



TRENTON POLICE DEPARTMENT GENERAL ORDER



SUBJECT:
Body Worn Cameras

GENERAL ORDER NO:
2016-002

SUPERCEDES:

DATE:
May 6, 2016

SECTION CODE:
T-4

The order consists of the following sections:

- I. POLICY
- II. PURPOSE
- III. DEFINITIONS
- IV. PROCEDURE
- V. TRAINING
- VI. EFFECTIVE DATE

I. Policy

The use of Body Worn Cameras (BWC) provide persuasive documentary evidence and helps defend against civil litigation and allegations of officer misconduct. It shall be the policy of the Trenton Police Department that all uniformed officers and plain clothed officers conducting patrol and street operations, be equipped with a Body Worn Camera (as inventory allows) which shall be utilized in accordance with the standards of this order.

All recordings produced from these cameras shall be handled, managed and secured in accordance with the procedures set forth in this order. Furthermore, it is the policy of this department that BWC be deployed in a manner consistent with the New Jersey Attorney General Directive 2015-1. All members of this department must adhere to all provisions of this order as well as all provisions of New Jersey Attorney General Directive 2015-1.

The Trenton Police Department recognizes that audio and video captured may not accurately reflect the perception of the officer wearing the BWC. The technology utilized in the BWC cannot exactly mimic the physiology of an officer at this time. An officer turning his or her head, focusing his or her vision on a particular object, or



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experiencing auditory exclusion might observe something not captured in audio or video recordings, or an officer might not observe something that is captured in audio or video recordings.

II. Purpose

The purpose of this order is to create a policy and procedure for the use, operation and care of the police departments issued Body Worn Cameras. Additionally, this policy shall set forth the procedures for the handling, security and continuity of digital recordings created by the cameras.

III. Definitions

A. Activate: means to actuate the recording mode/function of a body worn camera.

Body Worn Camera (BWC): 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. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e., a dash cam). The term also does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity. Nor does the term include an electronic recording device when used to comply with the requirements of Rule 3 :17 (electronic recording of station house custodial interrogations).

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

Force: shall have the same meaning as defined in the Attorney General's Use of Force Policy. The term "force" shall include physical, mechanical, enhanced mechanical, and deadly force.

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



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

Law enforcement officer or officer: means a sworn officer employed by a law enforcement agency.

School: means an elementary or secondary school.

Youth Facility: means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.

IV. Equipment

- A. The BWC purchased by this agency shall be the only ones authorized for use or utilized by members of this department.
- B. The BWC, equipment and all data, images, video and metadata captured, recorded or otherwise produced by the equipment is the sole property of this department.

V. Procedure

A. Responsibility

- 1. Administrative Bureau personnel shall be responsible for the following:
 - a. Issuing and maintaining inventory of BWC.
 - b. Installation and maintenance of the BWC charging stations.
 - c. Producing certified backup DVDs and forward to Property and Evidence for retention.
 - d. Providing appropriate user level access to personnel.
 - e. Providing training and technical assistance, as necessary, in the utilization of the BWC.
 - f. Detailing all problems or issues with BWC, which have been reported by Trenton Police Department Administration Report, in the Administrative Bureau's monthly report.
- 2. All officers issued a BWC shall be responsible for the following:
 - a. Ensuring the safe keeping of the BWC consistent with the care and use of department issued equipment.



