PURPOSE:
To establish a directive that is in accordance with the guidelines set forth by the New Jersey Attorney General's Office for the proper and lawful operation of the body worn audio/video camera systems worn by authorized Lindenwold Police Department personnel, and to define the tagging, access regulations, media storage, public disclosure, and retention system for the events recorded by the devices.

POLICY:
Body Worn Cameras (hereinafter BWC) will be deployed by assigned department personnel in a manner consistent with the provisions outlined in this written directive. BWC promote police accountability and transparency. A BWC recording of a police-involved shooting or other use of force event provides objective evidence of what occurred. The practical utility of BWCs discourages officers and civilians from engaging in inappropriate conduct. These devices also discourage both law enforcement and civilian witnesses from providing false information about the circumstances of the encounter, a BWC recording not only can vindicate an officer who is falsely accused of misconduct, but also discourage a person from making false allegations against the officer in the first place.

BWCs are viewed as a valuable asset intended to assist department members in solving crimes and successfully prosecuting offenders by augmenting an officer's testimony with a video/audio record of the incident. BWC recordings preserve accurate visual depictions of physical evidence and also document how physical evidence was found, thereby helping to establish the facts that must be presented in Fourth Amendment suppression hearings. BWCs also record the physical appearance of suspects and crime victims, preserving evidence of any apparent injuries. The audio portion of BWC recordings will document witness and suspect statements, preserving not only the substantive content of those statements, but also showing whether officers had complied with Miranda and other legal requirements. Additionally, this equipment will enable department administrators to conduct periodic reviews of officer-citizen contacts for quality control purposes and aid in the investigation of citizen complaints.

A. Definitions
   A. Activate – To actuate the recording mode/function of the body worn camera.
B. **Body Worn Camera (BWC)** – A device worn by a law enforcement officer that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include a mobile vision recording device when mounted inside a police vehicle (i.e. dash cam). The term also 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 Rule 3:17 (electronic recording of station house custodial interrogations).

C. **BWC Job Safety Observation Report** – 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.

D. **Constructive Authority** – Same meaning as defined in the Attorney General’s Use of Force Policy, 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 un-holstered a firearm or a conducted energy device (e.g., “move out of the way,” “get down,” etc.).

E. **Equipped with a BWC** - Shall mean that a law enforcement officer is actually wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from their agency.

F. **Force** – Same meaning as defined in the Attorney General’s Use of Force Policy. The term “force” shall include physical, mechanical, enhanced mechanical and deadly force.

G. **Investigation of a criminal offense** – Any police activity pertaining to the investigation of a indictable crime, disorderly persons offense, or petty disorderly persons 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 a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness of a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

H. **Law Enforcement Agency, Agency, or Department** – Means a law enforcement agency operating under the authority of the laws of the State of New Jersey.

I. **Law Enforcement Officer** or **Officer** – Means a sworn officer employed by a law enforcement agency. For the purpose of this directive, the term shall also apply to special law enforcement officers and the civilian Police Technician.

J. **School** – Means an elementary or secondary school.

K. **Serious bodily injury**. 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. Serious bodily injury and serious bodily harm have the same definition for purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

L. **Significant bodily injury**. 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. See N.J.S.A. 2C:11-1(d).
M. **Subject of the video footage.** Any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the BWC recording, and shall not include a person who only incidentally appears on the recording.

N. **Substantive report.** A substantive report shall mean a report that includes a detailed accounting of the incident. It does not include a report, for example, which simply refers to other reports or to the existence of BWC or other camera recordings.

O. **Youth Facility** – Means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-car centers, youth camps, etc.

B. **Procedures**
   A. **Scope of Use**
      1. A law enforcement officer employed by the agency may only use a BWC system that has been issued and approved by the agency.
      2. An officer equipped with a BWC must comply at all times with the requirements established in this directive.
      3. The Chief of Police shall direct the Internal Affairs Commander to complete a documented annual review of the agency body worn camera program, to also include a review of this directive.
      4. A BWC shall be used only in performance of official police duties and for the purpose of recording incidents, investigations and police-citizen encounters involving those law enforcement activities specified in this directive. A BWC shall not be activated while an officer is on break or otherwise is not actively performing law enforcement functions (e.g., while eating meals, while in a restroom). A BWC shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personal evaluations, or any similar supervisory interaction.
      5. The decision to activate or de-activate a BWC in a police action subject to the rule established in Attorney General Law Enforcement Directive No. 2015-1, which strictly prohibits any form of racially-influenced policing.
      6. No BWC recording shall be assessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the agency except for an official purpose specified in this directive.
      7. Any sworn officer or civilian employee of this agency who knowingly violates the requirements of this directive shall be subject to discipline.
      8. Any willful or repetitive violation of this directive shall be reported to the Camden County Prosecutor and to the Director of the Division of Criminal Justice. The Camden County Prosecutor and Director are authorized to take such actions as are reasonable and necessary to ensure compliance with this directive and to prevent further violations.

