


SEASIDE HEIGHTS POLICE DEPARTMENT			
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SUBJECT: BODY WORN CAMERAS			
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BY THE ORDER OF: Police Chief Thomas Boyd			
SUPERSEDES ORDER #:			

PURPOSE The purpose of this directive is to maintain guidelines for the use, management, storage, and release of audio-visual media recorded by body worn video/audio cameras (BWC). BWC is intended to enhance officer safety, produce effective materials for training and to produce an additional method of collecting evidence to prosecute those who violate the law.

POLICY It is the policy of the Seaside Heights Police Department to utilize body worn video/audio cameras (BWCs) to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

All personnel shall use this equipment (including accessing recordings) consistent with law, manufacturer’s guidelines, this directive, and those policies or guidelines issued by the New Jersey Attorney General and Ocean County Prosecutor’s Office. Failure to use this technology in accordance with law, this directive, and those policies or guidelines issued by the New Jersey Attorney General and Ocean County Prosecutor’s Office can result in discipline.

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

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

Any willful or repetitive violations of this directive shall be reported the internal affairs supervisor who shall report directly to the Chief of Police and Ocean County Prosecutor’s Office. The Ocean County Prosecutor is authorized to take such actions as are reasonable and necessary to ensure compliance with this directive and to prevent future violations.

PROCEDURES

I. DEFINITIONS

- A. For purposes of this directive, the following terms are defined:
1. Activate – means to actuate (put into operation) the recording mode/function of a BWC. All device activations because of an incident or event shall have a CAD/Incident ID number assigned to the recording in accordance with the current 'YYSH#####' format (e.g., 22SH12345). Pre-shift operational inspection and readiness tests do not require a CAD/Incident ID number assigned.
 2. Axon Evidence.com – A secure, cloud-based storage system through Axon, which is externally hosted and available to BWC users and administrators is used to organize, classify, manage, view, and archive digital evidence. Evidence.com tracks and provides an audit of all activity to protect the chain of custody.
 3. Axon Dock – A docking station for the Axon BWC. When the BWC is docked, digital data consisting of audio/video stored on the device is automatically uploaded to our agency Evidence.com portal. The dock also charges the internal battery and applies necessary device updates.
 4. Axon Device Manger – a mobile application that allows the user to register, assigns, and reassigns Axon devices easily and efficiently.
 5. Axon View/View XL – a mobile application that allows you to play video files that are currently stored on the body-worn camera and apply metadata tags (Case ID, Title, and Categories.) Video cannot be deleted or stored to the mobile device.
 6. Axon Performance – a application that provides near-immediate access to key body-worn camera and taser metrics.
 7. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation, or interaction with a civilian for the specific purpose of informing the civilian that the communication or conversation is being recorded.
 8. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
 9. Constructive authority –involves the use of an officer's authority to exert control over a subject (see directive on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...show me your

hands," "...get out of the vehicle", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...move out of the way", "...get down", etc.).

10. Deactivate – means to shut off the recording mode of a BWC.
11. Digital evidence – includes photographs, images, audio, and video recordings that are stored digitally.
12. Equipped with a BWC – means that an officer is wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from their agency.
13. Evidence.com – A secure, cloud-based storage system, which is externally hosted and available to users. Evidence.com is used to organize, classify, manage, view, and archive digital evidence. Evidence.com tracks and provides an audit of all activity to protect the chain of custody.
14. Evidence Transfer Manager (ETM) – a docking station for the AXON BWC and battery. When the BWC is docked, video/audio data stored on the camera is automatically downloaded to evidence.com. The ETM also charges the battery and camera.
15. Force – has the same meanings as defined in this department's directive on *Use of Force*.
16. Inadvertent BWC activation – is an accidental or unintentional BWC activation that is made inconsistent with New Jersey Attorney General Directive #15-1 and this order, whether listed or implied.

17. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, or operating while intoxicated 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.
18. Marker – means a pointer to a specific time in the evidence file. A marker is associated with a single frame or a video evidence file. Also synonymous with tagging.
19. Metadata – means information embedded within data that provides additional information and other identifying characteristics that are not immediately visible
20. Mute – means to disable the audio recording function during the actual recording of an incident or event due to sensitive situations.
21. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
22. School – means 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.
23. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. for purposes of this general order, serious bodily injury and serious bodily harm have the same meaning.
24. Significant bodily injury – means bodily injury which creates a temporary loss of the function of any bodily member or organ or temporary loss of any one of the five senses.
25. Sleep Mode – means situations where the BWC user may need momentary privacy. It can be used as an alternative to powering down the BWC during private situations. When activated, the BWC is neither in a recording (Event Mode) or pre-event buffering (Ready Mode) state. It shall not be considered a replacement for powering the BWC off.