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- b. Affixing the BWC to their uniform or outermost garment to provide an optimal recording view in accordance with provided training.
- c. Officers shall inspect and check the functionality of the BWC at the beginning of their assigned shift.
 - 1) Ensure that the BWC is fully charged and operational
 - 2) Ensure that the BWC is secured to the uniform as trained
 - 3) Activate the BWC and verbally state the date, time and that an inspection of the unit is being conducted.
 - 4) Categorize the video as %Rest+
 - 5) View the video to ensure that the video and audio recording is functioning properly.
- d. Prior to the end of each shift ensure:
 - 1) Video evidence is properly categorized for retention.
 - 2) That the camera is synced and docked for downloading video
 - 3) Indicate in their incident reports, supplementary reports, arrest reports and citations the existence of BWC evidence. (The words %BWC Evidence Captured+shall be typed at the top of an incident and/or supplementary report narrative. The same words shall be typed into the notes section of an arrest report. The words shall also be conspicuously printed on any citation or hand summons) %BWC+ shall be printed on all hand summons.
- e. Any officer issued a BWC that is found to be damaged, stolen or lost shall submit a Trenton Police Department Administrative Report detailing the problem or issue with the BWC. This report shall be forwarded through the officer's chain of command to the Administrative Bureau Commander.
- f. Any officer issued a BWC which has been found to be improperly or non-functioning or damaged, shall fill out a BWC/Portable Radio Report Form (PD 240). The form shall be filled out and turned over (along with the improperly or non-functioning or damaged BWC) to the officer's immediate supervisor.
- g. Any officer who is issued a BWC and then transfers to a unit or Bureau that is not required to utilize BWC shall turn in the BWC with a BWC/Portable Radio Report Form to their immediate supervisor.



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3. Supervisors shall be responsible for the following:
 - a. Ensuring that all personnel adhere to the tenets of this General Order.
 - b. Ensuring that the BWC is being fully and properly used by their personnel in accordance with this order.
 - c. Identifying material or incidents that may be appropriate for training. This shall include individual officer training or general training appropriate for all officers.
 - d. Randomly reviewing recordings made by officers under their supervision to assist in performance appraisals and ensure compliance with proper procedures.
 - e. Investigating all reports of damage, theft, loss or improper functioning of BWC brought to their attention by officers under their supervision. Investigations of damage, theft and loss shall be documented via a Trenton Police Department Administrative Report forwarded with the officer's report, through their chain of command to the Administrative Bureau Commander. Investigations of improperly or non-functioning BWC shall be documented on the BWC/Portable Radio Report Form via the supervisor's signature indicating that they concur with the officer's assessment of the BWC. This report, along with the BWC, shall be forwarded to the Administrative Bureau.
 - f. Ensuring that whenever an officer reports an issue with their BWC that requires it to be taken out of service, that they are temporarily issued another BWC.
 - g. Temporarily issuing a BWC to any officer working a uniformed patrol function who may not have been issued a BWC (e.g., a detective working an overtime shift in Patrol), if available.
4. Field Lieutenants, Special Operations Lieutenant, Major Crimes Lieutenant and the Patrol Bureau Executive Officer shall be responsible for the following:
 - a. Each month, reviewing at least 30 minutes of video downloaded by their subordinates who have been issued a BWC to ensure that the equipment is operating properly, to assess officer's performance and adherence to written directives, orders, policies and professional standards and to identify other training needs.
 - b. Submit to their Bureau Commander (who will include in their monthly report to the Police Director), a monthly administrative report documenting the fact that the review was completed, indicating the officer/supervisor and case number of the video(s)



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reviewed and any positive or negative activities observed. The report shall also include any recommendations for training and/or discipline resulting from the observations.

- c. The Patrol Bureau Executive Officer shall only be responsible for reviewing at least 30 minutes of video downloaded by the Field Lieutenants and submitting the same monthly report to the Patrol Bureau Commander as detailed above.
5. Internal Affairs Section personnel shall be responsible for the following:
- a. Securing all recordings that may be relevant to any citizen complaint or investigation being conducted by the Internal Affairs Section.
 - b. Conducting random reviews of recordings, including those that may have already been reviewed by others, to ensure adherence to proper procedures.
6. All personnel shall be responsible for the following:
- The proper use and care of issued BWC.

