

COUNTY OF GLOUCESTER OFFICE OF THE SHERIFF

STANDARD OPERATING PROCEDURES



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SUBJECT: BODY WORN CAMERAS & MOBILE VIDEO RECORDING EQUIPMENT

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BY THE ORDER OF:

SHERIFF JONATHAN M. SAMMONS

SUPERSEDES: Gloucester County Sheriff's Office SOP 376 - Body Worn Cameras & Mobile Video Recording Equipment (all versions) & SOP 375 – Mobile Video Recording Equipment (Vehicle) effective 5/27/2021 & Gloucester County Correctional Facility Policies and Procedures Number 447 – Body Worn Camera (BWC) effective 9/7/2016, and revised 10/19/2016.

PURPOSE: The purpose of this order is to maintain the Gloucester County Sheriff's Office (hereinafter the "GCSO") policy and procedures regarding the use of mobile video/audio recording equipment (hereinafter "MVR") and body worn cameras (hereinafter "BWC") consistent with those standard operating procedures established by the Gloucester County Prosecutor's Office (hereinafter the "GCPO") and the New Jersey Attorney General (hereinafter the "NJAG").

POLICY: It is the policy of the GCSO to utilize MVRs and BWCs to their fullest extent for the daily patrol function, and to maintain the necessary safeguards that will ensure their non-discriminating use, as well as the proper preservation of evidence that may be obtained through use of this technology.

All sworn personnel shall use this equipment (MVRs & BWCs) consistent with manufacturer's guidelines, this Standard Operating Procedure (hereinafter "SOP"), and those policies and guidelines issued by the NJAG and the GCPO. Failure to use this

technology in accordance with this SOP, and those policies or guidelines issued by the NJAG and the GCPO may result in discipline.

The GCSO website/webpage shall contain a clear statement that this agency utilizes BWCs. The website posting shall include an image showing the wearable video/audio recording device, and how it is to be worn by personnel which will allow the public the ability to determine whether an officer is equipped with the device.

Any willful or repetitive violations of this SOP shall be reported to the Supervisor of the GCSO Internal Affairs Unit, who shall report such directly to the Sheriff (or his/her designee) and/or the GCPO. The Sheriff (or his/her designee) and/or the GCPO is authorized to take such actions as are reasonable and necessary to ensure compliance with this SOP, and to prevent future violations.

SCOPE: The procedures and guidelines set forth in this SOP shall apply to all sworn law enforcement personnel in, and employed by and with, the GCSO. (GCSO sworn personnel includes, but is not limited to, all sworn Correctional Police Officers, and all other such sworn personnel in the GCSO Corrections Division.) GCSO sworn personnel will hereinafter be referred to as “officers”.

PROCEDURES:

I. DEFINITIONS

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

1. **Access terminal.** A computer established with access to the digital library for review of recordings.
2. **Activate.** To actuate (put into operation) the recording mode/function of a MVR or BWC.
3. **Body worn camera (“BWC”).** A device worn by an officer that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include a mobile video recording device when mounted inside a police vehicle (*i.e.*, a dash cam). The term also does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity, nor does the term include an electronic recording device when used to comply with the requirements of New Jersey Rules of Court, Rule R. 3:17 (electronic recording of station house custodial interrogations).
4. **Control Box or Video Display.** Mounted adjacent to the rearview mirror of the vehicle; and, contains controls and video screen.
5. **Constructive authority.** Shall have the same meaning as defined in the GCSO SOP 311 (Use of Force) effective July 25, 2022. Constructive authority involves the use of an officer’s authority to exert control over a subject, 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 un-holstered a firearm or CED (e.g., "*...move out of the way*", "*...get down*", etc.).

6. **Digital evidence.** Includes photographs, audio and video recordings that are stored electronically.
7. **Digital Video Recorder (DVR).** Primary in-vehicle video and audio storage device. Retains video and audio until downloaded to GCSO server.
8. **Equipped with a BWC.** Shall mean that a law enforcement officer is actually wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from their agency.
9. **Evidence Library.** A secure, on-premise storage system, which is locally hosted and available to users. Evidence Library is used to organize, classify, manage, view, and archive digital evidence. *Evidence Library* tracks and provides an audit of all activity to protect the chain of custody. It is the computer program and server for storage of, and access to, video and audio recordings as part of the 4RE system.
10. **Evidence Transfer Manager (ETM):** A docking station for BWC and battery. When the camera is docked, video data stored on the camera is automatically downloaded to the designated evidence storage system. The ETM also charges the battery and camera.
11. **Fixed Microphone.** Hardwired microphone mounted in the headliner of the vehicle to record in-vehicle audio.
12. **Force.** Shall have the same meaning as defined in the GCSO SOP 311 (Use of Force) effective July 25, 2022.
13. **Forward Camera.** Mounted in front of the rearview mirror of the vehicle; and, contains one fixed wide-angle camera and a second camera on a 200-degree swivel. Used to record video of areas in front of or adjacent to the vehicle.
14. **Investigation of a criminal offense.** 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.
15. **Mobile video recorder ("MVR").** An audio/video recording device mounted in a police vehicle that makes an electronic recording of activities within its field of vision. The officer-worn wireless transmitter can also electronically record audio outside of the view of the camera's field of vision. Such recordings are uploaded to the server upon arrival at police headquarters. The MVR includes forward and rearward mounted

cameras in GCSO vehicles. The MVR includes the control box, digital video recorder, cameras, and microphones

16. **Proactive enforcement team.** Includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
17. **Rear Camera.** Mounted in the rear passenger compartment of the vehicle; and, contains one fixed wide-angle camera. Used to record persons seated in the rear seats.
18. **Remote Microphone or High-Fidelity Microphone.** Body worn microphone that is wirelessly synched to the MVR. May be used to initiate video recordings.
19. **School.** A public or nonpublic elementary or secondary school within the State of New Jersey offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
20. **Serious bodily injury.** Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Serious bodily injury and serious bodily harm have the same definition for purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).
21. **Significant bodily injury.** Bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses. See N.J.S.A. 2C:11-1(d).
22. **SIU.** Special Investigations Unit
23. **Subject of the video footage.** Any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the MVR or BWC recording, and shall not include a person who only incidentally appears on the recording.
24. **Substantive report.** A substantive report shall mean a report that includes a detailed accounting of the incident. It does not include a report, for example, which simply refers to other reports or to the existence of BWC or other camera recordings.
25. **Tactical team.** A group of officers who are specially selected, trained, and equipped to handle high-risk incidents including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.

26. **Tagging.** The electronic labeling of a video/audio file captured by an MVR or BWC.
 27. **Thumb Drive.** Alternate in-vehicle storage device for manual transfer of tagged video and audio, when wireless transfer is not available.
 28. **Video.** Hereinafter, any reference to video shall include both video and audio recordings by and from the MVR or BWC.
 29. **Wireless Antenna.** WiFi antenna(s) positioned for wireless download of recorded video and audio. Two antennas are located in Woodbury, New Jersey in the GCSO's parking garage area (Hunter Street), and in the secure lot behind the Gloucester County Justice Complex (Broad and Hunter Street).
 30. **Youth facility.** A facility where children assemble under adult supervision for educational or recreational purposes, such as group homes, residential facilities, day care centers, and day treatment centers.
- B. All references to MVR and BWC include the equipment installed in vehicles, body worn devices, and where appropriate, the wireless transmitter, microphone, removable media (HDD/SSD), server, and other accessories necessary to operate these systems.

II. GENERAL

- A. Video recordings are invaluable to law enforcement for evidential purposes. Mobile video/audio equipment has been demonstrated to be of value in the prosecution of criminal, traffic, and other related offenses and to protect personnel from false claims of misconduct.
- B. While visual and audio evidence may be captured on the recordings, the use of an MVR/BWC 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 MVR/BWC as a management tool to punish officers for minor GCSO rule infractions.
 1. Personnel shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
- C. **Adequate safeguards are necessary to ensure that this technology is:**
 1. Used in a non-discriminating way;
 2. Used to adequately document evidence; and
 - a. Used to safeguard against potential violations of N.J.S.A. 2A: 156A-1, et seq., the *New Jersey Wiretapping and Electronic Surveillance Control Act*. In accordance with N.J.S.A. 2A: 156A-3 and when using an MVR, it is unlawful to record any conversation that a person might have in the back of a Sheriff's vehicle when the assigned law enforcement officer is not present.

1. Therefore, the internal microphone will only be activated when the assigned officer is in the car or speaking to anyone in the rear seat.
2. Each in-car camera equipped patrol vehicle will conspicuously display a placard facing the prisoner seat reading: *"Notice. Please be advised that any conversation held in this vehicle is subject to being recorded.... Aviso. Favor de tener en cuenta que cualquier conversacion dentro de este vehiculo esta sujeto a ser grabarabado."*
3. Operators (Officers) operating an MVR system are not required to inform persons of the MVR's operation prior to video (not audio) recording. However, if member(s) of the public inquire, the Operator (Officer) shall disclose whether they are video recording. Disclosure about the video recording to arrestees or prisoners being transported is **not** required.

D. When properly used, this equipment (MVRs & BWCs) will have the following capabilities:

1. Create accurate memorialization of public contacts and other law enforcement related activities;
2. Preserve an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.

E. These records will serve the following purposes:

1. Recordings serve as protection for officers when there are complaints about their conduct, or professionalism, during encounters with the public.
2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions, as well as in civil litigation.
3. The recordings can resolve disputes concerning what occurred during incidents, thereby protecting both the public and the law enforcement 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. BWC/MVR recordings can provide a record of officer/citizen interaction within the GCSO vehicle itself when an officer's attention is on driving. For example, a MVR/BWC will record events during transportation of arrested persons, escape risks, mentally disturbed individuals, intoxicated persons, people who are physically injured and members of the opposite sex. The recordings can provide accurate documentation of highly detailed and/or fast-moving incidents, such as roadside sobriety testing, violent encounters, and pursuits.
6. Subject to the restrictions in this SOP, and policies and guidelines promulgated by the NJAG and the GCPO, supervisors will be able to view the recordings, and select portions

for use in training law enforcement officers concerning safety, field training, interpersonal skills, proper law enforcement procedures, and legal doctrines with the permission of the GCSO administration.