26. Stealth Mode – means to turn off all BWC indicators, including but not limited to, LED lights, sounds, audio prompts, vibrations (haptic feedback) and device notifications.
27. Stand-by mode - When the BWC is powered on and buffering but, is not in event mode (recording).
28. Subject of the video footage – means any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the body worn camera recording and shall not include a person who only incidentally appears on the recording.
29. Substantive report – means a report that includes a detailed accounting of the incident. It does not include a report which simply refers to other reports or to the existence of BWC or other camera recordings.
30. Tactical team – is a group of officers who are specially selected, trained, and equipped to handle high-risk incidents including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
31. Tagging – is an electronic labeling of an electronic file captured by a BWC.
32. Undercover officer – is a law enforcement officer operating with an assumed identity and/or disguise for the purposes of gaining the trust of an individual or organization to learn or confirm confidential information or to gain the trust of targeted individuals to gather information or evidence. Plain-clothed officers and detectives are not considered undercover officers unless working with an assumed identity and/or disguise.
33. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, residential and/or treatment facilities, etc.

II. GENERAL ADMINISTRATION

- A. BWC recordings are invaluable to law enforcement for evidential purposes. BWC have demonstrated its value in the prosecution of criminal, traffic, and other related offenses and to protect officers from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. While visual and audio evidence may be captured on the recordings, the use of BWC is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
 1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 2. BWC shall only be utilized for legitimate law enforcement purposes.
- C. Adequate safeguards are necessary to ensure that this technology is:

1. Used in a non-discriminating way.
 2. Used to document visual evidence.
- D. When properly used, this equipment will have the following capabilities:
1. Creation of accurate documentation of motorist contacts and other patrol related activities.
 2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.
- E. These recordings will serve the following purposes:
1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 3. The recordings can resolve disputes concerning what occurred during incidents, thereby protecting both the public and the officers involved.
 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording can provide an accurate record of events.
 5. Recordings can provide a record of officer/public interaction when an officer's attention is on interacting with others. For example, these systems will record events during transportation of arrested persons, escape risks, emotionally disturbed individuals, intoxicated persons, people who are physically injured and encounters with members of the opposite sex. Recordings can provide accurate documentation of highly detailed and/or fast-moving incidents, such as roadside sobriety testing, violent encounters, and pursuits.
 6. Subject to the reviewing restrictions in this directive, 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 can permit supervisors to undertake more meaningful performance evaluations.
 8. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.
 9. Recordings enhance management's ability to train personnel in proper police procedures.
- F. Repairs to any BWC equipment shall only be performed under the direction of the BWC administrator or his/her designee.

- G. The Chief of Police shall maintain a training program on the lawful and proper use of BWC equipment. The Chief of Police may designate one or more persons to coordinate and/or conduct such training.
 - 1. Only officers who have received training in the use of BWC are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
 - 2. Proper use of a BWC is considered an essential job requirement.
- H. BWCs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- I. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, culture, LGBTQ+ status, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC.
- J. Officers entering a common workplace and out of general view of the public, shall ensure their BWC is placed into sleep mode and docked/placed in vehicle unless officers are dealing with any situation that is mandated in this general order (e.g., call for service or supervisor order.) Upon exiting the common workplace, the officer may return the BWC to the ready state.
- K. Officers can only power off their BWC when investigating, proceeding, or entering a potentially explosive environment, investigating a bomb threat or suspicious package under the same circumstances where utilization of a portable radio is prohibited due to concerns that radio transmissions could potentially cause detonation. BWCs are not intrinsically safe and should be treated with the same care and caution as any other electronic device utilizing wireless technology. Officers shall immediately power on their BWC when it is deemed safe to do so.
- L. All recording media, images, metadata, and audio are sole intellectual property of the Seaside Heights Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this directive without the expressed written consent of the Chief of Police or the Ocean County Prosecutor.
- M. Under no circumstances will any employee of the Seaside Heights Police Department make a personal copy of any recorded event without the permission of the Chief of Police or the Ocean County Prosecutor.
- N. Officers will use only those BWCs approved and issued by the Chief of Police. Such BWCs shall not be capable of recording images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Ocean County Prosecutor or his/her designee. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Ocean County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- O. BWCs shall be used only in conjunction with official law enforcement duties.

