

# HOPEWELL TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



## BODY WORN CAMERAS / MOBILE VIDEO RECORDERS

**BY THE AUTHORITY OF:**  
Director Robert A. Karmazin

**# OF PAGES:**  
25

**BY THE ORDER OF:**  
Lt. William H. Springer Jr.

**ACCREDITATION STANDARDS: 1.3.3**

**EFFECTIVE DATE: 02/22/2022**

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

**POLICY** It is the policy of the Hopewell Township Police Department to utilize BWCs and MVRs to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

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

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

Any willful or repetitive violations of this SOP shall be reported to the internal affairs supervisor who shall report such directly to the Officer in Charge of the Police Department and/or Mercer County Prosecutor's Office. The Officer in Charge of the Police Department and/or Mercer County Prosecutor's Office is authorized to take such actions as are reasonable and necessary to ensure compliance with this SOP and to prevent future violations.

## PROCEDURES

### I. DEFINITIONS

- A. For purposes of this SOP, 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. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
  4. Constructive authority – involves the use of an officer's authority to exert control over a subject (see this department's SOP on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...*show me your hands*," "...*get out of the vehicle*", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...*move out of the way*", "...*get down*", etc.).
  5. Deactivate – the process of stopping the recording mode / function of a BWC or MVR.
  6. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
  7. Equipped with a BWC – means that an officer is wearing a BWC at the time in question, as opposed to simply receiving BWC equipment from the agency.
  8. Force – has the same meanings as defined in this department's SOP on *Use of Force* and the Attorney General's use of force policy.
  9. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, petty disorderly offense, or operating while intoxicated offense including, but not limited to responding to a report of a possible criminal offense, an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

10. Metadata – A created digital image may include metadata that describes how large the picture is, the color depth, the image resolution, when the image was created, and other data.
11. MVR: mobile video / audio recording equipment installed in a police vehicle. All references to MVR shall include the equipment installed in the police vehicles, removeable components and media devices, and where appropriate, other accessories necessary to operate the system. MVRs shall be maintained in all marked vehicles with MVR mounts.
12. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
13. School – means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
14. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. For purposes of this SOP, serious bodily injury and serious bodily harm have the same meaning.
15. 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.
16. 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.
17. Substantive report – means a report that includes a detailed accounting of the incident. It does not include a report which simply refers to other reports or to the existence of BWC or other camera recordings.
18. 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.
19. Tagging – is the electronic labeling of a video/audio file captured by a BWC or MVR. The terms categorizing or category can be used interchangeably with the terms tagging or tag.

20. 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.
21. Youth facility – means a facility where children (under 18) assemble under adult supervision for educational or recreational purposes, such as day-care centers, group homes, residential facilities, youth camps, pre-schools, tutoring locations, vocational schools etc.

## **II. GENERAL ADMINISTRATION**

- A. BWC and MVR recordings are invaluable to law enforcement for evidential purposes. BWC and MVR have consistently demonstrated their value in the prosecution of criminal, traffic, and other related offenses and to protect personnel from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. There is no intent to utilize the BWC or MVR as a management tool to punish officers for minor departmental rule infractions.
  1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
  2. BWCs and MVRs shall only be utilized for legitimate official police duties and not for personal purposes.
- C. These recordings shall 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 viewing restrictions in this SOP, 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.
  7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.

8. Recordings enhance management's ability to train personnel in proper police procedures.
- D. When properly used, this equipment will have the following capabilities:
1. Creation of accurate documentation of motorist contacts and other patrol related activities, including, but not limited to, arrests, other police-public contacts, and other critical incidents.
  2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports. These recordings enhance the department's ability to review probable cause determination, police-public interactions, and evidence for investigatory purposes.
  3. This agency shall not utilize any biometric technology, such as facial recognition, to conduct searches of video files or passive searches of the public.
- E. Adequate safeguards are necessary to ensure that this technology is:
1. Used in a non-discriminating way; and
  2. Used to document visual evidence; and
  3. Used to safeguard against potential violations of N.J.S.A. 2A: 156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act* (MVR).
- F. While visual and audio evidence may be captured on the recordings, the use of BWC and MVR cannot always depict the full story of an encounter. It is also 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. The use of a BWC or MVR does not diminish the requirement to provide a thorough, written documentation of an incident. The BWC and MVR recordings are only one piece of evidence that provides only one perspective regarding the situation that has been recorded.
- G. Officers shall use only those BWCs and MVRs purchased by the department. The use of BWCs and MVRs with electronically enhanced audio/visual capabilities, such as infrared vision features, are not authorized.
- H. BWC and MVR equipment and all data, images, video, and metadata captured, recorded, or otherwise produced by the equipment is the sole intellectual property of this department. Under no circumstances shall any member of the Hopewell Police Department make a personal copy of any recorded event.
- I. BWCs and MVRs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- J. 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 or MVR.

