



## RUMSON POLICE DEPARTMENT

DIRECTIVE #: SOP-1342-2021-0001			EFFECTIVE DATE: 06/01/2021		
SUBJECT: Body Worn Camera (B.W.C)			ACCREDITATION STANDARD:		
ISSUING AUTHORITY: Chief Scott A. Paterson			REVIEW DATE:		
SOURCE DOCUMENTS:  AUTHOR: Lt. Christopher J. York Sgt. Chris Isherwood			SPECIAL INSTRUCTIONS:		
APPLICABILITY: All			NUMBER of PAGES: 18		
DISTRIBUTION: Written & Electronic			SUPERCEDES ORDER SOP-1342-2014-0003		
REVISIONS					
DATE:	PAGE(s)	SECTION(s)	DATE:	PAGE(s)	SECTION(s)

### I. PURPOSE

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

### II. POLICY

It is the policy of the Rumson Police Department to utilize body worn video/audio cameras to assist agency personnel assigned to the patrol division while in the uniformed patrol function in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

All personnel assigned to the patrol division shall use this equipment, inclusive of accessing recordings, consistent with the manufacturer's guidelines, this SOP, and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office. Failure to use this technology in accordance with this SOP and those policies or guidelines issued by the New Jersey

Attorney General and Monmouth County Prosecutor's Office can result in discipline.

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

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

### III. DEFINITIONS

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

1. **Activate** – means to actuate (put into operation) the recording mode/function of a BWC.
2. **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 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).
3. **Constructive authority** – involves the use of an officer's authority to exert control over a subject (*see SOP on Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest, or directed against any person if the officer has unholstered a firearm.
4. **Force** – has the same meanings as defined in this department's SOP on Use of 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 persons offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe 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.

6. **School** – means an elementary or secondary school (i.e. middle school or high school), public or private.
7. **Tagging** – is the electronic labeling of a video/audio file captured by a BWC.
8. **Youth facility** – means a facility where children assemble under adult supervision for educational or recreational purposes, such as daycare centers, youth camps, etc.

- B.** All references to BWC include the body worn devices and, where appropriate, the wireless transmitter, microphone, removable media, server, metadata and other accessories necessary to operate these systems.

#### **IV. GENERAL**

- A.** BWC recordings are invaluable to law enforcement for evidential purposes. BWCs 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.** The Rumson Police Department recognizes that video images cannot always depict the full story, nor do video images capture an entire scene and that there will be occasions when there will be technical problems with either a BWC or the retention and storage of its video. The use of BWCs do not eliminate the requirement to provide thorough written documentation of an incident. Persons reviewing BWC recordings must also take into account that the video captured by a BWC is but one piece of evidence that provides only one perspective regarding the situation that has been recorded.
- C.** While visual and audio evidence may be captured on the recordings, the use of BWCs is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWCs as a management tool to punish officers for minor departmental rule infractions.
1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
  2. BWCs shall only be used for legitimate law enforcement purposes.
- 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 particular incidents, thereby protecting both the public and the officers involved.
  4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
  5. Supervisors will be able to view the recordings and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
  6. Recordings can permit supervisors to undertake additional reviews of the officers under their command.
  7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
  8. Recordings enhance management's ability to train personnel in proper police procedures.
- E.** The Chief of Police shall appoint a system administrator to manage the BWC equipment. The system administrator shall have access to delete video/audio segments.
- F.** The Chief of Police shall maintain a training program on the lawful and proper use of the BWC equipment. The Chief of Police may designate one or more persons to coordinate and/or conduct such training.
1. Only officers who have received training in the use of BWCs are permitted to use the system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of the system.
  2. Proper use of a BWC is considered an essential job requirement. (officers may not opt-out of participation in the BWC program)
- G.** BWC is intended for official police department use only and not to be used for frivolous or personal activities. Intentional misuse of the equipment will result in disciplinary action.
- H.** Repairs to any BWC equipment shall only be performed under the direction of the manufacturer and only by administrators of the BWC program.
- I.** All recording media, images, metadata and audio are sole intellectual property of the Rumson Police Department and will not be copied, released or disseminated

in any form or manner outside the parameters of this SOP without the expressed written consent of the Chief of Police or the Monmouth County Prosecutor.