1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWC.
2. BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - a. Encounters with undercover officers or confidential informants; or
 - b. Strip and body cavity searches; or
 - c. When the officer is on break or otherwise engaged in personal activities; or
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; or
 - e. When the officer is involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction; or
 - f. When the officer is engaged in police union business; or
 - g. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording; or
 - h. While discussing criminal investigation strategies.
3. Officers are not required to wear and use a BWC:
 - a. When engaged in hostage negotiations.
 - b. When processing crime scenes.
 - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
 - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.
4. BWCs shall not be used surreptitiously.
5. BWCs shall not be used to gather intelligence information based on 1st 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 in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.

6. Any recordings from a BWC recorded in contravention of this directive or any other applicable law shall be immediately brought to the attention of the command staff and immediately destroyed by the command staff following consultation and approval by the Ocean County Prosecutor or Director of the Office of Public Integrity and Accountability. Such recordings shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.
7. Officers entering headquarters and out of the general view of the public shall place BWC into "Sleep Mode" and secure their BWC in their assigned vehicles when feasible.
 - a. **Unless** Officers are dealing with any situation mandated in this general order:
 1. Call for Service
 2. Supervisor Order
 3. Docking or Downloading Footage
8. Officers can only power off their BWC when investigating, proceeding, or entering a potentially explosive environment, investigating a bomb threat or suspicious package under the same circumstances where utilization of a portable radio is prohibited due to concerns that radio transmissions could potentially cause detonation. BWCs are not intrinsically safe and should be treated with the same care and caution as any other electronic device utilizing wireless technology. Officers shall immediately power on their BWC when it is deemed safe to do so.

III. TRAINING AND MAINTENANCE

- A. The BWC Coordinator or his/her designee shall manage the BWC equipment, including maintaining the system, establishing procedures to ensure the integrity and proper handling and storage of all BWC recordings.
- B. Repairs to any BWC equipment shall only be performed by the manufacturer or under the direction of the BWC Coordinator or his/her designee. The BWC Coordinator or his/her designee's responsibilities include, but are not limited to:
 1. Ensure that all recordings are uploaded to the agency's evidence.com portal in a timely fashion.
 2. Prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the agency's evidence.com portal; and
 3. Prevent unauthorized access to stored BWC recordings; and

4. Ensuring all instances when BWC recordings are accessed, viewed, copied, disseminated, or deleted; permit auditing on all instances when BWC recordings are accessed, viewed, copied, or deleted; and
 5. Authorize access to download BWC files.
- C. The BWC Coordinator or his/her designee shall register all BWC and docking stations through the agency's evidence.com portal prior to use or deployment.
1. BWCs will be assigned to Officers with their respective badge numbers to properly identify device assignment for ease of reference in officers' reports and other communications.
 2. Officers equipped with a BWC will have a corresponding digital and physical serial number assigned which is reflected through the agency's evidence.com portal.
 3. BWCs not assigned to an Officer will be identified as a 'SPARE ##'. These BWCs shall be utilized in the event of an equipment malfunction or emergent assignment requiring immediate usage. The Officer shall reflect the BWC identifier in all corresponding reports for tracking and audit purposes.
- D. BWCs are the responsibility of the officer to whom it is assigned. This shall include, but not be limited to, proper usage, maintenance, ensuring sufficient battery life and sufficient data storage, during their daily assignment.
- E. Based on the training received, officers must ensure that the BWC is operating properly prior to the start of their shift and must report all malfunctions, damage, or other problems to their immediate supervisor or BWC Coordinator/designee.
- F. The Chief, the BWC Coordinator or their designees shall maintain a training program on the lawful and proper use of BWC equipment. Only officers who have received training in the use of BWC are permitted to use these systems and must demonstrate a satisfactory degree of familiarity and efficacy in the use of these systems. Proper use of a BWC is considered an essential job requirement.
- G. The Chief shall designate one or more training officers to maintain proficiency in instructing others in the use of this equipment.
1. The BWC Coordinator or his/her designee is responsible for conducting or scheduling:
 - a. Initial training of all newly hired officers or to officers who have not been previously trained; and
 - b. Periodic refresher training will be provided to ensure continued effective use and operation of the equipment, and to incorporate changes, updates, or other policy revisions as necessary or required; and

- c. Supplemental training as a component of the performance improvement or progressive disciplinary process.
 - d. New officers can be trained during their field training and evaluation period.
2. Officers shall review and reference the BWC manuals online at my.axon.com or as disseminated through DMS. Officers shall remain familiar with this manual and any other information disseminated as it pertains to the operation of the device.
 3. The BWC Coordinator or his/her designee shall issue officers a login to the agency's evidence.com portal. Officers shall not share their login or password with any other person

