

BRICK TOWNSHIP POLICE DEPARTMENT GENERAL ORDER



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SUBJECT: BODY WORN AUDIO/VIDEO CAMERA SYSTEMS

BY THE ORDER OF:
Chief Nils R. Bergquist

ACCREDITATION STANDARDS:
3.5.5

EFFECTIVE DATE:
April 6, 2015

SUPERSEDES ORDER #:

PURPOSE The purpose of this policy is to establish guidelines for the trial of Body Worn Cameras. It will also establish guidelines for the use and management of body worn audio/video camera systems. The body worn camera will be used to document various events. At the end of the user's shift the captured data will be preserved in a digital storage facility. Only Body Worn Cameras authorized by the Chief of Police or his designee will be utilized for the trial period.

POLICY It shall be the policy of the Brick Township Police Department to issue body worn cameras to record video and audio-record incidents involving law enforcement activity. Only department issued body worn cameras are authorized for use by department members. No other audio/video camera system may be used without the permission of the Chief of Police.

I. Definitions

- A. Body Worn Camera (BWC) – A camera worn on an individual officer's person that records and stores audio and video evidence.
- B. Digital Evidence – Includes photographs, audio and video recordings that are stored digitally.
- C. Evidence.com – A secure “cloud” based storage system which is externally hosted and available to all users. Evidence.com is used to organize, classify, manage, view and archive digital evidence. Evidence.com tracks and provides an audit log of all activity to protect chain of custody.
- D. Evidence Transfer Manager (ETM) – A docking station for the AXON Flex camera and battery. When the camera is docked, video data stored on the camera is automatically downloaded to Evidence.com. The ETM also charges the battery and camera.

II. Camera Deployment

- A. At the beginning of each shift, the officer will:
 - 1. Ensure that the issued equipment has a fully charged battery and is functioning properly;
 - 2. Notify a supervisor whenever there is a malfunction or damage to the BWC and document the malfunction/damage with an operations report.
- B. During shift, the officer will:
 - 1. Activate the BWC as stated in GENERAL PROCEDURE below.
 - 2. Tag BWC recording as appropriate prior to the end of shift.
 - 3. Document the existence of an audio/video recording in all the appropriate documents, i.e.,
 - a. Arrest Report, Incident (operation/investigation) Report, Summons, Field Interview, CAD, etc. Documenting the existence of video will be done on the first reports as a summary of what is contained in the BWC recording;
 - 4. Not Substitute “refer to video” or other similar language in place of a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the BWC recording;
 - 5. Update CAD if an incident is not recorded due to BWC malfunction or damage;
 - 6. Notify investigative personnel of the existence of BWC recordings during critical incidents. This shall also be noted in the officer's reports;
 - 7. Not allow citizens to review BWC recording in the field. Citizens requesting to view BWC must be directed to the Police Administration;

8. Not use the BWC to record any personal conversation of or between other department employees without the recorded employee's knowledge.
9. Recordings procedures shall be strictly adhered to. In addition, the BWC shall not be used to record non-work related personal activity and will not be activated in places where a reasonable expectation of privacy exists, such as locker rooms or restrooms;
10. BWC shall not be used during major crime investigative briefings without prior police administration approval.

III. General Procedure

- A. Any brand or model of BWC must be approved by the Chief of Police or his designee as the only department authorized and approved BWC for any trial period. This BWC will only be used by officers who have been trained in the operation of this system.
- B. Activation of the BWC is not required during periods of unassigned time, breaks or lunch periods, or when not in service.

NOTE: The TASER Axon Flex or Body camera system is configured with a 30 second pre-event video buffer recording. When the BCS is activated, the preceding 30 seconds of video (no audio) will be captured and become part of the event recording. Audio recording will begin at the time the BCS is activated.

