



Clementon Police Department

Standard Operating Procedures

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SUBJECT: BODY WORN CAMERAS (BWC)			
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<i>Body Worn Camera / BWC</i>	21.05.01	20	DIVISION COMMANDER

PURPOSE: To establish guidelines, in compliance with the Attorney General guidelines, for the proper and lawful operation of the body worn audio/video camera systems worn by members of the Clementon Police Department, and to define the media storage and retention system for the events recorded by the devices.

POLICY: Body Worn Cameras (hereinafter BWC) will be employed by department officers in a manner consistent with the provisions outlined in this written directive. These cameras are viewed as a valuable asset intended to assist department officers in the prosecution of certain offenders by augmenting an officer's testimony with a video/audio record of the incident. Additionally, this equipment will enable department administrators to conduct periodic reviews of officer-citizen contacts for quality control purposes and aid in the investigation of citizen complaints. All personnel shall use this equipment consistent with the manufacturer's guidelines, this policy, and the New Jersey Attorney General's Directive #2021-5.

DEFINITIONS: For purposes of this General Order:

- A. Activate - to actuate the recording mode/function of a body worn camera.
- B. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation, or interaction with a citizen for the specific purpose of informing the citizen that the communication or conversation is being recorded.
- C. Body worn camera - ("BWC") a device worn by a law enforcement 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 Rule 3 :17 (electronic recording of station house custodial interrogations).
- D. Constructive authority - shall have the same meaning as defined in the Attorney General's Use of Force Policy, except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest ("show me your hands," "get out of the vehicle," etc.), or directed against any person if the officer has un-holstered a firearm or a conducted energy device (e.g., "move out of the way," "get down," etc.).
- E. Deactivate – to shut off or stop the recording mode of the BWC.
- F. Force - shall have the same meaning as defined in the Attorney General's Use of Force Policy. The term "force" shall include physical, mechanical, enhanced mechanical, and deadly force.
- G. Function Test – Turning the camera on and receiving the following light sequence - solid red

operation LED for 4-7 seconds will then change to a flashing green LED, solid blue function LED for 5-10 seconds before going off. There will also be an audible tone if the audio has not been turned off by the user.

- H. 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.
- I. Law enforcement agency, agency, or department - a law enforcement agency operating under the authority of the laws of the State of New Jersey.
- J. Law enforcement officer or officer - a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, conviction of offenders against the laws of this State.
- K. Mobile video recording system – A device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.
- L. 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 the aforementioned activities, and they are sometimes referred to as crime suppression units. The nature of their work is varied and 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.
- M. School – a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
- N. Stealth Mode - deactivation of **all** camera function indicators including LED, audio, and vibrations.
- O. Subject of the video footage – Any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the BWC recording, and shall not include a person who only incidentally appears on the recording.
- P. 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, apprehension, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
- Q. Tagging – is an electronic labeling of an electronic file captured by a BWC.
- R. Youth facility - a facility where children assemble under adult supervision for educational or recreational purposes, such as group homes, residential facilities, day-care centers, day treatment centers, etc.

PROCEDURE:

I. Administration

- A. While visual and audio evidence may be captured on the recordings, the use of the BWC is not intended to document all evidentiary material relevant to court or administrative proceedings, but can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
1. Officers shall not be subjected to criticism for the proper exercise of lawful discretion in enforcement matters.
 2. BWC shall only be utilized for legitimate law enforcement purposes.
- B. Adequate safeguards are necessary to ensure that this technology is:
1. Used in a non-discriminatory way;
 2. Used to properly preserve evidence;
 3. Used to safeguard against potential violations of N.J.S.A. 2A:156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act*.
- C. The department has adopted the use of the BWC to accomplish several objectives. The primary objectives are as follows:
1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
 2. Audio and video recordings also enhance the department's ability to review probable cause for arrest, officer and suspect interaction, and evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
 3. The BWC may also be useful in documenting crime and accident scenes or other events that include the confiscation and documentation of evidence or contraband.
 4. Recordings serve as a protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 5. Recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as civil litigation.
 6. Supervisors will be able to view the recordings and select portions to use to train officers in safety. Field training, interpersonal skills, proper police procedures, and legal doctrines.
 7. Recordings augment management's ability to evaluate its basic police practices and interactions between its officers and the general public.
 8. Recordings enhance management's ability to train personnel in proper police procedures.
- D. Upon the implementation of BWC usage, the department shall publish a General Public Notice statement that it deploys BWCs. This may be done via media or social network (Borough / Police Web Page). This Public Notice statement should also include notice to citizens, so they understand that anything said to a BWC equipped officer may be electronically recorded, and that the images and sounds of the police-civilian interaction will be stored and accessible for future law enforcement use. The web site posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers and plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device.