IV. INCIDENTS TO RECORD

- A. BWCs allow for a clearly documented, first-hand, and completely objective account of an incident and will produce the maximum amount of information regarding the incident to be captured. All personnel assigned to or assisting in that event shall activate their BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as is safely possible. This will allow the maximum amount of information regarding the incident to be captured.
- B. BWCs allow for a clearly documented, first-hand, and completely objective account of an incident and will produce the maximum amount of information regarding the incident to be captured. Therefore, all personnel assigned to or assisting in that event shall activate their BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as is safely possible.
- C. Except when otherwise restricted in this directive, officers shall video and audio record all law enforcement activity including any interaction with a civilian. However, if an immediate threat to the officer's life or safety makes activating the BWC impossible or dangerous, the officer shall activate the body worn camera at the first reasonable opportunity to do so. Examples of such required recordings include, but are not limited to:
 1. All traffic stops from the initiation of the stop until the stop is concluded, including sobriety testing.
 2. All calls for service and shall remain activated for the duration of the incident.
 3. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, extra duty assignments at ABC establishments where alcohol is consumed (e.g., ABC establishments, festivals, etc.).
 4. Crash scenes, including interviews on the scene.
 5. Crime scenes except for crime scene processing.
 6. Motor vehicle and foot pursuits.

7. Investigations of criminal violations (not to include undercover investigations or related surveillance activities).
8. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
9. Investigative detentions / field interviews.
10. Out-of-court identifications (i.e., show ups, lineups).
11. Warrantless searches (all types, including frisks, but not strip or body cavity searches).
12. Search or arrest warrant execution (entire execution).
13. Arrests.
14. Arrestee/prisoner transportation.
15. Drug recognition expert (DRE) evaluations.
16. Overdose and suspected overdose investigations.
17. Emotionally disturbed person investigations / encounters.
18. When an officer uses force or constructive authority, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any investigation report).
19. Crowd control, unruly crowds, or incidents requiring activation of the all-hazards or emergency operations plan.
20. Domestic violence investigations.
21. Strikes, picket lines, demonstrations.
22. Officer initiated pedestrian stops.
23. Welfare checks of residents and motorists (motorist aid).
24. When an officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
25. Any contact that becomes adversarial when the BWC has not already been activated.
26. Conducting a protective frisk for weapons

27. In all other situations wherein an officer's Training and experience indicates that a situation should be recorded or when instructed to do so by a supervisor.

D. Notwithstanding any other provision of this directive, 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., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene when feasible.

- E. Notwithstanding any other provision of this directive, an officer while at the scene of a police deadly-force event, pursuit resulting in a death or serious bodily injury, in-custody death incident, or the on-scene investigation of such events shall not deactivate his/her BWC unless instructed to do so by the independent investigator supervising the investigation of the incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The independent investigator or his/her designee supervising the investigation may provide such instruction telephonically.
- F. BWC shall remain activated for the entire duration of a public contact until the officer has departed the scene and the officer has notified communications that the event is closed.
- G. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee.
 - 1. Long-range transportation of a prisoner in a vehicle while in New Jersey shall be recorded on the officer's BWC. Officers should mute the vehicles AM/FM commercial radio while recording.
 - a. NOTE: In accordance with N.J.S.A. 2A: 156A-1 et seq. (N.J. Wiretapping and Electronic Surveillance Control Act), any recorded conversation or comment made by any person seated in the police vehicle, while an officer is not present in that vehicle, cannot be used for police investigation or in a court of law.
 - b. Additionally, any recordings of conversations in the police vehicle that are beyond the human hearing range of an officer sitting in the front seat are impermissible and cannot be used in court.
 - 2. Officers shall exercise discretion when transporting prisoners on public transportation (i.e., buses, trains, aircraft) to not alarm the public. BWCs can be deactivated unless an incident listed in subsections V.B, V.C, and V.D of this order occurs. Wearing BWCs on commercial aircraft must comply with FAA and airline regulations (e.g., covered up, turned off during takeoff and landing, etc.).
- H. When wearing a BWC, officers shall notify the subject of the recording that they are being recorded unless it is unsafe or unfeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible.
 - 1. Prior to entering a private residence, officers shall notify the occupant that the occupant is being recorded and, if the occupant requests the officer to discontinue use of the 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.
 - 2. 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 and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC.

3. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, if the person requests that the officer discontinue use of the body worn camera, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.
4. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
6. BWC Shall not be worn inside of headquarters.
7. BWC Shall not be worn during the booking process or in the booking room.
8. BWC may be brought inside of headquarters only if being placed in the docking station to charge/upload video. (must activate "sleep mode" prior to entering)
9. All Tests not limited to but including SFST's (being performed at HQ due to weather or other circumstance), DRE Evaluations etc. shall be performed inside of the Seaside Heights Municipal Court Room.

- I. 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 Ocean County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
 1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).
 - a. Officers shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet is not critical to require recording.
 2. Officers may deactivate 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 deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.). However, in situations when an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.
 3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded.
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC as per the victim's request*").
 - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable.
 - d. The officer shall document the circumstances of the deactivation in the investigation report concerning the incident under investigation, including the time of activation and/or deactivation.

4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented and shall be reported to the shift supervisor as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
5. Officers should deactivate/mute a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., *"...I am now turning off my BWC to discuss investigative strategy with my supervisor"*).
6. Officers can deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., *"...I am now turning off my BWC as per the instruction of assistant prosecutor (insert name)"*).
7. Unless the officer is actively investigating a criminal offense or is responding to an emergency, or reasonably believes that he/she will be required to use constructive authority or force, the officer shall not activate a BWC, and shall deactivate a BWC that has been activated, while the officer:
 - a. Is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC.
 - b. Is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or

- c. Is in a place of worship under circumstances where worshipers would be in view of the BWC.
8. If a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police, or his/her designee shall notify the Ocean County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Ocean County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
- J. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
 - K. Officers shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation.
 - L. BWC shall be deactivated and removed while in the ALCOTEST area when the ALCOTEST device is being used. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for deactivation (e.g., "*...I am deactivating the BWC because the suspect is about to take a breath test*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
 - M. When a BWC is activated, officers shall state the time and are encouraged to provide narration where practical and appropriate to augment the value of the recording and to provide clarity for the viewer. Likewise, immediately prior to BWC deactivation, officers shall state the time.
 - N. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's directive on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section V of this directive.
 - O. If an officer fails to activate the BWC, fails to record the entire event contact, or

interrupts the recording, the officer shall document in the applicable investigation report the reasons why a recording was not made, was interrupted, or was terminated.

V. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. BWC will be assigned to uniformed sworn personnel in the field including those uniformed sworn personnel working extra duty assignments. SLEO II shall also be issued and use BWC consistent with this directive. BWCs shall be utilized daily.
1. Detectives and administrative officers shall wear BWCs when conducting arrests and while engaged in field duties (e.g., patrol coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this directive.
 2. Officers shall also wear and use a BWC consistent with this directive when:
 - a. On aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 - b. When assigned to front desk assignments and interacting with the public on law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.
 - d. When assigned to duties at demonstrations or potential civil disturbances.
 3. Officers shall exercise discretion when transporting prisoners on public transportation (i.e., buses, trains, aircraft) to not alarm the public. BWCs can be deactivated unless an incident listed in subsections V.B, V.C, and V.D of this order occurs. Wearing BWCs on commercial aircraft must comply with FAA and airline regulations (e.g., covered up, turned off during takeoff and landing, etc.).
 - a. Officers on loan to any outside agency, tactical team, proactive enforcement team, or task force shall use the agency issued BWC consistent with this policy, including restrictions, and any guidelines issued by the outside agency or task force. Such officers shall report any potential conflicts between this policy and the outside agency/task force's directives to the Sheriff or his/her designee as soon as practicable.
 4. When not in use, BWCs shall be stored in the designated docking stations (ETMs). The docking stations (ETMs) allow for the units to be charged and for the download of events to the BWC server.
 5. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 - a. A pre-shift function check shall be conducted if the officer is equipped with a BWC that will be used to record the circumstances

of the firing/discharge of the CED in lieu of an internal video camera.

