

	GENERAL ORDER		8-21
	SUBJECT: BODY WORN CAMERA POLICY		
	Supersede: General Order #6-19		
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PURPOSE

The purpose of this General Order is to establish guidelines for the use, management, storage, and dissemination of audio/video footage recorded by body worn cameras (BWC) deployed to the members by the Jersey City Police Department in accordance with [New Jersey Attorney General Law Enforcement Directive #2021-5](#). The objective of the BWC program is to provide accountability and transparency regarding interactions between members of the JCPD and the public in order to achieve a balance between the interests in public safety of law enforcement and the privacy interests of the public they serve.

POLICY

It is the policy of the Jersey City Police Department to utilize body worn cameras (BWC) to assist its members in the performance of their duties by providing accurate and unbiased accounts of interactions with citizens during an officer's response to an incident. This policy shall limit the discretion afforded officers in the field by providing objective criteria to be followed when making the decision to activate/de-activate a BWC

Members shall use the equipment in accordance with the training provided on the use of BWCs as well as the manufacturer's guidelines on the use of the device.

PROCEDURES

I. Definitions

For purposes of this general order, the following terms are defined

Activate means to activate the recording mode/function of a body worn camera.*

*When the COBAN BWC is turned on and in standby or buffering mode, the device does not make a permanent record of images/sounds unless the officer activates the recording mode/function. When the officer activates the recording mode/function, the device automatically preserves an electronic recording of the events that transpired 30 seconds before the recording mode/function was activated (video only). This time-delay or "buffering" feature allows the device to capture visual data concerning the event circumstances that prompted the officer to activate the BWC. When an officer does not activate the recording mode/function, data captured while the device is in standby/buffering mode is overwritten automatically.

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

Constructive authority shall have the same meaning as defined in the Attorney General's Use of Force Policy, except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest or directed against any person if the officer has un-holstered a firearm or a conducted energy device.

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

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

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

Law enforcement officer means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.

Mobile video recording system Device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.

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 the aforementioned 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.

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.

Subject of the video footage Any law enforcement officer, suspect, victim, detainee, conversant, injured party, or other similarly situated person who appears on the BWC recording, and shall not include a person who only incidentally appears on the recording.

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.

Youth facility means a facility where children assemble under adult supervision for educational or recreational purposes, such as group homes, residential facilities, day-care centers, day treatments centers, etc.

II. General

- A. Members may only use a BWC system that has been issued and approved by the Jersey City Police Department.
- B. An officer equipped with a BWC must comply at all times with the requirements established in this Policy;
- C. A BWC shall be used only in performance of official police duties and not for personal purposes;
- D. No BWC recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the Jersey City Police Department except for an official purpose specified in this Policy or by law;
- E. Any sworn officer or civilian employee of the Jersey City Police Department who knowingly violates the requirements of this Policy shall be subject to discipline.

- F. Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal BWC recordings or remove or disable any camera. Any such tampering is a violation of N.J.S.A. 2C: 28-7, and is a 4th degree crime.
- G. BWC used by an officer shall be placed so that it maximizes the camera's ability to capture video footage of the officer's activities. This may include placement on helmets, vests or other such location so long as the device is secured properly and will maximize the device's recordation function.
- H. Desk supervisors, when recording the names and assignments of officers, shall also record in the desk blotter the assigned BWC number for each officer for that tour of duty. Desk supervisors will ensure accurate accountability of the BWCs and will conduct a visual inspection for obvious signs of damage.
- I. Officers shall inspect their BWCs at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system. An officer equipped with a BWC shall be responsible for determining that the device's battery is adequately charged before going into the field.
- J. 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, upon its discovery, shall be reported to the officer's supervisor as soon as it is safe and practicable to do so. In either case, the officer shall complete a 203A report documenting the BWC serial number as well as the description of the malfunction. Malfunctioning units shall be taken out of service and not be deployed until repairs have been made. A replacement unit shall be procured upon availability.
- K. The decision to activate or de-activate a BWC is a police action subject to the rule established in [Attorney General Law Enforcement Directive \("AG Directive"\) No. 2005-1](#), which strictly prohibits any form of racially-influenced policing.

