

**LONG BEACH TOWNSHIP
POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES**



SUBJECT: BODY WORN CAMERAS / MOBILE VIDEO RECORDERS	
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REFERENCE: NJSACOP Standard: 3.5.5 <u>N.J.S.A. 2C: 28-7</u> <u>N.J.S.A. 40A:14-118.3, et seq.</u> N.J. Bureau of Records Management	BY THE ORDER OF: O.I.C.

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

POLICY It is the policy of the Long Beach Township 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 personnel (sworn and civilian) shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this SOP, and those policies or guidelines issued by the New Jersey Attorney General and Ocean County Prosecutor's Office. Failure to use this technology in accordance with this SOP and those policies or guidelines issued by the New Jersey Attorney General and Ocean County Prosecutor's Office can result in discipline.

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

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

PROCEDURES

I. DEFINITIONS

- A. For purposes of this SOP, the following terms are defined:
1. Activate – means to actuate (put into operation) the recording mode/function of a BWC.
 2. Advisement – a statement made by an officer at the outset of using a BWC camera to record a communication, conversation, or interaction with the public for the specific purpose of informing the public that the communication or conversation is being recorded.
 3. Body worn audio/video recorder (BWC) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
 4. Constructive authority – involves the use of an officer's authority to exert control over a subject (see this department's SOP on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...*show me your hands*," "...*get out of the vehicle*", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...*move out of the way*", "...*get down*", etc.).
 5. Deactivate – the process of stopping the recording mode / function of a BWC or MVR.
 6. Digital evidence – includes photographs, audio and video recordings that are stored electronically.
 7. Force – has the same meanings as defined in this department's SOP on *Use of Force* and the Attorney General's use of force policy. The term force shall include physical, mechanical, enhanced mechanical, and deadly force.
 - a. Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject, and maneuvering or securing a subject for a frisk.
 - b. Physical force involves contact with a subject beyond that which is generally utilized to affect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the officer's authority, or to protect persons or property. Examples include, wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

- c. Mechanical force involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the officer's authority. Examples include the use of an impact tool (e.g., ASP, MEB, or other object), canine physical contact with a subject, or chemical or natural agent spray/exposure such as oleoresin capsicum (OC), mace, gas, etc.
 - d. Deadly force is force which an officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death, or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used, if necessary, does not constitute deadly force.
- 8. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, petty disorderly offense, or operating while intoxicated, 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.
 - 9. Metadata – A created digital image may include metadata that describes how large the picture is, the color depth, the image resolution, when the image was created, and other data.
 - 10. Mobile video recorder – is a mobile video / audio recording equipment installed in a police vehicle.
 - 11. Proactive enforcement team – includes officers who are typically assigned to target vice, drugs, organized street crime, violent crime and/or any other targeted enforcement. Unlike officers who are responsible for responding to traditional calls for service, these officers are typically assigned the singular responsibility of addressing these activities (e.g., street crime unit, crime suppression unit, etc.). The nature of their work may include being dressed in traditional uniform, modified uniform, or plain clothes. These officers may work alongside undercover officers, conduct surreptitious surveillance, engage in high intensity enforcement via motor vehicle/pedestrian stops and/or interact with confidential informants or witnesses who wish to remain.
 - 12. School – means a public or nonpublic elementary or secondary school within this State offering education in grades kindergarten through 12, or any combination of grades, at which a child may legally fulfill compulsory school attendance requirements.
 - 13. 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.

14. Tactical team – is a group of officers who are specially selected, trained, and equipped to handle high-risk incidents including, but not limited to, those involving snipers, barricaded persons, warrant services, apprehensions, acts of terrorism, and other situations or activities as deemed necessary by command leadership.
15. Tagging – is the electronic labeling of a video/audio file captured by a BWR. The terms categorizing or category can be used interchangeably with the terms tagging or tag
16. 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.
17. Youth facility – means a facility where children (under 18) assemble under adult supervision for educational or recreational purposes, such as day-care centers, group homes, residential facilities, youth camps, pre-schools, tutoring locations, vocational schools etc.

II. GENERAL ADMINISTRATION

- A. BWC/MVR recordings are invaluable to law enforcement for evidential purposes. BWC/MVR have demonstrated its value in the prosecution of criminal, traffic, and other related offenses and to protect personnel from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. While visual and audio evidence may be captured on the recordings, the use of BWCs/MVRs is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize BWCs/MVRs as a management tool to punish officers for minor departmental rule infractions.
 1. Personnel shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 2. BWCs and MVRs shall only be utilized for legitimate law enforcement purposes.
- C. Adequate safeguards are necessary to ensure that this technology is:
 1. Used in a non-discriminating way; and
 2. Used to document evidence; and
 3. Used to safeguard against potential violations of N.J.S.A. 2A: 156A-1, et seq., *New Jersey Wiretapping and Electronic Surveillance Control Act* (MVR).