- b. State your name, agency, badge number, date, and time, along with the statement pre-shift function check (e.g., Officer Funicelli, Seaside Heights Police Department, Badge 4347, Monday, January 01, 2022, 0800 hours, pre-shift function check.)
 - c. The captured pre-shift function test shall be categorized in evidence.com as 'Pre-shift Function Check' and the tag 'Pre-Shift' assigned. The pre-shift function test ID shall be entered as 'YYFC#####' format (e.g., 22FC99999).
6. BWCs that are not in full working order shall be taken out of service, removed from the multi-charger docking station, and forwarded to the Administration Division Commander or his/her designee pending repair or replacement.
 - a. Officers shall notify their immediate supervisor, or applicable shift supervisor via e-mail. The supervisor shall notify the Administration Division Commander or his/her designee.
 - b. If immediately necessary, the officer's supervisor, or applicable shift supervisor shall re-assign a designated spare BWC to the officer using Axon Device Manager or through evidence.com.
 - c. The Administration Division Commander or his/her designee shall contact the BWC manufacturer to schedule repair or replacement of the device as soon as practicable.
7. Any problems preventing the use of the BWC during the shift will be immediately reported to the officer's immediate supervisor or shift supervisor and Administration Division Commander or his/her designee as indicated above.
8. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
9. Officers shall dock their BWC for download to the BWC multi-charger docking station upon the completion of their shift. BWCs must be docked for a long enough period for the data to upload to this agency's evidence.com portal (e.g., 1 hour of video = 10 minutes of upload). At no time shall an officer take a BWC home if the BWC contains digital audio/video of evidentiary value.
10. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time, and that a test is being performed on the unit.
11. Any problems preventing the use of the unit during the shift will be reported to the shift supervisor with a CAD record generated noting the details of the problem.

12. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 13. Officers will dock their BWC for download to the BWC docking station upon completion of their shift.
- B. Officers utilizing a BWC are responsible for the following:
1. Make recommendations to Administration Division Commander or his/her designee regarding effectiveness, operational improvements, and revisions to this order.
 2. Ensuring that BWC is properly worn and positioned to record events.
 3. Activate the BWC during public contacts and calls for service to document interaction.
 4. Use BWC devices to document scenes and evidence observed.
 5. Document the use of BWC device in the narrative of required reports to include whether files are being requested and retained for evidence.
 6. Uploading digital audio/video recording onto the agency's designated evidence.com portal. The BWC device contains sufficient memory to store a total of approximately twenty-five (25) cumulative hours of digital audio/video. In addition, the BWC can record up to approximately six (06) hours of continual digital audio/video when fully charged.
 7. Officers are prohibited from changing or modifying any settings, other than as defined in this order, through any Axon supported application or through the agency's evidence.com portal.
- C. If an officer/detective, who has not officially reported for duty and has not signed out the assigned BWC for his/her shift comes upon an incident, the officer can investigate even if he/she does not have his/her BWC. In that instance, the officer should investigate the incident in accordance with applicable directives and report the absence of the BWC to the shift supervisor, and note the encounter in the formal investigation report, or have the communications center make a note in the calls for service if a formal investigation report is not required
- D. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- E. Uniformed officers will wear the BWC mounted to the front of the uniform or outermost garment on the center of the chest. Plain clothes personnel can wear their BWC on their belt facing forward.
- F. Depending on the officer's height, officers shall ensure the height of the BWC remains in a position to allow the recording of an encounter or incident.
- G. When digital audio/video is captured involving any part of an arrest or significant event, officers will identify the recording with the CAD incident number, an abbreviation of the incident, the incident address, three-digit municipal code and

the officers badge number in all capital letters within the title area. (e.g., DV_116 SHERMAN AVE_SSH_4347)

1. Officers shall also document the time(s) the BWC was activated and the time(s) that the BWC was deactivated. BWC recordings are not a replacement for written reports.
 2. Under no circumstances shall officers simply refer to a BWC recording on an investigation report (or supplemental report if responding as a backup) instead of detailing the facts and circumstances of their investigation/observations.
- H. BWC recordings that have been tagged as having evidentiary value can be copied as soon as practicable to a CD/DVD and stored as evidence in accordance with this department's directive on *Property and Evidence*.
- I. Officer shall tag their BWC recordings on evidence.com as soon as practicable, but by the end of their shifts. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately label recordings that:
1. Captured a law enforcement incident, as defined in *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.
 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.
 2. Captured the image of a victim of a criminal offense.
 3. Captured the image of a juvenile.
 4. Captured a conversation with a person whose request to deactivate the BWC was declined.
 5. Were made in a residence (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship.
 6. Captured a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded.
 7. Captured the image of an undercover officer or confidential informant; or
 8. Captured the screen of a law enforcement computer monitor that is

displaying confidential personal or law enforcement sensitive information.

