

Cherry Hill Police Department		
GENERAL ORDERS		
SUBJECT: BODY WORN CAMERAS / MOBILE VIDEO RECORDERS	ORDER# 04-01	
EFFECTIVE DATE: 5/31/2023	NUMBER OF PAGES: 26	
ACCREDITATION STANDARDS: 3.5.5	BY THE ORDER OF: Chief of Police	

PURPOSE The purpose of this general order is to establish a directive that is in accordance with the guidelines set forth by the New Jersey Attorney General’s Law Enforcement Directive 2022-1 for the proper and lawful operation of body worn cameras (BWC) and mobile vehicle recorders (MVR).

POLICY It is the policy of the Cherry Hill Police Department to utilize body worn video/audio cameras (BWCs) and mobile video recorders (MVRs) to assist agency personnel in the performance of their duties by providing an accurate and unbiased recorded account of an incident.

All agency personnel shall use this equipment (including accessing recordings) consistent with manufacturer’s guidelines, this general order, and those policies, directives, or guidelines issued by the New Jersey Attorney General and Camden County Prosecutor’s Office. Failure to use this technology in accordance with this general order and those policies, directives, or guidelines issued by the New Jersey Attorney General and Camden County Prosecutor’s Office can result in discipline.

The use of BWCs with electronically enhanced audio/visual capabilities such as infrared/night vision features is not authorized.

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

Any willful or repetitive violations of this general order shall be reported the internal affairs supervisor who shall report such directly to the Chief of Police and/or Camden County Prosecutor’s Office. The Chief of Police and/or Camden County Prosecutor’s Office is authorized to take such actions as are reasonable and necessary to ensure compliance with this general order and to prevent future violations.

PROCEDURES

I. DEFINITIONS

- A. For purposes of this general order, the following terms are defined:
1. Activate – means the recording function of a BWC or MVR is turned on.
 2. Body worn audio/video recorder 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).
 3. Consent – Consent to record shall be considered obtained when the recording party (officer) has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that the communication or conversation is being recorded. This announcement itself to the other parties must also be recorded.
 4. Constructive authority – involves the use of an officer's authority to exert control over a subject (see policy on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...show me your hands," "...get out of the vehicle", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...move out of the way", "...get down", etc.).
 5. Deactivate – means to shut off the recording mode of a BWC.
 6. Equipped with a BWC – means that an officer is actually wearing a BWC at the time in question.
 7. Force – has the same meanings as defined in this department's general order on *Use of Force*.
 8. Investigation of a criminal offense – means any activity pertaining to the investigation of an indictable crime, disorderly/petty disorderly persons 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 potential witnesses to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.
 9. Mobile video recorder – is a vehicle mounted device that makes an electronic audio/video recording of activities that take place during any law enforcement action.

10. 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 such activities, and they are sometimes referred to as crime suppression units. The nature of their work is varied and may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain anonymous.
11. 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.
12. Serious bodily injury – means bodily injury which creates a substantial risk of death, or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Serious bodily injury and serious bodily harm have the same meaning for the purposes of this policy.
13. 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.
14. 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.
15. 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/MVR or other camera recordings.
16. Tactical team - a group of officers who are specially selected, trained, and equipped to handle high risk incidents, including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
17. Tagging (video / audio recordings) – is an electronic labeling of an electronic file captured by a BWC or MVR. This is performed in Evidence.com by placing a category on a video
18. 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.

19. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, residential facilities, treatment facilities, etc.

II. GENERAL ADMINISTRATION

- A. BWC and MVR systems must be approved by the Chief of Police or their designee prior to use.
- B. BWC and MVR systems shall be used only in performance of official police duties and for the purpose of recording incidents, investigations and police-citizen encounters involving those law enforcement activities specified in this directive.
 1. These recording devices shall not be activated while an officer is on break or otherwise is not actively performing law enforcement functions (e.g., while eating meals, while in a restroom).
 2. BWC/MVR shall not be activated or used by an officer for personal purposes, or when engaged in police union business.
 3. BWC/MVR shall not be used to record conversations involving counseling, guidance sessions, personal evaluations, or any similar supervisory interaction.
 4. Any intentional recordings from a BWC/MVR recorded in contravention of this policy or any other applicable law shall be immediately brought to the attention of the commander of the Professional Standards and Development division. The recording shall be destroyed following consultation and approval by the county prosecutor or the director of the Office of Public Integrity and Accountability. Accidental and intentional recordings in contravention of this policy shall not be admissible as evidence in any criminal, civil, or administrative proceeding, except as evidence in any proceeding related to the intentional unauthorized use of a BWC/MVR.
 5. BWCs/MVRs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
 6. Accidental recordings shall be categorized as Axon Signal Malfunction / Inadvertent Activation.
- C. No BWC/MVR recording shall be accessed, viewed, copied, disseminated, or otherwise used by any member of the Cherry Hill Police Department, except for an official purpose as specified in this directive.
- D. Any member of the Cherry Hill Police Department who violates the requirements of this directive shall be subject to discipline. Any willful or repetitive violations of this directive shall be reported to the Camden County Prosecutor and to the Director of the Division of Criminal Justice.
- E. The Training Unit commander shall maintain a training program on the lawful and proper use of BWC/MVR equipment. The Training Unit commander can designate one or more persons to coordinate and/or conduct such training.