7. The recordings can permit supervisors and administrators to undertake more meaningful performance reviews.
8. Recordings augment administration's ability to evaluate its basic law enforcement practices, and interactions between its personnel and the public.
9. Recordings enhance administration's ability to train personnel in proper law enforcement procedure.

F. Officers may only use a BWC/MVR system that has been issued and approved by the GCSO.

G. BWC/MVR shall be utilized **ONLY** for legitimate law enforcement purposes.

H. Officers Required to Wear BWC.

The following officers shall be required to be equipped with BWCs and adhere to the provisions of this Policy when performing their duties:

1. All uniformed patrol officers while acting in the performance of official duties, as required by N.J.S.A. 40A:14-118.3 (P.L. 2020, c. 128). 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;
3. All officers assigned to proactive enforcement as defined in this Policy;
4. All officers assigned to canine units;
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 "front desk" duty, whose duties include interaction with members of the public that report incidents or request assistance or information;
7. All officers assigned to pre-planned search warrant execution or a pre-planned arrest. This shall include pre-planned searches and arrests performed pursuant to statutory authority, such as parolee searches;
8. All uniformed officers assigned to duties at demonstrations or potential civil disturbances.

I. Officers Not Required to Wear BWCs.

Notwithstanding the provisions of Section II(H) above, the following officers are not required by this Policy to be equipped with BWCs:

1. Officers engaged in undercover assignments;
2. Officers acting as hostage negotiators or crisis negotiators working in conjunction with tactical teams;
3. Officers assigned to administrative positions. This provision shall not exclude officers assigned to “front desk” duty, as defined in Section II(H)(6), from the requirement to be equipped with BWCs;
4. Officers meeting with confidential sources or recruiting potential confidential sources;
5. Officers engaged in union representation of a member of the collective bargaining unit;
6. Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (SROs) and Class III Special Law Enforcement Officers (SLEO IIIs). However, officers assigned to duties at schools or youth facilities working security or crowd-control functions at special events such as athletic competitions, graduations or similar public events shall be equipped with BWCs;
7. Non-uniformed officers assigned to investigative, non-enforcement duties, when authorized by the Sheriff or his/her designee;
8. Officers assigned to “extra duty” or “off duty” assignments that involve strictly traffic direction;
9. Officers engaged in crime-scene processing duties;
10. Officers engaged in duties as bomb or explosives technicians; BWC must not be worn in areas where explosive devices may be present. BWC could cause electronic interference, which may trigger explosive devices.
11. Officers conducting searches of cellphones, tablets, computers or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure; and
12. Officers conducting searches of cellphones, tablets, computers or other electronic devices that are suspected to contain images of child sexual exploitation.

- J. **Exceptions to Wearing the BWC.** If an officer, whom has not officially reported for duty and has not signed out the assigned BWC for his/her shift comes upon an incident, the officer may respond even if he/she does not have in place his/her BWC. In this instance, the officer should respond to the incident in accordance with applicable policies and procedures, report the absence of the BWC to the shift supervisor, and note the encounter in the formal incident report, or have the Communications center make a note.
- K. **Special Circumstances.** Exemptions from the requirements in Section II(H) are permitted only when approved by the Director of Division of Criminal Justice or the County Prosecutor, and only under such special circumstances that warrant an exemption. The reasons for the exemption must be documented and demonstrate a special need. Such requests for exemption shall be made in advance and approved in writing.
- L. **Placement of BWC.** A BWC used by an officer 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.
- M. **Applicability of and Compliance with Attorney General Directive No. 2005-1.** The decision to activate or de-activate a BWC or MVR is a police action subject to the rule established in Attorney General Law Enforcement Directive ("AG Directive") No. 2005-1, which strictly prohibits any form of racially-influenced policing.
- N. **BWCs and MVRs To Be Used Only in Performance of Official Duties.** A BWC/MVR shall be activated only while in performance of official police duties and for the purpose of recording incidents, investigations, and police-civilian encounters involving those law enforcement activities specified in this SOP, or specified in other office policies, standing operating procedures, directives, or orders promulgated pursuant to this SOP. A BWC/MVR shall not be activated while the officer is on break or otherwise is not actively performing law enforcement functions (*e.g.*, while eating meals, while in a restroom, etc.). A BWC/MVR shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC/MVR be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction. Any recordings from a BWC/MVR recorded in contravention of this SOP or any other applicable law shall be immediately brought to the attention of agency command staff and immediately destroyed by command staff following consultation and approval by the County Prosecutor or Director of the Office of Public Integrity and Accountability. Unless an exception applies from another section of this policy, such footage shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC/MVR.

III. EQUIPMENT

- A. The WatchGuard (Motorola) mobile digital video recorder (MVR) or the WatchGuard (Motorola) Body Worn Camera (BWC) are designated for use to record patrol related events.
1. Generally, the WatchGuard (Motorola) MVR is mounted to a fixed location in marked Sheriff's vehicles. This MVR is a self-contained unit mounted to the interior of the Sheriff's vehicles.
 - a. This MVR uses between three to six cameras, a front facing camera and rear-facing cabin interior cameras depending on the amount of transportation compartments.
 - b. The cabin camera is positioned to face the interior of the patrol vehicle and is pointed toward the back seat or prisoner area. It is equipped with low light sensitivity and is capable of recording images without the interior light on.
 - c. The MVR is equipped with an interior mounted microphone to record cabin activity.
 - d. Events are recorded when the system is automatically activated by preset triggers or when the record button is manually pressed. Automatic activation is set by emergency light activation or wireless microphone activation. When these triggers are activated, the system starts to record the event. Each session is recorded as a track that is date and time stamped. While all activity is recorded by the MVR unit to the internal hard drive, only incidents activated by the automatic triggers will cause the unit to wirelessly transfer the data to the server.
 2. The WatchGuard (Motorola) System BWC is used mostly by canine handlers, courthouse security units, bicycle unit officers, and traffic patrol officers. Officers shall wear and use their BWCs when assigned to any proactive enforcement team or tactical unit and in the field performing law enforcement activities. This BWC is an officer worn device clipped to the officer's outermost garment/vest.
 - a. This system requires that the unit be inserted into a docking station (**Evidence Transfer Manager (ETM)**) to recharge and download the recorded activity.
 - b. This system will record up to twelve (12) hours before it is necessary to dock the device to recharge and download the recorded activity.
 - c. Officers shall not deactivate a device while on an incident that is being recorded, unless the situation requires deactivation pursuant to this policy.
 - d. This system uses Evidence Library for audio/video storage and post event review.
 3. Officers/detectives on loan to any outside agency, tactical team, proactive enforcement team, or task force shall use the agency issued BWC/MVR consistent with this SOP, including restrictions and any guidelines issued by the outside agency or task force. Such officers/detectives shall report any potential conflicts between this order and the

outside agency/task force's directives to an undersheriff, or his/her designee, as soon as practicable.

B. Both the MVR and BWC systems record audio tracks and video images in color. The MVR can display real time images on a video screen.

C. **User logon profiles and administrative access:**

1. There are three (3) different levels of access:
 - a. **Administrator (Admin)** - The GCSO's SIU shall act as the GCSO systems administrators and evidence custodians. The administrator(s) shall have access to all systems features and video.
 - b. **Supervisor** - Sergeants and above shall have access to systems features, thumb drive access, and access to "review only" of all video.
 - c. **Operator (Officer)** - Shall have access to basic systems features and access to review only their video.
2. Officers will only be permitted to operate the assigned MVR and BWC unit under the officer/user logon profile.
3. The system administrator will establish officer/user profiles and supervisory profiles as directed by the Sheriff or his/her designee.
4. The system administrator is responsible for the overall operation of the equipment, maintenance, copying of evidentiary material from the hard drive for case preparation, establishing user and supervisory profiles, setting default preferences, and ensuring that each unit is operated in accordance with this guideline.

IV. TRAINING AND MAINTENANCE

A. The Sheriff or his/her designee shall maintain a training program on the lawful and proper use of MVR and BWC equipment. Only personnel who have been trained on the use and routine maintenance of either MVR and/or BWC systems will be permitted to operate the systems. Authorized operators must complete the GCSO in house training module, and shall have demonstrated their competence to the satisfaction of the system administrator or his/her designee.

1. Sworn personnel shall receive training in the use of the GCSO MVR, and provisions of this SOP, prior to being assigned to vehicles with MVR installed. No sworn personnel shall operate a vehicle equipped with MVR until they have successfully completed the online 4RE training program; and also completed the "hands-on" MVR training with an authorized trainer, i.e., Patrol/Transportation SGT, Patrol/Transportation FTO, or Special Investigations Unit ("SIU") Detective.
2. All sworn personnel shall complete the online 4RE operators MVR training program. Certificates of completion shall be submitted to GCSO's Training Officer. Thereafter,

sworn personnel shall complete a block of “hands-on” training/instruction with an authorized GCSO trainer; and upon completion of training/instruction, the trainer shall notify the GCSO’s Training Unit Supervisor, via email, that the said officer has received this training/instruction. The GCSO’s Training Unit Supervisor, or designee, shall maintain a current list of all sworn personnel that have received this block of “hands-on” training/instruction.