B. Considerations and Limitations
   1. **A camera doesn’t follow and Officer’s eyes nor see as they see**
There can be a huge disconnect between an Officer's visual perception and the camera's. Someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring.

2. **Some Important danger cues can't be recorded**
   Tactile cues that are often important to Officers in deciding to use force are difficult for cameras 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 camera footage. Whether he's shooting or stopping shooting, his recognition, decision-making, and physical activation all take time.

4. **A camera may see better than you do in low light**
   The high-tech imaging of body cameras 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 camera was activated. As an example, it may be evident that the object in his hand was a cell phone rather than a gun. If you're expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate.

5. **Your body may block the view**
   Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

6. **A camera encourages second-guessing**
   According to the U. S. 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 was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.

7. **A camera 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.

C. **Requirement to Wear/Use BWCs**
   A. **NJ P.L. 2020, Chapter 128**, provides that “every uniformed State, county and municipal patrol law enforcement officer shall wear a body worn camera that electronically records audio and video while acting in the performance of the officer’s official duties,” except:
      a. While engaging in an undercover assignment
      b. When assigned to non-uniformed duties;
      c. While serving in an administrative position within the department;
      d. While meeting with a confidential informant;
e. While engaging in union representation of a member of the collective bargaining group;
f. When directed by the Chief or a superior officer for a lawful purpose;
g. A detective or investigator of a county prosecutor’s office or Division of Criminal Justice when authorized by the County Prosecutor or Attorney General; or
h. As may be otherwise provided in accordance with guidelines or directives promulgated by the Attorney General.

B. In the case of a task force, team, or unit composed of officers from more than one law enforcement agency, the chief law enforcement officer of the agency overseeing the task force, team, or unit (e.g. the Camden County Prosecutor in the case of a countywide task force) shall determine whether and in what circumstances officers assigned to the task force, team, or unit will wear BWCs.

C. An officer shall not wear a BWC unless he or she has been authorized to do so by the Chief of Police of this agency, or by the chief law enforcement officer of the agency overseeing a multi-agency task force, team, or unit.

D. An officer shall not wear a BWC unless he or she has received training on the proper care and use of the device in accordance with the requirements of this directive.

D. Training
A. The Internal Affairs Bureau Commander in his or her role as the agency Training Officer shall establish a training program to ensure that all officers equipped with BWCs, including supervisors and command staff members, along with officers and civilian employees who access or handle BWC recordings are familiar with the equipment/software and provisions of this directive.

1. The training programs shall include instruction on the proper use and operations of the unit and the companion software program Evidence.com.

2. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibrations and performance, and to incorporate changes, updates or other revisions to policy and/or equipment.

E. Equipment
A. The department has purchased Taser AXON audio/video recording units. This shall be the only BWC authorized for use by department personnel. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.

1. References to BWC shall include the Taser AXON wireless device, which houses a video camera, audio/video recording hardware, and a port for charging the device and downloading events.

B. For uniformed officers, the BWC units are equipped with a designated clip and shall be worn center of mass on the on the officer’s body. The BWC shall be affixed to the buttoned placket on the officer’s uniform shirt in chest/sternum area.
1. Officers authorized to wear exterior vest covers shall affix the BWC to the breast pocket pen slot of the garment utilizing the designated clip.

2. 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 still remain activated to capture audio of the incident.

3. Officers assigned to the Detective Bureau when wearing professional attire shall affix the BWC to the trouser belt utilizing the designated clip.

4. Officers assigned to plain clothes or special uniform details (e.g., problem oriented policing details, bicycle patrol) shall affix the BWC, if possible, to their outer garment utilizing the designated clip. If the outer garment being worn does not allow for placement, to BWC shall be clipped to the trouser belt utilizing the designated clip.

5. In order to reduce audio and/or video interference with the unit, the officer’s portable radio microphone shall not be affixed to the buttoned placket or breast pockets of the member’s uniform shirt or positioned near the BWC on any exterior garment.

C. Each sworn officer have been assigned a BWC. Each BWC has a unique serial number and has been assigned an internal tracking identification number (same as officer’s badge number). When on duty, the device shall be worn as an authorized component of the uniform of the day.

F. Inspection and Maintenance

A. Each officer shall be responsible for determining that their device is fully functional and that its battery is adequately charged at the start of his or her duty shift and before going into the field.

1. Equipment malfunctions shall be immediately brought to the attention of a supervisor before going into the field so that a replacement unit may be procured.

