KEAN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY STANDARD OPERATING PROCEDURE	
BODY WORN CAMERAS / MOBILE VIDEO RECORDERS	
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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 (BWCs) and mobile video recorders (MVRs). BWCs and MVRs 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.

POLICY It is the policy of the Kean University Department of Public Safety to utilize body worn video/audio cameras (BWC) 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 agency personnel shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this SOP, and those policies, directives, or guidelines issued by the New Jersey Attorney General and Union County Prosecutor's Office. Failure to use this technology in accordance with this SOP and those policies, directives, or guidelines issued by the New Jersey Attorney General and Union County Prosecutor's Office can result in discipline.

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

The Kean University Department of Public Safety website/webpage shall contain a clear statement that this agency utilizes body worn video/audio cameras. The website posting shall include an image showing what the device looks like and how it is to be worn by uniformed officers or plainclothes detectives so that the public will be able to determine whether an officer or detective is equipped with the device.

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

PROCEDURES

I. DEFINITIONS

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

1. Activate – means to actuate (put into operation) the recording mode/function of a BWC or MVR.

2. Body worn audio/video recorder camera (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule *R.* 3:17 (electronic recording of station house custodial interrogations).

3. Constructive authority –involves the use of an officer's authority to exert control over a subject (see policy 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.).

4. Digital evidence – includes photographs, audio and video recordings that are stored electronically.

5. Evidence.com – A secure, cloud-based storage system through Axon, which is externally hosted and available to users. is used to organize, classify, manage, view and archive digital evidence. Evidence.com tracks and provides an audit of all activity to protect the chain of custody.

6. Evidence transfer manager (ETM) – a docking station for the AXON BWC and battery. When the BWC is docked, video/audio data stored on the camera is automatically downloaded to *https://keanupdnj.evidence.com*. The ETM also charges the battery and camera.

7. Force – has the same meanings as defined in this department's policy on *Use of Force*.

8. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly 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.

9. Mobile video recorder – is a vehicle mounted device that makes an electronic audio/video recording of activities that take place during any law enforcement action.

10. School – means an elementary or secondary school (i.e., middle school or high school), public or private or this university.

11. Tagging – is the electronic labeling of a video/audio file captured by a BWC.

12. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

B. All references to BWCs and MVRs include the body worn devices and, when appropriate, the wireless transmitter, microphone, removable media, evidence.com server, metadata, ETM manager, and other accessories necessary to operate this system.

II. GENERAL ADMINISTRATION

A. BWC/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 can be captured on the recordings, the use of BWCs/MVRs is not intended to document all evidentiary material relevant to court or administrative proceedings but can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize BWCs/MVRs as a management tool to punish officers for minor departmental rule infractions.

1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.

2. BWC shall only be utilized for legitimate law enforcement purposes.

C. Adequate safeguards are necessary to ensure that these technologies are:

1. Used in a non-discriminating way; and

2. Used to properly preserve evidence; and

3. Used to safeguard against potential violations of N.J.S.A. 2A: 156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act* (MVR).

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 more meaningful performance evaluations.

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 Director of Public Safety shall maintain a training program on the lawful and proper use of BWC/MVR equipment. The Director of Public Safety can designate one or more persons to coordinate and/or conduct such training.

1. Only officers who have received training in the use of BWCs/MVRs are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.

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

3. Proper use of a BWC/MVR is considered an essential job requirement.

4. Officers shall review and reference the BWC and MVR manuals online at ***https://help.axon.com.*** Officers shall remain familiar with these manuals.

5. The IT Bureau shall issue officers a login to evidence.com. Officers shall not share their login or password with any other person.

F. BWCs/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.

G. All recording media, video, images, metadata, and audio are the sole intellectual property of the Kean University Department of Public Safety 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 Director of Public Safety or the Union County Prosecutor's Office.

H. Under no circumstances will any officer or employee of the Kean University Department of Public Safety make a personal copy of any recorded event or get another person to make a personal copy without the expressed permission of the Director of Public Safety or the Union County Prosecutor's Office.