- K. The Officer in Charge of the Police Department or his/her designee shall maintain a training program on the lawful and proper use of BWC/MVR equipment. Only officers who have received training in the use of BWC/MVR 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 BWCs/MVRs is considered an essential job requirement.
  - 1. Providing initial training to all newly hired officers or officers who were not previously trained.
  - 2. Providing periodic refresher training, as required, to ensure the continued effective use and operation of the equipment.
  - 3. Providing initial and refresher training to non-sworn personnel whose responsibilities include accessing, copying, or distributing BWC/MVR records.
  - 4. Providing supplemental training as part of this department's performance improvement or progressive disciplinary processes.
  
- L. Repairs to any BWC equipment shall only be performed by the manufacturer or under the direction of the public safety technician or his/her designee. The public safety technician's responsibilities include:
  - 1. Prevent tampering with or deletion of recorded data both before and after downloading from the BWC/MVR and uploading to the storage system.
  - 2. Prevent unauthorized access to stored BWC/MVR recordings.
  - 3. Document all instances where BWC/MVR recordings are accessed, viewed, copied, disseminated, or deleted; permit auditing of all instances when BWC/MVR recordings are accessed, viewed, copied, or deleted.
  - 4. Authorize access to downloaded BWC/MVR files
  
- M. Under no circumstances will any employee of the Hopewell Township Police Department make a personal copy of any recorded event without the permission of the Officer in Charge of the Police Department. Release of recorded events will not be permitted without authorization of the Mercer County Prosecutor's Office or the Division of Criminal Justice.

### **III. BODY WORN CAMERAS**

- A. All officers shall be assigned a BWC. Each BWC has a unique serial number and has been assigned an internal tracking number. When on duty, the device shall be worn and used consistent with the requirements and restrictions in this SOP as an authorized component of the uniform of the day.
  - 1. Wearing of any personally owned video/audio recorder by department personnel is not authorized without the expressed permission of the Officer in Charge of the Police Department, the Mercer County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations shall be subject to disciplinary action, up to and including termination.
  - 2. BWCs shall only be used in conjunction with official law enforcement duties.

3. 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.
4. Detectives and administrative officers shall wear BWCs when conducting arrests and while engaged in field duties (e.g., patrol coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this SOP.
5. BWCs shall be worn and used on all extra duty assignments except for traffic direction/control extra duty jobs.
6. 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.
  - d. When assigned to duties at demonstrations or potential civil disturbances.
7. Spare BWCs can be issued by supervisors. The assigning supervisor shall ensure that the spare BWC is issued in the BWC system software for the duration of its use.

B. Officer's responsibilities

1. BWC equipment is the responsibility of the assigned officer and shall be used with reasonable care for ensuring proper functioning during his/her daily tour of duty.
2. Officers assigned BWCs shall use the device specifically assigned to them unless otherwise authorized or directed by a supervisor.
3. Officers shall place the BWC in stand-by or buffering mode (during which time the device does not make a permanent record of images or sounds unless the officer activates the record mode function), prior to leaving headquarters at the beginning and/or during their daily tour of duty.
4. Officers shall wear their assigned BWC mounted to the front left, center, or right side of the outmost garment on the upper chest area, facing forward, using the mounting equipment provided by the manufacturer. No object shall be placed in front of the BWC in such a manner that it interferes with or obstructs the recording.
5. Prior to beginning a shift, officers assigned a BWC shall ensure the system's readiness by conducting an operational inspection. The officer shall include, but not be limited to, the following:
  - a. Ensure that the battery is adequately charged prior to leaving headquarters; and

