

VOORHEES POLICE DEPARTMENT GENERAL ORDER		
SUBJECT: BODY WORN CAMERAS		
EFFECTIVE DATE: March 9, 2017	NUMBER OF PAGES: 15	
ACCREDITATION STANDARDS: 3.5.5	BY THE ORDER OF: Chief of Police Louis Bordi	

PURPOSE The purpose of this general order is to establish uniform guidelines for the lawful use and operation of the agency-authorized body worn camera recording system (BWC). The goals and objectives in deploying BWCs is the accurate documentation of interactions between law enforcement and members of the public, arrests and other critical incidents. Further, this general order establishes protocols for the maintenance, storage and preservation of recordings in order to maintain the lawful chain of custody.

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

All personnel (sworn and civilian) shall use this equipment (including accessing and replicating recordings) consistent with manufacturer's guidelines, applicable laws and statutes, this general order, and those policies or guidelines issued by the New Jersey Attorney General and the Camden County Prosecutor's Office. Failure to use this technology in accordance with this general order, applicable laws and statutes, and those policies or guidelines issued by the New Jersey Attorney General and Camden County Prosecutor's Office can result in disciplinary action. Any willful or repetitive violations of this general order shall be promptly reported to the Camden County Prosecutor's Office.

The Voorhees Township Police Department website/webpage shall contain a clear statement that this department utilizes body worn cameras. The website/webpage posting shall include an image showing of what the device looks like and how it is to be worn by uniformed officers 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 Camden County Prosecutor's Office of this general notification to the public.

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 BWC.
2. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation or interaction with a citizen for the specific purpose of informing the citizen that the communication or conversation is being recorded.
3. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
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 – involves the use of an officer's authority to exert control over a subject (see this department's general order on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...show me your hands," "...get out of the vehicle", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...move out of the way", "...get down", etc.).
6. Deactivate – means to shut off the recording mode of a BWC.
7. Force – has the same meanings as defined in this department's general order on *Use of Force*.
8. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
9. School – means an elementary or secondary school (i.e., middle school or high school), public or private.

10. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.
11. Tagging – is an electronic labeling of an electronic file captured by a BWC.

II. GENERAL

- A. While visual and audio evidence may be captured on the recordings, the use of BWC is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
 1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 2. BWC shall only be utilized for legitimate law enforcement purposes.
- B. 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 N.J.S.A. 2A: 156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act*.
- C. These recordings will serve the following purposes:
 1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 3. The recordings can resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 5. Supervisors will be able to view the recordings and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
 6. Recordings can permit supervisors to undertake more meaningful performance evaluations.
 7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.

8. Recordings enhance management's ability to train personnel in proper police procedures.
- D. Repairs to any BWC equipment shall only be performed under the direction of the administrative commander or his/her designee.
 - E. The Chief of Police shall establish a training program on the lawful and proper use of BWC equipment. Only officers who have received training in the use of BWC are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system. The proper use of a BWC is considered an essential job function.
 1. Initial training shall be provided to all newly hired officers or to officers who were have not been previously trained.
 2. Periodic refresher training will be provided to ensure continued effective use and operation of the equipment, and to incorporate changes, updates or other general order revisions as necessary or required.
 - F. BWC is intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
 - G. All recording media, images, audio and related metadata are the intellectual property of the Voorhees 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.
 - H. Under no circumstances will any employee of the Voorhees Township Police Department make a personal copy of any recorded event without the permission of the Chief of Police or in accordance with section V of this general order.
 - I. Officers will use only those devices approved and issued by the Chief of Police. Such BWCs are not able to record images or conversations that cannot be seen or heard by the officer wearing the device (e.g. infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance) without the expressed approval of the Camden 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 Camden County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
 - J. BWCs shall be used only in conjunction with official law enforcement duties.
 1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWC.
 2. BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - a. Encounters with undercover officers or confidential informants;

- b. Communications with other police personnel without the advanced permission of the Chief of Police, the Camden County Prosecutor's Office or the New Jersey Division of Criminal Justice;
- c. When on break or otherwise engaged in personal activities;
- d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
- e. When engaged in police union business;
- f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction;
- g. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording; see section III.A of this general order; or
- h. While discussing criminal investigation strategies.

III. INCIDENTS TO RECORD

- A. Officers equipped with BWCs shall activate the device in all of the following circumstances as soon as it is both reasonably practicable and safe to do so:
 - 1. All traffic stops until the stop is concluded, including sobriety testing;
 - 2. Investigative detentions/field interviews;
 - 3. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 - 4. The officer is conducting a motorist aid or community caretaking check;
 - 5. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.;
 - 6. Major crime scenes;
 - 7. Motor vehicle pursuits;
 - 8. Interviews of witnesses when conducting investigations of criminal violations (not to include undercover investigations or related surveillance activities);
 - 9. When conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of stationhouse interrogations);
 - 10. Warrantless searches (all types, including frisks and consent searches);