I. Non-law enforcement personnel shall not be allowed to review BWC or MVR recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's SOP on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section V of this SOP.

III. MOBILE VIDEO RECORDERS

A. The MVR system consists of a rotatable front view and rear seat/view digital cameras and system server.

B. The MVR is preprogrammed to automatically begin recording when:

1. The vehicle's emergency lights are activated; or

2. When the vehicle's shotgun/patrol rifle release button is depressed; or

3. When the vehicle's rear doors are opened; or

4. When the vehicle is involved in a high-impact collision.

C. If a police vehicle is disabled due to a crash or major mechanical problem, notify a member of the command staff. He/she will decide whether to direct a supervisor immediately remove the camera or wait until the next business day.

D. Every officer operating a departmental police vehicle equipped with an MVR shall carry and utilize a BWC.

E. At the beginning of each shift, officers shall determine whether their MVR equipment is working satisfactorily. An audio/video check shall be conducted at the beginning and end of the officer's tour of duty. Normally, this will be done during the exterior check of the vehicle at the beginning of the officer's tour. In the event the officer needs to quickly depart headquarters for a call, this exterior check shall be completed at the completion of the call.

1. The unit shall be turned on at the beginning of the officer's tour of duty and shall not be turned off until the end of his/her tour of duty.

2. Officers shall log into the MVR system using their ***evidence.com*** login, which is their departmental login and password.

3. Officers shall log out at the end of the tour.

4. All malfunctions and/or damaged or missing parts to the system shall be immediately reported to the duty supervisor and then documented in a CAD/RMS record. MVR equipment shall only be repaired or adjusted at the direction of IT Bureau.

5. Vehicles with an inoperable or damaged MVR system will not result in the automatic non-use of the vehicle pending repair. The duty supervisor shall first determine if another MVR equipped vehicle is available. If another vehicle is available, the duty supervisor or his/her designee should assign the officer to this other MVR equipped vehicle. If not, the vehicle with the non-operating MVR can still be used for patrol purposes.

F. Officers can adjust their vehicle position or rotate the lower forward-facing camera in order to provide a better view of any incident. The camera shall be placed back into the forward-facing position as soon as practicable.

G. To prevent allegations of arbitrary and capricious utilization of the system, the following procedural guidelines shall be strictly followed:

1. Recordable incidents shall be both video and audio recorded from beginning to end.

   a. This procedure applies to primary as well as secondary/back-up units on these incidents.

   b. Video recording may not completely document events as they occur. Therefore, officers are encouraged to provide narration as the events are occurring.

   c. Officers can manually activate the MVR by depressing the 'Record' button located on the camera or the Axon View screen.

   d. Once an MVR is activated, it must continue in the record mode until the completion of the incident or law enforcement action except for the circumstances described within this policy (see subsections III.G.2 and III.G.3 below).

   e. During any of the mandatory recordable incidents the MVR must be activated and left on until the investigation/detention is complete with the exception of circumstances specifically described within this policy.

   f. In the event a CAD number is generated, it shall be documented on the recording upon completion of the recording event.

   g. Officers are required to wear and use their BWC during all MVR recordable incidents (see section V of this policy).

2. Officers shall <u>not</u> deactivate the MVR when responding to calls for service with a multiple unit response. All units shall record the incident and shall follow the same guidelines in this section.

   a. 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 (e.g., *"MVR will be turned off, at scene of down utility pole, MVR not needed"*).

b. Only the assigned officer or his/her supervisor is authorized to manually turn off the recording system.

3. When transporting an arrestee, prisoner, emotionally disturbed person, or civilian the rear seat camera shall be activated to record the rear compartment for the duration of the person's stay in the vehicle. Any non-custodial transport should be recorded at the officer's discretion, based upon any special situation that they deem important to record (e.g., intoxicated persons, disabled motorist, etc.).

a. NOTE: In accordance with N.J.S.A. 2A: 156A-1 et seq. (*N.J. Wiretapping and Electronic Surveillance Control Act*), any recorded conversation or comment made by any person seated in the police vehicle, while an officer is not present in that vehicle, cannot be used for police investigation or in a court of law.

b. Additionally, any recordings of conversations in the police vehicle that are beyond the human hearing range of an officer sitting in the front seat are impermissible and cannot be used in court.

