

WEST DEPTFORD POLICE DEPARTMENT

GENERAL ORDER



SUBJECT: BODY WORN CAMERAS / MOBILE VIDEO RECORDERS

EFFECTIVE DATE: September 6, 2023

NUMBER OF PAGES: 34

ACCREDITATION STANDARDS: 3.5.5

BY THE ORDER OF: John Chambers #4117
CHIEF OF POLICE

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

POLICY It is the policy of the West Deptford Police Department to utilize body worn video/audio cameras (BWCs) and mobile video recorders (MVRs) to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

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

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

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

PROCEDURES

I. DEFINITIONS

A. For purposes of this general order, the following terms are defined:

1. Activate – means to actuate (put into operation) the recording mode/function of a BWC. Also referred to as ‘Event Mode’, accomplished by double-pressing the even button on the BWC.
2. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation, or interaction with the public for the specific purpose of informing the public that the communication or conversation is being recorded.
3. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
4. Cabin microphone – refers to the internal microphone installed in the passenger compartment of the police vehicle equipped with an MVR.
5. Chapter – refers to a single segment recorded to the MVR. A chapter is started when the MVR is activated by a triggering event. A chapter is ended when the stop button on the front panel is pressed. A chapter is saved to the server.
6. Consent – Consent to record shall be considered obtained when the recording party (officer) has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that the communication or conversation is being recorded. This announcement itself to the other parties must also be recorded.
7. Constructive authority – involves the use of an officer’s authority to exert control over a subject (see this department’s general order on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., “...*show me your hands*,” “...*get out of the vehicle*”, etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., “...*move out of the way*”, “...*get down*”, etc.).
8. Deactivate – means to shut off the recording mode of a BWC or MVR.

9. Digital evidence – includes photographs, images, audio, and video recordings that are stored digitally.
10. Equipped with a BWC – means that an officer is wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from the agency.
11. Event button – is used to start and stop recording on a BWC. (Press to start; press again to stop recording.)
12. Evidence.com – a secure, cloud-based storage system, which is externally hosted and available to all authorized users. Evidence.com is used to organize, classify, manage, view, and archive digital evidence. Evidence.com tracks and provides an audit log of all activity to protect chain of custody.
13. Evidence transfer manager (ETM) – a docking station for the AXON Flex BWC and battery. When the BWC is docked, video/audio data stored on the BWC is automatically downloaded to evidence.com. The ETM also charges the battery and camera.
14. Force – has the same meanings as defined in this department's general order on *Use of Force*.
15. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, or operating while intoxicated offense including, but not limited to responding to a report of a possible criminal offense, an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed, an arrest for a criminal offense, an interview of a potential witness to a criminal offense, or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
16. Mobile video recorders (MVRs) are static mounted cameras and related devices in a police vehicle. All references to MVR shall include the equipment installed in the police vehicles, removeable components and media devices, and where appropriate, other accessories necessary to operate the system.
 - a. MVRs shall be maintained in all marked vehicles with MVR mounts.
 - b. MVRs shall be maintained in all canine vehicles except when they are off-duty and/or using the vehicle for training or transporting their canine partners.
17. Mute: a feature/mode of the BWC when the officer deactivates the audio portion of the recording. Video is still being recorded in while mute mode is activated.

18. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
19. School – means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
20. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. for purposes of this general order, serious bodily injury and serious bodily harm have the same meaning.
21. 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.
22. Significant event – refers to any non-criminal event recorded on the MVR that could have administrative or evidentiary value and should be reviewed and/or saved. This would include alleged complaints against the members of the department.
23. Stand-By mode: When BWC is powered on and buffering but is not in Event Mode (recording).
24. Subject of the video footage – means any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body worn camera recording and shall not include a person who only incidentally appears on the recording.
25. Substantive report – means a report that includes a detailed accounting of the incident. It does not include a report which simply refers to other reports or to the existence of BWC or other camera recordings.

26. Tactical team – is a group of officers who are specially selected, trained, and equipped to handle high-risk incidents including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
27. Tagging – is an electronic labeling of an electronic file captured by a BWC.
28. Triggering event – is any action that causes the MVR to create, record and save a chapter. Triggering events can include activating emergency lights, manually pressing the record button on the front panel, or activating the transmitter/wireless microphone.
29. Undercover officer – is a law enforcement officer operating with an assumed identity and/or disguise for the purposes of gaining the trust of an individual or organization to learn or confirm confidential information or to gain the trust of targeted individuals to gather information or evidence. Plain-clothed officers and detectives are not considered undercover officers unless working with an assumed identity and/or disguise.
30. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, residential and/or treatment facilities, etc.