2. If BWC malfunctions while out in the field, the malfunction upon its discovery shall be reported to the officer’s supervisor as soon as it is safe and practicable to do so.

3. All employees are prohibited from altering, changing, or manipulating any setting on the BWC.

4. All employees are prohibited from tampering with any BWC unit, including but not limited to, attempting to take the unit apart, disable, alter or repair a component in any way.

B. BWCs shall be inspected by officers at the commencement of each shift to guarantee both video and audio recording readiness of the system. This should be accomplished by confirming proper operation by manufacturer recommendation.
1. Any unit found to be not operating properly shall be taken out of service and written up for repair via email to the officer’s immediate supervisor. The officer shall then utilize one of the designated spare units located in the docking station in the Patrol Room.

2. Officers utilizing the BWC shall periodically, and no later than the end of each shift, upload the contents of the unit by placing the unit in one of the designated docking/charging stations. Each event file uploaded will contain information related to the date, BWC identifier, and assigned officer for the incident.

3. When not in use, BWCs shall be stored in designated docking/charging stations in the Patrol Room or Investigative Bureau. The docking stations allow for the units to be charged and for the upload of events to the secure data storage site.

G. Notice that BWCs are Deployed/Activated

A. The agency has recognized that it is appropriate to provide some form of notice to citizens so that they understand that anything said to a BWC-equipped officer may be electronically recorded, and that the images and sounds of the police-civilian interaction will be stored and accessible for future law enforcement use in accordance with the provisions of this directive.

1. Such notice to the public that BWCs are in use will help to achieve the benefits of discouraging persons from engaging in conduct that might provoke the use of law enforcement force, and discouraging persons from filing false complaints against police.

B. The agency shall take the reasonable steps to inform the citizenry of the agency’s decision to deploy BWCs. The agency shall publish a statement on the department website that it deploys BWCs. The website posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers and plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device. The website posting shall also include a link to the department body worn camera policy for public review.

C. When an officer equipped with a BWC activates the device during an encounter 1) with a civilian occurring inside the person’s residence, or 2) with a person reasonably believed to be a victim of a criminal offense, the officer shall verbally notify the person(s) with whom the officer is conversing that the BWC has been activated UNLESS IT IS UNSAFE OR INFEASIBLE TO PROVIDE SUCH NOTIFICATION.

1. If the officer decides not to provide notification of BWC activation because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision by narrating the same on the BWC recording.

2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statements or evidence.

D. 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 designee, or Director of the Division of Criminal Justice or designee, has expressly authorized the officer to make a covert electronic recording.
1. This directive does not apply to officers while operating in an undercover capacity or while conducting/participating in a station house custodial interrogation electronically recorded in accordance with Rule 3:17.

2. Nothing in this section shall be construed to establish a basis for suppressing a statement or other evidence.

VIII. Activation Requirements

A. NJ P.L. 2020, Chapter 129 specifies that BWCs shall be activated to record ALL contacts with citizens in the performance of official duties, provided however, if an immediate threat to the officer’s life or safety makes activating the body worn camera impossible or dangerous, the officer shall activate the body worn camera at the first reasonable opportunity to do so. The body worn camera shall remain activated until the encounter has fully concluded and the officer leaves the scene.

Examples of such contacts include, but are not limited to:
1. The officer has contact with a citizen as a result of a call for service or request for police assistance, including walk-in complaints at police headquarters.

2. The officer initiates a consensual field inquiry.

3. The officer initiates an investigative detention, such as a traffic stop, criminal suspicion stop (Terry Stop), checkpoint, or roadblock stop.

4. The officer responds to a call for service.

5. The officer is conducting a motorist aid or community caretaking check.

6. The officer is interviewing a witness in the course of investigating a criminal offense.

7. The officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogation).

8. The officer is making an arrest.

9. The officer is conducting a protective frisk for weapons.

10. The officer is conducting any kind of search (consensual or otherwise).

11. The 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.

12. The 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 section based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report.

13. The officer is transporting an arrestee to a police station, county jail, or otherwise place of confinement, or a hospital or other medical care or mental health facility.

14. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
B. The use of BWCs allow for a clearly documented, first hand, and completely objective account of an incident from beginning to end. Therefore, officers shall activate their BWC prior to arrival at an incident scene and/or interaction with any persons. Also, the BWC shall be activated in the performance of a proactive or sudden event as soon as safely possible to do so.

C. BWCs shall remain activated for the entire duration of an event/encounter/episode and shall not be de-activated until it is concluded (e.g., the BWC equipped officer has left the scene; all the civilians involved in the encounter have left the scene; the officer has informed the dispatcher or a supervisor that the event has concluded; the event is “closed” on the county computer-aided dispatch system, etc.). This includes any subsequent transport of a subject (regardless of custody status) and during any suspect processing in booking at police headquarters. See Section IX – Circumstances When Activation/Use is Subject to Special Conditions/Restrictions for authorized exceptions.