- D. These recordings will serve the following purposes:
1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 2. The recordings may be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 3. The recordings may resolve disputes concerning what occurred during incidents, thereby protecting both the public and the officers involved.
 4. When complete recall is not possible, such as when multiple events are happening simultaneously or out of an officer's line of sight, an audio/visual recording may provide an accurate record of events.
 5. Subject to the restrictions in this SOP, supervisors will be able to view the recordings and select portions to use to train officers in safety, field training, interpersonal skills, proper police procedures, and legal doctrines.
 6. Recordings can permit supervisors to undertake more meaningful performance evaluations.
 7. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
 8. Recordings enhance management's ability to train personnel in proper police procedures.
- E. The Chief of Police shall maintain a training program on the lawful and proper use of BWC and MVR equipment. The Chief of Police may designate one or more persons to coordinate and/or conduct such training. Proper use of a BWC/MVR is considered an essential job requirement.
1. Only officers who have received training in the use of BWCs/MVRs are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
 2. Officers shall receive initial training during their field training phase or as otherwise directed by the Chief of Police.
 3. Any supervisor can cause supplemental training to any officer who has demonstrated a lack of knowledge of the proper use of BWCs/MVRs or as part of a disciplinary matter.
- F. The administrative division commander shall manage the BWC/MVR equipment, including maintaining the system and establishing procedures to ensure the integrity and proper handling and storage of all BWC/MVR recordings. The investigative division commander's responsibilities include:
1. Ensure that all recordings are uploaded to a secure data storage system in a timely fashion; and

2. Prevent tampering with or deletion of recorded data both before and after downloading from the BWC/MVR and uploading to the storage system; and
 3. Prevent unauthorized access to stored BWC/MVR recordings; and
 4. Document all instances when BWC/MVR recordings are accessed, viewed, copied, disseminated, or deleted; permit auditing of all instances where BWC/MVR recordings are accessed, viewed, copied, or deleted; and
 5. Authorize access to downloaded BWC/MVR files
- G. BWCs and MVRs are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- H. All recording media, images, and audio are intellectual property of the Long Beach Township Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this SOP without the expressed written consent of the Chief of Police.
- I. Under no circumstances will any employee of the Long Beach Township Police Department make a personal copy of any recorded event without the permission of the Chief of Police. Release of recorded events will not be permitted without authorization of the Ocean County Prosecutor's Office or the Division of Criminal Justice.
- J. This department will not tolerate the reliance by any officer on race, ethnicity, gender, gender identity, gender expression, sexual orientation, religion, economic status, age, culture, LGBTQ+ status, or any other immutable characteristic of a group or class of persons, in determining whether to activate or deactivate a BWC or MVR.

III. MOBILE VIDEO RECORDERS

- A. All references to MVRs include the equipment installed in the police vehicles and where appropriate, the wireless transmitter, microphone, system server, hard drive, and other accessories necessary to operate the system.
1. The MVR system consist of a front view and rear seat/view digital camera, portable microphone/control unit, display monitor with controls, hard drive and system server.
- B. Installation, removal, or repairs to any of any MVR equipment shall only be performed under the direction of the administrative division commander or his/her designee.
1. If a police vehicle is towed due to a collision, the administrative division commander or his/her designee will decide whether to immediately remove the media drive or wait until the next working day.
 2. The internal affairs officer shall be promptly notified concerning any MVR equipped vehicle involved in:
 - a. A crime; or

