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GENERAL 91.00 BODY WORN CAMERAS

I. AUTHORITY

By the authority vested in the Office of the Sheriff of Camden County, procedures are hereby established governing the use of body worn cameras (BWC).

II. PURPOSE

- A. In order to maintain consistency with the Attorney General Directive Number 2021-5, Law Enforcement Directive Regarding Police Body Worn Cameras (BWC) and Stored BWC Recordings, this General Order establishes the policies surrounding the use of BWCs. The purpose of using BWCs is to record encounters that occur between sworn officers and civilians in order to assist in preserving accurate depictions of these encounters. These devices can also serve to deter both officers and civilians from misconduct. Additionally, potential evidence will automatically be secured for future investigative purposes. BWC recordings should not be viewed as the complete depiction of an incident, but rather as a supplement to witness statements, testimony, and other pertinent physical evidence.
- B. The Sheriff's Office provides diverse police services for civilians, and on behalf of other police agencies throughout the county. Mindful of these services, BWCs shall be deployed in:
1. All uniformed patrol officers while acting in the performance of official duties. This shall include uniformed officers assigned to traffic law enforcement, as well as Class II Special Law Enforcement Officers (SLEO IIs) assigned to patrol or traffic law enforcement duties.
 2. All officers assigned to tactical teams as defined in this Policy. Tactical Teams shall include S.W.A.T. (Special Weapons and Tactics), S.R.T. (Special Response Team), T.E.A.M.S.

(Technical Emergency and Mission Specialists), Entry Teams, Rapid Deployment, Fugitive or similar units with the exception of Technical Services Bomb Response Team (BOMB).

3. All officers assigned to proactive enforcement teams, Special Investigation Bureau (SIB).
4. All officers assigned to canine units (K9).
5. All officers whose assigned duties include regular interaction with members of the public, which reasonably may give rise to an arrest situation or use of force.
6. All officers assigned to a pre-planned search warrant execution or a pre-planned arrest.
7. All uniformed officers assigned to duties at demonstrations or potential civil disturbances.
8. At various assigned police security details, such as Camden Waterfront, extra duty or any other assignments the Sheriff deems appropriate.

III.MECHANICS

A. AUTHORIZATION

A sworn Sheriff's Officer may only use a BWC for official use and only use a device issued and approved by the Sheriff.

1. A BWC shall be used only in the performance of official police duties, as authorized by the Sheriff, or his designee.
2. A BWC shall only be used to record incidents, investigations, and police-civilian encounters, and shall not be activated while the officer is on break or not otherwise performing law enforcement functions, as well as when engaged in police union business, or during conversations involving counseling, personnel evaluations, or other similar supervisory interaction.
3. No officer shall attempt to tamper with, change, or delete a recording.
4. No BWC recording shall be accessed, copied, or disseminated by sworn officers or civilian employees except for official Sheriff's Office purposes. Sharing a BWC with another police agency will only occur when that agency makes a formal request to the supervisor of Internal Affairs and approval is granted by the Camden County Prosecutor's Office.
5. All recording media and audio/video recordings are the property of the Sheriff's Office. Unauthorized use, duplication, and/or distribution of recorded device files are prohibited.
6. Any sworn or civilian employee who knowingly violates this order shall be subject to disciplinary action. All Sheriff's Officers are required to familiarize themselves with current Attorney General Directives on body worn cameras.
7. In the event a BWC captures an accidental incident, the recording will be tagged and treated as an accidental recording. A supervisor shall be advised immediately and access to the recording will be limited to Internal Affairs and the Sheriff for review.

B. PRE-OPERATIONAL PROCEDURES

1. Training: Officers assigned to utilize a BWC shall not use the equipment until they have received training in its use and the provisions of this regulation.
2. Inspection, maintenance and repair:
 - a. A supervisor shall ensure that issued BWCs are operated in accordance with the manufacturer's recommendations, and the provisions of this regulation.
 - b. Officers assigned to use BWCs shall ensure that all required pre-operational checks are performed in accordance with training and the manufacturer's recommendations.
 - c. Operational problems with BWCs shall be reported to an immediate supervisor, and taken out of service. BWCs shall be adjusted or repaired only by a technician who has been trained and authorized to conduct such repairs.
 - d. Damage to a BWC shall be immediately reported to an immediate supervisor.

