



Standard Operating Procedure

Number: 6.59

Title: Body Worn Cameras

Issuing Authority: Bruce Painter, PSD/CLEO

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I. PURPOSE

The purpose of this General Order is to provide the proper and lawful operation of the body worn audio/video camera systems worn by members of the Burlington Township Police Department, and to define the media storage and retention system for the events recorded by the devices.

II. POLICY

It will be the policy that body worn cameras will be employed by the officers of this department in a manner consistent with the provisions outlined in this policy as well as NJ Attorney General Law Enforcement Directive 2015-1 Law Enforcement Directive Regarding Police Body Worn Cameras (BWCs) and Stored BWC Recordings. These cameras are viewed as a valuable asset intended to assist department officers in the prosecution of certain offenders by augmenting an officer's testimony with a video/audio record of the incident. Additionally, this equipment will enable department administrators to conduct periodic reviews of officer-citizen contacts for quality control purposes and will aid in the investigation of citizen complaints.

III. PROCEDURE

A. Definitions

1. Body Worn Camera: means a device worn by a law enforcement officer that makes an electronic audio/video recording of activities that take place during any law enforcement action.
 - a) The term does not include a mobile video recording device (i.e. police vehicle mounted camera).

- b) The term does not include any form of electronic recording device worn by an undercover officer.
 - c) The term does not include an electronic recording device when used in an electronic recording of station house custodial interrogations.
2. Activate: to actuate the recording mode/function of a body worn camera.
 3. Deactivate: to turn off the recording mode/function of a body worn camera.
 4. Constructive Authority: shall have the same meaning as defined in SOP 6.01 Use of Force and NJ Attorney General's Use of Force Policy.
 5. Force: shall have the same meaning as defined in SOP 6.01 Use of Force and NJ Attorney General's Use of Force Policy.
 6. Investigation of a Criminal Offense: means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including by 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.
 7. School: means an elementary or secondary school.
 8. Youth Facility: means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

B. Authorization to Wear/ Use of Body Worn Cameras

1. The Burlington Township Police Department authorized body worn camera will be the Panasonic Arbitrator Body Worn Camera.
2. The PSD/CLEO has determined the following officers shall be equipped with body worn cameras:
 - a) All officers assigned to patrol related duties.
 - b) All uniformed officers when performing law enforcement activities while in the presence of the public.
 - c) Plain clothes officers and detectives when performing law enforcement activities while in the presence of the public.

1) This does not apply to covert activities or undercover operations.

C. Training

1. Prior to using a body worn camera or accessing any files obtained from a body worn camera, all department employees shall receive training on the proper care and use of the device in accordance with the requirements of NJ Attorney General Directive 2015-1 Law Enforcement Directive Regarding Police Body Worn Cameras and Stored BWC Recordings and this policy.

D. Inspection of Body Worn Cameras

1. Prior to the start of shift, the officer shall be responsible for determining that the device is fully functional and that its battery is adequately charged.
 - a) If a malfunction is detected, the officer shall immediately report the malfunction to the duty supervisor as well as complete a repair request and forward it to the Support Services Supervisor for repair. The officer shall be issued a replacement body worn camera prior to starting their assignment.
 - b) If the body worn camera malfunctions while on duty the officer must immediately notify the duty supervisor as well as complete a repair request and forward it to the Support Services Supervisor for repair. The officer shall be issued a replacement body worn camera.
2. The results of the inspection, including any malfunctions or deficiencies shall be noted in the designated area on the Vehicle Log.

E. Public Notice of Body Worn Camera Deployment/Activation

1. The Burlington Township Police Department shall provide general notice to the public that it deploys body worn cameras by publishing a statement on the department website.
 - a) The website posting shall include a picture showing what the device looks like and how it is to be worn by members of the department.
2. In addition to the general notice provided to the public, officers are required to provide specific, verbal notice when a body worn camera is activated under the following circumstances, unless doing so would be unsafe or infeasible:
 - a) When conversing with a civilian inside a residence, or

- b) When conversing with a person reasonably believed to be a victim of a criminal offense.
3. If the officer does not provide notification of the body worn camera activation because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report and/or by narrating the reasons on the recording.
4. All officers shall answer truthfully when a civilian inquires as to whether the officer is equipped with a body worn camera, or inquires whether the device is activated.