III. Officers Required to Wear BWCs

- A. All uniformed patrol officers while acting in the performance of official duties, as required by N.J.S.A. 40A:14-118.3 (P.L. 2020, c. 128). This shall include uniformed officers assigned to traffic law enforcement, as well as Class II Special Law Enforcement Officers (SLEO IIs) assigned to patrol or traffic law enforcement duties.
- B. All officers assigned to tactical teams as defined in this Policy. Tactical Teams shall include E.S.U. (Emergency Services Unit), Entry Teams, Rapid Deployment, Fugitive or similar units.
- C. All officers assigned to proactive enforcement teams as defined in this Policy.
- D. All officers assigned to canine units.

- E. All officers whose assigned duties include regular interaction with members of the public, which reasonably may give rise to an arrest situation or use of force.
- F. All officers assigned to “front desk” duty in Jersey City Police Department facilities, whose duties include interaction with members of the public who enter police facilities to report incidents or request assistance or information.
- G. All officers assigned to a pre-planned search warrant execution or a pre-planned arrest.
- H. All uniformed officers assigned to duties at demonstrations or potential civil disturbances.
- I. Exemptions from the requirements above are permitted only when approved by the Director of Division of Criminal Justice or the County Prosecutor, and only under such special circumstances that warrant an exemption. The reasons for the exemption must be documented and demonstrate a special need. Such requests for exemption shall be made in advance and approved in writing.

IV. Officers Not Required to Wear BWCs.

- A. Notwithstanding the provisions of III above, the following officers are not required by this Policy to be equipped with BWCs:
 - 1. Officers engaged in undercover assignments.
 - 2. Officers acting as hostage negotiators or crisis negotiators working in conjunction with tactical teams.
 - 3. Officers assigned to administrative positions within the Department. This provision shall not exclude officers assigned to “front desk” duty, as defined in Section III (f), from the requirement to be equipped with BWCs.
- B. Officers meeting with confidential sources or recruiting potential confidential sources.
- C. Officers engaged in union representation of a member of the collective bargaining unit.
- D. Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (SROs) and Class III Special Law Enforcement Officers (SLEO IIIs). Officers assigned to duties at schools or youth facilities working security or crowd-control functions at special events such as athletic competitions, graduations or similar public events shall be equipped with BWCs.

- E. Non-uniformed officers assigned to investigative, non-enforcement duties, when authorized by the Chief Law enforcement executive.
- F. Officers engaged in crime-scene processing duties.

V. Training/BWC Unit

- A. The Chief Law Enforcement Executive shall designate one or more training officers and shall establish a training program to ensure that officers equipped with BWCs and officers and civilian employees who access or handle BWC recordings are familiar with the provisions of this Order. The program shall also ensure:
 - 1. initial training is provided to all newly hired officers and/or officers who were not previously trained
 - 2. periodic refresher training, as required, to ensure the continued effective use and operation of the equipment, proper calibration and performance, and to incorporate changes, updates, or other revisions in policy and equipment
 - 3. supplemental training as needed; and
- B. The Chief Law Enforcement Executive shall establish a BWC Unit consisting of Supervisors who have been trained and are familiar with the provisions of this Order. These designated supervisory personnel will be responsible for reviewing, auditing, and redacting BWC footage as required.

VI. Notice BWCs are Deployed and Activated

- A. The Jersey City Police Department website/webpage (JCPDOnline.org) contains a clear statement that this department utilizes body worn cameras. The website posting includes an image showing what the device looks like and how it is to be worn by officers so that citizens will be able to determine whether an officer is equipped with the device.
- B. An officer who is wearing a BWC shall notify the subject of the recording that the subject is being recorded by the BWC, 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. If the officer does not provide the required notification because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in a report or by narrating the reasons on the BWC recording, or both. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- C. When wearing a BWC, prior to entering a private residence, officers **shall notify the occupant** that they are being recorded unless it is unsafe or

unfeasible to provide such notification. If the occupant requests the officer to discontinue use of the officer's 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. A request to discontinue the use of a BWC made to an officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.

