



CRANFORD POLICE DEPARTMENT

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MEMORANDUM:	ISSUING AUTHORITY OF POLICE:	
PERSONNEL ORDER:	CHIEF RYAN J. GRECO	
DISTRIBUTION: ALL PERSONNEL	BY: CHIEF RYAN J. GRECO	
SUBJECT: BODY WORN CAMERAS (BWCs)		

PURPOSE:

The purpose of this standard operating procedure is to set guidelines for the use, management, storage, and release of audio-visual media recorded by both body-worn video/audio cameras in a manner consistent with the provisions outlined in this policy and New Jersey Attorney General Directive No. 2015-1. Body Worn Cameras (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.

ENACTMENT:

This policy shall take effect upon the effective date noted in this policy. Personnel shall be required to adhere to this policy immediately upon the completion of the departmental training and assignment of their individual body worn camera.

Upon enactment, this policy shall provide a “break-in” period to allow personnel adequate time to become accustomed to the functionality, deployment, operation, and management of their body worn cameras; the management software; the review/supervisor process; the records retention and dissemination process; the collection and retention of evidence; as well as all other administrative task associated/related to the body worn camera system and/or recorded video.

The “break-in” period shall expire on the last day of the calendar year in the year this policy is enacted.

This “break-in” period does not excuse personnel from adhering to the mandatory wear/operation of their body camera, nor does it excuse personnel from adhering to the restrictions as outlined in Section VI of this policy.

POLICY:

- A. It is the policy of the Cranford Police Department to utilize body worn video/audio cameras (BWC) to assist agency personnel in the performance of their duties by providing an unbiased recorded account of an incident.

- B. The Cranford Police Department website/webpage/social media accounts shall contain a clear statement that this department utilizes body worn video/audio cameras. The website/social media posting shall include an image showing what the device looks like and how it is to be worn by uniformed officers so that citizens will be able to determine whether an officer is equipped with the device.
- C. 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 Union County Prosecutor or his/her designees. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, Union County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- D. BWC is 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 may result in disciplinary action.
- E. All recording media, images, and audio are intellectual property of the Cranford Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this Standard Operating Procedure without the expressed written consent of the Chief of Police.
- F. Under no circumstances will any employee of the Cranford Police Department make a personal copy of any recorded event without the permission of the Chief of Police.
- G. All personnel shall use this equipment (including accessing recordings) consistent with the manufacturer's guidelines, this SOP, and those policies or guidelines issued by the New Jersey Attorney General and Union County Prosecutor's Office. Failure to use this technology in accordance with this SOP and those policies or guidelines issued by the New Jersey Attorney General and Union County Prosecutor's Office may result in discipline.
- H. The Chief of Police shall establish 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 this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
- I. It is recognized that video recording cannot always depict the full story of an encounter, the exact visual perspective of a wearer, nor capture an entire scene. The use of BWCs does not reduce the requirement to provide thorough written documentation of an incident. Persons reviewing BWC recordings must also take into account that video captured by a BWC is merely one piece of evidence that provides only one perspective regarding the situation that has been recorded.

DEFINITIONS:

- A. For purposes of this Standard Operating Procedure, the following terms are defined:
 - 1. Activate- means to actuate (put into operation) the recording mode/function of a BWC.

