

	<b>HACKETTSTOWN POLICE DEPARTMENT</b>	
	<b>POLICIES AND PROCEDURES</b>	
<b>Subject:</b> Audio and Video Recording: BWC and MVR		<b>Number of Pages:</b> 20
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<b>Authorized By:</b> Aaron Perkins Chief of Police		

## PURPOSE

The purpose of this policy is to establish guidelines and procedures for the proper use, operation, and management of mobile audio and video devices, including Body Worn Cameras (BWCs) and Mobile Video Recorders (MVRs) by agency personnel. This policy aims to promote accurate documentation of law enforcement encounters. These devices are intended to document law enforcement activities, enhance officer safety, ensure transparency, and protect the rights and privacy of all individuals in compliance with New Jersey laws.

## POLICY

It is the policy of this agency to utilize mobile audio and video recording devices, including BWCs and MVRs, to enhance transparency, accountability, and public trust in law enforcement operations. These devices serve as critical tools to document interactions with the public, collect evidence, and safeguard the rights of individuals and officers. The use of audio and video recording technology shall comply with applicable federal, state, and local laws, including the New Jersey Attorney General Guidelines, and shall align with best practices to ensure the integrity of recordings, the privacy of individuals, and the safety of all parties involved.

All personnel shall use this equipment in a manner consistent with the manufacturer's guidelines, this policy and procedure, and those policies or guidelines issued by the New Jersey Attorney General and the Warren County Prosecutor's Office. Failure to use this technology in accordance with this policy and those policies or guidelines issued by the New Jersey Attorney General and the Warren County Prosecutor's Office can result in discipline.

## DEFINITIONS

**Activate:** To actuate the recording mode/function of a body-worn camera.

**Body-Worn Camera(s) (BWC):** A device worn by a law enforcement officer that makes an electronic audio and video recording of activities that take place during any law enforcement action. All BWCs must be approved and issued by the department. The term does not include a mobile video recording device when mounted inside a police vehicle (i.e. in-car camera). 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 NJ 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 (e.g., "show me your hands," "get out of the vehicle," etc.), or directed against a person if the officer has un-holstered a firearm or a conducted energy device (e.g., "move out of the way," "get down," etc.).

**Investigation of a criminal offense:** 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.

**Mobile Video Recording (MVR) System:** A device or system installed or used in a police vehicle (i.e. in-car camera) 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.

**School:** 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.

**System Administrator:** The "system administrator" is an officer who is assigned by the Chief of Police or their designee to facilitate the operation of the MVR system. The officer(s) will receive training and administrator access to the MVR system to coordinate effective daily operations of the system.

**Youth facility:** A facility where children assemble under adult supervision for educational or recreational purposes, such as group homes, residential facilities, day-care centers, day treatment centers, etc.

## **PROCEDURE**

### **I. General**

- A.** The Hackettstown Police Department has promulgated this policy to ensure the proper and lawful use of BWCs and MVRs by its officers. The following requirements are established:
1. Officers employed by the Hackettstown Police Department may only use BWC and MVR systems that have been issued and approved by the agency.
  2. Officers equipped with BWCs or utilizing vehicles equipped with an MVR are required to comply at all times with the standards and requirements set forth in this policy, as well as any standing operating procedures, directives, or orders issued by the agency or mandated by law.
  3. BWCs and MVRs are authorized solely for use in the performance of official law enforcement duties and are strictly prohibited from being used for personal purposes, union activities, or non-law enforcement functions.
  4. BWC and MVR recordings may only be accessed, viewed, copied, disseminated, or otherwise used by agency personnel for official purposes as authorized by this policy or applicable law.
  5. Any officer or civilian employee who knowingly violates this policy, the agency's standing operating procedures, directives, or orders, or any applicable law will be subject to appropriate disciplinary action.
- B.** Officers who utilize BWC and/or MVR equipment, as well as civilian employees who access or manage recordings, shall receive comprehensive initial training upon hire to ensure familiarity with this policy, the Attorney General's Guidelines, and all related procedures and directives. In-service training will be provided periodically to ensure continued compliance and proficiency.

## **II. Types of Incidents to be Recorded**

- A.** Officers equipped with BWCs or utilizing vehicles with MVR systems shall activate and record during the following circumstances unless there is 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 and keep it activated until the encounter has fully concluded, and the officer has left the scene:
1. Responding to just-reported crimes, crimes in progress, or calls for service.
    - a) Officers are not required to activate their recording devices immediately upon receiving instructions from a dispatcher. Activation may be delayed until the officer is approaching or near the dispatched location.
  2. Initiating any investigative detention, including traffic stops, criminal suspicion stops, checkpoints, or roadblocks.
  3. Engaging in motorist aid or community caretaking checks.

