



NEWARK POLICE DIVISION GENERAL ORDER

**SUBJECT:**

Body Worn Camera

GENERAL ORDER NO.

18-05

SUPERSEDES:

G.O. 18-05 (10-22-2019)

DATED:

November 13, 2024

RELATED POLICIES:

G.O. 80-01 (Responsibilities of Command and Supervisory Personnel)

G.O. 05-05 (Open Public Records Act)

This General Order contains the following numbered sections:

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I. PURPOSE

The purpose of this policy is to inform Police Division personnel of the responsibilities and procedures for the use and deployment of body-worn cameras (*BWC*). The policies and standards will help to build community trust, promote police accountability and transparency, and respect the privacy interests of persons whose images and home interiors will be captured in a *BWC* recording, and maximize the effectiveness of public safety.

II. POLICY

It shall be the policy of the Newark Police Division to equip all sworn Police Division personnel, with a body-worn camera, regardless of rank or assignment. Uniformed and plainclothes personnel are required to use the body worn camera in their daily function(s).

III. OBJECTIVES

- A. The following provisions are intended to provide Newark Police Officers with instructions on when and how to use a *BWC* to ensure reliable recording of enforcement or investigative contact with the public. "*Officers*," as referenced below, shall include all sworn personnel.
- B. The Police Division has adopted the use of *BWC* by uniformed officer(s), plain clothes officers, investigators, supervisors, tactical teams or proactive teams to:
 - 1. Collect evidence for use in criminal investigations and prosecutions;
 - 2. Deter criminal activity and uncooperative behavior during police-public interactions;
 - 3. Promote accountability;
 - 4. Assist in resolving complaints against officers including false allegations by members of the public; *and*
 - 5. Provide additional information for officer evaluation, training, and continuous improvement.
- C. *BWC*'s provide additional information regarding an investigative or enforcement contact with a member of the public. *BWC* recordings, however, provide a limited perspective of the encounter and must be considered with all other available evidence, such as witness statements, officer interviews, forensic analyses and documentary evidence, when evaluating the appropriateness of an officer's actions.



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IV. DEFINITION OF TERMS

- A. **Activate:** Initiate the recording mode/function of a body worn camera.
- B. **Body-Worn Camera (BWC):** Device worn by a law enforcement officer that makes an electronic audio and visual recording. The term does *not* include a mobile video recording device when mounted inside a police vehicle (*i.e., in-car camera*). The term also does not include any other form of an electronic recording device worn by a law enforcement officer while acting in an undercover capacity, or electronic recording devices used to comply with the requirements of *NJ Rule 3:17 (electronic recording of station house custodial interrogations)*.
- C. **Constructive Authority:** Shall have the same meaning as defined in the *N.J. 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 (*e.g., "show me your hands," "get out of the vehicle," etc.*), or directed against a person if the officer has un-holstered a firearm or a conducted energy device (*e.g., "move out of the way," "get down," etc.*).
- D. **De-activate:** To end the recording mode/function of a body worn camera.
- E. **Evidence.com:** The cloud-based digital evidence management system which will be used to preserve, store, manage, access and share digital evidence that has been collected for administrative and criminal investigations.
- F. **Force:** Shall have the same meaning as defined in the *N.J. Attorney General's Use of Force Policy*. The term "*force*" shall include physical, mechanical, enhanced mechanical, less lethal and deadly force.
- G. **Independent Investigator:** Shall have the same meaning as defined in the *N.J. Attorney General's Directive No. 2019-4*, which is the law enforcement entity tasked with primary responsibility for investigating a specified Law Enforcement Incident and, where appropriate, determining whether to present a proposed indictment regarding the principal(s) for their role(s) in a Law Enforcement Incident.
- 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 Incident(s):** Shall have the same meaning as defined in the *N.J. Attorney General's Directive No. 2019-4*. Law enforcement incidents include any use of force by a law enforcement officer resulting in death; any use of force by a law enforcement officer resulting in serious bodily injury; any use of deadly force (*including the discharge of a firearm*) by a law enforcement officer, regardless of whether such force resulted in injury; the death of any civilian during an encounter with a law enforcement officer; and the death of any civilian while in the custody of officers.



