

LINDENWOLD POLICE DEPARTMENT

Standard Operating Procedures



SUBJECT: BODY WORN CAMERAS

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BY THE ORDER OF: Chief Michael McCarthy Jr.

PURPOSE The purpose of this standard operating procedure is to maintain guidelines for the use, management, storage, and retrieval of audio-visual media recorded by body worn cameras (BWC). The use of BWCs is intended to enhance officer safety, produce effective materials for training, and to produce an additional method of collecting evidence to prosecute those who violated the law.

POLICY It is the policy of the Lindenwold Police Department to issue body worn cameras (BWC) to its officers to assist personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident and to maintain the necessary safeguards that will ensure the non-discriminating use as well as the proper preservation of evidence that may be obtained through use of this technology.

All personnel shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this policy and in accordance with Directives and Guidelines issued by the Camden County Prosecutor's Office and the New Jersey Division of Criminal Justice. Failure to use this technology in accordance with this SOP and those policies, directives, or guidelines issued by the New Jersey Attorney General and Camden County Prosecutor's Office can result in discipline.

The use of BWCs with electronically enhanced audio/visual capabilities such as infrared/night vision features is not authorized.

The Lindenwold Police Department website/webpage shall contain a clear statement that this department utilizes body worn video/audio cameras. The website posting shall include an image showing what the device looks like and how it is to be worn by uniformed officers so that the public will be able to determine whether an officer is equipped with the device.

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

PROCEDURES

I. DEFINITIONS

- A. For purposes of this SOP, 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 civilian for the specific purpose of informing the civilian that the communication or conversation is being recorded.
 3. Body worn audio/video recorder camera (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. BWC job safety observation process – Process that focuses on organizational practices, individual behaviors, and general work methods in a proactive manner to prevent workplace incidents while creating an opportunity to deliver constructive feedback, praise, and (when necessary) corrective actions.
 5. 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.
 6. Constructive authority –involves the use of an officer’s authority to exert control over a subject (see SOP 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.).
 7. Deactivate – means to shut off the recording mode of a BWC.
 8. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
 9. Equipped with a BWC – means that an officer is wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from the agency.
 10. Force – has the same meanings as defined in this department’s SOP on *Use of Force*.

11. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, petty disorderly offense, or operating while intoxicated offense including, but not limited to, responding to a report of a possible criminal offense, an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed, an arrest for a criminal offense, an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
12. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing such activities, and they are sometimes referred to as crime suppression units. The nature of their work is varied and may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
13. School – means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
14. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. for purposes of this SOP, serious bodily injury and serious bodily harm have the same meaning.
15. Significant bodily injury – means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.
16. Subject of the video footage – means any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body worn camera recording and shall not include a person who only incidentally appears on the recording.
17. Substantive report – means a report that includes a detailed accounting of the incident. It does not include a report which simply refers to other reports or to the existence of BWC or other camera recordings.
18. Tactical team - a group of officers who are specially selected, trained, and equipped to handle high risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
19. Tagging – is an electronic labeling of an electronic file captured by a BWC.

20. Undercover officer – is a law enforcement officer operating with an assumed identity and/or disguise for the purposes of gaining the trust of an individual or organization to learn or confirm confidential information or to gain the trust of targeted individuals to gather information or evidence. Plain-clothed officers and detectives are not considered undercover officers unless working with an assumed identity and/or disguise.
21. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, residential facilities, treatment facilities, etc.

II. GENERAL ADMINISTRATION

- A. BWC recordings are invaluable to law enforcement for evidential purposes. BWCs have demonstrated its value in the prosecution of criminal, traffic, and other related offenses and to protect officers from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. While visual and audio evidence may be captured on the recordings, the use of BWCs 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.
- C. Adequate safeguards are necessary to ensure that this technology is:
 1. Used in a non-discriminating way; and
 2. Used to document visual evidence.
- D. These recordings will serve the following purposes:
 1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 3. The recordings can resolve disputes concerning what occurred during incidents, thereby protecting both the public and the officers involved.
 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 5. Recordings can permit supervisors to undertake more meaningful performance evaluations.