- D. 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 incident report why a recording was not made, was interrupted, or was terminated.
- E. 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 Hudson County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
- F. When interacting with an apparent crime victim, an officer shall, as soon as practicable, notify the apparent crime victim that he or she is being recorded by the BWC and, if the apparent crime victim requests the officer to discontinue use of the BWC, the officer shall immediately discontinue use of the BWC. A request to discontinue the use of a BWC made to an officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.
- G. When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, the officer shall notify the person that they are wearing a BWC and, if the person requests that the officer discontinue use of the BWC, the officer shall evaluate the circumstances and, if appropriate, discontinue use of the BWC. A request to discontinue the use of a BWC made to an officer pursuant to this Section and the response to the request shall be recorded by the recording system prior to discontinuing use of the recording system.

VII. Activation of BWC

- A. A BWC shall not be activated while the officer is on break or otherwise is not actively performing law enforcement functions or where individuals have a reasonable expectation of privacy (e.g., while eating meals, while in a restroom, locker room, etc.). A BWC shall not be activated or used by an officer for personal purposes, or when engaged in police union business. Nor shall a BWC be used to record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction. Any recordings from a BWC recorded in contravention of this Policy or any other applicable law shall be immediately brought to the attention of the officer's

commander and immediately destroyed following consultation and approval of the Hudson County Prosecutor. Such footage shall not be admissible as evidence in any criminal, civil, or administrative proceeding.

- B. An officer equipped with a BWC is required to activate the device whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public, to include any of the following circumstances unless there exists an immediate threat to the officer's life or safety that makes such activation impossible or dangerous; in such situations, the officer must activate the camera at the first reasonable opportunity to do so and it shall remain activated until the encounter has fully concluded and the officer leaves the scene:
1. the officer initiates an investigative detention (e.g., a Delaware v. Prouse traffic stop, a Terry v. Ohio criminal suspicion stop, or a checkpoint or roadblock stop);
 2. the officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 3. the officer is conducting a motorist aid or community caretaking check;
 4. the officer is interviewing a witness in the course of investigating a criminal offense;
 5. the officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogations);
 6. the officer is making an arrest;
 7. the officer is conducting a protective frisk for weapons;
 8. the officer is conducting any kind of search (consensual or otherwise);
 9. 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;
 10. 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 in this subsection based on specific and articulable facts warranting heightened caution that are documented by narration on the recording and/or in any investigation or incident report;

11. the officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility; or
 12. the officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.
- C. To ensure that the entire encounter/event/episode is recorded, in accordance with this Policy and the law, a BWC should be activated before a uniformed officer arrives at the scene of a dispatched call for service or other police activity listed in Section VII.A. However, the officer need not begin recording at the moment he or she receives instructions from a dispatcher to respond to a call for service. Rather, the officer may delay activation until they are near the destination.
1. When a BWC is required to be activated by an officer pursuant to this Policy, the device must remain activated throughout the entire encounter/event/episode and shall not be de-activated until it is concluded (e.g., the BWC-equipped officer has left the scene; all civilians involved in the encounter have left the scene; the officer has informed the dispatcher or a supervisor that the event has concluded; the event is “closed” on the department’s computer-aided dispatch (“CAD”) system, etc.).
 2. When a BWC is activated pursuant to Section VII.B.(11) (transport of arrestee), whether by an officer in uniform or in plain clothes, it shall remain activated at all times while the BWC equipped officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room, 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.
- D. Consistent with the provisions of N.J.S.A. 2C:33-15a(4), the video and audio recording functions of an officer’s BWC shall be activated whenever the officer is responding to a call for service related to an underage person who is suspected of violating the law with respect to possessing or consuming an alcoholic beverage, marijuana, hashish, or a cannabis item, or at the initiation of any other law enforcement or investigative encounter between an officer and a person related to a violation or suspected violation of that provision. The BWC shall remain activated until the encounter has fully concluded and the officer leaves the scene and shall not be deactivated based on a request by a person who is the subject of the call for service related to a violation of N.J.S.A. 2C:33-15, or for any other reason.

- E. When an officer equipped with a BWC is dispatched to or otherwise goes to the scene of a “Law Enforcement Incident” as defined in AG Directive 2019-4, the officer shall activate the BWC before arriving at the scene when feasible. An officer while at the scene of a “Law Enforcement Incident” shall not deactivate the BWC unless instructed to do so by the assistant prosecutor or assistant or deputy attorney general supervising the investigation of the deadly-force incident pursuant to [AG Directive 2019-4](#), or his or her designee. Such instruction may be given telephonically by the assistant prosecutor, assistant or deputy attorney general, or designee supervising the investigation.