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- J. **Re-Activate:** Continued recording after a recognized exception, to momentarily interrupt the recording of an incident and is required when the circumstances justifying de-activation no longer exist.
- K. **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.
- L. **Tactical Team:** A group of officers such as ESU/SWAT 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.
- M. **Tagging Video:** A notation or indicator placed on specific video that may raise special privacy concerns.
- N. **Uniformed Officer(s):** Any sworn member of the NPD involved in investigative or enforcement activity with a member of the public displaying clothing or emblems identifying them as a police officer.

V. GENERAL REQUIREMENTS

- A. Officers may *only* use a BWC system that has been issued and approved by the Newark Police Division, *unless* detailed out as a liaison to a county, state, or federal agency.
 - 1. In such case(s), officers shall be guided by the assigned agency's policies regarding BWC use and deployment.
- B. Officers equipped with a BWC must comply at all times with the requirements established in this Policy and in *N.J. Attorney General Directive 21-5 (Body Worn Camera Policy)*.
- C. The BWC shall be used *only* in performance of official police duties and not for personal purposes.
- D. The BWC is worn on the outer most garment of an officer's uniform, facing forward and unobstructed to maximize the camera's ability to capture video and audio recordings.
- E. All BWCs, related equipment, data, images, video, and metadata captured, recorded or otherwise produced are the sole property of the Newark Police Division.
 - 1. No BWC recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the Police Division except for an official purpose specified in this Policy or by law.



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- F. Any sworn officer or civilian employee of the Division who knowingly violates the requirements of this Policy or *N.J. Attorney General Directive 21-5 (Body Worn Camera Policy)*, standing operating procedure, directive, or order, or applicable laws, shall be subject to discipline.
- G. An officer equipped with a BWC shall be responsible for determining that the device is fully functional and that its battery is adequately charged at the start of the officer's duty shift and before going into the field.
 - 1. If a malfunction is detected, the officer shall report the malfunction to a supervisor before going into the field.
 - 2. If the BWC 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.

VI. PROCEDURES

A. Required Training:

- 1. The Commander of the Police Academy shall:
 - a. Establish a training program to ensure that officers equipped with BWC's and officers and civilian employees who access or handle BWC recordings are familiar with the provisions of this Policy, *N.J. Attorney General Directive 21-5 (Body Worn Camera Policy)*, standing operating procedures, directives, memoranda or any other order promulgated by the Newark Police Division, and all applicable laws of the State.
 - b. Schedule BWC training for all newly hired officers during their in-service training.
 - c. Establish a curriculum to provide initial and annual "refresher" training.
 - d. Officers assigned a BWC must complete the curriculum approved by the Police Division, to include the proper use and maintenance of the device, *prior to* being deployed.

B. Officers Required to Wear BWC's:

- 1. The following officers shall be required to be equipped with BWCs and adhere to the provisions of this Policy when performing their duties:
 - a. 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)*, to include traffic enforcement.



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- b. All ESU/SWAT members shall utilize BWCs during all ESU/SWAT assignments (*i.e., warrant execution, barricaded person, active shooter, call-out events, etc.*), regardless of assignment (*i.e., team commander, assistant to the commander, ground force commander, supervisor, entry team, special duties, etc.*) whether they are assigned to the interior or exterior of a crisis site.
- c. All officers assigned to proactive enforcement teams as defined in this policy.
- d. 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.
- e. All officers assigned to “*front-desk*” duty, whose duties include interaction with members of the public who enter a police building, such as a precinct or sub-station, to report incidents or request assistance or information.
- f. All officers (*including investigators and supervisors*) assigned to a pre-planned search warrant execution or a pre-planned arrest.
- g. All uniformed officers assigned to duties at demonstrations or potential civil disturbances.
- h. Officers working Outside Employment/Extra Duty Assignment shall utilize a BWC.
 - i. Personnel are required to upload and classify any video on their next tour of duty.
 - ii. Any officer assigned to an outside employment work detail shall be permitted to take their BWC’s home.
 - iii. Any officer who responds to an emergent outside employment work detail, shall respond to their respective precinct, section, unit to retrieve their BWC, *prior to* reporting to the assignment.
 - iv. All officers shall ensure their BWC’s is fully charged and ready for use for their next scheduled tour of duty.
- i. Any officer serving as a liaison to a county, state, and federal agency shall be guided by the assigned agency’s policies regarding BWC. *However*, officers assigned to work overtime, extra duty, or outside employment work details, shall comply with the tenets of this policy.