D. When an officer, whether in uniform or plain clothes, is transporting an arrestee to a police station, county jail, or otherwise place of confinement, or a hospital or other medical care or mental health facility, the BWC shall remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or 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.

1. In the event an officer has to remain with and guard an arrestee for an extended period of time in a hospital or other medical care of mental health facility once admitted and/or settled into a room pending clearance or release of custody to another authority and there is limited or no interaction with the same, the officer may request permission from a supervisor to de-activate the unit to reduce the amount of non-event footage recorded and to conserve battery power on the unit.

2. For the purpose of this directive, an “extended period of time” shall be defined as more than one hour in time.

3. If the arrestee engages the officer in dialogue, causes a disturbance, or the officer believes constructive authority or force may be necessary, the BWC shall be immediately re-activated.

E. If a civilian requests that an officer de-activate a BWC during a contact, the officer shall narrate to the civilian that department policy requires the unit to be activated throughout the entire contact and that the unit will remain activated until the end of the event. Officers are prohibited from misleading the person making the de-activation request into believing that the BWC has been turned off when it is in fact it is operating.

1. NJ P.L. 2020, Chapter 129 permits the deactivation of BWC under the following circumstances
   a. When a civilian conversing with the officer requests that the device be deactivated where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected;
   b. When a person, other than an arrestee, is seeking emergency medical services for themselves or another person and requests that the device be deactivated;
c. While the officer is participating in a discussion pertaining to criminal investigation strategy and planning, provided that the discussion is not conducted in the immediate presence of a civilian and further provided that the officer is not actively engaged in the collection of physical evidence; or
d. When specifically authorized to do so by an assistant prosecutor or an assistant or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor or assistant deputy attorney general.

2. The only authorized exception for de-activation shall be if a civilian requests a BWC be de-activated in the course of making an internal affairs complaint against an officer or employee of the agency. The officer accepting the complaint shall comply with the request and narrate that a request was made to de-activate the BWC in relation to an internal affairs complaint.

3. The officer shall not suggest to the person that the BWC should be de-activated; nor should the officer ask the person whether he or she would prefer that the BWC be de-activated. Rather, the request for the de-activation must be self-initiated by the civilian making the complaint.

4. In this circumstance, the officer shall notify a supervisor of the request and document the action on the Internal Affairs Complaint Form.
5. Officers shall not deactivate their BWC when responding to a violation of NJSA 2C:33-15(a)(1) [Underage Possession/Consumption]. The BWC must be activated during the encounter and must remain activated throughout the encounter.

F. Any officer providing assistance or back up to an officer on a call for service or citizen contact is required to have their BWC activated in accordance with this directive until the assignment is cleared or their assistance is no longer needed.

G. Officers on extra-duty assignments shall deploy their BWC during their assigned traffic and/or security details. Officers shall activate the BWC in accordance with the procedures set forth in this directive if they are required to undertake official police actions during the course of their assignment.

H. Officers assigned to the Detective Bureau may activate their BWC during field interviews and follow-up contacts and investigations. BWCs shall also be activated when performing formal interviews and interrogations that are not being recorded on an in-house or outside agency interview room audio/video recording system.

I. Officers assigned to plainclothes details (e.g., problem oriented policy initiatives, surveillance, details, etc.) shall activate their BWC in accordance with procedures set forth in this directive.

J. When BWC is activated, members 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.

K. If a member fails to activate the BWC when required, fails to record the entire event contact, or interrupts the recording, the member shall document in the applicable incident or case report why a recording was not made, was interrupted, or was terminated. In addition, an email shall be sent to the officer's immediate supervisor detailing the reasoning why the event was not captured, etc. An email is not required if the interruption in the recording was in accordance with the procedures set forth in this policy.
L. Members shall note in all incident and case reports when BWC recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.

IX. Circumstances when BWC Activation/Use is Subject to Special Conditions/Restrictions

A. Unless an officer is actively investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall de-activate a BWC that has been activated, while the officer:

1. Is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC;

2. Is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or

3. Is in a place of worship under circumstances where worshippers would be in view of the BWC.

B. If the officer is required to de-activate the BWC in accordance with the provision of this section, the officer shall narrate the reason for the de-activation (e.g., “I am entering a school building where children are present.”). The BWC shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances requiring de-activation 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).

C. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the Camden County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, shall be notified to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information.

1. The recording shall not be accessed without the permission of the Camden County Prosecutor or designee, or Director or designee.

2. 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.