IV. BODY WORN CAMERAS

A. Officers will use only those BWCs approved and issued by the Director of Public Safety. 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 Union County Prosecutor or his/her designee. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Director of Public Safety, the Union County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.

B. The IT Bureau shall register all BWCs and docking stations through evidence.com prior to use.

1. BWCs will be assigned a unit number for ease of reference in officers' reports and other communications.

2. Each unit number will correspond with the officer's ID number and be assigned to each BWC on evidence.com.

3. BWC unit numbers will not be reused and will count up sequentially each time the agency purchases new devices.

4. Docking stations provide for BWC charging, uploading, and synchronizing in the hallway outside of the communications center.

C. BWCs shall be used only in conjunction with official law enforcement duties.

1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWC.

2. BWCs shall be used only in conjunction with official law enforcement duties. 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 Director of Public Safety, the Union County Prosecutor's Office or the New Jersey Division of Criminal Justice.

   c. When on break or otherwise engaged in personal activities.

   d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

   e. When engaged in police union business.

   f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction. NOTE: the use of a BWC is authorized to record internal affairs interviews (e.g., principal, witness, complainant, etc.) as long as the interviewee is fully aware that the interview is being audio/video recorded.

   g. While discussing criminal investigation strategies; or

   h. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording, see section V of this SOP.

3. This agency will not tolerate the reliance by any officer on race, ethnicity, gender, gender identify, gender expression, transgender status, sexual orientation, religion, economic status, age, culture, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC.

D. 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/prisoner and until the arrestee/prisoner is secured in a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee/prisoner.

E. When wearing a BWC, officers shall notify crime victims and civilians inside of their homes or place of abode (e.g., dormitories, hotel/motel rooms, boarding houses, etc.) 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 in the applicable investigation report the reason why a recording was not made, was interrupted, or was terminated.

F. 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 Union 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 can deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances when it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).

a. Officers shall not suggest to the person that the BWC should be deactivated, nor shall the officer ask or indicate to 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.

b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet, is not critical to require recording.

c. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).

2. Officers may deactivate a BWC when a person, <u>other than an arrestee/prisoner</u>, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.)

3. When an officer deactivates a BWC:

a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded.

b. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g., "…*I am now turning off my BWC as per the victim's request.")*.

c. The officer shall report the circumstances concerning the deactivation to their supervisor as soon as is practicable; and

d. The officer shall document the circumstances of the deactivation in the applicable 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 (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented in the applicable report and shall be reported to a supervisor as soon as it is safe and practicable to do so.

   a. In the event that the officer declines a deactivation request, the officer shall immediately inform the person making the request of that decision.

   b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Union 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 a BWC when specifically authorized to do so by an assistant prosecutor or 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 name of the assistant prosecutor/deputy attorney general who authorized the deactivation.

6. Officers should mute a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., *"…I am now turning off my BWC to discuss investigative strategy with my supervisor."*).

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 if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).

8. In the event that a BWC captures the image of a patient in a substance abuse treatment facility, the Director of Public Safety or his/her designee shall notify the Union 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 Union 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 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 (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.

G. 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.

H. In the event that a BWC worn during the execution of tactical operations (e.g., execution of pre-planned arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.

I. BWC shall be deactivated or removed while in the ALCOTEST area and stored in another room when the ALCOTEST device is being used prior to the 20-minute observation period. 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.

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, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the duty supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.

K. When a BWC is activated, officers are encouraged to provide narration when practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.

L. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable investigation report the reason why a recording was not made, was interrupted, or was terminated.