II. GENERAL ADMINISTRATION

- A. BWC and MVR recordings are invaluable to law enforcement for evidential purposes. BWCs and MVRs have demonstrated their value in the prosecution of criminal, traffic, and other related offenses and to protect officers from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. While visual and audio evidence may be captured on the recordings, the use of BWC and/or MVR is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize BWCs and MVRs as a management tool to punish officers for minor departmental rule infractions.
 1. There is no intent to utilize BWCs and MVRs as a management tool to punish officers for minor departmental rule infractions.
 2. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.

- C. Adequate safeguards are necessary to ensure that this technology is used in a non-discriminating way and used to adequately document visual evidence.
- D. These recordings will serve the following purposes:
 - 1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 - 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 - 3. The recordings can resolve disputes concerning what occurred during incidents, thereby protecting both the public and the officers involved.
 - 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 - 5. Subject to the viewing restrictions in this general order, supervisors will be able to view the recordings with the permission of the Chief of Police or his/her designee and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
 - 6. Subject to the viewing restrictions in this general order, supervisors can undertake more meaningful performance evaluations.
 - 7. Subject to the viewing restrictions in this general order, recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.
 - 8. Subject to the viewing restrictions in this general order, recordings enhance management's ability to train personnel in proper police procedures.
- E. Repairs to any BWC and/or MVR equipment shall only be performed under the direction of the BWC/MVR coordinator or his/her designee.
- F. The Chief of Police shall maintain a training program on the lawful and proper use of BWC and MVR equipment. Only officers who have received training in the use of BWCs and MVRs are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system. The proper use of BWCs and MVRs is considered an essential job function.
 - 1. Initial training shall be provided to all newly hired officers or to officers who have not been previously trained. It will be part of the field training program.

2. Periodic refresher training (once every 3 years) will be provided to ensure continued effective use and operation of the equipment, and to incorporate changes, updates, or other general order revisions as necessary or required.
 3. Supervisors shall cause supplemental training to any officer who has demonstrated a lack of knowledge of the proper use of BWCs and MVRs or as part of a disciplinary matter.
 4. If any officer is unclear with this general order or the operation of BWCs and MVRs, he/she should contact their supervisor to arrange for additional training.
- G. BWCs and MVRs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- H. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, culture, LGBTQ+ status, limited English proficiency, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC and/or an MVR.
- I. All recording media, images, audio, and related metadata are the sole intellectual property of the West Deptford Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this general order without the expressed written consent of the Chief of Police.
- J. Under no circumstances will any employee of the West Deptford Police Department make a personal copy of any recorded event without the permission of the Chief of Police or in accordance with section V of this general order.

III. BODY WORN CAMERAS

- A. Officers will use only those devices approved and issued by the Chief of Police.
1. The AXON BWC system is the only department authorized and approved device.
 2. BWCs are not able to record images or conversations that cannot be seen or heard by the officer wearing the device (e.g., infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance).

3. The AXON BWC is configured with a 30 second pre-event video buffer recording. When the BWC is activated, the preceding 30 seconds of video (no audio) will be captured and become part of the event recording. Audio recording will begin at the time the BWC is activated
 4. Stand-by mode is not required during periods of unassigned time, breaks or lunch periods, or when not in use.
 5. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Gloucester County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
- B. BWCs shall be used only in conjunction with official law enforcement duties.
1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWCs.
 2. BWCs shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Strip and body cavity searches.
 - c. When on break or otherwise engaged in personal activities.
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - e. When engaged in police union business.
 - f. When involved in internal affairs interviews, counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction.
 - g. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording, see section III.B of this general order.
 - h. While discussing criminal investigation strategies.
 - i. When investigating or searching for potential explosive devices (electrostatic interference might trigger explosive devices).

3. Officers are not required to wear and use a BWC:
 - a. When engaged in hostage negotiations.
 - b. When processing crime scenes.
 - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
 - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.
 4. BWCs shall not be used surreptitiously.
 5. BWCs shall not be used to gather intelligence information based on 1st Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.
- C. When not in use, BWCs shall be stored in the designated docking stations in the patrol division. The docking stations allow for the units to be charged and for the download of events to evidence.com.
- D. BWCs will be assigned to all uniformed patrol personnel and shall be utilized daily consistent with the requirements and restrictions in this general order, including while on extra duty assignments. Detectives and administrative officers shall wear and use a BWC when assigned to field duties (e.g., filling in patrol assignments, extra duty assignments, etc.)
1. Officers are not required to activate their BWCs in police headquarters unless they are investigating a walk-in complaint, processing an arrestee, or other similar related functions.
 2. Officers shall also wear and use a BWC consistent with this general order when:
 - a. On aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 - b. When assigned to front desk assignments and interacting with the public on a law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.