VIII. De-Activation of BWC

- A. An officer 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. The officer 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 de-activation must be self-initiated by the civilian. The officer may explain the consequences of de-activation (e.g., evidence relevant to a criminal investigation will not be recorded). In deciding whether to deactivate the BWC, the officer shall consider the privacy and safety interests of the person requesting de-activation, whether the encounter is occurring in the person’s residence, and the need for the information or assistance that the person will provide only if the de-activation request is honored.
- B. An officer may deactivate a BWC when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWC be deactivated. In deciding whether to deactivate the BWC, the officer shall consider the privacy interests of the person requesting de-activation and the person in need of medical assistance.
- C. When an officer deactivates a BWC upon a civilian’s request:
1. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
 2. 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*”);
 3. The officer shall report the circumstances concerning the deactivation to the supervisor as soon as is practicable; and
 4. The officer shall document the circumstances of the deactivation in any investigation or incident report concerning the incident under investigation.

- D. 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 officer's superior as soon as it is safe and practicable to do so.
1. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 2. 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 Hudson County Prosecutor or his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
- E. Officers may deactivate a BWC when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWC pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off my BWC as per the instruction of assistant prosecutor (insert name)*").
- F. Officers may deactivate a BWC when specifically authorized to do so by a supervisor while participating in a discussion pertaining to criminal investigation strategy and planning 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*").
- G. 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 if and when the circumstances justifying deactivation no longer exist and the officer would otherwise be required to activate the BWC.
- H. In any instance where a BWC was de-activated pursuant to this section or any other provision of this Policy, if the circumstances develop so that an officer is authorized to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

IX. Special Restrictions on Activation of BWC

- A. Unless the officer is actively engaged in investigating the commission of a criminal offense, or is responding to an emergency, or reasonably believes that he or she will be required to use constructive authority or force, the officer shall not activate a BWC, or shall de-activate a BWC that has been activated, while the officer:
1. is in a school or youth facility or on school or youth facility property under circumstances where minor children would be in view of the BWC;
 2. is in a patient care area of a healthcare facility, medical office, or substance abuse treatment facility under circumstances where patients would be in view of the BWC; or
 3. is in a place of worship under circumstances where worshipers would be in view of the BWC. See also Section XI.B (notation (i.e., “tagging”) of certain events/encounters raising privacy or other special issue
- B. 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 if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWC).
- C. An officer shall not activate a BWC, or shall de-activate a BWC that has been activated, if the officer knows or reasonably believes that the BWC would risk revealing the identity of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the recording risks revealing the identity of an individual as an undercover officer or confidential informant.
1. In the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present (e.g., a raid where the undercover operative will be arrested to preserve his or her cover), the Hudson County Prosecutor or designee,

or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any BWC-equipped officers participating in the operation on whether to activate their devices.

2. The BWC shall be activated/re-activated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- D. In the event that a BWC, worn during the execution of tactical operations (e.g., “Emergency Services” or “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.), the recording shall be tagged accordingly to prevent its unauthorized release. See N.J.S.A. 47:1A-1.1 (exempting from disclosure under the Open Public Records Act “security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons”); N.J.A.C. 13:1E-3.2 (2) (exempting records that may reveal “surveillance, security, tactical, investigative, or operational techniques”); see also Section XI.D (prosecutor’s authority to seek protective orders when complying with discovery obligations).
- E. An officer 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 force or constructive authority.
- F. In order to eliminate any argument that radio frequency interference from a BWC affected an electronic alcohol breath test, BWCs shall be deactivated, turned off and removed from the area of the breath test instrument before an electronic breath test is conducted. Nothing herein shall be construed to preclude the use of a BWC to record the behavior of a person arrested for driving while intoxicated other than while the person is in the breath-testing area while the electronic breath testing device is being operated. If this provision requires de-activation of a BWC, the officer shall narrate the reasons for de-activation (e.g., “I am de-activating the BWC because the suspect is about to take a breath test.”), and the BWC shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.
- G. If a department acquires a BWC with enhanced audio/video capabilities that allow it to record an image or conversation that could not be seen or heard by the officer wearing the device (e.g., infrared night vision or thermal imaging, sound amplification that would record conversations occurring at a remote distance), that feature/capability shall not be used without the express approval of the Hudson County Prosecutor or designee.
- H. A BWC shall not be used surreptitiously. Additionally, a BWC shall not be used to gather intelligence information based on First 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 an officer and a member of the public.