M. BWCs will be permanently assigned to all officers the IT Bureau's evidence.com account.

1. BWCs shall be utilized on a daily basis as part of the uniform of the day.

2. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Officers assigned BWCs shall use the equipment specifically assigned to them unless otherwise authorized by supervisory personnel.

3. If an officer, who has not officially reported for duty and has not signed out the assigned BWC for his/her shift comes upon an incident, the officer can respond even if he/she does not have his/her BWC. In that instance, the officer should respond to the incident in accordance with applicable SOPs and report the absence of the BWC to their supervisor, and note the encounter in the formal applicable report, or have the communications center make a note in CAD/RMS if a formal report is not required

N. When not in use, BWCs shall be stored in the designated multi-charger docking stations. The docking stations allow for the units to be charged and for the download of events to the BWC server.

1. Only those BWCs believed to be in full working order will be stored in the docking station to ensure that all data is transferred, the battery is fully charged, and the unit is ready for service.

2. Prior to beginning a shift, officers will ensure his/her BWC's readiness by conducting an operational inspection/test.

a. Such testing will be conducted by powering on the BWC and briefly activating it (a 'double tap' of the center button) while stating their name, the date and the time. Deactivate the unit (a long press' of the center button). Officers should listen for the tone sounds which indicate the BWC has successfully activated and deactivate

b. After recording, the officer shall then sync up 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.

c. All malfunctions or deficiencies shall be reported to a supervisor and to the IT Bureau.

3. BWCs that are not in full working order shall be taken out of service, removed from the charging station, and forward to the IT Bureau pending repair. The IT Bureau shall contact the BWC service provider to schedule repair or replacement based on the problem as soon as practicable.

4. Any problems preventing the use of the unit during the shift will be immediately reported to a supervisor and the IT Bureau.

5. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.

6. Officers will dock their BWC for download to the BWC docking station at least once per shift. BWCs *must* be docked for a long enough period for the data to upload to evidence.com.

O. Officers will wear the BWC mounted to the front of the uniform using the mounting equipment provided by the manufacturer or other agency authorized piece of equipment.

1. BWC units shall be affixed on center of the buttoned jacket or the officer's uniform shirt in the center chest/sternum area. Plain clothes officers have the option of wearing the BWC either on the shirt, jacket or belt.

2. Officers authorized to wear exterior vest covers shall clip the BWC to their sternum area utilizing the department issued clip or other agency authorized piece of equipment.

3. Officers are responsible for ensuring that the BWC remains in a position to allow them to record an encounter or incident.

4. While in attendance at ceremonial functions, officers can be relieved of this requirement at the discretion of the detail supervisor.

P. BWCs will remain powered on at all times while officers are outside of headquarters to the ensure the 30-second 'buffer' is active. NOTE: After hearing the tone sounds upon BWC activation, both the lens and microphone are active. During the 'buffer' period, only the video is active and no audio will be captured.

Q. All officers assigned a BWC are responsible for its use and proper care during their tour of duty.

V. INCIDENTS TO RECORD

A. When on duty, the BWC will remain in standby mode ready to be activated at any time. When an officer activates the recording mode / function, the device will record from the moment the record start / stop button is pressed. Activation should occur before arriving at the scene, when feasible. Likewise, the vehicle's MVR shall be activated when the officer is assigned to an MVR-equipped vehicle.

B. The following incidents shall be recorded:

1. All traffic stops from the initiation of the stop until the stop is concluded, including 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. Any call for service related to a violation or suspected violation of possessing or consuming marijuana, hashish or cannabis item.

4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc..

5. Motorist aid or community caretaking checks.

6. Crime scenes to the extent possible except for evidence collection.

7. Motor vehicle pursuits.

8. Officer interviews in the field of witnesses when conducting investigations of criminal violations (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interrogations/interviews).

9. Custodial interrogation of a subject, unless the interrogation is otherwise being recorded in accordance with Court Rule *R.* 3:17.

