


PARAMUS POLICE DEPARTMENT		
STANDARD OPERATING PROCEDURES		
SUBJECT: BODY WORN CAMERAS		
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ACCREDITATION STANDARDS: 3.5.5	BY THE ORDER OF: Chief Robert M. Guidetti Chief of Police	

PURPOSE The purpose of this standard operating procedure 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 SOP establishes protocols for the maintenance, storage, retrieval, and preservation of recordings to maintain the lawful chain of custody.

POLICY It is the policy of the Paramus 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 SOP, 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 SOP, 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 SOP and/or *Attorney General Law Enforcement Directive 2021-5* 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 2021-5* and to prevent future violations.

The Paramus 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.

This SOP shall be used in conjunction with this department’s SOP on *Mobile Video Recorders*.

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. 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 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.).
 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. 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.
 9. Force – has the same meanings as defined in this department's SOP on *Use of Force*.
 10. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, driving while intoxicated, 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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
18. Tagging – is an electronic labeling of an electronic file captured by a BWC.
19. 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.
20. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, group homes, residential facilities, etc.

II. GENERAL ADMINISTRATION

- A. Any willful or repetitive violations of this SOP shall be reported the internal affairs commander who shall report such directly to the Chief of Police and/or Bergen County Prosecutor's Office. The Chief of Police and/or Bergen 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.
- B. While visual and audio evidence may be captured on the recordings, the use of BWC is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account.
 - 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.
- C. Adequate safeguards are necessary to ensure that this technology is used in a non-discriminating way and used to document visual evidence.
- D. 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 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. Subject to the viewing restrictions in this SOP, recordings can permit supervisors to undertake more meaningful performance evaluations.
 - 7. Subject to the viewing restrictions in this SOP, recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the public.

8. Subject to the viewing restrictions in this SOP, recordings enhance management's ability to train personnel in proper police procedures.
- E. Repairs to any BWC equipment shall only be performed under the direction of the BWC unit commander or his/her designee.
- F. 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.
 1. The BWC unit commander or his/her designee is responsible for conducting or scheduling:
 - a. Initial training of all newly hired officers or to officers who have not been previously trained; and
 - b. Periodic refresher training will be provided to ensure continued effective use and operation of the equipment, and to incorporate changes, updates, or other SOP revisions as necessary or required; and
 - c. Supplemental training as a component of the progressive disciplinary process.
- G. 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.
- H. 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.
- I. All BWC equipment, recording media, images, audio, and related metadata are the sole property and intellectual property of the Paramus Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this SOP without the expressed written consent of the Chief of Police.
- J. Under no circumstances will any employee of the Paramus 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 SOP. This restriction also applies to any employee who entice/uses another to make a personal copy of any recorded event.
- K. 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. The use of BWCs with electronically enhanced audio / visual capabilities, such as infrared vision features, is not authorized. Wearing any video/audio recorder that is not authorized by the expressed permission of the Chief of Police, the Bergen County Prosecutor's Office, or the New Jersey Division of Criminal Justice is prohibited

- L. BWCs shall be used only in conjunction with official law enforcement duties.
1. Officers/detectives 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; or
 - b. Strip and body cavity searches.
 - c. When on break or otherwise engaged in personal activities; or
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room; or
 - e. When engaged in police union business; or
 - f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction; or
 - g. 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 SOP; or
 - h. While discussing criminal investigation strategies.
 3. Officers are not required to wear and use a BWC:
 - a. When engaged in hostage negotiations.
 - b. When processing crime scenes.
 - c. When conducting searches of cellphones, tablets, computers, or other electronic devices pursuant to a search warrant, when such items have already been seized and the search is performed at a location other than the premises of the initial search and seizure.
 - d. When conducting searches of cellphones, tablets, computers, or other electronic devices that are suspected to contain images of child sexual exploitation.
 4. BWCs shall not be used surreptitiously.
 5. BWCs shall not be used to gather intelligence information based on 1st Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.

6. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identify, gender expression, transgender status, sexual orientation, religion, economic status, age, culture, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC.