6. Subject to the viewing restrictions in this SOP, supervisors will be able to view the recordings with the permission of the Chief of Police and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.
8. Recordings enhance management's ability to train personnel in proper police procedures.

E. Considerations and limitations:

1. BWCs don't follow officers' eyes nor see as they see. There can be a huge disconnect between an officer's visual perception and a recording. Someone reviewing what's caught on a BWC and judging an officer's actions could have a profoundly different sense of what happened than officers had at the time it was occurring.
2. Some important danger cues can't be recorded. Visual cues that are often important to officers in deciding to use force are difficult for BWCs to capture. Resistive tension by a suspect is a prime example.
3. Camera speed differs from the speed of life. Because of the time it takes for 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 BWC footage. Whether he/she is shooting or has stopped shooting, his/her recognition, decision-making, and physical activation all take time.
4. A camera may see better than officers do in low light. The high-tech imaging of BWCs allows them to record with clarity in many low-light settings. Footage of the scene may be in sharper detail than an officer could at the time the BWC was activated. As an example, it may be evident that the object in the subject's hand was a cell phone rather than a gun. If officers are expected to have seen that as clearly as the camera did, the officer's reaction might seem highly inappropriate.
5. Officers' bodies may block the view. Depending on location and angle, a picture may be blocked by the officer's own body parts, from nose to hands.
6. A BWC encourages second-guessing. According to the US 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 aftermath of a shooting, camera footage provides 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 conclusions.

7. A camera can never replace a thorough investigation. A 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.
- F. Repairs to any BWC equipment shall only be managed by the patrol lieutenant or his/her designee.
 - G. The training officer shall maintain a training program on the lawful and proper use of BWC equipment including supervisors and command staff members, along with officers and civilian employees who access or handle BWC recordings.
 1. The training programs shall include instruction on the proper use and operations of the unit and the companion *evidence.com* program.
 2. 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.
 3. Proper use of a BWC is considered an essential job requirement.
 4. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, and to incorporate changes, updates or other revisions in SOP and equipment.
 - H. BWCs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
 - I. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, culture, LGBTQ+ status, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC.
 - J. All recording media, images, metadata, and audio are the sole intellectual property of the Lindenwold Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this SOP without the expressed written consent of the Chief of Police, the Camden County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
 - K. Under no circumstances will any employee of the Lindenwold Police Department make a personal copy of any recorded event without the permission of the Chief of Police, the Camden County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
 - L. Officers will use only those BWCs approved and issued by the Chief of Police. Such BWCs shall not be capable of recording images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Camden County Prosecutor's Office or the New Jersey Division of Criminal Justice. 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. Violations will be subject to disciplinary action, up to and including termination.

- M. No officer of this department shall remove, dismantle, or tamper with any hardware/software component or part of a BWC. No officer of this department shall request or entice another to remove, dismantle or tamper with any hardware/software component or part of a BWC.
- N. 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. Strip and body cavity searches.
 - 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.B of this SOP.
 - h. While discussing criminal investigation strategies.
 - i. Consensual encounters during a community policing contact or event, but BWCs must be activated if incident becomes a recordable event consistent with section III of this SOP.
 3. Officers are not required to wear and use a BWC:
 - a. When engaged in hostage negotiations.
 - b. When processing crime scenes.
 - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
 - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.

4. BWCs shall not be used to gather intelligence information based on 1st Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.
5. BWCs shall not be used surreptitiously.