10. Investigative detentions/field interviews.

11. Out-of-court identifications (i.e., show ups, lineups).

12. Warrantless searches (all types, including protective frisks).

13. Arrests.

14. Arrestee, prisoner, detainee, emotionally disturbed person, and civilian transportation.

15. When an officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any applicable report).

16. Special events or projects, including, but not limited to crowd control, unruly crowds, or any incident requiring activation of the all hazards or emergency operations plan.

17. Domestic violence investigations.

18. Strikes, picket lines, demonstrations, civil disorders.

19. Any public contact that becomes adversarial.

C. BWC shall remain activated for the entire duration of a civilian contact required in section V.B above until either the officer or the civilian have departed the scene and the officer has notified communications that the event is completed.

D. Notwithstanding any other provision of this SOP, when an officer equipped with a BWC pr 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 MVR before arriving at the scene when feasible.

E. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC or MVR unless instructed to do so by the assistant prosecutor or deputy attorney general supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The assistant prosecutor/deputy attorney general or his/her designee supervising the investigation may provide such instruction telephonically.

VI. OFFICER AND SUPERVISORY RESPONSIBILITIES

A. Officers shall complete a comprehensive report related to an incident that qualifies for such a report as determined by a supervisor. Under no circumstances shall officers simply refer to a BWC/MVR recording in any report instead of detailing the facts and circumstances of their investigation/observations.

B. Officers shall tag their BWC/MVR recordings following completion of an event by the end of their respective shifts. Although officers have the ability to and should make every effort to tag their BWC/MVR recordings in the field, they may not always have the opportunity to do so. In the event that an officer is not able to tag a recording in the field using his/her MDC, they may do so in headquarters from a BWC/MVR workstation.

C. The IT Bureau will provide all officers with access to evidence.com based upon the need of their individual assignments or classification as determined by the Director of Public Safety or his/her designee.

D. Passwords for evidence.com accounts expire every ninety (90) days and must be reset by the user. EVIDENCE.COM uses dual factor authentication, and each individual user may define a second security level with either security questions or the use of an access key sent via text messaging to their department issued mobile device, to provide access security beyond the use of a simple password. User access levels are defined as:

1. User: officers with user level access are able to view recordings, audio, and images they have submitted to evidence.com by uploading a BWC through a docking station and/or an authorized department issued smartphone device. User level access will also allow for the viewing of any recording, audio, or image shared to that user. Users may share recordings, audio or images they have uploaded with other officers, as well as tag their uploaded recordings with notes, case numbers, and/or place markers at specific time stamps on the recordings. Generally, patrol officers will be assigned this level of access.

2. Road supervisor: officers with road supervisor level access will be able to perform all of the functions listed above for users, as well as electronically assign BWC units to themselves and other members. Generally, patrol sergeants and senior patrol officers will be assigned this level of access.

3. Investigator: officers with investigator level access will be able to perform all of the functions listed above for users and road supervisors. This level of access will also allow the viewing of recordings, audio and images submitted by any user. Investigators may restrict recordings, audio and images connected to criminal or internal investigations, which will lock them down and allow viewing only by a member of the Investigator group unless specifically shared outside the group. Investigators may also redact and/or clip recordings and assign records to categories which will extend the retention period on the evidence.com system. Generally, members of the Investigations Bureau and the Office of Professional Standards will be assigned this level of access.

4. Administrator: officers/employees with administrator level access are able to perform all of the functions listed above for users, road supervisors and investigators with the exception of viewing recordings restricted by the Investigator group. Administrator level access allows for the assignment and management of user logins, user roles, system categories, retention periods, and other system settings on the evidence.com system. Generally, members of the command staff and the IT Bureau will be assigned this level of access.

5. View only: special accounts created by the IT Bureau at this access level are provided to outside criminal justice personnel, such as prosecutors, as needed to share recordings or other information from evidence.com to them directly. These accounts are unable to view any information not specially shared to them by the agency and will be issued limited duration passwords as needed.