4. Conducting pedestrian stops.
5. Investigating the report of crimes, crime scenes, or interviewing a witness in the course of a criminal investigation.
6. Conducting custodial interrogations, unless the interrogation is otherwise recorded under NJ Court Rule 3:17 (electronic recording of station-house interrogations).
7. Making an arrest.
8. Conducting a protective frisk for weapons.
9. Conducting any kind of search, whether consensual or otherwise.
10. Engaging in a police response to civil disorder where the officer is interacting with or in the presence of civilians and where constructive authority or force may be employed.
11. Using constructive authority or force, or when there is a reasonable belief that such authority or force may be used, based on specific and articulable facts warranting heightened caution.
12. Transporting an arrestee to a police station, jail, hospital, or other place of confinement, medical care, or mental health facility.
13. Having contact with prisoners, including searches, custody, and transport.
14. Serving any arrest or search warrant.
15. Engaging in public contacts that involve a law enforcement component.
16. Observing or reasonably believing that another officer on the scene has undertaken or is engaged in any of the above-listed activities.
17. Consistent with N.J.S.A. 2C:33-15a(4), officers must activate the video and audio recording functions of their BWCs whenever responding to a call for service involving an underage person suspected of violating laws related to possessing or consuming alcohol, marijuana, hashish, or cannabis items.
  - a) BWCs must also be activated at the initiation of any other law enforcement or investigative encounter related to these violations.
  - b) The BWC must remain activated until the encounter is fully concluded, and the officer leaves the scene.
  - c) Deactivation is not permitted based on a request from the subject of the call for service or for any other reason.
18. When responding to a "Law Enforcement Incident" as defined in AG Directive 2019-4 (e.g., use-of-force incidents, in-custody deaths, and other exigent circumstances):

- a) BWCs must be activated before arriving at the scene, if feasible.
  - b) Once at the scene, BWCs may not be deactivated unless instructed by the supervising assistant prosecutor, assistant or deputy attorney general, or their designee.
  - c) Such instructions may be communicated telephonically by the supervising official.
- B. This list is not exhaustive. Officers shall use their judgment to ensure that recordings are obtained in any situation where audio or video documentation supports transparency, evidence collection, or operational integrity.

### **III. Officer Responsibilities**

- A. Officers equipped with BWCs or utilizing vehicles with MVR systems are responsible for the proper use, maintenance, and management of these devices in accordance with agency policy and applicable laws.
- B. At the beginning of each shift, officers must inspect and test their assigned MVR and BWC to ensure the devices are fully operational. This includes verifying that the cameras are functioning correctly, ensuring the battery is adequately charged, the storage capacity is sufficient, and the MVR and BWC are properly synced. Any malfunctions, damage, or deficiencies must be reported immediately to a supervisor/OIC so that corrective actions can be taken. (See section IX. below).
  - 1. When feasible, officers should also complete a brief test recording at the start of their shift to confirm the devices are recording properly. The test recording should be reviewed by the officer to verify and ensure that audio is also working correctly.
- C. During their shift, officers must activate the MVR and BWC in all required situations as outlined in this policy and ensure that recording continues until the conclusion of the event or encounter unless an authorized exception applies.
  - 1. Officers should narrate pertinent details into the recording, when safe and appropriate, to provide context, especially in situations where visual or audio evidence may not fully capture the nuances of the interaction.
- D. Officers are also responsible for appropriately tagging and categorizing recorded footage at the conclusion of each event. This includes correctly labeling recordings to ensure accurate documentation for evidentiary, administrative, or training purposes (see VII Tagging below).
  - 1. Recordings must be appropriately tagged when they involve sensitive content, such as crime victims, minors, or residential premises.

### **IV. Body-Worn Camera(s)**

#### **A. Governing Principles**

1. BWCs are essential tools to enhance transparency, accountability, and trust between law enforcement and the communities they serve. Their use must balance the need for accurate documentation of law enforcement activities with the privacy rights of individuals, particularly in sensitive environments. BWCs are to be used strictly in accordance with established policies, ensuring compliance with New Jersey law and the guidelines set forth by the Attorney General.