3. A 4RE “Quick Reference Guide” and “High Fidelity Microphone Quick Start Guide” shall be stored in the glove box of every MVR installed vehicle.
- B. Equipment installed in a GCSO vehicle is the responsibility of the officer assigned to that vehicle. Officers assigned an MVR or BWC system are responsible for maintaining the system in a state of operational readiness. BWCs are specifically assigned, and will remain the responsibility of each assigned officer unless otherwise directed by a supervisor.
- C. Officers will be assigned BWC by shift commander/supervisor. A sign out sheet and sign in sheet will be utilized for assignment of BWC and turned in daily with all shift paperwork. The sign out and sign in sheet will be referred to as the Body Worn Camera Assignment Sheet. This sheet is part of evidence control and will be completed thoroughly and clearly.
1. BWC assignment sheets will include the following: date, time, camera issued serial number, officer issued name and operator number, shift commander/supervisor assigning BWCs by name and number, and signatures of both officer and shift commander, pre-inspection and post-inspection with notes. The assignment sheet contains a section for notes. This section will be used when an incident occurs that requires a report such as use of force or civilian complaint. The officer will make a brief notation and reference the report number in this section. The officer will also make a notation in this section for all juvenile offender transports and that transports of juvenile offenders are captured on the BWC. This will only be completed and filled out after a test of the BWC has been performed to ensure the BWC is functioning correctly.
 2. The assignment form will also include a return section to be signed and completed until verification of uploaded footage by the shift commander/supervisor and the **unassignment** of the BWC at the end of the officer’s shift. **ALL BWSs MUST BE ASSIGNED BY A SHIFT COMMANDER/SUPERVISOR TO AN OFFICER BEFORE UTILIZATION.**
 3. Shift commanders will log the assignment and return all of BWCs in the shift commanders log book as a backup to the BWC assignment sheet. The shift commanders/supervisor will inventory all BWCs and associated equipment at the start and end of every shift. All discrepancies will be reported in writing in the shift commander log book and on operations reports.

4. No staff member will take a BWC home with them at the end of a shift. All BWCs recordings, data and metadata are the property of the Gloucester County Sheriff's Office and are considered evidence. Staff taking BWCs home at the end of a shift will be disciplined.
- D. Officers/staff members are not permitted to use a personal recording device to make any recording of the footage contained on a BWC/MVR and/or stored on the secure storage device. This includes using a device such as but not limited to a **cell phone, camera or any device capable of recording audio and/or video** to record the footage from a computer or other device. Failure to follow this order or noncompliance to this order **will** result in discipline.
 - E. **Inspection:** Supervisors are required to inspect the DVR systems of their shift assigned vehicles at least once per duty rotation (Mon/Tue, Wed/Thu, Fri/Sat/Sun, or M-F). Shift Supervisor's inspection will include a physical inspection of equipment, and all steps of the operator checklist.
 - F. In accordance with the training received, officers shall ensure that the audio and video equipment is operating properly prior to the start of his/her shift, making sure that the battery on the BWC is adequately charged, and shall report all malfunctions, damage, or other problems to their immediate supervisor before going into the field. If the BWC or MVR malfunctions while out in the field, the malfunction upon its discovery shall be reported to the officer's supervisor as soon as it is safe and practicable to do so. During the officer's tour of duty, he/she will periodically monitor the MVR and/or BWC unit to ensure that it is functioning properly.
 1. Officers will monitor alerts and messages sent by the MVR/BWC across the screen. These alerts and messages advise the officer of any problems or errors.
 2. Officers will report any MVR and/or BWC malfunction, which fails to record a required event, to communications (Dispatch).
 3. As soon as practicable, officers must notify the system administrator of such malfunction using an *MVR-BWC MALFUNCTIONS REPORT*, unless previously documented.
 4. The Sheriff or his/her designee will maintain *Reports* that relate to MVR/BWC malfunctions.
 - G. No installed components of any system may be moved from its position without the authorization of the system administrator, the Sheriff or his/her designee.

- H. Personnel who have not been trained and authorized to make repairs shall not attempt to repair any MVR/BWC equipment.
- I. Equipment shall be maintained and operated in accordance with the manufacturer's recommendations/specs, the provisions of this SOP, and the officer's training.

V. OPERATION PROCEDURES

A. BWC System

1. WatchGuard (Motorola) BWC System startup and use:
 - a. Ensure that the camera is properly mounted.
 - b. Push power button.
 - c. Push in the RECORD button on the BWC camera to start recording.
 - d. Verify both status LEDs turn red and the unit displays recording icon.
 - e. Push in the RECORD button on the BWC camera to stop recording.
 - f. Select appropriate event category.
 - g. Recording upload/download instructions for BWCs– Upload to Evidence Library:
 1. Turn the body camera off.
 2. Place body camera into docking station until upload is complete.
 - h. When not in use the BWC shall be stored in the designated docking station. The docking stations allow for the units to be charged and, as stated above, allows for the download of events to the secure storage site. Officers utilizing the BWC will periodically, and no later than the end of each shift, download the contents of the unit by placing the unit in the designated charging station. Each file downloaded will contain information related to the date, BWC identifier and assigned officer.
2. BWCs will be inspected by the officers at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system.
3. When conducting the pre and post shift inspection, the officer will activate the BWC and verbally state the date, time, whether pre or post shift inspection is being conducted, and that a test is being performed on the unit. The results of the inspection, including any malfunctions or deficiencies will be noted on the daily inspection sheet for BWC. Malfunctions or deficiencies require an immediate report and notification to the shift supervisor. The shift supervisor will immediately notify the training supervisor by email.

4. Officers will activate the BWC to record all contacts with prisoners and juvenile offenders in the performance of official duties. This includes all transports, pat frisks (excluding strip searches), placement in transportation vans and patrol cars, entire transport of prisoners/offenders while in a patrol car or transport van. Home Electronic Detention (HED) contacts to include interviews, weekly or required check-in meetings, placement, home checks and visits and for any contact with HED offenders and/or visitors INCLUDING HED OFFENDERS. The BWC will be activated for any other action/accident where it is necessary or prudent to create a written report.
5. When transporting prisoners/juvenile offenders in a Prisoner Transportation Van, the following standards will apply:
 - a. The BWC will be activated for any initial contact with prisoner(s)/juvenile offender(s).
 - b. The BWC will be utilized for the identification of the prisoner(s)/juvenile offender(s), the pat search of the prisoner(s)/juvenile offender(s), handcuffing of the prisoner(s)/juvenile offender(s) and the escort of the prisoner(s)/juvenile offender(s) to the vehicle.
 - c. The BWC will remain active while prisoner(s)/juvenile offender(s) are placed in the prisoner transport van.
 - d. The BWC will remain active while the doors are closed and secured (locked).
 - e. The BWC will remain active while all information is communicated and received by Communications (officer ID numbers, number of prisoner/juvenile offenders present, location, destination, starting miles, and any other information being relayed to Communications).
 - f. The BWC will remain active for the entire transport of prisoner(s)/juvenile offender(s). The BWC will remain affixed to the shirt or jacket in the center of the chest/sternum as directed above in this procedure for all transports.
 - g. The camera will only be deactivated when:
 1. The receiving facility does not allow outside agencies recording devices to be activated when in the facility. This will be documented on the BWC prior to deactivation. The BWC will be activated as soon as possible when out of the facility and staff are still having officer-prisoner(s) / officer-juvenile offender(s) interaction or for the transport.

2. The prisoner(s)/juvenile offender(s) being transported have been turned over to another agency by the transporting officers (example – Salem County Department of Corrections staff when returning from transport). Verbal documentation on the BWC is required for deactivation of the BWC.
6. When transporting prisoner(s)/juvenile offender(s) in a patrol style vehicle, the BWC will be utilized as above and include the following:
 - a. Once in the vehicle and prior to relaying information to Communications, the officer will verbally document that the BWC is remaining active and going to the car mount to record the transport.
 - b. When the officers arrive at the destination with the prisoner(s)/juvenile offender(s), the BWC will again be affixed to the center of the sternum/chest as outlined earlier for proper wearing of the BWC.
 - c. The BWC will remain active until all contact with prisoner(s)/juvenile offender(s) is complete.
 - d. Verbal documentation is required prior to deactivating the BWC.
7. Officers in HED will utilize the BWC for all interactions with offenders including juvenile HED offenders. The following procedures will apply:
 - a. All interactions with offender(s) and civilians will require activation of the BWC, including juveniles.
 - b. HED staff will ensure the BWC is activated prior to any communication with reporting offender(s) and/or civilians. (MUST NOTIFY THAT A BWC IS ACTIVELY RECORDING)
 - c. Verbal documentation of date, time and name of offender(s)/civilian(s) reporting is required when activated.
 - d. The BWC will remain active until the offender(s)/civilian(s) reporting to the HED Unit has logged out (info desk log book) and departed the facility.
 - e. The BWC will remain active during certain portions of drug and ALCO testing.
 - f. During drug screening and testing, the BWC will only be **deactivated** during the specimen collection portion.

- g. Prior to entering the area of specimen collection, the officer will verbally document why the BWC is being deactivated. (e.g. for the collection of a urine specimen from offender John Doe)
- h. Once the specimen is collected and the collection area has been exited, the BWC will immediately be activated again with verbal documentation (John Doe's urine sample was collected; BWC activated)
- i. Due to possible interference with certain ALCO testing, the BWC will be deactivated during those tests. Verbal documentation is required (e.g. BWC deactivated for ALCO test of offender John Doe)
- j. Once the ALCO test is complete and the results are in, the BWC will be immediately activated.
- k. All home checks will require activation of the BWC prior to the check.
- l. The date, time, location, and offender(s) will be verbally documented.
- m. In the event HED staff must conduct a transport of a prisoner/juvenile offender for HED purposes, all BWC transportation guidelines will be followed

B. MVR System

1. Powering up and Shutdown of MVR:

- a. Powering up -- The MVR will automatically power on whenever the vehicle ignition is started. The boot process requires 1-2 minutes before the operator can access the system. The remote microphone must be powered on and synched to the MVR.
- b. Shutdown -- The MVR will automatically shut down at a preset number of minutes after the vehicle ignition switch is shutoff. The manual power button should not be utilized to power down the system under normal conditions as this may damage stored data.