F. Activation of the Body Worn Cameras

1. Body worn cameras shall be activated only while in performance of official police duties and for the purposes of recording incidents, investigation and police-civilian encounters.
2. Body worn cameras shall not be activated by an officer while on break, for personal purposes, or when engaged in police union business.
3. Body worn cameras shall not be activated or used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction.
4. Officers shall be required to activate a body worn camera when any of the following circumstances occur as soon as it is safe and practical to do so:
 - a) All pedestrian stops, motor vehicle stops, investigative detentions, field inquiries, and checkpoints.
 - b) The officer is responding to a call for service.
 - 1) The officer shall activate the body worn camera just prior to arriving at the destination for the call for service.
 - c) The officer is conducting a motorist aid or community caretaking check.
 - d) The officer is interviewing a witness in the course of a criminal investigation.
 - 1) All stationhouse interviews and confessions will be recorded using the Panasonic Arbitrator 360 HD camera system installed within the departmental interview rooms as outlined in SOP 5.12 Recording of Station House Confessions.

- e) The officer is conducting a custodial interrogation of a suspect.
 - 1) All stationhouse interviews and confessions will be recorded using the Panasonic Arbitrator 360 HD camera system installed within the departmental interview rooms as outlined in SOP 5.12 Recording of Station House Confessions.
 - 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).
 - 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 use of force.
 - j) The officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter.
 - k) The officer is transporting an arrestee to the police department, county jail, or other place of confinement, or a hospital or other medical care or mental health facility.
 - 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. Officers must activate the body worn camera prior to arriving at the scene of a dispatched call for service or other police activity as listed in this policy to ensure that the entire event is recorded. The officers shall not de-activate the body worn camera until the entire encounter/event is over or the officer has cleared the call.
6. Special Activation Rules Governing Deadly-Force Incidents and Other Exigent Circumstances Where Officers Are in Danger
- a) Officers are required to activate their body worn cameras when responding to the scene of a police deadly-force incident or an incident in which an officer requests emergency assistance. In addition, officers shall not de-activate the body worn camera on the scene of a police deadly-force incident unless instructed to do so by the Burlington County Prosecutor or his/her designee pursuant to NJ Attorney General Law Enforcement Directive 2006-5.

G. Deactivation of Body Worn Cameras Upon Request of a Civilian, or Discussing Investigation Strategy/Planning, or On Instruction of a Prosecutor

1. An officer may deactivate a body worn camera 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. Officers must first obtain duty supervisor approval before doing so. In addition, officers shall not suggest to the person that the body worn camera should be deactivated; rather, the request for deactivation must be self-initiated by the civilian.
 - a) If an officer receives duty supervisor approval to deactivate the body worn camera, the officer shall verbally state the reason for de-activation on the camera prior to turning off the body worn camera.
 - b) The officer shall document the reason for deactivation in the CAD entry or other appropriate investigative report.
2. An officer may deactivate a body worn camera when a person other than an arrestee is seeking emergency medical services for him/her or another. Officers must first obtain duty supervisor approval before doing so.
 - a) If an officer receives duty supervisor approval to deactivate the body worn camera, the officer shall verbally state the reason for de-activation on the camera prior to turning off the body worn camera.
 - b) The officer shall document the reason for deactivation in the CAD entry or other appropriate investigative report.
3. If an officer declines a deactivation request by a civilian, the officer shall immediately inform the person making the request of that decision.
 - a) The officer shall document the reason for the declined de-activation in the CAD entry or other appropriate investigative report.
4. An officer may deactivate a body worn camera while participating in a discussion pertaining to criminal investigation strategy and planning so long as:
 - a) The strategy/planning discussion is not conducted in the immediate presence of a civilian and the officer is not actively engaged in the collection of physical evidence.