C. Officers *Not* Required to Wear BWC’s:

- 1. The following personnel are ***not*** required by this Policy to be equipped with BWCs:
 - a. Officers engaged in undercover assignments.



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- b. Officers acting as hostage negotiators or crisis negotiators working in conjunction with ESU/SWAT.
- c. Officers assigned to administrative positions within the Newark Police Division.
 - i. Officers assigned to “front-desk” duty, as defined in *section VI. subsection B (e)* of this directive, and detectives/investigators engaged in enforcement or investigative contact with the public *shall* be equipped with BWCs.
- d. Officers meeting with confidential sources or recruiting potential confidential sources.
- e. Officers engaged in union representation of a member of the collective bargaining unit.
- f. Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (*SRO’s*) and Class III Special Law Enforcement Officers (*SLEO III’s*).
 - i. *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.
- g. Non-uniformed officers assigned to investigative, non-law enforcement duties, when authorized by the Public Safety Director (*i.e. Office of Professional Standards personnel*).
- h. Officers engaged in crime-scene processing duties.
- i. Officers engaged in their duties as a bomb or explosive technician.

D. Required Notification that BWCs are Deployed and Activated:

- 1. Officers, (*including front desk officers*) shall activate the BWC to record any police action, enforcement or investigative activity involving a member of the public and shall notify the subject(s) they are being recorded by the BWC, *unless* it is unsafe or infeasible to provide such notification.
 - a. Such notification shall be made as close to the inception of the encounter as is reasonably possible.
 - b. 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.



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- c. 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, has expressly authorized the officer to make a covert electronic recording.
- d. Activation is required upon receiving a dispatched assignment or the initiation of a police action. *Prior to* entering a private residence, officers shall notify the occupant(s) that they are being recorded by the BWC.
- e. When interacting with an apparent crime victim, officers shall, *as soon as practicable*, notify the apparent crime victim that he or she is being recorded by the BWC.
- f. When interacting with a person seeking to remain *anonymous* to report a crime, or assist in an ongoing law enforcement investigation, officers shall notify the person that they are wearing a BWC.
 - i. If the person requests the officer discontinue use of the BWC, the officer shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.
 - ii. The request to discontinue the use of a BWC made to an officer, as well as the officer's response shall be recorded by the BWC *prior to* deactivation of the BWC.

E. Standards Governing the Activation of BWC's:

- 1. An officer equipped with a BWC shall be required to activate the device whenever the officer is responding to a call for service, or upon 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:
 - a. Investigative detention/pedestrian field interview including a "*mere inquiry*" stop;
 - b. Responding to a call for service and is at or near the location to which the officer has been dispatched;
 - c. Aiding a motorist or a pedestrian (*community caretaking function*);
 - d. Motor vehicle stops;
 - e. Interviewing a witness or a victim;
 - f. Conducting a custodial interrogation of a suspect, *unless* the interrogation is otherwise being recorded in accordance with *N.J. Court Rule 3:17*;
 - g. Officer is making an arrest;



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- h. Conducting a protective frisk for weapons;
 - i. Officer is conducting any kind of search (*consensual or otherwise*) including a search warrant;
 - j. Any type of civil disorder, strike, picket line, demonstration or protest involving enforcement or investigative contacts;
 - k. Officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation; including foot pursuits;
 - l. 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;
 - i. The BWC shall remain activated until all prisoner processing reports and procedures have been completed, and the prisoner is secured into a holding cell.
 - m. Officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities, including foot pursuits;
 - n. The BWC shall remain activated until an arrestee is secured in a holding cell, processing room, or until the arrestee is with medical personnel in a medical facility.
2. When an officer equipped with a BWC is dispatched to or otherwise responds to the scene of a “*Law Enforcement Incident*” as defined above. The officer shall not deactivate 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.

F. Standards Governing the De-Activation of BWC’s:

- 1. An officer is required to activate their BWC pursuant to this Policy, the device must remain activated throughout the encounter/event/episode and shall not be de-activated until it is concluded. Notwithstanding, the following are circumstances in which the BWC recording may be *de-activated*.
- 2. Officers *may* de-activate a BWC when a witness or victim 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.
- 3. When an officer de-activates a BWC at the request of witness or victim, the following procedures shall be followed:
 - a. Conversation requesting the de-activation shall be recorded.
 - b. Name of person making the request shall be recorded.