- b. A collision with serious bodily injuries to any party; or
 - c. A motor vehicle pursuit involving any crash or injury.
 3. The administrative division commander or his/her designee shall either respond and remove the media drive or download the recordings to a portable media source (e.g. system server, portable hard drive, etc.), or designate someone to collect the removable media and secure it as evidence.
- C. Officers will not use MVR equipment to make audio recordings of other officers or staff without notice. MVR operators are not authorized to erase, reuse, or record over in any manner or alter in any manner any MVR files.
- D. Misuse or abuse of the MVR equipment will be considered a serious violation of department SOPs and will not be tolerated.
- E. Officers shall not employ MVR equipment in a manner inconsistent with its intended purposes.
- F. The record function is automatically initiated when the vehicle's overhead lights are activated or when the officer's BWC is activated. Officers can also manually activate the system by depressing the 'RECORD' button on the monitor. The MVR will also automatically activate when:
 1. The patrol vehicle's emergency lights are in operation.
 2. Patrol Vehicle Speed exceeds 15 MPH above the posted speed limit.
 3. When the patrol vehicle is involved in a motor vehicle collision severe enough to trigger the sensors on the MVR.
 4. Officers may manually activate the MVR at their discretion. This allows a recording to be made without alerting a potential violator because of activating the emergency lights.
- G. The care and security of the MVR equipment is the responsibility of the officer(s) assigned to that vehicle. The MVR system will be maintained and operated according to the manufacturer's instructions and recommendations.
- H. Officers assigned to the MVR equipped vehicles will ensure that all pre-operational checks are conducted in accordance with manufacturer recommendations.
 1. Officers shall wear and use a BWC consistent with the requirements and restrictions in this SOP when operating a vehicle with an MVR.
 2. MVR pre-shift checks shall be conducted concurrent with the officer's BWC pre-shift check.
 3. Operational problems with an MVR will immediately be reported to the shift supervisor and:

4. Documented in a CAD entry under the code "MVR Problem". The documentation will include the vehicle number and problem reported.
 - a. A DMS Message forwarded to the administrative division commander, or his/her designee, to include the CAD Incident Number, vehicle number, and description of the problem to be corrected.
5. As part of the required vehicle check, officers will check both video and audio functionality of the MVR prior to commencing patrol using the following procedures:
 - a. Ensure that the MVR is activated.
 - b. Officers shall log into the camera system using their name/badge#. Officers should log out at the end of the tour however this will automatically be done upon the log in of the following officer.
 - c. Activate the MVR with emergency lights, wireless transmitter, and 'REC' button to ensure proper operation.
 - d. Ensure that indicator lights are functional.
 - e. Play back the recording to ensure that video and audio are working properly. This includes ensuring that the cabin microphone is recording properly.
 - f. Upon successful test, officers will acknowledge 'MVR check OK' during vehicle check transmission to communications.
6. Patrol vehicles will not be used for duty without a functioning MVR unless approved by the operations division patrol commander or shift supervisor.
- I. Upon activation of the MVR for any reason the vehicle's AM/FM radio shall be turned off completely so as not to affect the quality of the audio recording.
 1. The front camera can be swiveled or adjusted as needed to bring the area or object being recorded into view of camera.
- J. MVRs must not be deactivated until the vehicle stop or other law enforcement action is completed, and the civilian has left the scene. The officer's BWC must always be turned on to provide audio recordings as well as video recording during MVR activation.
 1. When an MVR has documented an event that is a major criminal incident involving serious injury, loss of life or catastrophic property damage, neither the officer(s) involved nor the personnel recording the incident will deactivate the MVR. Detective bureau personnel or a shift supervisor will deactivate the MVR only when the event is ceased.
 2. Notwithstanding any other provision of this SOP, when an officer is involved in a major criminal incident, is present at a major crime scene, or both, a supervisor may authorize the deactivation of the audio portion of the MVR only when and if the supervisor determines that the incident has ceased and

that it is no longer necessary to electronically record the incident.

- K. When transporting arrestees, prisoners, suspects, EDP or civilians, the officer will activate the cabin camera and cabin microphone to view the arrestee, prisoner, suspect, EDP or civilian in the rear of the patrol vehicle. The MVR will not be stopped under any circumstance until the person has arrived at the intended destination and is removed from the vehicle.
- L. If an officer operating a vehicle with MVR equipment actively participates in a motor vehicle stop and is aware that the motor vehicle stop was not recorded using MVR equipment, the officer shall notify the shift supervisor of the reason why the stop was not recorded. Minimally, the officer shall record the reason in CAD.