- J.** Under no circumstances will any employee of the Rumson Police Department make a personal copy of any recorded event without the expressed permission of the Chief of Police or the Monmouth County Prosecutor.
- K.** Officers will use only those BWCs approved and issued by the Chief of Police. Such BWCs shall not be capable of recording images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Monmouth County Prosecutor. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Monmouth County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- L.** 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 BWCs shall not be used to record:
    - a. Encounters with undercover officers or confidential informants;
    - b. Communications with other police personnel without the advanced permission of the Chief of Police, the Monmouth County Prosecutor's Office or the New Jersey Division of Criminal Justice;
    - c. When on break or otherwise engaged in personal activities;
    - d. In an location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
    - e. When engaged in police union business;
    - f. When involved in counseling sessions, guidance sessions, personal evaluation interviews, or other supervisor-subordinate interactions;
    - g. Inside of schools., youth facilities, hospitals or medical facilities, or places of worship, unless directly related to an incident that warrants recording; (see section V.A of this SOP);
    - h. While discussing criminal investigation strategies; or

- i. When engaged in conversations with individuals with whom the officer has a privileged relationship (e.g., spouse, attorney, minister, etc.).

## **V. INCIDENTS TO RECORD**

**A.** The use of BWCs allow for a clearly documented, first hand, and completely objective account of an incident. Therefore, officers shall activate their BWC prior to arrival at the scene of a dispatched call for service and officers shall activate their BWC for a proactive event prior to initiation of the event or as soon as safely possible. This will allow the maximum amount of information regarding the incident to be captured.

**B.** The following incidents shall be recorded to the extent possible:

1. All traffic stops from the time the stop is initiated until the stop is concluded, including field sobriety testing;
2. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
3. Stationary police details such as DWI checkpoints, vehicle inspections, seatbelt use checkpoints, etc;
4. Crime scenes including victim/witness interviews;
5. Motor vehicle pursuits;
6. Interviews of witnesses when conducting initial investigations of criminal violations (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interviews/interrogations);
7. Investigative detentions/field interviews;
8. Warrantless searches (all types, including frisks);
9. Arrests;
10. Arrestee/prisoner transports;
11. When an officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this section based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any incident report);

12. Special events or projects, including but not limited to crowd control, unruly crowds, civil disturbances, etc.;
  13. Domestic violence investigations;
  14. Motorist aid and/or community caretaking functions;
- C.** Notwithstanding any other provision of this SOP, when an officer equipped with a BWC is dispatched to or otherwise responds to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g. an officer in distress, shots fired, etc.), the officer shall activate his/her BWC *before* arriving at the scene when practical.
- D.** Notwithstanding any other provision of the SOP, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly-force incident pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.
- E.** BWCs shall remain activated for the entire duration of a citizen contact required in section V.A above until either the officer or citizen have departed the scene and the officer has notified dispatch that the event is closed.
- F.** Citizens shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the agency's Internal Affairs directive and the Attorney General's Guidelines. All other requests to view and/or obtain footage by the public shall be handled in accordance with the agency's directives and the Open Public Records Act.
- G.** When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing area or until custody or the arrestee has been transferred to an outside agency or corrections facility.
- H.** When wearing a BWC, officers shall notify crime victims and civilians inside of their homes or place of abode that they are being recorded unless it is unsafe or unfeasible to provide such notification.
1. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
  2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.

3. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document such in the applicable investigation report.

I. In the event a civilian inquires of an officer whether the officer is equipped with a BWC, or if the BWC is activated, the officer shall answer truthfully unless the Monmouth County Prosecutor's Office or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.