2. Login and Pre-Shift Testing with MVR System:

- a. Operators (Officer) are required to login to the system at the start of their assignment. Prior to vehicle turn-in, Officers shall log off the system.

- b. Operators (Officer) shall check the following prior to entering service (Operator Checklist):
1. Errors, malfunctions, or damage. Any error or malfunctions shall be reported on an operations report, and the vehicle removed from service until assessed.
 2. Time / Date stamp. In the event the displayed data is in error more than five (5) minutes based on County time, the supervisor shall be notified, and the error corrected prior to operation.
 3. DVR Memory Status. Under normal conditions, the DVR should download all previously recorded video and display no stored data. If the memory indicator(s) shows more than 50% used, the supervisor shall be notified, and correct this matter, prior to operation.
 4. Camera Views. Ensure that all cameras are operational and properly oriented with a clear view. Problems shall be reported to the supervisor, and any issues or malfunctions shall be corrected, prior to operation.
 5. Microphones Enabled and Synched. Operator shall ensure the wireless remote microphone is properly synched to the DVR system. Check system setup to ensure all microphones are enabled.
 6. Officer Login. The Operators (Officer) shall login to the system prior to entering service. If an Officer cannot login, the supervisor shall be notified. The system may be utilized with authorization from a supervisor, without login, if the login issue cannot be immediately corrected. If an Officer is not listed in the login registry, the supervisor shall notify the Transportation Unit lieutenant and SIU via email of this issue, so that this may be corrected.
 7. Test Recording. Completes and reviews a ten (10) second recording utilizing the emergency lights, including audio input. Tags recording as "Miscellaneous"; and reviews recording for suitability.
 8. Lock Display View. Select and lock the display in the "Rear Camera" view mode.

3. **Standard Setting for MVR System:**

- a. Officer (operators) are not authorized to change MVR settings, except for the settings listed below:
 - Display view; brightness/backlight; volume; and, covert and night modes.
- b. Display. Under normal operations, the display shall be locked in the rear camera view mode.
- c. Microphone. The remote microphone shall be powered on, and synched to the MVR. Officers assigned an MVR equipped vehicle are required to, and shall, wear the remote microphone.

4. **Recording Procedure for MVR System**

The DVR records video continuously while powered in a digital loop that, under normal operations, overwrites itself every 3-4 days. Video is saved through **tagging** either by activating the “Record” mode; or by reviewing and selecting the “Record-after-the-fact” mode. Recordings shall be obtained for all **reportable** situations, activities, events, or calls.

- a. Automatic Record. The MVR shall automatically initiate recording whenever the emergency lights are activated in Position (1), (2), or (3). The MVR will also activate automatically incident to a motor vehicle crash.
- b. Manual Record. The Operators (Officer) shall manually initiate recording in accordance with this SOP, or at their discretion, based upon the reportable situations, activities, events, or calls.
- c. The MVR may be activated using either the record button on the control box or the activation button of a properly synched remote microphone.
- d. Ending a Recording. Once initiated, the DVR shall remain in record mode until the reportable situation, activity, event, or call is complete, and the officer has cleared. If for some reason the recording is terminated or interrupted during the reportable situation, activity, event, or call, justification and reason(s) shall be given via submission of a written report (Operations Report). The Operator (Officer) must manually end all recordings by pushing the stop button on the control box. Upon ending a recording, the Officer shall tag the recording with the appropriate category for the type of reportable situation, activity, event, or call.

- e. Camera Orientation. Wherever feasible, the Officer (operators) shall attempt to orient the forward pan camera system to provide the best possible coverage of the recorded reportable situation, activity, event, or call.

5. **MVR Data Download to Server**

Each GCSO vehicle with MVR contains a data storage drive (primary), and a removable thumb drive (alternate). The system is designed to automatically download recorded data through a wireless network. Only recorded or record-after-the-fact data (tagged data) is downloaded. If the data cannot be downloaded automatically, the Operators (Officer's) supervisor shall be notified; and the supervisor shall manually download the recorded data using the internal thumb drive.

- a. Wireless Download (primary). The WiFi antennas located in the GCSO's parking garage (Hunter Street Parking Garage – police parking area), and the secure Sheriff's lot behind the Gloucester County Justice Complex (outside Transportation Office). Download times vary dependent on the amount of video being transferred. Under normal operations, all vehicles equipped with MVR shall be parked only in these two (2) locations to facilitate data download.
- b. Thumb Drive (alternate). If the recorded data cannot be downloaded automatically, the shift supervisor shall open the hard drive case (using supervisor's key) and remove / replace the internal thumb drive. Removed thumb drives shall be processed as video evidence (evidence bag, log, and Operations Report), and secured in the GCSO Transportation Unit gun box until retrieved by SIU. The shift supervisor shall make immediate email notification to SIU and the transportation unit Lieutenant advising them of the stored thumb drive. SIU shall retrieve the thumb drive within seventy-two (72) hours of their receipt of such email notification.

6. **Vehicle Service—Jump Starting**

In any situation where a vehicle equipped with MVR must be jump started, the WatchGuard (Motorola) system power fuse shall be removed prior to jump starting the vehicle. The said fuse is located on the WatchGuard (Motorola) system power line adjacent to the vehicle's battery (7.5 amp).

C. **BWCs/MVRs - Report Preparation & Discovery/OPRA Requests**

- 1. When video/audio footage is captured involving any part of an arrest or significant event, officers will type/write the letters *MVR* and/or *BWC* in all capital letters at the end of the report to signify that video/audio is available for the case. Include the vehicle number for MVR or BWC number. The system administrator or his/her designee shall tag these recordings accordingly. However, MVR/BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to an MVR/BWC recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations.

2. When an MVR or BWC is activated, officers are encouraged to provide narration where practical and appropriate to augment the value of the recording and to provide clarity for the viewer.
3. Officers or communications personnel (Dispatch) shall also update the CAD record of the incident in the appropriate data field that an MVR and/or BWC were operational during the incident.
4. If the incident was not captured on an MVR/BWC, the reason should be noted within the narrative portion of the investigation/operations/arrest report. In the event that an officer fails to activate the MVR/BWC, fails to record the entire event, or interrupts the recording, the officer will document in the applicable incident report the reason that a recording was incomplete/not conducted.
5. The evidence officer or system administrator will create a DVD/CD recording of any event upon a valid discovery or OPRA request. The officer recording an event that may have or contain evidential or administrative value will complete the **MVR/BWC VIDEO REQUEST FORM** as soon as practicable, but on all occasions prior to reporting off duty.
 - a. Computer aided dispatch (CAD) entries and the *Reports concerning MVR/BWC Malfunctions* shall be made available.
 - b. The **MVR/BWC VIDEO REQUEST FORM** will provide the system administrator with the information necessary to create a recording/DVD of the event from the server.
 - c. The system administrator or his/her designee shall create a recording/DVD from the server of any events having potential evidentiary value.
 - d. The system administrator or his/her designee creating the DVD of the event is responsible for appropriately labeling and securing the DVD in compliance with this agency's evidence procedures.

D. Notice that BWCs are Deployed and Activated.

1. **Public Notice.** The GCSO shall take reasonable steps to inform the citizenry of the agency's use of this technology. The office shall publish a statement that it deploys BWCs on its internet website. The website posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers or plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device.

2. **Specific Notice to Certain Individuals During an Encounter.** BWCs shall not be used surreptitiously. An officer who is wearing a BWC shall notify the subject of the recording that the subject is being recorded by the BWC, unless it is unsafe or infeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible. If the officer does not provide the required notification because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report or by narrating the reasons on the BWC recording, or both. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
3. **Truthful Response to Specific Inquiries.** If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, has expressly authorized the officer to make a covert electronic recording. (Policy does not apply to officers while operating in an undercover capacity, or while conducting/participating in a station house custodial interrogation electronically recorded in accordance with Rule 3:17). Nothing in this Section shall be construed to establish a basis for suppressing a statement or other evidence.
4. **Notice When Using BWCs Inside a Private Residence.** Prior to entering a private residence, an officer shall notify the occupant that the occupant is being recorded by the BWC. If the occupant requests the officer to discontinue use of the officer's BWC, the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force. A request to discontinue the use of a BWC made to an 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.
5. **Notice When Using BWCs with an Apparent Crime Victim.** When interacting with an apparent crime victim, an 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 an 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.
6. **Notice When Using BWCs with a Person Seeking to Remain Anonymous.** When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, an officer shall notify the person that they are wearing a BWC, and if the person requests that the officer discontinue use of the BWC, the officer shall evaluate the circumstances and, if appropriate, discontinue use of the BWC. A request to discontinue the use of a BWC made to an 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.

VI. INCIDENTS TO RECORD

- A. When assigned to an officer for duty, the BWC will remain in standby mode ready to be activated at any time. When an officer activates the recording mode, the device will record from the moment the record start/stop button is pressed.
1. **Circumstances When BWC Activation is Generally Required.** Except as otherwise expressly provided in any other provision in this Policy, or by law, an officer equipped with a BWC shall be required to activate the device whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public, to include any of the following circumstances¹, unless there exists an immediate threat to the officer's life or safety that makes such activation impossible or dangerous; in such situations, the officer must activate the camera at the first reasonable opportunity to do so and it shall remain activated until the encounter has fully concluded and the officer leaves the scene:
- a. The officer initiates an investigative detention (*e.g.*, a *Delaware v. Prouse* traffic stop, a *Terry v. Ohio* criminal suspicion stop, or a checkpoint or roadblock stop);
 - b. Stationary police details, such as DWI sobriety checkpoints, car/truck inspections, seatbelt use checkpoints, etc. ;
 - c. Field sobriety testing, if practicable;
 - d. Drug recognition expert (DRE) evaluations;
 - e. Motor vehicle incidents, such as but not limited to, motor vehicle crashes and/or disabled vehicles, including interviews on the scene;
 - f. Crime scenes;
 - g. Motor vehicle and foot pursuits;

¹ Two or more of the below-listed activities are likely to occur during a single encounter or event. For example, a frisk ordinarily occurs after an officer already has initiated an investigative detention (*i.e.*, a "stop"), and a custodial interrogation typically occurs after the officer has arrested the person being interrogated. Although these specified activities often will co-occur and overlap, they are presented in this Section to ensure complete coverage of the circumstances when a BWC must be activated. The specified activity that occurs first during an unfolding encounter will trigger the obligation to activate a BWC. Once activated based upon the initiation of any of the listed police activities, the BWC generally must remain in operation until the police-civilian encounter is concluded (*i.e.*, until the officer is no longer interacting with or in the presence of the civilian), and not just while the officer is engaged in the specified activity that required activation.