III. INCIDENTS TO RECORD

- A. When being worn, BWCs will remain in standby mode ready to be activated at any time. Activation should occur before arriving at the scene, when feasible.
- B. Except when otherwise restricted in this SOP, officers shall video and audio record all law enforcement activity including any law enforcement interaction listed below with a civilian. However, if an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, the officer shall activate the BWC at the first reasonable opportunity to do so. Examples of such required recordings include, but are not limited to:
 1. All traffic stops from the initiation of the stop until the stop is concluded, including sobriety testing.
 2. During all calls for service (involving those to which the officer is dispatched or volunteers).
 3. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
 4. Investigation of any kind of motor vehicle violation.
 5. Investigative detentions/field interviews.
 6. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched.
 7. The officer is conducting a motorist aid or community caretaking check.
 8. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
 9. Criminal investigations except for crime scene processing.
 10. Arrests.
 11. Drug recognition expert evaluations:
 - a. If the arresting officer is the DRE or if he/she is on duty and responds to another agency, the BWC would have to be activated for the evaluation.
 - b. If the DRE is off duty and not in uniform, a member of the arresting agency should be present and record the evaluation on a BWC

12. Overdose and suspected overdose investigations.
 13. Emotionally disturbed person investigations / encounters.
 14. Motor vehicle and foot pursuits.
 15. Interviews of witnesses when conducting investigations of criminal or motor vehicle violations/offenses (not to include undercover investigations or related surveillance activities).
 16. 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).
 17. Warrantless searches (all types, including frisks, vehicle searches, and consent searches, etc., but not strip or body cavity searches).
 18. Out-of-court identifications (i.e., show ups, lineups, etc.).
 19. Search or arrest warrant service (entire service).
 20. 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.
 21. 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 investigation report).
 22. Domestic violence investigations.
 23. Crowd control, unruly crowds, or any incident requiring activation of the all-hazards or emergency operations plan.
 24. Strikes, picket lines.
 25. 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.
 26. 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.
 27. Any contact that becomes adversarial when the BWC has not already been activated.
- C. BWC shall remain activated for the entire duration of a public contact required in section III.B above until the officer has departed the scene and the officer has notified dispatch that the event is completed.

- D. Notwithstanding any other provision of this SOP, 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 when feasible.
- E. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event, pursuit resulting in a fatality or serious bodily injury, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC unless instructed to do so by the independent investigator supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The independent investigator or his/her designee supervising the investigation may provide such instruction telephonically.
1. Officers can deactivate their BWCs once they leave the scene of the incident.
 2. BWCs do not need to remain activated while officers are receiving medical evaluation, medical treatment, or have returned to headquarters.
 3. Once officers deactivate their BWCs in these instances, they shall surrender their BWCs to a supervisor, who shall submit them as evidence in accordance with this agency's SOP on *Evidence and Property*.
- F. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or until custody of the arrestee has been transferred to county jail personnel or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee.
- G. When wearing a BWC, officers shall notify the subject of the recording that they are being recorded unless it is unsafe or unfeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible.
1. Prior to entering a private residence, officers shall notify the occupant that the occupant is being recorded and, if the occupant requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force.
 2. When interacting with an apparent crime victim, officers shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC.
 3. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, if the person requests that the officer discontinue use of the BWC, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.

4. 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 investigation report of the incident and/or by narrating the reasons on the BWC recording.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- H. If a civilian inquires of an officer whether the officer is equipped with a 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 (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).
 - a. Officers shall not suggest to the person that the 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.
 - c. Officers may utilize the mute button only when having a confidential conversation with another officer or when civilians report criminal activity. Anytime a civilian wants to report confidential information concerning criminal activity and wishes to remain anonymous, the officer may, only upon request of the civilian, mute the audio. Anytime the officer mutes the audio he/she will state the reason on BWC as to the reason he/she is muting the audio. As soon as the confidential conversation has concluded the officer will reactivate the audio.
 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. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.). However, in situations when an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall 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 a supervisor as soon as is practicable.
 - d. The officer shall document the circumstances of the deactivation in the incident report concerning the incident under investigation, including the time of activation and/or deactivation.
4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented and shall be reported to a supervisor as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation request, the officer shall immediately 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 should deactivate/mute a BWC while participating in a discussion pertaining to criminal investigation strategy and planning, 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). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation.
6. 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.
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 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).

8. If 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 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.
- I. 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 (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- J. 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.
- K. BWC shall be deactivated and removed from 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.
- L. When a BWC is activated, officers are encouraged to provide narration when practicable and appropriate to augment the value of the recording and to provide clarity for the viewer.
- M. 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 SOP 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 SOP.