11. Arrestee/prisoner transportation, whether to a law enforcement facility, county jail or other place of confinement, or to a hospital or other medical care or mental health facility;
 12. 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 offense report);
 13. Domestic violence investigations;
 14. Special events or projects, including but not limited to crowd control, unruly crowds, or any incident requiring activation of the all hazards or emergency operations plan;
 15. Strikes, picket lines;
 16. When an officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force;
 17. When an officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities;
 18. Any contact that becomes adversarial when the body camera has not already been activated.
- B. BWC should be activated when an officer receives a dispatched assignment to any incident listed in subsection II.A (above) or when engaged in any self initiated activity involving any incident listed in subsection II.A (above).
- C. At no time is an officer expected to jeopardize his/her safety or the safety of another person in order to immediately activate his/her issued BWC into event mode. Any BWC not immediately activated into event mode due to the safety of an officer or another person being presently jeopardized, shall be placed into event mode as soon as possible.
- D. Notwithstanding any other provision of this general order, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene unless impracticable.
- 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 BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.

- F. BWC shall remain activated for the entire duration of a citizen contact required in section III.A above until either the officer or citizen have departed the scene and the officer has notified dispatch that the event is closed.
- G. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or 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.
- H. When wearing a BWC, officers shall notify crime victims and civilians inside of their homes or place of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.
 - 1. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the offense report of the incident and/or by narrating the reasons on the BWC recording.
 - 2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
 - 3. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable offense report why a recording was not made, was interrupted, or was terminated.
- I. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the Camden 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 BWC 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.
 - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. 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 BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation, yet is not critical to require recording.

2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated
3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation should be electronically recorded;
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g. "...I am now turning off my BWC as per the victim's request.");
 - c. The officer shall report the circumstances concerning the deactivation to the OIC as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in any offense report concerning the incident under investigation, including the time of activation and/or deactivation.
4. If an officer declines a request to deactivate a BWC, the reasons for declining the request must be memorialized on the recording and documented and shall be reported to the OIC as soon as it is safe and practicable to do so.
 - a. In the event that 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 BWC has been turned off when in fact it is operating unless the Camden County Prosecutor or his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
5. Officers can deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "...I am now turning off my BWC as per the instruction of assistant prosecutor (insert name).").
6. Officers may deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search).

7. If an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "*...I am entering a school building where children are present.*"). The BWC shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC). Officers assigned to a school (e.g., school resource officer) should not activate their BWC unless involved in any incident listed in section III.A of this general order.
8. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Camden 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 Camden County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
9. In any instance where a BWC was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- J. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer require that the encounter/incident be recorded, in which event the officer shall inform their supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- K. In the event that a BWC worn during the execution of tactical operations (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.
- L. Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation.

- M. BWC shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST device is being used. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for deactivation (e.g., "...*I am deactivating the BWC because the suspect is about to take a breath test*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- N. When a BWC is activated, officers shall state the time and are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer. Likewise, immediately prior to BWC deactivation, officers should state the time.
- O. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's 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.
- P. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable offense report why a recording was not made, was interrupted, or was terminated.

IV. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. BWCs will be assigned to uniformed officers assigned to patrol traffic and administration and shall be utilized on a daily basis. Officers shall not utilize the BWC of another without the expressed permission of the OIC and after the OIC has documented the transfer of the BWC.
 - 1. Officers are required to report for duty with a fully charged BWC.
 - 2. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection and ensure that there is a fully charged battery.
 - 3. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time and that a test is being performed on the unit.
 - 4. Malfunctions shall be promptly reported to the OIC. The officer or OIC shall immediately notify the administrative commander in writing noting the serial number of the defective device and the general nature of the problem or malfunction. Devices found not to be in proper working order shall not be deployed under any circumstances.
 - 5. Officers will dock their BWC for download to the BWC docking station upon completion of their shift to download its contents to the BWC server.
- B. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.

- C. Officers will wear the BWC mounted to the front of the uniform on the chest using the mounting equipment provided by the manufacturer.
- D. Officers are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident.
- E. When video/audio footage is captured involving any part of an arrest or significant event, officers will tag the recording with the incident number and the defendant's name and type/write the letters *BWC* (including the BWC assigned identifying number) in all capital letters at the end of the report (and/or uniform traffic ticket) to signify that video/audio is available for the case.
 - 1. Officers shall also document the time(s) the BWC was activated and the time(s) that the BWC was deactivated to the best of their knowledge at the time.
 - 2. BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC recording on an incident report instead of detailing the facts and circumstances of their investigation/observations.
 - 3. Officers and OICs shall also ensure that the pertinent CAD/RMS record is annotated with an entry noting a BWC was used.
 - 4. The administrative commander or his/her designee shall download recordings of evidentiary value to a DVD/CD and store them as evidence (criminal and quasi-criminal matters) or with the appropriate case file (internal affairs or administrative matters).
- F. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 - 1. Captures the image of a victim of a criminal offense;
 - 2. Captures the image of a child;
 - 3. Were made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
 - 4. Captures a conversation with a person whose request to deactivate the BWC was declined;
 - 5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 - 6. Captures the image of an undercover officer or confidential informant; or
 - 7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

- G. OICs are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
 - 1. OICs shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain of command to the Chief of Police or his/her designee.
 - 2. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the OIC will tag the video/audio for indefinite retention.

V. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC events is strictly limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with the provisions of this general order.
- B. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to and use of a stored BWC recording is permitted only:
 - 1. When relevant to and in furtherance of a criminal investigation or prosecution;
 - 2. When relevant to and in furtherance of an internal affairs investigation;
 - 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 - 4. Except in officer involved deadly force incidents, to assist the officer whose BWC made the recording in preparing his or her own police report (NOTE exception in section V.G.3 of this general order, see below);
 - 5. When relevant to an OIC/supervisor's review of an officer's actions as part of the supervisory process;
 - 6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
 - 7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. The Voorhees Township Police Department reserves the right to redact video/audio as applicable by law.

- d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
 - e. Personnel releasing any BWC recording shall include a copy of *Appendix A Considerations and Limitations* as part of the discovery package.
 - 8. To comply with any other legal obligation to turn over the recording to a person or entity;
 - 9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
 - 10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Camden County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that particular person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 - 11. To conduct an audit to ensure compliance with this general order;
 - 12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee; or
 - 13. Any other specified official purpose where the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording
- B. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of N.J.S.A. 2C: 28-7, and is a 4th degree crime.
- C. Recordings are considered investigatory records of this police department and shall be maintained on a secure BWC 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 ninety-days (90).
 - 2. Recordings that are being held for criminal or civil purposes shall be processed and submitted as evidence or maintained with the case file.
 - 3. Recordings that are being held for administrative purposes (e.g., internal affairs investigations) shall be maintained with the investigative file.

4. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period. Examples of retention periods include, but are not limited to:
 - a. Any death investigation (at least 7 years);
 - b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime (at least 5 years);
 - c. Non-criminal arrest, excluding DWI (at least 2 years);
 - d. DWI arrest (at least 10 years following adjudication of the case).
- D. The Chief of Police or his/her designee shall notify the Camden County Prosecutor's Office within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it. Such notice shall state clearly the deadline by which a response must be made.
- E. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Camden County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
 1. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Camden 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 court order.
 2. A BWC recording tagged pursuant to section IV.F of this general order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to section IV.F.
 3. The assistant prosecutor overseeing a police use of force investigation pursuant to *Attorney General Law Enforcement Directive 2006-5*, or his/her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of

police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this general order, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the expressed prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.

- F. The administrative commander or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this general order. Minimally, the record keeping system shall document the following information:
 - 1. The date and time of access;
 - 2. The specific recording(s) that was/were accessed;
 - 3. The officer or civilian employee who accessed the stored recording;
 - 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.
- 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 Chief of Police or designee and only if a duplicate copy is retained by the department.
 - 1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 - 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
- H. Officers and civilian employees shall not reproduce or store any recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.
- I. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.

APPENDIX A CONSIDERATIONS AND LIMITATIONS

A camera doesn't follow an officer's eyes nor see as the officer sees – There can be a huge perceived difference between an officer's visual perception using all of his/her senses and the camera's field of vision.

Some important danger cues can't be recorded – Tactile cues that are often important to officers in deciding whether or not to use force are difficult for cameras to capture. Resistive tension by a suspect is a prime example.

Camera speed differs from the speed of life – Because of the time it takes for an officer's mind to process what is occurring, known as the reactionary curve, an officer can be half a second or more behind the action as it unfolds on the recording. Whether he/she is shooting or has stopped shooting, his/her recognition, decision-making, and physical activation all take time.

A camera may see better than a human in low light conditions – The high-tech recording capabilities of body cameras allows them to record with better clarity than the human eye in many low-light settings. Footage may be in sharper detail than an officer could perceive at the time the camera was activated. As an example, it may be evident that an object in a person's hand was a cellphone rather than a handgun.

Your body may block the view or be aimed elsewhere – Depending on location and angle, an officer's body parts (e.g., hands, arms, etc.) could block the recorded image. The officer may also be crouching forcing the camera to look downward.

A recording could encourage second-guessing – According to the United States Supreme Court in *Graham v. Connor*, an officer's decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight', but in the real-world time of a shooting or other critical event. Recordings provide an almost irresistible temptation for reviewers to second-guess an officer's actions. Under calm and comfortable conditions, reviewers can infinitely replay the action, scrutinize it for hard-to-see details, slow it down, and freeze it. The officer had to assess what he/she was experiencing while it was happening and under the stress of his/her life potentially being on the line. That disparity can lead to far different perceptions.

Recordings can never replace a thorough investigation – A camera's recording should never be regarded solely as the truth about a controversial incident. It needs to be weighed and tested against witness testimony, forensics, the involved officer's statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.