- h. Investigations of criminal violations (not to include undercover investigations or related surveillance activities);
- i. Out-of-court identifications (i.e., show ups, lineups);
- j. Overdose and suspected overdose investigations;
- k. 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;
- l. Domestic violence investigations;
- m. Strikes, picket lines, demonstrations;
- n. The officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
- o. The officer is conducting a motorist aid or community caretaking check;
- p. The officer is interviewing a witness in the course of investigating a criminal offense;
- q. The officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogations);
- r. The officer is making an arrest;
- s. The officer is conducting a protective frisk for weapons;
- t. The officer is conducting any kind of search (consensual or otherwise), including the execution of a search warrant (but not strip or body cavity searches);
- u. 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;
- v. The officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report²;

² When circumstances necessitating the use of constructive authority or force arise suddenly during the course of swiftly-developing events, it may not be safe and practicable for an officer to activate a BWC before employing constructive

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- w. Arrestee/prisoner/civilian transportation (*e.g.*, the officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility); or
- x. For any other action/incident where it is necessary or prudent to create a report.
- y. In the event HED staff must conduct a transport of a prisoner/juvenile offender for HED purposes, all BWC transportation guidelines will be followed.
- z. Officers on extra duty assignments, such as security details, will also deploy their BWC. Officers will utilize the BWC in accordance to this policy.
- aa. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities; any such officer providing assistance or back up to an officer on a prisoner/arrestee or citizen contact is required to have their BWC activated until the civilian has departed or the prisoner/arrestee contact has ended.

2. Types of Incidents (situations/activities/events) to Record on MVR system:

- a. *Mandatory Recordings.*
 - 1. Emergency vehicle operations;
 - 2. Pursuits and motor vehicle crashes;
 - 3. Motor vehicle & Pedestrian stops
 - 4. Prisoner emergency or medical transports;
 - 5. Calls for service or mutual aid;
 - 6. All arrests and domestic violence.

authority or force. Nothing in this Policy should be construed or applied in a manner that jeopardizes officer safety by distracting the officer's attention from the immediate need to use such constructive authority or force. It should be noted that in many circumstances where the need to use constructive authority or force arises, the officer already would have initiated a police activity, such as a motor vehicle stop, *Terry* stop, or response to a call for service, that would have triggered the requirement to activate the BWC; *see* footnote 1 (recognizing that two or more police activities enumerated in this section often will co-occur during the course of a single police-citizen encounter).

- b. Discretionary Recordings. The Operator (Officer) may record situations, activities and events where, based on training and experience, they deem it prudent or necessary. Examples shall include, but not be limited to, the following:
 - 1. Video documentation of seized evidence or contraband;
 - 2. Warrant service;
 - 3. Civil process service;
 - 4. Any other situation where the Officer determines video to be of value as evidence, or otherwise.

B. Continuous Recording of Pending Completion of Encounter.

To ensure that the entire encounter/event/episode is recorded, in accordance with this Policy and the law, BWC/MVR should be activated before an officer arrives at the scene of a dispatched call for service or other police activity listed in Section VI(A)(1). However, the officer need not always begin recording at the moment he or she receives instructions from a dispatcher to respond to a call for service. The officer may delay activation until they are near the destination if it is a pending transport. Otherwise, officers will activate their BWC/MVR immediately, upon acknowledging dispatch with a call for service. Officers will activate their BWC for a proactive event as soon as safely possible. This will allow the maximum amount of information regarding the incident to be captured, such as events that transcribe while in route to a call for service (including but not limited to: responding to a medical emergency of another transport team; active shooter; officer needs assistance, officer down, etc.).

Except as otherwise expressly provided by other provisions of this Policy, when a BWC is required to be activated by an officer pursuant to this Policy, the device must remain activated throughout the entire encounter/event/episode and shall not be de-activated until it is concluded (*e.g.*, the BWC-equipped officer has left the scene; all civilians involved in the encounter have left the scene; the officer has informed the dispatcher or a supervisor that the event has concluded; the event is “closed” on the department’s computer-aided dispatch (“CAD”) system, etc.).

BWC/MVR shall also be activated to transport an arrestee/prisoner/civilian.

When a BWC is activated to transport an arrestee/prisoner, whether by an officer in uniform or in plain clothes, 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 the holding cell or processing room, or until custody of the arrestee/prisoner 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. BWCs

may be deactivated in a hospital/medical/mental health facility setting. However, in situations where an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

When an MVR is activated to transport an arrestee/prisoner/civilian, the rear camera shall be activated to capture the image of the arrestee/prisoner/civilian. Deactivate the rear camera after completing the transportation and the arrestee/prisoner/civilian exits. Officers can rotate the main camera to capture the image of any front seat passenger. Under no circumstances shall an officer audio record any passenger (including arrestees/prisoners/civilians) when the officer isn't present.

C. Special Provisions Governing the Use of BWCs when Investigating Underage Alcohol and Marijuana Use.

Consistent with the provisions of N.J.S.A. 2C:33-15a(4), the video and audio recording functions of an officer's BWC shall be activated whenever the officer is responding to a call for service related to an underage person who is suspected of violating the law with respect to possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that statute. The BWC shall remain activated until the encounter has fully concluded and the officer leaves the scene and shall not be deactivated based on a request by a person who is the subject of the call for service related to a violation of N.J.S.A. 2C:33-15, or for any other reason.

D. Special Activation Rules Governing Certain Use-of-Force Incidents, In-Custody Deaths, and Other Exigent Circumstances Where Officers Are in Danger.

1. Notwithstanding any other provision of this SOP, when an officer equipped with a MVR and/or BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that law enforcement deadly force has been or is being employed, or to a scene where there has been a request for emergency assistance (e.g., an officer in distress, shots fired, death of a civilian, etc.), the officer shall activate his/her MVR and/or BWC before arriving at the scene when feasible.
2. Notwithstanding any other provision of this SOP, an officer while at the scene of a law enforcement deadly-force event, pursuit resulting in death or serious bodily injury, in custody death incident, or the on-scene investigation of such events, shall not deactivate their MVR/BWC 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 their designees, may provide such instruction telephonically.

VII. STANDARDS GOVERNING THE DE-ACTIVATION OF BWCs UPON THE REQUEST OF A CIVILIAN, WHEN DISCUSSING INVESTIGATION STRATEGY OR PLANNING, OR ON INSTRUCTION OF A PROSECUTOR

- A. De-Activation at the Request of a Civilian Providing Information/Cooperation.** Notwithstanding Section VI(B) above, an officer may de-activate 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. (Consider, for example, that station house custodial interrogations must be electronically recorded unless a statement is made during a custodial interrogation by a suspect who indicated, prior to making the statement, that he/she would participate in the interrogation only if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded). The officer shall not suggest to the person that the BWC should be de-activated; nor shall the officer ask the person whether he or she would prefer that the BWC be de-activated. Rather, the request for de-activation must be self-initiated by the civilian. The officer may explain the consequences of de-activation (*e.g.*, evidence relevant to a criminal investigation will not be recorded). In deciding whether to de-activate the BWC, the officer shall consider the privacy and safety interests of the person requesting de-activation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide only if the de-activation request is honored.
- B. De-Activation at the Request of a Person Seeking Emergency Medical Assistance.** Notwithstanding Section VI(B) above, an officer may de-activate 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 de-activated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting de-activation and the person in need of medical assistance.
- C. Procedures for De-Activation Upon a Civilian's Request.** When an officer de-activates a BWC pursuant to Section VII(A) or VII(B), the following procedures shall be followed: 1) the discussion between the officer and the civilian concerning the request for de-activation shall be electronically recorded; 2) the officer before de-activating the BWC shall narrate the circumstances of the de-activation (*e.g.*, "I am now turning off my BWC as per the victim's request."); 3) the officer shall report the circumstances concerning the de-activation to his or her superior as soon as is practicable; and 4) the officer shall document the circumstances of the de-activation in any investigation/incident/operations/arrest report concerning the incident under investigation. *See also* Section IX (notations (*i.e.*, "tagging") to indicate BWC recordings that raise special privacy or other issues).
- D. Decision to Decline a Civilian's De-Activation Request.** If an officer declines a request to de-activate a BWC pursuant to Section VII(A) or VII(B), 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 and shall be reported to the shift supervisor as soon as it is safe and practicable to do so. In the event that the officer declines a de-activation request, the officer

immediately shall inform the person making the request of that decision. An officer shall be prohibited from misleading the person making the de-activation request pursuant to Sections VII(A) or VII(B) into believing that the BWC has been turned off when in fact it is operating unless the Gloucester County Prosecutor or his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording. Note that pursuant to Section V(D)(5), an officer may not decline a request from an apparent crime victim to discontinue recording of the encounter via the BWC. Also, requests to de-activate will not be granted for Prisoners or offenders on HED.

