

	BOGOTA POLICE DEPARTMENT DEPARTMENTAL DIRECTIVE	Date Issued: July 26, 2022	Date Effective: July 26, 2022
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Directive: General Order		Directive #	Status: NEW
Subject: Body Worn Cameras		Accreditation Standards:	
Issued by: Chief Daniel Maye	Supersedes Order #	Review Date:	
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PURPOSE

The purpose of this policy is to maintain uniform guidelines for the lawful use and operation of the agency-authorized body worn camera recording system (BWC). The goals and objectives in deploying BWCs are the accurate documentation of interactions between law enforcement and members of the public, arrests, and other critical incidents. Further, this policy maintains protocols for the maintenance, storage, retrieval, and preservation of recordings to maintain the lawful chain of custody.

POLICY

It is the policy of the Bogota Police Department to utilize body worn video/audio cameras(BWC) 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 and replicating recordings) consistent with manufacturer's guidelines, applicable laws and statutes, this policy, and those policies or guidelines issued by the New Jersey Attorney General and the Bergen County Prosecutor's Office. Failure to use this technology in accordance with this policy, applicable laws and statutes, and those policies or guidelines issued by the New Jersey Attorney General and Bergen County Prosecutor's Office can result in disciplinary action. Any willful or repetitive violations of this policy and/or *Attorney General Law Enforcement Directive 2015-1* shall be promptly reported to the Bergen County Prosecutor's Office. The Bergen County Prosecutor may take such actions as are reasonable and necessary to ensure compliance with *New Jersey Attorney General Directive 2022-01* and to prevent future violations.

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

PROCEDURES

I. DEFINITIONS

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

1. Activate – means to actuate (put into operation) the recording mode/function of a BWC.
2. 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.
3. Attorney General (AG) – means the Attorney General of the State of New Jersey.
4. Body worn camera (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).
5. Constructive authority – involves the use of an officer's authority to exert control over a subject (see this department's policy 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 to upholster a firearm or CED (e.g., "...*move out of the way*", "...*get down*", etc.).
6. Deactivate – means to shut off the recording mode of a BWC.
7. Digital evidence – includes photographs, images, audio, and video recordings that are stored digitally.
8. Force – has the same meanings as defined in this department's policy on *Use of Force*.

9. Investigation of a criminal offense – means any law enforcement activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, or driving under the influence, 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.
10. Law enforcement officer or officer means a sworn officer employed by the Bogota Police Department, except when referring to officers of another law enforcement agency.
11. School – means a public or nonpublic elementary or secondary school within this State offering education in grades pre-kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory schoolattendance requirements.
12. 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.
13. 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.
14. Tagging/Classification – is an electronic labeling/time-stamp/mark of an electronic file captured by a BWC.

15. 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
16. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-carecenters, youth camps, residential facilities, etc.

II. GENERAL ADMINISTRATION

- A. 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.
 1. There is no intent to utilize the BWC as a management tool to punish officers for minor departmental rule infractions.
 2. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 3. The use of BWCs does not eliminate or minimize the requirement to provide thorough written documentation of an incident.
 4. Persons reviewing BWC recordings must also consider that the video captured by a BWC is merely one piece of evidence that provides only one perspective regarding the situation that has been recorded.
- B. Adequate safeguards are necessary to ensure that this technology is used in a non-discriminating way and used to properly document evidence.
- C. 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. Subject to the restrictions in this policy, 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.
 6. Recordings can permit supervisors to undertake more meaningful performance evaluations by evaluating basic police practices and interactions between its personnel and the public, thus providing the ability to better train personnel.
- D. Repairs to any BWC equipment shall only be performed under the direction of the Chief of Police or his/her designee
- E. The Chief of Police or his/her designee 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 this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system. The proper use of a BWC is considered an essential job function. (See Appendix C for Axon Body 3 User Manual)
1. The Chief of Police 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. Note: new officers can be trained during their field training and evaluation phase.

- 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.
- F. The Chief of Police or his/her designee shall determine those officers who will be equipped with BWCs and shall determine the type(s) of duty assignments when those officers will wear BWCs.
- G. 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 will result in disciplinary action.
- H. All BWC equipment, recording media, images, audio, and related metadata are the sole property and intellectual property of the Bogota Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed consent of the Chief of Police.
- I. Under no circumstances will any employee of the Bogota Police Department make a personal copy of any recorded event without the permission of the Chief of Police or in accordance with section V of this policy. This restriction also applies to any employee who entice/uses another to make a personal copy of any recorded event.
- J. Officers will use only those devices approved and issued by the Chief of Police. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Bergen County Prosecutor's Office, or the New Jersey Division of Criminal Justice.
- K. 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.
- L. 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 BWCs.
2. BWCs shall not be used to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Hostage negotiations by hostage negotiators.
 - c. Crime scene processing by crime scene technicians, detectives, or officers trained in crime scene processing.
 - d. Strip and body cavity searches.
 - e. When on break or otherwise engaged in personal activities.
 - f. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - g. When engaged in police union business.
 - h. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction.
 - i. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording; see section III.A of this policy.
 - j. While discussing criminal investigation strategies.
3. BWCs shall not be used surreptitiously.

4. BWCs shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.

III. 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. 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. This will allow the maximum amount of information regarding the incident to be captured, such as events that transpire while on the way to a call for service and violations committed by a motorist during a motor vehicle stop.
- B. Except when otherwise restricted in this policy, 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. Investigation of any kind of motor vehicle offense.
 3. Investigative detentions/field interviews.
 4. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item whether individuals involved are juveniles or adults.
 5. An officer is responding to a call for service and is at or near the

location to which the officer has been dispatched.

6. The officer is conducting a motorist aid or community caretaking check.
7. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
8. Criminal investigations (not to include crime scene processing).
9. Arrests.
10. Drug recognition expert evaluations.
11. Overdose and suspected overdose investigations
12. Motor vehicle and foot pursuits.
13. Interviews of witnesses when conducting investigations of criminal or motor vehicle violations/offenses (not to include undercover investigations or related surveillance activities).
14. When conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Court Rule 3:17 (electronic recordation of stationhouse interrogations).
15. Warrantless searches (all types, including frisks, vehicle searches, and consent searches, etc., but not strip or body cavity searches).
16. Out-of-court identifications (i.e., show ups, lineups, etc.).
17. Search warrant execution (detectives).
18. Any transportation, including arrestee/prisoner, medical, or custodial, whether to a law enforcement facility, county jail or other place of confinement, or to a hospital or other medical care or mental health facility.

19. 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 any investigation report).
20. Domestic violence investigations.
21. 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.
22. Strikes, picket lines.
23. When an officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force.
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.

C. BWC shall be activated prior to an officer arriving to a dispatched assignment in accordance with any incident listed in subsection III.B (above) or when engaged in any self-initiated activity involving any incident listed in subsection III.B (above).

1. At no time is an officer expected to jeopardize his/her safety or the safety of another person to immediately activate his/her issued BWC into event mode.
2. Any BWC not immediately activated into event mode due to the safety of an officer or another person being presently jeopardized, shall be placed into event mode as soon as possible.

- D. Notwithstanding any other provision of this policy, 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 unless impracticable.
- E. BWC ***shall*** remain activated for the entire duration of a civilian contact required in section III.B above until the officer has departed the scene and the officer has notified dispatch that the event is closed.
- F. Notwithstanding any other provision of this policy, an officer while at the scene of a police deadly-force event, pursuit resulting in a death or serious bodily injury, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC unless instructed to do so by the assistant prosecutor or deputy attorney general supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The assistant prosecutor, deputy attorney general, or his/her designee supervising the investigation may provide such instruction telephonically.
- G. When a BWC is activated to transport an arrestee/prisoner, it shall always remain activated 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.
- 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.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- 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 Bergen 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/mute 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.
 - a. Officers shall not suggest to the person that the BWC should be deactivated/muted; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated/muted. Rather, the request for deactivation/muting 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/mute 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/mute 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.
3. When an officer deactivates/mutes a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation should be electronically recorded; and
 - b. The officer, before deactivating/muting the BWC shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off (muting) my BWC as per the victim's request.*"); and
 - c. The officer shall report the circumstances concerning the deactivation/muting to his/her supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation/muting in any investigation report concerning the incident under investigation, including the time of activation and/or deactivation.
4. If an officer declines a request to deactivate/mute a BWC, the reasons for declining the request must be memorialized on the recording and documented and shall be reported to his/her supervisor as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation/mute 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/mute request into believing that the BWC has been turned off when in fact it is operating unless the Bergen 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 can deactivate/mute 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/mutes a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation/muting indicating the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off (muting) my BWC as per the instruction of assistant prosecutor (insert name).*").
6. Officers may 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 in the collection of physical evidence (i.e. conducting a search).
7. If an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "*...I am entering a school building where children are present.*"). The BWC shall be reactivated as soon as it is safe and practicable to do so 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). Officers assigned to a school (e.g., school resource officer) should not activate their BWC unless involved in any incident listed in section III.A of this policy.

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 Bergen 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. The recording shall not be accessed without the permission of the Bergen 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.)
 9. In any instance where a BWC was deactivated/muted pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so when the circumstances justifying deactivation/muting no longer exist (e.g., the interview of the person requesting deactivation/muting is completed, etc.) and the officer would otherwise be required to activate/un- mute the BWC.
- 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 require that the encounter/incident be recorded, in which event the officer shall inform their 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 if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- K. If a BWC is worn during the execution of tactical operations (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.

- 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. 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.

- N. When a BWC is activated, officers are encouraged to provide narration where practical and appropriate
 - 1. If possible, narrate the circumstances at the start of the encounter audibly so that the recordings on the BWC will be easier to locate if review of the recording is necessary at a later time (e.g. an officer arriving upon the scene of a serious motor vehicle collision may narrate the recording by stating as the BWC is activated "*...Officer Smith coming upon the scene of a serious motor vehicle crash at the corner of Main Avenue and Bergen Street*").

 - 2. Officers can also audibly narrate or mark significant events while recording and provide details of the marked segments.

- O. 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 policy 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 policy.

- P. 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 the reason why a recording was not made, was interrupted, or was terminated.

IV. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. BWCs will be assigned to each officer. Officers shall use BWCs daily consistent with the requirements and restrictions in this policy when assigned to the patrol function.
1. Officers are not required to activate their BWCs in police headquarters unless they are investigating a walk-in complaint, processing an arrestee, or other similar related functions.
 2. Detectives and staff officers shall wear BWCs when conducting arrests and while engaged in field duties (e.g., road coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this policy.
 3. BWCs shall be worn and used on all extra duty assignments and traffic control extra duty assignments.
 4. Officers shall also wear and use a BWC consistent with this SOP 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 a law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.
 5. BWC equipment is the responsibility of the assigned officer and shall be used with reasonable care to ensure proper functioning.
 6. When not in use, BWCs shall be stored in their charging stations.
 7. Officers shall take their assigned BWCs at the beginning of their shift and return their assigned BWC to their charging sleeves at the end of the shift. Periodic docking of BWCs to their charging sleeves should be utilized when needed throughout an Officer's shift.

8. Tour Commanders are responsible for ensuring that BWCs have been returned to their charging sleeves and that recordings are classified.
9. Officers shall inspect their BWC at the commencement of each shift or tour of duty to ensure both video and audio recording readiness of the system. The inspection shall include, but is not limited to:
 - a. Ensuring that the battery is fully charged; and
 - b. Ensuring that the BWC has sufficient memory to complete the tour of duty; and,
 - c. Ensuring the proper positioning of the BWC on his/her uniform or outermost garment facing forward or other approved area in accordance with training.
 - d. To the extent possible, officers are responsible for ensuring the BWC remains in a position to allow the recording of an encounter or incident.
10. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time, and that a pre-shift inspection is being conducted.
 - a. Malfunctions shall be brought to the immediate attention of a Supervisor/Tour Commander.
 - b. If available, procure a replacement BWC and notify the Captain by email. Include the BWC #, BWC serial number, and reason for the replacement
 - c. Units that are not functioning properly will not be deployed until repaired.
 - d. Officers who have been authorized to carry and use a Conducted Energy Device (CED) in accordance with the department's Use of Conducted Energy Devices Policy shall complete the daily test of the CED during the pre-shift inspection and capture the test on their assigned BWC.

11. Under no circumstances will an officer fail to return a BWC at the end of a tour of duty. BWCs SHALL NOT be brought home, left in a vehicle, left in a locker, or turned over to another officer.

- B. No later than the end of each shift, officers shall classify the recordings in accordance with training and this policy (see subsection IV.D below).

- C. Officers assigned a BWC are responsible for its use and maintenance during their tour of duty.

- D. When video/audio footage is captured involving any event, officers will classify the recording. **(See Appendix A for Classification Categories & Retention Periods)**
 1. If more than one officer captures a recording of any event, that recording shall also be downloaded and classified and/or stored as evidence.

 2. Supervisors shall ensure that all recordings of such event are classified properly and in a timely manner. When there is no Supervisor during a tour of duty it shall be the responsibility of the next incoming Supervisor to ensure all recordings from any previous tour of duty that did not have a Supervisor are classified properly.

- E. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 1. Captures a law enforcement incident, as defined by *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.

 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.

 - c. The death of any civilian during an encounter with a law enforcement officer; and

- d. The death of any civilian while in the custody of law enforcement.
 2. Captures the image of a victim of a criminal offense; or
 3. Captures the image of a juvenile; or
 4. Were made in a residential premise (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship
 5. Captures a conversation with a person whose request to deactivate the BWC was declined; or
 6. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or
 7. Captures the image of an undercover officer or confidential informant.
- F. Tour Commanders are responsible for ensuring that officers are equipped with functioning BWCs at the beginning of each shift and use them in compliance with this policy.
 1. 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.
 2. As part of the meaningful review process, supervisors shall review all BWC footage involving the below, unless restricted in section V of this policy:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and
 - c. Officer involved collisions; and

- d. Officer involved injuries
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- 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 Supervisor will tag the video/audio for retention.
 - 4. At least once per calendar month for each assigned subordinate, supervisors shall randomly review non-evidential BWC events/segments to ensure that the BWC equipment is operating properly and to assess officers' performance and adherence to policies, procedures, and established professional standards. A minimum of three (3) separate recordings are required to be reviewed for each subordinate. **(See Appendix B for Supervisor Review of Digital Video/Audio Recordings Form)**
 - a. Upon completion of the periodic or random review, supervisors shall prepare a *BWC Supervisory Review Report* documenting the officer involved, date and time, and any positive or negative activities observed. This report shall include recommendations for training and/or discipline resulting from the observations.
 - b. The Supervisor shall retain all *BWC Supervisory Review Reports* in accordance with this policy. Copies of the reports and any records shall be forwarded to the Chief of Police for review. These reports are considered consultative, advisory, and confidential.
 - c. The Chief of Police or internal affairs commander may review specific BWC footage if circumstances arise that require an investigation to commence.

V. 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 policy.

- B. BWC recordings shall not be divulged or used for any commercial or other non-lawenforcement 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 and use of a stored BWC recording is permitted only:
 - 1. When relevant to and in furtherance of a criminal investigation or prosecution.
 - 2. When relevant to and in furtherance of an internal affairs investigation.
 - 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct.
 - 4. To assist the officer whose BWC made the recording in preparing his/her own police report, except:
 - a. In officer involved use of force incidents; or
 - b. In motor vehicle pursuits resulting in death or serious bodily injury; or
 - c. In any in-custody death investigations; or
 - d. When it captures images involving an encounter about which a complaint has been registered by the subject of the recording; or
 - e. When it pertains to a criminal investigation or otherwise records information that may have evidentiary or exculpatory value subject to discovery in a prosecution; or
 - f. When it records an arrest that did not result in an ongoing prosecution; or

- g. When it records an incident that is the subject of an internal affairs complaint.

- h. Officers reviewing a recording after completion of their initial report and wishing to add any additional information to the initial report can submit a supplemental report detailing their renewed recollection after supervisory approval. UNDER NO CIRCUMSTANCES, shall officers or supervisors change or modify the initial report

NOTE: nothing in this subsection is intended to prevent officers from considering, reviewing, or receiving an accounting of such BWC recording after the creation of any required initial, statements, and interviews regarding the recorded event. The events noted above in subsections V.D.4(b)(c) cannot be accessed or viewed without the expressed permission of the assistant prosecutor or deputy attorney general supervising the investigation. Force incidents that are under investigation in accordance with Attorney General Law Enforcement Directive 2019-4 require permission from the assistant prosecutor or deputy attorney general supervising the investigation.

- 5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process.

- 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 bylaw.

- 1) 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.
 - 2) 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.
 - e. Advise the attending assistant prosecutor at the Bergen County Prosecutor's Office when releasing any BWC recordings for discovery in a criminal matter under its jurisdiction. Ensure that the BCPO receives a copy.
 - f. Advise the municipal prosecutor when releasing any BWC recordings in matters under the jurisdiction of the municipal court
 - g. Contact the borough attorney before releasing any BWC recordings in civil matters when this borough, police department, or any officer/agent of the borough is the subject of a claim. If authorized for release under discovery, ensure that the borough attorney receives a
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 Bogota 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 Bergen 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 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 Bergen County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.

- 12. To conduct an audit to ensure compliance with this policy.

- 13. Any other specified official purpose where the Bergen 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. Whenever a law enforcement officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the law enforcement 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. The law enforcement officer shall document each BWC recording that was reviewed and the date of the review. If the law enforcement officer received an accounting of a BWC recording, the law enforcement 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.

- E. 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 general order or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a body worn camera's ability to accurately capture audio or video recordings.
1. The officer, employee, or agent shall be subject to appropriate disciplinary action; and 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
 2. 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.
 3. 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.
- F. Recordings are considered investigatory records of this police department and shall be maintained on a secure server and disposed of in accordance with 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 being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.

3. 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.
4. 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.
5. BWC recordings shall be retained for not less than three years if 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. The Chief of Police or his/her designee shall notify the Bergen 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.
1. The notification must contain the date the request was received, the deadline by which a response must be made, whether the agency intends to release or deny the request, and the justification for that decision.
 2. 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.
 3. 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.
 4. The Chief of Police or his/her designee will receive an acknowledgement. If no further communication is received within 72 hours, the BWC administrator or his/her designee should respond to the request as deemed appropriate.
 5. Pursuant to the *Open Public Records Act* (N.J.S.A. 47:1A-5c and N.J.S.A. 47:1A-5d), the department will 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.
 6. 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.
 - 7.