II. Equipment

- A. The department has purchased, approved and issued *Axon Body 3 Cameras* audio/video recording units. This shall be the only BWC authorized for use by members of the department. The BWC equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the agency.
 - 1. References to BWC shall include the *Axon Body 3* wireless device, which houses a video camera, audio/video recording hardware, and a port for charging the device and downloading events.
- B. All members, including supervisors, who are assigned BWCs must review the agency provided training / PowerPoint program to ensure proper use and operations of the unit and the companion video evidence storage solution on *Evidence.com*. Any officer equipped with a BWC must comply at all time with the requirements established in this General Order. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment.
 - 1. One or more training officers will be maintained to establish a training program to ensure that officers equipped with BWCs and officers and civilian employees who access or handle BWC recordings are familiar with the A.G. Directives and Clementon Police Department General Orders.
- C. The BWC units are equipped with different mounting options to the uniform. The ideal location is in the center of the chest on the lower section of the sternum. The BWC unit may be affixed to an alternative area, such as the breast pocket, or other location in the chest/sternum area so long as the camera view is not obstructed.
 - 1. Officers wearing a jacket or other outer garment shall not cover or obstruct the view of their BWC. The BWC may be affixed to the outside of the jacket if practical.
 - 2. Officers assigned to plain clothes details shall clip the BWC, if possible, to their outer garment utilizing one of the available mounting clips.
- D. Officers assigned to the Patrol Division who are assigned a BWC and members of the Traffic Unit shall wear the device as an authorized component of the uniform of the day.
- E. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Members assigned BWCs shall use the equipment unless otherwise authorized by a Division Commander.
- F. BWC equipment is the responsibility of individual members and shall be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be immediately brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be procured.
- G. BWC shall be used only in performance of official police duties and not for personal purposes.

III. Operation

- A. The use of BWCs allow for a clearly documented, first hand, and completely objective account of an incident from beginning to end. When recording any call for service or citizen contact, the entire encounter/event/episode will be recorded in its entirety and shall not be de-activated until it is concluded. The BWC shall be activated prior to arrival to a location to capture the maximum amount of usable video. The device must remain on with the red on/off indicator exposed at all times outside of headquarters. Officers inside headquarters can dock the camera or shut the camera off at the end of their shift.
- B. 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 SWAT (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 teams as defined in this policy.
 4. All officers assigned to canine units.
 5. All officers who 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 in law enforcement agencies, whose duties include interaction with members of the public who enter police stations to report incidents or request assistance or information, ie. Walk ins.
 7. All officers assigned to a pre-planned search warrant execution or a pre-planned arrest.
 8. All uniformed officers assigned to duties at demonstrations or potential civil disturbances.
- C. Exemptions from the requirements in section III(B) 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 exemptions must be documented and demonstrate a special need. Such requests for exemption shall be made in advance and approved in writing.
- D. BWCs shall be utilized to record all contacts with citizens in the performance of official duties, except as otherwise expressed in Section VI. – "Restrictions" of this policy, a uniform officer equipped with a BWC shall be required to activate the device in any of the following circumstances as soon as it is safe and practicable to do so:
1. Initiates an investigative detention or motor vehicle stop (eg. a Delaware v. Prouse traffic stop, a Terry v. Ohio criminal suspicion stop, or a checkpoint or roadblock stop) including any sobriety testing;
 2. Responding to a call for service and is at or near the location to which the officer has been dispatched;
 3. Conducting a motorist aid or community caretaking check;
 4. Interviewing a witness in the course of investigating a criminal offense;
 5. 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);
 6. Making an arrest;
 7. Conducting a protective frisk for weapons;
 8. Conducting any kind of search (consensual or otherwise) including searches of vehicles for owner information or evidence.;
 9. Engaging in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilian and the officer or any other officer on the scene may be required to employ constructive authority or force;