- F. This agency 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 or MVR.
- G. All recording media, video, images, metadata, and audio are the sole intellectual property of the Cherry Hill Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this general order without the expressed consent of the Chief of Police or the Camden County Prosecutor's Office.
- H. Non-law enforcement personnel shall not be allowed to review BWC or MVR recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's general order 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 general order.

III. MOBILE VIDEO RECORDERS

- A. The only authorized MVR systems utilized by the Cherry Hill Police Department are the Axon Fleet 2 and Fleet 3 systems.
- B. All employees operating a police unit equipped with an MVR shall:
 - 1. Ensure the MVR is powered on.
 - 2. Perform a check of the MVR to ensure it is working properly by manually activating the MVR prior to their shift while performing their vehicle inspection. Upon completion of the vehicle inspection, the MVR recording can be terminated.
 - 3. Perform a check of the MVR to ensure it is working properly by manually activating the MVR during the post shift inspection. Upon completion of the vehicle inspection, the MVR recording can be terminated.
 - 4. Report ANY and ALL malfunctions of the MVR to support@chnj.gov.
- C. General operation:
 - 1. Only employees assigned to the Technology Unit can perform maintenance on MVR units.
 - 2. The front camera aim can be adjusted if needed for a certain task such as field sobriety testing, but must be returned to its original position facing the front of the vehicle upon completion of the task.
 - 3. Other noise sources such as music, podcasts, or sporting events from the vehicle's audio system may interfere with the quality of the audio recording and must be turned off when the MVR is recording.

D. Activation of system:

1. Automatic activation – the MVR is designed to automatically activate in certain circumstances, but employees should not depend on the automation. The situations where the camera may automatically activate are:
 - a. The emergency lights are activated
 - b. The vehicle is involved in a motor vehicle collision
 - c. A Signal Sidearm or Taser device is activated near the vehicle
2. Manual activation – Employees **shall** manually activate the MVR as soon as safe and practicable whenever they arrive at or initiate a call for service, are involved in a motor vehicle collision, use, or show force, or any other time they feel the camera should be activated for an official law enforcement purpose. (See section V of this general order). Manual activation is performed by the software button or the physical button on the MVR device.
3. Pre-event recording – When the MVR is activated, the previous 30 seconds of video are also recorded without audio.

E. Recording of arrestees / occupants in a police vehicle:

1. Each MVR equipped patrol vehicle will conspicuously display a placard facing the rear seat reading:

BE ADVISED THAT ANY CONVERSATIONS HELD IN THIS VEHICLE BEING RECORDED...TENGA EN CUENTA QUE LAS CONVERSACIONES SOSTENIDAS EN ESTE AUTO ESTAN SUJETAS A SER GRABADAS.
2. If this placard is missing or defaced, the employee shall immediately notify a supervisor and denote the deficiency in their vehicle inspection report.
3. The officer may continue to utilize the MVR; however, any occupants of the vehicle must be notified verbally that they are being recorded.
4. The cabin camera shall be activated upon placing any person into a police vehicle for any reason.
5. Officers utilizing the prisoner transport van shall log into and activate the cabin camera prior to any person other than an on duty Cherry Hill Police employee entering the vehicle.

F. Deactivation:

1. Officers shall only deactivate their MVR when:
 - a. The incident requiring the activation of the MVR is completed, and the vehicle is leaving the scene, OR

- b. Supervisors may authorize the deactivation of the MVR at the scene of a prolonged incident, such as extended fixed posts, or any time the supervisor feels the deactivation is necessary, OR
 - c. While working secondary employment details, unless the activation is required by section V, OR
 - d. Specifically authorized to do so by an assistant prosecutor or deputy attorney general.
- G. Employees shall categorize and mark all MVR recordings with
- 1. A category that best fits the type of incident for the recording. Nothing prevents officers from choosing more than one category.
 - 2. The case number, or description if no case number exists, in the ID field
- H. Employees are prohibited from tampering with any MVR unit including, but not limited to, attempting to take the unit apart, disable, alter, or repair a component in any way. Employees assigned to the Technology Unit may perform repairs as needed or as directed by Axon support.