X. Officer Responsibilities

- A. All officers assigned a BWC are responsible for its use and maintenance during their tour of duty.
- B. 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 and post shift inspection, the officer shall activate the BWC and verbally state the date, time, whether a pre or post-shift inspection is being conducted, and that a test is being performed on the unit.
 2. Any problems preventing the use of the unit during the shift will be reported to the officer's immediate supervisor upon discovery. The supervisor shall assign a spare BWC from the charger and note the number of the fresh unit on desk blotter
- C. At the end of each shift the BWC shall be placed into the docking station, which will automatically download the BWC footage. Officers shall tag any recordings that require tagging as soon as practical. Tagging shall include the case number and/or any other identifying markers to link it to a specific case. Any events tagged by an officer shall be noted in the incident report. All of the recordings from the officer(s) associated with an incident and/or investigation, requiring retention beyond the 180-day default retention period, shall be assigned a category (listed below). Tagging such recordings shall not be used as a means to generate overtime. Recordings that have not downloaded prior to the end of a shift shall be tagged during the officer's next tour of duty.
 1. Categories for tagging and retention purposes:
 - a. Civil lawsuit - for evidence related to an actual pending civil lawsuit;
 - b. Complaint against police - recording needed for a potential or actual complaint against police;
 - c. Criminal arrest;
 - d. Delete request
 - e. Disorderly arrest;
 - f. DWI Arrest;

- g. Evidence;
- h. Officer injury;
- i. Officer request;
- j. OPRA request;
- k. Park and walk
- l. Pedestrian/Motor vehicle stop;
- m. Pending review - for COBAN quality control purposes only;
- n. Special operations
- o. Special privacy
- p. Training demonstration;
- q. Use of force;
- r. Vehicle pursuit.

- D. Viewing of BWC events is strictly limited to sworn officers of the Jersey City Police 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.
- E. If an officer is involved in an incident where he/she believes BWC video footage may be beneficial to respond to an Internal Affairs complaint, or similar, the officer shall immediately notify a supervisor and request that the video retention period be extended. The video shall be tagged "Officer Request". If the incident required an investigation report, the above procedure shall be documented in the narrative.
- F. Recorded video 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. Officers are encouraged to notify their supervisors of recordings, which may be beneficial for training purposes.
- G. Officers and employees shall not reproduce or store any recordings to any device or storage medium. This shall include, but not be limited to, cell phones, electronic notebooks, etc.

XI. Supervisory Review

- A. Supervisory personnel shall ensure that all officers under their command required to be equipped with BWCs are equipped with BWCs and utilize them in accordance with this Order.
- B. After each roll call the desk lieutenants shall inspect the BWC docks to ensure that all BWCs have been deployed and returned accordingly. BWC deployment and returns shall be compared to the shift schedules and the inspection shall be noted on the supervisors verification form.
- C. When reviewing incident reports, desk lieutenants shall ensure that the pertinent CAD/RMS record is annotated with an entry noting a BWC was used.
- D. Upon reviewing an officer's incident report where tagging is noted, the desk supervisor shall ensure the events were properly tagged utilizing the supervisor's own Coban Command Center Account to conduct the review.
- E. When reviewing incident reports, desk supervisors shall ensure that district commanders are made aware of recordings that are subject to meaningful command review. District commanders shall be notified of recordings subject to meaningful command review by the desk supervisor's completion of a 203A. Multiple notifications can be made by the use of the same 203A.
- F. The BWC Unit consisting of designated supervisory personnel along with command personnel shall be responsible for the periodic and/or random reviewing of non-evidential BWC events in an effort to ensure the equipment is operating properly, to assess officers' performance and adherence to written directives/policies and established professional standards, and to identify other training needs.
- G. In order to maintain fairness in the selection of videos reviewed, the BWC Unit or reviewing command personnel shall create a list of randomly selected individual BWCs to review. This may be accomplished by computer generation or manually.
- H. Upon completion of the periodic review, the BWC Unit/ reviewing command personnel shall prepare an administrative report documenting any positive or negative activities observed. This should include any recommendations for training and/or discipline resulting from the observations.
- I. The Internal Affairs Unit shall obtain, review, and retain all administrative reports generated in accordance with this Order and a summary report will be forwarded to the Chief of Police for review.
- J. Separate from the above-mentioned periodic review of randomly selected BWCs, the Chief of Police or Internal Affairs Commander may review specific BWC footage if circumstances arise that require an investigation to commence.