1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g. prior to providing such information if it were not recorded; provided however, that the agreement to participate under that condition itself is recorded).
  - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he/she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g. evidence relevant to a criminal investigation will not be recorded).
  - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation, yet is not critical to require recording.
2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. 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 (e.g. a victim of an assault during a fight does not want to be recorded, etc.)
3. When an officer deactivates a BWC:
  - a. The conversation between the officer and the civilian concerning the request for deactivation should be electronically recorded;
  - b. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g. "...I am now turning off my BWC at the request of the victim.");



- c. The officer shall report the circumstances concerning the deactivation to the shift commander as soon as in practicable; and
  - d. The officer shall document the circumstances of the deactivation in the applicable report of the incident (e.g. cad comments, investigation report, etc.).
4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g. the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording, documented and shall be reported to the shift commander as soon as it is safe and practical to do so.
  - a. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
  - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Monmouth County Prosecutor of his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
5. Officers can deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation.
6. Officers should deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning, provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC equipped officer is not actively engaged in the collection of physical evidence (e.g. 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 not turning off my BWC to discuss investigative strategy with my supervisor.*”)
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 the 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.

8. In any instance where a BWC was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist and the officer would otherwise be required to activate his/her BWC.
- J.** Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., officer in distress, active shooter, actual use of police force, etc.) require that the encounter/incident be recorded, in which event the officer shall notify the shift commander that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
  - K.** In the event that a BWC worn during the execution of tactical operations (e.g., MOCERT operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which may jeopardize future operations or officer safety, the recording shall be tagged accordingly to prevent its unauthorized release.
  - L.** Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation.
  - M.** BWCs shall not be activated while in the ALCOTEST area when the ALCOTEST device is being used. If an officer is wearing a BWC, it shall be removed from the officer's uniform before entering any room where an electronic alcohol breath testing device is being used.
  - N.** When a BWC is activated, officers 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.
  - O.** Non-law enforcement personnel shall not be permitted to review the recordings at any time with the exception of records bureau personnel.
  - P.** If an officer fails to activate his/her BWC, fails to record the entire event contact, or interrupts the recording for any other reasons listed within this section, the officer shall complete, at minimum, an operations report documenting why a recording was not made, was interrupted, or was terminated.

## **VI. OFFICER AND SUPERVISORY RESPONSIBILITIES**

- A.** BWCs will be used by officers working in a patrol function at all times unless otherwise authorized by a supervisor. Other circumstances where the use of a BWC would prove beneficial to the assignment will be made at the discretion of the Chief of Police.
1. When not in use, BWCs shall be stored in the designated docking stations. The docking stations allow for the units to be charged and for the download of events to the BWC server.
  2. Prior to the beginning of a shift, officers shall check out a BWC from the patrol office docking station and conduct an operational inspection ensuring:
    - a. The battery is fully charged
    - b. The BWC has sufficient memory to complete their tour.
  3. Upon completion of the pre-shift inspection, officers will check-out their BWC from the workstation in the patrol office.
  4. At the end of a shift, officers shall check-in their BWC from the workstation in the patrol office and return same to the docking station.
  5. While conducting both the pre and post shift BWC inspections, officers shall activate the BWC and verbally state the date, time, and whether a pre or post shift inspection is being conducted and that a test is being performed on the unit.
  6. Any issues that may arise during a pre or post shift inspection shall be immediately reported to the shift commander.
  7. Any problems that may arise during an officer's shift with their BWC shall be reported to the shift commander immediately, along with a CAD entry generated noting the details of the problem. The officer will then check-out a different unit.
- B.** All officers assigned a BWC are responsible for its use and maintenance during their shift. BWC equipment shall be used with reasonable care to ensure proper functioning.
- C.** Officers will wear the BWC mounted to the front of the uniform or outer most garment (e.g. outer vest carrier, jacket, etc.) over the chest pocket.
- D.** When video/audio footage is captured involving any part of an arrest or significant event, officers will tag the recording with the applicable, pre-loaded classification.

