



## WINFIELD POLICE DEPARTMENT

	Date: <b>01/01/19</b>	No. of Pages:
Distribution: <b>ALL PERSONNEL</b>	Effective Date: <b>05/01/2019</b>	
General Order:	Special Order:	
<b>S.O.P.: 07-48</b>	Personnel Order:	
Sign Off: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Revised:	
	Issued By: <b>Chief Walter L. Berg</b>	
Subject: <b>Body Worn Cameras</b>		

### BACKGROUND:

Body worn cameras (hereinafter referred to as BWCs) are considered to be a valuable asset intended to assist law enforcement by producing an audio-visual record of interactions with the public. It is essential that all officers wearing BWCs understand and adhere to the parameters of this policy; that they be trained on the use, maintenance, and storage of the BWC; and that they comply with the requirements/procedures associated with the preservation of recordings in order to maintain the chain of custody.

### POLICY:

It is the policy of the Winfield Police Department that BWCs be deployed in a manner consistent with the provisions outlined in this policy and New Jersey Attorney General Directive No. 2015-1. All members of this agency must adhere to all provisions of this policy, as well as all provisions of New Jersey Attorney General Directive No. 2015-1.

#### A. PURPOSE:

1. To establish guidelines for the proper and lawful operation of agency authorized body-worn camera recording systems.
2. To define the media storage and retention system for the events recorded by these devices.

#### B. OBJECTIVES OF BWCS: The primary objectives are as follows:

1. BWCs allow for accurate documentation of interactions between law enforcement and members of the public, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.

2. Audio and video recordings enhance the agency's ability to review probable cause for arrest, officer and suspect interaction, as well as evidence, for investigative purposes. These recordings also provide additional information to assist with officer evaluation and training.
3. BWCs also may be useful in documenting crime and collision scenes or other events, including the confiscation and documentation of evidence or contraband.

**C. LIMITATIONS ASSOCIATED WITH VIDEO RECORDINGS:**

It is recognized that video recordings cannot always depict the full story of an encounter, nor do video recordings always capture an entire scene. The use of BWCs does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing BWC recordings also must take into account that the video captured by a BWC is merely one piece of evidence that provides only one perspective regarding the situation that has been recorded.

**D. DEFINITIONS:**

1. **“Activate”** means to actuate the recording mode/function of a body-worn camera.
2. **“Body-worn camera” (“BWC”)** means a device worn by a law enforcement officer that makes an electronic audio-visual recording of activities that take place during law enforcement action. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e., a 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 used to comply with the requirements of Rule 3:17 (electronic recording of station house custodial interrogations).
3. **“Constructive authority”** shall have the 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 unholstered a firearm or a conducted energy device (e.g., “move out of the way,” “get down,” etc.).
4. **“Force”** shall have the 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.

5. “**Investigation of a criminal offense**” means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, driving while intoxicated, 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 for potential witnesses to a criminal offense.
  6. “**Law enforcement agency**,” “**agency**,” or “**department**” means a law enforcement agency operating under the authority of the laws of the State of New Jersey.
  7. “**Law enforcement officer**” or “**officer**” means a sworn officer employed by a law enforcement agency.
  8. “**School**” means an elementary or secondary school.
  9. “**Youth facility**” means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.
  10. “**Tagging**” is an electronic labeling of a video file captured by a BWC.
- E. BWC EQUIPMENT:**
1. The BWCs purchased by the Winfield Police Department shall be the only cameras authorized for use or utilized by members of this agency.
  2. The use of BWCs with electronically enhanced audio/visual capabilities, such as infrared vision features, is not authorized.
  3. The BWCs, equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of this the Winfield Police Department.
- F. TRAINING:**
1. **TRAINING REQUIRED PRIOR TO USE**: Officers assigned BWCs must complete the initial training program to ensure proper use and operation.
  2. **TRAINING COORDINATOR RESPONSIBILITIES**: The designated agency training coordinator is responsible for providing the following:

- a. Initial training to all newly hired officers or officers who were not previously trained;
- b. Periodic refresher training, as required to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment; and
- c. Supplemental training as part of agency progressive disciplinary processes.