D. In order to prevent the recording of events unrelated to the call for service, officers at police headquarters addressing walk-in complaints are authorized to deactivate their BWC when not in the presence of the citizen. Examples include the typing of complaints or other follow-up activities conducted in the Patrol Room. The officer shall narrate on the BWC the reason for the deactivation and immediately re-activate the unit each time contact with the citizen is re-established.

E. An officer shall not activate a BWC, or shall de-activate 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 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 force, officer in distress, etc.) require that the encounter/incident be
recorded, in which event the officer shall inform his or her supervisor that the image of an undercover officer or confidential informant was recorded.

1. In the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (e.g., a raid where the undercover operative will be arrested to preserve his or her cover), the Camden County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instructions to any BWC-equipped officers participating in the operation on whether to activate their devices.

2. The BWC shall be activated/re-activated 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 exits.

F. In the event that a BWC worn during the execution of tactical operations (e.g., Special Operations or SWAT operations, execution of arrest and/or search warrants, 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 in accordance with section the procedures set forth in Section XI.

G. An officer 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 such activation is expressly authorized by the judge.

H. BWCs shall be deactivated, turned off and removed from the booking area by all officers present while processing a subject for driving while intoxicated as to not inhibit the Alcotest machine. The officer shall narrate the reasons for the de-activation (e.g., “I am de-activating the BWC because the suspect is about to take a breath test.”). The unit(s) shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.

I. An officer may de-activate a BWC when specifically authorized to do so by an assistant prosecutor or assistant or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor or assistant or deputy attorney general. When an officer de-activates a BWC pursuant to this section, the officer shall narrate the circumstances of the de-activation indicating the assistant prosecutor or assistant or deputy attorney general who authorized the deactivation (e.g., “I am turning off my BWC as per the instruction of assistant prosecutor (insert name).”).

J. An officer while at the scene of a police deadly-force event or the on-scene investigation of an event shall not de-activate the BWC unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general supervising the investigation of the deadly-force incident pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her designee. Such instruction may be given telephonically by the assistant prosecutor, assistant or deputy general, or designee supervising the investigation.

K. If a BWC is de-activated in accordance with the provisions outlined in this directive and circumstances develop so that an officer is authorized to use force, the BWC shall be re-activated as soon as it is safe and practical to do so.
X. Secure Storage, Retention, Evidentiary Process, and Accessibility of BWC Recordings

A. Contents downloaded from BWCs shall be stored on the secure Evidence.com site. All recordings are maintained within the BWC system on Evidence.com and are authenticated by an internal audit program with the BWC system. All images and sounds recorded by the BWC are the exclusive property of the department.

1. Uploaded events are stored on the system by incident. Each incident can be searched by date/time and officer. In addition, events can be searched by supplemental information keyed in by the officer at the time of upload, such as tags and case number.

B. The Chief of Police shall designate a command level officer to oversee the department BWC program. The designated officer shall set permissions, authorization levels and tagging/retention categories in Evidence.com and coordinate the maintenance and repairs to the BWC units. Only that officer shall have access to edit and/or delete video/audio segments. The officer shall immediately notify the Chief of Police if the system or footage is compromised or accessed without proper authorization.

C. NJ P.L. 2020, Chapter 129 also sets the law for the permissible use and storage of BWC footage. It expressly prohibits the footage be used to gather intelligence based on protected First Amendment rights or to record activity unrelated to a call for service or other law enforcement purpose. A 180-day retention period is required for all footage, regardless of content, after which it must be deleted, except for the following enhanced retention periods:

1. a body worn camera recording 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 body worn camera recording;
2. subject to any applicable retention periods established in paragraph (c) of this subsection to the extent such retention period is longer, a body worn camera recording shall be retained for not less than three years if voluntarily requested by:
   a. the law enforcement officer whose body worn camera made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
   b. a law enforcement officer who is a subject of the body worn camera recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
   c. any immediate supervisor of a law enforcement officer whose body worn camera made the recording or who is a subject of the body worn camera recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value;
   d. any law enforcement officer, if the body worn camera recording is being retained solely and exclusively for police training purposes;
   e. any member of the public who is a subject of the body worn camera recording;
   f. any parent or legal guardian of a minor who is a subject of the body worn camera recording; or
g. A deceased subject’s next of kin or legally authorized designee.