- J. Shift supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
1. Supervisors will conduct random formal reviews of selected recordings to assess officer performance as well as to flag video/audio that may be appropriate for training purposes.
 2. Supervisors shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain of command to the Chief of Police or his/her designee.
 3. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the shift supervisor will label the video/audio for indefinite retention.
 4. Subject to the viewing restriction in subsection V.C.4 (below), supervisors shall review all available recordings as a component of the meaningful review process in all incidents requiring such a review. Such incidents requiring a meaningful review include:
 - a. Use of force.
 - b. Motor vehicle and foot pursuit.
 - c. Officer-involved motor vehicle crashes.
 - d. Officer-involved injuries.
- K. Inadvertent Recordings:
1. Upon discovering that he/she has made an inadvertent BWC activation, the Officer shall notify his/her supervisor by e-mail. At a minimum, the e-mail notification shall include:
 - a. Date and time of activation; and
 - b. Officer(s) involved; and
 - c. BWC ID number, including serial number (if the BWC is a replacement); and
 - d. An explanation of why the officer is requesting purging of the recording.
 - e. the supervisor shall notify the Administration Division Commander or his/her designee, by email of the inadvertent BWC activation.
 2. Upon receipt of the e-mail notification, the Administration Division Commander or his/her designee shall categorize the recording as 'Accidental/Malfunction/Inadvertent', thus limiting access to the recording to internal affairs/professional standards unit, undersheriffs, and the Chief.

- a. Within 5 business days, the internal affairs/professional standards unit supervisor or his/her designee shall view the recording and, if requested by the requesting Officer, with the reporting officer.
- b. Within 5 business days after viewing the recording, the internal affairs/professional standards unit shall render a recommendation to the Chief whether to purge the inadvertent recording.
- c. The Chief or his designee shall make the final determination whether to purge or retain the inadvertent recording.
- d. If the Chief or his/her designee approves purging the inadvertent recording, the internal affairs/professional standards unit supervisor shall purge the inadvertent recording from the BWC server consistent with section VII of this general order.

VI. CRITICAL INCIDENT MANAGEMENT

- A. Live video streaming – incident commanders and supervisory staff can remotely start any or all BWCs and view the video in real-time from any location that Internet connectivity is available.
 - a. Supervisors should make a reasonable attempt to notify the officer of the intent to utilize the live video feature prior to activation.
 - b. Supervisors should be able to provide an articulable rationale for the activation based on the circumstances and situation becoming a need-to-know incident such as officer safety concerns or for tactical/operational purposes
 - c. Abuse or misuse of live streaming or device activation may be subject to discipline.
 - d. This is not utilized by the Seaside Heights Police Dept.

VII. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC events is strictly limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with the provisions of this directive.
- B. BWC recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- C. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to, use of, and receiving an account 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. To assist the officer whose BWC made the recording in preparing his/her own substantive police report, providing a statement, or submitting to an interview.
 - a. Except:
 - 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or
 - 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's directive on *Use of Force*); or
 - 3) The incident involved the death of a person while in law enforcement custody; or
 - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
 - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.
 - b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
 - 1) The officer shall document each BWC recording that was reviewed and the date of the review.
 - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting, and the specific BWC recording for which an accounting was provided.
 - c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
 - 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.

- 2) In all other cases, the Chief of Police or his/her designee is the investigating entity.
 - 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency.
 6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint.
 7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court:
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact video/audio as applicable by law with software approved by the BWC vendor or the Ocean County Prosecutor's Office.
 - 1) Redaction includes, blurring images or muting audio segments.
 - 2) Redactions could include, but are not limited to:
 - a) Faces of victims by blurring.
 - b) Faces of civilians that are not part of the investigation by blurring.
 - c) Addresses, social security numbers, dates of birth, etc. unless pertinent to the investigation by muting.
 - 3) Consult with an assistant prosecutor before redacting any recording involving a criminal matter under its jurisdiction.
 - 4) Consult with the municipal prosecutor before redacting any recording involving a matter under municipal court jurisdiction.
 - 5) Consult with the borough attorney before redacting any recording involving a civil matter involving litigation against the borough, the department, or an employee.
 - 6) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted. This confidential information includes, but is

not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.

- d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
 8. To comply with any other legal obligation to turn over the recording to a person or entity.
 9. Solely and exclusively for internal training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video, unless the depicted individuals have consented to the recording being used for training purposes:
 - a. Note: consent is not required from Seaside Heights police officers appearing in the recording.
 - b. Recordings retained beyond 180 days solely and exclusively for training purposes shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.
 10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Ocean County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that 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.
 11. To conduct an audit to ensure compliance with this directive.
 12. 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 Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
 13. Any other specified official purpose where the Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording
- D. Officers/employees shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Officers/employees shall not instruct another to alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this directive or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWC's ability to accurately capture audio or video recordings.
1. The officer, employee, or agent shall be subject to appropriate disciplinary action; and

