


HOPEWELL TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURE		
TITLE Body Worn Camera (BWC)		
BY THE ORDER OF: Chief Lance Maloney	# OF PAGES: 8	
EFFECTIVE DATE: April 7, 2017	ACCREDITATION STANDARDS:	

I. PURPOSE

To establish guidelines for the proper operation of the BWC systems worn by sworn members of the Hopewell Township Police Department and to define the storage and retention for the events recorded by the BWC.

II. POLICY

Body Worn Cameras (BWC) shall be employed by the Hopewell Township Police Department in a manner consistent with the provisions outlined in this policy and with the provisions of the NJ Attorney General’s Directive 2015-01.

III. PROCEDURE

- A. Administration: The Hopewell Township Police Department has adopted the use of BWCs to accomplish several objectives:
 1. BWCs allow for accurate documentation of police-public contacts, arrests, and critical incidents. They also serve to enhance the accuracy of officer reports and testimony in court.
 2. BWCs also enhance the Hopewell Township Police Department’s ability to review evidence for investigative and prosecutorial purposes and to provide additional information for officer evaluation and training.
 3. The Chief shall determine which officers will be equipped with BWCs and shall determine the types of duty assignments in which those officers will wear BWCs.

4. The Chief of Police shall designate one or more training officers and shall establish a training program to ensure that officers equipped with BWCs are familiar with their operation and that officer and civilian employees who access or handle BWC recordings are familiar with the provisions of this policy and Attorney General's Directive 2015-01.
5. All video recordings from BWCs shall be retained for a period of not less than 90 days from the date of the recording. Videos required for prosecution of criminal offenses, motor vehicle infractions, and internal affairs investigations, or for any other administrative reason shall be electronically tagged for retention.
6. It shall be the responsibility of each officer to make sure that their recordings are tagged.

B. EQUIPMENT

1. The Hopewell Township Police Department has purchased WatchGuard Vista HD BWCs. This shall be the only BWC authorized for use by the members of the department. The BWC equipment and all data, images, and video captured, recorded, or otherwise produced by the equipment is the sole property of the Hopewell Township Police Department.
2. Members who are assigned BWCs must complete the department's provided training program to ensure proper use and operations. Additional training may be required at periodic intervals to ensure the continued effective use and operation of the equipment and to incorporate changes, updates, or other revisions in policy and equipment.
3. The BWC units shall be affixed to the uniform shirt, or an area to be determined by the Chief. The BWC must be affixed to the outermost garment in a fashion so as to capture the on goings in front of the officer IF the BWC footage is obstructed by such a garment.
4. All uniformed officers and detectives shall be assigned a BWC.
5. All police officers who are dressed in a uniform shall wear a BWC while on patrol duty.
6. Administrative staff and detectives are not required to wear BWCs while on duty unless assigned to patrol duties.
7. BWC equipment is the responsibility of individual officers and shall be used with reasonable care to ensure proper functioning.
8. Officers working Extra Duty shall not be required to wear a BWC.

9. An officer equipped with a BWC shall be responsible for determining that the device is fully functional and that its battery is adequately charged at the start of the officer's duty shift and before going into the field. If a malfunction is detected, the officer shall report the malfunction to a supervisor before going into the field. If the BWC malfunctions while out in the field, the malfunction shall be reported to the officer's supervisor as soon as it is safe and practicable to do so. Issues should be noted on the officer's patrol log.
10. All BWCs will be stored in the docking stations in the designated room at police headquarters.