3. Notwithstanding the provisions of paragraph (a) or (b) of this subsection, a body worn camera recording shall be subject to the following additional retention requirements:
   a. when a body worn camera recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution;
   b. when a body worn camera records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording 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; or
   c. when a body worn camera records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action
      i. Once the Internal Affairs investigation is closed, the Internal Affairs Officer shall remove the IA tag so that the retention period reverts to the original retention period.
   d. To effectuate the voluntary request by a member of the public, parent, or legal guardian, to hold video footage for extended period, they shall be permitted to review the BWC recording in accordance with the provisions of P.L. 1963, c73 (c.47:1s-1 et seq.), commonly referred to as OPRA Act, to determine whether a request a three year retention period, notwithstanding:
      i. A criminal investigatory record does not constitute a government record under 471A—1.1, only the following BWC recordings shall be exempt:
         1. Any recording subject to extended 3 year retention period

4. All other recordings shall be maintained for a period of 2 years.

D. BWC recordings retained for evidentiary purposes, which shall include any recording that captures a use of force, shall be safeguarded in the same manner as other forms of evidence. As such, these recordings will:

1. **TAGGING AND RETENTION PERIODS**
   a. Be retained as evidence on Evidence.com and tagged by the requesting member with the case number of the incident under one of the following categories:
      • Criminal Investigation (3 year retention)
      • DUI (3 year retention)
      • Pursuit (3 year retention)
      • Use of Force (3 year retention)
      • Arrest (3 year retention)
      • Evidence/Exculpatory Value (3 year retention)
      • Discovery (3 year retention)
      • Voluntary Request (3 year retention)
      • General CFS (180 day retention)
      • Motor Vehicle Accident (180 day retention)
      • Traffic Stop (180 day retention)
      • Pedestrian Stop (180 day retention)
      • Officer Injury (180 Day Retention)
• Internal Affairs (Retention - Pending Final Disposition)

2. Under the ID tab, be designated with the full year, hash mark and case number (e.g., 2017-00159).

E. 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 member with the case number of the incident under the category of “Criminal Investigation.”

F. 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.

G. All other BWC recordings shall be categorized under one of the following categories
   - General CFS
   - Motor Vehicle Accident
   - Traffic Stop
   - Pedestrian Stop
   - Officer Injury

H. If necessary, a BWC recording may be categorized under several different categories when necessary.

I. The agency shall ensure that relevant BWC recordings are provided in discovery in a timely fashion. The Property Officer and/or clerk processing discovery requests shall check the corresponding investigative activity case report(s) and property log for references to the incident being recorded by a BWC.

   1. Copies of BWC recordings made for the purpose of complying with the State’s discovery obligations shall be provided in a readily available media format approved by the Director of Criminal Justice in consultation with the Administrative Office of the Court.

XI. Provisions to Identify Recordings That Raise Special Privacy or Safety Issues

A. To identify BWC recordings that may raise special privacy or safety issues, officers shall tag such a recording as a “Protected Video” in Evidence.com when the recording:

   1. Captures the image of a victim of a criminal offense;
   2. Captures the image of a child; (child- anyone under the age of 18)
   3. Was 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 de-activate the BWC was declined;
   5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information (e.g., verbal codes and hand signals used to give directions to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.) may have been recorded;
6. Captures the image of an undercover officer or confidential informant; or
7. Captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.

B. Evidence.com allows for a recording to have multiple tags. Therefore, a video shall tagged as a “Protected Video” in addition to one of the classifications listed in Section X. above where applicable. The retention period for a “Protected Video” shall be 2 years, unless it also has a companion tag that calls for a longer retention.

C. A BWC recording tagged pursuant to this section shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Camden County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee.

1. Except for when a BWC captures the image of a patient at a substance abuse treatment facility and subject to the requirements of Section XII Public Disclosure of BWC Recordings, the Camden County Prosecutor of Director of the Division of Criminal Justice may authorize the Chief of Police and one or more superior officers or duty positions identified by the Chief of Police to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to this section.

D. The Chief of Police has designated the following duty positions to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to this section in order to conduct such activities including, but not limited to, logging evidence, filling OPRA and discovery requests, administrative reviews, audits for compliance with directives, and internal affairs investigations:

1. Chief of Police
2. Captain
3. Lieutenants
4. Sergeants
5. Internal Affairs Personnel
6. Property Officer

E. If a 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 designee, or Director of Criminal Justice or designee in cases prosecuted by the Division, 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 by disclosure, such as by seeking a protective order from the court.

XII. Restrictions on Access to, Use, and Dissemination of BWC Recordings
A. All access to downloaded BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes. Under no circumstance shall any officer of this department erase, tamper with, reuse, or alter the recording of BWC.

1. Evidence.com has an internal audit trail function that documents by user identification number the following:
   - The date and time of access;
   - The specific BWC recording(s) that was/were accessed;
   - The officer or civilian employee who assessed the stored BWC recordings.