- b. Ensure that the device has sufficient memory to complete his/her daily tour of duty; and
    - c. Ensure the proper positioning of the BWC on his/her uniform; and
    - d. Activate the BWC and verbally state the date, time, name, vehicle # *(if applicable)* and that a pre-shift inspection is being conducted. Such checks should be conducted concurrently with the pre-shift check of the vehicle's MVR.
    - e. Categorize the test video as 'Test'.
    - f. View the recording to ensure that the system is functioning properly.
  6. Officers assigned a BWC shall upload the contents of their specific device by placing the device in its docking station.
  7. At the conclusion of the officer's shift, he/she shall inspect his/her BWC to ensure system integrity. The officer shall:
    - a. Unpair the BWC with the vehicle's MVR (if applicable) and log out of the system.
    - b. Tag or categorize all uploaded video/audio recordings properly for retention purposes *(see section VI of this SOP)*
  8. Officers finding any BWC to be damaged, lost, or not functioning properly, thereby preventing the use of the device during the shift shall report such to their immediate supervisor upon discovery.
  9. Officers are prohibited from tampering with any BWC, including but not limited to, attempting to take the device apart, disable, alter, or repair it in any way.
  10. Any officer who is issued a BWC and then transfers or is promoted to a position or bureau that does not require authorization to wear this device shall surrender the BWC to his/her immediate supervisor, who shall forward the BWC to the BWC system administrator for redistribution.
- C. 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 a BWC.
  2. BWCs shall be used only in conjunction with official law enforcement duties. BWCs shall not be used to record:
    - a. Encounters with undercover officers or confidential informants.
    - b. Strip and body cavity searches.
    - c. When on break or otherwise engaged in personal activities.
    - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.

- e. When engaged in police union business.
  - f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction. NOTE: the use of a BWC is authorized to record internal affairs interviews (e.g., principal, witness, complainant, etc.) provided the interviewee is fully aware that the interview is being audio/video recorded.
  - g. While discussing criminal investigation strategies.
  - h. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording.
3. Officers are not required to wear and use a BWC:
- a. When engaged in hostage negotiations.
  - b. When processing crime scenes.
  - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
  - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.
4. BWCs shall not be used to gather intelligence information based on 1<sup>st</sup> 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.
5. Any recordings from a BWC recorded in contravention of this SOP or any other applicable law shall be immediately brought to the attention of the command staff and immediately destroyed by the command staff following consultation and approval by the Mercer County Prosecutor or Director of the Office of Public Integrity and Accountability. Such recordings shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the unauthorized use of a BWC.
- D. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee/prisoner and until the arrestee/prisoner is subjected to an Alcotest, secured in the processing/booking area, secured in 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/prisoner.

- E. 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 or place of abode (e.g., hotel/motel rooms, boarding houses, etc.), 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 BWR activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the incident/supplemental report of the incident and/or by narrating the reasons on the BWR recording.
  5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- F. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the Mercer 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 can deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances when it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).
    - a. Officers shall not suggest to the person that the BWC should be deactivated, nor shall the officer ask or indicate to the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian.

- b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet, is not critical to require recording.
    - c. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
- 2. Officers may deactivate a BWC when a person, other than an arrestee/prisoner, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.). However, in situations when an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so
- 3. When an officer deactivates a BWC:
  - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded.
  - b. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC as per the victim's request.*").
  - c. The officer shall report the circumstances concerning the deactivation to their supervisor as soon as is practicable; and
  - d. The officer shall document the circumstances of the deactivation in the applicable report concerning the incident under investigation, including the approximate time of activation and/or deactivation.
- 4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented in the applicable report and shall be reported to a supervisor as soon as it is safe and practicable to do so.
  - a. If the officer declines a deactivation request, the officer shall immediately inform the person making the request of that decision.
  - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Mercer 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 a BWC when specifically authorized to do so by an assistant prosecutor or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor/deputy attorney general. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the name of the assistant prosecutor/deputy attorney general who authorized the deactivation.
  6. Officers should mute a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation.
  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).
  8. If a BWC captures the image of a patient in a substance abuse treatment facility, the Police Director or his/her designee shall notify the Mercer County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Mercer 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 when a BWC was deactivated 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 no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- G. 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.
- H. BWCs shall be deactivated or removed while in the ALCOTEST area and stored in another room when the ALCOTEST device is being used prior to the 20-minute observation period. 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.

- I. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the duty supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- J. When a BWC is activated, officers are encouraged to provide narration when practical and appropriate to augment the value of the recording and to provide clarity for the viewer.