- 1) The officer shall verbally state the reason for de-activation on the camera prior to turning off the body worn camera.
 - 2) The officer shall document the reasoning in the CAD entry or other appropriate investigative report.
5. An officer may de-activate a body worn camera when specifically authorized to do so by the Burlington County Prosecutor or his/her designee.
- a) The officer shall verbally state the reason for deactivation on the camera prior to turning off the body worn camera.
 - b) The officer shall document the reason for deactivation in the CAD entry or other appropriate investigative report.

6. Reactivation

- a) In any instance where a body worn camera was deactivated the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist and the officer would otherwise be required to activate the body worn camera.
- b) In any instance where a body worn camera was deactivated the device shall be reactivated as soon as it is safe and practicable to do so when actual law enforcement force is authorized.

H. Special Conditions/Restrictions of Body Worn Camera Activation

1. Officers shall not activate a body worn camera (or shall deactivate a body worn camera that has been activated) in a school or youth facility; while in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility; or while in a place of worship unless:
 - a) The officer is actively engaged in investigating the commission of a criminal offense.
 - b) The officer is responding to an emergency.
 - c) The officer believes that he/she will be required to use constructive authority or force.
2. Officers who are required to deactivate their body worn cameras as outlined in this policy shall verbally narrate the reason into the camera for deactivation.

- a) In the event that a body worn camera captures the image of a patient in a substance abuse treatment facility, the Burlington County Prosecutor or his/her designee, shall be notified to ensure compliance will all applicable federal laws and regulations.
3. An officer shall deactivate a body worn camera if that officer knowingly or reasonably believes that the body worn camera would capture the image of an undercover officer or confidential informant or would otherwise pose a risk to the safety of an undercover officer or confidential informant unless:
 - a) The duty supervisor authorizes the body worn camera to remain activated.
 - b) The exigency of the situation and danger posed to an officer requires that the encounter/incident be recorded.
 - 1) If an officer records the undercover officer or confidential informant, the officer shall advise the duty supervisor of the recording.
 4. In the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present, the Burlington County Prosecutor or his/her designee may provide specific instruction to any body worn camera officer participating in the operation on whether to activate their device. This specific instruction is to be included in the department Incident Action Plan.
 - a) The body worn camera shall be activated/reactivated as soon as it is practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
 5. In the event that a body worn camera activated during the execution of tactical operations (e.g. SWAT operations, execution of arrest and/or search warrant) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the recording shall be “tagged” to prevent inappropriate disclosure of any surveillance, security, tactical, investigative or operational techniques exempt from disclosure under OPRA.
 6. An officer shall not activate a body worn camera while in a courtroom during court proceedings unless:
 - a) The officer is responding to a call for service.
 - b) The officer is authorized to use constructive authority.
 - c) The officer is expressly authorized by the judge.

7. An officer shall deactivate a body worn camera in the ID/Booking area when an electronic alcohol breath test is about to be conducted.
 - a) Prior to an officer deactivating the body worn camera, the officer shall verbally state the reason for deactivation in the camera.

8. If the body worn camera has enhanced capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device, that feature/capability shall not be used without the express approval of the Burlington County Prosecutor or his/her designee, in accordance with any applicable legal requirements.

I. Retention, Storage, Access of Body Worn Cameras

1. The retention period shall not be less than 90 days, and shall be subject to the following additional periods:
 - a) When a body worn camera 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. Officers are to submit evidence requests in accordance with SOP 3.08 Submission and Transfer of Evidence.
 - b) When a body worn camera 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 and/or agency.
 - c) When a body worn camera 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.

2. All officers will immediately classify all body worn camera recordings to include entering the case/incident # and any pertinent notes. The same classifications shall apply as per SOP 6.30 Patrol Vehicle Mobile Video/Audio Recording Devices.
 - a) If an officer misses the opportunity to classify a body worn camera recording file he/she must do so via the Back-End Client desktop application at the police station once the body worn camera recordings are uploaded to the server.