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 BWCs when at or near the location to which they have been dispatched.
- 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 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.
 4. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched.
 5. Any call for service related to a violation or suspected violation of possessing or consuming marijuana, hashish, or cannabis item.
 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. Domestic violence investigations.
 10. Arrests.
 11. Drug recognition expert (DRE) evaluations.
 12. Overdose and suspected overdose investigations.
 13. Emotionally disturbed person investigations/encounters.
 14. Motor vehicle and foot pursuits.

15. Interviews of witnesses when conducting investigations of criminal or motor vehicle violations/offenses (not to include undercover investigations or related surveillance activities),
 16. When conducting a custodial interrogation of a suspect unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of stationhouse interrogations).
 17. Warrantless searches (all types, including frisks, vehicle searches, and consent searches, etc., but not strip or body cavity searches).
 18. Out-of-court identifications (i.e., show ups, lineups, etc.).
 19. Search or arrest warrant service (entire service).
 20. Arrestee/prisoner transportation, 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.
 21. 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).
 22. Crowd control, unruly crowds, or any incident requiring activation of the all-hazards or emergency operations plan.
 23. Strikes, picket lines.
 24. 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.
 25. 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.
 26. Any contact that becomes adversarial when the BWC has not already been activated.
- C. BWC shall be activated when an officer is at or near a dispatched assignment to 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 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 unless impracticable.
- E. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event, a 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 unless instructed to do so by the assistant prosecutor or deputy attorney general supervising the investigation of the 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.
1. Officers can deactivate their BWCs once they leave the scene of the incident.
 2. BWCs do not need to remain activated while officers are receiving medical evaluation, medical treatment, or have returned to headquarters.
 3. Once officers deactivate their BWCs in these instances, they shall surrender their BWCs to a supervisor, who shall submit them as evidence in accordance with this agency's SOP on *Evidence and Property*.
- F. 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.
- 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 body worn camera.

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 body worn camera.
 4. If the officer decides not to provide notification of BWC activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the investigation report of the incident and/or by narrating the reasons on the BWC recording.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- 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 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; nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet, is not critical to require recording.
 2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. 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 should be electronically recorded; and

- b. The officer, before deactivating the BWC shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC as per the victim's request.*"); and
 - c. The officer shall report the circumstances concerning the deactivation to his/her supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation 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 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 request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the 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 a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off my BWC as per the instruction of assistant prosecutor (insert name).*").
- 6. Officers should deactivate 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.
- 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.B of this SOP.

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 (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). 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 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.
- 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 when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- K. BWC shall be removed while in the ALCOTEST area when the ALCOTEST device is being used and placed in processing room in a manner that allows it to face the ALCOTEST room and continue to record. 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.
- L. 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.
- M. 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 V of this SOP.

IV. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. Each BWC has a unique serial number and has been assigned an internal tracking identification number. Officers shall not use the BWC assigned to another without the expressed permission of the Chief of Police or his/her designee.
- B. When on duty, uniformed patrol officers shall wear and use BWCs as an authorized component of the uniform of the day and utilized daily consistent with the requirements and restrictions in this SOP. Officers shall not utilize the BWC of another without the expressed permission of a supervisor.
 - 1. Officers are not required to activate their BWCs in police headquarters unless they are investigating a walk-in complaint, or other similar related functions.
 - 2. Detectives and staff officers shall wear BWCs when conducting arrests and while engaged in law enforcement duties in the field (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.
 - 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.
 - d. When assigned to duties at demonstrations or potential civil disturbances.
 - 5. Officers/detectives on loan to any outside agency, tactical team, proactive enforcement team, or task force shall use the agency issued BWC consistent with this SOP, including restrictions, and any guidelines issued by the outside agency or task force unless that outside agency, tactical team proactive enforcement team, or task force issues its own BWC.
 - a. If the outside agency, tactical team, proactive enforcement team, or task force issues its own BWC, officer/detectives are bound by that agency's directives on BWC use.
 - b. Such officers/detectives shall report any potential conflicts between this SOP and the outside agency/task force's directives to the Chief of Police or his/her designee as soon as practicable.
- C. BWC equipment is the responsibility of the assigned officer and shall be used with reasonable care to ensure proper functioning.
 - 1. When not in use, BWCs shall be stored in their charging stations.