10. Use of 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 report.
 11. 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;
 12. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
 13. Motor Vehicle Pursuits.
 14. Any contact that becomes adversarial when the body camera has not been activated.
 15. Any other incident that the officer feels would be necessary to record in the performance of their duties.
 16. Following an arrest, BWC will remain on until the subject is in the processing area or interview room where the subject is in view of the building camera system.
- E. Officers in the presence of an arrestee outside processing shall keep the BWC activated until;
1. Custody of the arrestee has been transferred to County Sheriff's Department or County Correctional Facility personnel, or
 2. Until the arrestee is with medical personnel and the officer is no longer in the presence of the arrestee.
- F. In order to prevent the recording of events unrelated to the call for service, members at police headquarters addressing walk-in complaints are authorized to deactivate their BWC when not in the presence of the citizen. Examples include the typing of complaints or other follow-up activities conducted in the Patrol Room. The member shall narrate on the BWC the reason for the deactivation and immediately re-activate the unit each time contact with the citizen is reestablished.
- G. Any member providing assistance or back up to an officer on a call for service or citizen contact is required to have their BWC activated until the assignment is cleared or their assistance is no longer needed.
- H. Members on extra-duty assignments shall deploy their BWC during their assigned traffic and/or security details. Members shall activate the BWC in accordance with the procedures set forth in this policy if they are required to undertake official police actions during the course of their assignment.
- I. When BWC is activated, members are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer. Officers may also mark significant events while recording and provide details of marked segment within the evidence.com management software.
- J. If a member fails to activate the BWC when required, fails to record the entire event contact, or interrupts the recording, the member shall document in the applicable incident or case report why a recording was not made, was interrupted, or was terminated.
- K. Members shall note in incident and case reports when BWC recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- L. BWC should be activated when an officer receives a dispatch to any call for service or self-initiated activity.
- M. At no time is an officer expected to jeopardize his/her safety or the safety of another person in order to immediately activate their issued BWC into record mode. Any BWC not immediately

activated into record mode due to the safety of an officer or another person being presently jeopardized, shall be activated to record as soon as possible.

- N. 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 possession or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement of investigative encounter between an officer and a person related to a violation or suspected violation of the provision. 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 the violation of N.J.S.A 2C:33-15, or for any other reason.

IV. Special Activation (Deadly-Force Incident / Other Exigent Circumstance)

- A. Notwithstanding any other provisions of this General Order, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g. officer in distress, shots fires, etc.), the officer shall activate the BWC before arriving at the scene when feasible. Notwithstanding any other provision of the General Order, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event **shall not de-activate the BWC** unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general supervising the investigation of the deadly-force incident pursuant to AG Law Enforcement Directive No. 2006-5, or his or her designee. Such instruction may be given telephonically by the assistant prosecutor, assistant or deputy attorney general, or designee supervising the investigation.

V. Special Notice

- A. When an officer equipped with a BWC is required to activate the device during an encounter:
 - 1. With a civilian occurring inside the person's residence, or
 - 2. With a person reasonably believed to be a victim of a criminal offense.
- B. The officer shall verbally notify the person(s) with whom the officer is conversing that the BWC has been activated unless it is unsafe or infeasible to provide such notification.
- C. If an officer decides not to provide notification of BWC activation because it is unsafe or infeasible to do so, the officer shall document the reasons for the decision in a report and/or by narrating the reasons on the BWC recording.
- D. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- E. 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 Camden County Prosecutor or designee, or Director of the DCJ or designee, has expressly authorized the officer to make a covert electronic recording.
- F. Civilians shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the directives set forth in departmental Internal Affairs and Discipline procedures. All other requests to view and/or obtain footage by the public shall be handled in accordance with OPRA Procedures unless tagged and exempt by 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.13:1 E-3.2 (2) (exempting records that may reveal "surveillance, security, tactical, investigative, or operational techniques).
- G. Prior to entering a private residence, the officer shall notify the occupant that the occupant is being recorded by the BWC and, 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 the BWC made to a law enforcement officer pursuant to this section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.