8. The fee will be based at the lowest hourly rate of the personnel authorized to review/redact/approve the request.
 9. The Chief of Police or his/her designee will provide the requestor an estimate before any copy is made.
- I. A BWC recording of an event or encounter that involves an investigation of a criminal offense or tagged in accordance with subsection IV.E 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 Bergen 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. All BWC recordings capturing the image of an undercover officer or confidential informant shall not be accessed or viewed without the permission of the Chief of Police or his/her designee and shall not be copied, disseminated, or otherwise used without first obtaining the permission of the Bergen County Prosecutor or his/her designee.
 2. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Bergen 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 court order.
 3. A BWC recording tagged pursuant to section IV.E of this policy or capturing a deadly force, pursuit resulting in death or serious bodily injury, or in-custody death incident subject to

Attorney General Law Enforcement Directive 2019-4 shall not be accessed, viewed, copied, disseminated, or otherwise used by anyone (including the Chief of Police and his/her designees) without first obtaining the permission of the Bergen County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Bergen 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.E.

4. The assistant prosecutor, deputy attorney general, or his/her designee overseeing a law enforcement use of force investigation, pursuit resulting in death or serious bodily injury, or in-custody death incident pursuant to *Attorney General Law Enforcement Directive 2019-4*, 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.
- J. The Chief of Police or his/her designee or his/her designee shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted. This record may be maintained electronically by the BWC software. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this policy. Minimally, the record keeping system shall document the following information:
1. The date and time of access; and
 2. The specific recording(s) that was/were accessed; and
 3. The officer or civilian employee who accessed the stored recording; and
 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.
- K. 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.
- L. Officers and civilian employees 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.

Appendixes

A – Classification Categories & Retention Periods

B – Supervisor Review of Digital Video/Audio Recordings Form

C – Axon Body 3 User Manual

Appendix A

CLASIFICACIONES

Classification is an electronic labeling, time-stamp and mark of a video/audio file captured by a BWC.

Below are the six(6) classifications and their retention periods the Bogota Police Department shall use to label each audio/video recording:

1. **Non-Crime Incident** – Any audio/video where no crime has occurred. (medical, animal complaint, verbal dispute, etc...) **6 months retention**
2. **Crime Incident** – Any audio/video where a crime has occurred. (burglary, assault, domestic, etc..) **3 years retention**
3. **Arrest / UOF** – Any audio/video where an arrest was made and/or UOF was used. **3 years retention**
4. **MV / Ped Stop – Warning** – Any audio/video where a motor vehicle or pedestrian stop was conducted and a warning was issued. **6 months**
5. **MV / Ped Stop – Summons** – Any audio/video where a motor vehicle or pedestrian stop was conducted and a summons was issued. **6 months**
6. **Test / Accidental** – Any audio/video where the BWC was triggered by accident or during a test. **6 months retention**
7. **IA** – Any audio/video where an IA complaint was received and an internal investigation has begun. **3 years retention**
8. **Retention Extension** – Any audio/video where the specific recording needs to be extended for any reason. **3 years retention**

07/2022

Appendix B

BOGOTA POLICE

DIGITAL VIDEO/AUDIO RECORDINGS FORM (BWC Policy - Section IV. F4, pg. 21)

<u>DATE</u>	<u>OFFICER</u>	<u>VIDEO/CATEGORY</u>	<u>DATE/TIME</u>	<u>SUPERVISOR/BADGE#</u>

NOTES:

Appendix C



BOGOTA POLICE

AXON

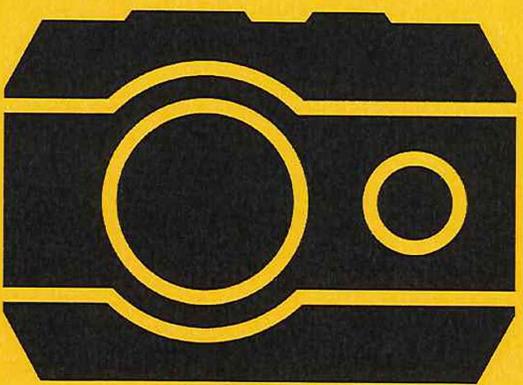
BODY 3



bogotapdnj.evidence.com



WELCOME



AXON BODY 3

AGENDA

AXON BODY 3 (AB3) OVERVIEW

OPERATING FUNCTIONS

AXON RESPOND & RESPOND +

MOUNTS

AXON VIEW & PAIRING

AXON DOCK

AXON VIEW XL

AXON DEVICE MANAGER

REGISTERING YOUR DEVICE

AXON CAPTURE AND CITIZEN

AXON ACADEMY TRAINING



AXON APP DEFINITIONS



View
(Mobile App)

Video playback, live streaming at 30 fps, metadata entry, and AB3 settings



View XL
(Standalone Software)

Video playback, metadata entry, evidence upload, and AB3 settings



Axon Evidence

Cloud based Digital Evidence Management System (DEMS)



Device Manager
(Mobile App)

Assign, reassign, and unassign AB3 to users, and register AB3 to agency



Capture
(Mobile App)

Video, audio, and image capture from mobile device and upload directly to Axon Evidence

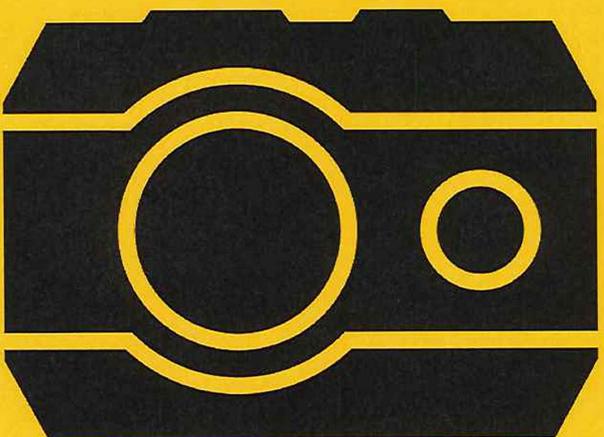
AXON APP DEFINITIONS



Aware

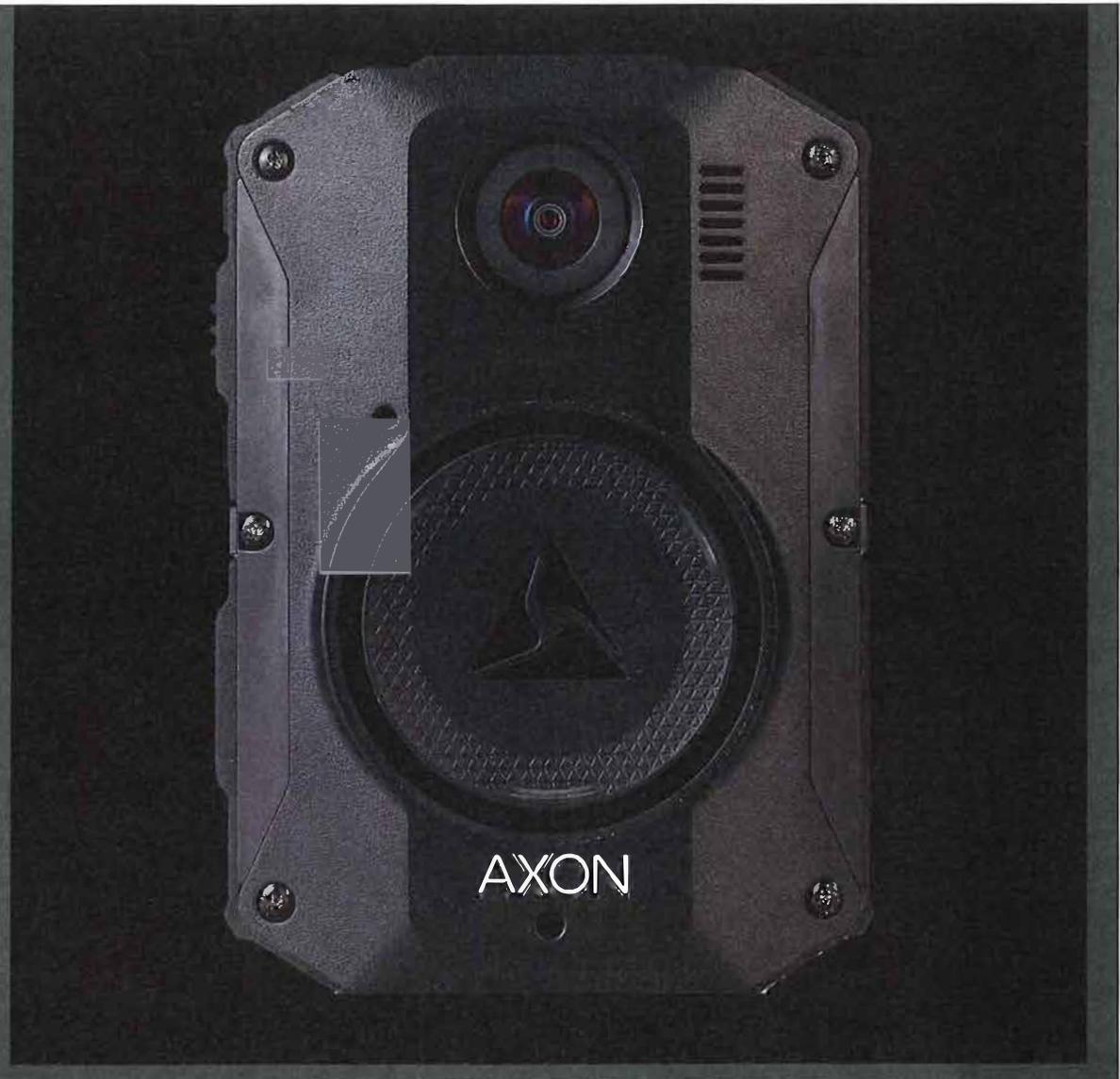
Real-time situational awareness from GPS location or livestream broadcast from AB3

AB3 OVERVIEW



AB3 OVERVIEW

- 12+ hour battery life under normal use
 - 30 frames per second
 - 146° diagonal field of view camera lens
 - IP67 rating
 - 720H HD,
 - Embedded GPS
 - LTE Connectivity
 - LCD Display
- Multicam Playback





AB3 | POWER BUTTON



AB3 | EVENT BUTTON



AB3 | TRIAD LED





AXON
AB3 | LENS





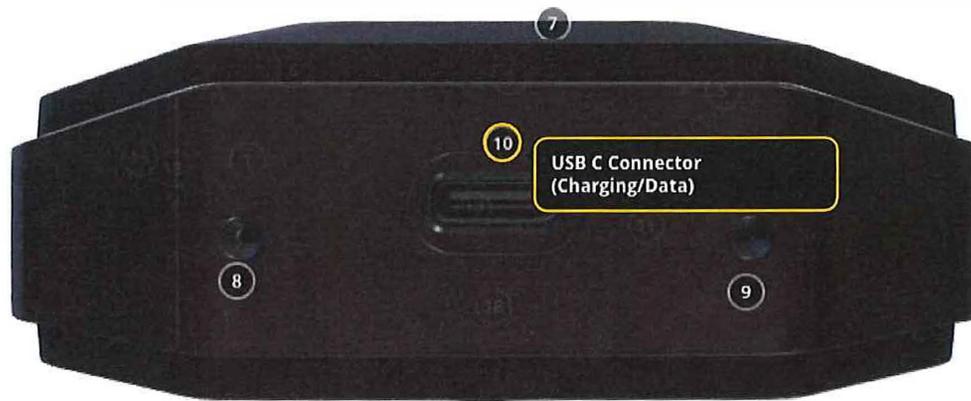
AB3 | SPEAKER



AB3 | MICROPHONES



AB3 | MICROPHONES



AB3 | USB C CONNECTOR



AB3 | OPERATION LED



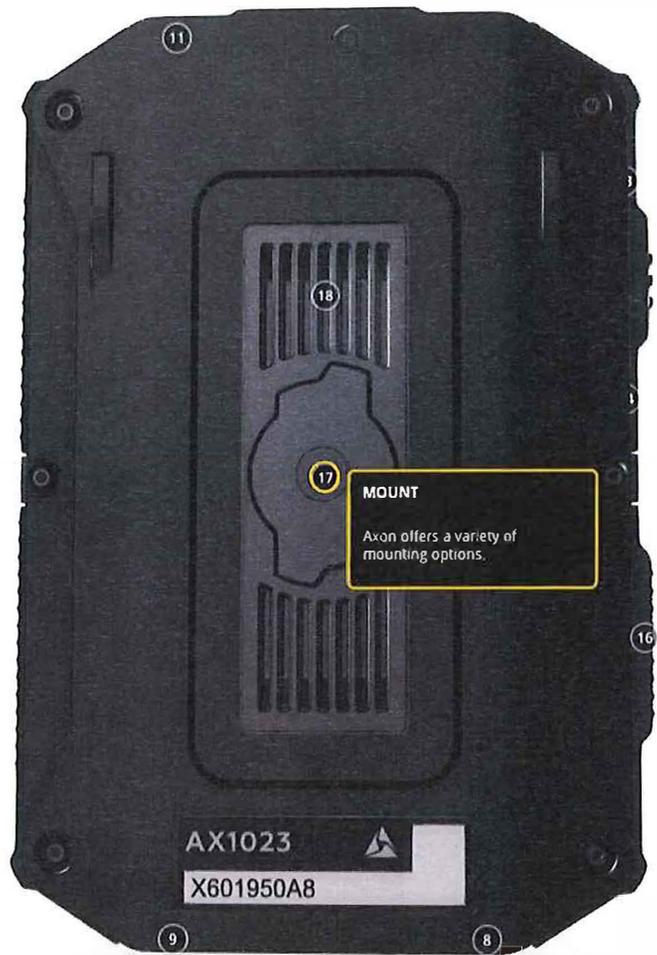
AB3 | LCD DISPLAY



AB3 | VOLUME BUTTONS



AB3 | SELECT + PROGRAM BUTTONS

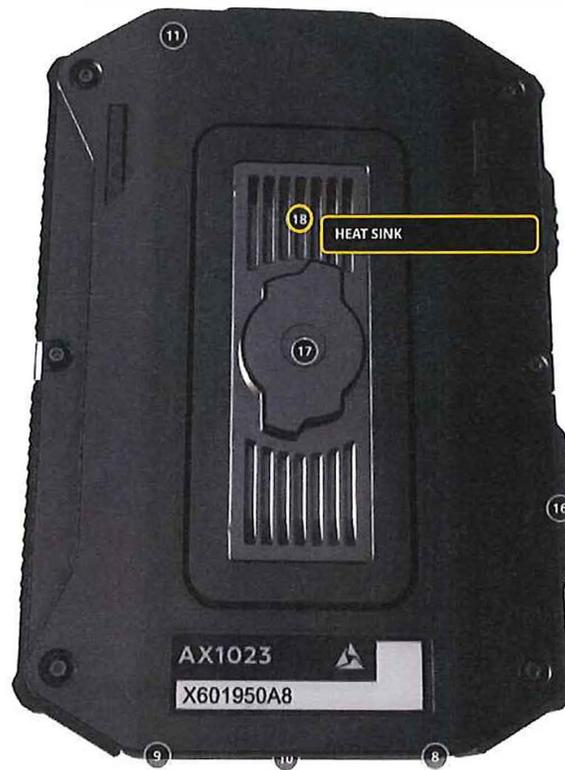


MOUNT
Axon offers a variety of mounting options.