- N. 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 report the reasons why a recording was not made, was interrupted, or was terminated and forward an email to their supervisor. Such email is not necessary if the interruption in the recording was in accordance with the procedures set forth in this SOP.

IV. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. All officers and supervisors shall wear and use BWCs consistent with the requirements and restrictions in this SOP.
 - 1. Officers, detectives, and administrative personnel shall deactivate (turn off) their BWCs in headquarters, but officers are permitted to activate their BWCs in headquarters to record a detainee's behavior, if necessary.
 - 2. BWCs shall be worn and used on all extra duty assignments. Officers shall activate the BWC consistent with the requirements and restrictions in this SOP when required to undertake official police actions during their assignment.
 - 3. Officers shall also wear and use a BWC consistent with this SOP when:
 - a. On aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 - b. When assigned to front desk assignments and interacting with the public on a law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.
 - d. When assigned to duties at demonstrations or potential civil disturbances.
- B. Officers are encouraged to make recommendations to the Chief of Police regarding effectiveness, operational improvements, and revisions to SOPs.
- C. Prior to beginning a shift, officers will ensure BWC readiness by conducting an operational inspection. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 - 1. Officers shall ensure that the battery is fully charged and operating properly.
 - 2. Officers shall ensure that the BWC has sufficient memory and battery power 90 % or higher at start of shift to complete the tour of duty.
 - 3. When conducting the pre-shift inspection, the officer shall activate the BWC and confirm proper operation by manufacture's recommendation.
 - 4. Any problems preventing the use of the unit during the shift will be reported a supervisor. Officers shall promptly notify their sergeant/OIC and the patrol lieutenant by email and place the BWC in the patrol lieutenant's mailbox.

5. Officers shall obtain a replacement unit until repairs can be made. A supervisor shall reassign a spare BWC to the officer consistent with the manufacturer's directions.
- D. Officers assigned a BWC are responsible for its use and maintenance.
 - E. All employees are prohibited from altering, changing, or manipulating any setting on the BWC other than volume, vibration, stealth mode, indicator lights, brightness.
 - F. Officers will wear the BWC mounted to the front of the uniform on the chest using the mounting equipment authorized by the agency.
 1. The BWC shall be worn on the provided BWC holder on the center of the chest affixed to the outside of the garment.
 2. Officers authorized to wear exterior vest covers shall mount the BWC using ONLY an authorized holder.
 3. Officers wearing a jacket or other outer garment shall not cover or obstruct the view of their BWC. Officers are ONLY authorized to cover the unit with an outer garment if inclement weather conditions involving precipitation make it likely that exposure to the elements will damage the unit. If this action is necessary, the BWC shall remain activated to capture audio of the incident. Officers have the option of having sweaters, jackets and Polo shirts modified by the BWC provider to accommodate the 'inside the garment' mount.
 4. While in attendance at ceremonial functions, officers may be relieved of this requirement at the discretion of the detail supervisor.
 - G. Officers are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident.
 - H. Officers utilizing the BWC shall periodically, and no later than the end of each shift, download the contents of the unit by placing the unit in the designated docking station, or by utilizing the sync program on their MDC or desktop workstation.
 1. Such recordings shall be retained as evidence on *evidence.com* and tagged by the requesting officer with the case number of the incident under one of the following categories:
 - a. Arrest.
 - b. Criminal investigation.
 - c. Discovery.
 - d. DUI.
 - e. Evidence/exculpatory value.
 - f. Pursuit.
 - g. General CFS.