2. Body worn audio/video recorder (BWC)- means a device worn by a law enforcement officer that makes an electronic audio-visual recording of activities that take place during law enforcement action. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e. “dash camera”). The term also does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity; nor does the term include an electronic recording device used to comply with requirements of Court Rule R.3:17(electronic recording of station house custodial interrogations).
 3. Constructive authority- involves the use of an officer’s authority to exert control over a subject, except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., “show me your hands,” “...get out of the vehicle”, etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., “...move out of the way”, “...get down”, etc.).
 4. Force- shall have the same meaning as defined in the Attorney General’s Use of Force Policy. The term “force” shall include all variations specified in the AG policy (physical, mechanical, enhanced mechanical and deadly).
 5. Investigation of a criminal offense- means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly persons 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; canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
 6. “Law enforcement agency,” “agency,” or “department”- means a law enforcement agency operating under the authority of the laws of the State of New Jersey.
 7. “Law enforcement officer” or “officer”- means a sworn officer employed by a law enforcement agency.
 8. School-means an elementary or secondary school (i.e., middle school or high school), public, or private.
 9. Youth Facility- means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.
 10. Tagging-is an electronic labeling of a video file captured by a BWC. The term “categorizing” or “category” may be used interchangeably with the term “tagging” or “tag” for the purpose of this policy.
- B. All references to BWC include the body worn devices and, where appropriate, the wireless transmitter, microphone, removable media, server, and other accessories necessary to operate these systems.

I. Equipment

- A. The BWCs issued by this agency shall be the only cameras authorized for use or utilized by members of this agency.
- B. The use of BWCs with electronically enhanced audio/visual capabilities, such as infrared vision features, etc. is not authorized.
- C. The BWCs, equipment, all data, images, video, metadata captured, recorded, or otherwise produced by the equipment is the sole property of the Cranford Police Department.

II. Training

- A. Training Required Prior to Use: Officers assigned BWCs must complete the initial training program to ensure proper use and operation.
- B. Training Coordinator Responsibilities: The Cranford Police Department Traffic Bureau shall serve as agency training coordinators, who shall be responsible for providing the following:
 1. Initial training to all newly hired officers or officers who were not previously trained;
 2. Periodic refresher training, as required, to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment;
 3. The decision to activate or deactivate a BWC is a police action subject to the rule established in Attorney General Law Enforcement Directive No. 2005-1, which strictly prohibits any form of racially influenced policing.

III. Recording of Incidents

- A. The BWC **SHALL NOT** be used to record:
 1. Encounters with undercover officers or confidential informants;
 2. Communication with other police personnel without the advanced permission of the Chief of Police, the Union County Prosecutor's Office or the New Jersey Division of Criminal Justice;
 3. When on break or otherwise engaged in personal activities;
 4. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room;
 5. When engaged in police union business;

6. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction;
 7. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording.
 8. While discussing criminal investigation strategies.
 9. While discussing tactical operational planning.
- B. The following incidents **SHALL BE** recorded by all officers present, inclusive of the first line supervisor:
1. All traffic stops from the initial point of contact with the violator's vehicle until the stop is concluded, including sobriety testing;
 2. Field sobriety testing;
 3. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, pedestrian crossing checkpoints, etc.;
 5. Major crime scenes;
 6. Motor vehicle pursuits;
 7. Interviews of witnesses when conducting investigations of criminal violations (not to include undercover investigations, controlled purchases of narcotics, related surveillance activities, or stationhouse recordings of custodial interviews/interrogations);
 8. Investigative detentions/field interviews;
 9. Searches (all types, including frisks) with the exception of strip/body cavity searches;
 10. Arrests;
 11. Arrestee/prisoner transportation to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility; 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.

12. When an officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in an incident report);
 13. Special events or projects, including but not limited to crowd control, unruly crowds, or any incident requiring activation of the “all hazards” or emergency operations plan;
 14. Domestic violence investigations;
 15. Strikes, picket lines, demonstrations;
 16. Officer initiated pedestrian stops;
 17. The officer is conducting a motorist aid or community caretaking check.
 18. Notwithstanding any other provision of this SOP, when a BWC equipped officer 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.
 19. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWC unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.
- C. When a BWC is activated, officers are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
- D. BWC shall remain activated for the entire duration of a citizen contact until either the officer or citizen have departed the scene and the officer has notified communications that the event is closed.
- E. When wearing a BWC, officers shall notify crime victims and civilians inside of their homes or place of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.
1. 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 incident report of the incident and/or by narrating the reasons on the BWC recording.