IV. BODY WORN CAMERAS

- A. Officers will use only those BWCs approved and issued by the Chief of Police. Such BWCs are not able to record images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Ocean County Prosecutor's Office or the Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- B. BWCs will be assigned to all officers and shall be utilized daily consistent with the requirements and restrictions in this SOP.
 - 1. Officers are not required to activate their BWCs in police headquarters unless they are investigating a walk-in complaint, processing an arrestee or other similar related functions.
 - 2. Detectives and staff officers shall wear BWCs when conducting arrests and while engaged in field duties (e.g., road coverage, search warrant executions, raids, etc.) consistent with the requirements and restrictions in this policy.
 - 3. BWCs shall be worn and used on all extra duty assignments except for traffic control extra duty assignments.
 - 4. Officers shall also wear and use a BWC consistent with this SOP when:
 - a. On aggressive driving, DWI interdiction assignments, or other proactive enforcement team.
 - b. When assigned to front desk assignments and interacting with the public on a law enforcement matter.
 - c. When assigned to or assisting any tactical team in the field.
 - 5. Officers/detectives on loan to any outside agency, tactical team, proactive enforcement team, or task force shall use the agency issued BWC consistent with this policy, including restrictions, and any guidelines issued by the outside agency or task force. Such officers/detectives shall report any potential conflicts between this policy and the outside agency/task force's directives to the Chief of Police or his/her designee as soon as practicable.

- C. When not in use, BWCs shall be stored in the designated docking stations. The docking stations permit recharging of the BWC units and downloading of data to the BWC server.
- D. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- E. BWCs shall be worn on the outer-most garment. It will be secured to the garment using the mount/clip supplied by the manufacturer that is part of the BWC equipment. The BWC will be positioned high on the center of the chest at badge level, head, or collar, facing the officer's point of view. Officers and detectives are responsible to ensure the BWC remains in a position to allow the recording of an encounter or incident to the extent possible.
- F. Prior to beginning a shift, officers assigned a BWC will ensure its readiness by conducting an operational inspection. Officers shall also inspect BWCs at the conclusion of each shift to ensure system integrity.
 - 1. When conducting the pre-shift inspection, the officer shall activate the BWC and verbally state the date, and that a test is being performed on the unit.
 - 2. Operational problems preventing the use of the BWC during the shift will be immediately reported to the shift supervisor and:
 - 3. Documented in a CAD entry under the code "BWC Problem". The documentation will include the BWC number and the reported problem with the unit.
 - a. A DMS Message forwarded to the administrative division commander, or his/her designee, to include the CAD Incident Number, BWC number, and a description of the problem to be corrected.
 - II. Officers will dock their BWC for download to a docking station upon completion of their shift.
- G. 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. BWC shall be used only in conjunction with official law enforcement duties. The BWC shall not be used to record:
 - a. Encounters with undercover officers or confidential informants.
 - b. Hostage negotiations by hostage negotiators.
 - c. Crime scene processing by crime scene technicians, detectives, or officers trained in crime scene processing.
 - d. Strip and body cavity searches.
 - e. When on break or otherwise engaged in personal activities.

- f. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room.
 - g. When engaged in police union business.
 - h. When involved in internal affairs interviews, counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction.
 - i. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording, see section V.B of this SOP.
 - j. While discussing criminal investigation strategies.
- 3. BWCs shall not be used surreptitiously.
- 4. BWCs shall not be used to gather intelligence information based on 1st Amendment protected speech, associations, or religion, or to record activity that is unrelated to a response to a call for service or a law enforcement or investigative encounter between a law enforcement officer and a member of the public, except in accordance with any applicable guidelines or directives promulgated by the New Jersey Attorney General.
- H. When a BWC is activated to transport an arrestee/prisoner, it shall remain activated while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee.
- I. When wearing a BWC, officers shall notify the subject of the recording that they are being recorded unless it is unsafe or unfeasible to provide such notification. Such notification shall be made as close to the inception of the encounter as is reasonably possible.
 - 1. Prior to entering a private residence, officers shall notify the occupant that the occupant is being recorded and, if the occupant requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that the officer will be required to use constructive authority or force.
 - 2. When interacting with an apparent crime victim, officers shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC.
 - 3. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, if the person requests that the officer discontinue use of the body worn camera, officers shall evaluate the circumstances and, if appropriate, discontinue use of the BWC.

4. If the officer decides not to provide notification of 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.
 5. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- J. 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 Ocean County Prosecutor's Office or the Division of Criminal Justice, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWC when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).
 - a. Officers shall not suggest to the person that the BWC should be deactivated, nor shall the officer ask the person whether he or she would prefer that the BWC be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation yet is not critical to require recording.
 2. Officers may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him/herself or another and requests that the BWC be deactivated. In deciding whether to de-activate the BWC, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.
 3. When an officer deactivates a BWC:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded; and
 - b. The officer before deactivating the BWC shall narrate the circumstances of the deactivation (e.g., "...I am now turning off my BWC as per the victim's request..."); and
 - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in

any investigation report concerning the incident under investigation, including the time of activation and/or deactivation.