- d. When assigned to duties at demonstrations or potential civil disturbances.
3. NOTE: If an officer, who has not officially reported for duty and comes upon an incident, the officer can remain at the scene even if he/she does not have his/her BWC. In such an instance, the officer should respond to the incident in accordance with applicable general orders and report the absence of the BWC to the shift supervisor, and note the encounter in the formal incident/case report, or have the communications center make a note in the calls for service if a formal incident/case report is not required
- E. School resource officers shall not routinely activate their BWC while on school grounds or interacting with students and teachers except when required by this general order (see subsections III.A through III.F of this general order).
 - F. Officers shall not utilize the BWC of another without the expressed permission of the shift supervisor and after the shift supervisor has documented the transfer of the BWC in RMS or Evidence.com.
 - G. Officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
 1. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection and ensure that there is a fully charged battery.
 2. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time and that a test is being performed on the unit.
 - a. After recording, officers shall then synchronize the unit through the icon on a desktop computer or through the mobile application on a smart device to verify the audio and video test recorded properly.
 - b. The results of the inspection, including any malfunctions or deficiencies, shall be noted on the *Sergeant's Report*.
 3. Malfunctions shall be promptly reported to the shift supervisor with a corresponding email to the patrol division commander. The email must contain the serial number of the defective device and the general nature of the problem or malfunction. Devices found not to be in proper working order shall not be deployed under any circumstances.
 4. Throughout their shift, officers shall tag BWC recording as appropriate prior to the end of shift.

5. Officers will dock their BWC for download to the ETM manager upon completion of their shift to download its contents to Evidence.com.
- H. Officers will wear the BWC mounted to the front of the outermost uniform on the chest using the mounting equipment provided by the manufacturer.
1. BWCs are equipped with magnets. One magnet shall be on the inside of the outermost garment and the other magnet that is affixed to the BWC is to be worn on the outside of the outermost garment.
 - a. Jacket/outermost garment – BWCs shall be worn on the center of the buttoned jacket or outermost garment.
 - b. Uniform shirt – BWCs *can* be worn in the center of the uniform shirt and shall be above the sternum or as high on the uniform shirt as possible.
 2. BWCs can also be affixed to either of the uniform breast pockets. If the officer chooses to wear the BWC on the breast, he/she shall place the magnet inside of the breast pocket and affix the camera as described in section III.H.1 (above).
- I. To the extent possible, officers are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident.

IV. MOBILE VIDEO RECORDERS

- A. Equipment installed in a patrol vehicle is the responsibility of the officer assigned to that vehicle. The officer must ensure that the MVR is operating properly prior to the start of his/her shift and must report all malfunctions, damage or other problems to the shift supervisor and the patrol division commander.
1. No one is permitted to move the installed components of the system from its positions without authorization by the Chief of Police or his/her designee or as permitted by this general order.
 2. Likewise, no one is authorized to repair any MVR equipment or related component except those personnel authorized by the Chief of Police
 3. Equipment shall be maintained according to manufacturer's recommendations.
- B. Installation, removal, or repairs to any of the MVR equipment shall only be performed under the direction of the administrative division commander or his/her designee.
1. MVRs will upload automatically to the MVR server when a vehicle is close to headquarters.

2. No officer or other police employee shall conduct him/herself in any way that would intentionally interfere with any data upload from occurring. If an officer or police employee is found to have intentionally interfered with any upload, an internal affairs investigation shall be initiated.
 3. If a police vehicle is towed due to a collision or having become disabled, the shift supervisor or his/her designee notify the administrative division commander to determine whether the hard drive should be immediately removed and stored.
 4. The administrative division commander shall be promptly notified concerning any MVR equipped vehicle involved in:
 - a. A crime.
 - b. A collision with serious bodily injuries to any party.
 - c. A motor vehicle pursuit involving any crash or injury.
 5. The administrative division commander or his/her designee shall respond and remove the mobile video recorder and secure it as evidence.
- C. Officers shall wear and use their assigned BWC even when operating a vehicle equipped with a functioning MVR.
- D. It is the officer's responsibility to exercise reasonable care when using the equipment. Misuse of the equipment that results in damage or loss may result in disciplinary action and/or replacement of such equipment by the officer.
- E. Prior to each shift, officers shall determine whether their MVR equipment is working satisfactorily and shall bring any problems at this or other times to the attention of the shift supervisor as soon as possible.
1. Officers shall synchronize BWCs to the MVR
 2. To verify operation of the video portion, activate the MVR and place it in record mode (manually or via activation of overhead lights) to test operability.
 3. Inoperable or damaged MVR equipment shall be immediately reported to the duty shift supervisor.
 4. The duty shift supervisor shall check the MVR equipment to determine the problem. In the event all patrol vehicles are in use and a backup is not available, the officer can utilize the patrol unit with permission from the duty shift supervisor.