B. No law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in this section. Access to and use of a 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 police misconduct;

4. To assist the officer whose BWC made the recording in preparing his or her own police report, subject to the restrictions established in Subsection C. below;

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 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;

8. To comply with other legal obligations to turn over the recording to a person or entity;

9. 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 designee, or Director of the Division of Criminal Justice or 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;

10. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by the persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
11. To conduct an audit to ensure compliance with this directive;

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 designee, or the Director of the Division of Criminal Justice or designee; or

13. Any other specified official purpose where the Camden County Prosecutor or designee, or Director of Division of Criminal Justice or designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.

C. The assistant prosecutor or assistant or deputy attorney general, or his or her designee, overseeing a police use-of-force investigation pursuant to Attorney General Directive 2006-5 (use of force incident involving death or serious bodily injury to person, or where deadly force is employed with no injury to a person, or where any injury to a person results from the use of a firearm by an officer) may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access or view a BWC recording of the incident under investigation.

1. To ensure the integrity of investigation 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, no civilian or law enforcement witness, including the principal(s) 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 express approval of the assistant prosecutor, assistant or deputy attorney general, or designee.

D. RESTRICTIONS ON VIEWING BWC BEFORE WRITING INITIAL POLICE REPORT

a. A law enforcement officer shall be permitted to review or receive an Accounting of a BWC recording prior to creating any required substantive initial reports, providing a statement, or submitting to an interview regarding the recorded event, except under the following circumstances:

  Specified circumstances

  (1) the incident involves the use of force by the officer, where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death;
  (2) the incident involves the discharge of a firearm or any other use of deadly force by the law enforcement officer;
  (3) the incident involves the death of a person while in law enforcement custody;
  (3) the incident involves the death of a person during an encounter with a law enforcement officer;
  (5) an incident that the officer knows or has been advised is or will be the subject of an internal affairs complaint relating to the officer’s use of force, bias, or dishonesty; or
  (6) an incident that the officer knows or has been advised is or will be the subject of a citizen complaint relating to the officer’s use of force, bias, or dishonesty
b. Whenever a law enforcement officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the law enforcement 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. The law enforcement officer shall document each BWC recording that was reviewed and the date of the review. If the law enforcement officer received an accounting of a BWC recording, the law enforcement 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. As noted above, an officer is prohibited from reviewing or receiving an accounting of a BWC recording in certain scenarios specified in subsections XII.D (a) (1)-(6) (the “specified scenarios”) prior to the officer documenting or otherwise memorializing the officer’s recollection of the incident, namely, by creating any required substantive initial report, providing a statement, or submitting to an interview regarding the recorded event (“the specified incident memorialization”). Whenever an officer participates in a specified scenario, then the officer shall only be permitted to review or receive an accounting of a BWC recording 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. In cases subject to Attorney General Directive 2019-4, the investigating entity shall be the independent investigator. In all other specified scenarios the investigating entity shall be the chief law enforcement executive or designee. The investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.

XIII. Public Disclosure of BWC Recordings

A. The processing, redacting and release of body worn camera footage requests received pursuant to the Open Public Records Act (OPRA) shall be handled in accordance with the following procedures.

B. The Chief of Police, or his or her designee, shall make immediate notification to the Camden County Prosecutor’s Office any time the agency receives a subpoena, court order, or written request pursuant to the Open Public Meetings Act (OPRA) or the Common Law Right to Know for a BWC recording.

1. Notification shall be made within one (1) business day of receipt of the subpoena, court order, or request to either OPRA or the Common Law Right to Know.

2. Notification must be made prior to the agency responding to the subpoena, court order or request.

3. Notification shall clearly identify the deadline by which response is required.

C. Except as otherwise provided in Section XII. B., a BWC recording of an event or encounter that involves an investigation of a criminal offense as defined in Section I. 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 law enforcement
agency in consultation with the Camden County Prosecutor or designee, or the
Director of the Division of Criminal Justice or 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.

XIV. Supervisory Responsibilities and Review

A. Supervisory personnel shall ensure that officers under their command equipped with
BWC devices utilize them in accordance with policy and procedures defined therein.

B. Supervisory personnel shall perform periodic reviews of BWC recordings of events recorded
by personnel under their command to ensure the equipment is operating properly and to
ensure the officer's performance and adherence to written directives and established
professional standards, and to identify training needs. This shall be completed by
completing a BWC Job Safety Observation Report as follows:

1. BWC Job Safety Observation Report (JSOR)
   i. A BWC Job Safety Observation Report shall be completed anytime a
      supervisor reviews BWC video other than for formal Internal Affairs
      Investigations.

2. Video Review Selection
   i. Unless a specific incident must be reviewed, videos should be
determined by reviewing the officer's assigned cases in the records
management system as opposed to selecting recorded videos from
Evidence.com.