C. OPERATION

1. A BWC shall only be used in performance of official duties and for the purpose of recording incidents, investigations, and police-civilian encounters involving those law enforcement activities specified in this policy and the Attorney General's Directive 2015-01. The following are circumstances when BWC activation by the Hopewell Township Police Department users are generally required:
 - A. The officer initiates an investigative detention (e.g. a Delaware v. Prouse traffic stop, a Terry v. Ohio criminal suspicion stop, checkpoint or roadblock);
 - B. The officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 - C. The officer is conducting a motorist aid or community caretaking check;
 - D. The officer is interviewing a witness in the course of investigating a criminal offense;
 - E. The officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded (Interview room, etc.);
 - F. The officer is making an arrest;
 - G. The officer is conducting a protective frisk for weapons;
 - H. The officer is conducting any kind of search (consensual or otherwise);
 1. Excluding strip and body cavity searches.
 - I. The officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force;

- J. The 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 based upon specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report;

Constructive Authority does not involve actual physical contact with the subject, but involves the use of the law enforcement officer's authority to exert control over a subject.

Examples include verbal commands, gestures, warnings, and un-holstering a firearm.

Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

- K. The officer is transporting an arrestee to a police station, county jail, or other place of confinement or mental health facility; or
 - L. The officer reasonably believes that any officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
- 2 To ensure that the entire encounter/event/episode is recorded, when feasible, a BWC should be activated before the officer arrives at the scene of a dispatched call for service or other police activity noted above. However, the officer need not begin recording at the moment he/she receives the initial dispatch. Rather the officer may delay activation until he/she is near the destination.

Except as otherwise expressly provided below, when a BWC is required to be activated, it must remain activated throughout the entire encounter/event/episode and shall not be deactivated until concluded (e.g. the officer has left or cleared the scene; all civilians have left the scene; the event has been "closed" in the CAD). When transporting an arrestee, the BWC shall remain activated at all times until he/she is secured in the holding cell or on the processing room bench. "Secured in a holding area" shall be defined as a prisoner cell or handcuffed to a cuffing bench or bar.

*BWCs should not enter inside the secure receiving areas of county jails. The BWC should be secured along with other equipment that is not to enter the facility.

- 3 When the BWC is activated, officers are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer.

- 4 When an officer equipped with a BWC is required to activate the device during an encounter a.) with a civilian occurring inside the person's residence, or b.) with a person reasonably believed to be the victim of a criminal offense, the officer shall verbally notify the person(s) with whom the officer is conversing that the BWC has been activated unless it is unsafe or infeasible to provide such notification. The officer shall document the reasons why he/she did not inform the subject that the BWC was activated.
- 5 When an officer 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 the BWC before arriving at the scene when feasible. An officer while at the scene of a police deadly force event or on the on-scene investigation of that event shall not deactivate the BWC unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general, or his/her designee supervising the investigation of the deadly force incident. Such instruction may be given telephonically.
- 6 Manual deactivation of a BWC is permissible in situations where prolonged recording from a stationary position is unlikely to result in any citizen contact or capture information that may be useful in any prosecution or civil proceeding. The officer shall narrate on the BWC the reason for the deactivation and immediately reactivate the unit each time the contact with the citizen is re-established.
- 7 An officer may de-activate 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. Under those circumstances, the officer shall narrate the reasons for deactivation of the BWC prior to proceeding with deactivation. An officer may decline a deactivation request at his discretion, but shall inform the citizen that the request is being denied. The request for deactivation by a civilian must be self-initiated by the civilian. The officer shall not suggest to the person that the BWC should be deactivated; nor shall the officer ask the person whether he/she would prefer that the BWC be deactivated.
- 8 If an officer fails to activate the BWC, fails to record the entire event contact, interrupts the recording, the officer shall document in the applicable incident or C.A.D. report why a recording was not made, was interrupted, or was terminated.
- 9 An officer 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 deactivate the BWC, the officers shall consider the privacy interests of the person requesting the deactivation and the person in need of medical assistance. Again, if the officer decides to deactivate the BWC, he/she must narrate the reason for the deactivation on the BWC.

- 10 Officers shall note in incident and case reports when BWC recordings were made during the incident in question. However, BWC recordings are not a replacement for written reports.
- 11 Officers utilizing the BWC shall, at a minimum, upload all recorded video at the end of their shift. Officers are encouraged to download video throughout their shift as time and opportunity permits.
- 12 Civilians shall not be allowed to review BWC recordings without permission of the Chief or a Lieutenant. Officer complaints shall be handled in accordance with the directives set forth in the state of New Jersey Attorney General's internal affairs guidelines. All other requests to view and/or obtain footage by the public shall be handled in accordance with OPRA procedures.