- h. Internal Affairs.
 - i. Motor vehicle accident.
 - j. Officer injury.
 - k. Pedestrian stop.
 - l. Protected video.
 - m. Traffic stop.
 - n. Use of force.
 - o. Voluntary request.
2. Under the ID tab, such recordings must be designated with the full year, hash mark and case number (e.g., 2022-00159).
 3. BWC recordings of arrests that did not result in criminal prosecution, such as a warrant arrest, shall be retained in *evidence.com* and tagged by the requesting officer with the case number of the incident under the category of 'Criminal Investigation'.
 4. BWC recordings related to internal affairs complaints/investigations shall be tagged 'Internal Investigation'. Once tagged, only the Internal Affairs Unit and Chief of Police have permissions set in the software to view and share such recordings.
 5. If necessary, BWC recordings can be categorized under several different categories, when necessary.
- I. Whenever a recording is inadvertent, unintentional, or accidental activation of BWC which captures video of a private nature not involving police duties (e.g., restroom, home, etc.) the recordings shall be categorized as 'No Case Assigned' in *evidence.com*.
 - J. BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations. If more than one officer is present at the scene with a BWC, the reporting officer shall ensure the names of the officers who were present are properly listed in the staff assignment tab in the RMS record.
 - K. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings for special privacy, as applicable that:
 1. Captured a law enforcement incident, as defined by *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.

- b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.
 - 2. Captured the image of a victim of a criminal offense.
 - 3. Captured the image of a juvenile.
 - 4. Were made in a dwelling (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.
 - 5. Captured a conversation with a person whose request to deactivate the BWC was declined.
 - 6. Captured a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded.
 - 7. Captured the image of an undercover officer or confidential informant.
 - 8. Captured the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
 - 9. Captured the participants of a domestic violence incident that does not rise to the level of a criminal investigation or a temporary restraining order.
- L. Except when restricted by this SOP in section V, supervisors may view uploaded files pertaining to officers that directly report to them. The patrol lieutenant may grant privileges to an immediate supervisor to view files for officers that do not fall under their direct supervision.
- 1. The internal affairs officer may grant specific privileges to supervisors conducting internal investigations or personnel complaints to allow access to a specific file.
 - 2. Supervisors will conduct random formal reviews of selected recordings to assess officer performance as well as to flag video/audio that may be appropriate for training purposes using a *Supervisory Review of Digital Video/Audio Recordings Report*.
 - a. Video review selection:
 - 1) Unless a specific incident must be reviewed, recordings should be determined by reviewing the officer's assigned cases in the records management system as opposed to selecting recorded videos from evidence.com.

- 2) This type of selection process will assist in ensuring the officer is activating their BWC in compliance with department SOPs.
 - b. The reviewing supervisor shall review no less than two (2) segments per month for each officer assigned to their shift.
 - c. Sergeants shall be reviewed by their respective lieutenant.
 - d. Detectives are exempt from this review.
 - e. Lieutenants, the captain, deputy chief, and Chief of Police are exempt from this review provision.
3. Early warning system and probationary officer review. The officer's supervisor shall review BWC recordings under the following circumstances:
- a. During the officer's probationary period, the reviewing supervisor shall review a minimum of two (2) videos per workweek.
 - b. When a *Performance Improvement Plan* is in place in accordance with an *Early Warning Notification*, the officer's supervisor shall conduct reviews as established in subsection IV.L.2 above.
4. Observed performance. When a supervisor reviews a video recording and discovers one or more videos where the answers to the review questions on the *Supervisory Review of Digital Video/Audio Recordings Report* have resulted in an answer of 'No', the supervisor shall:
- a. Initiate corrective action to assist with the officer's professional development which may include:
 - 1) Recommended training if the supervisor cannot provide or facilitate such training.
 - 2) Refer to internal affairs, if appropriate.
 - 3) Verbal counseling.
 - 4) Issue a performance notice.
 - b. The supervisor may also review additional segments in the preceding month to determine if a pattern of SOP violations is occurring.
 - c. Whenever a supervisor reviews a video recording and identifies exemplary actions, the supervisor may issue a Special Recognition Notice to the officer.
 - d. When reviews are performed for 'JOB SAFETY OBSERVATION', this form shall be forwarded to the patrol lieutenant for review and record keeping. If further investigation is appropriate, this form shall be forwarded to internal affairs.