4. If an officer declines a request to deactivate a BWC, the reasons for declining the request (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 and shall be reported to the shift supervisor as soon as it is safe and practicable to do so.
 - a. If the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWC has been turned off when in fact it is operating unless the Ocean County Prosecutor's Office, or the Division of Criminal Justice expressly has authorized covert recording.
5. Officers must 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 name of the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off my BWC as per the instruction of assistant prosecutor (insert name)*").
6. Officers must deactivate a BWC while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to 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 now turning off my BWC to discuss investigative strategy with my supervisor...*").

7. If an officer is required to deactivate the BWC when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "...I am entering a school building where children are present..."). The BWC shall be reactivated as soon as it is safe and practicable to do so when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).
 8. If a BWC captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Ocean County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Ocean County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
 9. In any instance where a BWC was deactivated pursuant to this section, the device shall be reactivated as soon as it is safe and practicable to do so when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWC.
- K. 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, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWC shall be activated/reactivated as soon as it is safe and practicable to do so when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- L. If a BWC worn during the execution of tactical operations (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.
- M. 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 judge presiding expressly authorizes such activation.

- N. BWCs shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST 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 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 BWR 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.
- O. When a BWC is activated, officers shall state the time and are encouraged to provide narration where practical and appropriate to augment the value of the recording and to provide clarity for the viewer.
- P. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's SOP on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section V of this SOP.
- Q. 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 reasons why a recording was not made, was interrupted, or was terminated.

V. INCIDENTS TO RECORD

- A. When assigned to an officer for duty, BWCs 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 pressed. Likewise, the vehicle's MVR shall remain in standby mode.
- B. Except when otherwise restricted in this SOP, officers shall video and audio record all law enforcement activity including any interaction with a civilian. However, if an immediate threat to the officer's life or safety makes activating the BWC or MVR impossible or dangerous, the officer shall activate the BWC/MVR at the first reasonable opportunity to do so. Examples of such required recordings include, but are not limited to:
 1. All traffic stops from the time of the stop until the stop is concluded, including field sobriety testing.
 2. An officer is responding to a call for service and is at or near the location to where the officer has been dispatched.
 3. Any call for service related to a violation or suspected violation of possessing or consuming marijuana, hashish, or cannabis item.
 4. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.
 5. Crime scenes except for crime scene processing.
 6. Motor vehicle and foot pursuits.

7. Uniformed 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).
 8. Investigative detentions/field interviews.
 9. Warrantless searches (all types, including frisks, but not strip or body cavity searches).
 10. Out-of-court identifications (i.e., show ups, lineups).
 11. Arrests.
 12. Drug recognition expert evaluations.
 13. Overdose and suspected overdose investigations.
 14. Arrestee/prisoner/civilian transportation.
 15. 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 law report).
 16. Special events or projects, including, but not limited to crowd control, unruly crowds, or any incident requiring activation of the all-hazards or emergency operations plan.
 17. Domestic violence investigations.
 18. Strikes, picket lines, demonstrations.
 19. The officer is conducting a motorist aid or community caretaking check
- C. BWCs and MVRs shall remain activated for the entire duration of a civilian contact required in section V.B above until the officer has departed the scene and the officer has notified dispatch that the event is completed.
- D. Notwithstanding any other provision of this SOP, when an officer equipped with a BWC is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWC before arriving at the scene when feasible.
- E. Notwithstanding any other provision of this SOP, an officer while at the scene of a police deadly-force event, pursuit resulting in a fatality, in-custody death, or the on-scene investigation of such events shall not deactivate his/her BWC/MVR unless instructed to do so by the assistant prosecutor or deputy attorney general supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2019-4*.

VI. OFFICER AND SUPERVISORY RESPONSIBILITIES

- A. Officers shall note in the narrative portion of any reports related to the incident, arrest, investigative detention, or motor vehicle stop the fact that audio/video recordings were made. Under no circumstances shall officers simply refer to a BWC/MVR recording on an investigation report instead of detailing the facts and circumstances of their investigation/observations in the report. Also note the existence of such recordings on the back of the 'officer copy' of any uniform traffic ticket.
- B. Following any recordable incident, officers will tag the recording with the appropriate categories.
- C. Certain circumstances have the potential to raise privacy or safety concerns. To prevent the unauthorized release of these recordings, officers whose BWC/MVR recording has captured one or more of the following, shall tag such a recording by categorizing it as '*Special Privacy*':
 - 1. Captures a law enforcement incident, as defined by *New Jersey Attorney General Directive 2019-4*:
 - a. Any use of force by a law enforcement officer resulting in death or serious bodily injury.
 - b. Any use of deadly force (including the discharge of a firearm) by a law enforcement officer, regardless of whether such force resulted in injury.
 - c. The death of any civilian during an encounter with a law enforcement officer; and
 - d. The death of any civilian while in the custody of law enforcement.
 - 2. Captures the image of a patient in a substance abuse treatment facility.
 - 3. Captures the image of a victim of a criminal offense.
 - 4. Captures the image of a juvenile.
 - 5. Were made in a residential premise (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility, or medical office, a mental health treatment facility, or a place of worship.
 - 6. Captures a conversation with a person whose request to deactivate the BWC was declined.
 - 7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.
 - 8. Captures the image of an undercover officer or confidential informant.