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- c. Officers shall narrate the circumstances of de-activation on the BWC *prior to* deactivating (e.g., “*I am now turning off my BWC as per the victim’s request*”).
 - d. Officers shall document the circumstances of the deactivation in any investigation or report concerning the incident.
 - e. If an officer *declines* a request to deactivate a BWC, the reasons for declining the request must be narrated on the recording and the officer must *immediately* inform the person making the request of that decision.
 - i. Officers shall not mislead the person into believing that the BWC has been turned off *unless* the County Prosecutor or designee expressly has authorized a surreptitious recording.
 - f. The Officer shall report the decision to decline the request to their immediate supervisor as soon as it is safe and practicable to do so.
- 4. In deciding whether to de-activate the BWC, the officer shall consider the privacy and safety interests of the person requesting de-activation, to include;
 - a. Whether the encounter is occurring in the person’s residence, *and*
 - b. The need for the information or assistance that the person will provide *only* if the de-activation request is honored.
- 5. 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.
 - i. 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.
- 6. An officer equipped with a BWC *may* de-activate a recording while participating in a discussion pertaining to criminal investigation strategy and planning, provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian, and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (*i.e., conducting a search*).
 - i. When an officer de-activates a BWC pursuant to this section, the officer shall narrate the circumstances of the de-activation.
- 7. An officer equipped with a BWC *may* de-activate a recording 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.
 - i. When an officer de-activates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor or assistant or deputy attorney general who authorized the de-activation.



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8. An officer equipped with a BWC *may* de-activate a recording when an arrestee has been secured in a holding cell, processing room, or is in the care of the hospital, medical or mental healthcare personnel, or in a medical facility.
9. Personnel shall be mindful that purposely deactivating their BWC prematurely to avoid recording a police action constitutes a criminal offense under *N.J.S.A. 2C:28-7C (Tampering with public records or information)*.

G. BWC Special Conditions or Restrictions for Activation:

1. BWC equipment 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 policy.
2. BWC shall *not* be activated while;
 - a. When on break (*e.g., meal, using restroom, etc.*) or not actively performing law enforcement duties.
 - b. For a personal purpose or when engaged in police union business.
 - c. During any form of disciplinary or administrative proceedings (*e.g., counseling, police trial, inspections, evaluations, etc.*) or similar supervisory interaction.
 - d. In any location where there is a reasonable expectation of privacy (*e.g., restroom, locker room, break room, etc.*).
 - e. While in a courtroom during court proceedings.
 - f. During briefings, meetings or roll calls.
3. 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 *de-activate* a BWC that has been activated, under the following;
 - a. 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.
 - b. 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.
 - c. In a place of worship under circumstances where worshipers would be in view of the BWC.
 - d. If the officer knows or reasonably believes that the BWC 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.



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- e. In patient-care areas of a hospital, victims advocacy/resource center, or other healthcare facility.
 - f. In the case of a prisoner hospital watch, the BWC shall be de-activated, but shall be reactivated when there is any movement of the arrestee, including but not limited to an escort to the restroom, CT-Scan, X-Ray, Fast-track, or prisoner being admitted.
 - g. 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.
4. If an officer fails to activate the BWC when required, fails to record the entire event, contact, or prematurely deactivates the recording for any reason (*i.e., request, accidental, procedural or battery depletion*), the officer shall document the reason in the applicable incident, investigative or administrative report.
- a. In any instance where a BWC was prematurely deactivated, the device shall be reactivated as soon as it is safe and practical.

H. Re-activation When Reason for De-Activation No Longer Exists:

- 1. In any instance where a BWC was de-activated pursuant to aforementioned circumstances, the device shall be re-activated as soon as it is safe and practicable to do so.
 - a. When circumstances justifying de-activation no longer exist (*e.g., the interview of the person requesting de-activation is completed*) the officer shall be required to re-activate the BWC (*e.g., where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Policy*).

I. Unofficial Recordings:

- 1. A BWC shall *not* be used to gather intelligence 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 except as authorized under the law or this Policy.