- H. When interaction with an apparent crime victim, a law enforcement officer shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded by the BWC and, if the apparent crime victim request that officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC. A request to discontinue the use of a BWC made to a law enforcement officer pursuant to this section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.
- I. When interaction with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a law enforcement officer shall, as soon as practicable, notify the person that they are wearing a BWC and, if the person requests that officer to 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 a law enforcement officer pursuant to this section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.
- J. Officers assigned as a School Resource Officer (SRO) shall only activate the BWC during student encounters in accordance with subsection III. (A). The BWC shall not be activated or shall be deactivated upon advised that incident involves;
 - 1. Student(s) meeting with the School Counselors, SAC or Child Study Team (CST) members and the SRO or other Police personnel are called in for assistance. (Due to the confidential status that must be maintained by State Law),
 - 2. Conversations between the student, Counselor, SAC or CST about any ongoing counseling services or follow-up after a crisis,
 - 3. The SRO being called in for information during Intervention and Referral Service (I&RS) meeting, and
 - 4. Conversations in regards to homeless, DCP&P and educational stability students.
- K. Officers assigned to the Criminal Investigation Unit (CIU) shall wear a BWC in accordance with this policy when assigned as primary officer or assisting officer for incidents detailed in subsection III(A), or when assigned to a traffic, security or other detail requiring a Class A or Class B Patrol Uniform.
 - 1. Officers assigned to the Criminal Investigation Unit may utilize a BWC for the purpose of interviewing individuals as part of a criminal investigation.
 - 2. Officers assigned to the Criminal Investigation Unit assisting in the service of a warrant, and with clear markings, identifying themselves as Police Officers shall wear a BWC and activate the BWC prior to the service of the warrant, but not during circumstances prior to the warrant service that may be confidential in nature.

VI. Restrictions and De-Activation

- A. BWCs shall be used only in conjunction with official law enforcement duties. The BWCs shall not be used to record:
 - 1. Communications with other police personnel without the permission of the Chief of Police or his or her designee;

2. Communications involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interactions;
 2. Encounters with undercover officers or confidential informants;
 3. When on break or otherwise engaged in personal activities; or
 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom;
 5. When engaged in police union business.
- B. Notwithstanding the provision of section III (B), 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 within the law enforcement agency. This provision shall not exclude officers assigned to "front desk" duty, as defined in III(B), 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 educational environment, such as School Resource Officers (SROs) and Class II Special Law Enforcement Officers (SLEO IIs). 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 officer assigned to investigate, non-enforcement duties, when authorized by the Chief of Police.
 8. Officers assigned to "extra duty" or "off duty" assignment that involve strictly traffic direction.
 9. Officers engaged in crime-scene processing duties.
- B. In order to preserve the secure perimeters of correctional facilities, when transporting prisoners BWCs shall be deactivated upon entering the sally port or secure transfer area at the facility. When picking up a prisoner at a correctional facility, BWCs shall not be activated until the suspect is placed in the patrol vehicle inside the sally port or secure transfer area at the facility. The officer shall narrate the circumstances of the de-activation (e.g. – "I am now turning off my BWC upon entering the correction facility.")
- C. BWC shall be deactivated 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. The officer shall narrate the circumstances of the de-activation.
- D. BWC **shall not be de-activated** while participating in a discussion pertaining to criminal investigation strategy and planning. The officer is permitted to **mute the audio** before conversing with other officers or a supervisor regarding strategy and planning. The officer shall narrate the circumstances of the muted audio (e.g. – "I am now muting my BWC to discuss investigative strategy with my supervisor.") The officer shall **reactivate the audio** immediately at the conclusion of the discussion.

- E. BWC may de-activate 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. The officer shall narrate the circumstances of the de-activation (e.g. – “I am now turning off my BWC as per instruction of assistant prosecutor (insert name).”)
- F. A BWC may be de-activated 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. The following points must be considered when considering de-activation.
 - 1. 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. The request for de-activation must be self-initiated by the civilian.
 - 2. The officer may explain to the consequences of de-activation to the civilian.
 - 3. 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.
 - 4. Officers should evaluate the situation and when appropriate, honor the citizen’s request. Such requests include, but are not limited to:
 - a. Citizens reporting confidential information.
 - b. Citizens requesting to remain anonymous.
- G. BWCs shall remain activated for the entire duration of an event detailed in subsection III(A) until either the Officer or citizen has departed the scene.
 - 1. Any officer providing assistance or back-up to an Officer on an event detailed in subsection III(A) is required to have their BWC activated until the citizen had departed the scene or their assistance is no longer needed.
 - 2. Officers at the scene of an incident detailed in subsection III(A), may mute the audio of the BWC for the specific purpose of briefing assisting Officers or supervisors, or conducting in-person or telephone notification as required by policy.
 - a. Officer shall only mute audio of the BWC when not in direct contact with the victim, suspect, witness or an individual who is being detained.
 - b. Prior to muting the audio BWC, Officers shall record their intention to mute the audio along with the reason for such action.
 - c. In the event that citizen contact is re-established, the BWC shall be immediately un-muted.
- H. When a BWC is de-activated at a civilian request the following procedures shall be followed:
 - 1. The colloquy 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.