9. Were made during the execution of tactical operations (e.g., SWAT/ERT/ESU operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.
 10. Any other circumstance where the officer reasonably determines that the video footage recorded on the BWC/MVR could pose a significant risk to the victim if the footage is released (un-redacted) to the actor/actor's attorney during the discovery process.
- D. Supervisor or Officer Requests for MVR/BWC footage to be memorialized for further investigation shall make the request through DMS to the administrative division commander, or his/her designee, and include the CAD Incident Number, Officers involved, and any other pertinent information.

VII. SUPERVISORY RESPONSIBILITIES

- A. Supervisors are responsible for ensuring that on-duty officers are equipped with functioning BWCs and MVRs at the beginning of each shift and shall ensure that all officers follow established procedures for the use and maintenance of such equipment and completion of all required documentation. Supervisors shall also:
1. Conduct periodic quality control reviews of their assigned officers' BWC/MVR recordings to assess officer performance, determine whether BWC/MVR equipment is being fully and properly used, and to identify material that may be of value for training purposes. Minimally, two random recordings per month per officer are sufficient.

- a. Such periodic reviews will be documented on an *MVR/BWC Supervisory Review in Guardian Tracking* and in the officer's performance evaluation and/or addressed in a commendation or performance notice.
 - b. Any issues discovered during the review will be handled accordingly and in comportment with departmental SOPs.
2. Ensure documentation of damaged or nonfunctional BWC/MVR equipment is completed and forwarded to the administrative division commander or his/her designee.
 3. Supervisors must understand that minor infractions (not criminal in nature) discovered while reviewing the recorded material should be viewed as training opportunities and not as routine disciplinary actions. Should the behavior or action become habitual after being informally addressed the appropriate disciplinary or corrective action shall be taken. If the failure to utilize the BWC/MVR equipment is confirmed during an IA investigation such incident shall be viewed as a new allegation.
 4. Subject to the restrictions in this SOP, authorized supervisors may review the BWC/MVR file containing a recording of any specific incident involving a subordinate under his/her command. An authorized supervisor may also review other BWC/MVR files to determine the past performance of any officer under his/her command. Such recordings include, but are not limited to:
 - a. The documentation requirements for motor vehicle stops.
 - b. Where applicable, the legal standards for the following:
 - 1) A protective frisk
 - 2) A request for consent to search (even if denied)
 - 3) Conducting a consent search
 - 4) Conducting a non-consensual warrantless search
 - 5) Requesting a drug detection canine
 - 6) Requesting an occupant to exit the vehicle
 - 7) An arrest.
 - 8) A warrantless seizure.
 - c. Patrol procedures (observing safe patrol practices during the performance of duties).
 - d. Radio procedures.
 - e. Use of force procedures.

- f. Use of BWC/MVR equipment
 - g. Civilian complaint procedures, including the prohibition against discouraging civilian complaints.
 5. If the authorized supervisor determines that the conduct recorded complies with the above-noted procedures, then he/she shall:
 - a. Note such satisfactory performance on an *MVR/BWC Supervisory Review in Guardian Tracking*.
 - b. Forward the completed *MVR/BWC Supervisory Review Guardian Tracking* to the operations division commander.
 6. Performance deficiencies shall be recorded on the *MVR/BWC Supervisory Review Guardian tracking*. Performance deficiencies shall be immediately addressed by one or more of the following interventions:
 - a. Training.
 - b. Performance notice.
 - c. Special BWC review to review a greater number of incidents than called for in the random BWC review schedule.
 - d. Direct counseling intervention between the supervisor and the officer.
 7. All deficiencies shall be documented in a special report under the appropriate category. Forward the completed *MVR/BWC Supervisory Review Guardian tracking* to the operations division commander.
- B. If an authorized supervisor or his/her designee determines that the conduct recorded reasonably indicates misconduct similar to the types set forth below, then the authorized supervisor or his/her designee will record the conduct on the *MVR/BWC Supervisory Review Form* and immediately contact the internal affairs officer. Forward the *MVR/BWC Supervisory Review Guardian entry* to the internal affairs officer. The internal affairs officer will cause the BWC file to be tagged, thereby precluding access to the file from those who are not authorized under the internal affairs function. Actions of misconduct consist of any the following:
 1. Prohibited discrimination.
 2. An unreasonable use of force or a threat of force.
 3. An international constitutional violation.
 4. A criminal act.
 5. An intentional provision of false information in a misconduct investigation or in any report, log, or transmittal of information to communications.
 6. Failure of any officer to report observed misconduct, as set forth above, on the part of another officer.