IV. BODY WORN CAMERAS

- A. Officers will use only those BWCs approved and issued by the Chief of Police, currently the Axon Body 3. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Camden County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- 1. Officers are prohibited from changing any BWC settings with the following exceptions:
 - a. Officers may adjust the volume of the BWC notification sounds
 - b. Officers may mute the camera audio, only as authorized by this order
 - c. Officers may place the camera in stealth mode, if needed for safety, but the officer shall immediately disengage stealth mode when safe and practicable to do so
 - 2. Employees are prohibited from tampering with any BWC unit including, but not limited to, attempting to take the unit apart, disable, alter, or repair a component in any way. Employees assigned to the Technology Unit may perform repairs as needed or as directed by Axon support.
 - 3. All employees equipped with a BWC shall
 - a. Ensure that the BWC is powered on whenever in the presence of the public

- b. Perform a check of the BWC to ensure it is working properly, by activating the BWC prior to their shift while performing their vehicle inspection. Upon completion of the vehicle inspection, the BWC can be deactivated
 - c. Perform a check of the BWC to ensure it is working properly by manually activating the BWC during the post shift inspection. Upon completion of the inspection, the BWC can be deactivated.
 - d. Report ALL malfunctions of the BWC to support@chnj.gov
- B. The following officers are required to be equipped with a BWC when performing their duties:
- 1. All uniformed patrol officers while acting in the performance of official duties as required by N.J.S.A. 40A:14-118.3, including SLEO II officers, Traffic Officers, and Community Response Officers
 - 2. All officers assigned to the Tactical Response Team (TRT) or are assisting the Tactical Response Team at an incident.
 - 3. All Canine Handlers, Detectives, and Traffic Safety Officers.
 - a. Canine handlers will be issued two BWCs. At the end of their shifts, handlers will dock the BWC used during their shift. The second BWC will be utilized by handlers while operating police vehicles outside their duty hours.
 - b. Traffic Safety Officers and Detectives that are on call may take a BWC home with them, to facilitate a faster response to incidents.
 - c. At no time will any employee take a BWC home with evidence stored on the device.
 - d. For the purposes of this section, evidence stored on the device is defined as any recordings that will be categorized as any category aside from:
 - 1) Alarm.
 - 2) Axon Signal Malfunction / Inadvertent Activation.
 - 3) Normal Retention (depreciated category, no longer used).
 - 4) Protected Normal Retention (depreciated category, no longer used).
 - 5) Vehicle Inspection.
 - 4. All officers assigned as headquarters officer, or are handling walk in incidents.
 - 5. All officers assigned to plain clothes anticrime details.

6. All officers assigned duties that include regular interaction with the public, including officers assigned as Detectives.
 7. All officers assigned to a pre-planned search warrant execution of pre-planned arrest.
 8. All officers assigned to duties at demonstrations or potential civil disturbances, unless working in an undercover capacity.
 9. All officers assigned to aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 10. SLEO I and II officers assigned to security details, community events, or other duties where they will include regular interaction with the public.
 11. All officers on extra-duty assignments shall wear a BWC during their assigned traffic and/or security details.
 12. In the case of a task force, team, or unit composed of officers from more than one law enforcement agency, the chief law enforcement officer of the agency overseeing the task force, team, or unit (e.g., the Camden County Prosecutor in the case of a countywide task force) shall determine whether and in what circumstances officers assigned to the task force, team, or unit will wear BWCs.
- C. BWCs shall be used only in conjunction with official law enforcement duties.
1. Officers engaged in undercover operations or surveillance activities are not required to utilize BWC.
 2. BWCs shall be used only in conjunction with official law enforcement duties. BWCs shall not be used, except as mandated in section V of this order, to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Strip and body cavity searches.
 - c. When on break or otherwise engaged in personal activities.
 - d. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - e. When engaged in police union business.
 - f. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction. NOTE: the use of a BWC is authorized to record internal affairs interviews (e.g., principal, witness, complainant, etc.) if the interviewee is fully aware that the interview is being audio/video recorded.
 - g. While discussing criminal investigation strategies; or