- E.** Officers shall type the letters **BWC** (including the BWC unit number) in all capital letters at the end of the investigation report or operations report to signify that video/audio is available for the case.
1. BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC recording on a report instead of detailing the facts and circumstances of the incident.
  2. Law enforcement officers are permitted to conduct a review of the contents of a BWC to ensure accurate reporting and to assist in articulation of probable cause prior to downloading the events to the digital storage device.
  3. Officers shall also ensure that the pertinent CAD record is annotated with an entry noting a BWC was used.
- F.** To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriate label recordings that:
1. Capture the image of a victim of a crime;
  2. Capture the image of a child;
  3. Were made in a residential premise, a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
  4. Captures a conversation with a person whose request to deactivate the BWC was declined;
  5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
  6. Captures the image of an undercover officer or informant; or
  7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
- G.** Shift commanders are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
- H.** The Chief of Police shall designate personnel who are responsible for the periodic and 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 and established professional standards, and to identify other training needs.

1. In order to maintain fairness in the selection of videos reviewed, the designated personnel shall create a list of randomly selected individual law enforcement officers to observe.
2. Upon completion of the periodic review, the designated personnel shall prepare a special investigations report documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
3. The Internal Affairs Unit shall retain all special investigation reports generated in accordance with this policy and a copy will be forwarded to the Chief of Police for review
4. 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.

## **VII. RECORDS RETENTION AND REVIEW**

- A.** Viewing of BWC recordings is strictly limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, or consistent with the provisions of this SOP.
- B.** No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate or otherwise use a BWC recording except for an official purpose. Access to and use of a stored BWC recording is permitted only:
  1. When relevant to and in furtherance of a criminal investigation or prosecution;
  2. When relevant to and in furtherance of an internal affairs investigation;
  3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
  4. Except in officer involved deadly force incidents, to assist the officer whose BWC made the recording in preparing his/her own report. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:
    - a. Have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and
    - b. Have the right to review recordings from other BWCs capturing the officer's image or voice during the underlying incident.

5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by this agency;
6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of the Court;
  - a. Such request must be specific and on the proper instrument (e.g. subpoena, discovery request, etc.)
    - (1) BWC recordings provided in discovery shall be redacted prior to release when feasible. The method of redaction shall leave no possible way of retrieving the redacted information.
    - (2) If disclosure of a BWC recording as part of the State's discovery obligation in a prosecution might present a danger to any officer or civilian, or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the County Prosecutor 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 seeking a protective order from the court.
  - b. Only those portions of the recording pertinent to the request shall be forwarded.
  - c. The Rumson Police Department reserves the right to redact video as applicable by law.
  - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing local ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity;
9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Monmouth County Prosecutor or his/her designee, of the Director of the Division of

Criminal Justice or his/her designee, determines that disclosure to that particular person, entity, or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;

11. To conduct an audit to ensure compliance with this SOP;
  12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g. by providing information about the layout of a premises to be searched), when such use is approved by the Monmouth County Prosecutor or the Director of the Division of Criminal Justice.
  13. Any other specified official purpose where the Monmouth County Prosecutor or the Director of the Division of Criminal Justice, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
- C.** Under no circumstances shall any law enforcement officer of the agency erase, reuse or alter the recording of any BWC system. It is a fourth degree crime to purposely and knowingly alter, destroy, conceal, remove or disable any camera or monitoring device including any videotape, film or other medium used to record sound or image that is installed in a police vehicle (N.J.S.A. 2C:28-7c).
- D.** Recordings are considered criminal investigatory records of this department and shall be maintained and disposed of in accordance with the New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management records retention schedules or the Rumson Police Department Electronic Records Retention Schedule; whichever is longer.
1. Recordings shall be indexed based on their digital tag. Officer will tag recordings with the type of incident (e.g. MV stop, crime scene, arrest, MVA, field contact, etc.) and the Incident number.
  2. Contents downloaded from BWCs will be stored on the secure agency server.
  3. Recordings being stored as evidence for criminal, civil, or administrative purposes must be maintained until the conclusion of the case. Recordings maintained for these purposes can only be destroyed in accordance with the NJ Division of Revenue and Enterprise Services; Bureau of Records Management records retention schedules.
  4. 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 kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.