5. If video is recorded and not assigned to that officer, the officer is to notify his/her supervisor so that video can then be re-assigned to that officer so it can be labeled properly.
 6. This can be done once the recording has been downloaded to the server.
- F. If an officer who has reported for duty needs to immediately respond to a priority call and is unable to sign onto an MDT or fully check the MVR system prior to his/her response, he/she shall still install an MVR in his/her vehicle and operate it within this general order until such time he/she is able to fully check the system later.
- G. If for any reason (e.g., officer did not have time to pair his/her MVR or had to operate the MVR manually, etc.) video is recorded on an MVR that is not automatically assigned to that officer, it that officer's responsibility to ensure he/she tags/labels any such videos as soon as possible.
1. All supervisors can reassign recordings and cameras to any officer in the agency.
 2. If video is recorded and not assigned to that officer, the officer is to notify his/her supervisor so that video can then be re-assigned to that officer so it can be labeled properly.
 3. This can be done once video has been downloaded to [Evidence.com](#).
 4. Not being able to sign into the 'View' application is no reason to not utilize the MVR according to this general order, nor have any recorded video not tagged and labeled properly.
 5. Officers should also ensure they properly log off/sign out of the Axon View XL application when their shift ends. Failure to properly sign off will result in that camera still being assigned to that officer when used by the next officer until they are able to pair it.
- H. MVR equipment is preprogrammed to begin recording when the vehicle's emergency lights are activated, or the record button is pressed manually either on the device or on the *Axon View* application.
1. Video recording might not completely document events as they occur. Therefore, officers are encouraged to provide narration as the events are occurring to the extent possible.
 2. Nearby BWCs will automatically activate when the emergency lights are activated on a vehicle. This includes the possibility of BWCs worn by officers in headquarters being activated when a vehicle's emergency lights are activated just outside the building.

3. MVRs are also equipped with a microphone that will record audio while recording video. This can be muted like the BWC. The indicator light will blink blue while the mute feature is activated. Mute should only be used for the same reasons as it would be used for a BWC recording and shall be unmuted as soon as possible.
 4. Officers are encouraged to manually activate the MVR prior to activating overhead emergency lights when appropriate to record actions, which may assist in demonstrating probable cause or capturing video evidence of a violation. (e.g., moving violations committed prior to stopping the vehicle).
- I. Whenever the MVR is activated, officers shall ensure that the audio portion is also activated and the volume on the patrol vehicle's AM/FM radio is turned OFF.
 - J. Officers shall not cease recording an event at the request of any person or entity other than a police supervisor, which will be documented in the applicable operations report. If a civilian makes an inquiry whether they are being recorded, officers shall inform him/her that there is an MVR in use.
 - K. When an officer has a passenger or prisoner in the patrol vehicle, officers shall ensure that the cabin audio recording feature off anytime an officer is not present in the police vehicle and/or is not a party to the conversation or comments being recorded. Failure to adhere to this provision could result in the recording of comments or conversation in violation of the *New Jersey Wiretapping and Electronic Surveillance Control Act*.
 - L. To prevent allegations of arbitrary and capricious utilization of the system, the following procedural guidelines shall be followed:
 1. While it is recognized that not every event takes place in the field and that subjects may move off camera, officers are encouraged to park their patrol vehicle in the best position to allow the camera to record the pertinent event. If necessary, an officer may reposition a camera to capture the event when possible but, officer safety always comes first.
 2. Although the mobile video recording system is designed to begin recording automatically when the emergency lights are activated, this may not always be the case. It is the responsibility of the officer to ensure the MVR is recording during an event that requires it.
 3. If the MVR does not begin recording automatically, the officer shall activate the recording manually, either on the device itself or through the *Axon View* application.
 4. Recordable incidents shall be video/audio recorded from beginning to end.

