Units 203 through 207 have a recording capacity of approx. 14.7gig when the SD card is empty.
 2. Other patrol units and 214 have a recording capacity of approx. 7.8gig when the SD card is empty.
 - I. The designated prisoner van must remain in area of the video upload access points for proper video uploading.
 - b. If the MVR is not uploading or there is an apparent problem with access point connections, a member of the Administration shall be notified to perform a “manual upload” can be conducted and investigate as to why automatic uploads are not taking place.
 - c. At no time is any officer authorized to attempt to remove an SD card from any DVR.
- 4.6.3 BWC footage stored in the device is uploaded to the server when the device is properly placed into the docking station, which also charges the devices’ batteries. Internal storage is limited to 32gig.
- a. No access is to be attempted or is available to the internal storage without causing significant damage to the DWC.
- 4.6.4 When recording an incident, officers shall take steps to ensure:
- a. That the camera(s) are correctly positioned and adjusted to record the event.
 - b. That the MVR wireless microphone is activated. BWCs are also to be activated during the recording of MV stops and other designated incidents.
 1. Patrol vehicle radios (music) shall be turned off or volume set low so as not to interfere with MVR recording/audio.
 - c. Not deactivate the recording equipment until the conclusion of the incident.
 - d. If an officer completes an incident report for any call and the mobile video recording system is utilized, the officer will make note of it in the narrative portion of his/her report.

- 4.6.5 The MVR recording equipment will automatically activate and begin recording footage when the vehicle's emergency lights are activated, when the officer manually begins recording by pressing the record button, when the microphone is turned on or the patrol vehicle is involved in a crash.
- 4.6.6 Officers may view recorded events to assist with completion of reports.
 - a. Officers shall check the appropriate box (MVR/BWC) in the "incident details" portion of I.R./O.R. reports to indicate that device(s) were used and recorded events are associated with a particular incident.
 - b. Officers shall document, in their report, the vehicle / device that was used for the recorded events.
- 4.7 Supervisor responsibilities
 - 4.7.1 Supervisors will ensure that officers follow established procedures for the use and maintenance of BWC / MVR systems as set forth in this directive as well as CMC SOP#77 and A.G. Dir. 2015-1.
 - 4.7.2 Supervisors will perform a periodic audit by viewing random BWC / MVR video footage recorded on a regular basis as directed.
 - 4.7.3 When an incident arises that requires the immediate retrieval of a digital recording in which a BWC was used, (serious crime scenes, serious incidents, officer involved shootings etc.), a supervisor shall ensure that, upon completion of the recording of the incident, that the device(s) are secured in a temporary evidence locker. An entry into the "Evidence Report" (*Chain of Custody*) module of the current records management system (LawSoft).
 - a. Notification shall be made to the Chief of Police through the chain of command for any actions taken as stated in 4.7.3 above.
- 4.8 Custodial Interrogations
 - 4.8.1 BWCs may be utilized for the recording of custodial interrogations. Use of BWCs for such recordings shall be conducted in accordance with NWPD G.O. #59 – Recordings of Custodial Interrogations.