#### **IV. MOBILE VIDEO RECORDERS**

- A. Every officer operating a marked departmental police vehicle equipped with an MVR shall carry and utilize a BWC.
- B. MVRs are programmed to automatically activate when:
  - 1. The vehicle's emergency lights are activated; or
  - 2. The vehicle reaches a predetermined speed; or
  - 3. The 'RECORD' button is depressed; or
  - 4. The officer's BWC is activated.
- C. Recordings will automatically upload to the MVR server when a vehicle has returned to headquarters and is in proximity to the server's antenna.
  - 1. No officer or other police employee shall conduct him/herself in any way that would intentionally interfere with any data upload from occurring. If an officer or police employee is found to have intentionally interfered with any upload, an internal affairs investigation shall be initiated.
  - 2. If a police vehicle is towed due to a collision or a mechanical problem, the duty patrol supervisor will decide whether to immediately remove the hard drive or wait until the next working day.
  - 3. The Administrative Lieutenant shall be promptly notified concerning any MVR equipped vehicle involved in:
    - a. A serious crime; or
    - b. A collision with serious bodily injuries to any party; or

- c. A motor vehicle pursuit involving a crash.
  4. The Administrative Lieutenant shall either respond and collect the removable media or designate someone to collect the removable media and secure it as evidence.
- D. Officers will inspect/check the MVR prior to beginning their shifts to ensure the MVR is working properly. Officers will log on at the beginning of their shift). The recorder will start automatically when an officer activates the vehicle's emergency lights. To record without lights, officers need to use the 'Manual Record' function.
1. Such pre-shift checks should be conducted concurrently with the officer's BWC pre-shift checks.
  2. In the event the officer needs to quickly depart headquarters for a call, this check shall be completed at the completion of the call.
  3. The unit shall be turned on at the beginning of the officer's tour of duty and shall not be turned off until the end of his/her tour of duty.
  4. Officers are responsible for ensuring that the system is working during their tours of duty.
  5. At no time shall officers operate a police vehicle while not being signed into the system.
  6. It is the officer's responsibility to exercise reasonable care when using the equipment. Misuse of this equipment that results in damage or loss may result in disciplinary action and/or replacement of such equipment by the officer.
- E. Officers can adjust their vehicle position or rotate the lower forward-facing camera to provide a better view of any incident. The camera shall be placed back into the forward-facing position as soon as practicable.
- F. To prevent allegations of arbitrary and capricious utilization of the system:
1. Recordable incidents shall be video and audio recorded from beginning to end.
    - a. This procedure applies to primary as well as secondary/back-up units on these incidents.
    - b. This procedure applies to both adult and juvenile incidents.
    - c. MVR shall remain activated (audio and video recording) during motor vehicle stops and other law enforcement actions until the entire enforcement action has been completed and either the officer or stopped motorist has departed the scene.
    - d. Officers should record the plate number audibly into the microphone/transmitter to verify the plate is recorded.

- e. Officers shall ensure that the camera is properly positioned to capture the officer-subject interaction at the outset of the incident. Ask the subject to speak up if necessary. Be cognizant of where you stand.
  - f. If necessary, an officer may elect to reposition the camera to capture other images relevant to the enforcement action. The officers may want to verbally describe the action(s) taken and the video obtained.
- 2. Officers shall always maintain activation of their BWC when they are out of the vehicle on a car stop/incident that is being recorded.
  - 3. The system will continue to record video after the emergency lights are shut off. The operator of the system must stop the recording **manually** at the conclusion of the stop/event.
  - 4. The MVR may be manually deactivated during non-enforcement activities including, but not limited to:
    - a. During traffic detail/road closures.
    - b. Prolonged traffic direction.
    - c. First aid calls.
  - 5. If an MVR recording is ceased prior to the conclusion of an incident, the officer shall provide justification by recording the reason verbally on the system.
  - 6. When an officer has a passenger or prisoner in the patrol vehicle, the in-car camera and in-car microphone shall remain activated to capture any interaction. This shall include, but not be limited to, anytime the recording may be of value in a prosecution or to document unusual or bizarre behavior, or any behavior that may cause personal injury to the occupant
    - a. The internal microphone shall be activated when anyone is in the rear/prisoner/occupant seat.
    - b. At no time, shall an officer audio record the rear-seat compartment of a patrol vehicle, when an arrested person is placed into custody and detained, or another party is in the rear passenger compartment and the officer is not present.
- G. Officers shall return the vehicle to police headquarters parking lot at the end of their shifts so that the recordings are wirelessly uploaded to the server.