J. “Tagging” Notation and Classification of Recordings:

- 1. Officers shall identify or “tag” BWC recordings that may raise special privacy or safety issues, by pressing the “select” button on the BWC.
 - a. This “tag” of the BWC recording will create a marker within the recording.
 - b. Officers may add a notation to the marker to describe the type of special consideration, within the digital evidence management system (*evidence.com*).



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2. Additionally, officers shall ensure each BWC recording is marked for retention using all appropriate classifications, to include the corresponding event number.
 - a. For a list of video classifications available within *evidence.com* refer to *section X subsection (E) Retention of BWC Recordings*, in this directive.
3. Recordings that contain any of the following shall be “tagged” for special privacy;
 - a. Image of a victim of a criminal offense.
 - b. Captures the image of a child.
 - c. Images in any residential premises, school or youth facility, healthcare facility, medical office, substance abuse/mental health treatment facility, or place of worship.
 - d. Conversation with a person whose request to deactivate the BWC was denied.
 - e. Non-investigatory special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded.
 - f. Image of an undercover officer or confidential informant.
 - g. Screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

K. BWC Operating System & Applications:

1. **AXON Evidence:**
 - a. The Police Division will utilize AXON Evidence (*evidence.com*) as the digital evidence management system to provide a secure cloud-based database to store, manage, access and share digital evidence.
 - i. Officers shall “tag” or assign the corresponding event number, and all appropriate retention classification(s) to each BWC recording, or piece of evidence.
 - b. Officers using an AXON BWC shall initiate the upload of BWC recordings to *evidence.com* by placing the device on the docking station at the corresponding Precinct or Command.
 - i. The BWC shall remain powered “on” while in the docking station.
 - ii. The BWC shall remain in the docking station at the end of the tour, *unless* the officer is scheduled to work an overtime work detail (*i.e. outside employment, or serving in an on-call capacity ERT/SWAT call-out*).



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2. **AXON Applications:**

- a. Officers shall utilize the *AXON View* mobile application where appropriate to remotely access, classify, and view BWC recordings, *prior to* being placed on the docking station.
- b. Officers shall utilize the *AXON Capture* mobile application where appropriate to import photo, video, or audio evidence from civilians, directly to *evidence.com*.
- c. Supervisory personnel shall utilize the *AXON Respond* application where appropriate, to access real-time location data, a video and communications link (*livestreaming*), to efficiently manage subordinate personnel, to include “*watch me*” requests.
 - i. The livestreaming feature shall *not* be used as a substitute for the “*in-person*” supervisory response.
- d. Supervisory personnel shall utilize *AXON Performance* application to ensure compliance with *section VII subsection A & B* of this directive, by completing the random review of BWC recording(s).

L. **Additional Documentation and Notification Regarding BWC Recordings:**

1. When a report is generated to document criminal activity or a police action, (*whereas the BWC captured image(s) of the event*), the officer shall indicate the same in the incident report, stop report, continuation report, or towed vehicle report, etc.
 - a. The indication must state “*BWC Activated*”.
2. Officers shall notify a supervisor when contraband evidence is recovered, and document the supervisor who was notified.
3. Officers shall notify a supervisor in any instance where a BWC was *de-activated* pursuant to aforementioned section(s).

M. **Inspection and Testing of Equipment:**

1. Officers equipped with a BWC shall be responsible for determining that the device is operational and the battery is adequately charged at the start of the officer’s shift, before going into the field.
 - a. BWC equipment is the responsibility of the assigned officer, and shall be used with reasonable care.
2. Officers shall conduct an inspection of the BWC device and its accessories (*i.e., mounting bracket, USB-C cable, helmet mounted camera*) at the beginning of each shift to ensure both video and audio recording capabilities are working.
3. Officers shall activate the BWC and record all sides of the police vehicle during a vehicle inspection.



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- a. BWC recording of vehicle inspections shall be classified as “*Priority One*”.

N. **Damaged, Malfunctioning or Inoperable Equipment:**

1. Officers shall account for any malfunction or damage to the BWC *before* going into the field, and shall notify an on-duty supervisor, preferably the desk supervisor.
 - a. Shall ensure the BWC malfunction is documented to include the officers name, identification number, BWC serial number, description of the issue/malfunction, and the serial number for the replacement BWC that was issued to the officer, (*if applicable*).
 - b. Shall ensure the MIS/Technology Unit (*mis2@ci.newark.nj.us*), commanding officer, executive officer, and principal clerk receive the notification for any BWC malfunction.
2. Any malfunction or damage that occur while in the field shall be reported to the field supervisor upon its discovery, or as soon as it is safe and practicable to do so.