- C. Unless otherwise unsafe or impractical to do so, officers utilizing BWC shall activate the BWC as soon as practical in the following occurrences:
 1. Vehicles:
 - a. All Stops – occupied or unoccupied;
 - b. Pursuits – primary or secondary
 2. Persons:
 - a. All Stops – consensual, reasonable suspicion or probable cause.
 3. Arrests and detentions;
 4. Any contact that becomes adversarial when body camera had not been activated;
 5. Transporting Prisoners, if appropriate;
 6. Any contact of the officers discretion;
 7. K-9 searches;
 8. Search warrant service of a structure.

NOTE: Officers are not required to advise or obtain consent to video/audio record.

- D. Once the BWC is activated, recording will continue until the event has concluded; the following are exceptions:

1. The incident or event is of such duration that deactivating the BWC is necessary to conserve available recording time;
 2. The officer has a reasonable belief there will be no loss of critical documentary information (for example, completing reports at the conclusion of an event, etc.);
 3. A citizen has requested the BWC be turned off within their home.
 - a. Officers have no obligation to stop recording in response to a citizen's request, but may evaluate the situation and when appropriate, honor the citizen's request. The request to turn the camera off should be recorded and documented within the narrative of the officer's report.
- E. Deactivation of the BSC shall occur when:
1. The event has concluded;
 2. Victim and/or witness contact has concluded;
 3. All persons stopped have been released;
 4. Once an arrestee has been placed into a vehicle to be transported to a headquarters, except when transporting prisoner's officers feel would be appropriate.

IV. Supervisor responsibilities

- A. Ensure all officers who have been issued the BWC are equipped prior to the beginning of shift;
- B. Ensure any malfunction or damage to a BWC unit is documented in a police report.
 1. The supervisor will remove the BWC from service and contact the Administrative Services Division to have the BWC repaired;
- C. When receiving a complaint alleging misconduct by an employee assigned a BWC, the supervisor will review the BWC recording, if available, to determine if misconduct occurred. Allegations of misconduct or complaints against officers will be addressed as outlined in the department's Internal Affairs Policy.
 1. If not already tagged, the supervisor will ensure that the BWC recording is tagged.

V. Data Storage, Security, and Access

- A. The Administrative Services Division is responsible for the storage and security of BWC recording files;
- B. All BWC recordings not tagged for retention will automatically purge 90 days from the date of recording.
- C. All BWC recordings being retained for longer than 90 days will be automatically moved to cold storage.
- D. Unauthorized use, duplication, and/or distribution of BWC recordings files are prohibited;

- E. Employees shall not download, copy, or record BWC recordings from Evidence.com onto any computer, device, drive, CD/DVD, or any other format without the express written consent of the Chief of Police or his designee.
 - 1. Only trained personnel shall operate the BWC;
- F. Employees shall not remove, dismantle or tamper with any hardware/software component or part of the BWC.
- G. Employees shall not attempt to erase or alter in any manner, BWC recordings file;
- H. Evidence.com shall only be accessed from authorized computers.
- I. Access to Evidence.com from a home, personal, or non-department mobile device is prohibited. EXCEPTION:
 - 1. Administrative users of Evidence.com may access Evidence.com from a computer or device outside the department for the purpose of completing administrative tasks, such as locking or unlocking users, etc.;
- J. Employees shall not publish or display BWC recordings to the internet or social media sites, in accordance with the department's Professional & Social Networking Policy;
- K. The Internal Affairs Supervisor may allow citizens, arrestees or violators to view BWC recordings as part of an investigation into allegation of officer misconduct;
- L. BWC recordings shall not be used or shown for the purpose of ridicule or embarrassment.

VI. Internal Access and Viewing

- A. All access and activity on Evidence.com is logged and subject to audit at any time. Access to Evidence.com and the data stored in the system is permitted on a right to know, need to know basis. Personnel authorized under this policy may only view video data according to the provisions of this policy and as designated by the Systems Administrator, the Chief of Police or his designee.
- B. Once uploaded to Evidence.com, authorized personnel may view BWC recordings on a department computer by logging in to the system and documenting the reason for access in the "NOTES" section prior to viewing any data.