- a. This procedure applies to primary as well as secondary/back-up units on these incidents.
 - b. This procedure applies to both adult and juvenile incidents.
 - c. MVR shall remain activated (video recording) during motor vehicle stops and other law enforcement actions until the entire enforcement action has been completed and either the officer or stopped motorist has departed the scene.
 - d. Officers shall ensure that the camera is properly positioned to capture the officer-subject interaction at the outset of the incident.
 - e. Officers may want to verbally describe the action(s) taken and the video obtained. If the officer is wearing a functioning/activated BWC there will be no need to reposition the MVR.
 - f. **At no time** should the MVR be turned off while an officer is interacting verbally or physically with a subject.
 - g. Any officer found to have purposely deactivated the MVR (video or audio) without justification in violation of this general order shall be subjected to an internal affairs investigation and potential discipline.
5. The system will continue to record video after the emergency lights are shut off. The operator of the system must stop the recording **manually** at the conclusion of the stop/event.
 6. During hours of darkness, officers can dim or darken the monitor display and control panel buttons. The dimming feature can and should be utilized at the officer's discretion to prevent distraction and/or any unsafe condition caused by illuminating the interior of the vehicle.
 7. No recording of video or audio is required in non-enforcement situations where prolonged recording from a stationary position is unlikely to capture information that may be useful in any prosecution or civil proceeding (e.g., traffic post, school crossing, etc.).
 8. If an MVR recording is ceased prior to the conclusion of an incident, the officer shall provide justification by recording the reason verbally on the system.

V. INCIDENTS TO RECORD

- A. BWCs and MVRs 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 personnel assigned to or assisting in that event shall activate their BWC and/or MVR immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as is safely possible.
- B. Except when otherwise restricted in this general order, officers shall video and audio record all law enforcement activity including any interaction with a civilian. However, if an immediate threat to the officer's life or safety makes activating the BWC/MVR impossible or dangerous, the officer shall activate the body worn camera at the first reasonable opportunity to do so. Examples of such required recordings include, but are not limited to:
 - 1. All traffic stops from the initiation of the stop until the stop is concluded, including sobriety testing.
 - 2. All calls for service.
 - 3. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
 - 4. Investigation of any kind of motor vehicle offense.
 - 5. Crash scenes, including interviews on the scene
 - 6. Crime scenes except for crime scene processing.
 - 7. Motor vehicle and foot pursuits.
 - 8. Investigations of criminal violations (not to include undercover investigations or related surveillance activities).
 - 9. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
 - 10. Out-of-court identifications (i.e., show ups, lineups).
 - 11. Investigative detentions/field interviews (assigned and officer-initiated).
 - 12. Warrantless searches (all types, including frisks, but not strip or body cavity searches).
 - 13. Search or arrest warrant service (entire service).
 - 14. Arrests.

15. Arrestee, prisoner, emotionally disturbed person, or civilian transportation.
 16. Drug recognition expert (DRE) evaluations.
 17. Overdose and suspected overdose investigations.
 18. Emotionally disturbed person investigations / encounters.
 19. Crowd control, unruly crowds, or incidents requiring activation of the all-hazards or emergency operations plan.
 20. When an officer uses force or constructive authority, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any investigation report).
 21. Domestic violence investigations:
 22. Strikes, picket lines, demonstrations.
 23. Welfare checks of residents and motorists (motorist aid).
 24. When an officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
 25. Any contact that becomes adversarial when the BWC has not already been activated.
- C. BWCs and/or MVRs shall be activated when an officer receives a dispatched assignment to any incident listed in subsection III.B (above) or when engaged in any self-initiated activity involving any incident listed in subsection V.B (above).
- D. Notwithstanding any other provision of this general order, when an officer equipped with a BWC and/or MVR is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC and/or MVR before arriving at the scene unless impracticable.