3. All officers are assigned individual logins for the department's body worn camera system. Officers will utilize these logins to view the body worn camera recordings on the Back-End Client desktop application on the department's desktop computers.
 - a) All officers will have access to view each other's body worn camera recordings.
 - 1) For evidentiary purposes, officers have the ability to classify other officers' body worn camera recordings of a particular incident.
 - b) Supervisors of all ranks have the ability to view all officers' body worn camera recordings on the server via their individual logins.
 - 1) Supervisors are authorized to view the body worn camera recordings for administrative, training, and disciplinary actions.
 - 2) Supervisors are also authorized to view body worn camera recordings in order to conduct their random, weekly, monthly, and annual reviews in accordance with SOP 1.15 Bias Based Policing.

4. Tagging

- a) Body worn camera recordings that may raise special privacy or safety issues shall be immediately classified and brought to the attention of the duty supervisor. The following are special privacy or safety issues:
 - 1) Captures the image of a victim of a criminal offense.
 - 2) Captures the image of a child.
 - 3) Was made in a residential premise.
 - 4) A school or youth facility or a place of worship.
 - 5) A substance abuse or mental health treatment facility.
 - (a) The Burlington County Prosecutor or his/her designee shall be advised immediately.
 - 6) Captures a conversation with a person whose request to de-activate the body worn camera was declined.

- 7) Captures a special operation event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded.
 - 8) Captures the image of an undercover officer or confidential informant.
 - 9) Captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.
- b) After proper notification has been made, any body worn camera recording that has been classified as special privacy or safety issues shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Burlington County Prosecutor or his/her designee and obtaining a subpoena, court order, or request for records under the Open Public Records Act.

5. Restrictions on Access, Use, and Dissemination of Body Worn Camera Recordings

- a) No law enforcement officer or civilian employee shall access, view, copy, disseminate, or otherwise use a body worn camera recording except for an official purpose. Access to and use of a stored body worn camera 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 body worn camera made the recording in preparing his or her own police report.
 - 5) When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the police department.
 - 6) To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint.

- 7) To comply with the State's discovery obligation in prosecutions pursuant to the Rules of Court.
- 8) To comply with any other legal obligation to turn over the recording to a person or entity.
- 9) To show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the Burlington County Prosecutor or his/her 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.
- 10) 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.
- 11) To conduct an audit to ensure compliance with this policy.
- 12) To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution, when such use is approved by the Burlington County Prosecutor or his/her designee.
- 13) Any other specified official purpose where the Burlington County Prosecutor or his/her designee finds in writing that good sufficient cause exists to authorize access to a particular body worn camera recording.

6. Authorization for Access to Body Worn Camera Recording Related to Use of Force Investigations

- a) The Burlington County Prosecutor or his/her designee overseeing a police use of force investigation pursuant to NJ Attorney General Law Enforcement Directive 2006-5 Use of Force by Law Enforcement, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a body worn camera recording of the incident under investigation.
 - 1) No civilian or law enforcement witness, including the principal(s) of the investigation, shall be given access to or view a body worn camera recording of the incident, or a body worn camera recording of the response or on-scene investigation of the incident, without the express prior approval of the Burlington County Prosecutor or his/her designee.

7. Documenting Access to Stored Body Worn Camera Recordings

- a) Any officer or civilian employee accessing a body worn camera recording shall document the following information:
- 1) The date and time of access
 - 2) The specific body worn camera recording(s) that was/were accessed
 - 3) The officer or civilian employee who accessed the stored body worn camera recording
 - 4) The person who approved access, where applicable
 - 5) The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.

J. Public Disclosure of Body Worn Recordings

1. Notice to Prosecutor of Subpoena, Court Order, or OPRA/Common Law Request

- a) If the Burlington Township Police Department receives a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a body worn camera the department shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the Burlington County Prosecutor or his/her designee.
- 1) Such notice shall state clearly the deadline by which a response must be made.

2. Disclosure of Body Worn Camera Recordings Pertaining to Criminal Investigations

- a) A body worn camera 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 law enforcement agency in consultation with the Burlington 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.