E. BWC/MVR recordings shall be securely stored on evidence.com.

1. Evidence.com maintains an audit trail of recordings stored, accessed, reviewed, and downloaded.

2. To identify BWC/MVR recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:

a. Captures the image of a victim of a criminal offense; or

b. Captures the image of a child; or

c. Were made in a residential premise (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship; or

d. Captures a conversation with a person whose request to deactivate the BWC was declined; or

e. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or

f. Captures the image of an undercover officer or confidential informant; or

g. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

F. Officers can request extended retention of their own recordings by emailing the Investigations Bureau supervisor for approval. A request for extended retention must include a justification, such as a recorded traffic offense or other non-indictable criminal matter. Officers may need to export and burn a DVD copy of recordings being held for extended retention in the event of a lack of system space, and/or if the referenced matter has not been adjudicated within the retention period.

G. Requests for deletion of portions of the recordings (e.g., in the event of an inadvertent personal recording) must be submitted in writing to the Operations Commander through the chain of command. The Director of Public Safety or his/her designee, in accordance with state record retention requirements, will review the request and take appropriate action. All requests and final decisions shall be kept on file.

H. Supervisors shall ensure that patrol officers are assigned to MVR equipped vehicles, unless no such vehicles are available.

I. Supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.

1. Supervisors shall notify the IT Bureau when a BWC or MVR is non-functional or damaged. The IT Bureau shall assign a spare BWC (or direct the supervisor to assign a spare BWC) to the officer and log such reassignment in evidence.com.

2. Supervisors will conduct random formal reviews of selected recordings at the rate of at least one segment per subordinate per calendar month in order to assess officer performance as well as to flag video/audio that may be appropriate for training purposes. Supervisors shall complete a *Supervisory Review of Digital Video/Audio Recordings Form* for all such reviews. These forms shall be submitted to the Office of Professional Standards for review and filing.

3. Supervisors shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain-of-command to the operations commander or his/her designee.

4. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the supervisor will tag the video/audio for indefinite retention.

5. In the event of BWCs/MVRs are assigned to officers working a special event or other detail, all of the supervisory responsibilities listed in this subsection will fall upon the officer in charge of the detail or the watch commander in the event no supervisor was assigned to the detail in question.

6. When identifying any areas when additional training or guidance is needed, supervisors shall take the appropriate corrective action and communicate this information to the command staff through the chain of command for any additional action or remediation

7. Supervisors may request extended retention of any recording made by a officer reporting to them for the purposes of administrative review of action by emailing the Office of Professional Standards supervisor. A justification must be provided, and this request will result in the review of the recording by the Office of Professional Standards and/or the command staff.

8. Supervisors shall formally review all instances when a BWC/MVR is deactivated prior to the conclusion of an incident. The supervisor shall forward instances of potential misconduct to the internal affairs supervisor.

9. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the supervisor or internal affairs supervisor will tag the video/audio for indefinite retention.

J. The Office of Professional Standards or the command staff may, during routine BWC/MVR recording review, categorize traffic or pedestrian stops for the purpose of easier location. Assignment to these categories will not result in an extended retention period.

K. The Investigations Bureau, the Office of Professional Standards, or the command staff may recategorize any BWC/MVR recording for permanent retention until manually deleted on evidence.com for the purposes of a criminal investigation, internal affairs investigation, documentation of an officer injury, use of force, or for training.

VII. RECORDS RETENTION AND REVIEW

A. Viewing of BWC/MVR events is limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Director of Public Safety, his/her designee, 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/MVR recording except for an official purpose. Access to and use of a stored BWC/MVR recording is permitted only:

1. When relevant to and in furtherance of a criminal investigation or prosecution.

2. When relevant to and in furtherance of an internal affairs investigation.

3. When relevant to and in furtherance of a management review process to identify circumstances indicating police misconduct or to determine the existence of a pattern or practice of possible misconduct.

4. Except in officer involved deadly force incidents, motor vehicle pursuits resulting in death or serious bodily injury, or any in-custody death, to assist the officer whose BWC/MVR made the recording in preparing his or her own police report (see subsection VII.E.3 of this SOP).

5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency.

6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint. Only the internal affairs supervisor or his/her designee can show such a recording to a civilian.