- E. When transporting a prisoner to the Camden County Jail, officers shall deactivate the BWC when they reach the doorway threshold of the entrance to the jail while in the sally port.
- F. 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 or as soon as safe and practicable, when entering a private residence, interacting with a person seeking medical attention, or speaking to someone wishing to anonymously report a crime, officers shall notify the person that they are being recorded. If the person requests the officer to discontinue use of the BWC, the officer shall consult with their supervisor prior to deactivating the camera. If an apparent crime victim requests an officer discontinue use of their BWC, the officer shall narrate the reason they are discontinuing use of the BWC and immediately deactivate the device.
 - a. If 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, the officer will NOT deactivate their BWC.
 - b. BWCs cannot be deactivated while responding to a violation or suspected violation of N.J.S.A. 2C:33-15(a)(1) under any circumstances.
 - c. BWCs cannot be deactivated at the scene of a police-involved use of deadly force or in custody death without the express permission of the assistant prosecutor or deputy attorney general supervising the incident, pursuant to AG directive 2019-4.
 - d. The officer's supervisor, prior to authorizing the deactivation of BWC, will consider factors such as
 - 1) The person's willingness to cooperate with police if the camera is deactivated.
 - 2) The person's privacy interests.
 - 3) The safety of all present.
 - 4) The information or assistance that the person will provide is important to the investigation yet, is not critical to require recording.
 - 2. 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.
 - 3. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.

4. Any request to discontinue the use of a BWC pursuant to this section and the response to such request shall be recorded by the BWC prior to discontinuing use of the BWC.
 5. Officers are prohibited from misleading the person requesting deactivation into believing the BWC has been deactivated if it is still recording.
 6. Officers are prohibited from suggesting to a person that the BWC should be deactivated
 7. Officers must answer truthfully if questioned by a member of the public about wearing a BWC, and the BWC's activation status. Officers are prohibited from misleading the person requesting deactivation into believing the BWC has been deactivated if it is still recording. See section I for exceptions.
- G. When an officer deactivates a BWC:
1. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded.
 2. Before deactivating the BWC, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWC as per the victim's request.*").
 3. The officer shall report the circumstances concerning the deactivation to their supervisor as soon as is practicable; and
 4. The officer shall document the circumstances of the deactivation in the applicable report concerning the incident under investigation, including the approximate time of activation and/or deactivation.
- H. If an officer declines a request to deactivate a BWC, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented in the applicable report and shall be reported to a supervisor as soon as it is safe and practicable to do so. If the officer declines a deactivation request, the officer shall immediately inform the person making the request of that decision.
- I. 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 Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice, or his/her designee expressly has authorized covert recording. Officers can deactivate a BWC when specifically authorized to do so by an assistant prosecutor or deputy attorney general for good and sufficient cause as determined by the assistant prosecutor/deputy attorney general. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the name of the assistant prosecutor/deputy attorney general who authorized the deactivation.

- J. Officers should mute a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWC-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am muting my BWC to discuss investigative strategy with my supervisor.*"). Officers should IMMEDIATELY unmute the BWC upon completion of the strategy and planning discussion, approached by a civilian, or if collecting physical evidence.
- K. Officers shall not activate their BWC inside a school, healthcare facility, treatment facility, or a place of worship UNLESS they are actively engaged in investigating the commission of a criminal offense, responding to an emergency, or reasonably believe that they will be required to use constructive authority or force. If a BWC is deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so or they are required to activate the camera when actively investigating a criminal offense, responding to an emergency, or reasonably believe they will be required to use constructive authority or force.
- 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. BWC shall be deactivated and removed while in the ALCOTEST area and stored in another room when the ALCOTEST device is being used prior to the 20-minute observation period. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWC, the officer shall narrate the reasons for deactivation (e.g., "*...I am deactivating the BWC because the suspect is about to take a breath test*"), and the BWC shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.
- N. Officers shall not activate a BWC, and shall deactivate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the duty sergeant 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.
- O. When a BWC is activated, officers are encouraged to provide narration when practical and appropriate to augment the value of the recording and to provide clarity for the viewer.