2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of N.J.S.A. 40A:14-118.5 et seq. or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding.
- E. Recordings are considered criminal investigative records of this police department and shall be maintained on evidence.com and disposed of in accordance with law and New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of at least 180 days.
 2. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, 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. BWC recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
 4. BWC recordings shall be retained for not less than three years if voluntarily requested by:
 - a. The officer whose BWC made the recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - b. The officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWC recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWC recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - g. A deceased subject's next of kin or legally authorized designee.
 - h. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections V.E.5 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
 5. When a BWC records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
 6. Contents downloaded from BWCs will be stored on this agency's evidence.com portal or other cloud-based storage. Such storage media will be maintained as evidence or with the appropriate case file. If maintained as evidence, all general orders regarding evidence handling and retention shall be followed.
 7. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, 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.
- F. The records custodian or his/her designee shall notify the Ocean County Prosecutor's Office OPRA records custodian within one business day upon

receiving any subpoena, court order or OPRA request for a BWC recording for a criminal investigation before complying with it.

1. Contact the municipal prosecutor upon receiving any subpoena, court order or OPRA request for a BWC recording for a non-indictable investigation before complying with it.
2. Contact the borough attorney/solicitor upon receiving any subpoena, court order or OPRA request for a BWC recording for a tort claim against the borough before complying with it.
3. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.5 of this order if the subject of the BWC recording making the complaint requests the BWC recording not be made available to the public.
4. BWC recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection VII.E.6 of this order.
5. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.6(a)(b)(c)(d) of this order.
6. Pursuant to the Open Public Records Act (N.J.S.A. 47:1A-5c and N.J.S.A. 47:1A-5d), the department can apply service fees for any extraordinary expenditure of time and effort to accommodate a request. The service fees will be based upon the actual direct cost of providing the service or extraordinary time. If the requester objects to the fee, the request is closed and access to the records is not granted.
7. BWC footage requests requiring a substantial amount of manipulation or programming of information technology will be assessed a special service fee that shall be reasonable and shall be based on the cost for the labor cost of personnel providing the service, that is actually incurred for the programming, clerical, and supervisory assistance required, or both, if a request is for a copy of a record.
8. The fee will be based at the lowest hourly rate of the personnel authorized to review/redact/approve the request.
9. The records custodian or his/her designee will provide the requestor an estimate before any action is taken in accordance with Directive V5C5 Records Access and Security.

- G. Only the following body worn camera recordings shall be exempt from public inspection:
1. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.3 of this directive if the subject of the BWC recording making the complaint requests the body worn camera recording not be made available to the public.
 2. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.4(a)(b)(c)(d) of directive.
 3. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.4(e)(f)(g) if an officer, parent, or legal guardian, or next of kin or designee requests the body worn camera recording not be made available to the public.
 4. Provide the type of police action or activity depicted in the recording, including but not limited to, whether the officer was involved in an investigative detention, an arrest, an interrogation of a suspect, a witness interview, a search, a protective frisk for weapons, or was using constructive or actual force.
 5. Indicate whether the recording is part of an ongoing criminal or internal affairs investigation or whether release of the recording potentially infringes upon a victim and/or juvenile privacy rights.
 6. The records custodian or his/her designee will receive an email acknowledgement. If no further communication is received within 72 hours, the record custodian or his/her designee should respond to the request as deemed appropriate.
- H. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than 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 Chief of Police in consultation with the Ocean County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
1. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the Ocean County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.

2. A BWC recording tagged pursuant to subsections IV.H.2 through IV.H.8 of this directive shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to section IV.G.
 3. The independent investigator overseeing an investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation.
 4. To ensure the integrity of investigations pursuant to Attorney General Law Enforcement 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 order, 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 expressed prior approval of the independent investigator assigned by the Office of Public Integrity and Accountability (DCJ).
- I. The Chief of Police or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this directive. Minimally, the record keeping system shall document the following information:
 1. The date and time of access.
 2. The specific recording(s) that was/were accessed.
 3. The officer or civilian employee who accessed the stored recording.
 4. The person who approved access, where applicable.
 5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
 - J. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or designee and only if a duplicate copy is retained by the department.
 1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields

(speakers, etc.) or other areas that may facilitate corruption in the property room.

- K. Officers shall not reproduce or store any recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.
- L. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.
- M. Officers are prohibited from recording or otherwise disseminating recordings of their or other Officers body-worn camera footage. Use of screen-capturing programs or applications is strictly prohibited.