AX1023
X601950A8

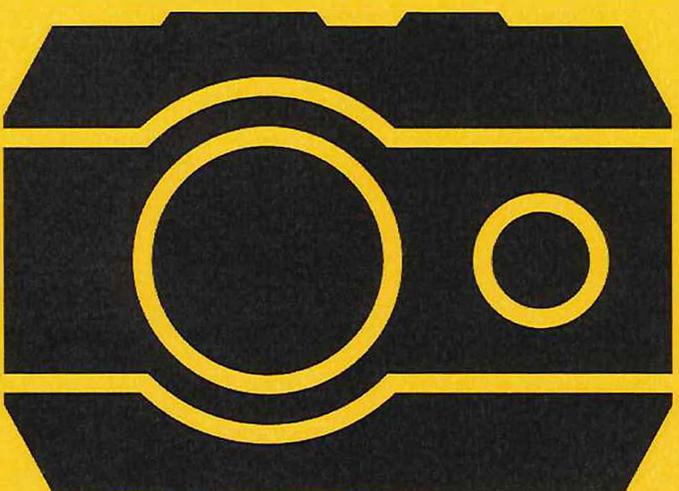


AB3 | MOUNT



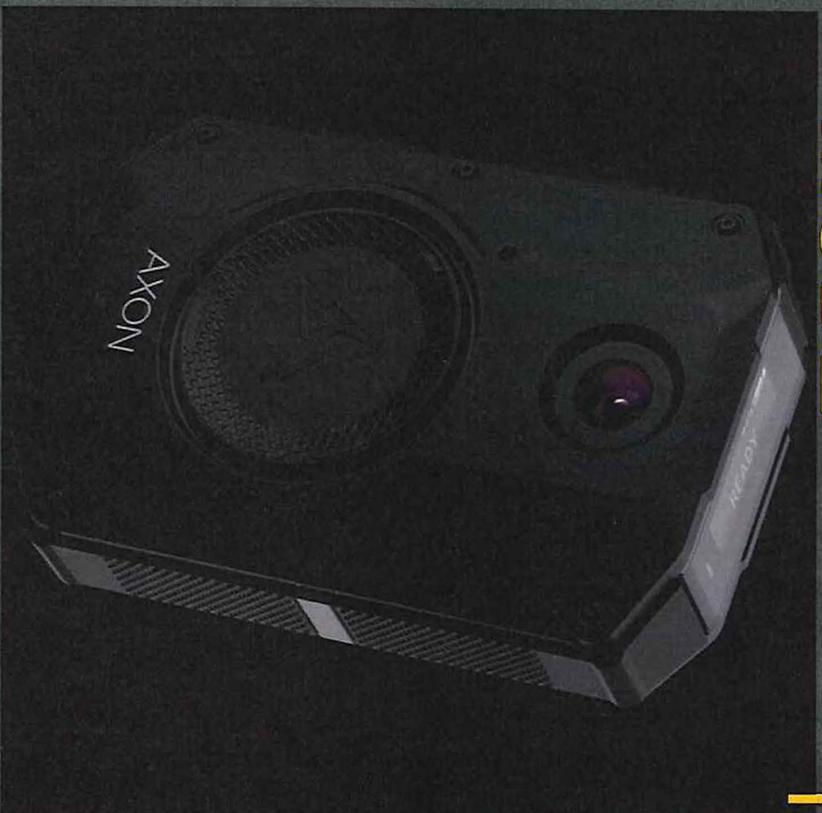
AB3 | HEAT SINK

OPERATING FUNCTIONS



BUFFERING

MODE



The Buffering Mode is 30 seconds, no audio





RECORDING VIDEO



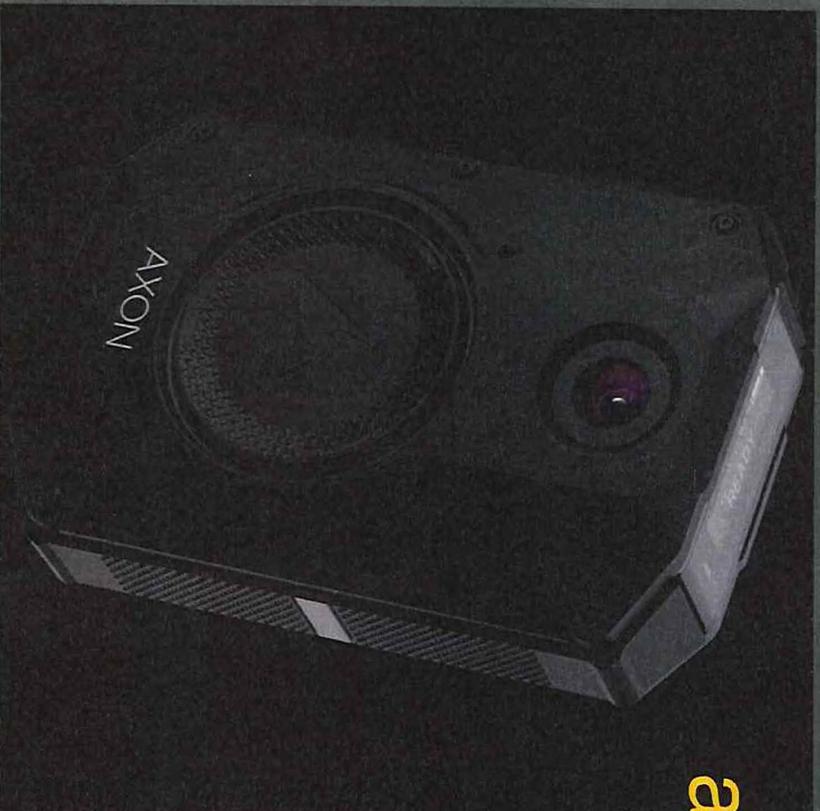
To start a recording,
double press the

Event Button

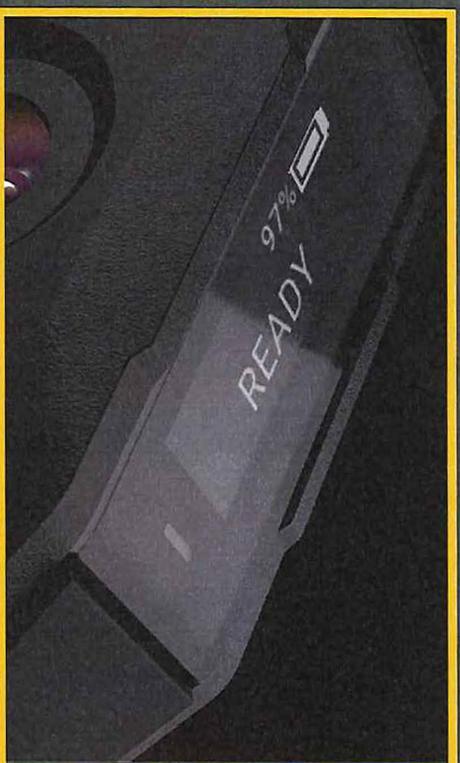


*While recording, the AB3 will beep and vibrate every two minutes to remind user it is recording.

RECORDING VIDEO



To end a recording, hold  the Event Button for approximately 3 seconds



■ ADDING MARKERS



To add a marker: Press and release the Select Button. The AB3 will vibrate to confirm a Marker was added

SPEAKER VOLUME



Volume
Up —

Volume
Down —

Increase Speaker

Volume: Press Volume

Up Button

Decrease Speaker

Volume: Press Volume

Down Button

STEALTH MODE



*Turns off the Operation LED, Triad LED, audio prompts, and haptic feedback

Enter Stealth Mode: Press and hold Volume Down button for 3 seconds

Exit Stealth Mode: Press and hold Volume Up or Down

OTHER OPERATING MODES



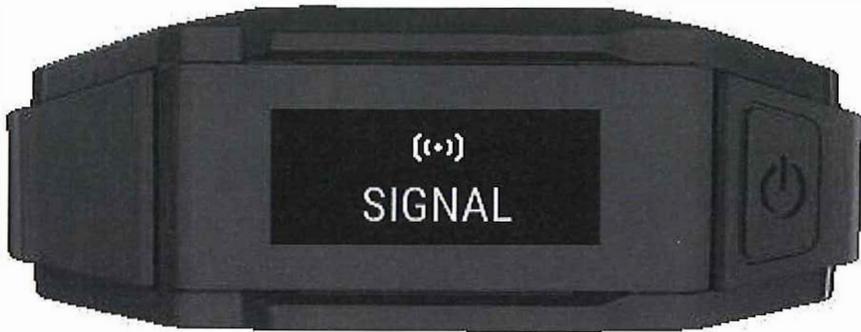
Volume
Up

Select
Button

Activate Lights On or Off:
Press and hold Volume Up
button for 3 seconds

**Activate Display
Backlight:** Double Press
Select Button (Backlight
activates for 5 seconds)

FALSE SIGNAL DISMISSAL



If the camera is in the buffering mode and a signal event occurs, the camera will begin recording

FALSE SIGNAL DISMISSAL



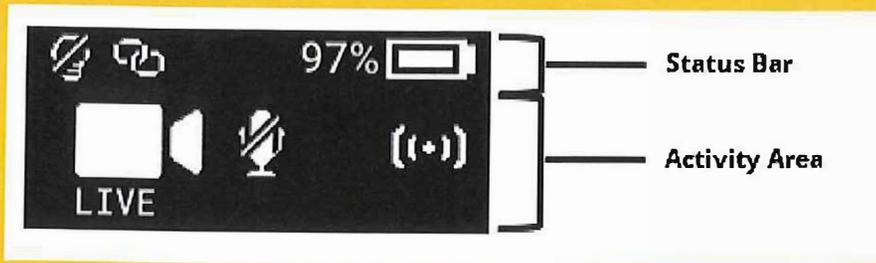
**Press Select to
Cancel message will
display for 10
seconds**

■ BUTTON ACTION RECAP

Action	Button Actions
Power On	Press Power button until short vibration. Camera starts and enters Ready (Buffering) mode.
Power Off	Press and hold Power button for 3 seconds.
Start recording	Double-press Event button.
End recording	Press and hold Event button for 3 seconds.
Add marker to recording	While recording, press Select button.
Increase speaker volume	Press Volume ▲ button.
Decrease speaker volume	Press Volume ▼ button.
Turn lights on or off	Press and hold Volume ▲ button for 3 seconds.
Enter Stealth mode	Press and hold Volume ▼ button for 3 seconds.
Exit Stealth mode	Press and hold Volume ▲ or Volume ▼ button for 3 seconds*.
Enter or exit Mute mode	While recording, press and hold Select button for 3 seconds.
Enter Sleep mode	Press Power button and then press Select button
Exit Sleep mode	Press Power button or double-press Event Button
Activate display backlight	Double-press Select button. Display backlight turns on for 5 seconds.
Pairing	Simultaneously press Event and Program buttons, then release.

* - The camera remembers volume and light settings when exiting Stealth mode.

AB3 DISPLAY



Status Bar Icon	Description
58%	Battery capacity
	Camera paired
	Lights off
	Stealth mode on
	Battery low warning (to the right of the battery capacity icon)

Activity Area Icon	Description
	Ready (Buffering) mode
	Recording
	Recording started by Axon Signal broadcast*
	Axon Respond Livestreaming*
	Recording started by gunshot detection*
	Microphone off (mute mode)
	Sleep Mode*

AB3 DISPLAY & NOTIFICATIONS

Operating Mode or Action	Camera Display (Activity Area)	Operation LED	Audio Notification	Haptic Notification (Vibration)
Power on	 then READY	Solid red	Two short rising-pitch tones	One - long duration
Power off		Solid red	Three short lowering-pitch tones	One - long duration
Recording started by Event button double-press	STARTING then 	Blinking red	Two short tones	Two - short duration
Recording started by Axon Signal	 (⋯)	Blinking red	Two short tones	Two - short duration
Recording started by gunshot detection	 	Blinking red	Two short tones	Two - short duration
Recording reminder		Blinking red	Two short tones every 2 minutes	Two - short duration every 2 minutes
Stop recording, return to Ready	SAVING then READY	Blinking green	One long tone	One - long duration
Volume up or down		Blinking green or red	One short tone at new volume level	One - short duration
Axon Respond Livestreaming	 LIVE	Blinking purple	Three short rising-pitch tones	One - long duration
Enter or Exit Mute mode (microphone off)	 	Blinking blue in Mute mode	One short tone	Two - long duration
Enter Stealth mode	STEALTH	Off	None	None
Exit Stealth mode	No change	Blinking green or red	None	Two - short duration
Event marker captured		Blinking red	None	One - short duration
Sleep mode		Enter = off, Exit = blinking	One short tone	One - long duration
Low battery notifications: 20% battery capacity and every 5% decrease OR any error	BATTERY LOW	Blinking yellow	Four quick high-pitch tones	Four - short duration
Camera enters Pairing mode	PAIRING	Blinking blue	Three short rising-pitch tones	None

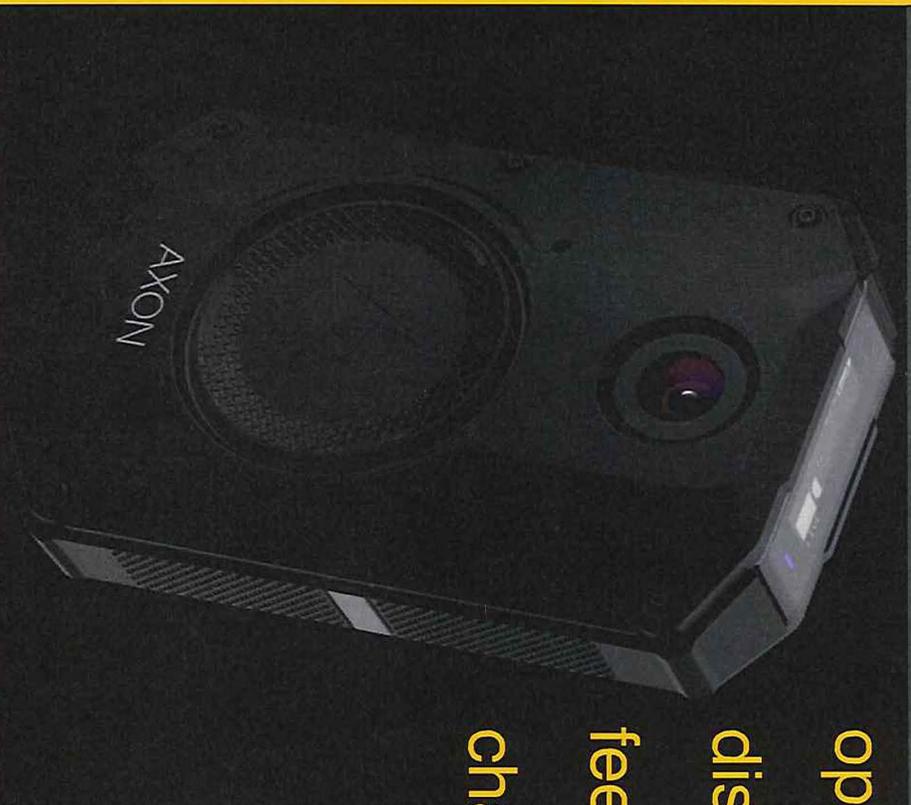
AXON RESPOND & RESPOND

+



LIVESTREAMING

When a livestream is started, the AB3 operator is notified through an icon display, audio prompt, haptic feedback, and Operation LED color change (if enabled)



*Livestreaming is only available while the AB3 is in Record Mode

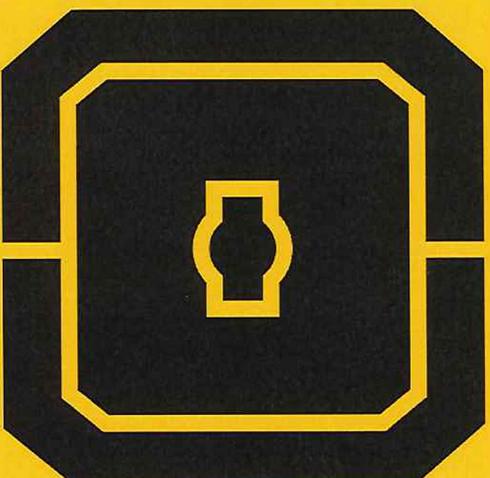
LIVE MAP BUBBLES



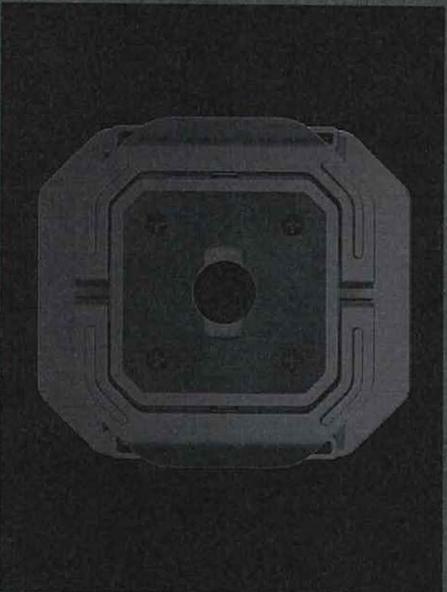
Camera Markers

	Camera recording, available for livestream. Light blue color indicates location was last updated more than 5 minutes ago.
	Camera not recording. This is last location update when camera stopped recording. This marker is removed after 4 hours.
	Multiple cameras, indicated by number, at location. Click or manually zoom in to see individual camera markers.
	Approximate camera location as reported by GPS. The camera is in the circle, but not necessarily in the center. Shown when Recording List location is clicked.
	Alert associated with camera. Alert status is removed after 8 hours.

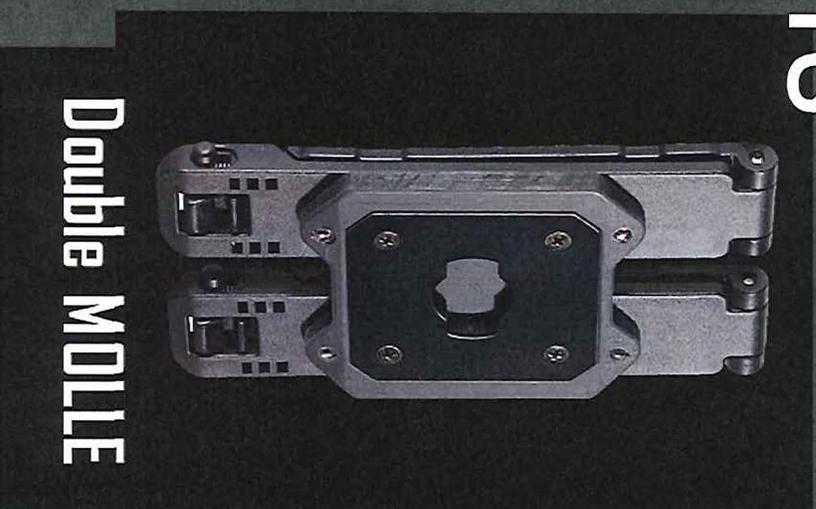
MOUNTS



MOUNTS



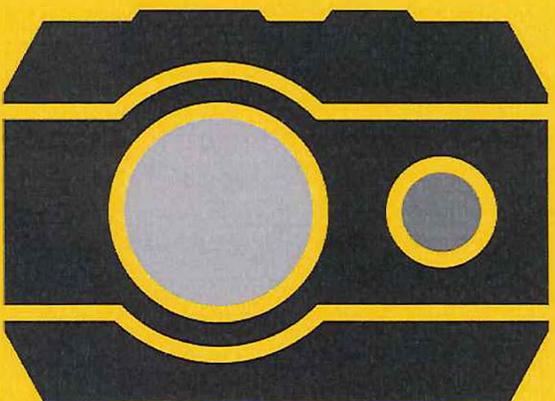
Wing Clip



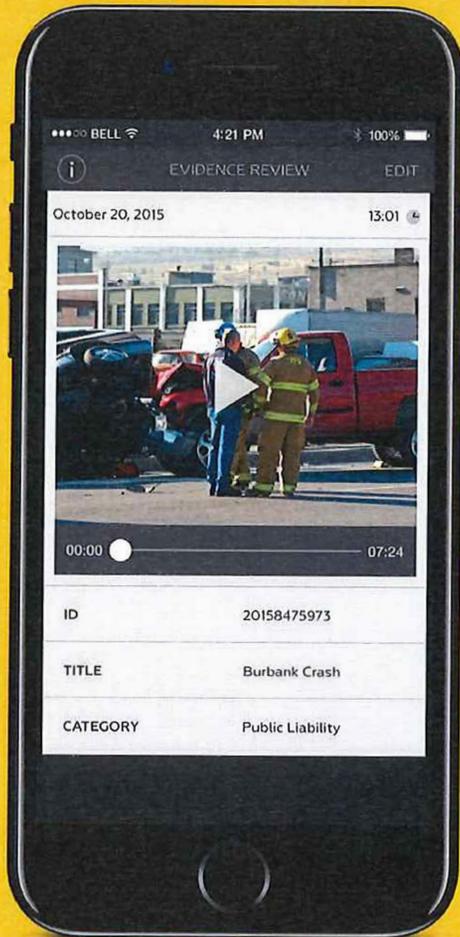
Double MOLLE



AXON V||EW



PROVIDES THE FOLLOWING CAPABILITIES



- Pairs AB3 with Android or iOS devices
- Instant replay
- Live video streaming assists with optimal camera placement
- Real-time metadata input enables accurate retention
- Adjust AB3 settings