VII. **SUPERVISOR’S RESPONSIBILITIES**

A. **Field Supervisors / Unit Supervisors:**

1. Shall conduct inspections of personnel to ensure the BWC is positioned in the center of the torso, on the outer most garment.
2. Shall conduct periodic inspections to ensure subordinate personnel are utilizing the AXON applications (*View, Respond, & Capture*) in accordance with training.
3. Shall utilize the AXON Performance application to monitor subordinate personnel to ensure BWC recordings are compliant with this directive.
 - a. Ensure subordinate personnel promptly respond to automated email notifications to add an event number, and/or classification(s) to BWC recording(s).
4. All Operations Bureau supervisory personnel shall review one (*1*) BWC recording per workday, or fifteen (*15*) per month, which have been randomly assigned by the AXON Performance application.
 - a. Unit/Section Commanders and Traffic Division supervisors shall also review one (*1*) BWC recording per workday, or fifteen (*15*) per month, which have been randomly assigned by the AXON Performance application.
5. Shall identify any deficiencies and document any corrective or remedial actions taken.
6. When notified of a malfunctioning BWC, the supervisor shall instruct the officer to document the issue, as stated in *section VI subsection N* of this directive.



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B. Desk Supervisors / Section Supervisors:

1. Ensure personnel attending roll call training are equipped with their BWC, and it is positioned in the center of the torso, on the outer most garment.
2. Shall conduct periodic inspections to ensure subordinate personnel are utilizing the AXON applications (*View, Respond, & Capture*) in accordance with training.
3. Shall utilize the AXON Performance application to monitor subordinate personnel to ensure compliance with this directive.
 - a. Ensure all subordinate personnel promptly respond to automated email notifications to add a missing event number, and/or classification(s) to a BWC recording.
4. Shall review one (1) BWC recording per workday or fifteen (15) per month, which have been randomly assigned by the AXON Performance application.
 - a. Unit/Section commanders and Traffic Division supervisors shall also review one (1) BWC recording per workday, or fifteen (15) per month, which have been randomly assigned by the Performance application.
5. Shall identify any deficiencies and document any corrective or remedial actions taken.
6. Supervisors assigned to investigatory sections shall conduct weekly audits of the AXON Community Request application to identify evidence received that corresponds to on-going investigation(s).
 - a. Supervisors assigned to investigatory sections shall review the video, photo, or image received, and either accept or decline the evidence.
7. The desk supervisor or Unit/Section commander shall review the BWC recording of the involved officer for any search or arrest resulting in the recovery of contraband evidence.
 - a. The desk supervisor shall also review the incident report to ensure it is an accurate depiction of the events captured in the BWC recording, and the officer's actions are compliant with law and Division policies.
8. Supervisors shall review *every* BWC recording to which involves the recovery of contraband evidence, and shall complete and submit the pre-formatted report (*Attached*).
 - a. Any deficiencies shall be identified and appropriate remediation actions taken.
9. When notified of a malfunctioning BWC, the desk/section supervisor shall ensure the following;
 - a. Any malfunction that occurs during *operational* hours (*Monday-Friday 0800-1700*), the officer shall to report to the MIS/Technology office without delay.



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b. Any malfunction that occurs during *non-operational* hours, the officer shall be issued a replacement BWC.

i. If there are *no* replacement BWC's available, the officer shall be redeployed until a replacement BWC is issued.

10. Shall ensure the BWC malfunction is documented, and notifications are made as stated in *section VI subsection N* of this directive.

VIII. COMMAND RESPONSIBILITIES

- A. Commanders are responsible for ensuring compliance with BWC training, policies, and procedures by regularly monitoring and inspecting BWC equipment within their command.
- B. Shall ensure all subordinate personnel promptly respond to automated AXON email notifications to add an event number, and/or classification(s) to BWC recording(s).
- C. Shall ensure all subordinate personnel complete the required review of one (1) BWC recording per workday.
- D. Commanders shall coordinate to have any damaged and/or malfunctioning BWC's promptly delivered to the MIS/Technology Unit.