- E. Notwithstanding any other provision of this general order, an officer while at the scene of a police deadly-force event, pursuit resulting in a death or serious bodily injury, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC and/or MVR unless instructed to do so by the independent investigator supervising the investigation of the incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The independent investigator or his/her designee supervising the investigation can provide such instruction telephonically.
1. Officers can deactivate their BWCs and/or MVRs once they leave the scene of the incident.
 2. BWCs and MVRs do not need to remain activated while officers are receiving medical evaluation, medical treatment, or have returned to headquarters.
 3. Once officers deactivate their BWCs in these instances, they shall surrender their BWCs to a supervisor, who shall submit them as evidence in accordance with this agency's general order on *Evidence and Property*.
- F. BWCs and MVRs shall remain activated for the entire duration of a public contact required in section V.B above until the officer has departed the scene and the officer has notified communications that the event is closed.
- G. When a BWC and/or MVR is activated to transport an arrestee/prisoner, it shall always remain activated, except:
1. Once entering headquarters and upon completion of the secondary search and securing of a prisoner (to the bench or into a cell), officers can deactivate their BWC and MVR if the video surveillance cameras are properly functioning.
 2. Once an arrestee enters any area where there is not video surveillance, officers shall immediately reactivate the BWC.
 3. At any time, officers may use their discretion and reactivate the BWC.
 4. When an arrestee is being uncooperative, disruptive, combative, threatening, displays abnormal behavior, etc. or has made a verbal or written complaint against an officer, the officer who is in direct contact (not every officer in headquarters) with the arrestee shall reactivate the BWC.
- H. When wearing a BWC, officers shall notify the subject of the recording that they are being recorded unless it is unsafe or unfeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible.

1. Prior to entering a private residence, officers shall notify the occupant that the occupant is being recorded and, if the occupant requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force.
 2. When interacting with an apparent crime victim, officers shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC.
 3. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, if the person requests that the officer discontinue use of the body worn camera, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.
 4. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- I. If a civilian inquires of an officer whether the officer is equipped with a BWC or inquires whether the device is activated, the officer shall answer truthfully unless the Gloucester County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected.
 - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer should explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).

- b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet is not critical to require recording.
2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. However, in situations when an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.
3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation should be electronically recorded; and
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC as per the victim's request.*"); and
 - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in any incident/case report concerning the incident under investigation, including the approximate time of activation and/or deactivation.
4. If an officer declines a request to deactivate a BWC, the reasons for declining the request must be memorialized on the recording and documented and shall be reported to the shift supervisor as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, expressly has authorized covert recording.

5. Officers can deactivate/mute a BWC and/or MVR when specifically authorized to do so by an assistant prosecutor/deputy attorney general for good and sufficient cause as determined by the assistant prosecutor/deputy attorney general. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor/deputy attorney general who authorized the deactivation (e.g., "...I am now turning off my BWC and/or MVR as per the instruction of assistant prosecutor/deputy attorney general (insert name).").
6. Officers may deactivate/mute a BWC and/or MVR while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC/MVR-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search).
7. **If** an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "...I am entering a school building where children are present."). The BWC shall be reactivated as soon as it is safe and practicable to do so when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC). Officers assigned to a school (e.g., school resource officer) should not activate their BWC unless involved in any incident listed in section III.A of this general order.
8. If a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Gloucester County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Gloucester County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)

9. In any instance when a BWC and/or MVR was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC and/or MVR.
- J. Officers shall not activate a BWC and/or MVR, and shall deactivate a BWC and/or MVR that has been activated, if the officer knows or reasonably believes that the BWC and/or MVR would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer require that the encounter/incident be recorded, in which event the officer shall inform their supervisor that the image of an undercover officer or confidential informant was recorded. The BWC and/or MVR shall be activated or reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- K. Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation. NOTE: when uniformed officers are scheduled to testify in court, they are not required to wear a BWC.
- L. BWC shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST device is being used. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for deactivation (e.g., "*...I am deactivating the BWC because the suspect is about to take a breath test*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- M. When a BWC and/or MVR is activated, officers are encouraged to provide narration where practical and appropriate to augment the value of the recording and to provide clarity for the viewer.
- N. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's general order on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section VII of this general order.

- O. If an officer fails to activate the BWC and/or MVR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident/case report the reasons why a recording was not made, was interrupted, or was terminated.

VI. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. When video/audio footage is captured involving any event, officers will tag the recording with the case number and incident categories. Officers shall document the existence of BWC and/or MVR recordings (including the vehicle's number if using an MVR) on the last line of the report (and/or uniform traffic ticket) to signify that video/audio is available for the case.
 - 1. BWC and MVR recordings are not a replacement for formal reports. Under no circumstances shall officers simply refer to a BWC and/or MVR recording on an incident or case report instead of detailing the facts and circumstances of their investigation/observations. Officers should represent statements in their reports as a summary of what is contained in the BWC and/or MVR recording.
 - 2. Officers and shift supervisors shall also ensure that the pertinent RMS record is annotated with an entry noting a BWC and/or MVR was used or whether BWC recordings are not available.
 - 3. Officers shall notify the shift supervisor of the existence of BWC and/or MVR recordings used during critical incidents.
 - 4. The BWC/MVR coordinator or his/her designee shall download recordings of evidentiary value to a DVD/CD when necessary for discovery purposes or provide a link to the recording on Evidence.com to the requestor.
- B. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 - 1. Captured a law enforcement incident, as defined in *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.
 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.