C. OPERATION PROCEDURES

1. Equipment Procedures

- a. Utilization of the BWC is the responsibility of the officer assigned to ensure the use of the device is in accordance to the manufacture's recommendations and this regulation.
- b. Prior to each shift, officers shall determine whether their BWC is working satisfactorily and shall report any malfunctions to their direct supervisor immediately. If operationally feasible, personnel shall always begin their shift with a freshly charged battery.
- c. A supervisor must assign a BWC to an individual officer prior to it being used. When there is no supervisor available the officer will follow proper procedures to assign it to themselves, prior to starting a shift.
- d. For uniformed officers, the BWC shall be worn as close to the center of mass on the officer's body. Uniformed officers shall attach the BWC to the uniform shirt with one of the magnetic clips supplied by the Sheriff's Office. BWCs shall be placed so that it maximizes the camera's ability to capture video footage of the officer's activities. This may include placement on helmets, vests or other such location so long as the device is secured properly and will maximize the device's recordation function. Officers wearing a jacket or other outer garment shall not cover or obstruct the view of their BWC.
- e. In the event a BWC is muted for tactics/officer direction, the officer shall verbalize why such action is being taken before muting the BWC, and note the reason in their report.
- f. Placing a BWC in stealth mode is prohibited unless permission is given by the Camden County Prosecutor's Office or Division of Criminal Justice.
- g. After duty, officers shall sync the BWC into a docking station to allow for data to upload to a cloud-based system, wiping of the hard drive, and to recharge the battery of the device.

- h.** Recharging of batteries can ONLY be accomplished using the issued AC adapter. This activity should only be performed by Sheriff's Officers who are permanently assigned devices.
- i.** Officers who are assigned a BWC during an extra duty assignment, or other side job detail are required, upon completion of the detail, to place the BWC into a docking station for battery charging and data upload to the cloud storage. Those officers independently assigned a BWC should make every effort to ensure that all data (containing critical footage) has been uploaded to cloud storage via docking stations, prior to the end of their shift or side job detail. However, if not feasible, the officer is responsible to ensure this data is uploaded the very next day, or at least during their next shift. Failure to reasonably upload data to the cloud storage may result in the officer's discipline.

2. Recording Incidents

- a.** Prior to activating the BWC, reasonable attempts must be made to notify the individual that they are being recorded.
- b.** If it is unsafe, or unreasonable, to provide notification, the officer shall, when safe, inform the subject of the recording they are being recorded. The officer shall document the reason in a report or narrate the reason directly into the recording device.
- c.** When a BWC has been activated to document an incident, it shall not be deactivated until the incident has been completed. A justification for halting a recording shall be verbally recorded, prior to turning it off.
- d.** When interacting with an apparent crime victim, a law enforcement officer shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded by the BWC and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC. A request to discontinue the use of a BWC made to a law enforcement officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.
- e.** If an individual asks whether the officer is equipped with a BWC, the officer shall answer truthfully, unless they have received prior authorization from the Camden County Prosecutor's Office or Division of Criminal Justice to conduct covert electronic recordings.
- f.** If an individual, requests not to be recorded, the officer can deactivate the device if it is reasonably certain that the incident no longer falls under section C3 of this policy. The officer will narrate the announcement of deactivation as well as the reason(s) for deactivation. The officer will reactivate their device if an incident later becomes a type to be recorded. An officer cannot advise an individual he is no longer being recorded, when in fact he is.
- g.** During a medical assist, an officer may de-activate a BWC when a person, other than an arrestee, is seeking emergency medical services for themselves, or another and requests that the BWC be de-activated. The officer shall consider the privacy interest of the person requesting de-activation and the person in need of medical assistance.