4. The officer shall document the circumstances of the de-activation in any investigation or incident report concerning the incident under investigation.
- I. If a civilian request to de-activate the BWC is declined by the officer, this decline must be verbally documented on the BWC and shall be reported to the officer's superior as soon as it is safe and practicable to do so.
 1. When the officer declines a de-activation request, the officer immediately shall inform the person making the request of that decision.
 2. The officer is prohibited from misleading the person making the de-activation request into believing that the BWC has been turned off when in fact it is operating unless the Camden County Prosecutor or designee or the Director of DCJ or designee expressly has authorized covert recording.
 - J. In any instance where the BWC was de-activated for reasons above, 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 exists and the officer would otherwise be required to activate the BWC.
 - K. In any instance where the BWC was de-activated for reasons above, if circumstances develop so that an officer is authorized to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.
 - L. 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 assist prosecutor (insert name).").

VII. Special Conditions / Restrictions BWC Activation / Use

- A. 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 de-activate the BWC that has been activated, while the officer:
 1. Is in a school or youth facility or a school or your 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.
 3. Is in a place of worship under circumstances where worshipers would be in view of the BWC.
- B. If an officer is required to de-activate the BWC for reasons listed above in 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 view the BWC).
- C. If a BWC captures the image of a patient in a substance abuse treatment facility, the Camden County Prosecutor or designee, or the Director of the DCJ or designee, shall be notified to ensure compliance with all applicable federal laws and regulations providing for confidentiality of substance abuse treatment information. The recording shall not be accessed without the permission of the Camden County Prosecutor or designee, or Director or designee. 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.

- D. An officer shall not activate a BWC or shall de-activate a BWC that has been activate, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to the officer require that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/re-activate 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.
1. Notwithstanding the foregoing general rule prohibiting the recording of 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-equipped officer participation in the operation on whether to activate their devices.
- E. In the event that a BWC is worn during the execution of tactical operations (e.g., "SWAT", "execution of arrest and/or search warrant, etc.) records confidential tactical information that disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes, hand signals, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.) the recording shall be "tagged" in accordance with Section IX. See N.J.S.A 47:1A-1.11 (exemption from disclosure under the Open Public Records Act "security measure and surveillance techniques which, if disclosed, would create a risk to the safety of persons"); N.J.S.A. 13:1E-3.2(2) (exempting records that may reveal "surveillance, security, tactical, investigative, or operational techniques").
- E. BWCs shall be deactivated and removed from the booking area while processing a subject for driving while intoxicated as to not inhibit the Alcotest machine.
- F. BWC shall be deactivated when 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 such activation is expressly authorized by the judge. The officer shall narrate the circumstances of the de-activation (e.g. – "I am now turning off my BWC to enter the Courtroom.")
- G. If a department acquires a BWC 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 Camden County Prosecutor or designee, or the Director of the DCJ or designee, in accordance with any applicable legal requirements.
- H. A BWC 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 General Order. A BWC shall not be activated while the officer is on break or otherwise in not actively performing law enforcement functions (e.g., while eating meals, while in the restroom, etc.). A BWC shall not be activated or used by an officer for personal purposes, or when engage in police union business. Nor shall BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interactions. Any recording from a BWC recorded in contravention of this policy or any other applicable law shall be immediately brought to the attention of Winslow Police 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. Such footage shall not be admissible as evidence in any criminal, civil, or administrative proceeding.
- I. A BWC shall not be used surreptitiously. Additionally, a BWC 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 prohibit activation of video and audio recording functions of a BWC as authorized under the law or this Policy.