- P. If an officer fails to activate the BWC, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable investigation report the reason why a recording was not made, was interrupted, or was terminated. This documentation will be completed, even if the deactivation was to comply with this order.
- Q. If an officer, who has not officially reported for duty and has not yet obtained a BWC for his/her shift comes upon an incident, the officer can tend to the incident even if he/she does not have his/her BWC. In that instance, the officer should tend to the incident in accordance with applicable general orders and report the absence of the BWC to their supervisor, and note the encounter in the law incident report. If a formal report is not required, notify the communications center to make a note in CAD. Officers shall obtain their assigned BWC at the earliest time.
- R. BWCs shall be stored in their designated docking stations when the officer assigned to the BWC is not working. The docking stations allow for the units to be charged and for the download of events to the Evidence.com.
1. Only those BWCs believed to be in full working order will be stored in the docking station to ensure that all data is transferred, the battery is fully charged, and the unit is ready to be issued for service.
 2. Prior to beginning a shift, officers will ensure their BWC's readiness by conducting an operational inspection/test. All malfunctions or deficiencies shall be reported to a supervisor and support@chnj.gov.
 3. If a BWC is damaged or non-operational, officers will obtain a spare BWC and a shift supervisor will assign it to them prior to departing headquarters. Officers are responsible for determining if the spare BWC is fully functional prior to departing.
 4. BWCs that are not in full working order shall be taken out of service, removed from the charging station, and forward to the Technology Unit pending repair. The Technology Unit shall contact the BWC service provider to schedule repair or replacement based on the problem as soon as practicable.
 5. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 6. Officers will dock their BWC for download to the BWC docking station upon completion of their shift. BWCs *must* be docked for a long enough period for the data to upload to the BWC server (and preferably to completely recharge) before they are re-assigned to another officer.
 7. If a spare camera was utilized, and a supervisor did not assign the camera to the officer, an email must be sent to support@chnj.gov providing details so the videos can be properly assigned to an officer.
- S. Officers will wear the BWC utilizing mounting devices issued to them
1. 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.

2. Officers wearing exterior vest carriers will mount the camera using the MOLLE mount.
 3. Officers wearing a jacket, traffic vests, or other outer garment shall not cover or obstruct the view of their BWC and shall mount the BWC to the jacket or outer most garments when wearing a jacket. This shall be done as soon as safely possible when an officer utilizes an outer garment.
 4. Officers including those assigned to the Investigative Unit, when wearing professional attire, shall utilize the metal clip or other approved mounting device to attach the BWC.
 5. Officers assigned to plain clothes or special uniform details shall clip or mount the BWC, if possible, to their outer garment. Exception: If wearing the camera would compromise operational security or an officer's identity/safety.
 6. To reduce audio and/or video interference with the unit, the officer's portable radio microphone shall not be affixed to the buttoned placket or breast pockets of the member's uniform shirt or positioned near the BWC on any exterior garment.
 7. Officers are responsible for ensuring that the BWC remains in a position to allow them to record an encounter or incident.
 8. While in attendance at ceremonial functions, officers can be relieved of this requirement at the discretion of the detail supervisor.
- T. All officers assigned a BWC are responsible for its use and proper care.

V. INCIDENTS TO RECORD

- A. When on duty and in the presence of the public, the BWC will remain in standby mode ready to be activated at any time. When an officer activates the recording mode / function, the device will record from the moment the record start / stop button is activated. Activation should occur near arrival at the scene, but before actual arrival, whenever feasible. Likewise, the vehicle's MVR shall be in the standby mode and ready to record motor vehicle-related encounters when the officer is assigned to an MVR-equipped vehicle.
- B. Except when otherwise restricted in this general order, 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:
- C. Officers will ensure that their body cameras are powered on and buffering at all times where interactions with the public are possible. This includes meal breaks in view of the public, driving to court in a township vehicle, secondary employment, and the public areas of the township properties. BWCs shall be utilized to record contacts with citizens in the performance of official duties. Examples of such contacts include, but are not limited to:

1. All traffic stops from the initiation of the stop until the stop is concluded, including sobriety testing.
2. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched.
3. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
4. Motorist aid or community caretaking checks.
5. Crime scenes to the extent possible except for crime scene processing.
6. Fire scene investigations when evidential value can be determined later.
7. Missing or abducted persons when the person, suspect, or vehicle may be fleeing from the area.
8. Motor vehicle and foot pursuits.
9. Officer interviews in the field of witnesses when conducting investigations of criminal violations (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interrogations/interviews).
10. Custodial interrogation of a subject unless the interrogation is otherwise being recorded in accordance with Court Rule R. 3:17.
11. Investigative detentions/field interviews.
12. Any call for service related to a violation or suspected violation of possessing or consuming alcohol, marijuana, hashish, or cannabis item.
13. Out-of-court identifications (i.e., show ups, lineups).
14. Search or arrest warrant service (entire service).
15. Tactical operations.
 - a. When preparing for, or during a significant tactical operation and upon approval of the officer's supervisor, deactivate the function and operation LED lights on their body worn camera by placing it in stealth mode.
 - b. While in stealth mode, no function lights or haptic response to activating/deactivating the recording mode will function. At the end of the operation, the BWC shall be returned to standard mode.
16. Warrantless searches (all types, including protective frisks, but not strip or body cavity searches).
17. Arrests.