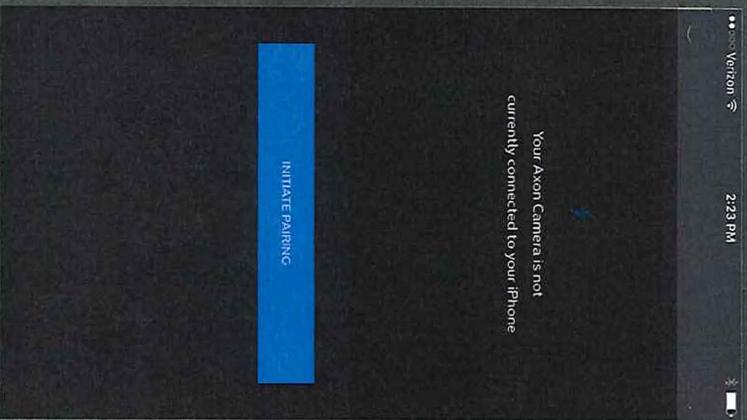
PAIRING YOUR AB3

Step 1



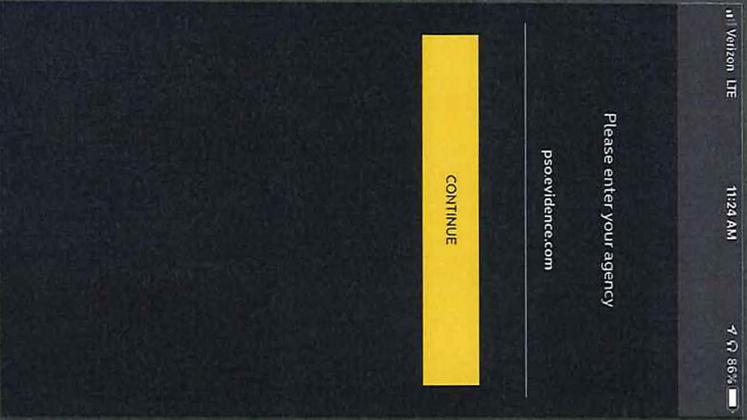
**SELECT
BODY 3**

Step 2



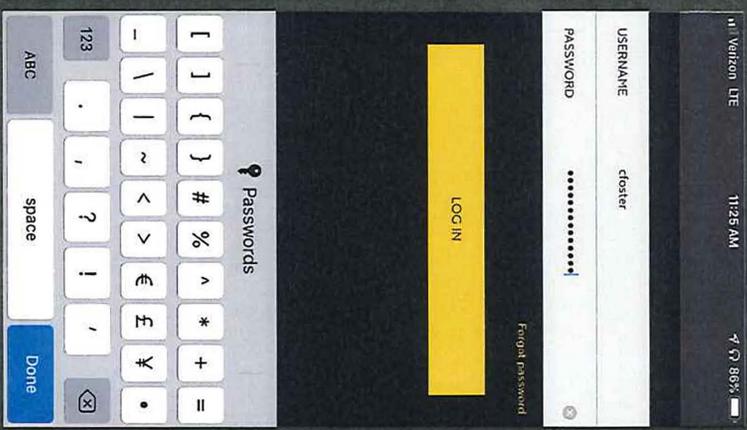
**TAP INITIATE
PAIRING**

Step 3



**ENTER
AGENCY**

Step 4

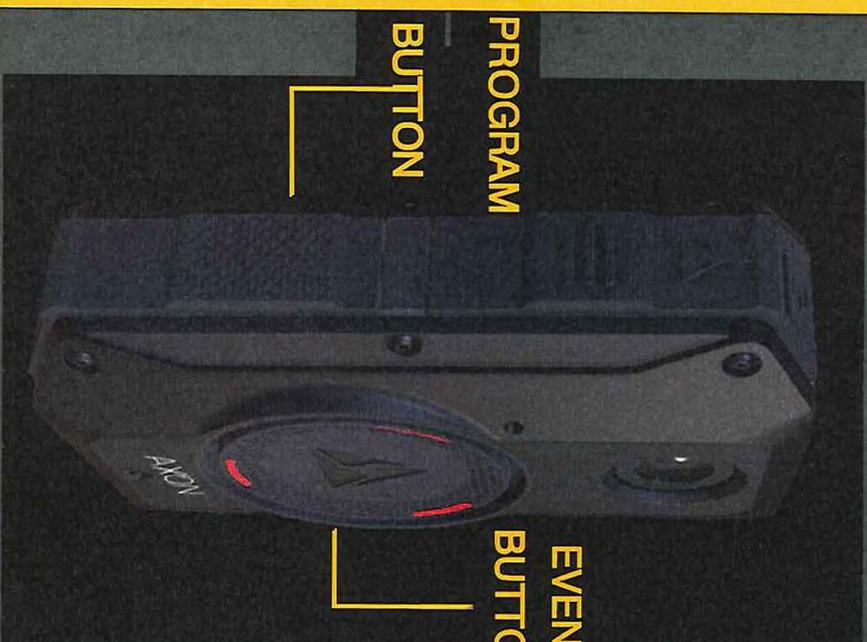


**ENTER
PERSONAL ID**



PAIRING YOUR AB3

Step 5



1. Power on the AB3
2. Press the Program AND Event button at the same time to place the AB3 into Pairing mode
3. The Operation and Triad LED, if enabled, will blink blue and the LCD Display will display



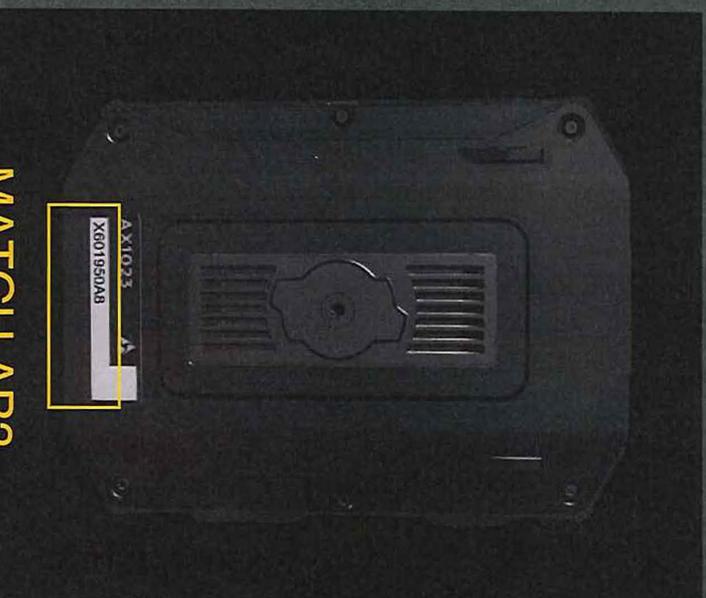
PAIRING YOUR AB3

Step 6



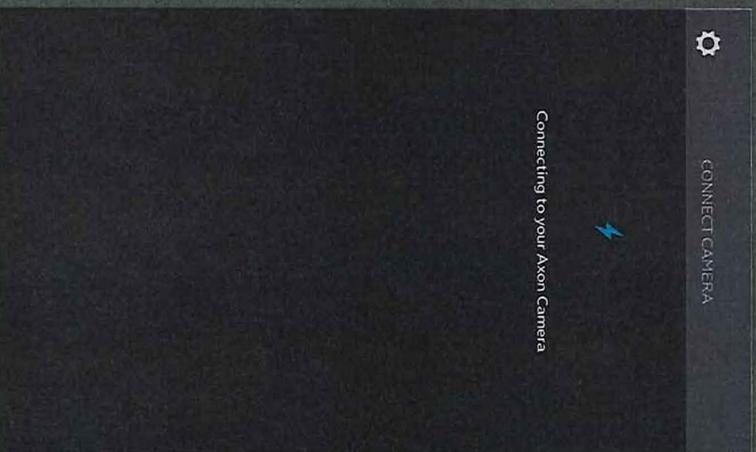
SCAN FOR CAMERAS

Step 7



MATCH AB3 SERIAL # TO AXON VIEW

Step 8



CONNECT

USING AXON VIEW-METADATA



Step 1



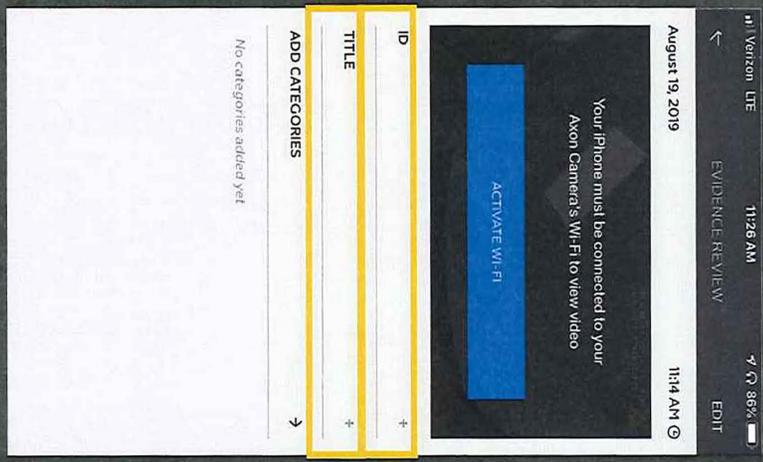
ENTER EVIDENCE

Step 2



TAP ON THUMBNAIL

Step 3



ADD TITLE + ID

USING AXON VIEW-METADATA

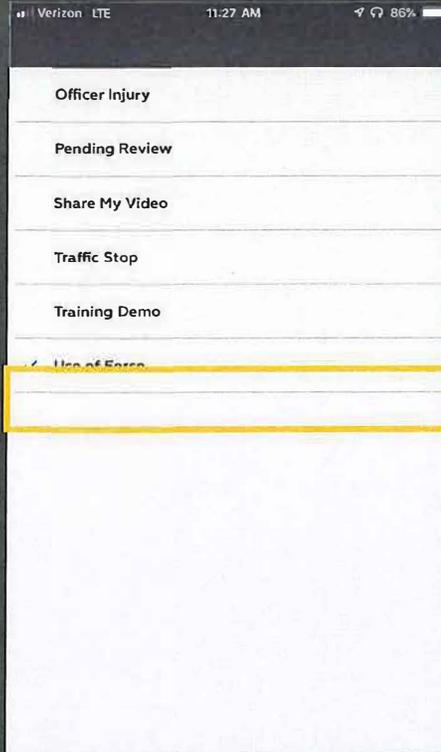


Step 4



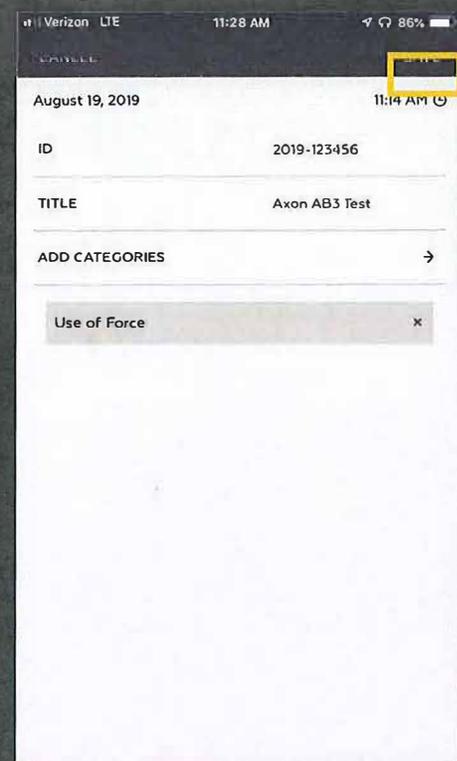
**ENTER
CATEGORY**

Step 5



**CHOOSE A
CATEGORY**

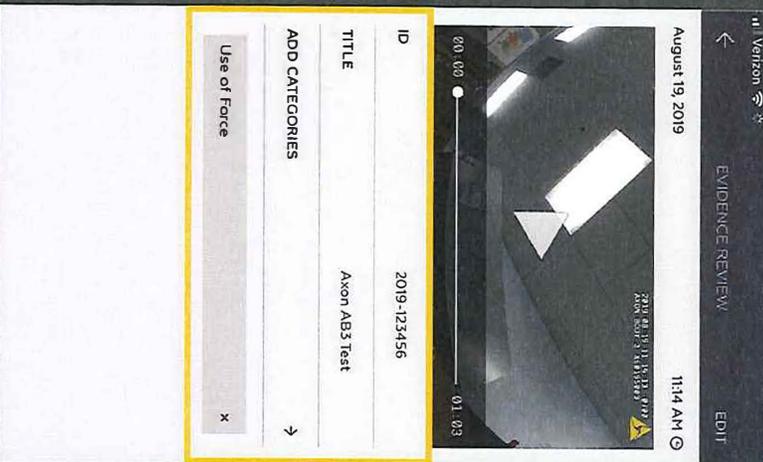
Step 6



TAP SAVE

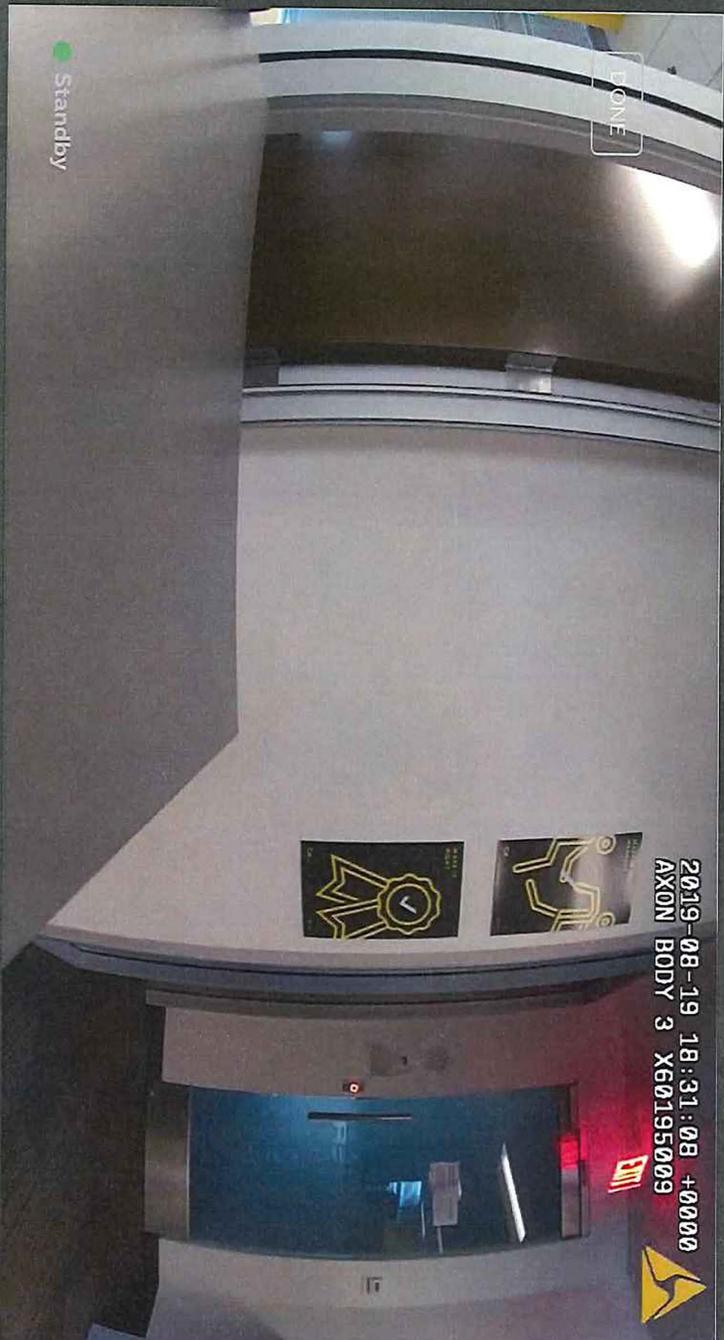


USING AXON VIEW - METADATA



**METADATA
ADDED**

USING AXON VIEW-LIVE PREVIEW



Live Preview will allow you to stream via AB3's Wi-Fi

USING AXON VIEW-LIVE PREVIEW



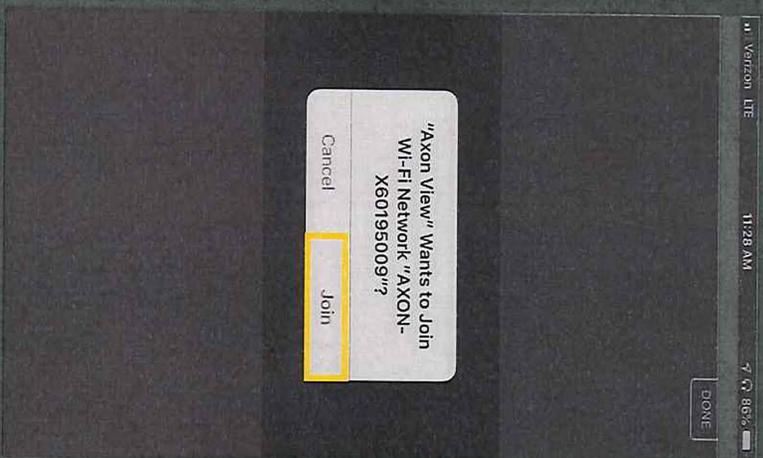
Step 1



TAP VIEW LIVE



Step 2



TAP JOIN



Step 3

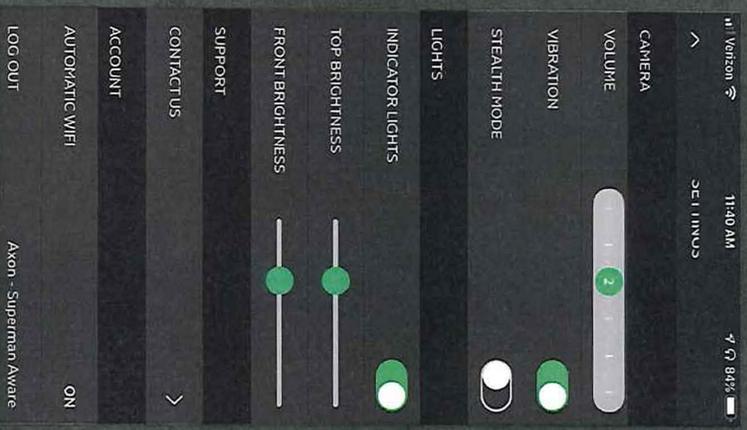


PREVIEW
LIVE

AXON VIEW -- AB3 SETTINGS



TAP ON 



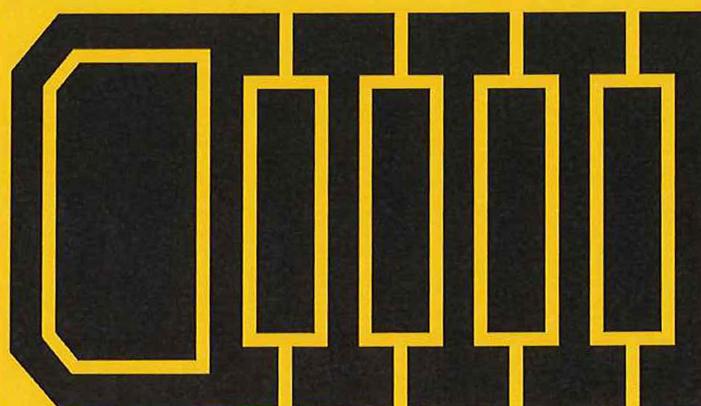
ADJUST SETTINGS

- **CAMERA**
- Volume: 0 – 5
- Vibration: Enabled/Disabled
- Stealth Mode: Enabled/Disable