D. RESTRICTIONS

1. BWCs shall be used only in conjunction with official law enforcement duties. The BWCs shall not be used to record:
 - A. Communications with other police personnel without the permission of the Chief of Police or his/her designee;
 - B. Criminal investigation strategy/planning discussions or discussions with supervisors or other officers regarding the course of an investigation, if that discussion takes place away from civilian contact;
 - C. Encounters with undercover officers or confidential informants;
 - D. When on break or otherwise engaged in personal activities;
 - E. In any location where individuals have a reasonable expectation of privacy, such as a restroom or locker room, unless it is required to capture evidence for a criminal investigation.
 - F. In any school, healthcare/treatment facility, or place of worship unless otherwise justified in A.G. Directive 2015-01, provision 7.1.
 - G. Courtroom proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless such activation is expressly authorized by the judge.
2. BWCs shall be deactivated and removed from the Processing Room while processing a subject for driving while intoxicated so as not to inhibit the Alcotest machine.

3. Personnel shall not make copies of any BWC file or screen shot for their personal use and are prohibited from using a recording device such as a phone camera or secondary video camera to record such.
4. Under no circumstances will audio/video evidence be converted for personal use.
5. Accessing, copying, editing or releasing recordings or depictions of recordings without proper approval is strictly prohibited.

E. INSPECTION AND MAINTENANCE

1. When not in use, BWCs shall be stored at the designated secure docking stations at police headquarters for downloading and recharging of the cameras.
2. BWCs shall be inspected by officers at the beginning of each shift to guarantee both video and audio recording readiness of the system.
3. Any deficiencies in the use of the unit should be immediately brought to the attention of the officer's supervisor so that corrective action may be taken. Such deficiencies should be documented on the officer's patrol log.

F. CATEGORIZING AND STORAGE OF VIDEOS

1. All videos recorded during a shift shall be downloaded no later than at the conclusion of the officer's shift. This will be accomplished by inserting the camera into a docking station provided at police headquarters. The cameras will automatically upload any stored videos to the WatchGuard server to store the data.
2. All officers are responsible for ensuring that any videos they generate are properly categorized. This shall be done as soon as practicable after each event.
3. Officers also may add notes or additional data to the files if relevant to the prosecution of any criminal or motor vehicle cases.
4. Officers shall flag any videos taken in special facilities listed in the NJ A.G. Directive 2015-01 or any other video that has unusual privacy considerations.

G. SUPERVISORY REVIEW

1. Supervisors shall be responsible to ensure that officers having a BWC assigned to him/her conform to this policy.

2. Supervisors should encourage and assist officers in using BWC footage as a training aid. Supervisors shall review the BWC footage of all critical incidents made by officers under their supervision and offer constructive critiques whenever possible.
3. BWC footage shall be reviewed periodically by officer's respective supervisor.
4. Upon the completion of a periodic review, all officers BWC under the respective supervisor's command will have been reviewed to ensure that the current policy is being adhered to. A Guardian Tracking entry indicating so will be completed.
5. Violations of the policy will be addressed accordingly and any corrective action will be recorded by the appropriate supervisor.

H. VIDEO REVIEW

1. Subject to any restrictions established by Attorney General Directives/Guidelines or other established policies, officers are permitted to conduct a review of the contents of a BWC video that they generated to ensure accurate reporting, to assist in articulation of probable cause, and to assist in the preparation of courtroom testimony at any point during the investigative or prosecution processes.
2. Officers who wish to view videos from other BWCs from an incident in which they were involved in may only do so with the approval of their supervisor.
3. Officers may not view videos from BWCs from an incident in which they were not directly involved in without prior approval from the Chief of Police.