- E. De-Activation During Criminal Investigation Strategy/Planning Discussions.** Notwithstanding Section VI(B), and subject to the requirements of Section VI(D), a BWC-equipped officer may de-activate 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, what strategies or details to utilize in a high risk transport, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian (*i.e.*, under circumstances where a civilian might overhear the strategy discussion) or prisoner, 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 de-activates a BWC pursuant to this Section, the officer shall narrate the circumstances of the de-activation (*e.g.*, “I am now turning off my BWC to discuss investigative strategy with my supervisor.”).
- F. De-Activation on Instruction from Prosecutor.** Notwithstanding Section VI(B), an officer may de-activate a BWC when specifically authorized to do so by an assistant prosecutor or assistant or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor or assistant or deputy attorney general. When an officer de-activates a BWC pursuant to this Section, the officer shall narrate the circumstances of the de-activation indicating the assistant prosecutor or assistant or deputy attorney general who authorized the de-activation (*e.g.*, “I am now turning off my BWC as per the instruction of assistant prosecutor (insert name).”).
- G. Re-activation When Reason for De-Activation No Longer Exists.** In any instance where a BWC was de-activated pursuant to Sections VII(A), VII(B), VII(E), or VII(F), the device shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances justifying de-activation no longer exist (*e.g.*, the interview of the person requesting de-activation is completed), and the officer would otherwise be required to activate the BWC (*e.g.*, where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Policy).
- H. Re-Activation When Actual Law Enforcement Force is Authorized.** Notwithstanding any other provision of this Policy, in any instance where a BWC was de-activated pursuant to Sections VII(A), VII(B), VII(E), VII(F), or any other provision of this Policy, or de-activated pursuant to any policy, standing operating procedure, directive, or order issued by the office,

in situations where an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

VIII. OTHER CIRCUMSTANCES WHEN BWC ACTIVATION/USE IS SUBJECT TO SPECIAL CONDITIONS OR RESTRICTIONS

- A. BWCs (and MVRs when applicable) shall be used only in conjunction with official law enforcement duties. They shall not be used to record in the following situations:
1. Communications with other police personnel without the permission of the Sheriff or his/her designee.
 2. Any personal conversations of or between other office employees without their knowledge.
 3. Where activation is unlikely to have any purposeful law enforcement usage (for example, Headquarters (away from any prisoner contact), general conversations with other county employees not involved in an official law enforcement encounter, etc.)
 4. Hostage negotiations without the approval of the Sheriff or his/her designee.
 5. Processing of crime scenes.
 6. Strip and body cavity searches.
 7. When on break or otherwise engaged in personal activities.
 8. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 9. When engaged in law enforcement union business.
 10. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor/subordinate interaction.
 11. **Special Restrictions When Undercover Officers or Confidential Informants May Be Recorded.** Notwithstanding the provisions of Sections VI of this Policy, an officer shall not activate a BWC/MVR, or shall de-activate a BWC/MVR that has been activated, if the officer knows or reasonably believes that the BWC/MVR would risk revealing the identity 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, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the recording risks revealing the identity of an individual as an undercover officer or confidential informant. In the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (*e.g.*, a raid where the undercover operative will be arrested to preserve his or her cover), the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any BWC/MVR-equipped officers participating in the operation on whether to activate their devices. The BWC/MVR 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. *See also* Section IX (notation or “tagging” to indicate a BWC recording that raises special issues); and Section IX(C) (Prosecutor’s authority to seek protective order when complying with discovery obligations).

- 12. Special Restrictions When Recording in Schools, Healthcare/Treatment Facilities, and Places of Worship.** Notwithstanding Sections VI of this Policy, unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall deactivate a BWC that has been activated, while the officer: 1) is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC; 2) is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or 3) is in a place of worship under circumstances where worshipers would be in view of the BWC. *See also* Section IX (notation (*i.e.*, “tagging”) of certain events/encounters raising privacy or other special issues). If an officer is required to deactivate the BWC in accordance with the provisions of this Section, the officer shall narrate the reason for de-activation (*e.g.*, “I am entering a school building where children are present.”). The BWC shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances requiring de-activation 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). If a BWC captures the image of a patient in a substance abuse treatment facility, the Sheriff or his/her designee shall notify the Gloucester County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Gloucester County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.) If activated in a facility as explained above, a detailed operations report will be required to be completed on the incident, specifying

the reason for the activation. The Supervisor will be advised of the need to activate in such incidents as soon as possible. During the transport of prisoner(s)/offender(s) to and from these types of locations, the BWC/MVR will be activated and will only be deactivated prior to entering with documentation on the BWC.

- 13. Special Restrictions on Recording in Courtrooms.** An officer 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 authorized such activation. An officer shall not activate a BWC while inside courtrooms, public hallways inside the courthouse, conference rooms, or other locations where attorney client conversations are likely to be overheard or where video recordings are protected from OPRA pursuant to court rule 1:38. BWC will not be activated when in the presence of prisoners and their attorneys, as to not violate attorney/client privilege. As stated above, the exception is if/when an officer(s) is responding to a duress alarm activation or other emergency law enforcement function where activation of the BWC would be warranted.
- 14. Special Precautions When a BWC Recording May Reveal Tactical Operations Information.** In the event that an MVC or a BWC worn during the execution of tactical operations (*e.g.*, “Special Operations” or “SWAT” operations, execution of 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” to prevent its unauthorized release, in accordance with Section IX. See N.J.S.A. 47:1A-1.1 (exempting from disclosure under the Open Public Records Act “security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons”); N.J.A.C. 13:1E-3.2 (a)(2) (exempting records that may reveal “surveillance, security, tactical, investigative, or operational techniques”); *see also* Section IX(C) (Prosecutor’s authority to seek protective orders when complying with discovery obligations).
- 15. De-Activation/Removal of BWC From Alcohol Breath Testing Area.** In order to eliminate any argument that radio frequency interference from a BWC affected an electronic alcohol breath test, BWCs shall be deactivated, turned off and removed from the area of the breath test instrument before an electronic breath test is conducted. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the breath-testing area while the electronic breath testing device is being operated. If this provision requires de-activation of a BWC, the officer shall narrate the reasons for de-activation (*e.g.*, “I am de-activating the BWC because the suspect is about to take a breath test.”), and the BWC shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.

16. **Booking areas.** BWC will be activated by officers working Booking, when performing security checks in the Booking area (15 and/or 30-minute checks). The BWC will be activated by staff working Booking area when:
- a. An officer working the area believes it may be necessary to use constructive authority or force when dealing with defendants temporarily housed in the area or in the area for any reason.
 - b. For any incident an officer reasonably believes to be other than routine and/or an incident in which a written report would be required.
 - c. A supervisor must be notified of any such incident and will ensure both the supervisor and the officers have activated the BWC for the most accurate account of events.
17. **Restrictions on Using MVCs and BWCs With Enhanced Audio/Visual Capabilities.** Subject to the provisions of Section XIII of this Policy, if a department acquires a BWC or an MVC with enhanced audio/video capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device (*e.g.*, infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance), that feature/capability shall not be used without the express approval of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, in accordance with any applicable legal requirements.
18. **Restrictions on Using MVCs and BWCs Surreptitiously or to Gather Intelligence Information on First Amendment Protected Activity.** A BWC or an MVC shall not be used surreptitiously. Additionally, a BWC or an MVC shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, provided that nothing in this subsection shall be construed to prohibit activation of video and audio recording functions of a BWC as authorized under the law or this Policy.
19. The GCSO 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 or MVR. The decision to activate a BWC or MVR must be based on objective criteria. In any circumstance where an officer is afforded discretion in deciding to de-activate a BWC

or MVR, the reasons for exercising that discretion must be documented to permit supervisory review.

20. Any staff member utilizing the BWC to record in violation of the restrictions listed above **will** be subject to discipline.

IX. Tagging Audio/Video recordings

Officers are to appropriately tag their recordings after each event if feasible. If not feasible, officers shall appropriately tag their recordings by the end of their shift.

- A. To identify BWC/MVR recordings that may raise special privacy or safety issues, the system Administrator or his/her designee shall appropriately tag recordings that:

1. Captures a law enforcement incident, as defined in *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury;
 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury;
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.
2. Captures the image of a victim of a criminal offense; or
3. Captures the image of a child; or
4. 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
5. Captures a conversation with a person whose request to deactivate the BWC was declined; or
6. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or
7. Captures the image of an undercover officer or confidential informant; or
8. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

- B. Approval for Access to “Tagged” BWC/MVR Recordings.** A BWC/MVR recording tagged pursuant to Section IX(A) shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The County Prosecutor or Director may authorize the Sheriff or his/her designee(s), to grant permission pursuant to this Section to access, view, copy, disseminate, or otherwise use BWC/MVR recordings tagged pursuant to Section IX(A). *See also* Section XI (specifying the purposes for which access to a BWC/MVR recording is permitted).
- C. Compliance with Discovery Obligations Relating to BWC/MVR Recordings That Might Expose Officers or Other Persons to Danger.** If disclosure of a BWC/MVR recording as part of the State’s discovery obligations in a prosecution might present a danger to any officer or civilian (*e.g.*, reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (*e.g.*, verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Gloucester County Prosecutor or designee, or Director of the Division of Criminal Justice or designee in cases prosecuted by the Division, 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. *See* Section IX(A) (“tagging” of such BWC recordings).

X. SUPERVISORY RESPONSIBILITIES

- A. Supervisors shall ensure that officers utilize MVRs and BWCs in accordance with this order.
- B. ***Assignment of vehicles:*** Use of MVR equipped vehicles is dependent upon availability.
1. ***Patrol/Transportation Services.*** Under normal conditions, the shift supervisor shall assign a camera car to Officers assigned to the GCSO Patrol/Transportation Unit. Under special circumstances, the supervisor may assign a non-MVR equipped vehicle, (Example: four-wheel drive vehicle in inclement weather). Any assignment of non-MVR equipped vehicles shall be documented by the supervisor in an Operations Report, including, but not limited citing reason(s) for the said assignment.
 2. ***Civil Process, Field Services, Parks, College, and School Resource Units.*** Under normal conditions, MVR equipped vehicles should be utilized wherever possible.
 3. ***Special Assignment.*** Specified use of MVR equipped vehicles shall be at the discretion of the command staff (Lieutenant and above).