18. Arrestee, prisoner, detainee, emotionally disturbed person, and civilian transportation.
 19. Drug recognition expert (DRE) evaluations.
 20. Overdose and suspected overdose investigations.
 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 applicable report).
 22. Crowd control, unruly crowds, or any incident requiring activation of the all-hazards or emergency operations plan.
 23. Domestic violence investigation.
 24. Strikes, picket lines, demonstrations, civil disorders.
 25. Any public contact that becomes adversarial.
 26. Employee involved MVA
- D. BWC shall remain activated for the entire duration of a civilian contact required in section V.B above until the officer has departed the scene is no longer in the presence of civilians.
- E. Notwithstanding any other provision of this general order, when an officer equipped with a BWC or MVR 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 and MVR before arriving at the scene when feasible.
- F. Notwithstanding any other provision of this general order, an officer while at the scene of a police deadly-force event, pursuit resulting in a death or serious bodily injury, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC unless instructed to do so by the independent investigator supervising the investigation of the incident pursuant to *Attorney General Law Enforcement Directive 2019-4*. The independent investigator or his/her designee supervising the investigation can 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 or a member of the Technology Unit, who shall secure the cameras in evidence or consult with the independent investigator from the Attorney General's office for further instructions.

VI. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. Officers shall complete a comprehensive report related to an incident that qualifies for such a report as determined by a supervisor. Under no circumstances shall officers simply refer to a BWC/MVR recording in any report instead of detailing the facts and circumstances of their investigation/observations. Officer shall indicate in their reports that a BWC and/or MVR was used. When indicating an MVR, include the vehicle's number.
- B. Contents downloaded from BWCs shall be stored on evidence.com. All recordings are maintained within the BWC system and are authenticated by an internal audit program with the BWC system.
1. Whenever possible, officers shall access evidence.com, at least one time during their tour of regular duty, to ensure that their BWC and MVR footage have been properly assigned the correct categories and IDs.
 2. If when checking evidence.com, officers find that their BWC and/or MVR recordings from their prior tour are not categorized correctly, they shall categorize their videos correctly.
 3. BWC recordings retained for evidentiary purposes, which shall include any recording that captures a use of force, shall be safeguarded in the same manner as other forms of evidence as detailed this agency's general order on *Property and Evidence*. As such, these recordings will be retained as evidence on evidence.com and
 - a. The incident number will be entered in the ID field
 - b. A category that fits the incident best will be selected. The category selected will ensure the video is retained for the length of time evidence for that type of incident should be retained.
 4. Once tagged as 'I.A.', only the Professional Standards and Development Division Commander, Chief of Police and his/her designees have permissions set in the software to view such recordings.
- C. Recordings can be a 'protected video' if certain things are captured by the BWC/MVR. Recordings categorized as Alarm, Axon Signal Malfunction/Inadvertent Activation, Normal Retention, or Vehicle Inspection are presumed not protected. Recordings with any other category are presumed protected video and must be reviewed by Internal Affairs or the Technology Unit prior to release for the following types of content:
1. Captured a law enforcement incident, as defined in *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.
 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement

- d. officer; and
The death of any civilian while in the custody of law enforcement.
- 2. Captured the image of a victim of a criminal offense; or
- 3. Captured the image of a juvenile; or

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; or
 5. Captured a conversation with a person whose request to deactivate the BWC was declined; or
 6. Captured a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded; or
 7. Captured the image of an undercover officer or confidential informant; or
 8. Captured the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
- D. The Technical Services Unit Commander will provide all officers with limited electronic access to Evidence.com_based upon the need of their individual assignments or classification as determined by the Chief of Police or his/her designee.
- E. Officers can request extended retention of their own recordings by emailing the Technical Services Unit for approval. A request for extended retention must include a justification, such as a recorded traffic offense or other non-indictable criminal matter.
- F. Recordings will not be deleted manually in part or whole under any circumstances unless ordered in writing by court order or the Attorney General. Recordings will be deleted by the system automatically upon expiration of the retention schedule set by the individual officer.
- G. Supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs at the beginning of each shift.
1. Sergeants in charge of a patrol or Traffic squad will conduct random formal reviews of selected recordings at the rate of at least four videos per squad per month. These reviews will be completed in the Axon Performance module.
 2. If an internal affairs complaint is associated with a recorded event, or an officer believes an incident may generate an internal affairs complaint, the supervisor will categorize the video as IA.
 3. When identifying any areas when additional training or guidance is needed, supervisors shall take the appropriate corrective action and communicate this information to the command staff through the chain of command for any additional action or remediation
 4. Supervisors may request extended retention of any recording made by an officer reporting to them for the purposes of administrative review of action by emailing the internal affairs supervisor. A justification must be provided, and this request will result in the review of the recording by the internal affairs supervisor and/or the command staff.