LIGHTS

- Indicator Lights: Enabled/Disabled
- Top Brightness: Adjustable
- Front Brightness: Adjustable

DOCKING



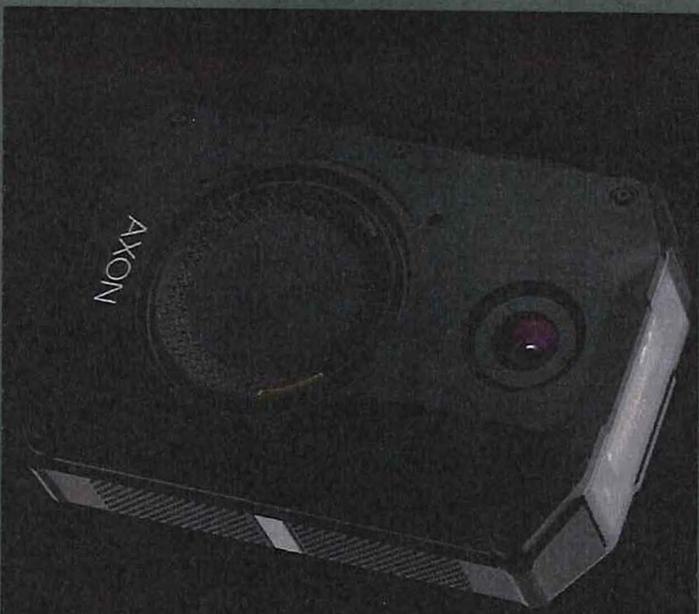
DOCKING AND CHARGING





TRIAD LED IN DOCK

Indicators during the upload process



Uploading Data

CYCLING YELLOW



Upload Complete & <33% charge

SOLID RED



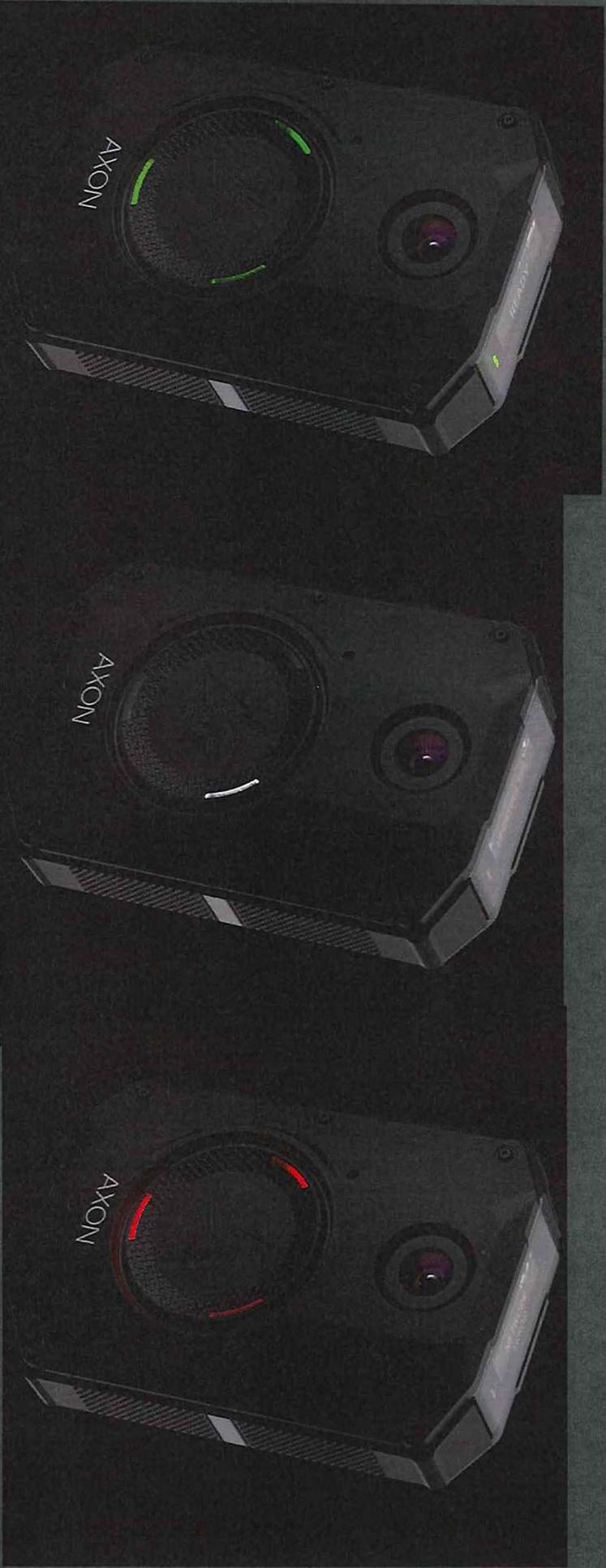
Upload Complete & 33% - 97% charge

SOLID YELLOW



TRIAD LED IN DOCK

Indicators during the upload process



Upload Complete & > 98% charge

SOLID GREEN

Firmware Update

CYCLING WHITE

Network Error

CYCLING RED, YELLOW, GREEN

AB3 DISPLAY & TRIAD LED IN DOCK



Indicators during the upload process

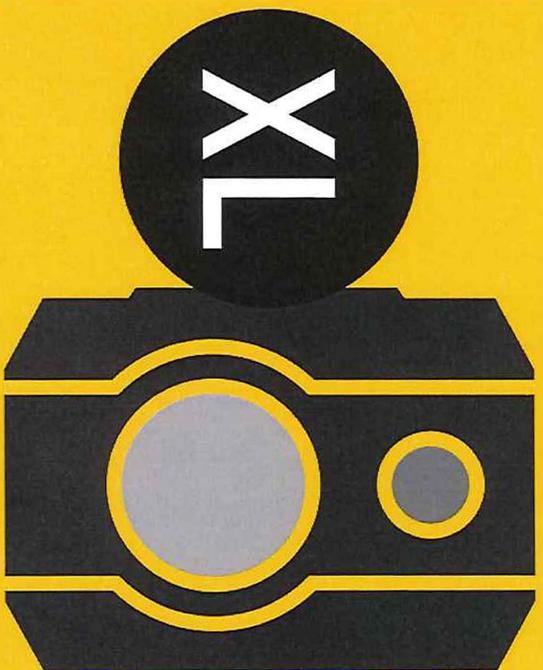
Device Status	Camera Display		Triad LED
	Activity Area	Status Bar	
Uploading data	UPLOADING 1/10		Spinning yellow (cycling on each Triad LED)
Downloading data or applying device settings	UPDATING		Spinning yellow (cycling on each Triad LED)
Applying firmware update	UPDATING		Spinning white (cycling on each Triad LED)
Possible network error. Check network connection and refer to Troubleshooting section of the Axon Body 3 User Manual or go to help.axon.com .	NETWORK ERROR		Blinking red and green
Device error. Refer to device page in Axon Evidence.	DEVICE ERROR		Blinking red
Assigned user ID - shown when no other activity, other than charging, and for 10 seconds after removing from dock	USERID123		Battery capacity
Battery capacity. The charge indicator is shown to the right of battery capacity during charge	Any of the above	50%	Solid green (≥ 98%)
			Solid yellow (33% to 97%)
			Solid red (< 33%)

CLEANING THE AB3



- Use a soft, damp cloth to clean the surface of the AB3. Do not use harsh cleaners or solvents. You may moisten the cloth with isopropyl alcohol
- Do not immerse the AB3 in water or cleaning solutions
- If the AB3 camera lens becomes dirty, use a lens blower brush to clean it and then wipe it with a soft cloth if necessary
- If the AB3 camera display becomes dirty, clean the display with soapy water and then dry with a soft cloth
- Do not use ammonia-based or similar type window cleaners on the camera lens or camera display
- Do not place the lens under running water or apply jets of water
- Ensure the AB3 microphone openings are clean and clear of any debris

AXON VIEW XL





AXON VIEW XL

Step 1

AGENCY LOOKUP

Please enter your agency's evidence.com URL.

ps0

CONTINUE

ENTER VIEW XL AND ENTER YOUR AGENCY



Step 2

Professional Services
ps0.evidence.com

[Change agency](#)

USERNAME
cfoster

PASSWORD
.....

SIGN IN

[Forgot Password?](#)

ENTER AXON EVIDENCE USERNAME AND PASSWORD

AXON VIEW XL



Step 1

AGENCY LOOKUP

Please enter your agency's evidence.com URL.

pso

CONTINUE

ENTER VIEW XL AND ENTER YOUR AGENCY

Step 2

Professional Services
pso.evidence.com

[Change Agency](#)

USERNAME
cfoster

PASSWORD
.....

SIGN IN

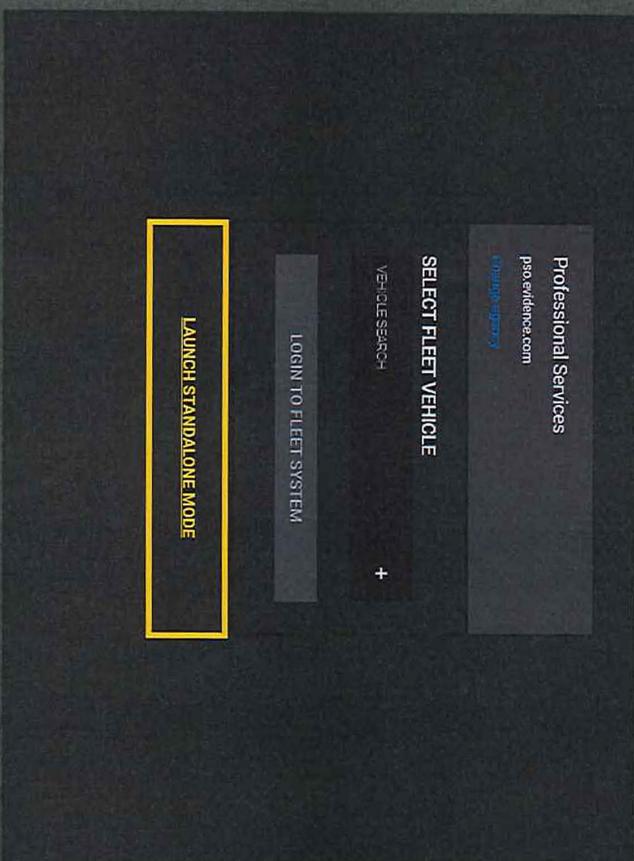
[Forgot Password?](#)

ENTER AXON EVIDENCE USERNAME AND PASSWORD



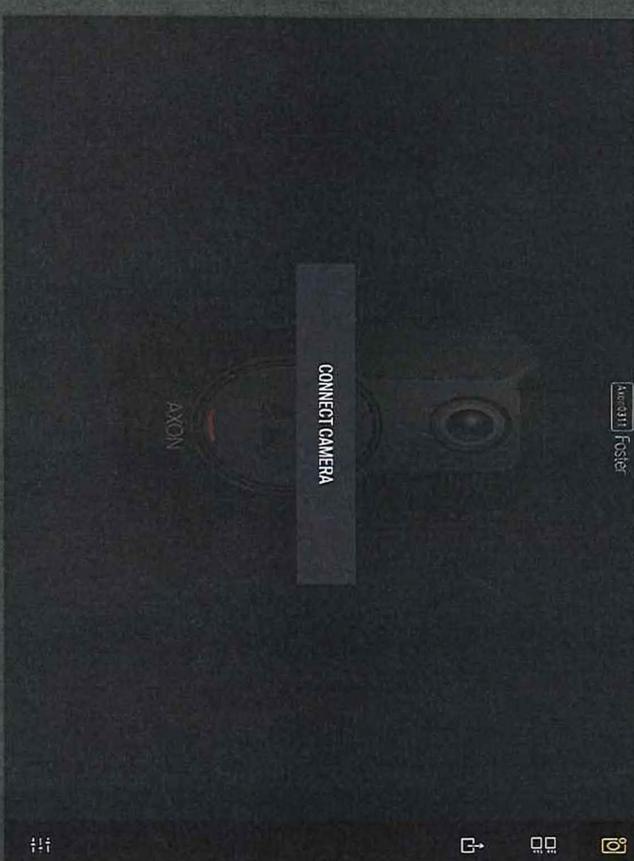
AXON VIEW XL

Step 3



LAUNCH STANDALONE MODE

Step 4



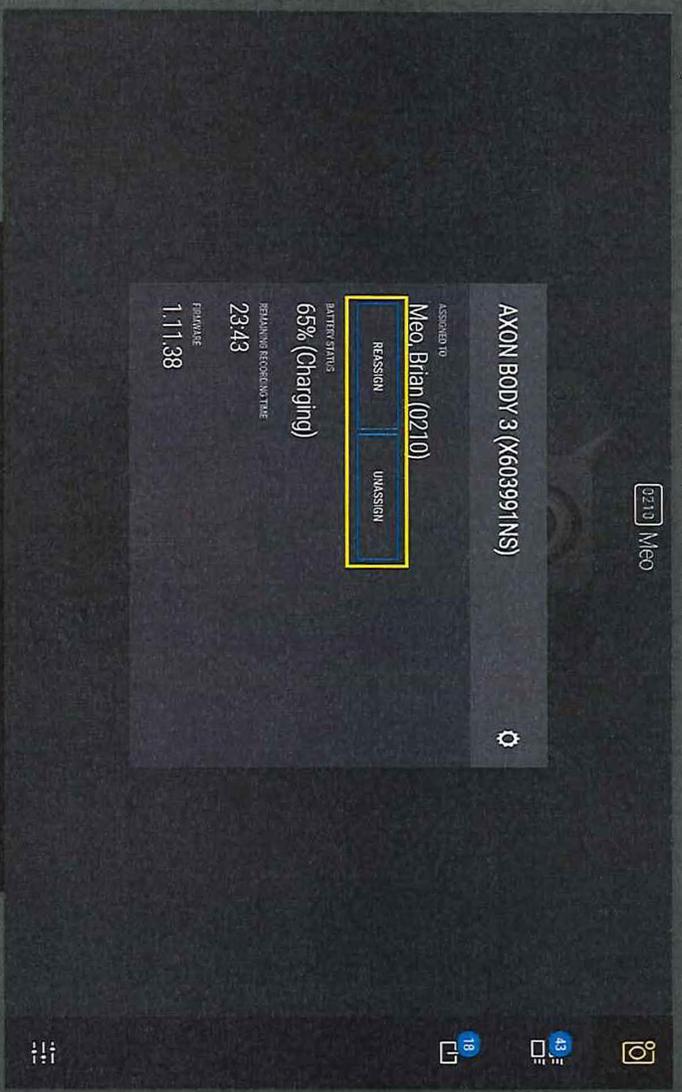
CONNECT CAMERA





USING AXON VIEW XL -- CAMERA

Step 5 **ASSIGNMENT**



CLICK ON REASSIGN OR UNASSIGN

USING AXON VIEW XL - METADATA



Step 6

A screenshot of the Axon View XL interface showing the metadata for an Axon Body 3 (X603991NS). The screen is dark-themed. At the top, it shows the user 'Meo' with a '0210' ID. The main content area displays the device name 'AXON BODY 3 (X603991NS)' with a settings gear icon. Below this, it shows 'ASSIGNED TO Meo, Brian (0210)' with 'REASSIGN' and 'UNASSIGN' buttons. Further down, it displays 'BATTERY STATUS 65% (Charging)', 'REMAINING RECORDING TIME 23:43', and 'Firmware 1.11.38'. On the right side, there is a vertical sidebar with icons for camera, battery (43%), and notifications (18). At the bottom right, there are navigation icons for back, forward, and search.

CLICK ON REVIEW TAB



USING AXON VIEW XL - METADATA

Step 7

1 INCIDENT REQUIRES REVIEW

The screenshot displays the Axon View XL interface. At the top, a status bar indicates '1 INCIDENT REQUIRES REVIEW'. Below this is a video feed showing a hallway with a 'Standby' indicator and a progress bar at '0:00 / 0:38'. The video feed includes a timestamp '2019-08-19 18:31:08', a unit ID 'AXON BODY 3 X60195009', and a '40000' value. A metadata popup is overlaid on the bottom right of the video, containing the following information:

ID	2019-123456
TITLE	Axon AIB Test
ADD DATE/TIME	
Use of Force	X

Below the video feed, there are controls for 'PRIORITY UP/DOWN' and a 'SUBMIT' button. The bottom of the interface features navigation icons for back, home, and search.

ADD ID, TITLE, AND
CATEGORY



USING AXON VIEW XL - UPLOAD

Step 10

1 INCIDENT REQUIRES REVIEW

The screenshot displays the Axon View XL interface. At the top, a video player shows a hallway scene with a timestamp of 2019-08-19 18:31:08 and incident ID AXON BODY 3 X60195009. Below the video, incident details are shown: ID 2019 123456, TITLE Avon ARS Test, and AGENCY EDSON 33. A 'Use of Force' dropdown menu is open, showing 'x'. At the bottom, a yellow box highlights the 'PRIORITYZE UPLOAD' button and the 'SUBMIT' button. The video player includes a 'Standby' indicator and a progress bar at 0:00 / 0:28.