IX. DATA CONTROL AND MANAGEMENT

- A. Officers or civilian employees of this Division shall *not* copy, erase, or in any other manner alter, tamper with, destroy, or conceal BWC recordings, and shall not alter, remove, obstruct or disable any camera. Any such tampering is a violation of *N.J.S.A. 2C:28-7* and is a 4th degree crime.
- B. If a law enforcement officer, employee, or agent fails to adhere to the recording or retention requirements contained in this directive, intentionally interferes with a BWC's ability to accurately capture audio or video recordings, or violates any other provision of this policy, officers, employee, or agent shall be subject to appropriate disciplinary action, in addition to any judicial consequences outlined in the law.

X. RETENTION OF BWC RECORDINGS

- A. The retention of BWC recordings must satisfy the requirements as set forth in *N.J. Attorney General Directive 21-5*.
 - 1. The Police Division shall retain all BWC recordings for not less than eighteen (18) months.
- B. As stated in *N. J. Attorney General Directive 21-5*, BWC recordings 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.



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- C. BWC Recordings shall automatically be retained *indefinitely* if it captured images involving a “*Law Enforcement Incident*”, an OPS investigation, or Consent Decree Audit.
- D. BWC recordings that are subject to *section X subsection A* of this directive, 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 the 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 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.
 7. A deceased subject's next of kin or legally authorized designee.
 - a. To accomplish *subsections 5, 6, 7*, a member of the public, parent or legal guardian, next of kin or designee shall be permitted to review the BWC recording to determine whether to request a seven-year retention period, as stated in the *Open Public Records Act, N.J.S.A. 47:1A-1*, and *General Order 05-05*.
- E. The chart below depicts the BWC classifications and the corresponding retention period.

Classification	Retention Period	Classification	Retention Period
Priority One	18 months	Priority Seven	84 months
Priority Two	18 months	Priority Eight	84 months
Priority Three	84 months	Stop Search & Arrest	84 months
Priority Four	84 months	OPS / IAD	Indefinite
Priority Five	84 months	Audit	Indefinite
Priority Six	84 months	Law Enforcement Incident	Indefinite

XI. ACCESS TO, DISSEMINATION OF BWC RECORDINGS AND RELATED RESTRICTIONS

- A. No law enforcement officer or civilian employee of the Newark Police Division shall access, view, copy, disseminate, or otherwise use a BWC recording except for an *official* purpose as specified in this section and the law.



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1. BWC recordings shall *not* be divulged or used for any commercial or other non-law enforcement purpose.

B. AXON Video Recall:

1. Video Recall allows the Police Division to recover video evidence (*without audio*) while the camera is idle (*not actively recording*), within the previous eighteen (18) hours.
 - a. AXON Recall shall *only* be accessed by a person with administrative privileges, in response to the following;
 - a. Critical incident (*officer down*), or
 - b. Law enforcement incident (*OIS*).

C. Authorized Purposes for Accessing BWC Recordings:

1. Access to and use of a stored BWC recording is permitted *only*;
 - a. When relevant to and in furtherance of a criminal investigation or prosecution.
 - b. When relevant to and in furtherance of an internal affairs investigation.
 - c. 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.
 - d. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by this policy.
 - e. 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.
 - f. To comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
 - i. Such request must be specific, and on the proper instrument (*e.g., subpoena, discovery request*).
 - ii. Only those recordings pertinent to the request shall be forwarded.
 - iii. The NPD reserves the right to redact video as applicable by law (*minor, victim, witness, etc.*).
 - g. To comply with any other legal obligation to turn over the recording to a person or entity.



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- h. To show or disseminate the recording to a civilian or a non-law enforcement entity, or to the public, where the County Prosecutor or designee, determines that disclosure to the public is warranted because the need for access outweighs the law enforcement interest in maintaining confidentiality.
- i. The Legal Affairs Unit, in coordination with the Office of the City Clerk, upon receiving a subpoena, court order, or request pursuant to the *Open Public Records Act (OPRA)*, 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 County Prosecutor.
 - i. Such notice shall state clearly the deadline by which a response must be made.
- j. 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.
- k. To conduct an audit to ensure compliance with this directive, standard operating procedure, directive, or order promulgated pursuant to this Policy;
- l. 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 County Prosecutor or designee, *or*
- m. Any other specified official purpose where the County Prosecutor or designee, finds *in writing* that good and sufficient cause exists to authorize access to a particular BWC recording.