5. Supervisors shall formally review all instances they are aware of when a BWC/MVR is deactivated prior to the conclusion of an incident contrary to this order or Attorney General's policy. The supervisor shall forward instances of potential misconduct to the internal affairs supervisor.
6. As part of the meaningful review process, supervisors shall review all BWC/MVR footage involving the below, unless restricted in section VII of this general order:
 - a. Use of force; and
 - b. Motor vehicle and foot pursuits; and
 - c. Officer involved collisions; and
 - d. Officer involved injuries.
- H. The Chief of Police or his/her designee may cause review of any recordings that may have information relating to any incident when an officer was injured, suspect or civilian was injured because of law enforcement action, or a civilian suffered an injury on or involving Township property.
- I. The individual officer is ultimately responsible for ensuring their videos are properly categorized for retention and case number in the ID field.

VII. RECORDS RETENTION AND REVIEW

- A. Viewing of BWC/MVR events is limited to sworn officers and the crime analyst 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 general order.
- B. BWC/MVR 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 and use of a stored BWC recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution.
 2. When relevant to and in furtherance of an internal affairs investigation.
 3. When relevant to and in furtherance of a management review process to identify circumstances indicating police misconduct or to determine the existence of a pattern or practice of possible misconduct.
 4. To assist the officer whose BWC made the recording in preparing his/her **own** substantive police report, providing a statement, or submitting to an interview.
 - a. Except:

- 1) The incident involves the use of force by the officer, when the officer knows or should know that the use of force resulted in significant or serious bodily injury or death; or
 - 2) The incident involved the discharge of a firearm or any use of deadly force by the officer (see this agency's general order on *Use of Force*); or
 - 3) The incident involved the death of a person while in law enforcement custody; or
 - 4) The incident involved the death of a person during an encounter with a law enforcement officer; or
 - 5) An incident the officer knows or has been advised is or will be the subject of an internal affairs or civilian complaint relating to the officer's use of force, bias, or dishonesty.
- b. Whenever an officer reviews or receives an accounting of a BWC recording prior to the creation of any report, statement, or interview, the officer shall acknowledge that prior review or receipt of an accounting of the BWC recording either verbally or in writing within each such report, statement, or interview.
- 1) The officer shall document each BWC recording that was reviewed and the date of the review.
 - 2) If the officer received an accounting of a BWC recording, the officer shall document the name of each person who provided an accounting of the BWC recording, the date of the accounting, and the specific BWC recording for which an accounting was provided.
- c. Officers shall only be permitted to review or receive an accounting of such BWC recordings once the investigating entity concludes that (a) the officer has in fact completed the specified incident memorialization and (b) the officer's review or receipt of an accounting of the BWC recording will not otherwise interfere with the ongoing investigation.
- 1) In cases subject to *Attorney General Directive 2019-4*, the independent investigator is the investigating entity.
 - 2) In all other cases, the 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 authorized by the agency.

6. To show to a civilian who intends to file a complaint against an officer to demonstrate what occurred during the encounter so that the person can make an informed decision whether to file the complaint. Only the internal affairs supervisor or his/her designee can show such a recording to a civilian.
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. This agency reserves the right to redact video and audio as applicable by law.
 - c. All requests for copies or review of BWC/MVR recordings are subject to the fee requirements of the prevailing ordinance.
 - d. BWC/MVR discovery requests for indictable offenses are handled by the Camden County Prosecutor's Office. Upon request, non-redacted footage will be provided to the Camden County Prosecutor's Office. That agency will be responsible for ensuring any released footage complies with applicable laws and policies.
 - e. Advise the municipal prosecutor when releasing any BWC recordings in matters under the jurisdiction of the municipal court.
 - f. Contact the township attorney and Camden County Prosecutor's Office before releasing any BWC/MVR recordings in discovery for civil matters or OPRA requests.
8. To comply with any other legal obligation to turn over the recording to a person or entity.
9. Solely and exclusively for internal training purposes.
 - a. Any employee who desires to have a copy of a recorded video for training purposes that may be shown to non-Cherry Hill Police Personnel or when a copy of the recording will be used as part of a long-term training program when a copy is necessary, the officer shall complete an email via the chain of command.
 - b. 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 Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
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 Camden County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.