VI. Operation

A. When to activate BWC

1. Officers shall activate their BWC immediately upon acknowledging dispatch to a call for service or in the performance of a proactive event as soon as is safely possible. This will allow the maximum amount of information regarding the incident to be captured, such as events that transpire while on the way to a call for service and violations committed by a motorist during a motor vehicle stop.
2. BWC shall be used to record all contacts with citizens in the performance of official duties, including:
 - a. Calls for service.
 - b. Motor vehicle stops.
 - c. Field Interviews.
 - d. Investigative detentions
 - e. Sobriety checkpoints.
 - f. Motorist aid or community caretaking check.
 - g. When interviewing a witness in the course of investigating a criminal offense.
 - h. When conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance



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with Rule 3:17 (electronic recordation of stationhouse interrogations)

- i. When making an arrest.
- j. When conducting a protective frisk for weapons.
- k. When conducting any kind of search (consensual or otherwise).
- l. When using constructive authority or force, or when the officer reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report.
- m. When 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.
- n. When transporting an arrestee.
- o. When reasonably believing that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities, and for any other action/incident where it is necessary or prudent to create a recording.

B. Notification that an encounter is being recorded

1. When an officer equipped with a BWC is required to activate the device during an encounter with a civilian occurring inside the person's residence or with a person reasonably believed to be a victim of a criminal offense, the officer shall verbally notify the person(s) with whom the officer is conversing that the BWC has been activated, unless it is unsafe or unfeasible to provide such notification. 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 a report and/or by narrating the reasons on the BWC recording.

C. Truthful response to specific inquiries

1. If a civilian inquires of an officer whether the officer is equipped with a BWC, or inquires whether the device is activated, the officer shall answer truthfully unless the County Prosecutor has expressly authorized the officer to make a covert electronic recording.

D. Continuous operation of BWC, once initiated



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1. Except as stipulated in this policy, BWC shall remain activated for the entire duration of each event, until either the officer(s) or all citizens have departed the scene and the officer(s) have informed the dispatcher or a supervisor that the event has concluded.
2. Officers providing assistance or backup to an officer on an event that requires activation of the BWC are required to have their BWC activated until all citizens have departed the scene or their assistance is no longer needed.
3. BWC shall remain activated during the transportation of all arrestees from the scene of the arrest to headquarters and shall remain activated until the arrestee is secured in a holding area, at which time the BWC may be deactivated.

E. Deactivation of BWC

1. A BWC-equipped officer may deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g. to consider what investigative techniques to pursue, what questions to pose to a suspect or witness, whether to summon a 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 (under circumstances where a civilian might overhear the strategy discussion), and further provided that the officer is not actively engaged in the collection of physical evidence or conducting a search. When an officer deactivates the BWC he or she shall narrate the circumstances of the de-activation (e.g. %am now turning off my BWC to discuss investigative strategy with my supervisor.+).
2. An officer may deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause, as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation, indicating the assistant prosecutor who authorized the de-activation (e.g., %am now turning off my BWC as per the instruction of assistant prosecutor (insert name).+).
3. Officers shall only deactivate the BWC when not in direct contact with a victim, suspect, witness, or an individual being detained.
4. The BWC shall be deactivated while in the area where an electronic alcohol breath testing device is being used, or, as necessary, shall be



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removed from the area where such a device is being used. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the breath-testing area while the electronic breath testing device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for the deactivation (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 test operation.

5. Prior to deactivating the BWC, officers shall record their intention to deactivate, along with the reason for such action, and must document same in their written reports.
6. In any instance where a BWC is deactivated, the device shall be reactivated as soon as it is safe and practicable to do so, if and when the circumstances justifying the deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed), and the officer would otherwise be required to activate the BWC (e.g., where the officer proceeds to other investigative activities that are required to be recorded pursuant to this general order).
7. Notwithstanding any other provision of this general order, in any instance where a BWC is deactivated by any provision of this general order, or deactivated pursuant to any policy, standing operating procedure, directive or order issued, if the circumstances develop so that an officer is authorized to use force, the BWC shall be reactivated as soon as it is safe and practicable to do so.