D. Review of BWC Recordings *Prior to Reporting*:

- 1. An officer *may* review a BWC recording *prior to* the creation of any incident or supplemental report, written statement, or interview.
 - a. An officer shall report any review of a BWC recording either verbally or in writing.
 - b. The report shall include each BWC recording that was reviewed, and the date of the review.
- 2. Officers shall be prohibited from reviewing a BWC recording that meets the criteria as specified in *section XI subsection D (Restrictions to Access of BWC Recordings)*.



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E. Restrictions to Access of BWC Recordings:

1. To ensure the integrity of the investigation of “*Law Enforcement Incidents*” conducted pursuant to *N.J. Attorney General 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.
 - a. No civilian or law enforcement witness, including the principals of the investigation, shall access 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.
2. Law Enforcement Incidents in accordance with *N.J. Attorney General Directive 2019-4* include;
 - a. Any use of force by a law enforcement officer resulting in serious bodily injury or death.
 - 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.
 - d. The death of any civilian while in the custody of law enforcement.
 - e. Any incident the officer knows or has been advised, will be the subject of a citizen complaint, or investigation of personnel.

XII. MIS/TECHNOLOGY UNIT

A. The Technology Unit shall be responsible for:

1. Coordinating and distributing operational BWC's and related equipment to personnel.
2. Maintain a database of all BWC equipment, and to whom the equipment is assigned.
3. Coordinate warranty service and maintenance through Division-approved vendor(s).
4. Provide technical assistance and subject matter expertise to related investigations.
5. Coordinate the replacement of inoperable, malfunctioning or damaged BWC equipment and/or systems.
6. Ensuring BWC video classifications listed in *section X subsection E* of this directive have the required retention periods set within the digital evidence management system.



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7. Ensuring a record is maintained within the digital evidence management system (*evidence.com*) that documents and records all access to stored BWC recordings to include;
 - a. Date and time of access.
 - b. Specific BWC recording(s) that was/were accessed.
 - c. Officer or civilian employee who accessed the stored BWC recording.
 - d. Person who approved access, *where applicable; and*
 - e. Reason(s) for access, specifying the purpose or purposes for access authorized pursuant to *section XI* of this directive, and specifying the relevant case/investigation number, where applicable.

XIII. POLICE ACADEMY

- A. The Commander of the Police Academy is responsible for:
 1. Ensuring all BWC training records are maintained.
 2. Prevent unauthorized access to all BWC recordings used for training.
 3. Ensuring all Division personnel receive BWC training in accordance with *section VI subsection A* of this directive.

XIV. OFFICE OF PROFESSIONAL STANDARDS

- A. The Commander of the Office of Professional Standards shall be responsible for:
 1. Ensure supervisors that are assigned an investigation of personnel review the corresponding BWC recording(s), as delineated within this policy.
 2. Report the number of citizen complaints that correspond to a BWC recording in the monthly report, to include;
 - a. Number of complaints that were unfounded or exonerated as a result of a BWC recording.
 - b. Number of complaints that were sustained as a result of a BWC recording.
 3. Shall conduct a monthly audit of BWC recordings to ensure compliance with this directive. The audit shall consist of;
 - a. Twelve (12) BWC recordings per month classified as stop, search, and arrest.
 - i. Five (5) BWC recordings shall be in response to domestic violence.



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XV. ADVOCATE UNIT

BWC recordings shall be provided to the collective bargaining entity, for each case, *prior to* the date of a hearing.

XVI. RESPONSIBILITY OF COMPLIANCE

All Police Division personnel shall be responsible for understanding and complying with this order. Commanding and Supervisory officers are to ensure that subordinate personnel thoroughly understand the tenets of this order.

XVII. EFFECT OF THIS ORDER

This order shall become effective immediately upon issuance, and all previously issued memoranda, and orders and sections which are inconsistent with the tenets of this order are hereby rescinded.

By Order of:

A handwritten signature in black ink, appearing to read "Emanuel Miranda, Sr.", written over a horizontal line.

**EMANUEL MIRANDA, SR.
PUBLIC SAFETY DIRECTOR**

EM/CS/LC/JG:tr