**G. OFFICER RESPONSIBILITIES:**

1. BWC equipment is the responsibility of the assigned law enforcement officers and shall be used with reasonable care to ensure proper functioning.
2. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Officers assigned BWCs shall use the equipment unless otherwise authorized/directed by a supervisor.
3. Officers shall inspect and test the BWC prior to the start of each shift. Officers discovering that the device is malfunctioning shall immediately notify a supervisor. Malfunctioning units shall not be deployed until repairs have been made. A replacement unit shall be procured.
4. Officers deploying a BWC shall document the device number on their Vehicle & Equipment Check List report at the start of each shift.
5. Officers designated to wear the BWC device as an authorized component of the uniform of the day shall affix it to their uniform/outermost garment or other approved areas in accordance with agency training/guidelines.
6. Officers on extra-duty assignments who have been issued a BWC shall deploy their BWCs when directed by the Chief of police or his designee on a case by case basis and will do so in accordance with this policy.
7. Officers deploying BWCs shall tag all video files recorded on their BWC prior to download.

**H. APPLICABILITY OF AND COMPLIANCE WITH ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2005-1.**

The decision to activate or deactivate a BWC is a police action subject to the rule established in Attorney General Law Enforcement Directive No. 2005-1, which strictly prohibits any form of racially influenced policing.

## I. BWC OPERATION:

1. **WHEN TO ACTIVATE:** BWCs allow for a clearly documented, first hand, and completely objective account of an incident and will produce the maximum amount of information regarding the incident to be captured. Therefore, all assigned to or assisting in that event shall activate their BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as is safely possible. This will allow the maximum amount of information regarding the incident to be captured, such as events that transpire while on the way to a call for service and violations committed by a motorist during a motor vehicle stop.
2. BWCs shall be activated in any of the following circumstances as soon as safe and practicable:
  - The officer responds to calls for service;
  - The officer conducts motor vehicle stops;
  - The officer conducts field interviews;
  - The officer conducts investigative detentions;
  - The officer conducts or participates in sobriety checkpoints;
  - The officer conducts motorist aid or community caretaking check; or when:
  - The officer is interviewing a witness in the course of investigating a criminal offense;
  - 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 interrogations);
  - The officer is making an arrest;
  - The officer is conducting a protective frisk for weapons;
  - The officer is conducting any kind of search (consensual or otherwise);

- 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 subsection 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;
- The officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility; or
- The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities, and for any other action/incident where it is necessary or prudent to create a recording.

**J. NOTIFICATION THAT ENCOUNTER IS BEING RECORDED:**

When an officer equipped with a BWC is required to activate the device during an encounter a) with a civilian occurring inside the person's residence, or b) 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 unfeasible to provide such notification. 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 a report and/or by narrating the reasons on the BWC recording.

**K. TRUTHFUL RESPONSE TO SPECIFIC INQUIRIES:**

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 County Prosecutor has expressly authorized the officer to make a covert electronic recording.

**L. CONTINUOUS OPERATION OF BWCs, ONCE INITIATED:**

1. Except as stipulated in this policy, BWCs shall remain activated for the entire duration of each event, and shall not be deactivated until either the officer(s) or all citizens have departed the scene and the officer(s) have informed the dispatcher or a supervisor that the event has concluded.
2. Officers providing assistance or backup to an officer on an event that requires activation of the BWC are required to have their BWC activated until all citizens have departed the scene or their assistance is no longer needed.

3. BWCs shall remain activated during the transportation of all arrestees from the scene of the arrest to the police station and shall remain activated until: 1) the arrestee is secured in the holding cell or processing room; 2) until custody of the arrestee has been transferred to the county jail personnel; or 3) until the arrestee is with hospital/medical/mental health personnel; and the officer is no longer in the presence of the arrestee, at which time the BWC may be deactivated.

**M. DEACTIVATION OF BWCs:**

1. A BWC-equipped officer may deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian (i.e., under circumstances where a civilian might overhear the strategy discussion), 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 (e.g., "I am now turning off my BWC to discuss investigative strategy with my supervisor.").
2. An officer may 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 de-activation (e.g., "I am now turning off my BWC as per the instruction of assistant prosecutor (insert name).")
3. In Accordance with State v Chun, the BWC shall be de-activated and turned off while in the area where an electronic alcohol breath testing device is being used, or, as necessary, shall be removed from the area where such a 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 breath-testing area while the electronic breath testing device is being operated. If this provision requires de-activation of a BWC, the officer shall narrate the reasons for de-activation ("I am de-activating the BWC because the suspect is about to take a breath test."), and the BWC shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.