- K. If an officer authorized to utilize a BWC has been flagged by the Internal Affairs Unit-Early Warning System, then the Internal Affairs Unit shall periodically review that officer's BWC footage and shall document to the Chief of Police any observed behavior requiring corrective action and shall include the action taken (training, disciplinary charges or placed in this department's Intensive Supervision Program).

X. Retention of BWC Recordings

- A. A BWC recording shall be retained for not less than 180 days from the date it was recorded, after which time the recording shall be permanently deleted. The recording shall be subject to additional retention periods as required in Sections B, C, and D below.
- B. A BWC recording shall automatically be retained for not less than three years if it captures images involving an encounter about which a complaint has been registered by a subject of the BWC recording.
- C. Subject to any applicable retention periods established in Section D to the extent such retention period is longer, a BWC recording shall be retained for not less than three years if voluntarily requested by:
 - 1. officer whose BWC made the video recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - 2. officer who is a subject of the BWC recording, if that officer reasonably asserts the recording has evidentiary or exculpatory value;
 - 3. any immediate supervisor of a law enforcement officer whose BWC made the recording or who is a subject of the BWC recording, if that immediate supervisor reasonably asserts the recording has evidentiary or exculpatory value;
 - 4. any officer, if the BWC recording is being retained solely and exclusively for police training purposes;
 - 5. any member of the public who is a subject of the BWC recording;
 - 6. any parent or legal guardian of a minor who is a subject of the BWC recording; or
 - 7. a deceased subject's next of kin or legally authorized designee.

To effectuate subparagraphs 5, 6, and 7 of this Section, the member of the public, parent or legal guardian, or next of kin or designee shall be permitted to review the BWC recording to determine whether to request a three-year retention period, in accordance with the provisions of the Open Public Records

Act, N.J.S.A. 47:1A-1 et seq., to determine whether to request a three-year retention period.

D. A BWC recording shall be subject to the following additional retention requirements:

1. when a BWC recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in a criminal prosecution; It will be the responsibility of every officer to properly and uniformly “tag” all videos at this time on their BWC.
 - a. The patrol/desk supervisor, authorized personnel, or BWC unit will upload footage to EVIDENCE.com when video footage captures the recovery of evidence, statements made by suspects/victims, descriptions relevant to an investigation, and/or identifications of suspects/victims. The patrol/desk supervisor, authorized personnel, or BWC unit will view the beginning, middle, and end portion of said video to ensure the uploading was successful.
2. when a BWC records an arrest that did not result in an ongoing prosecution, or records the use of police force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer or the Jersey City Police Department;
3. when a BWC records an incident that is the subject of an internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.

XI. Standards to Ensure Secure Storage and Accessibility of BWC Recordings

- A. The Department has established within the BWC system procedures to ensure the integrity, proper handling, and storage of all BWC recordings. This system includes provisions to:
1. ensure that all recordings are uploaded to a secure data storage system in a timely fashion;
 2. prevent tampering with or deletion of recorded data both before and after downloading from the BWC and uploading to the storage system;
 3. prevent unauthorized access to stored BWC recordings;
 4. document all instances where BWC recordings are accessed, viewed, copied, disseminated, or deleted; and