- h. Sheriff's Officers shall narrate the activation, muting, and deactivation of the device.
- i. Officers are expected to deactivate a device within a school, medical treatment facility or place of worship unless they reasonably believe they are engaged in a criminal investigation, responding to an emergency, or may be required to utilize constructive or physical force. Other incidents where an officer should not record include: within close proximity to a police undercover, within close proximity to an alcohol breath testing device, and during courtroom proceedings (unless authorized by a judge); or when present during privileged conversations (i.e. attorney/client, clergy, spouse, etc.).
- j. Officers who capture evidence or critical incidents on a recording shall bring it to the attention of their supervisor, prior to the end of the shift. In the event a supervisor recognizes an officer has potentially violated a law, General Order, or Rules ad Regluatios, the supervisor will notify Internal Affairs as soon as possible.
- k. In situations involving a task force, team or unit composed of officers from multiple agencies, the chief law enforcement officer of the agency overseeing the task force, team or unit shall make the determination concerning the deployment/use of BWCs. This shall be the County Prosecutor in the case of a countywide task force.
- l. Officers who capture evidence or critical incidents must properly tag their evidence for reviewing and auditing purposes. Failure to tag evidence in a timely manner could result in disciplinary action against the officer. The officers are required to enter specific metadata (information) for each downloaded BWC video:
 - 1) **Video ID** – The incident number (example: 2020-00025). All non-incident recordings (to include recalled or unfounded incidents) are to receive five zeros (beginning with the current year, i.e. 2020-00000). This applies for all regular shifts, details and events.
 - 2) **Category** – Selected from the drop-down list in Evidence.com
 - 3) **Title** – Officers must enter a title of the event which will include a detailed description of the location (Example: 123 Main Street, Camden, N.J. 08102). Titles should be as detailed as possible and are not required by the manufacturer, but are required, as per this Order.
 - 4) **Tags** - Provisions to identify (“Tag”) recordings that raise Special Privacy or Safety issues:
 - a) Captures the image of a victim of a criminal offense.
 - b) Captures the image of a child.
 - c) Was made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship.
 - d) Captures a conversation with a person whose request to de-activate the BWC was declined.

- e) Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information (e.g., verbal codes and hand signals used to give direction to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.) may have been recorded.
- f) Captures the image of an undercover officer or confidential informant.
- g) Captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.
- h) Any time a BWC captures the image of a patient in a substance abuse treatment facility.

3. Required Incidents to Record

Officers using BWCs must record the following situations/scenes:

- a. The officer initiates an investigative detention.
- b. The officer is responding to a call for service, and is at, or near the location to which the officer has been dispatched.
- c. The officer is conducting a motorist aid, or a community caretaking check.
- d. The officer is interviewing a witness in the course of investigating a criminal offense.
- e. The officer is conducting a custodial interrogation of a suspect.
- f. The officer is making an arrest.
- g. The officer is conducting a protective frisk for weapons.
- h. The officer is conducting any kind of search (consensual or otherwise).
- i. The officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with, or in the presence of civilians, and the officer or any other officer on the scene may be required to employ constructive authority or force.
- j. The officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report.
- k. The officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility.
- l. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
- m. Any other incident deemed appropriate by the Sheriff or his designee.

4. Supervisory Responsibilities

Supervisory personnel who manage officers operating BWCs shall ensure that:

- a. All officers follow established procedures for the use and operation of BWCs.
- b. Ensure that a device is encoded to each officer prior to duty.
- c. Ensure all BWCs are placed into a docking station immediately following a duty assignment, in order to upload data to the network server, wipe the hard drive, and recharge the battery.
- d. Document requests for repairs and replacement of damaged or non-functional BWC equipment.
- e. Provide necessary repair information to Special Services, Information Technology, for the purpose of making noted repairs.
- f. Determine whether BWCs are being fully and properly used and identify material that may be appropriate for training.