4. Prior to deactivating the BWC, law enforcement officers shall record their intention to deactivate, along with the reason for such action, must document same in their written reports, and report circumstances concerning the deactivation to his or her supervisor as soon as it is practicable.
5. In any instance where a BWC is deactivated, the device shall be re-activated as soon as it is safe and practicable to do so, if and when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed), and the officer would otherwise be required to activate the BWC (e.g., where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Directive).
6. Notwithstanding any other provision of this Directive, in any instance where a BWC is deactivated by any provision of this Directive, or deactivated pursuant to any policy, standing operating procedure, directive, or order issued, if the circumstances develop so that an officer is authorized to use force, the BWC shall be reactivated as soon as it is safe and practicable to do so.

**N. CITIZEN REQUEST TO STOP RECORDING:**

1. An officer has no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, or lawful search, or if the circumstances clearly dictate that continued recording is necessary or prudent. However, officers shall evaluate the situation, and when appropriate, honor the citizen's request:
  - a. An officer may deactivate a BWC upon request where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected. The officer 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 de-activation (e.g., evidence relevant to a criminal investigation will not be recorded). 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 only if the deactivation request is honored.

- b. 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 deactivate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance.
2. The citizen request to deactivate the recorder shall be electronically recorded, as well as the officer's response. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g. "I am now turning off my BWC, per the victim's request.") The officer shall report the circumstances concerning the deactivation to his or her superior as soon as is practicable. The BWC shall be reactivated immediately upon conclusion of the confidential conversation. It is critical that the circumstances surrounding the deactivation of the BWC be documented in all written reports related to the incident.
3. 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 documented and shall be reported to the officer's superior as soon as it is safe and practicable to do so. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision. An officer shall be 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 County Prosecutor or designee expressly has authorized covert recording.

**O. SPECIAL ACTIVATION RULES GOVERNING DEADLY-FORCE INCIDENTS AND OTHER EXIGENT CIRCUMSTANCES WHERE OFFICERS ARE IN DANGER:**

1. Notwithstanding any other provision of this Directive, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (EMS, an officer in distress, shots fired, etc.), the officer shall activate the BWC before arriving at the scene, when feasible.

2. Notwithstanding any other provision of this Directive, while at the scene of a police deadly-force event or the on-scene investigation of that event, an officer shall not deactivate the BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly-force incident, pursuant to Attorney General Law Enforcement Directive No.2006-5, or his or her designee. Such instruction may be given telephonically by the assistant prosecutor supervising the investigation. (Refer to section U, subsection (n) "Restrictions on access" regarding use of force investigations).

**P. "VERBAL NARRATION" OF RECORDING:** Upon activation of the BWC, officers:

1. May audibly narrate or mark significant events while recording and provide details of the marked segments.
2. 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.

**Q. DOCUMENTING A FAILURE TO ACTIVATE A BWC, RECORD AN EVENT ON A BWC, AND/OR INTERRUPT A BWC RECORDING:**

The officer shall document in an incident or case report the circumstances as to why a recording was not made, was interrupted, or was terminated prematurely.

**R. WRITTEN DOCUMENTATION STILL REQUIRED DESPITE BWC RECORDING:**

1. BWC recordings shall not be utilized as a replacement for written reports. Officers shall not simply refer to the recording in lieu of submission of a narrative portion of the written report.
2. Whenever practical, the officer should review the recording prior to completing the written incident/case report. (Refer to section U, subsection (n) "Restrictions on access" regarding use of force investigations).
3. At a minimum, officers shall document in the written reports when BWC recordings were made during the incident in question and give a summary of the events in adequate detail that allows the reader of the report to have an understanding of the events that occurred.

**S. DATA DOWNLOAD:**

Officers utilizing the BWC shall, no later than the end of each shift, download the contents of the unit by placing the unit in the designated docking station. Each file downloaded shall contain information related to the date, BWC identifier, and assigned officer. Prior to download, an officer shall tag the recordings in accordance with agency policy as set forth in Section Y and Section Z.