2. Captured the image of a victim of a criminal offense; or
 3. Captured the image of a juvenile; or
 4. Were made in a dwelling (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship; or
 5. Captured a conversation with a person whose request to deactivate the BWC was declined; or
 6. Captured a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or
 7. Captured the image of an undercover officer or confidential informant; or
 8. Captured the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
- C. Shift supervisors are responsible for ensuring that patrol officers are equipped with functioning BWCs and/or MVRs at the beginning of each shift.
1. Shift supervisors shall formally review all instances when a BWC and/or MVR is deactivated prior to the conclusion of an incident and forward the documented review through the chain of command to the Chief of Police or his/her designee.
 2. As part of the meaningful review process, shift supervisors shall review all BWC and/or MVR footage involving the below, unless restricted in section VII of this general order:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and
 - c. Officer involved collisions; and
 - d. Officer involved injuries.
 3. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the shift supervisor will tag the video/audio for indefinite retention.

4. Except in law enforcement incidents described in *New Jersey Attorney General Directive 2019-4* and subsection VI.B.1 (above), supervisors shall take custody of the BWC of any officer that is involved in a serious incident to safeguard any footage of the event captured on the unit(s).
 - a. In incidents described in *New Jersey Attorney General Directive 2019-4* and subsection VI.B.1 (above), supervisors shall only confiscate a BWC upon approval of the independent investigator assigned to the incident.
 - b. In all other cases (e.g., any event resulting in the incapacitation of the officer, or any event in which the supervisor feels that the immediate custody of the unit is necessary to protect any footage), the supervisor shall confiscate the BWC.
 - c. Except in law enforcement incidents described in *New Jersey Attorney General Directive 2019-4* and subsection VI.B.1 (above), the transfer of custody shall not take place until the entire encounter/event/episode has concluded and the BWC has been deactivated in accordance with the procedures set forth in this general order.
 - d. The supervisor that takes custody of the unit shall forward it to the patrol division commander. If the patrol division commander is not available, it will be acceptable to forward it to a command staff member, who will take custody of the BWC and distribute a spare BWC.
 - e. The patrol division commander or command staff member shall tag/categorize and upload any captured footage.
 - f. The BWC will only be placed back into service by the patrol division commander or command staff member.
 - g. In law enforcement incidents described in *New Jersey Attorney General Directive 2019-4* and subsection IV.I.1 (above), surrender the BWC to the independent investigator supervising the incident.
- D. The patrol division commander is responsible for reviewing, on average, (8) eight non-evidential BWC events per calendar month to ensure the equipment is operating properly, to assess officers' performance, adherence to written directives and established professional standards and to identify other training needs.

1. The internal affairs commander or his/her designee will access the Pro-Phoenix RMS random name generator to create a list of (8) eight randomly selected individual officers to observe for each month.
 2. Upon completion of the monthly review, the patrol division commander shall complete the *Admin Review of BWC* entry in Guardian Tracking documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
 3. All completed *Admin Review of BWC* entries will be coded as 'Confidential' in Guardian Tracking so not to be part of the officer's file. However, any observed deficiencies or training issues will then become a separate entry in Guardian that will be addressed with the officer in question.
 4. The patrol division commander is responsible for conducting a quarterly review of all Admin Reviews of BWC entries to determine if any individual or group patterns of non-compliance exist. If a pattern of behavior is identified, the patrol division commander shall notify the Chief of Police. A member of the command staff will schedule/assign training and establish a corrective action plan.
 5. The internal affairs commander may review specific BWC footage if circumstances arise that requires an investigative effort to commence.
- E. Supervisors are responsible for periodically reviewing MVR recordings of their subordinates to assess their performance in the field, adherence to written directives, and established professional standards, and to identify other training needs. Periodically shall mean at least one recording per subordinate per month. Supervisors do not need to review the entire recording but should review multiple segments to obtain a broader understanding of the officer's actions. This review will be documented in Guardian Tracking, using a *Supervisory Review of MVR Footage* form/entry for the appropriate officer selected by the supervisor.
1. Supervisors must understand that minor infractions (not criminal in nature) discovered while reviewing the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed, the appropriate disciplinary or corrective action shall be taken.