7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court:

    a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.

    b. Only those portions of the recording pertinent to the request shall be forwarded.

    c. The Kean University Department of Public Safety reserves the right to redact video and audio as applicable by law.

        1) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted.

        2) This confidential information includes, but is not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.

    d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.

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

9. 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: this section does not apply to Kean University police officers appearing in the recording.

    b. Kean University police officers are permitted to refuse consent only if the recordings are used outside of the department for training.

10. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Union County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.

11. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, when the Union County Prosecutor or his/her designee, or 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.

12. To conduct an audit to ensure compliance with this SOP.

13. Any other specified official purpose where the Union 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/MVR recording

C. 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. Any such tampering is a violation of N.J.S.A. 2C: 28-7 and is a 4th degree crime.

D. Repairs to any BWC/MVR equipment shall only be performed under the direction of the IT Bureau.

E. Recordings are considered investigatory records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.

1. Contents downloaded from BWCs/MVRs will be stored on evidence.com or other designated storage media. Such storage media shall be maintained as evidence or with the appropriate case file. If maintained as evidence, all SOPs regarding evidence handling and retention shall be followed.

2. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of at least ninety-days (90).

3. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period. Examples of retention periods include, but are not limited to:

a. Any death investigation (at least 7 years);

b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime (at least 5 years);

c. Non-criminal arrest, excluding DWI (at least 2 years);

d. DWI arrest (at least 10 years following adjudication of the case).

e. Use of force incidents (at least 2 years);

f. Internal affairs investigations (6 years after separation from employment or following any discipline or appeal, whichever is later.

g. Normally, recordings of warrant arrests or violation of TRO arrests without any other criminal charges need not be preserved as evidence, except when law enforcement force is used.

4. Recordings maintained for these purposes can only be erased or destroyed in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.

5. When a BWC/MVR 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. The Director of Public Safety or his/her designee shall notify the Union County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA request for a BWC/MVR recording *before complying with it*.

1. The notification 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.

2. 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.

3. 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.

4. The Director of Public Safety or his/her designee will receive an acknowledgement. If no further communication is received within 72 hours, the record custodian or his/her designee should respond to the request as deemed appropriate.

5. Pursuant to the *Open Public Records Act* (N.J.S.A. 47:1A-5c and N.J.S.A. 47:1A-5d), the department can apply service fees for any extraordinary expenditure of time and effort to accommodate a request. The service fees will be based upon the actual direct cost of providing the service or extraordinary time. If the requester objects to the fee, the request is closed and access to the records is not granted.

6. BWC/MVR footage requests requiring a substantial amount of manipulation or programming of information technology will be assessed a special service fee that shall be reasonable and shall be based on the cost for the labor cost of personnel providing the service, that is actually incurred for the programming, clerical, and supervisory assistance required, or both, if a request is for a copy of a record.

7. The fee will be based at the lowest hourly rate of the personnel authorized to review/redact/approve the request.

8. The Director of Public Safety or his/her designee will provide the requestor an estimate before any copies are made.

G. 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 Director of Public Safety in consultation with the Union County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.

1. If disclosure of a BWC/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, the Union County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.

2. A BWC/MVR recording tagged pursuant to VI.E.2 of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Union County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Union County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Director of Public Safety and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC/MVR recordings tagged pursuant to section VI.E.2.

3. The assistant prosecutor or deputy attorney general overseeing a law enforcement use of force investigation or death investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings, other use of force incidents, pursuits, and in-custody death investigations and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this SOP, no civilian or law enforcement witness, (including the principals) of the

investigation, shall be given access to or view a BWC/MVR recording of the incident, or a BWC/MVR 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 their designees.

H. The IT Bureau shall maintain a record of all BWC/MVR recordings that are accessed, viewed, copied, disseminated, or deleted.

I. The Director of Public Safety shall cause a periodic audit of records to ensure compliance with this policy.

J. Officers shall not reproduce or store any BWC/MVR recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.

K. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Director of Public Safety.