VIII. Inspection and Maintenance

- A. When not in use, BWCs shall be stored in the designated docking stations in Headquarters. The docking stations allow for the units to be charged and for the download of events to the secure storage site. Administrative Officers and on-call detectives may take their cameras home while off duty but must ensure proper docking time is allotted to download video evidence and the battery maintains sufficient charge.
- B. BWCs shall be inspected by members at the commencement of each shift to determine that the device is fully functional and that its battery is adequately charged.
 - 1. When removing the camera from the dock a function test shall be done to ensure the camera is working properly.
 - 2. Any unit found to be not operating properly shall be taken out of service and written up for repair. The member shall then utilize one of the designated spare units located in the docking station in Processing.
 - 3. If a spare camera is utilized, an email shall be written to Sgt McDevitt who will then assign the relevant videos to the officer in evidence.com for proper tagging by the assigned officer.
- C. Officers utilizing the BWC shall periodically, and no later than the day immediately following the event's date or upon the officer's return to work for his next shift, download the contents of the unit by placing the unit in the designated charging station. Each file downloaded shall contain information related to the date, BWC identifier, and assigned officer. Officers shall perform the following steps when labeling the recording in Evidence.com system;
 - 1. Document the complete the title of the incident (free type the title) in the evidence.com system. Notes can be added as needed in the notes section.
 - 2. Select the corresponding Categories / Tags (select all that apply), and
 - 3. Document the PD case/call number (20XX-XXXXX) in the Evidence.com ID # section.

IX. Control and Management

- A. Contents downloaded from BWCs shall be stored on the secure Evidence.com server. This download will be completed in a timely fashion. Evidence.com will act as the control ledger or log for all downloaded content. All images and sounds recorded by the BWC are the exclusive property of the department. Accessing, copying, or releasing files for non-law enforcement purposes is strictly prohibited.
 - 1. Copies of an event captured on BWC will not be released to other criminal justice agencies, other than the Camden County Prosecutor's Office, without the express permission of the Chief of Police or his designee.
- B. BWC recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded the same as other forms of evidence as detailed in Evidence Procedures. As such,
 - 1. The secure Evidence.com server shall be designated as the authorized storage location of all BWC recordings.
 - 2. The Evidence.com video management software shall be designated as the activity tracking software for all BWC recordings.

3. All BWC recordings covered in this subsection shall be maintained on the Evidence.com server or other secured digital storage media, until such time as authorized to be destroyed by statute, rule, or other directive governing the record. See Appendix "A" for retention schedule.
 4. Video recordings shall not be released to any person without proper written approval.
 5. BWC recordings authorized for releases shall be transferred to digital storage media or sent by secure link through the Evidence.com portal and shall be subject to the same security restrictions and chain of evidence safeguards and documentation as outlined in departmental Evidence Procedures.
- C. BWC recordings not utilized for court proceedings or other departmental uses shall be maintained 180 days and purged in accordance with directives set forth by the New Jersey Division of Archives and Records Management.
- D. A BWC recording shall automatically be retained for not less than three (3) years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
- E. Subject to any applicable retention periods established in below section to the extent such retention period is longer, a BWC recording shall be retained for not less than three (3) 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 a BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 3. Any immediate supervisor of a law enforcement officer whose BWC made the recording or who is 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 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.
- F. In regards to above, 5,6,7, the member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the BWC recording to determine whether to request a three (3) year retention period, in accordance with the provisions of the Open Public Records Act, N.J.S.A 47:1A-1 et seq., to determine whether to request a three (3) year retention period.
- G. Notwithstanding the provisions above in section IX. (C), (D), (E) 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 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 employing law enforcement agency;

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.
- H. All access to downloaded BWC files must be specifically authorized by the Chief of Police or his or her designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.
 - I. All recordings are maintained within the BWC system in the Evidence.com software and are authenticated by an internal audit program with the BWC system.
 - J. The BWC system is administered by the Evidence Officers. Only the Evidence Officers and the Chief shall have access to delete video/audio segments.
 - K. BWC recordings that may raise special privacy or safety issues need to be tagged as a category in the drop down when it:
 1. Captures the image of a victim of criminal offense
 2. Captures the image of a child.
 3. Was made in a residential premise (e.g. – home, apartment, college dorm, hotel, 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.
 4. Captures a conversation with a person whose request to de-activate the BWC was declined.
 5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded.
 6. Captures the images of an undercover officer or confidential informant.
 7. Captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.

These tagged recordings shall not be accessed, viewed, copied, dissemination, or otherwise used without first obtaining the permission of the Camden County Prosecutor or designee, or the Director of DCJ or designee, except when a BWC captures the image of a patient at a substance abuse treatment facility and subject to the requirements requiring notice to Camden County Prosecutor or Director prior to complying with a subpoena, court order, or request for records under OPRA or the common law right to know, the Camden County Prosecutor or Director may authorize the Chief of Police, and one or more superior officers or Division Commander identified by the chief of the department, to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to this section.