## V. INCIDENTS TO RECORD

- A. When assigned to an officer for duty, the BWC will remain in standby mode ready to be activated at any time. Activation should occur before arriving at the scene, when feasible. Likewise, the MVR shall remain in the standby mode ready to be activated at any time.

- B. Except when otherwise restricted in this SOP, 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 and/or MVR 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. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched.
  3. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
  4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
  5. Motorist aid or community caretaking checks.
  6. Crime scenes to the extent possible except for crime scene processing.
  7. Motor vehicle and foot pursuits.
  8. Investigation of motor vehicle offenses.
  9. Officer interviews in the field of witnesses when conducting investigations of criminal violations and/or motor vehicle offenses (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interrogations/interviews).
  10. Custodial interrogation of a subject unless the interrogation is otherwise being recorded in accordance with Court Rule R. 3:17.
  11. Investigative detentions/field interviews.
  12. Out-of-court identifications (i.e., show ups, lineups).
  13. Warrantless searches (all types, including protective frisks, but not strip or body cavity searches).
  14. Search or arrest warrant service (entire service).
  15. Arrests.
  16. Arrestee, prisoner, detainee, emotionally disturbed person, and civilian transportation.
  17. Drug recognition expert evaluations.
  18. Overdose and suspected overdose investigations.
  19. Emotionally disturbed person investigations / encounters.

20. 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 applicable report).
  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. Domestic violence investigations.
  23. Strikes, picket lines, demonstrations, civil disorders.
  24. Any public contact that becomes adversarial.
- C. Notwithstanding any other provision of this SOP, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene when feasible.
  - D. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event, pursuit resulting in death or serious bodily injury, in-custody death incident, or the on-scene investigation of such events shall not deactivate his/her BWC or MVR unless instructed to do so by the independent investigator supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The independent investigator or his/her designee supervising the investigation may provide such instruction telephonically.
  - E. BWCs/MVRs shall remain activated for the entire duration of a public contact required in this section until the officer has departed the scene and the officer has notified communications that the event is closed.
  - F. 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 SOP on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section VII of this SOP.
  - G. If an officer fails to activate the BWC/MVR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable investigation report the reasons why a recording was not made, was interrupted, or was terminated.

## **VI. OFFICER AND SUPERVISORY RESPONSIBILITIES**

- A. Under no circumstances will an officer fail to surrender a BWC to the supervisor when requested. BWCs SHALL NOT be brought home, left in a vehicle, or turned over to another officer. The duty patrol supervisor or his/her designee shall ensure that all BWCs are turned in at the end of the tour of duty.

- B. When any officer captures video/audio footage involving any part of an arrest or significant event, officers will appropriately tag the recording. BWC/MVR recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC and/or MVR recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations.
1. If more than one officer captures a recording of any event, that recording shall also be downloaded and tagged in the same manner.
  2. Supervisors shall ensure that all recordings of such event are tagged properly and uniformly.
- C. Certain circumstances have the potential to raise privacy or safety concerns. To prevent the unauthorized release of these recordings, officers whose BWC and/or MVR recording has captured one or more of the following, shall tag such a recording by categorizing it as such:
1. Captured 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. Captured the image of a patient in a substance abuse treatment facility.
  3. Captured the image of a victim of a criminal offense.
  4. Captured the image of a juvenile.
  5. Were made in a residence (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility, or medical office, a mental health treatment facility, or a place of worship.
  6. Captured a conversation with a person whose request to deactivate the BWC was declined.
  7. Captured the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
  8. Captured the image of an undercover officer or confidential informant.

9. Were made during the execution of tactical operations (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) and 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.).
- D. Duty sergeants or senior officers are responsible for ensuring that on-duty officers are equipped with functioning BWCs/MVRs at the beginning of each shift.
1. Supervisors and the Police Director or his/her designees will conduct random formal reviews of selected recordings to assess officer performance as well as to flag video/audio that may be appropriate for training purposes.
  2. Supervisors shall formally review all instances when a BWC is deactivated prior to the conclusion of an incident and forward the documented review through the chain of command to the Police Director or his/her designee.
  3. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the supervisor will label the video/audio for indefinite retention.
  4. As part of the meaningful review process, supervisors shall review all BWC/MVR footage involving the below, unless restricted in section VII of this SOP:
    - a. Use of force; and
    - b. Motor vehicle and foot pursuits; and
    - c. Officer involved collisions; and
    - d. Officer involved injuries.