11. To conduct an audit to ensure compliance with this general order.
 12. Any other specified official purpose where the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWC recording
- D. Officers shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC or MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this policy, N.J.S.A. 2C:28-7, or N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with BWC/MVR's ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action (and criminal sanctions, as applicable); and
 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of this general order 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 Camden 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.
- E. Recordings are considered investigatory records of this police department and shall be maintained on a secure server and disposed of in accordance with law and 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:
 - a. BWCs – 180 days.
 - b. MVRs – 180 days.
 2. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.

3. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency.
 4. Recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the recording.
 5. Recordings shall be retained for not less than three years if requested by:
 - a. The officer whose BWC/MVR made the recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - b. The officer who is a subject of the BWC/MVR recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value; or
 - c. Any immediate supervisor of an officer whose BW/MVRC made the recording or who is a subject of the BWC/MVR recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value; or
 - d. Any officer, if the BWC/MVR recording is being retained solely and exclusively for police training purposes; or
 - e. Any member of the public who is a subject of the BWC/MVR recording; or
 - f. Any parent or legal guardian of a minor who is a subject of the BWC/MVR recording; or
 - g. A deceased subject's next of kin or legally authorized designee.
 - h. NOTE: the member of the public, parent, or legal guardian, or next of kin or their designee (subsections VII.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
 6. When a BWC records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
- F. Open public record requests will be answered in accordance with current public record laws and policies. All requests will be approved by the Camden County Prosecutor's Office, Attorney General's Office, and/or township solicitor, as applicable.

- G. The Professional Standards commander or their designee shall notify the Camden County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA or common law right to access request for a BWC/MVR recording before complying with it.
1. The notification must contain the date the request was received, the deadline by which a response must be made, whether the agency intends to release or deny the request, and the justification for that decision.
 2. Provide the type of police action or activity depicted in the recording, including, but not limited to, whether the officer was involved in an investigative detention, an arrest, an interrogation of a suspect, a witness interview, a search, a protective frisk for weapons, or was using constructive or actual force.
 3. Indicate whether the recording is part of an ongoing criminal or internal affairs investigation or whether release of the recording potentially infringes upon a victim and/or juvenile privacy rights.
 4. The Professional Standards commander or their designee will receive an acknowledgement or if no further communication is received within 72 hours, the Professional Standards commander or their designee shall contact the township solicitor with information about the request.
 5. Pursuant to the *Open Public Records Act* (N.J.S.A. 47:1A-5c and N.J.S.A. 47:1A-5d), the department can apply service fees for any extraordinary expenditure of time and effort to accommodate a request. The service fees will be based upon the actual direct cost of providing the service or extraordinary time. If the requester objects to the fee, the request is closed and access to the records is not granted.
 6. BWC/MVR footage requests requiring a substantial amount of manipulation or programming of information technology will be assessed a special service fee that shall be reasonable and shall be based on the cost for the labor cost of personnel providing the service, that is actually incurred for the programming, clerical, and supervisory assistance required, or both, if a request is for a copy of a record.
 7. The fee will be based at the lowest hourly rate of the personnel authorized to review/redact/approve the request.
 8. The Professional Standards commander or their designee will provide the requestor an estimate before any action is taken.
- H. A BWC/MVR recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Camden County Prosecutor or his/her designee determines that the person's / entity's / non-law enforcement agency's / or the public's need for access outweighs the law enforcement interest in maintaining confidentiality.

1. If disclosure of a BWC/MVR recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the Camden County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.
2. A BWC/MVR recording with privacy concerns as described in section VI of this general order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Camden County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Chief of Police and the below listed personnel have permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC/MVR recordings:
 - a. Professional Standards Division Commander
 - b. Internal Affairs Unit Detectives
 - c. Technology Unit
3. The assistant prosecutor or deputy attorney general overseeing a law enforcement use of force investigation or death investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, or his or 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 of the incident under investigation.
 - I. Evidence.com shall maintain a record of all BWC/MVR recordings that are accessed, viewed, copied, disseminated, or deleted.
 - J. Officers shall not reproduce or store any BWC/MVR recordings to any device or storage medium without permission of the Chief of Police, Camden County Prosecutor's Office, or Attorney General's Office. This shall include, but not limited to, cell phones, electronic notebooks, etc.