2. Officers shall inspect their BWC at the commencement and conclusion of each shift 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.
 3. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, time, and that a pre-shift test is being conducted.
 - a. Malfunctions and/or deficiencies shall be reported verbally and by email to a supervisor.
 - 1) Include the BWC serial number and a description of the malfunction.
 - 2) Forward copies of the email to the BWC unit commander.
 - b. If available, procure a replacement BWC through a supervisor.
 - c. Units that are not functioning properly will not be deployed until repaired.
 4. Except for those officers designated by the Chief of Police, BWCs SHALL NOT be brought home, left in a vehicle at the end of a shift, or turned over to another officer. Supervisors shall ensure that all BWCs are turned in at the end of the tour of duty.
- D. Officers will wear the BWC mounted to the front of the uniform shirt beneath the sternum on the upper abdomen area using the mounting equipment provided by the manufacturer.
1. Officers are responsible for ensuring that the BWC remains in a position to allow them to record an encounter or incident.
 2. BWC units shall be affixed on center of the buttoned jacket or the officer's uniform shirt in the center chest/sternum area. Plain clothes officers have the option of wearing the BWC either on the shirt, jacket, or belt.
 3. If mounted under an outer garment, the BWC must not be covered or obstructed.
 4. Officers authorized to wear exterior vest covers shall clip the BWC to their sternum area utilizing the department issued clip.
 5. Officers are responsible for ensuring that the BWC remains in a position to allow them to record an encounter or incident.
 6. While in attendance at ceremonial functions, officers may be relieved of this requirement at the discretion of the detail supervisor.

- E. No later than the end of each shift, officers shall download the contents of their assigned BWC. Each file downloaded shall contain information related to the date, BWC identifier, and assigned officer. Prior to download, the officer shall tag the recordings in accordance with training and this SOP.
- F. Officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- G. When video/audio footage is captured involving any event, officers will tag the recording with the appropriate incident category, the defendant's name (if applicable), and the incident number.
 - 1. Incident categories include:
 - a. Motor vehicle / Pedestrian stop
 - b. Non-crime
 - c. Arrest
 - d. Crime incident
 - e. Test / Accidental / Signal 76
 - f. Internal affairs
 - g. Retention extension
 - h. Police desk
 - 2. If more than one officer captures a recording of any event, that recording shall also be downloaded and tagged and/or stored as evidence.
 - 3. Supervisor shall ensure that all recordings of such event are tagged properly and uniformly.
 - 4. Officers and supervisors can add secondary tags via the software from a workstation.
 - 5. Supervisors are responsible for entering/correcting tags on recordings if an officer doesn't add them or incorrectly tags them.
 - 6. The system software shall only be accessed from department authorized devices.
- H. BWC recordings are not a replacement for written reports. Under no circumstances shall officers simply refer to a BWC recording on an investigation or continuation report instead of detailing the facts and circumstances of their investigation/observations.
 - 1. Officers should represent statements in their reports as a summary of what is contained in the BWC recording.

2. Include the names of other officers who were present at the scene. This requirement extends to all officers capturing recordings, including back up officers.
- I. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately tag recordings that:
 1. Captures a police-involved deadly force incident, pursuit resulting in death or serious bodily injury, or in-custody death.
 2. Captures the image of a victim of a criminal offense.
 3. Captures the image of a juvenile.
 4. Were made in a dwelling (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 domestic violence investigation including any activity conducted at a place other than the scene of the incident (e.g., hospital, headquarters, shelter, etc.).
 6. Captures a conversation with a person whose request to deactivate the BWC was declined.
 7. Captures a special operations 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 law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
 - J. Patrol supervisors are responsible for ensuring that officers are equipped with functioning BWCs at the beginning of each shift and use them in compliance with this SOP.
 1. Supervisors shall ensure that officers properly and uniformly tag recordings in accordance with this SOP prior to downloading.
 2. Patrol 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 BWC unit commander or his/her designee.
 3. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the shift commander will tag the video/audio for indefinite retention.
 4. Subject to the viewing restrictions in this SOP, supervisors shall conduct monthly reviews of the BWC recordings to assess officer performance, determine whether BWCs are being fully and properly used, and to identify material that may be of value for training purposes. Supervisors shall review

at least one BWC segment for each of their respective officers each month using a *Supervisory Review of Digital Video/Audio Form*.