5. 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 and any resulting administrative action.
- E.** The records custodian shall notify the Monmouth County Prosecutor's Office OPRA records custodian within one (1) business day upon receipt of any subpoena, court order, or OPRA request for a BWC recording before to complying with it.
1. The records custodian shall utilize *a Monmouth County Prosecutor's Office Body Worn Camera OPRA Notification Form* and emailing the form to [opra@mcponj.org](mailto:opra@mcponj.org).
  2. The form must contain the date the request was received, the deadline by which a response must be made, whether the agency intends to release or deny the request, and the justification for that decision.
  3. Provide the type of police action or activity depicted in the recording, including but not limited to, whether the officer was involved in an investigative detention, an arrest, an interrogation of a suspect, a witness interview, a search, a protective frisk for weapons, or was using constructive or actual force.
  4. Indicate whether the recording is part of an ongoing criminal or internal affairs investigation or whether release of the recording potentially infringes upon a victim and/or juvenile privacy rights.
  5. The records custodian will receive an email acknowledgement. If no further communication is received within 72 hours, the records custodian should respond to the request as deemed appropriate.
  6. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of the Court governing discovery in prosecutions, by a court order, or unless the Chief of Police in consultation with the Monmouth County Prosecutor determines that the need for access outweighs the law enforcement interest in maintaining confidentiality.
  7. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g. reveal an undercover officer, confidential informant, surveillance site, etc.) or might reveal confidential tactical information the disclosure of which might jeopardize future operations of officer safety, the Monmouth County Prosecutor shall, in the exercise of sound



prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.

8. A BWC recording tagged pursuant to section VI.F of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Monmouth County Prosecutor or the Director of the Division of Criminal Justice. The Monmouth County Prosecutor or the Director of the Division of Criminal Justice 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 the BWC recordings tagged pursuant to section VI.F.
  9. The assistant prosecutor overseeing a police use of force investigation pursuant to *Attorney General Law Enforcement Directive 2006-5*, may in the exercise of sound discretion authorize a civilian or law enforcement witness be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his/her credibility as a witness, notwithstanding any other provision in this SOP, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the expressed prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.
- F.** The administrator of the BWC program or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this SOP. Minimally, the record keeping system shall document the following information:
1. The date and time of access;
  2. The specific recording that was accessed;
  3. The officer of authorized civilian who accessed the recording;
  4. The person who authorized access, where applicable; and
  5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case number where applicable.
- G.** All recordings are maintained within the BWC system in the BWC's software and are authenticated by an internal audit program with the BWC system.

- H.** In the event that a recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police and only if a duplicate copy is retained by this agency.
1. Duplicate copies shall be maintained as evidence in accordance with agency property and evidence guidelines.
  2. The property/evidence officer shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields or other areas that may facilitate corruption in the evidence vault.
- I.** Officers shall not reproduce or store any recordings to any device or storage medium or induce any person to perform such tasks. This shall include, but not limited to, cell phones, electronic notebooks, etc.
- J.** Recorded video of unusual or significant events, deemed to be beneficial for departmental training, may be utilized for departmental in-service or roll call training purposes only with the approval of the Chief of Police.

**Effective Date**

This order shall become effective immediately upon execution and issuance.

ORDER EXECUTED and ISSUED this   1st   day of  June  2021.

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Scott A. Paterson  
Chief of Police