**SELECT PRIORITYZE UPLOAD
AND CLICK SUBMIT**



USING AXON VIEW XL - UPLOAD

Step 10a

UPLOAD STATUS

1 VIDEOS QUEUED 0 VIDEOS UPLOADING

BODY
10:38
September 16, 2019
385

TITLE: Axon AB3 Test
ID: 2019-123456
Use of Force

Synchronized

Upload Pending

0:15 / 19:15

THE UPLOAD TAB WILL SHOW
AB3 VIDEO EVIDENCE QUEUED
FOR AND UPLOADING TO AXON EVIDENCE



USING AXON VIEW XL - UPLOAD

Step 10b

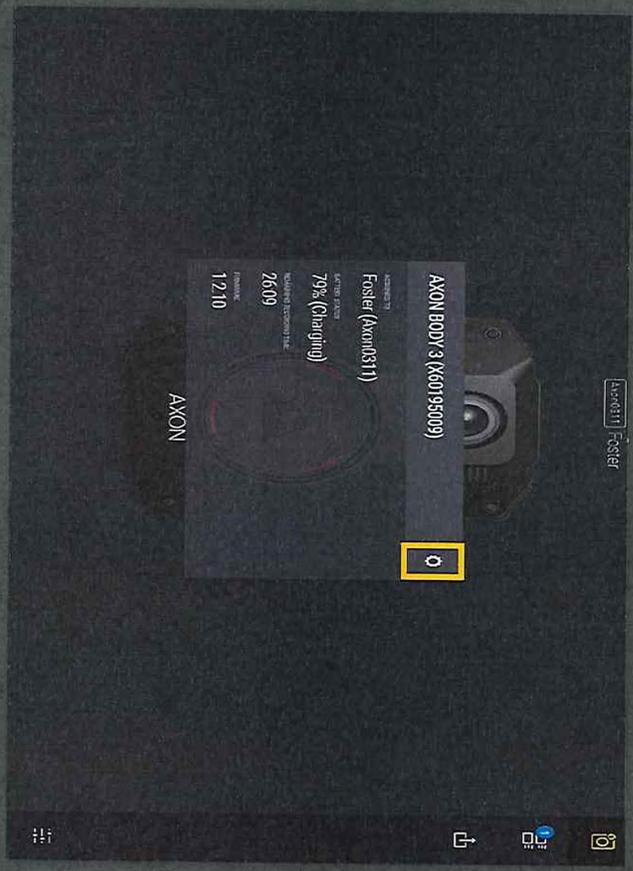
The screenshot shows the Axon View XL upload interface. At the top, there is an 'UPLOAD STATUS' section with two boxes: '0 VIDEOS QUEUED' and '1 VIDEOS UPLOADING'. Below this, a video card is displayed with the following information: 'BODY' in a red box, '10:38' in a red box, 'September 16, 2019', and '38s'. The video title is 'TITLE: Axon AB3 Test', the ID is 'ID: 2019-123456', and the description is 'Use of Force'. A progress bar at the bottom of the video card shows 'Uploading' and '10 MB / 19 MB'. At the bottom of the screen, there is a navigation bar with three icons: a camera icon, a list icon, and an upload icon with a blue circle containing the number '1'.

THE UPLOAD TAB WILL SHOW
AB3 VIDEO EVIDENCE QUEUED
FOR AND UPLOADING TO AXON EVIDENCE

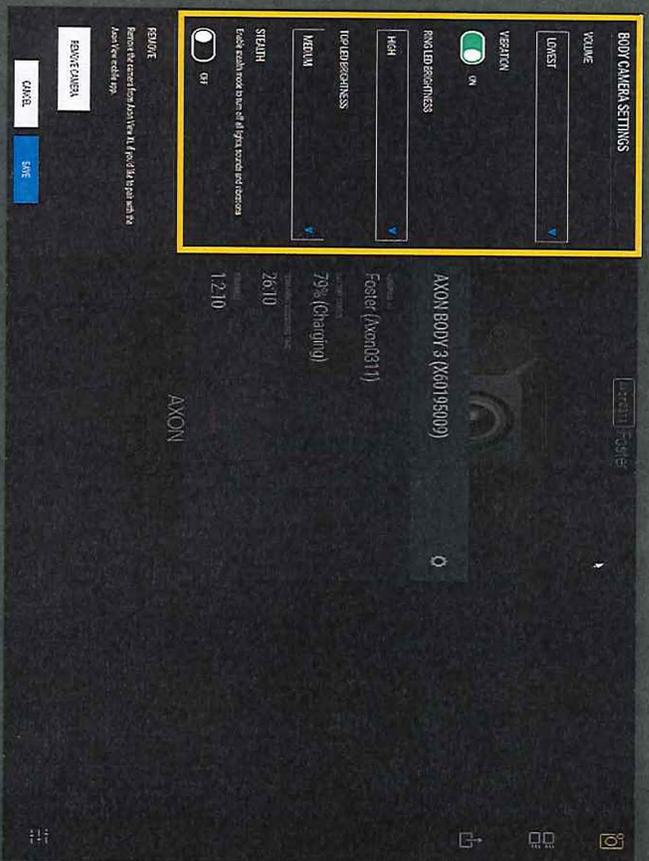
AXON VIEW XL-SETTINGS



Step 1

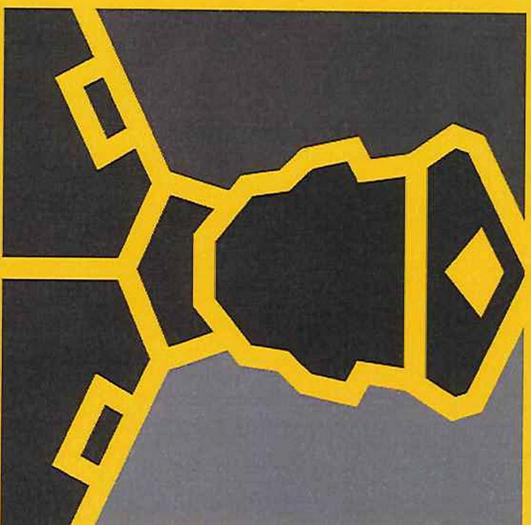


CLICK SETTINGS ICON



CHANGE AB3 SETTINGS

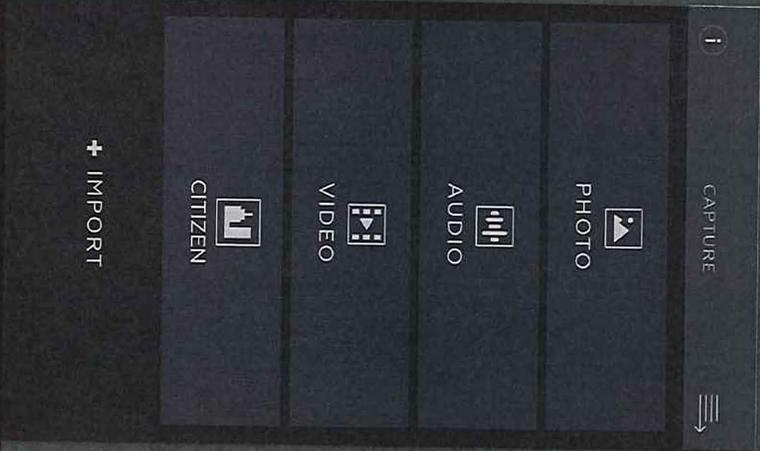
AXON CITIZEN



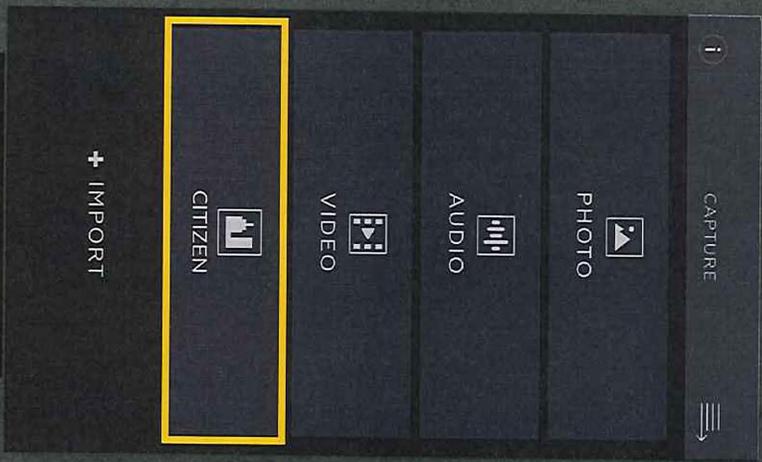
AXON CITIZEN



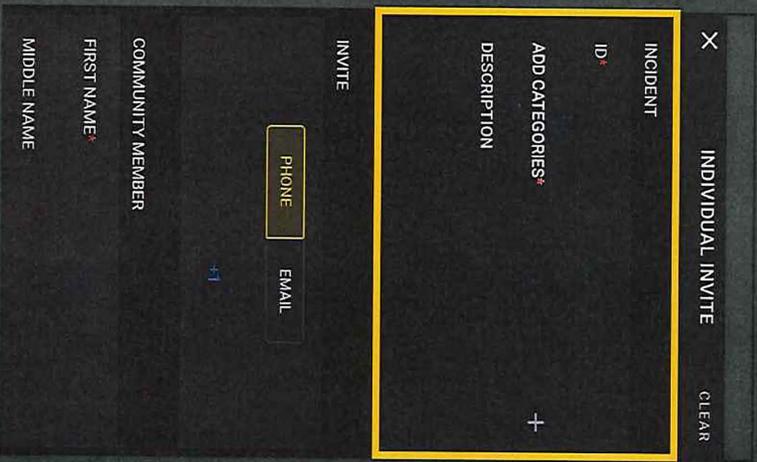
Step 1



Step 2



Step 3a



ENTER AXON CAPTURE APP



TAP CITIZEN



FILL OUT REQUIRED INFORMATION

AXON CITIZEN



Step 3b

X INDIVIDUAL INVITE CLEAR

INCIDENT

ID *

ADD CATEGORIES *

DESCRIPTION

+

INVITE

PHONE

EMAIL

+

COMMUNITY MEMBER

FIRST NAME *

MIDDLE NAME

Step 3c

X INDIVIDUAL INVITE CLEAR

INCIDENT

ID *

ADD CATEGORIES *

DESCRIPTION

+

INVITE

EMAIL

PHONE

EMAIL

+

COMMUNITY MEMBER

FIRST NAME *

MIDDLE NAME

Step 3d

X INDIVIDUAL INVITE CLEAR

INVITE

PHONE

EMAIL

EMAIL

COMMUNITY MEMBER

FIRST NAME *

MIDDLE NAME

LAST NAME *

DATE OF BIRTH

SEND

SELECT PHONE OR EMAIL

ENTER PHONE # OR EMAIL

FILL OUT REQUIRED INFORMATION

AXON CITIZEN



Step 4

X INDIVIDUAL INVITE CLEAR

INVITE

PHONE EMAIL

EMAIL

COMMUNITY MEMBER

FIRST NAME*

MIDDLE NAME

LAST NAME*

DATE OF BIRTH

SEND

TAP SEND



Step 5

The Invite has been sent

OK

CREATE ANOTHER INVITE

TAP OK OR ANOTHER
INVITE



Step 6

< 4

+1 (833) 762-9163 >

Today 2:03 PM

C. Foster requests evidence from you for the Professional Services. Click this link to view your request and submit evidence:
<https://pso.evidence.com/axon/citizen/share/3hlski>

For questions, contact the Professional Services with ID: 2020-120220

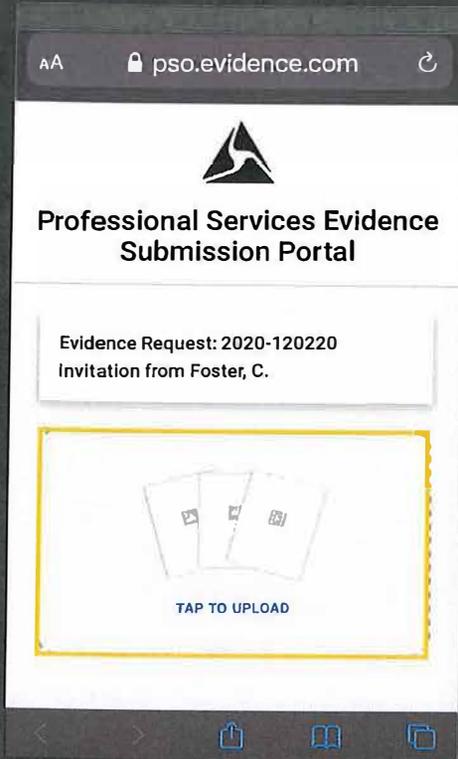
Text Message

CITIZEN RECEIVES A
LINK

AXON CITIZEN

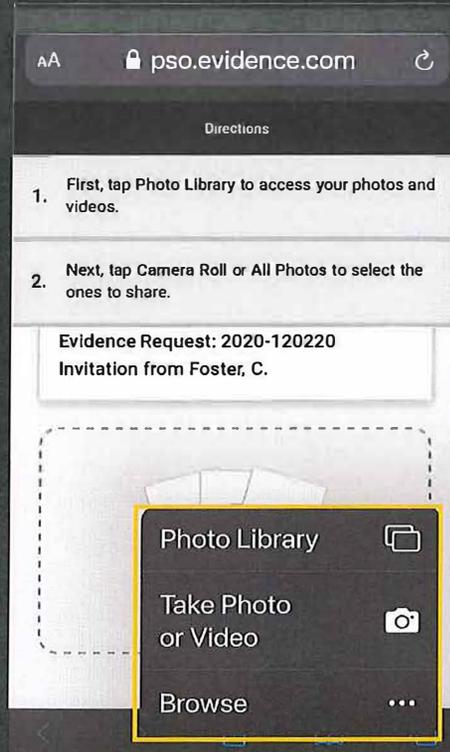


Step 7



**CITIZEN TAPS
UPLOAD**

Step 8



**CITIZEN
ENTERS LIBRARY**

Step 9



**CITIZEN
SELECTS/ADDS EVIDENCE**

AXON CITIZEN



Step 10

psso.evidence.com

Add an optional caption

970B6F73-5B35-4C02-A8BE-955 38FF855BD.jpeg

Add an optional caption

ADD MORE

By selecting 'Submit', I agree that these files are relevant to the incident.

SUBMIT

[PRIVACY POLICY](#) [TERMS OF USE](#)

IF NEEDED ADD MORE EVIDENCE

Step 11

psso.evidence.com

Professional Services Evidence Submission Portal

Evidence Request: 2020-120220
Invitation from Foster, C.

2E09EFF2-EA27-4D89-A72F-A7E 516987822.jpeg

Add an optional caption

BD03B663-2A44-4546-A9A8-A9

By selecting 'Submit', I agree that these files are relevant to the incident.

SUBMIT

[PRIVACY POLICY](#) [TERMS OF USE](#)

CITIZEN SUBMITS

Step 12

psso.evidence.com

Professional Services Evidence Submission Portal

Thank you

Your files have been submitted

[PRIVACY POLICY](#) [TERMS OF USE](#)

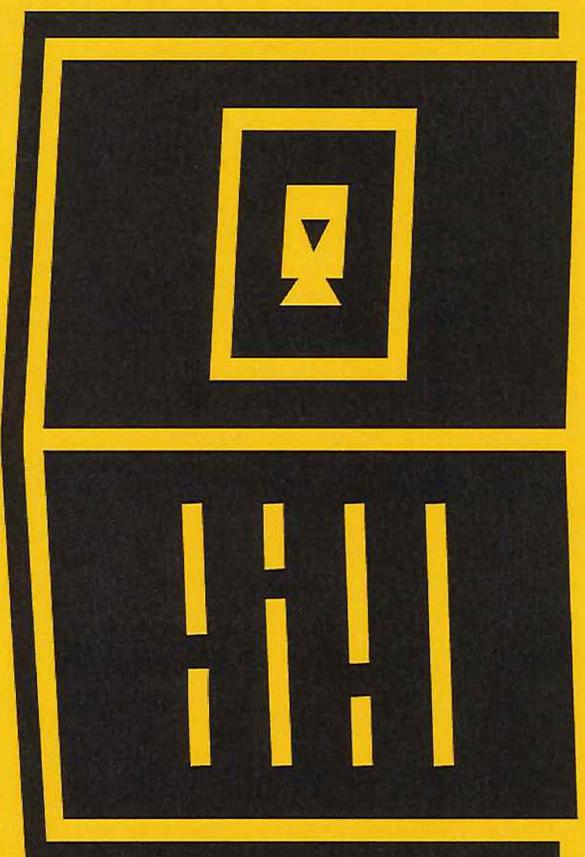
CONFIRMATION

AXON CITIZEN



**EVIDENCE WILL
UPLOAD DIRECTLY
INTO AXON
EVIDENCE ACCOUNT
TO BE TRIAGED OR
VIEWED BY
AUTHORIZED USER**

TRAINING



AXON ACADEMY



academy.axon.com/learn/dashboard

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- TASER CEW (3)
- AXON BODY-WORN CAMERAS (2)
- AXON AIR / DRONE (1)
- AXON CAPTURE (1)
- AXON CITIZEN (1)
- AXON FLEET 2 (1)
- AXON PERFORMANCE (1)
- REDACTION STUDIO (1)
- SIGNAL SIDEARM (1)
- VIEW XL (1)

Need To Know

Sort by



Axon Air App Overview

CLASS

This course gives a brief overview of how to use the Axon Air app. By the...

[View Details](#)



Axon Capture Overview

CLASS

This course gives brief overview of how to use the Axon Capture app. By L...

[View Details](#)



Axon Citizen Overview

CLASS

This course gives a brief overview of how to set up and use Axon Citizen. ...

[View Details](#)



Axon Fleet 2 & View XL Overview



Axon Signal Sidearm Overview



Axon Performance Overview

AXON ACADEMY – AXON BODY



academy.axon.com/learn/course/axon-body-3-1/introduction/welcome

Axon Body 3

AXON Academy

Hide

LESSONS

01. INTRODUCTION

- Welcome! ✓
- Discussion Forums ✓
- Learning Objectives ✓
- Product Specifications ✓

02. HARDWARE

- Learning Objectives ✓
- Operational Functions ●●●●●●●●
- Imaging Features ●●●●●●●●
- Audio Features ●●●●●●●●
- Battery Life and Uploading ✓

PROGRESS 100%

NC 100% COMPLETE

Show Details

RESOURCES

NOTES

SUPPORT SIGN OUT

Introduction / Welcome!

Welcome to the Axon Body 3 Overview Course!

Over the duration of this course, you will have the opportunity to engage with materials that are designed to prepare for the efficient use of the Axon Body 3 Camera.