5. Subject to the viewing restrictions in this SOP, the Chief of Police, the internal affairs commander, or division commanders 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 SOP.
- B. BWC recordings shall not be divulged or used for any commercial or other non-law enforcement purpose.
- C. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. Access to, use of, and receiving an account of a stored BWC recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution.
 2. When relevant to and in furtherance of an internal affairs investigation.
 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct.
 4. To assist the officer whose BWC made the recording in preparing his/her own substantive police report, providing a statement, or submitting to an interview, except:
 - a. 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
 - b. 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
 - c. The incident involved the death of a person while in law enforcement custody; or
 - d. The incident involved the death of a person during an encounter with a law enforcement officer; or
 - e. 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.
 - f. 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.
- g. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
- 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
 - 2) In all other cases, the Chief of Police or his/her designee is the investigating entity.
 - 3) The appropriate investigating entity shall document the authorization to review or receive an accounting of a BWC of a specified incident.
5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process.
6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint.
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court:
- a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact video/audio as applicable by law with software approved by the BWC vendor or the Bergen County Prosecutor's Office.
 - 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. Ensure that the municipal prosecutor receives a copy.
 - g. Contact the borough attorney/solicitor 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 tort/civil claim. If authorized for release under discovery, ensure that the borough attorney/solicitor receives a copy.
- 8. To comply with any other legal obligation to turn over the recording to a person or entity.
 - 9. Solely and exclusively 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.
 - a. Note: consent is not required from Paramus police officers appearing in the recording.
 - b. BWC 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, when 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 SOP.
 - 13. Any other specified official purpose when 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. Officers shall not erase or in any other manner alter, tamper with, destroy or conceal BWC 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 SOP or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWC's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action; and
 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of 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 Bergen 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.
 - a. All requests for the destruction of BWC recordings made in contravention of this SOP must be forwarded to the Bergen County Prosecutor's Office through the BWC applet of the BCPO Intranet.
 - b. Complete all fields including the narrative section which must recount the circumstances of the recording, the status of any case to which the recording is related, and of any investigation or criminal or administrative action related to violation of this SOP.
 - c. BWC footage should not be sent with the request. If review of BWC footage is necessary, it will be requested.
 - d. Footage may only be destroyed after approval through Intranet notification
- E. Recordings are considered investigatory records of this police department and shall be maintained on a secure cloud-based server and disposed of in accordance with law and applicable 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 that are being held for criminal or civil purposes shall be processed and submitted as evidence or maintained with the case file.
3. Recordings that are being held for administrative purposes (e.g., internal affairs investigations) shall be maintained with the investigative file.
4. 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.
5. 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.
6. 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. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections V.E.5 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
7. 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.

8. In accordance with *BCPO Directive 2017-8*, when seeking authorization to purge/erase BWC recordings being held for evidence in criminal matters the Chief of Police or his/her designee must submit a destruction request to the Bergen County Prosecutor's Office before purging/erasing any recordings. In DWI cases, consult with the municipal prosecutor before purging/destroying any DWI-related BWC recordings.
- F. Open public record requests. Only the following body worn camera recordings shall be exempt from public inspection:
1. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.5 of this SOP if the subject of the BWC recording making the complaint requests the body worn camera recording not be made available to the public.
 2. BWC recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection V.E.6 of this SOP.
 3. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.6(a)(b)(c)(d) of this SOP.
 4. BWC recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection V.E.6(e)(f)(g) if an officer, parent, or legal guardian, or next of kin or designee requests the BWC recording not be made available to the public.
- G. 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, OPRA, or common law right to access request for a BWC recording before complying with it. Such notice shall clearly state the deadline by which a response must be made.
- H. A BWC recording of an event or encounter that involves an investigation of a criminal offense or tagged in accordance with subsection IV.I 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 subsections IV.I.2 through IV.I.9 of this SOP 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, but the Chief of Police and supervisors (i.e., sergeants and higher ranking) may access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to subsections IV.I.2 through IV.I.9.
4. The independent investigator overseeing an investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, or his/her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording (subsection IV.I.1) of the incident under investigation.
 - I. The BWC unit commander 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 SOP. 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.
 - J. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or designee and only if a duplicate copy is retained by the department.
 1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
 - K. Officers 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.