**T. RESTRICTIONS:**

1. BWCs shall be used only in conjunction with official law enforcement duties. BWCs shall not be utilized to record:
  - a. Courtroom proceedings, unless associated with a call for service or incident;
  - b. Communications with other police personnel without the permission of the Chief/Director of Police or his/her designee;
  - c. Encounters with undercover officers or confidential informants;
  - d. When on break or otherwise engaged in personal activities;
  - e. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room, or break room.
2. Special Restrictions When Recording in Schools, Healthcare/Treatment Facilities, and Places of Worship: Unless the officer is actively engaged in 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 deactivate a BWC that has been activated, while the officer: a) 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; b) 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 c) is in a place of worship under circumstances where worshipers would be in view of the BWC. (See also "tagging" section of this Directive pertaining to certain events/encounters raising privacy or other special issues). If an officer is required to deactivate the BWC in accordance with the provisions of this section, the officer shall narrate the reason for deactivation (e.g., "I am entering a school building where children are present.") The BWC shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).

In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the County Prosecutor or designee shall be notified to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information. The recording shall not be accessed without the permission of the County Prosecutor or 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.)

**U. RESTRICTIONS ON ACCESS TO, USE, AND DISSEMINATION OF BWC RECORDINGS:**

1. No law enforcement officer or civilian employee of this 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 stored BWC recording is permitted only:
  - a. When relevant to and in furtherance of a criminal investigation or prosecution;
  - b. When relevant to and in furtherance of an internal affairs investigation;
  - c. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct, or to determine the existence of a pattern or practice of possible misconduct;
  - d. To assist the officer whose BWC made the recording in preparing his or her own police report;
  - e. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
  - f. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
  - g. To comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
  - h. To comply with any other legal obligation to turn over the recording to a person or entity;

- i. To comply with a request made under OPRA and then only in compliance with the New Jersey Attorney Generals Directive 2015-1 and the Union County Prosecutors Directive 3-15 regarding Public Disclosure of Body Worn Camera Recordings and Departmental SOP regarding OPRA requests.
- j. To show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the 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;
- k. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video, unless the depicted individuals have consented to the recording being used for training purposes;
- l. To conduct an audit to ensure compliance with this Directive and this department's policy, standing operating procedure, directive, or order promulgated pursuant to this Directive;
- m. 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 County Prosecutor or designee; or
- n. Any other specified official purpose where the County Prosecutor or designee finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
- o. The assistant prosecutor or assistant or deputy attorney general overseeing a police use-of-force investigation pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation.

- p. To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this Directive, no civilian or law enforcement witness, including the principals of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.
- q. All members of this agency shall submit a BWC access report (Attachment A) any time they access stored BWC recordings. All access reports will be forwarded to Internal Affairs, which will keep a file of all BWC access reports.

#### **V. INSPECTION AND MAINTENANCE:**

1. When not in use, BWCs shall be stored in the designated charging/download docking station.
2. Officers shall inspect their BWCs at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system. The inspection shall include, but not be limited to:
  - a. Ensuring that the battery is fully charged;
  - b. Ensuring that the device has sufficient memory to complete their tour of duty; and
  - c. Ensuring the proper positioning of the BWC on his/her uniform/outermost garment or other approved areas.
3. When conducting the pre- and post-shift inspection, the assigned officer shall activate the BWC and verbally state the date, time, whether a pre- or post-shift inspection is being conducted, and that a test is being performed on the unit. The results of the inspection, including any malfunctions or deficiencies, shall be noted on the Vehicle & Equipment Checklist report. Units that are not functioning properly will not be deployed until the necessary repairs have been made.

**W. CONTROL AND MANAGEMENT:**

1. Contents downloaded from BWCs will be stored on the storage device(s) as designated by the agency. All images and sounds recorded by the BWC are the exclusive property of the Winfield Police Department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
2. Copies of an event captured on BWCs will not be released to other criminal justice agencies other than the Union County Prosecutor's Office and/or the New Jersey Division of Criminal Justice without the express permission of the Chief of Police or their designee.
3. BWC recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded, as are other forms of evidence. As such:
  - a. The designated storage device shall be the sole storage device utilized for all BWC recordings.
  - b. The BWC software shall be designated as the activity tracking software for all BWC recordings.
  - c. All BWC recordings covered in this subsection shall be maintained on the designated storage device until such time as they are authorized to be destroyed by statute, rule, or other directive governing the record.
  - d. BWC recordings authorized for release shall be "burned" to portable media and shall be subject to the same security restrictions and chain-of-evidence safeguards and documentation in accordance with the agency's evidence policy.
4. All recordings are maintained within the BWC system in the BWC software and are authenticated by an internal audit program with the BWC system.
5. The Chief of Police shall appoint a system administrator(s) to manage the BWC equipment whose duties shall include maintaining the system and procedures to ensure the integrity and proper handling and storage of all BWC recordings. This system shall include provisions to:
  - ensure that all recordings are uploaded to a secure data storage system in a timely fashion;

- prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the storage system;
  - prevent unauthorized access to stored BWC recordings;
  - document all instances where BWC recordings are accessed, viewed, copied, disseminated, or deleted;
  - permit auditing of all instances where BWC recordings are accessed, viewed, copied, or deleted; and
  - the system administrator shall be responsible for authorizing access to downloaded BWC files.
6. Officers shall inform their supervisor of any recordings that may be of value for training purposes. Recordings from BWCs may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief of Police. Officers shall be provided with at least thirty (30) days' notice if recordings intended for use for training purposes were either made by them or captured their image or voice.
7. Officers shall inform their supervisors of any BWC recordings that may contain information which could be of value for case prosecution or in any criminal or civil adversarial proceeding. See Section Y.1 of this policy.

X. SUPERVISORY REVIEW:

1. Supervisory personnel shall ensure that officers under their command equipped with BWCs utilize them in accordance with this policy.
2. The Chief of Police shall designate personnel who are responsible for the periodic and/or random reviewing of non-evidential BWC events in an effort to ensure the equipment is operating properly to assess officers' performance and adherence to written directives/policies and established professional standards, and to identify other training needs.
3. In order to maintain fairness in the selection of videos reviewed, the designated personnel shall create a list of randomly selected individual officers to observe.
4. Upon completion of the periodic review, the designated personnel shall prepare an administrative report documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.

5. The Internal Affairs Unit shall retain all administrative reports generated in accordance with this policy and a copy will be forwarded to the Chief of Police for review.
6. Separate from the above-mentioned periodic review of randomly selected officers, the Chief of Police or Internal Affairs Commander may review specific BWC footage if circumstances arise that requires an investigative effort to commence.
7. The random viewing of videos will not be used to target specific officers for discipline. In this respect, opportunities to remediate rather than discipline for minor infractions will be taken. Violations constituting major infractions with the possibility of criminal investigations and possibly criminal complaints will be addressed in accordance with SOP 07-03 Internal Affairs.

**Y. RETENTION AND “TAGGING” OF BWC RECORDINGS:**

**All BWC recordings shall be retained for a period of not less than 90 days and shall be subject to the following additional retention periods:**

1. When a BWC recording pertains to a criminal investigation or otherwise contains information that may be subject to discovery in a prosecution, the recording shall be treated as evidence, tagged appropriately, and kept in accordance with the retention period for evidence in a criminal prosecution. Furthermore, it will be the responsibility of every officer to properly and uniformly “tag” all videos at this time by their BWC. The officer or his supervisor shall fill out an Evidence Retention Notification Form (Attachment B) which will be placed in the case file for the incident.
2. When a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be tagged appropriately and kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.
3. When a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be tagged appropriately and kept pending final resolution of the internal affairs investigation and any resulting administrative action.

4. The following BWC recordings must be specifically tagged as they raise special privacy or safety issues:
  - a. Images of a victim of a criminal offense;
  - b. Images of a child;
  - c. Images made in a residential premise (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;
  - d. Videos of conversation with a person whose request to deactivate the BWC was declined;
  - e. Video of special operations event of an arrest and/or search warrant where confidential tactical information (e.g., verbal codes and hand signals used to give direction 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; and
  - f. Images of any screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.
5. If more than one officer captures video of an event that will be stored as evidence, it is the responsibility of the supervisor to ensure that all videos of said event are tagged properly and uniformly.
6. A BWC recording of a substance abuse and treatment facility shall not be accessed, viewed, copied, disseminated or otherwise used without first obtaining the permission of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee.

**Z. NOTICE TO PROSECUTOR OF SUBPOENA, COURT ORDER, OR OPRA/COMMON LAW REQUEST:**

Any member of this agency receiving a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the Union County Prosecutor. Such notice shall state clearly the deadline by which a response must be made.

**AA. VIOLATIONS:**

Any sworn officer or civilian employee of the agency who knowingly violates the requirements of this policy shall be subject to discipline.