- L. No law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in this policy or by law. BWC recording shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose. Access to and use of a stored BWC recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution;
 2. When relevant to and in furtherance of an internal affairs investigation;
 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 4. 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;
 6. To comply with the State's discovery obligations in prosecutions pursuant to the Rule of Court;
 7. To comply with any other legal obligation to turn over the recording to a person or entity;
 8. To show or disseminate the recording to a civilian or non-law enforcement entity, or to disseminate it to the public, where the Camden County Prosecutor or designee, or Director of DCJ or designee, determines that disclosure to that particular person/entity or the public is warranted because the person's / entity's / public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes.
 10. To conduct an audit to ensure compliance with the AG guidelines and this General Order.
 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 Camden County Prosecutor or designee, or the Director of the DCJ or designee; or
 12. Any other specified official purpose where the Camden County Prosecutor or designee, or Director of DCJ or designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
- M. Any sworn officer or civilian employee of the agency who knowingly violated the requirements of this Policy or the agency's General Order or applicable laws, shall be subject to discipline.
- N. 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 or view a BWC recording of the incident, or a BWC 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.
- O. A law enforcement officer shall not review or receive an accounting of a BWC recording that is subject to a minimum three (3) year retention period pursuant to Section IX of this policy prior to creating any required initial reports, statements, and interviews regarding the recorded event. Subject to the provisions of above section IX(N) of this policy, nothing in this paragraph is intended to prevent the officer from considering, reviewing or receiving an accounting of such a BWC recording subsequent to the creation of any required initial reports, statements, and interviews regarding the recorded event.
- P. While information culled from the BWC recording may not be considered in creating an initial required report, statement or interview, after the creation of such initial report, statement or interview, in a case not subject to the provisions of IX(N) of this policy, the officer may review the BWC recording and, if appropriate, create additional reports or make additional statements or documentation that revise or supplement the initial report statement or interview that incorporate or reflect any information adduced from a review or accounting of the BWC recording.
- N. The assistant prosecutor or assistant or deputy attorney general overseeing a police use-officer investigation pursuant to Attorney General Law Enforcement Directive No. 2006-5, or his or her

designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents 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 Directive, no civilian or law enforcement witness, including the principals) of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.

- O. Under no circumstance shall any officer of this department erase, tamper with or deletion of recorded date both before and after downloading, or reuse or alter the recording of any BWC video. It is a crime of the fourth degree to purposely and knowingly alter, destroy, conceal, remove or disable any camera or monitoring device including any video, film or other medium used to record sound or an image (N.J.S.A. 2C:28-7c).
- P. If disclosure of a BWC recording as part of the State's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.) or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the 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 he information from disclosure, such as by seeking a protective order from the court.

X. Supervisory Responsibilities

- A. Supervisory personnel shall ensure that officers under their command equipped with BWC devices utilize them in accordance with policy and procedures defined therein.
- B. A supervisor shall take custody of the BWC of any member(s) that is involved in a serious incident to safeguard any footage of the event captured on the unit(s). Such incidents include the use of deadly force, the use of force resulting in serious injury or death, serious motor vehicle crashes involving a member, an event resulting in the incapacitation of the member, or any other event in which the supervisor feels that the immediate custody of the unit is necessary to protect any footage.
 - 1. The supervisor that takes custody of the unit shall forward it to the Internal Affairs Bureau Commander and issue the officer a spare unit.
 - 2. The Internal Affairs Division Commander, or in his or her absence the Division Commander, shall download and tag any footage captured of the event.
 - 3. The unit shall only be placed back in service with approval from the Internal Affairs Bureau Commander.
- C. Supervisors are permitted to review the BWC footage of officers under their command for proper policy and procedure practices and tagging of evidentiary footage. Supervisors do not have permissions set in Evidence.com to alter or delete any footage. Supervisors do have permission on the system to change, add or delete the tagging category of the footage if incorrect.
- D. All supervisors will be assigned to review BWC videos from randomly selected cameras. The Division Commander will assign the randomized lists to supervisors. Each Supervisor will then review at least on average, four hours of non-evidential BWC events per week in an effort to ensure the equipment is operation properly, to assess members' performance and adherence to written directives and established professional standards, and to identify other training needs.