DISCUSS

[Axon Academy AB3 Course](#)

WHAT WE COVERED

[AXON BODY 3 \(AB3\) OVERVIEW](#)

[OPERATING FUNCTIONS](#)

[AXON RESPOND AND RESPOND +](#)

[MOUNTING](#)

[AXON VIEW & PAIRING](#)

[AXON DOCK](#)

[AXON VIEW XL](#)

[AXON DEVICE MANAGER](#)

[REGISTERING YOUR DEVICE](#)

[AXON CAPTURE AND CITIZEN](#)

[AXON ACADEMY TRAINING](#)





BODY WORN CAMERA POLICY

Office of the Attorney General | State of New Jersey

January 2022
Version

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1 Governing Principles

- 1.1 Body Worn Camera (BWC) footage provides objective evidence of what occurred and plays a crucial role in the public discourse around police accountability. BWCs also serve as a powerful deterrent to misconduct by both the police and members of the public interacting with police. As such, BWCs have gained wide support among public and law enforcement, alike. The policies and standards established in this Policy are designed to help police departments achieve an optimal balance between potentially competing interests. For example, it is necessary to balance the need to promote police accountability and transparency on the one hand, against the need to respect the privacy interests of persons whose images and home interiors will be captured in a BWC recording on the other. So too, it is necessary to balance the benefits achieved by electronically recording evidence that might help to solve a crime and successfully prosecute an offender against the costs incurred if a BWC were to chill a victim or witness from providing a BWC-equipped officer with information necessary to solve a crime and convict the offender.
- 1.2 New Jersey now requires police departments and agencies to employ BWCs in their daily law enforcement functions. While N.J.S.A. 40A:14-118.3 through -118.5 provides the basic framework for BWC use, this Policy seeks to provide additional guidance for the requirements that all departments must now satisfy. Law enforcement agencies are nonetheless expressly authorized to impose additional requirements beyond—but not inconsistent with—those established in this Policy. In this way, police agencies are afforded an opportunity to tailor their BWC policies and procedures to address local concerns and needs.
- 1.3 Although police executives are afforded some flexibility in developing departmental policies and practices that address local needs and community concerns, this Policy makes clear that all policies must limit the discretion of individual officers in the field. The decision to activate a BWC must be based on objective criteria (*e.g.*, the initiation of a specified type of police action, such as a consensual field inquiry, or the start of an officer’s duty shift). Furthermore, in any circumstance where an officer is afforded discretion in deciding whether to de-activate a BWC, the reasons for exercising that discretion must be documented to permit supervisory review.

2 Definitions

Activate. To actuate the recording mode/function of a body worn camera.¹

Body worn camera (“BWC”). A device worn by a law enforcement officer that makes an electronic audio and video recording of activities that take place during any law enforcement action. The term does not include a mobile video recording device when mounted inside a police vehicle (*i.e.*, a dash cam). The term also does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity. Nor does the term include an electronic recording device when used to comply with the requirements of Rule 3:17 (electronic recording of station house custodial interrogations).

Constructive authority. Shall have the same meaning as defined in the Attorney General’s Use of Force Policy, except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (*e.g.*, “show me your hands,” “get out of the vehicle,” etc.), or directed against a person if the officer has un-holstered a firearm or a conducted energy device (*e.g.*, “move out of the way,” “get down,” etc.).

Equipped with a BWC. Shall mean that a law enforcement officer is actually wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from their agency.

Force. Shall have the same meaning as defined in the Attorney General’s Use of Force Policy. The term “force” shall include physical, mechanical, enhanced mechanical, and deadly force.

Investigation of a criminal offense. Any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

Law enforcement agency, agency, or department. A law enforcement agency operating under the authority of the laws of the State of New Jersey.

¹ Some BWC models may be turned on and remain in a standby or buffering mode, during which the device does not make a permanent record of images/sounds unless the officer activates the recording mode/function. With respect to these models, when the officer activates the recording mode/function, the device automatically preserves an electronic recording of the events that transpired a fixed period of time (*e.g.*, 30 seconds) before the recording mode/function was activated. This time-delay or “buffering” feature allows the device to capture data concerning the event/circumstances that prompted the officer to activate the BWC. When an officer does not activate the recording mode/function, data captured while the device is in standby/buffering mode is overwritten automatically.

Law enforcement officer. A person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.

Mobile video recording system. A device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

Proactive enforcement team. Includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing the aforementioned activities, and they are sometimes referred to as crime suppression units. The nature of their work is varied and may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.

School. A public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.

Serious bodily injury. 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. Serious bodily injury and serious bodily harm have the same definition for purposes of this Policy. See N.J.S.A. 2C:11-1(b); N.J.S.A. 2C:3-11(d).

Significant bodily injury. 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. See N.J.S.A. 2C:11-1(d).

Subject of the video footage. Any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the BWC recording, and shall not include a person who only incidentally appears on the recording.

Substantive report. A substantive report shall mean a report that includes a detailed accounting of the incident. It does not include a report, for example, which simply refers to other reports or to the existence of BWC or other camera recordings.

Tactical team. A group of officers who are specially selected, trained, and equipped to handle high-risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.

Youth facility. A facility where children assemble under adult supervision for educational or recreational purposes, such as group homes, residential facilities, day-care centers, day treatment centers, etc.

3 Police Department Policies Governing Deployment and Use of BWCs and Recordings

3.1 Promulgation of Police Department Policies and Procedures. To ensure an efficient and orderly transition to universal BWC implementation, every law enforcement agency shall promulgate and enforce a policy, standing operating procedure, directive, or order, in a form as may be appropriate given the customs and practices of the agency, which shall comply with the policies, standards, and requirements of this Policy. Any policy, standing operating procedure, directive, or order promulgated by an agency pursuant to this Policy shall provide that:

- (a) a law enforcement officer employed by the agency may only use a BWC system that has been issued and approved by the agency;
- (b) an officer equipped with a BWC must comply at all times with the requirements established in this Policy and in the agency's policy, standing operating procedure, directive, or order issued pursuant to this Policy or by law;
- (c) a BWC shall be used only in performance of official police duties and not for personal purposes;
- (d) no BWC recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the agency except for an official purpose specified in this Policy or by law; and
- (e) any sworn officer or civilian employee of the agency who knowingly violates the requirements of this Policy or the agency's policy, standing operating procedure, directive, or order, or applicable laws, shall be subject to discipline.

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

- (a) All uniformed patrol officers while acting in the performance of official duties, as required by N.J.S.A. 40A:14-118.3 (P.L. 2020, c. 128). This shall include uniformed officers assigned to traffic law enforcement, as well as Class II Special Law Enforcement Officers (SLEO IIs) assigned to patrol or traffic law enforcement duties.
- (b) All officers assigned to tactical teams as defined in this Policy. Tactical Teams shall include S.W.A.T. (Special Weapons and Tactics), S.R.T. (Special Response Team), T.E.A.M.S. (Technical Emergency and Mission Specialists), Entry Teams, Rapid Deployment, Fugitive or similar units.
- (c) All officers assigned to proactive enforcement teams as defined in this Policy.

- (d) All officers assigned to canine units.
- (e) All officers whose assigned duties include regular interaction with members of the public, which reasonably may give rise to an arrest situation or use of force.
- (f) All officers assigned to “front desk” duty in law enforcement agencies, whose duties include interaction with members of the public who enter police stations to report incidents or request assistance or information.
- (g) All officers assigned to a pre-planned search warrant execution or a pre-planned arrest. This shall include pre-planned searches and arrests performed pursuant to statutory authority, such as parolee searches.
- (h) All uniformed officers assigned to duties at demonstrations or potential civil disturbances.

3.3 Officers Not Required to Wear BWCs. Notwithstanding the provisions of 3.2, the following officers are not required by this Policy to be equipped with BWCs:

- (a) Officers engaged in undercover assignments.
- (b) Officers acting as hostage negotiators or crisis negotiators working in conjunction with tactical teams.
- (c) Officers assigned to administrative positions within the law enforcement agency. This provision shall not exclude officers assigned to “front desk” duty, as defined in Section 3.2(f), from the requirement to be equipped with BWCs.
- (d) Officers meeting with confidential sources or recruiting potential confidential sources.
- (e) Officers engaged in union representation of a member of the collective bargaining unit.
- (f) Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (SROs) and Class III Special Law Enforcement Officers (SLEO IIIs). Officers assigned to duties at schools or youth facilities working security or crowd-control functions at special events such as athletic competitions, graduations or similar public events shall be equipped with BWCs.
- (g) Non-uniformed officers assigned to investigative, non-enforcement duties, when authorized by the agency’s law enforcement executive.

- (h) Officers assigned to “extra duty” or “off duty” assignments that involve strictly traffic direction.
- (i) Officers engaged in crime-scene processing duties.
- (j) Officers engaged in duties as bomb or explosives technicians.
- (k) Officers conducting searches of cellphones, tablets, computers or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
- (l) Officers conducting searches of cellphones, tablets, computers or other electronic devices that are suspected to contain images of child sexual exploitation.

- 3.4 Special Circumstances.** Exemptions from the requirements in Section 3.2 are permitted only when approved by the Director of Division of Criminal Justice or the County Prosecutor, and only under such special circumstances that warrant an exemption. The reasons for the exemption must be documented and demonstrate a special need. Such requests for exemption shall be made in advance and approved in writing.
- 3.5 Placement of BWC.** A BWC used by a law enforcement officer shall be placed so that it maximizes the camera’s ability to capture video footage of the officer’s activities. This may include placement on helmets, vests or other such location so long as the device is secured properly and will maximize the device’s recordation function.
- 3.6 Duty to Inspect and Report Malfunction.** An officer equipped with a BWC shall be responsible for determining that the device is fully functional and that its battery is adequately charged at the start of the officer’s duty shift and before going into the field. If a malfunction is detected, the officer shall report the malfunction to a supervisor before going into the field. If the BWC malfunctions while out in the field, the malfunction upon its discovery shall be reported to the officer’s supervisor as soon as it is safe and practicable to do so.
- 3.7 Applicability of and Compliance with Attorney General Directive No. 2005-1.** The decision to activate or de-activate a BWC is a police action subject to the rule established in Attorney General Law Enforcement Directive (“AG Directive”) No. 2005-1, which strictly prohibits any form of racially-influenced policing.
- 3.8 Training.** Every agency shall designate one or more training officers and shall establish a training program to ensure that officers equipped with BWCs and officers and civilian employees who access or handle BWC recordings are familiar with the provisions of this

Policy, and the policy, standing operating procedure, directive, or order promulgated by the agency pursuant to section 3.1, and all applicable laws of the State.

4 Notice that BWCs are Deployed and Activated

- 4.1 Public Notice.** Every department or agency shall take reasonable steps to inform the citizenry of the agency's use of this technology. The department shall publish a statement that it deploys BWCs on its internet website or, if the department does not have its own website, then on the municipality's website when feasible. The County Prosecutor may assist departments in providing general public notice of their deployment of BWCs pursuant to this section. The website posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers or plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device. Notwithstanding the above general public notice requirement, officers wearing BWCs must comply with all relevant laws regarding notice to any subject of a BWC recording, pursuant to P.L. 2020, c. 129, section 1d-e, discussed in section 4.2, *infra*.
- 4.2 Specific Notice to Certain Individuals During an Encounter.** A law enforcement officer who is wearing a BWC shall notify the subject of the recording that the subject is being recorded by the BWC, unless it is unsafe or infeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible. If the officer does not provide the required notification because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report or by narrating the reasons on the BWC recording, or both. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence. *See* AG Directive 2021-5, Section II.A (non-enforceability by third parties).
- 4.3 Truthful Response to Specific Inquiries.** If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, has expressly authorized the officer to make a covert electronic recording. *Cf.* Section 3.3 (Policy does not apply to officers while operating in an undercover capacity, or while conducting/participating in a station house custodial interrogation electronically recorded in accordance with Rule 3:17). Nothing in this Section shall be construed to establish a basis for suppressing a statement or other evidence. *See* AG Directive 2021-5, Section II.A (non-enforceability by third parties).
- 4.4 Notice When Using BWCs Inside a Private Residence.** Prior to entering a private residence, a law enforcement officer shall notify the occupant that the occupant is being recorded by the BWC and, if the occupant requests the officer to discontinue use of the officer's BWC the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force. A request to discontinue the use of a BWC made to a law enforcement

officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.

- 4.5 Notice When Using BWCs with an Apparent Crime Victim.** When interacting with an apparent crime victim, a law enforcement officer shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded by the BWC and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC. A request to discontinue the use of a BWC made to a law enforcement officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.
- 4.6 Notice When Using BWCs with a Person Seeking to Remain Anonymous.** When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a law enforcement officer shall notify the person that they are wearing a BWC and, if the person requests that the officer discontinue use of the BWC, the officer shall evaluate the circumstances and, if appropriate, discontinue use of the BWC. A request to discontinue the use of a BWC made to a law enforcement officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.

5 Standards Governing the Activation of BWCs

5.1 BWCs Used Only in Performance of Official Duties. A BWC shall be activated only while in performance of official police duties and for the purpose of recording incidents, investigations, and police-civilian encounters involving those law enforcement activities specified in this Policy, or specified in a department's policy, standing operating procedure, directive, or order promulgated pursuant to this Policy. A BWC shall not be activated while the officer is on break or otherwise is not actively performing law enforcement functions (e.g., while eating meals, while in a restroom, etc.). A BWC shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction. Any recordings from a BWC recorded in contravention of this Policy or any other applicable law shall be immediately brought to the attention of agency command staff and immediately destroyed by command staff following consultation and approval by the County Prosecutor or Director of the Office of Public Integrity and Accountability. Such footage shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.

5.2 Circumstances When BWC Activation is Generally Required. Except as otherwise expressly provided in Section 7 or any other provision in this Policy, or by law, an officer equipped with a BWC shall be required to activate the device whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public, to include any of the following circumstances,² unless there exists an immediate threat to the officer's life or safety that makes such activation impossible or dangerous; in such situations, the officer must activate the camera at the first reasonable opportunity to do so and it shall remain activated until the encounter has fully concluded and the officer leaves the scene:

- (a) the officer initiates an investigative detention (e.g., a *Delaware v. Prouse* traffic stop, a *Terry v. Ohio* criminal suspicion stop, or a checkpoint or roadblock stop);
- (b) the officer is responding to a call for service and is at or near the location to which the officer has been dispatched;

² Two or more of the below-listed activities are likely to occur during a single encounter or event. For example, a frisk ordinarily occurs after an officer already has initiated an investigative detention (i.e., a "stop"), and a custodial interrogation typically occurs after the officer has arrested the person being interrogated. Although these specified activities often will co-occur and overlap, they are presented in this Section to ensure complete coverage of the circumstances when a BWC must be activated. The specified activity that occurs first during an unfolding encounter will trigger the obligation to activate a BWC. As explained in Section 5.3, once activated based upon the initiation of any of the listed police activities, the BWC generally must remain in operation until the police-civilian encounter is concluded (i.e., until the officer is no longer interacting with or in the presence of the civilian), and not just while the officer is engaged in the specified activity that required activation.

- (c) the officer is conducting a motorist aid or community caretaking check;
- (d) the officer is interviewing a witness in the course of investigating a criminal offense;
- (e) the officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogations);
- (f) the officer is making an arrest;
- (g) the officer is conducting a protective frisk for weapons;
- (h) the officer is conducting any kind of search (consensual or otherwise), including the execution of a search warrant;
- (i) the officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force;
- (j) the officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report;³
- (k) the officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility; or
- (l) the officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.

5.3 Continuous Recording Pending Completion of Encounter. To ensure that the entire encounter/event/episode is recorded, in accordance with this Policy and the law, a BWC should be activated before a uniformed officer arrives at the scene of a dispatched call for

³ When circumstances necessitating the use of constructive authority or force arise suddenly during the course of swiftly-developing events, it may not be safe and practicable for an officer to activate a BWC before employing constructive authority or force. Nothing in this Policy should be construed or applied in a manner that jeopardizes officer safety by distracting the officer's attention from the immediate need to use such constructive authority or force. It should be noted that in many circumstances where the need to use constructive authority or force arises, the officer already would have initiated a police activity, such as a motor vehicle stop, *Terry* stop, or response to a call for service, that would have triggered the requirement to activate the BWC; see note 2 (recognizing that two or more police activities enumerated in this section often will co-occur during the course of a single police-citizen encounter).

service or other police activity listed in Section 5.2. *See also* note 1. However, the officer need not begin recording at the moment he or she receives instructions from a dispatcher to respond to a call for service. Rather, the officer may delay activation until they are near the destination.

- 5.3.1 Except as otherwise expressly provided in Section 6 or any other provision of this Policy, when a BWC is required to be activated by an officer pursuant to this Policy, the device must remain activated throughout the entire encounter/event/episode and shall not be deactivated until it is concluded (e.g., the BWC-equipped officer has left the scene; all civilians involved in the encounter have left the scene; the officer has informed the dispatcher or a supervisor that the event has concluded; the event is “closed” on the department’s computer-aided dispatch (“CAD”) system, etc.).
- 5.3.2 When a BWC is activated pursuant to Section 5.2(k) (transport of arrestee), whether by an officer in uniform or in plain clothes, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel. BWCs may be deactivated in a hospital/medical/mental health facility setting. However, consistent with Section 6.8, in situations where an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.
- 5.4 **Special Provisions Governing the Use of BWCs when Investigating Underage Alcohol and Marijuana Use.** Consistent with the provisions of N.J.S.A. 2C:33-15a(4), the video and audio recording functions of an officer’s BWC shall be activated whenever the officer is responding to a call for service related to an underage person who is suspected of violating the law with respect to possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that provision. The BWC shall remain activated until the encounter has fully concluded and the officer leaves the scene and shall not be deactivated based on a request by a person who is the subject of the call for service related to a violation of N.J.S.A. 2C:33-15, or for any other reason.
- 5.5 **Special Activation Rules Governing Certain Use-of-Force Incidents, In-Custody Deaths, and Other Exigent Circumstances Where Officers Are in Danger.** Notwithstanding any other provision of this Policy, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of a “Law Enforcement Incident” as defined in AG Directive 2019-4, the officer shall activate the BWC before arriving at the scene when feasible. Notwithstanding any other provision of this Policy, an officer while at the scene of a “Law Enforcement Incident” shall not deactivate the BWC unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general supervising the investigation of the deadly-force incident pursuant to AG Directive 2019-4, or his or her designee. Such

instruction may be given telephonically by the assistant prosecutor, assistant or deputy attorney general, or designee supervising the investigation.

6 Standards Governing the De-activation of BWCs upon the Request of a Civilian, When Discussing Investigation Strategy or Planning, or on Instruction of a Prosecutor

6.1 De-Activation at the Request of a Civilian Providing Information/Cooperation.

Notwithstanding Section 5.3, an officer may de-activate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected.⁴ The officer shall not suggest to the person that the BWC should be de-activated; nor shall the officer ask the person whether he or she would prefer that the BWC be de-activated. Rather, the request for de-activation must be self-initiated by the civilian. The officer may explain the consequences of de-activation (*e.g.*, evidence relevant to a criminal investigation will not be recorded). In deciding whether to de-activate the BWC, the officer shall consider the privacy and safety interests of the person requesting de-activation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide only if the de-activation request is honored.