D. PRESERVATION AND RETENTION OF RECORDS

1. **Minimum 180-Day Retention Period.** A BWC recording shall be retained for 180 days from the date it was recorded, but may be subject to additional retention periods.
2. A BWC recording shall automatically be retained for three years if it captures images involving an encounter that a complaint has been made by a subject of the BWC recording.
3. A BWC recording shall be retained for three years if voluntarily requested by:
 - a. Law enforcement officer whose BWC made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value.
 - b. A law enforcement officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value.
 - c. Any immediate supervisor of a law enforcement officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value.
 - d. Any law enforcement officer, if the BWC recording is being retained solely and exclusively for police training purposes.
 - e. Any member of the public who is a subject of the BWC recording.
 - f. Any parent or legal guardian of a minor who is a subject of the BWC recording.
 - g. A deceased subject's next of kin or legally authorized designee.

To effectuate subparagraphs (e), (f), and (g), a member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the BWC recording to determine whether to request a three-year retention period, in accordance with the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., to determine whether to request a three-year retention period.

- 4.** A BWC recording may be subject to the following additional retention requirements:
 - a.** When a BWC recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution.
 - b.** When a 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 or the employing law enforcement agency.
 - c.** When a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.
- 5.** Each separate recording, as well as the cloud-based system will maintain an automated log filing system that will record all events relative to the development, viewing, storage and duplication of the recording. The manufacturer's software will be configured to prohibit editing, overwriting or deleting all recordings and log files.
- 6.** In the event a BWC has captured an incident that raises special privacy issues, the recording will be tagged and treated as a sensitive matter, by limiting access to Internal Affairs and the Sheriff.
- 7.** No recording or copy of a recording will be released by way of a subpoena, court order or Open Public Records Act request, or other law enforcement agency request unless approved by the Camden County Prosecutor. Notice of such a request will be provided to the Prosecutor within one day of its receipt.

E. AUTHORIZED REVIEW

1. Officer Review

- a.** A Sheriff's Officer shall be permitted to review or receive an accounting of a BWC recording prior to creating any required substantive initial reports, providing a statement, or submitting to an interview regarding the recorded event, except under the following circumstances:
- 1) The incident involves the use of force by the officer, where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death
 - 2) The incident involves the discharge of a firearm or any other use of deadly force by the law enforcement officer
 - 3) The incident involves the death of a person while in law enforcement custody
 - 4) The incident involves the death of a person during an encounter with a law enforcement officer
 - 5) An incident that the officer knows or has been advised is or will be the subject of an internal affairs complaint relating to the officer's use of force, bias, or dishonesty
 - 6) An incident that the officer knows or has been advised is or will be the subject of a citizen complaint relating to the officer's use of force, bias, or dishonesty.

Whenever a Sheriff's Officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview. The officer shall document each BWC recording that was reviewed and the date of the review. If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting and the specific BWC recording for which an accounting was provided.

- b.** BWC video shall not be reviewed unless it is for Official Use Only.
- c.** A BWC recording tagged shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Camden County Prosecutor's Office, or the Division of Criminal Justice. The County Prosecutor or Director may authorize the Sheriff, and one or more superior officers or duty positions (*e.g.*, head of the detective bureau) identified by the Sheriff, to grant permission pursuant to this Section to access, view, copy, disseminate, or otherwise use BWC recordings tagged.

- d. 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 or officer safety (*e.g.*, verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Camden County Prosecutor's Office, or the Division of Criminal Justice in cases prosecuted by the DCJ, 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. Supervisory Officer Review

- a. Supervisors shall ensure that officers follow established procedures for the operation of BWC equipment and are encouraged to do so by periodic recording reviews.
- b. Supervisors shall ensure all videos are properly labeled and tagged.
- c. Unit Commanders shall require a random review of video recordings on a periodic basis.

3. Sheriff's Review

- a. The Sheriff, or his designee, may periodically review recordings to assess overall training needs and ensure compliance to this order.

- F. If an officer fails to adhere to the recording or retention requirements contained in this Policy, intentionally interferes with a BWC's ability to accurately capture audio or video recordings, or violates any other provision of this policy, the officer shall be subject to appropriate disciplinary action, in addition to any judicial consequences outlined in the law.