F. Citizen request to stop or review recording

1. An officer has no obligation to stop recording in response to a citizen's request if the recording is pursuant to an investigation, arrest, or lawful search, or if the circumstances clearly dictate that continued recording is necessary or prudent. However, officers should evaluate the situation, and when appropriate, honor the citizen's request. Such requests can include:
2. 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. The officer shall not suggest to the person that the BWC 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 citizen. The officer



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may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded). In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting the deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide only if the deactivation request is honored.

3. 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, the officer shall consider the privacy interests of the person requesting the deactivation and the person in need of medical assistance.
 4. The citizen request to deactivate the recorder shall be electronically recorded, as well as the officer's response. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g., "I am now turning off my BWC, per the victim's request.") The officer shall report the circumstances concerning the deactivation to his supervisor as soon as it is practicable. The BWC shall be reactivated immediately upon conclusion of the confidential conversation. It is critical and mandatory that the circumstances surrounding the deactivation of the BWC be documented in all written reports related to the incident.
 5. 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 documented and shall be reported to the officer's supervisor, via radio on a recorded channel, as soon as it is safe and practicable to do so. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision. An officer shall be prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the County Prosecutor or designee expressly has authorized covert recording.
 6. Citizens shall not be allowed to review the recordings at the scene of contact. Citizen complaints against law enforcement personnel shall be handled in accordance with the Attorney General's Guidelines. All other requests to view and/or obtain footage by the public shall be handled in accordance with the Open Public Records Act.
- G. Special activation rules governing deadly force incidents and other exigent circumstances where officers are in danger**



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1. Notwithstanding any other provision of this general order, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (EMS, an officer in distress, shots fired, etc.), the officer shall activate the BWC before arriving at the scene when feasible.
2. Notwithstanding any other provision of this general order, while at the scene of a police deadly force event or the on-scene investigation of that event, an officer shall not deactivate the BWC unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general supervising the investigation of the deadly force incident pursuant to Attorney General Law Enforcement Directive 2006-5, or his or her designee. The assistant prosecutor, assistant or deputy attorney general, or designee supervising the investigation may give such instruction telephonically.

H. Documenting a failure to activate a BWC, record an event on a BWC, and/or interrupt a BWC recording when required to do so by this order

1. Officers shall document in an investigation or supplementary report the circumstances as to why a recording was not made, was interrupted, or was terminated prematurely.
2. If an officer, in accordance with this order, fails to activate a BWC, record an event on a BWC and/or interrupts a BWC recording and the event or incident is not one that requires the submittal of an incident or supplementary report, the officer shall have a report number generated and submit an incident report. The report shall be titled, Police Information BWC, and document the circumstances surrounding the failure to activate, record or interruption.

I. Written documentation still required despite BWC recording

1. BWC recordings shall not be utilized as a replacement for written reports. Officers shall not simply refer to the recording in lieu of submission of a narrative portion of the written report.
2. Whenever practicable, officers should review the recording prior to completing the written incident report.
3. At a minimum, officers shall document in the written reports when BWC recordings were made during the incident in question and give a summary



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of the events in adequate detail that allows the reader of the report to have an understanding of the events that occurred.

J. Data download

1. Officers utilizing a BWC shall, no later than the end of each shift, download the contents of the unit by placing it in the designated docking station. Each file downloaded shall contain information related to the date, BWC identifier, case number, or in the absence of a case number, an incident number and assigned officer. The recordings shall be categorized or tagged in the following categories:

- Test
- Motor Vehicle Stop/Citation
- Motor Vehicle Stop/No Citation
- Search Warrant Execution
- Field Interview
- Arrest
- Use of Force
- Criminal Investigation
- Evidence
- Prisoner Transport
- DWI
- Hand Summons Issued
- Other

2. Officers are to utilize each category that applies to the incident (e.g., A motor vehicle stop that results in a DWI arrest should be categorized with Motor Vehicle Stop, DWI, Arrest, Citation and Prisoner Transport).