- C. Supervisors shall ensure that MVR/BWC recordings are uploaded to the server in a timely fashion.
- D. Supervisors shall formally review all instances when an MVR/BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain of command to the Sheriff or his/her designee.
- E. The Sheriff or his/her designee shall cause random reviews of recordings to monitor officer activity. The purpose of this review is to monitor GCSO policy, investigate civilian complaints, and to look for any procedural deficiencies regarding arrests, field investigations, and interpersonal communications. This will be completed to follow the GCPO Directive concerning same. Supervisors will conduct random reviews of selected recordings to assess officer performance as well as to flag video/audio that may be appropriate for safety and training purposes.
 - 1. The Sheriff or his/her designee will designate a supervisor to complete the MVR/BWC supervisory review of MVR/BWC contacts.
 - 2. One random review will be conducted on every officer assigned to patrol duties once every quarter.
 - 3. The designated supervisor will randomly choose one motor vehicle stop for each law enforcement officer that conducted any motor vehicle stops between the first day of the quarter and the last day of the quarter.
 - 4. The designated supervisor will have two (2) weeks from the end of the quarter to complete the review.
 - 5. A mandatory review will be conducted upon any motor vehicle stop that escalated into a use of force incident, or if the motorist initiates an internal complaint upon the law enforcement officer. This mandatory review will be in addition to the required random review per quarter.
 - 6. The Sheriff or his/her designee will determine when it is necessary for a Level II review to be completed upon the supervisor conducting the initial review.
 - 7. The supervisor will utilize the *Supervisory Review of MVR - BWC Form* to answer the questions as the video of the random motor vehicle stop is being reviewed.
 - 8. All completed video review forms shall be retained by the training unit supervisor. The reports should include any recommendations for training and/or discipline resulting from the observations of the videos. The designated supervisors completing the reviews of members will forward copies of their completed report(s) to the Sheriff or his/her designee. The Sheriff or his/her designee will provide reporting of these required reviews to the GCPO, Office of Professional Standards.
 - 9. If a pattern of non-compliant behavior is identified during the review of the BWC/MVR videos, the Sheriff or his designee shall be notified and the training unit supervisor will

address the individual officer or the appropriate group of officers through remedial training.

10. Separate from above-mentioned monthly review of randomly selected officers, the SIU supervisor may review specific BWC footage if circumstances arise that require an investigative effort to commence.
- F. 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 the system administrator or his/her designee, will flag the video/audio for indefinite retention.
- G. **Manual Downloading of Recorded Data:** The shift supervisor shall be responsible for accessing, removing, replacing and processing the MVR thumb drive as evidence.
- H. **Reporting of Damage, Malfunctions, or Recording Errors:** The shift supervisor shall review all reports, and shall immediately notify the on-duty unit supervisor (On-duty Lieutenant) of and regarding any damage to, suspected malfunction of, or recording errors encountered with any MVR/BWC. After hours, the shift supervisor shall notify the GCSO on-call by email and text message. MVR/BWC equipment that is damaged, malfunctioning, or showing recording errors shall be immediately removed from service until assessed by SIU. Any MVR/BWC removed from service shall not be returned to service until deemed fully functional and operational after assessment by SIU.
- I. **The Special Investigations Unit:** SIU shall have logistic oversight of the MVR/BWC systems and be responsible for all MVR/BWC systems equipment and supplies.

XI. RESTRICTIONS ON ACCESS TO AND USE AND DISSEMINATION OF BWC/MVR RECORDINGS

- A. All recording media, images, and audio are the intellectual property of the GCSO 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 Sheriff or his/her designee.
- B. Viewing of MVR and BWC events is strictly limited to sworn officers or civilian employees of this agency. Viewing by any other person is prohibited unless authorized by the Sheriff, his/her designee, or consistent with the provisions of this SOP.
- C. **Specified Authorized Purposes for Accessing / Using Stored BWC/MVR Recordings.** No law officer or civilian employee of the GCSO shall access, view, copy, disseminate, or otherwise use a BWC /MVR recording except for an official purpose as specified in this Section and the law. BWC/MVR recordings shall not be divulged or used for any commercial or other non-law enforcement 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 possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
4. when relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
5. 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;
6. to comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact video and audio as applicable by law.
 - d. All requests for copies or review of BWC/MVR recordings are subject to the fee requirements of the prevailing ordinance.

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.

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.

7. to comply with any other legal obligation to turn over the recording to a person or entity;⁴
8. to show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the Gloucester County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that particular person/entity or the public is warranted

⁴ When responding to a subpoena or court order, or a request pursuant to the Open Public Records Act or common law right to know, disclosure of a BWC/MVR recording under this paragraph is permitted only after providing notice to the Gloucester County Prosecutor or designee, pursuant to Section XIV of this Policy.

because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;

9. for training purposes with the authorization of the Sheriff or his/her designee, provided that the recording is edited so that the identity of the 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. If permission is granted, the recording will be copied to a secure media device by the Training Unit Supervisor for in-house training. (**NOTE:** Consent is not required from GCSO officers appearing in the recording. Officers will inform their supervisors of any recordings that may be of value for training purposes)
 10. to conduct an audit to ensure compliance with this SOP or another office policy, standing operating procedure, directive, or order promulgated pursuant to this SOP;
 11. to enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Gloucester County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee; or
 12. any other specified official purpose where the Gloucester County Prosecutor or his/her designee, or 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.
- D. Copies of an event captured on MVR/BWC will not be released to other criminal justice agencies, other than the Gloucester County Prosecutor's Office, without the expressed permission of the Sheriff or his/her designee.
- E. An MVR or 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 the GCPO or officer/authorized civilian employee of that agency, unless such disclosure is required by the New Jersey Rules of Court governing discovery in prosecutions, or by a court order, or unless the Sheriff in consultation with the Gloucester 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 (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of

warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Gloucester County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.

2. A BWC/MVR recording tagged pursuant to section IX of this order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Gloucester County Prosecutor or his/her designee, or the Director of the DCJ or his/her designee. The Gloucester County Prosecutor or his/her designee, or the Director of the DCJ or his/her designee may authorize the Sheriff 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 IX.
- F. BWC/MVR recordings containing information that may be of value for case prosecution or in any criminal or civil adversary proceeding shall be safeguarded as all forms of evidence. As such:
1. In addition to storage on the secure storage device, the training unit supervisor or SIU supervisor may also burn a copy of the video to a disc and place same into evidence storage. The disc will be subject to the same security restrictions and chain of evidence safeguards and documentation consistent with all other items of evidentiary value.
 2. As stated above, BWC/MVR recordings will not be released to any person without proper approval.
 3. BWC/MVR recordings will not be released to any person or agency without having a duplicate copy made and returned to safe storage.
- G. The MVR/BWC system administrator or his/her designee shall maintain a written record of all MVR/BWC recordings that are accessed, viewed, copied, disseminated, or deleted. Such record can be automatically maintained by the system software. The Sheriff or his/her designee shall cause a periodic audit of these records to ensure compliance with this policy and to ensure that only authorized users are accessing the data for legitimate and authorized purposes. Minimally, the record keeping system shall document the following information:
1. The date and time of access;
 2. The specific recording(s) that was/were accessed;
 3. The officer or civilian employee who accessed the stored recording;
 4. The person who approved access, where applicable; and
 5. The reason(s) for access, specifying the purpose or purposes for access pursuant to section XI(C) and specifying the relevant case/investigation number, where applicable.

- H. If a recording is required for use in court, that recording shall not be released without the prior approval of the Sheriff or his/her designee and only if a duplicate copy is retained by the agency. The GCPO must approve the release of any recording involving a death investigation, and all indictable crimes to any court or defense attorney.
- I. All requests by the media or the public to view video/hear audio must be referred to the GCPO.
- J. **Restriction on Access to BWC/MVC Recordings Related to Investigations Conducted Pursuant to AG Directive 2019-4.** To ensure the integrity of the investigation of “Law Enforcement Incidents” conducted pursuant to AG Directive 2019-4, 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 Policy, no civilian or law enforcement witness, including the principals of the investigation, shall be given access to, view, or receive an accounting of a BWC/MVR recording of the incident, or a BWC/MVR recording of the response or on-scene investigation of the incident, without the express prior approval of the “Independent Investigator,” as that term is defined in AG Directive 2019-4.
- K. **Restriction on Access to BWC/MVR Recordings Prior to Creating Reports, Statements, Interviews.** An officer shall be permitted to review or receive an accounting of a BWC/MVR 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;⁵
 - 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; or
 - 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.

⁵Section 4.2 of the Attorney General’s Use of Force Policy defines deadly force to include not only the discharge of a firearm, but the following potentially lethal actions: (a) applying a chokehold, carotid artery restraint, or similar technique that involves pressure on the neck; (b) sitting, kneeling, or standing on a person’s chest, back, or neck for a prolonged period of time; (c) intentionally driving a vehicle at or in the direction of a person with the intent to strike the individual; and (d) using a baton or other weapon to intentionally strike an individual in the head or neck area.