2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
 3. 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 incident report why a recording was not made, was interrupted, or was terminated.
- F. 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 Union 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.

IV. Deactivation of Body Worn Cameras

- A. 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).
1. 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).
 2. 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.
- B. Officers may deactivate a BWC when a person, other than an arrestee, is seeking medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to deactivate 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.).
- C. When an officer deactivates a BWC:

1. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
 2. 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.*” State the time);
 3. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable; and
 4. The officer shall document the circumstances of the deactivation in any incident report concerning the incident under investigation, including the time of activation and/or deactivation.
- D. 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.
1. In the event that the officer declines a deactivation request, the officer shall immediately inform the person making the request of the decision.
 2. 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 Union County Prosecutor or his/her designee of the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
- E. Officers may 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).*” STATE THE TIME).
- F. Officers may deactivate or 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."* State the time).

- G. *Unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force:*

The officer shall not activate, and shall deactivate, the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc. where minor children, patients, and/or religious worshipers would be in view.

If an officer is required to deactivate their BWC in accordance with the provisions of this section, the officer shall narrate the reason for deactivation (e.g., *"...I am entering a school building where children are present."* State the time.)

The BWC shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).

- H. In any instance where a BWC was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstance justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- I. 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 as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- J. If the BWC produces radio-frequency interference while activated or while in standby mode, the device shall be deactivated or 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"* State the time), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.

V. Officer and Supervisory Responsibilities

- A. BWC will be assigned to officers working in a uniformed patrol capacity. Detectives shall wear BWCs while engaged in patrol-related duties (e.g., road coverage etc.). BWCs shall be utilized on a daily basis. Officers working extra-duty details that are not patrol-related (e.g. traffic direction/road closings) have the option of wearing a BWC if one is available.
- B. Shift supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift. Likewise, the commanding officer shall ensure that uniformed shift supervisors are also equipped with functioning BWCs.
- C. When not in use, BWCs shall be stored in the designated docking stations. The docking stations allow for the units to be charged and for the uploading of video to the BWC server.
- D. 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.
 1. When conducting the pre and post shift inspection, the officer shall ensure that the camera is free of physical defect, the battery level is charged and the camera is operating as intended.
 2. Any problems preventing the use of the unit during the shift will be reported to the shift supervisor, in writing, noting the details of the problem.
- E. All officers assigned a BWC are responsible for its use and maintenance during their shift of duty
- F. Officers will wear the BWC mounted to the front of their outer most garment utilizing the mounting equipment provided by the manufacturer.
- G. Officers are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident and shall not be obstructed.
- H. Officers will dock their BWC to the BWC docking station upon completion of their shift and ensure charging and uploading is occurring. BWCs shall not be stored in any other location, to include an officer's individual locker, duty bag, or vehicle.
- I. Officers are required to tag all video captured on their BWC. Proper tagging of video shall include the following information:
 - CPD Case#
 - Title-Description of Incident (Information that will make it easier to locate during a search; i.e.: MV Stop)

- Category- (Choose the appropriate category/categories that best describes the incident and final disposition. Multiple categories may be selected; however, the highest category will set the overall retention of the video. For example, a motor vehicle stops that results in an arrest shall be categorized as both a “Traffic Stop” and an “Arrest.” This example would have a retention period of 5 years despite the “traffic stop” retention only being 1 year.
 - Other Incident - 90 Days
 - Traffic Stop - 1 Year
 - Arrest - 5 Years
 - Motor Vehicle Accident - 1 Year
 - Pursuit -5 Years
 - Demo/Test - 10 Days

It is recommended that the officers tag their video on a regular basis to ensure compliance and ease in recordkeeping. At no time should an officer allow recorded video to remain untagged beyond the completion of their daily shift.