5. Supervisors 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.
6. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the shift supervisor or watch commander will tag the video/audio for indefinite retention.
7. As part of the meaningful review process, supervisors shall review all BWC footage involving the below, unless restricted in section V of this SOP:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and
 - c. Officer involved collisions; and
 - d. Officer involved injuries.
8. The Internal Affairs Unit is responsible for periodic and random reviewing of BWC events to ensure the equipment is operating properly, to assess officers' performance and adherence to written directives and established professional standards, and to identify other training needs.
 - a. To maintain fairness in the selection of segments reviewed, the Internal Affairs Unit will access the LEA Administrative Program 'Random Employee List Generator' to create a list of **five** randomly selected individual officers to observe.
 - b. Upon completion of the monthly review, the reviewer shall complete a *Supervisory Review of Digital Video/Audio Recordings Report* documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
 - c. All completed *Supervisory Review of Digital Video/Audio Recordings Report* shall be retained by the Internal Affairs who will enter a notation into the LEA Administrative Program for each officer.
 - d. Separate from these monthly reviews of five randomly selected officers, the Internal Affairs Unit or any other authorized member of the command staff may review specific BWC footage at any time if circumstances arise that requires an investigative effort to commence. (*Command Staff is any officer with the rank of lieutenant or above*)

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 SOP.

- B. BWC recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- C. 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, use of, and receiving an account 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 police misconduct or to determine the existence of a pattern or practice of possible misconduct.
 - 4. To assist the officer whose BWC made the recording in preparing his/her **own** substantive police report, providing a statement, or submitting to an interview.
 - a. Except when:
 - 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or
 - 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's SOP on *Use of Force*); or
 - 3) The incident involved the death of a person while in law enforcement custody; or
 - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
 - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.
 - b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
 - 1) The officer shall document each BWC recording that was reviewed and the date of the review.
 - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the

accounting, and the specific BWC recording for which an accounting was provided.

- c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
 - 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
 - 2) In all other cases, the Chief of Police or his/her designee is the investigating entity.
 - 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency.
6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint. Only the internal affairs supervisor or his/her designee can show such a recording to a civilian.
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court:
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact video and audio as applicable by law.
 - 1) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted.
 - 2) This confidential information includes, but is not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.
 - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity.

9. Solely and exclusively for internal training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video, unless the depicted individuals have consented to the recording being used for training purposes:
 - a. Note: consent is not required from Lindenwold police officers appearing in the recording.
 - b. Recordings retained beyond 180 days solely and exclusively for training purposes shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.
 10. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
 11. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, when the Camden County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that person, entity, or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
 12. To conduct an audit to ensure compliance with this SOP.
 13. Any other specified official purpose when 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
- D. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this SOP, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with BWC's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action (and criminal sanctions, as applicable); and
 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.

4. Any recordings from a BWC recorded in contravention of this SOP or any other applicable law shall be immediately brought to the attention of the command staff and immediately destroyed by the command staff following consultation and approval by the Camden County Prosecutor or Director of the Office of Public Integrity and Accountability. Such recordings shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.
- E. BWC recordings are considered criminal investigatory records of this police department and shall be maintained on a secure cloud-based server (evidence.com) and disposed of in accordance with law and 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 at least 180 days.
 2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.
 3. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency.
 4. Recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
 5. Recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWC made the recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - b. The officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWC recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWC recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - g. A deceased subject's next of kin or legally authorized designee.

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, 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 order from the court.
 2. A BWC recording tagged pursuant to subsections IV.K.2 through IV.K.9 of this SOP 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 subsections IV.K.2 through IV.K.9.
 3. The independent investigator or his/her designee overseeing a law enforcement investigation pursuant to *Attorney General Law Enforcement Directive 2019-4* (subsection IV.K.1), 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.
- I. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or his/her 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.
- J. Officers 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.
- K. 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.
- L. The patrol lieutenant has oversight responsibilities to include, but not limited to:
1. Operation and user administration of the system.

2. System evaluation.
 3. Training.
 4. Policy and procedure review and evaluation.
- M. The records custodian is responsible for file review and release as per court rules regarding discovery and *Open Public Records Act*.