VII. Officer Access

- A. Officers may view their own BWC recordings as they relate to:
 - 1. Preparing official reports, to help ensure accuracy and consistency. Officers are encouraged to review the BWC recording prior to preparing reports;
 - 2. Prior to court to refresh recollection:
 - a. Officer's will ensure that the prosecuting attorney is aware video was reviewed;
 - 3. Providing a statement pursuant to an internal investigation, including officer involved shooting investigations and other critical incidents.

- a. Following an officer involved shooting or other critical incident, involved personnel shall not view their video on any device or computer prior to the video being uploaded to Evidence.com.

VII. Critical Incidents Preserving Data, and Access Viewing

- A. When safe and practical to do so, an on scene supervisor shall retrieve the BWC from involved and witness officers at the scene. The supervisor will be responsible for assuring the BWC is docked and uploaded into Evidence.com;
- B. Following an officer involved shooting, use of deadly force or other critical incident, BWC recordings may only be viewed prior to being uploaded in Evidence.com when exigent circumstances exist, such as an officer being injured and in order to obtain identifying suspect information or other pertinent information from the BWC recordings.
 1. Internal Affairs Personnel may view BWC recordings in order to assist in an investigation.

IX. Supervisor Access

Supervisors may view BWC recordings from personnel under their supervision. BWC recordings may be periodically reviewed by supervisors to:

- A. Monitor officer performance;
- B. Ensure the BWC is being operated and utilized properly;
- C. Identify training issues;
- D. After notification of an officer misconduct complaint.

NOTE: A supervisor's review of BWC recordings that identifies a minor performance deficiency should generally be viewed as an opportunity to provide counseling and/or additional training to correct that deficiency. If the performance deficiency is not corrected through training and/or counseling, the appropriate disciplinary and/or corrective action shall be taken.

X. Access by Investigative Personnel

Personnel assigned to the internal affairs unit may view BWC recordings as part of their review or investigation of the incident.

XI. Training Access

In instances where a BWC recording contains material that is beneficial for training purposes, the recording may be used only after approval from the Chief of Police or his designee.

XII. Legal Access

- A. Personnel in the Ocean County Prosecutor's Office may view BWC recordings as part of their review or investigation of an Internal Affairs complaint.
- B. The Chief of Police or his designee shall be notified prior to any access from outside the Brick Township Police Department.

XIII. External Access – New Jersey’s Open Publics Record Act

- A. New Jersey’s law allows for the public to request inspection and/or copies of public records. Whether a BWC recording is a public record will depend on several factors. Additionally, the character of a recording may change from non-public to public. As general guidance for release of video/audio please note the following:
1. Evidence is not a public record;
 2. Video recordings (photographs) of juvenile offenders are confidential and protected;
 3. Video/audio recordings obtained within a non-public area home or non-public area of a business are protected;
 4. Video/audio recordings obtained depicting a victim of sexual assault in such a way that their identity may be ascertained is not a public record;
 5. Video containing data of the report or investigation of abuse, neglect, exploitation or vulnerable persons is not a public record;
 6. Any other laws making the identity of the person(s) depicted confidential;
 7. Any other privacy concerns giving the person(s) depicted a legitimate privacy interest in not having video/audio data released.

XIV. Juvenile Recordings

It is recognized that video images of juvenile offenders will at times be recorded by the BWC when responding to calls for service or during the course of an investigation. Because of this, officers shall project video recordings of juveniles the same as still photographs of juveniles. If a department employee has a need to use BWC recorded images of juvenile offenders as part of an investigation, the department employee shall strictly adhere to, Photographing/Fingerprinting of Juveniles.

NOTE: The release of any BWC recordings to media outlets will be at the direction of the Chief of Police or his designee.