   1. This type of selection process will assist in ensuring the officer
      is activating their BWC in compliance with department policy.
   ii. Supervisor “Random” Review provisions:
       1. The reviewing Supervisor shall review no less than two (2) videos
          per month for each officer assigned to their shift.
          a. Sergeants shall be reviewed by their respective Lieutenant.
          b. Officers assigned to the Detective Bureau are exempt from
             this review.
          c. Lieutenants, Captain & Chief of Police are exempt from this
             review provision.
   iii. Early Warning System and Probationary Officer Review
       1. The officer's Supervisor shall review BWC recordings under the
          following circumstances
a. During the course of the officer’s probationary period, the reviewing supervisor shall review a minimum of two (2) videos per work-week.

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 section (a) above.

3. Observed Performance

i. When a supervisor reviews a video recording and discovers one or more videos where the answers to the review questions on the BWC Job Safety Observation Report have resulted in an answer of “No”, the supervisor shall:

1. Initiate corrective action to assist with the officer's professional development which may include:
   
   a. Recommended training if the supervisor cannot provide or facilitate such training
   
   b. Refer to Internal Affairs if appropriate
   
   c. Verbal Counseling
   
   d. Issue a Performance Notice

2. The Supervisor may also review additional BWC videos in the preceding month to determine if a pattern of policy violations are occurring.

3. Whenever a supervisor reviews a video recording and identifies exemplary actions, the supervisor may issue a Special Recognition Notice to the officer.

4. BWC Job Safety Observation Report – Report Retention

i. All completed and final BWC Job Safety Observation Reports shall be retained by the officer’s commanding officer for a period no less than six (6) months.

   1. The JSOR shall be retained in an Internal Affairs case file where appropriate.

C. A supervisor shall take protective custody of the BWC of any officer(s) that is involved in a serious incident to safeguard any footage of the event captured on the unit(s). Such incidents include the use of deadly force, the use of force resulting in serious injury or death, serious motor vehicle crashes involving an officer, any event resulting in the incapacitation of the officer, or any other event in which the supervisor feels that the immediate custody of the unit is necessary to protect any footage.
1. The transfer of custody shall not take place until the entire encounter/event/episode has concluded and the BWC(s) has been deactivated in accordance with the parameters set forth in this directive.

2. The supervisor that takes custody of the unit shall forward it to the Internal Affairs Unit Commander or Detective, and issue the officer a spare unit.

3. The Internal Affairs Unit Commander or Detective, shall download and tag any footage captured of the event accordingly.

4. The unit shall only be placed back in service with approval from the Internal Affairs Unit Commander.

D. The Internal Affairs Unit is responsible for periodic and random reviewing of BWC events in an effort to ensure the equipment is operation properly, to assess officers’ performance and adherence to written directives and established professional standards, and to identify other training needs.

1. In order to maintain fairness in the selection of videos reviewed, the Internal Affairs Unit member will access the LEA Administrative Program “Random Employee List Generator” to create a list of five randomly selected individual officers to observe.

2. Upon completion of the monthly review, the reviewer shall complete a Video Review Form documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.

3. All Completed Video Review Forms shall be retained by the Internal Affairs Unit and a copy will be forwarded to the Chief of Police for review.

4. Separate from the above mentioned monthly review 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)

BY ORDER OF THE CHIEF OF POLICE
# BODY WORN CAMERA (BWC)
## JOB SAFETY OBSERVATION REPORT

<table>
<thead>
<tr>
<th>Officer Name:</th>
<th>Badge #</th>
<th>Date of Review:</th>
</tr>
</thead>
</table>

**Supervisor Review (Reason) check all that apply**

- [ ] Supervisor "Random" Review
- [ ] Significant Incident
- [ ] Work Injury
- [ ] Civilian Injury
- [ ] Vehicular Pursuit

**Date of recorded incidents:**

<table>
<thead>
<tr>
<th>Case #(#s)</th>
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</table>

**Review**

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Comments (*Required for No)</th>
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<tbody>
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**Was the camera activated according to policy?**

- [ ] Yes
- [ ] No

**Did the camera remain activated and/or was it deactivated in accordance with policy?**

- [ ] Yes
- [ ] No

**Was the officer or other officer’s actions consistent with existing policy and sanctioned departmental procedures?**

- [ ] Yes
- [ ] No

**Actions Taken**

- [ ] No Action
- [ ] Verbal Counseling*
- [ ] Recommended training submitted
- [ ] Training provided *
- [ ] Special Recognition Notice submitted
- [ ] Official reprimand *
- [ ] Referred to Internal Affairs
- [ ] Performance Notice Issued
- [ ] Other (Be specific)*:

*=Reviewing Supervisor Comments Required Below

**Comments (if any)**

(The supervisor completing the review form)

---

**Signature/Badge#**

Date

**Supervisor Review**

(The supervisor/commander of the person completing this review form)

---

**Initial/Badge#**

Date