- L. It will be the responsibility of the shift commander, in the event a staff member is involved in events described in Sections XI(J) and XI(K) above, to retrieve and secure the BWC/MVR of the staff member(s) and any witness staff member(s) to ensure viewing of the BWC/MVR footage is not permitted under these circumstances. This will occur as soon as safely possible after the incident.
 - 1. Once the shift commander has secured all the applicable BWCs/MVRs, they will immediately notify the on-duty lieutenant and/or on-call administrator of such action and secure the BWCs/MVRs as evidence.
 - 2. The on-duty lieutenant or on-call administrator will immediately notify the Sheriff or his/her designee of the incident. The Sheriff or his/her designee will notify the Gloucester County Prosecutor's Office of the incident and about the BWC/MVR footage for evidence.
- M. Whenever an officer reviews or receives an accounting of a BWC/MVR 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/MVR recording either verbally or in writing within each such report, statement, or interview. The officer shall document each BWC/MVR recording that was reviewed and the date of the review. If the officer received an accounting of a BWC/MVR recording, the officer shall document the name of each person who provided an accounting of the BWC/MVR recording, the date of the accounting and the specific BWC/MVR recording for which an accounting was provided.
- N. Nothing in Section XI shall be construed to require an officer to review a BWC/MVR recording prior to creating any required initial reports, statements, and interviews regarding the recorded event, nor to prevent a law enforcement officer from reviewing or receiving an accounting of such a BWC/MVR recording subsequent to the creation of any required initial report, statement, or interview regarding the recorded event.
- O. As noted above, an officer is prohibited from reviewing or receiving an accounting of a BWC/MVR recording in certain scenarios specified in subsections XI(K)(1) to XI(K)(6)(the "specified scenarios") prior to the officer documenting or otherwise memorializing the officer's recollection of the incident, namely, by creating any required substantive initial report, providing a statement, or submitting to an interview regarding the recorded event ("the specified incident memorialization"). Whenever an officer participates in a specified scenario, then the officer shall only be permitted to review or receive an accounting of a BWC/MVR recording once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC/MVR recording will not otherwise interfere with the ongoing investigation. In cases subject to Attorney General Directive 2019-4, the investigating entity shall be the Independent Investigator. In all other specified scenarios, the investigating entity shall be the chief law enforcement executive or designee. The investigating entity shall

document the authorization to review or receive an accounting of a BWC/MVR of a specified incident.

NOTE: The events noted above in subsections XI(K)(1) to XI(K)(6)(the “specified scenarios”) cannot be accessed or viewed without the expressed permission of the assistant prosecutor or deputy attorney general supervising the investigation. Force incidents that are under investigation in accordance with *Attorney General Law Enforcement Directive 2019-4* require permission from the assistant prosecutor or deputy attorney general supervising the investigation.

- P. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this order, N.J.S.A. 2C:28-7, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWC/MVR’s ability to accurately capture audio or video recordings, the officer, employee, or agent shall be subject to appropriate disciplinary action and/or criminal sanctions.
- Q. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in GCSO SOPs 301 and 301.1 governing Internal Affairs. All other requests to view and/or obtain footage by the public shall be handled in accordance with the Open Public Records Act (OPRA) and this SOP.
- R. **Juvenile Recordings.** It is recognized that video images of juvenile defendants will at times be recorded by the BWC/MVR when responding to calls for service, during transports, or during the course of an investigation. Officers will protect video recordings of juveniles the same as still photographs of juveniles. If an officer/employee has a need to use a BWC/MVR recorded image of juvenile defendant as part of an investigation, the officer/employee will strictly adhere to the procedures governing photographing/fingerprinting of juveniles. When transporting a juvenile offender or in the event that a juvenile offender or suspect is recorded by the BWC/MVR, the officer must make a -note when downloading the footage. In the note section, a simple notation containing the date and time and juvenile’s image will be required. **This step must occur as all recordings of juveniles must be tagged, preserved and protected by the Gloucester County Sheriff’s Office.**

XII. Retention of BWC Recordings

- A. All recordings are maintained within the BWC/MVR system on the secure storage device.
- B. The BWC/MVR system is administered by the Training Unit Supervisor. Only the Training Unit supervisor and the SIU supervisor have access to delete video/audio segments.

- C. **Minimum 180-Day Retention Period.** A BWC recording shall be retained by the office for a retention period consistent with the provisions of this Section, after which time the recording shall be permanently deleted. A BWC recording shall be retained for not less than 180 days from the date it was recorded, but shall be subject to additional retention periods as set forth below.
- D. **Automatic Three-Year Retention Period.** A BWC recording shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
- E. **Three-Year Retention Period Upon Request.** Subject to any applicable retention periods established in the other provisions of this section, to the extent such retention period is longer, a BWC recording shall be retained for not less than three years if voluntarily requested by:
 - 1. law enforcement officer whose BWC made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - 2. a law enforcement officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - 3. any immediate supervisor of an officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value;
 - 4. any law enforcement officer, if the BWC recording is being retained solely and exclusively for police training purposes;
 - 5. any member of the public who is a subject of the BWC recording;
 - 6. any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - 7. a deceased subject's next of kin or legally authorized designee.

To effectuate subparagraphs (5), (6), and (7) of this Section, the member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the BWC recording, 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.

- F. **Additional Retention Requirements.** Notwithstanding the above provisions of Sections XII of this Policy, a BWC recording shall be subject to the following additional retention requirements:
 - 1. 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;

2. when a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the office (2 years);
 3. 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, and for any required retention thereafter;
- G. BWC/MVR Recordings are considered investigatory records of this agency, 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 a secure server or other designated storage media. If deemed necessary, such storage media shall be maintained as evidence or with the appropriate case file. If maintained as evidence, all orders regarding evidence handling and retention shall be followed.
 2. Recordings maintained for these purposes listed in this section 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.

XIII. AUTHORITY OF COUNTY PROSECUTOR TO IMPOSE ADDITIONAL REQUIREMENTS

Nothing in this Policy shall be construed to in any way limit the authority of a County Prosecutor to issue directives or guidelines to the GCSO subject to his or her supervisory authority, setting forth additional procedural or substantive requirements or restrictions concerning BWCs/MVRs and BWC/MVR recordings, provided that such directives or guidelines do not conflict with any explicit provision of this Policy. For example, a County Prosecutor may: specify additional circumstances when a BWC/MVR must be activated; impose limits on the authority of the GCSO to specify additional circumstances when a BWC/MVR must be activated; categorically prohibit the use of BWCs/MVRs with enhanced audio/visual capabilities such as infrared night vision (*cf.* Section VIII(A)(17), which requires prosecutorial approval to use such features); and specify additional circumstances when a BWC/MVR recording will be “tagged,” etc.

XIV. PUBLIC DISCLOSURE OF BWC/MVR RECORDINGS

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

XV. ADMINISTRATIVE REVIEW

The Sheriff, or his designee, may conduct periodic reviews of MVR/BWC video recordings to ensure Officers compliance with all policies and procedures governing MVR/BWC operation and use. These reviews may also be utilized to determine further training needs, and include select videos within a training forum.

XVI. VIOLATIONS

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

***By Order of:* Jonathan M. Sammons,
Gloucester County Sheriff**

GLOUCESTER COUNTY SHERIFF'S OFFICE	
MVR – BWC MALFUNCTIONS REPORT	
USER NOTIFICATION	
TYPE OF MALFUNCTIONING UNIT (CHECK ONE): <input type="checkbox"/> MVR <input type="checkbox"/> BWC	
DATE OF MALFUNCTION	
TIME OF MALFUNCTION	
VEHICLE NUMBER OR BWC NUMBER	
NATURE OF MALFUNCTION	
USER NAME / ID	
USER SIGNATURE	
ADMINISTRATOR / SUPERVISOR ACTION	
REQUEST FOR REPAIR MADE	<input type="checkbox"/> YES <input type="checkbox"/> NO
VEHICLE REMOVED FROM SERVICE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE
BWC REMOVED FROM SERVICE	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT APPLICABLE
MALFUNCTION CORRECTED	<input type="checkbox"/> YES <input type="checkbox"/> NO NO DATE:
ADMIN / SUPERVISOR NAME AND ID	
ADMIN / SUPERVISOR SIGNATURE	
NOTES / COMMENTS	

GLOUCESTER COUNTY SHERIFF'S OFFICE	
MVR – BWC VIDEO REQUEST FORM	
USER REQUEST	
TYPE OF UNIT (CHECK ALL THAT APPLY): <input type="checkbox"/> MVR <input type="checkbox"/> BWC	
DATE OF USER REQUEST FOR DUPLICATION	
DATE OF INCIDENT	
PATROL VEHICLE NUMBER (MVR)	
BODY CAMERA NUMBER (BWC)	
OFFICER NAME / ID	
INCIDENT DESCRIPTION	
INCIDENT CASE NUMBER	
USER SIGNATURE	
ADMINISTRATOR / SUPERVISOR ACTION	
DATE OF DUPLICATION	
ADMINISTRATOR PERFORMING DUPLICATION	
SECURED AS DEPARTMENTAL EVIDENCE	<input type="checkbox"/> YES <input type="checkbox"/> NO
ADMIN/ SUPERVISOR SIGNATURE	
NOTES AND COMMENTS	

GLOUCESTER COUNTY SHERIFF'S OFFICE		
SUPERVISORY REVIEW OF MVR – BWC FORM		
SUPERVISOR REVIEW		
TYPE OF UNIT (CHECK ALL THAT APPLY):		
<input type="checkbox"/> MVR <input type="checkbox"/> BWC		
DATE OF REVIEW		
DATE/TIME OF RECORDING		
LENGTH OF RECORDING		
PATROL VEHICLE NUMBER (MVR)		
BODY CAMERA NUMBER (BWC)		
INCIDENT DESCRIPTION		
INCIDENT CASE NUMBER		
OFFICER NAME / BADGE		
ADMINISTRATOR / SUPERVISOR ACTION		
DID OFFICER FOLLOW ALL DEPARTMENTAL POLICIES?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
WERE THERE ANY UNSAFE CONDITIONS OBSERVED?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
IS THERE ANYTHING THAT SHOULD ALSO BE NOTED?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
REVIEWING SUPERVISOR NAME / BADGE		
NOTES AND COMMENTS		
CORRECTIVE ACTION/POSITIVE FEEDBACK		