K. “Verbal tagging” of recording

1. Upon activation of the BWC, officers:
 - a) shall, if possible, tag the circumstances at the start of the encounter audibly so that the recordings on the BWC will be easier to locate if review of the video is necessary at a later time (e.g., an officer arriving upon the scene of a serious motor vehicle crash may tag the recording by stating as the BWC is activated, “Officer Smith coming upon the scene of a serious motor vehicle crash at the corner of Broad and State.”)



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- b) may also audibly tag or mark significant events while recording and provide details of the marked segments.
 - c) are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.
2. Prior to deactivating the BWC, officers shall always verbally record their intention to deactivate, along with the reason for the deactivation.

L. Restrictions

1. BWC shall be used only in conjunction with official law enforcement duties. BWC shall not be utilized to record:
 - a) Courtroom proceedings, unless associated with a call for service or incident;
 - b) Communications with other police personnel without the permission of the Police Director or his/her designee;
 - c) Encounters with undercover officers or confidential informants;
 - d) When on break or otherwise engaged in personal activities;
 - e) In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
2. Unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall deactivate a BWC that has been activated, while the officer:
 - a) is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC;
 - b) is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC.
 - c) is in a place of worship under circumstances where worshipers would be in view of the BWC.

If an officer is required to deactivate the BWC in accordance with the provisions of this section, the officer shall narrate the reason for



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

In the event that a BWC captures the image of a patient in a substance abuse facility, the County Prosecutor or designee shall be notified to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information. The recording shall not be accessed with out the permission of the County Prosecutor or 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.)

3. Personnel who are not normally assigned to a uniformed position but who will be assigned to a detail that requires the wearing of a uniform, or personnel (uniform or plain clothes) who normally do not perform patrol-related duties, shall wear a BWC as they assume uniformed patrol type/related duties, as practicable.
4. Notwithstanding provisions of section VI.A. of this order, and except as otherwise required by section VI.G., an officer shall not activate a BWC, or shall de-activate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the image of an undercover officer or informant was recorded.
5. In the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (e.g., a raid where an undercover operative will be arrested to preserve his or her cover), the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any BWC-equipped officers participating in the operation on whether to activate their devices.



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6. The BWC shall be activated/re-activated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.

M. Restrictions on access to, use, and dissemination of BWC recordings

1. No officer or civilian employee of this agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose as specified in the following. Access to and use of a stored BWC recording is permitted only:
 - a) When relevant to and in furtherance of a criminal investigation or prosecution;
 - b) When relevant to and in furtherance of an internal affairs investigation;
 - c) When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct, or to determine the existence of a pattern or practice of possible misconduct;
 - d) To assist the officer whose BWC made the recording in preparing his or her own police report;
 - e) When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by this department;
 - f) To show 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;
 - g) To comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
 - h) To comply with any other legal obligation to turn over the recording to a person or entity;
 - i) To show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, determines that disclosure to that particular person, entity, or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 - j) 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



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- consented to the recording being used for training purposes;
- k) To conduct an audit to ensure compliance with this order and this department's policy, standing operating procedure, directive, or order promulgated pursuant to this order;
 - l) To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the County Prosecutor or designee; or
 - m) Any other specified official purpose where the County Prosecutor or designee finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording.
 - n) The assistant prosecutor or assistant or deputy attorney general overseeing a police use-of-force investigation pursuant to Attorney General Law Enforcement Directive 2006-5, or his or her designee, may in exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC recording of the incident under investigation.
 - o) To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this order, no civilian or law enforcement witness, including the principals of the investigation, shall be given access to or view a BWC recording of the incident, without the express prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.