## **VII. RECORDS RETENTION AND REVIEW**

- A. Viewing of BWC/MVR events is strictly limited to sworn officers of this department. Viewing by any other person is prohibited unless authorized by the Police Director, his/her designee, or consistent with the provisions of this written SOP.
- B. BWC/MVR recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- C. NOTE: this subsection (VII.C) applies to BWCs only. No law enforcement officer or civilian employee of this agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to, use of, and receiving an account of a stored BWC recording is permitted only:
  1. When relevant to and in furtherance of a criminal investigation or prosecution.
  2. When relevant to and in furtherance of an internal affairs investigation.

3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct.
4. To assist the officer whose BWC made the recording in preparing his/her **own** substantive police report, providing a statement, or submitting to an interview.
  - a. **Except:**
    - 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or
    - 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's SOP on *Use of Force*); or
    - 3) The incident involved the death of a person while in law enforcement custody; or
    - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
    - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.
  - b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
    - 1) The officer shall document each BWC recording that was reviewed and the date of the review.
    - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting, and the specific BWC recording for which an accounting was provided.
  - c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
    - 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
    - 2) In all other cases, the Officer in Charge of the Police Department or his/her designee is the investigating entity.

- 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency.
6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint.
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court.
  - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
  - b. Only those portions of the recording pertinent to the request shall be forwarded.
  - c. This agency reserves the right to redact video/audio as applicable by law.
    - 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 township ordinance.
8. To comply with any other legal obligation to turn over the recording to a person or entity.
9. Solely and exclusively for internal training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video, unless the depicted individuals have consented to the recording being used for training purposes:
  - a. Note: consent is not required from Hopewell Township 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 Mercer County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
  11. To conduct an audit to ensure compliance with this SOP.
  12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Mercer County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
  13. Any other specified official purpose when the Mercer County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
- D. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC or MVR recordings or remove or disable any camera. Officers 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 policy, N.J.S.A. 2C:28-7, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with BWC/MVR's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action (and criminal sanctions, as applicable); and
  2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
  3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
  4. Any recordings from a BWC recorded in contravention of N.J.S.A. 40A:14-118.5 et seq. or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding.
- E. Recordings are considered 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. 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. Recordings shall be retained for not less than three years if requested by:
    - a. The officer whose BWC/MVR 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/MVR recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
    - c. Any immediate supervisor of an officer whose BW/MVRC made the recording or who is a subject of the BWC/MVR recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
    - d. Any officer, if the BWC/MVR 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/MVR recording; or
    - f. Any parent or legal guardian of a minor who is a subject of the BWC/MVR recording; or
    - g. A deceased subject's next of kin or legally authorized designee.
    - h. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections VII.G.6 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
  6. When a BWC records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
- F. The Officer in Charge of the Police Department or his/her designee shall notify the Mercer County Prosecutor's Office within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it. Such notice shall clearly indicate the deadline by which a response must be made. Only the following BWC/MVR recordings shall be exempt from public inspection:

1. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.4 of this SOP if the subject of the BWC/MVR recording making the complaint requests the recording not be made available to the public.
  2. Recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection VII.E.5 of this SOP.
  3. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.5(a)(b)(c)(d) of this SOP.
  4. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VII.E.5(e)(f)(g) if an officer, parent, or legal guardian, or next of kin or designee requests the recording not be made available to the public.
- G. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Officer in Charge of the Police Department in consultation with the Mercer County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
1. If disclosure of a BWC/MVR 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 Mercer County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.
  2. A BWC/MVR recording tagged pursuant to section VI.C of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Mercer County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Mercer County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Officer in Charge of the Police Department and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC/MVR recordings tagged pursuant to section VI.C.
  3. The independent investigator or his/her designee overseeing an investigation 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/MVR recording of the incident under investigation.

- H. The BWC/MVR system software shall maintain a record of all BWC/MVR recordings that are accessed, viewed, copied, disseminated, or deleted. The Police Director shall cause a periodic audit of these records to ensure compliance with this SOP. Minimally, the record keeping system shall document the following information:
  - 1. The date and time of access.
  - 2. The specific recording(s) that was/were accessed.
  - 3. The officer or civilian employee who accessed the stored recording.
  - 4. The person who approved access, where applicable.
  - 5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
  
- I. 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 Officer in Charge of the Police Department or his/her 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.
  
- J. 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.
  
- K. Recorded video of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Officer in Charge of the Police Department.