6.2 De-Activation at the Request of a Person Seeking Emergency Medical Assistance.

Notwithstanding Section 5.3, an officer may de-activate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be de-activated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting de-activation and the person in need of medical assistance.

6.3 Procedures for De-Activation Upon a Civilian's Request.

When an officer de-activates a BWC pursuant to Section 6.1 or 6.2, the following procedures shall be followed: 1) the discussion between the officer and the civilian concerning the request for de-activation shall be electronically recorded; 2) the officer before de-activating the BWC shall narrate the circumstances of the de-activation (*e.g.*, "I am now turning off my BWC as per the victim's request."); 3) the officer shall report the circumstances concerning the de-activation to his or her superior as soon as is practicable; and 4) the officer shall document the circumstances of the de-activation in any investigation or incident report concerning the incident under investigation. *See also* Section 9.3 (notations (*i.e.*, "tagging") to indicate BWC recordings that raise special privacy or other issues).

⁴ *Cf. R. 3:17(b)(iv)* (explaining that station house custodial interrogations must be electronically recorded unless "a statement is made during a custodial interrogation by a suspect who indicated, prior to making the statement, that he/she would participate in the interrogation only if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded").

- 6.4 Decision to Decline a Civilian’s De-Activation Request.** If an officer declines a request to de-activate a BWC pursuant to Section 6.1 or 6.2, 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 documented and shall be reported to the officer’s superior as soon as it is safe and practicable to do so, unless the agency’s policy prohibits de-activation authorized by Section 6.1 or 6.2.
- 6.4.1** In the event that the officer declines a de-activation request, the officer immediately shall inform the person making the request of that decision. An officer shall be prohibited from misleading the person making the de-activation request pursuant to Section 6.1 or 6.2 into believing that the BWC has been turned off when in fact it is operating unless the County Prosecutor or designee or the Director of the Division of Criminal Justice or designee expressly has authorized covert recording. Note that pursuant to Section 4.5, an officer may not decline a request from an apparent crime victim to discontinue recording of the encounter via the BWC.
- 6.5 De-Activation During Criminal Investigation Strategy/Planning Discussions.** Notwithstanding Section 5.3, and subject to the requirements of Section 5.5, unless the agency adopts a policy that prohibits or restricts de-activation as may be authorized by this Section, a BWC-equipped officer may de-activate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (*e.g.*, to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian (*i.e.*, under circumstances where a civilian might overhear the strategy discussion), and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (*i.e.*, conducting a search). When an officer de-activates a BWC pursuant to this Section, the officer shall narrate the circumstances of the de-activation (*e.g.*, “I am now turning off my BWC to discuss investigative strategy with my supervisor.”).
- 6.6 De-Activation on Instruction from Prosecutor.** Notwithstanding Section 5.3, an officer may de-activate a BWC when specifically authorized to do so by an assistant prosecutor or assistant or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor or assistant or deputy attorney general. When an officer de-activates a BWC pursuant to this Section, the officer shall narrate the circumstances of the de-activation indicating the assistant prosecutor or assistant or deputy attorney general who authorized the de-activation (*e.g.*, “I am now turning off my BWC as per the instruction of assistant prosecutor (insert name).”).
- 6.7 Re-activation When Reason for De-Activation No Longer Exists.** In any instance where a BWC was de-activated pursuant to Sections 6.1, 6.2, 6.5, or 6.6, the device shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances

justifying de-activation no longer exist (*e.g.*, the interview of the person requesting de-activation is completed), and the officer would otherwise be required to activate the BWC (*e.g.*, where the officer proceeds to other investigative activities that are required to be recorded pursuant to this Policy).

- 6.8 Re-Activation When Actual Law Enforcement Force is Authorized.** Notwithstanding any other provision of this Policy, in any instance where a BWC was de-activated pursuant to Sections 6.1, 6.2, 6.5, 6.6, or any other provision of this Policy, or de-activated pursuant to any policy, standing operating procedure, directive, or order issued by a department, in situations where an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

7 Circumstances When BWC Activation/Use Is Subject to Special Conditions or Restrictions

7.1 Special Restrictions When Recording in Schools, Healthcare/Treatment Facilities, and Places of Worship. Notwithstanding Sections 5.2 and 5.3 of this Policy, and except as otherwise required by Section 5.5, unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall de-activate a BWC that has been activated, while the officer: 1) is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC; 2) is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or 3) is in a place of worship under circumstances where worshipers would be in view of the BWC. *See also* Section 9.3 (notation (*i.e.*, “tagging”) of certain events/encounters raising privacy or other special issues).

7.1.1 If an officer is required to de-activate the BWC in accordance with the provisions of this Section, the officer shall narrate the reason for de-activation (*e.g.*, “I am entering a school building where children are present.”). The BWC shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances requiring de-activation no longer exist (*e.g.*, the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).

7.2 Special Restrictions When Undercover Officers or Confidential Informants May Be Recorded. Notwithstanding the provisions of Sections 5.2 and 5.3 of this Policy, and except as otherwise required by Section 5.5, an officer shall not activate a BWC, or shall de-activate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would risk revealing the identity of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (*e.g.*, active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the recording risks revealing the identity of an individual as an undercover officer or confidential informant. *See also* Section 9.3 (notation or “tagging” to indicate a BWC recording that raises special issues); Section 9.5 (prosecutor’s authority to seek protective order when complying with discovery obligations).

7.2.1 Notwithstanding the foregoing general rule prohibiting the recording of an undercover officer or confidential informant, in the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (*e.g.*, a raid where the undercover operative will be arrested to preserve his or her cover),

the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any BWC-equipped officers participating in the operation on whether to activate their devices.

- 7.2.2 The BWC shall be activated/re-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.
- 7.3 **Special Precautions When a BWC Recording May Reveal Tactical Operations Information.** In the event that a BWC worn during the execution of tactical operations (*e.g.*, “Special Operations” or “SWAT” operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (*e.g.*, verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be “tagged” in accordance with Section 9.3. *See* N.J.S.A. 47:1A-1.1 (exempting from disclosure under the Open Public Records Act “security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons”); N.J.A.C. 13:1E-3.2 (2) (exempting records that may reveal “surveillance, security, tactical, investigative, or operational techniques”); *see also* Section 9.5 (prosecutor’s authority to seek protective orders when complying with discovery obligations).
- 7.4 **Special Restrictions on Recording in Courtrooms.** An officer shall not activate a BWC while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority.
- 7.5 **De-Activation/Removal of BWC From Alcohol Breath Testing Area.** In order to eliminate any argument that radio frequency interference from a BWC affected an electronic alcohol breath test, BWCs shall be deactivated, turned off and removed from the area of the breath test instrument before an electronic breath test is conducted. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the breath-testing area while the electronic breath testing device is being operated. If this provision requires de-activation of a BWC, the officer shall narrate the reasons for de-activation (*e.g.*, “I am de-activating the BWC because the suspect is about to take a breath test.”), and the BWC shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.
- 7.6 **Restrictions on Using BWCs With Enhanced Audio/Visual Capabilities.** Subject to the provisions of Section 12 of this Policy, if a department acquires a BWC with enhanced audio/video capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device (*e.g.*, infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance), that feature/capability shall not be used without the express approval of the

County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, in accordance with any applicable legal requirements.

- 7.7 Restrictions on Using BWCs Surreptitiously or to Gather Intelligence Information on First Amendment Protected Activity.** A BWC shall not be used surreptitiously. Additionally, a BWC shall not be used to gather intelligence information based on First Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, provided that nothing in this subsection shall be construed to prohibit activation of video and audio recording functions of a BWC as authorized under the law or this Policy.

8 Retention of BWC Recordings

- 8.1 Minimum 180-Day Retention Period.** A BWC recording shall be retained by the law enforcement agency that employs the officer for a retention period consistent with the provisions of this Section, after which time the recording shall be permanently deleted. A BWC recording shall be retained for not less than 180 days from the date it was recorded, but shall be subject to additional retention periods as required in Sections 8.2, 8.3 and 8.4.
- 8.2 Automatic Three-Year Retention Period.** A BWC recording shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
- 8.3 Three-Year Retention Period Upon Request.** Subject to any applicable retention periods established in Section 8.4 to the extent such retention period is longer, a BWC recording shall be retained for not less than three years if voluntarily requested by:
- (a) law enforcement officer whose BWC made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - (b) a law enforcement officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - (c) any immediate supervisor of a law enforcement officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value;
 - (d) any law enforcement officer, if the BWC recording is being retained solely and exclusively for police training purposes;
 - (e) any member of the public who is a subject of the BWC recording;
 - (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.

To effectuate subparagraphs (e), (f), and (g) of this Section, the member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the BWC recording to determine whether to request a three-year retention period, in accordance with the provisions of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., to determine whether to request a three-year retention period.

8.4 Additional Retention Requirements. Notwithstanding the provisions of Sections 8.1, 8.2, or 8.3 of this Policy, a BWC recording shall be subject to the following additional retention requirements:

- (a) when a BWC recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution;
- (b) when a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency;
- (c) when a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.

9 Standards to Ensure Secure Storage and Accessibility of BWC Recordings

9.1 Procedures to Protect Integrity of BWC Recordings. Every department shall establish and maintain a system and procedures to ensure the integrity and proper handling and storage of all BWC recordings. This system shall include provisions to:

- (a) ensure that all recordings are uploaded to a secure data storage system in a timely fashion;
- (b) prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the storage system;
- (c) prevent unauthorized access to stored BWC recordings;
- (d) document all instances where BWC recordings are accessed, viewed, copied, disseminated, or deleted; and
- (e) permit auditing of all instances where BWC recordings are accessed, viewed, copied, or deleted.

9.2 Capacity to Locate Specific BWC Recordings. Every department shall establish and implement a system that permits the agency to locate and retrieve all recordings associated with a specific incident/event, investigation, case, or criminal charge. Accordingly, every department shall be required to develop and maintain a BWC control ledger or log, which may be computerized.

9.2.1 Every department shall establish and implement a system to ensure that relevant BWC recordings are provided in discovery in a timely fashion. The system established by the agency should include a provision to ensure that police arrest/incident/continuation reports indicate whether the incident or investigative activity described in the report was electronically recorded by a BWC. Police reports should, when feasible, indicate the corresponding BWC control ledger/log number, and the BWC control ledger/log should cross-reference the incident case number. Copies of BWC recordings made for the purpose of complying with the State's discovery obligations shall be provided to the prosecutor in a readily available media format.

9.3 Provisions to Identify ("Tag") Recordings That Raise Special Privacy or Safety Issues. To identify BWC recordings that may raise special privacy or safety issues, every department that deploys BWCs shall establish and implement a system that permits a notation (*i.e.*, "tagging") to be made when the recording:

- (a) captures the image of a victim of a criminal offense;

- (b) captures the image of a child;
- (c) was made in a residential premises (*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;
- (d) captures a conversation with a person whose request to de-activate the BWC was declined;
- (e) captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information (*e.g.*, verbal codes and hand signals used to give direction to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.) may have been recorded;
- (f) captures the image of an undercover officer or confidential informant; or
- (g) captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information. *See also* Section 7.1 (requiring notice to the prosecutor when a BWC captures the image of a patient at a substance abuse treatment facility).

Subject to the provisions of Section 12 of this Policy, an agency’s policy, standing operating procedure, directive, or order issued pursuant to Section 3.1 may specify additional circumstances when a BWC recording will be “tagged.”

9.4 Approval for Access to “Tagged” BWC Recordings. A BWC recording tagged pursuant to Section 9.3 shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee. The County Prosecutor or Director may authorize the law enforcement executive, and one or more superior officers or duty positions (*e.g.*, head of the detective bureau) identified by the law enforcement executive, to grant permission pursuant to this Section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to Section 9.3. *See also* Section 10.1 (specifying the purposes for which access to a BWC recording is permitted).

9.5 Compliance with Discovery Obligations Relating to BWC Recordings That Might Expose Officers or Other Persons to Danger. If disclosure of a BWC recording as part of the State’s discovery obligations in a prosecution might present a danger to any officer or civilian (*e.g.*, reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (*e.g.*, verbal codes or hand signals used to communicate information or

instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee in cases prosecuted by the Division, shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or Court Rule to protect the information from disclosure, such as by seeking a protective order from the court. See Section 7.3 (“tagging” of such BWC recordings).

- 9.6 **Third-Party Storage and Maintenance.** If a law enforcement agency authorizes a third-party to act as its agent in maintaining recordings from a BWC, the agent shall be prohibited from independently accessing, viewing, or altering any recordings, except to delete recordings as required by law or agency retention policies.

10 Restrictions on Access to and Use and Dissemination of BWC Recordings

- 10.1 Specified Authorized Purposes for Accessing/Using Stored BWC Recordings.** No law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in this Section and the law. BWC recordings shall not be divulged or used by any law enforcement agency for any commercial or other non-law enforcement purpose. Access to and use of a stored BWC recording is permitted only:
- (a) when relevant to and in furtherance of a criminal investigation or prosecution;
 - (b) when relevant to and in furtherance of an internal affairs investigation;
 - (c) when relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 - (d) when relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
 - (e) to show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
 - (f) to comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
 - (g) to comply with any other legal obligation to turn over the recording to a person or entity;⁵
 - (h) to show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, determines that disclosure to that particular person/entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;

⁵ When responding to a subpoena or court order, or a request pursuant to the Open Public Records Act or common law right to know, disclosure of a BWC recording under this paragraph is permitted only after providing notice to the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, pursuant to Section 11 of this Policy.

- (i) 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;
- (j) to conduct an audit to ensure compliance with this Policy and a department's policy, standing operating procedure, directive, or order promulgated pursuant to this Policy;
- (k) to enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (*e.g.*, by providing information about the layout of a premises to be searched), when such use is approved by the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee; or
- (l) any other specified official purpose where the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.

10.2 Restriction on Access to BWC Recordings Related to Investigations Conducted Pursuant to AG Directive 2019-4. To ensure the integrity of the investigation of "Law Enforcement Incidents" conducted pursuant to AG Directive 2019-4, and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this Policy, no civilian or law enforcement witness, including the principals of the investigation, shall be given access to, view, or receive an accounting of a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the "Independent Investigator," as that term is defined in AG Directive 2019-4.

10.3 Restriction on Access to BWC Recordings Prior to Creating Reports, Statements, Interviews. A law enforcement officer shall be permitted to review or receive an accounting of a BWC recording prior to creating any required substantive initial reports, providing a statement, or submitting to an interview regarding the recorded event, except under the following circumstances:

- (a) the incident involves the use of force by the officer, where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death;
- (b) the incident involves the discharge of a firearm or any other use of deadly force by the law enforcement officer;⁶

⁶ Section 4.2 of the Attorney General's Use of Force Policy defines deadly force to include not only the discharge of a firearm, but the following potentially lethal actions: (a) applying a chokehold, carotid artery restraint, or similar technique that involves pressure on the neck; (b) sitting, kneeling, or standing on a

- (c) the incident involves the death of a person while in law enforcement custody;
- (d) the incident involves the death of a person during an encounter with a law enforcement officer;
- (e) an incident that the officer knows or has been advised is or will be the subject of an internal affairs complaint relating to the officer's use of force, bias, or dishonesty; or
- (f) an incident that the officer knows or has been advised is or will be the subject of a citizen complaint relating to the officer's use of force, bias, or dishonesty.

10.3.1 Whenever a law enforcement officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the law enforcement 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. The law enforcement officer shall document each BWC recording that was reviewed and the date of the review. If the law enforcement officer received an accounting of a BWC recording, the law enforcement 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.

10.3.2 Nothing in Section 10.3 shall be construed to require a law enforcement officer to review a BWC recording prior to creating any required initial reports, statements, and interviews regarding the recorded event, nor to prevent a law enforcement officer from reviewing or receiving an accounting of such a BWC recording subsequent to the creation of any required initial report, statement, or interview regarding the recorded event.

10.3.3 As noted above, an officer is prohibited from reviewing or receiving an accounting of a BWC recording in certain scenarios specified in subsections 10.3(a)-(f) (the "specified scenarios") prior to the officer documenting or otherwise memorializing the officer's recollection of the incident, namely, by creating any required substantive initial report, providing a statement, or submitting to an interview regarding the recorded event ("the specified incident memorialization"). Whenever an officer participates in a specified scenario, then the officer shall only be permitted to review or receive an accounting of a BWC recording once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation. In cases subject to Attorney General Directive 2019-4, the investigating entity

person's chest, back, or neck for a prolonged period of time; (c) intentionally driving a vehicle at or in the direction of a person with the intent to strike the individual; and (d) using a baton or other weapon to intentionally strike an individual in the head or neck area. The Policy is located at:

https://www.nj.gov/oag/dcj/agguide/directives/ag-Directive-2021-14_Directive-Updating-Statewide-Use-of-Force-Policy.pdf

shall be the Independent Investigator. In all other specified scenarios the investigating entity shall be the chief law enforcement executive or designee. The investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.

10.4 Documenting Access to Stored BWC Recordings. Each department shall maintain a record of all access to stored BWC recordings pursuant to this Policy. The department's record keeping system shall document the following information:

- (a) the date and time of access;
- (b) the specific BWC recording(s) that was/were accessed;
- (c) the officer or civilian employee who accessed the stored BWC recording;
- (d) the person who approved access, where applicable; and
- (e) the reason(s) for access, specifying the purpose or purposes for access authorized pursuant to Section 10.1, and specifying the relevant case/investigation number, where applicable.

11 Public Disclosure of BWC Recordings

Any agency receiving a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the County Prosecutor, or to the Division of Criminal Justice where the recording was made by a state-level law enforcement agency. Such notice shall state clearly the deadline by which a response must be made.

12 Authority of County Prosecutor to Impose Additional Requirements

Nothing in this Policy shall be construed to in any way limit the authority of a County Prosecutor to issue directives or guidelines to the law enforcement agencies subject to his or her supervisory authority, setting forth additional procedural or substantive requirements or restrictions concerning BWCs and BWC recordings, provided that such directives or guidelines do not conflict with any explicit provision of this Policy. For example, a County Prosecutor may: specify additional circumstances when a municipal police department BWC must be activated; impose limits on the authority of a municipal police department to specify additional circumstances when a BWC must be activated; categorically prohibit the use of BWCs with enhanced audio/visual capabilities such as infrared night vision (*cf.* Section 7.6, which requires prosecutorial approval to use such features); and specify additional circumstances when a BWC recording will be “tagged,” etc.

13 Violations

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