5. permit auditing of all instances where BWC recordings are accessed, viewed, copied, or deleted.
- B. Officers shall categorize videos that capture any of the following circumstances that the New Jersey Attorney General has deemed ‘special privacy’ issues (see below). Officers must tag those recordings falling into these categories by the end of their next shift. Recordings marked ‘special privacy’ will have viewing immediately restricted to the BWC Unit and designated personnel assigned by the Chief of Police. All initial police reports must be written prior to a video being categorized ‘special privacy’. To identify BWC recordings that may raise special privacy or safety issues, officers shall appropriately label recordings that:
1. Capture the image of a victim of a criminal offense;
 2. Capture the image of a child;
 3. Were made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
 4. Capture a conversation with a person whose request to deactivate the BWC was declined;
 5. Capture a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 6. Capture the image of an undercover officer or confidential informant;
or
 7. Capture the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive informant
- C. A BWC recording tagged pursuant to the section ‘Special Privacy’ of this general order shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Hudson 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 the ‘Special Privacy’ section of this order.
- D. 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 Hudson 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.

XII. Restrictions on Access/Use/Dissemination of BWC Recordings

- A. No officer or civilian employee 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 possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 4. When relevant to a supervisor's review of an officer's actions as part of the supervisory process;
 5. 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;
 6. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 7. The Jersey City Police Department reserves the right to redact video as applicable by law.
 8. All requests for copies or review of BWC recordings may be subject to fees assessed by the City of Jersey City
 9. To comply with any other legal obligation to turn over the recording to a person or entity;
 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 Hudson County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that

particular person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;

11. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
 12. to conduct an audit to ensure compliance with this Policy and a department's policy, standing operating procedure, directive, or order promulgated pursuant to this Policy;
 13. 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 Hudson County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee;
 14. Any other specified official purpose where the Hudson 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
- B. To ensure the integrity of the investigation of "Law Enforcement Incidents" conducted pursuant to AG Directive 2019-4, and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this Policy, no civilian or law enforcement witness, including the principals of the investigation, shall be given access to or view a BWC recording of the incident, or a BWC recording of the response or on-scene investigation of the incident, without the express prior approval of the "Independent Investigator," as that term is defined in AG Directive 2019-4.
- C. An officer shall not review or receive an accounting of a BWC recording that is subject to a minimum three-year retention period pursuant to Sections X.B & D prior to creating any required initial reports, statements, and interviews regarding the recorded event. Subject to the provisions of Section XII.B of this Policy, nothing in this paragraph is intended to prevent the officer from considering, reviewing or receiving an accounting of such a BWC recording subsequent to the creation of any required initial reports, statements, and interviews regarding the recorded event.
1. While information culled from the BWC recording may not be considered in creating an initial required report, statement or interview, after the creation of such initial report, statement or interview, in a case

not subject to the provisions of Section 10.2 of this Policy, the officer may review the BWC recording and, if appropriate, create additional reports or make additional statements or documentation that revise or supplement the initial report, statement or interview that incorporate or reflect any information adduced from a review or accounting of the BWC recording.

- D. The Chief of Police or his/her designee (BWC Unit) shall maintain a record of all BWC recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this general order. 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; and
 5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.

XIII. Deletion Requests

- A. Only the Internal Affairs Unit can delete BWC recordings with the expressed consent of the Chief of Police or the Hudson County Prosecutor's Office.
- B. If an officer has inadvertently recorded data that is private or inappropriate, a request to delete the recording should be made to their immediate supervisor as soon as possible who shall forward the information to Internal Affairs.
1. The BWC shall not be uploaded by the officer. Instead the officer shall submit a 203A to the Internal Affairs Unit and the system administrator. The actual BWC shall be taken out of service and turned over to the Internal Affairs Unit for downloading. The officer shall be issued a spare unit.
 2. Depending on the circumstances, the Internal Affairs commander shall assign an investigator to the incident.
 3. Internal Affairs shall conduct an investigation, respecting all rights to personal privacy, having the BWC recording viewed only by an officer of the same sex, if necessary.

4. Upon completion of the investigation, the Internal Affairs commander shall notify the Chief of Police and request permission to delete the recording if warranted.

XIV. Public Disclosure of BWC Recordings

- A. The Chief of Police or his/her designee shall notify the Hudson 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 state the deadline by which a response must be made.
- B. 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 Hudson 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.

All members of the Department will take cognizance of the foregoing and be guided accordingly. Each Supervisor shall be responsible for directing the effective implementation of this Order.

BY ORDER OF:



**DEPUTY CHIEF NICOLA FLORA
EXECUTIVE OFFICER**