1. In order to maintain fairness in the selection of videos reviewed, the Division Commander will access the "Randomizer" to create a list of five randomly selected individual cameras to observe for each particular week.
2. Upon completion of the weekly review, the reviewer shall prepare a **Video Review Form** documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
3. All Completed **Video Review Forms** shall be returned to the Division Commander for his review.
4. The Patrol Division Commander is responsible for conducting a semi-annual review of all **Video Review Forms** to determine if any individual or group patterns of non-compliance exist. The results shall be forwarded on **Special Report** to the Chief of Police. If a pattern of non-compliant behavior is identified, the Chief of Police will forward the report to the Internal Affairs Division Commander to address the individual officer or the appropriate group through training.
5. Separate from the above-mentioned weekly review of randomly selected officers, the Internal Affairs Division Commander or any other member of the command staff may review specific BWC footage at any time if circumstances arise that requires an investigative effort to commence.

XI. Public Disclosure of BWC Recordings

- A. Clementon Police Records upon receiving a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the Camden County Prosecutor, or to the Division of Criminal Justice where the recording was made by a state-level law enforcement agency. Such notice shall state clearly the deadline by which a response must be made.
- B. Except as otherwise provided in Section IX, (D), a BWC recording of an event or encounter that involves an investigation of a criminal offense as defined (*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.*) shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the law enforcement agency in consultation with the County Prosecutor or designee, or the Director of the Division of Criminal Justice or 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.

XII. Considerations and Limitations

A camera doesn't follow an Officer's eyes nor see as they see.

There can be a huge disconnect between an Officer's visual perception and the cameras. Someone reviewing what's caught on camera and judging your actions could have a profoundly different sense of what happened than you had at the time it was occurring.

Some important danger cues can't be recorded.

Tactile cues that are often important to Officers in deciding to use force are difficult for cameras to capture. Resistive tension by a suspect is a prime example.

Camera speed differs from the speed of life.

Because of the time it takes for Officer’s mind to process what is occurring, known as the reactionary curve, an Officer can be half a second or more behind the action as it unfolds on the camera footage. Whether he’s shooting or stopping shooting, his recognition, decision-making, and physical activation all take time.

A camera may see better than you do in low light.

The high-tech imaging of body cameras allows them to record with clarity in many low-light settings. Footage of the scene may be in sharper detail than an Officer could at the time the camera was activated. As an example, it may be evident that the object in his hand was a cell phone rather than a gun. If you’re expected to have seen that as clearly as the camera did, your reaction might seem highly inappropriate.

Your body may block the view.

Depending on location and angle, a picture may be blocked by your own body parts, from your nose to your hands.

A camera encourages second-guessing.

According to the U. S. Supreme Court in *Graham v. Connor*, an Officer’s decisions in tense, uncertain, and rapidly evolving situations are not to be judged with the '20/20 vision of hindsight. But in the real-world aftermath of a shooting, camera footage provides an almost irresistible temptation for reviewers to second guess an Officer’s actions.

Under calm and comfortable conditions, reviewers can infinitely replay the action, scrutinize it for hard-to-see details, slow it down, and freeze it. The Officer had to assess what he was experiencing while it was happening and under the stress of his life potentially being on the line. That disparity can lead to far different conclusions.

A camera can never replace a thorough investigation.

A camera’s recording should never be regarded solely as the truth about a controversial incident. It needs to be weighed and tested against witness testimony, forensics, the involved Officer’s statement, and other elements of a fair, thorough, and impartial investigation that takes human factors into consideration.

XIII. Violation

- A. 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 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.

APPENDIX “A”

Retention Period for Uploaded videos from Body Worn Cameras:

Homicide	Never
Sexual Assault	Never
Arson	Never
Fatal MVC	Never

Suicide / Sudden Death	Never
All Arrest	7 Years
Assist Arrest	7 Years
Bribery	7 Years
Arrest – DUI	6 Years
Criminal Investigations	5 Years
Disorderly Persons Investigations	3 Year
EMS Calls	3 Year
Pursuits – No Arrest	3 Year
No Crime (Events)	3 Year
Warrant Arrest	3 Year
Assist other PD / FD	180 Days
CFS Reports	180 Days
Missing Persons	180 Days
MV Stop	180 Days
MV Crash	180 Days
MV Stop – Search	180 Days
Pedestrian Stop	180 Days
Parking Enforcement	180 Days
Administrative	180 Days