N. Control and Management

1. Contents recorded on, or downloaded from, BWC are the exclusive property of the Trenton Police Department. Accessing, copying or releasing files for non-law enforcement purposes is strictly prohibited.
2. Copies of an event captured on BWC will not be shared with or released to other criminal justice agencies other than the Mercer County Prosecutor's Office without the expressed permission of the Police Director, Chief of Staff or their designee.



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3. BWC recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded, as are other forms of evidence. As such:
 - a) All BWC recordings covered in this subsection shall be maintained until such time as they are authorized to be destroyed by statute, rule or other directive governing the record.
 - b) Video and/or audio recordings shall not be released to any person without proper written approval.
 - c) BWC recordings authorized for release shall be returned to portable media and shall be subject to the same security restrictions and chain-of-evidence safeguards and documentation in accordance with this department's evidence policy.
4. Officers shall inform their supervisor of any recordings that may be of value for training purposes. Recordings from BWC may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Police Director or Chief of Staff. Officers shall be provided with at least thirty (30) days notice if recordings intended for use for training purposes were either made by them or captured their image or voice.
5. Any sworn officer or civilian employee of this department who knowingly violates the requirements of this order shall be subject to disciplinary action.

O. Retention

1. Recordings pertaining to a criminal investigation or that otherwise contain information that may be subject to discovery in a prosecution shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution.
2. Recordings of arrests that did not result in an ongoing prosecution, or that records the use of police force, shall be kept until the expiration of the statute of limitations (2 years) for filing a civil complaint against the officer, the Trenton Police Department or the City of Trenton.
3. Recordings pertaining to incidents that are the subject of internal affairs complaints or investigations shall be retained in accordance with the Attorney General's Internal Affairs Policy and Procedure Guideline.



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4. Recordings pertaining to the issuance of a hand summons or motor vehicle summons with no other category attached shall be maintained for no less than 2 years.
5. All recordings shall be retained for no less than 90 days

P. Provisions to identify (“Flag”) recordings that raise special privacy or safety issues:

1. In incidents when a BWC recording:
 - a) captures the image of a victim of a criminal offense;
 - b) captures the image of a child;
 - c) was made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
 - d) captures a conversation with a person whose request to deactivate the BWC was declined;
 - e) captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information (e.g., verbal codes and hand signals used to give direction to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.) may have been recorded;
 - f) captures the image of an undercover officer or confidential informant; or
 - g) captures the screen of a police computer monitor that is displaying confidential personal or law enforcement-sensitive information, it shall be tagged appropriately. In any instance where a BWC captures an image of a patient from a substance abuse treatment facility, the Mercer County Prosecutor or designee shall be contacted to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information. Furthermore, the recording cannot be accessed without the permission of the Mercer County Prosecutor or designee.

All recordings containing the above shall be electronically ~~flagged~~ in the BWC system software by the officer who downloaded the recording. Anytime that a recording is ~~flagged~~, the officer downloading the recording shall make a notation in the ~~notes~~ field of Evidence.com detailing why the recording was ~~flagged~~.



TRENTON POLICE DEPARTMENT GENERAL ORDER



Q Notice to Prosecutor's Office of subpoena, court order, or OPRA/common law request

1. Any member of this department receiving a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a BWC recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the Mercer County Prosecutor's Office. Such notice shall state clearly the deadline by which the response must be made.

V. Training

Training shall commence for all officers upon commencement of this General Order and be conducted by Administrative Bureau personnel. Personnel conducting the training shall document the name of the officer, date and time that the training is provided. This information shall be forwarded to the Training Unit for retention.

VI. Effective Date

This order shall take effect May 30, 2016 at which time all personnel will be held strictly accountable for the tenets of this order. However, officers who have received the training are encouraged to begin utilizing the system immediately to develop familiarization and competency with the system prior to the effective date.

By Order of:

Ernest T. Parrey, Jr.
Police Director

Attachments: PD 240



TRENTON POLICE DEPARTMENT GENERAL ORDER