C. Special BWC/MVR review:

1. A special BWC/MVR review schedule is a temporary schedule for reviewing a greater number of BWC/MVR files for an officer than otherwise would occur pursuant to an incident specific or random review.
2. A special BWC/MVR review schedule shall be implemented by the Chief of Police, operations division commander, administrative division commander or sergeant, or any of their designees pursuant to any of the following:
 - a. A review of the work performance of an officer.
 - b. As part of the disposition of a substantial misconduct proceeding.
 - c. A determination made resulting from any BWC review.
3. A special BWC/MVR review schedule as well as the reason for the special review will be documented in the form of a special report.
4. Supervisors shall complete an *MVR/BWC Supervisory Review Guardian Tracking* when reviewing BWC/MVR files pursuant to a special BWC review schedule.

D. Command level personnel:

1. The Chief of Police and operations division commander reserve the right to review any BWC/MVR recordings.
2. Division commanders are authorized to review any BWC/MVR recordings of subordinates under their command, which are not tagged by internal affairs officer.
3. The training officer or his/her designee is authorized to review any BWC/MVR recordings not tagged by internal affairs unit for the purposes of developing and identifying training objectives and deficiencies.

VIII. RECORDS RETENTION AND REVIEW

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

3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct.
4. To assist the officer whose BWC/MVR made the recording in preparing his/her own police report, except:
 - a. In officer involved use of force incidents.
 - b. In motor vehicle pursuits resulting in death or serious bodily injury; or
 - c. When it captures images involving an encounter about which a complaint has been registered by the subject of the recording; or
 - d. When it pertains to a criminal investigation or otherwise records information that may have evidentiary or exculpatory value subject to discovery in a prosecution; or
 - e. When it records an arrest that did not result in an ongoing prosecution; or
 - f. When it records an incident that is the subject of an internal affairs complaint.
 - g. NOTE: nothing in this subsection is intended to prevent officers from considering, reviewing, or receiving an accounting of such BWC recording after the creation of any required initial reports, statements, and interviews regarding the recorded event. The events noted above in subsections VIII.C.4(b)(c) cannot be accessed or viewed without the expressed permission of the assistant prosecutor or deputy attorney general supervising the investigation. Force incidents that are under investigation in accordance with *Attorney General Law Enforcement Directive 2019-4* require permission from the assistant prosecutor or deputy attorney general supervising the investigation.
 - h. Officers reviewing a recording after completion of their initial report and wishing to add any additional information to the initial report can submit a supplemental report detailing their renewed recollection after supervisory approval. UNDER NO CIRCUMSTANCES, shall officers or supervisors change or modify the initial report
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 actually occurred during the encounter so that the person can make an informed decision whether to file the complaint.
7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court:
 - a. Such request must be specific and on the proper instrument, i.e.,

- subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. This agency reserves the right to redact BWC recordings as applicable by law.
 - 1) NOTE: when providing discovery in a domestic violence matter, ensure that the recording is reviewed prior to release to verify that there is no confidential information that should be redacted.
 - 2) This confidential information includes, but is not limited to, the location where the victim is being sheltered or contact phone numbers for those assisting the victim, etc.
 - d. All requests for copies or review of BWC recordings are subject to the fee requirements of the prevailing ordinance.
- 8. To comply with any other legal obligation to turn over the recording to a person or entity.
- 9. Solely and exclusively for internal training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes.
 - a. Note: consent is not required from Long Beach Township police officers appearing in the recording.
 - b. BWC recordings retained beyond 180 days solely and exclusively for training purposes shall not be admissible as evidence in any criminal or civil legal or administrative proceeding.
- 10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Ocean County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
- 11. To conduct an audit to ensure compliance with this SOP.
- 12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee.
- 13. Any other specified official purpose where the Ocean 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/MVR recordings or remove or disable any camera. Officers shall not instruct another to alter, tamper with, destroy, or conceal BWC/MVR recordings or remove or disable any camera. If an officer, employee, or agent fails to adhere to the recording or retention requirements contained in this SOP, N.J.S.A. 2C: 28-7, N.J.S.A. 40A:14-118.5 et seq., or intentionally interferes with a BWCs/MVRs ability to accurately capture audio or video recordings:
1. The officer, employee, or agent shall be subject to appropriate disciplinary action and potential criminal sanctions; and
 2. There shall be a rebuttable presumption that exculpatory evidence was destroyed or not captured in favor of a criminal defendant who reasonably asserts that exculpatory evidence was destroyed or not captured; and
 3. There shall be a rebuttable presumption that evidence supporting a plaintiff's claim was destroyed or not captured in favor of a civil plaintiff suing the government, a law enforcement agency, or a law enforcement officer for damages based on police misconduct if the plaintiff reasonably asserts that evidence supporting the plaintiff's claim was destroyed or not captured.
 4. Any recordings from a BWC recorded in contravention of N.J.S.A. 40A:14-118.5 et seq. or any other applicable law shall be immediately destroyed and shall not be admissible as evidence in any criminal, civil, or administrative proceeding.
- E. Recordings are considered investigatory records of this police department and shall be maintained on a secure server and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Recordings will be stored on the secure agency server or other designated storage device(s).
 2. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of at least 180 days.
 3. Recordings being stored for criminal, civil, or administrative purposes must be retained until the conclusion of the case plus any retention period.
 4. Recordings of an arrest that did not result in an ongoing prosecution, or records the use of police force, shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the employing law enforcement agency.
 5. Recordings shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC/MVR recording.
 6. 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 BWC/MVR 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 V.E.6 (e)(f)(g)) shall be permitted to review the body worn camera recording in accordance with N.J.S.A. 47:1A-1 et seq. to determine whether to request a three-year retention period
7. When a BWC/MVR records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation, any resulting administrative action and required retention.
- F. The Chief of Police or his/her designee shall notify the Ocean County Prosecutor's Office within one business day upon receiving any subpoena, court order or OPRA request for a BWC recording before complying with it. Such notice shall clearly indicate the deadline by which a response must be made.
- G. Open public record requests. Only the following body worn camera recordings shall be exempt from public inspection:
- 1. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E.5 of this SOP if the subject of the BWC/MVR recording making the complaint requests the BWC/MVR recording not be made available to the public.
 - 2. Recordings not subject to a minimum three-year retention period or additional retention requirements pursuant to subsection VIII.E.6 of this SOP.
 - 3. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E of this SOP.

4. Recordings subject to a minimum three-year retention period solely and exclusively pursuant to subsection VIII.E.6 if an officer, parent, or legal guardian, or next of kin or designee requests the recording not be made available to the public.
- H. A BWC recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Ocean County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.
1. If disclosure of a BWC recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms during execution of warrant, techniques for convincing persons to open doors during warrant execution, etc.), the Ocean 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 recording tagged pursuant to section VI.C of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Ocean County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWC recordings tagged pursuant to section VI.C.
 3. The assistant prosecutor, deputy attorney general or his or her designee overseeing an investigation pursuant to *Attorney General Law Enforcement Directive 2019-4*, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWC/MVR recording of the incident under investigation.
- I. The administrative division commander or his/her designee shall maintain a record of all BWC/MVR recordings that are accessed, viewed, copied, disseminated, or deleted. The system software can maintain these records automatically. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this SOP. Minimally, the record keeping system shall document the following information:
1. The date and time of access.
 2. The specific recording(s) that was/were accessed.

3. The officer or civilian employee who accessed the stored recording.
 4. The person who approved access, where applicable.
 5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
- J. If an original recording is required for use in court or by another law enforcement agency, that recording shall not be released outside the restrictions established in this SOP without the prior approval of the Chief of Police or his/her designee and only if a duplicate copy is retained by the department. A written request shall be made utilizing the Long Beach Township Police Department – Audio/Video/MVR/BWC Form and emailed to the administrative division commander or his/her designee for review and approval of the request.
1. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 2. The property/evidence custodian shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
- K. Officers shall not reproduce or store any recordings to any device or storage medium. This shall include, but not limited to, cell phones, electronic notebooks, etc.
- L. Subject to the restrictions in this SOP, recordings of unusual or significant incidents, deemed to be beneficial for departmental training, may be utilized for departmental in-service training purposes only with the approval of the Chief of Police.