VII. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC/MVR events is strictly limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with the provisions of this general order.

- B. BWC/MVR recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- C. This subsection (VII.C) applies to BWCs only. 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:
 - 1. When relevant to and in furtherance of a criminal investigation or prosecution.
 - 2. When relevant to and in furtherance of an internal affairs investigation.
 - 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct.
 - 4. To assist the officer whose BWC made the recording in preparing his/her **own** substantive police report, providing a statement, or submitting to an interview.
 - a. Except:
 - 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or
 - 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's general order on *Use of Force*); or
 - 3) The incident involved the death of a person while in law enforcement custody; or
 - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
 - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.

- b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
 - 1) The officer shall document each BWC recording that was reviewed and the date of the review.
 - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting, and the specific BWC recording for which an accounting was provided.
- c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
 - 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
 - 2) In all other cases, the Chief of Police or his/her designee is the investigating entity.
 - 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
- 5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process.
- 6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint.
- 7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.

- b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact video/audio as applicable by law. Such redacting software must be approved for use by the BWC manufacturer or the Gloucester County Prosecutor's Office.
 - 1) Consult with an assistant prosecutor before redacting any recording involving a criminal matter under its jurisdiction.
 - 2) Consult with the municipal prosecutor before redacting any recording involving a matter under municipal court jurisdiction.
 - 3) Consult with the township attorney before redacting any recording involving a civil matter involving litigation against the township, the department, or an employee.
 - 4) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted.
 - 5) This confidential information includes, but is not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.
 - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
8. Solely and exclusively for internal training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video, unless the depicted individuals have consented to the recording being used for training purposes:
- a. Note: consent is not required from West Deptford police officers appearing in the recording.
 - b. Recordings retained beyond 180 days solely and exclusively for training purposes shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.
9. To comply with any other legal obligation to turn over the recording to a person or entity.

10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Gloucester County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
 11. 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 Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
 12. To conduct an audit to ensure compliance with this general order.
 13. Any other specified official purpose where the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording
- D. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this general order, N.J.S.A. 2C: 28-7, N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWC's/MVR's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action; and
 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of this general order or any other applicable law shall be immediately brought to the attention of the command staff and immediately destroyed by the command staff following consultation and approval

by the Gloucester County Prosecutor or Director of the Office of Public Integrity and Accountability. Such recordings shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.

- E. Recordings are considered investigatory records of this police department and shall be maintained on Evidence.com and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, BWC/MVR recordings shall be retained for a period of at least 180 days
 2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.
 3. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency.
 4. BWC recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
 5. BWC recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWC made the recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - b. The officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWC recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWC recording; or

- f. Any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - g. A deceased subject's next of kin or legally authorized designee.
 - h. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections V.E.6 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
6. When a BWC records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
- F. Open public record requests. Only the following BWC recordings shall be exempt from public inspection:
- 1. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.4 of this general order if the subject of the BWC recording making the complaint requests the BWC recording not be made available to the public.
 - 2. BWC recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection VII.E.5 of this general order.
 - 3. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.5(a)(b)(c)(d) of this general order.
 - 4. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.5(e)(f)(g) if an officer, parent, or legal guardian, or next of kin or designee requests the BWC recording not be made available to the public.
- G. The Chief of Police or his/her designee shall notify the Gloucester County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it.
- H. A BWC/MVR recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Gloucester County Prosecutor or his/her designee determines that the need for access outweighs the law enforcement

interest in maintaining confidentiality.

1. If disclosure of a BWC/MVR 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 Gloucester County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective court order.
 2. A BWC/MVR recording tagged pursuant to subsections VI.B.2 through VI.B.8 of this general order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to subsections VI.B.2 through VI.B.8.
 3. The independent investigator or his/her designee overseeing an investigation, pursuit resulting in death or serious bodily injury, or in-custody death incident pursuant to *Attorney General Law Enforcement Directive 2019-4*, 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 (subsection VI.B.1).
- I. Evidence.com maintains a record of all BWC/MVR recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this general order. Minimally, the record keeping system shall document the following information and can be automated:
1. The date and time of access; and
 2. The specific recording(s) that was/were accessed; and
 3. The officer or civilian employee who accessed the stored recording; and
 4. The person who approved access, where applicable; and

5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
- J. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or designee and only if a duplicate copy is retained by the department.
 1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
 - K. Officers and civilian employees shall not reproduce or store any recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.
 - L. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.