- J. Shift supervisors shall review on a regular basis, throughout their shift, the uploaded video log to ensure tagging of video evidence was completed by officers assigned to their shifts.
- K. The Patrol Division Watch Commander shall review the uploaded video log at least once a tour to ensure compliance with the tagging of all video.
- L. Watch Commanders shall complete at least one review for each of their officer’s recordings during a tour of duty. This review shall be conducted to assess officer performance as well as well as to flag video/audio that may be appropriate for training purposes. Bureau and Division commanders shall perform the same review for each of the first line supervisors assigned to their bureau/unit.
- M. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the officer/supervisor will label the video/audio as such for indefinite retention. Notification in writing shall also be made to the Internal Affairs officer.
- N. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 - 1. Captures the image of a victim of a criminal offense;
 - 2. Captures the image of a child;
 - 3. Were made in a residential premise (e.g., home, apartment, hotel room, etc.), a youth facility or school, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or place of worship;

4. Captures a conversation with a person whose request to deactivate the BWC was declined;
 5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 6. Captures the image of an undercover officer or confidential informant; or
 7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
- O. In the event that at BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Union 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 Union County Prosecutor or his/her designee.
- P. In the event that a BWC worn during the execution of tactical operation (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.

VI. 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 written SOP.
- B. 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 *SOP 06-55 Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with this SOP and the applicable Open Public Records Act request.
- 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 and use of a stored BWC recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution;
 2. When relevant to and in furtherance of an internal affairs investigation;

3. When relevant to and in furtherance of an administrative 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 or her own police report, subject to the restrictions established in “J” of this section (*Use of Force Incidents* (see below));
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 actually occurred during the encounter so that person can make an informed decision whether to file the complaint; this shall only be authorized and administered by the Internal Affairs officer or designee;
7. To comply with the state’s discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specified 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. The Cranford Police Department reserves the right to redact video as applicable by law.
 - d. All requests for copies or review of BWC recordings are subject to the fee requirements set by the prevailing ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity.
9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Union County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that the disclosure to that particular person entity or the public is warranted because the person’s/entity’s/public’s need for access outweighs the law enforcement interest in maintain confidentiality;

11. To conduct an audit to ensure compliance with this SOP;
 12. To enhance officer and public safety providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premise to be searched), when such use is approved by the Union County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee; or
 13. Any other specified official purpose where the Union 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. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of NJSA 2C:28-7, and is a 4th Degree Crime.
- E. Recordings are considered routine business records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Archives and Records Management (NJDARM) Records Retention Schedules.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a minimum period of ninety-days (90). Exceptions to this retention period shall be for any video associated with “Demo/Training” and/or video identified as “Miscellaneous/Non-Incident.”
 2. Recording being stored for criminal, civil, or administrative purposes must be maintained until the conclusion of the case. Recordings maintained for these purposes can only be erased or destroyed in accordance with New Jersey Bureau of Archives Record Retention Schedule.
- F. Upon receipt of a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording, the Chief of Police or designee shall notify the Union County Prosecutor’s Office within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it. Such notice shall state clearly the deadline by which a response must be made.
- G. 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 Union 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.

- H. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to an officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Union County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take 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.
- I. A BWC recording tagged pursuant to section V(P) of this SOP shall not be viewed, accessed, copied, disseminated, or otherwise used without first obtaining the permission of the Union County Prosecutor's or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Union 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 V(P).
- J. The assistant prosecutor overseeing police use of force investigation pursuant to Attorney General Law Enforcement Directive 2006-5, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this SOP, 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 assistant prosecutor, assistant or deputy attorney general, or designee.
- K. 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 SOP. Minimally, the record keeping system shall document the following information:
1. The date and time of access;
 2. The specific recording(s) that was/were accessed;
 3. The officer or civilian employee who accessed the stored recording;
 4. The person who approved access, where applicable; and
 5. The reason(s) for access, specifying the purpose or purposes for access, and specifying the relevant case/investigation number, where applicable.

- L. In the event that a 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 guideline.
 - 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.
- M. 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.
- N. 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.