**B. Officers Required to Wear Body-Worn Cameras (BWCs)**

1. In accordance with the New Jersey Attorney General's Guidelines, the following officers are required to wear and utilize BWCs during the performance of their duties.
  - a) All officers assigned to patrol duties, including traffic enforcement and Class II Special Law Enforcement Officers (SLEO IIs) performing patrol or traffic enforcement functions.
  - b) Officers assigned to assist canine units during their official duties.
  - c) 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.
  - d) All officers assigned to "front desk" duty in law enforcement agencies, whose duties include interaction with members of the public who enter police stations to report incidents or request assistance or information.
  - e) All officers assigned to a pre-planned search warrant execution or a pre-planned arrest.
  - f) All uniformed officers assigned to duties at demonstrations or potential civil disturbances.
2. Officers assigned to tactical teams such as SWAT, Special Response Teams (SRT), Rapid Deployment Teams, and similar specialized units shall wear the BWC assigned by the County and follow the County BWC policy while acting in said units.
  - a)

**C. Officers Not Required to Wear Body-Worn Cameras (BWCs)**

1. The following officers are exempt from the requirement to wear BWCs under specific circumstances, as outlined by the New Jersey Attorney General's Guidelines:
  - a) Officers engaged in undercover assignments.
  - b) Officers acting as hostage negotiators or crisis negotiators working in conjunction with tactical teams.

- c) Officers assigned to administrative positions, excluding those performing front desk duties.
  - d) Officers engaged in union representation activities as part of a collective bargaining unit.
  - e) Officers working in schools or youth facilities during routine daily educational activities (e.g., School Resource Officers or Class III SLEOs). However, officers working security at school events (e.g., athletic competitions, graduations, etc.) are required to wear BWCs.
  - f) Non-uniformed officers assigned to investigative, non-enforcement duties.
  - g) Officers assigned to “extra duty” or “off duty” assignments that involve strictly traffic direction.
  - h) Officers engaged in crime-scene processing duties.
2. Officers not ordinarily required to wear BWCs may still be directed to do so for specific operations or assignments at the discretion of this agency.

#### **D. Placement of BWC**

1. BWC shall be worn in a place so that it maximizes the camera’s ability to capture video footage of the officer’s activities.
  - a) BWC shall be forward facing.
  - b) Depending on an officer’s uniform and/or assignment, BWC shall be secured to the officer’s shirt, belt, or tactical vest carrier utilizing the provided magnetic or molle BWC mounts.
  - c) Officers shall ensure the BWC is clear of obstructions (e.g., coat, traffic vest, etc.)

#### **E. Activation**

1. Officers must activate their BWC in all required circumstances as outlined in Section II of this policy.
2. BWCs must remain activated throughout the encounter until the event has concluded, such as when the officer leaves the scene, civilians involved in the interaction have departed, or the event is officially closed in the department’s computer-aided dispatch (CAD) system.
3. In situations where an immediate threat to the officer’s safety makes activation impossible or dangerous, the officer must activate the BWC at the first reasonable opportunity and continue recording for the duration of the encounter.

#### **F. Deactivation**

1. Deactivation at the Request of a Civilian Providing Information or Cooperation

- a) An officer may deactivate a BWC when a civilian voluntarily requests deactivation while providing information or cooperating with the officer, provided it reasonably appears that the person will not provide the information or cooperate unless the request is honored. The officer must not suggest deactivation to the civilian or inquire if the person prefers the BWC be turned off. The request must be self-initiated by the civilian.
- b) The officer may explain the implications of deactivation (e.g., relevant evidence will not be recorded). When deciding whether to deactivate, the officer must consider the civilian's privacy and safety, whether the encounter is occurring in the person's residence, and the importance of the information or assistance being provided.

## **2. Deactivation at the Request of a Civilian Seeking Emergency Medical Assistance**

- a) An officer may deactivate a BWC when a person, other than an arrestee, seeks emergency medical assistance for themselves or another and requests that the BWC be turned off. In deciding whether to deactivate, the officer must weigh the privacy interests of the requesting individual and the person in need of medical assistance.

## **3. Procedures for Deactivation Upon Civilian Request**

- a) When deactivating a BWC in response to a civilian request, the following steps must be taken:
  - (1) The interaction between the officer and the civilian regarding the request for deactivation must be recorded.
  - (2) The officer shall narrate the circumstances of the deactivation before turning off the BWC (e.g., "I am now turning off my BWC at the civilian's request.").
  - (3) The officer shall report the circumstances of the deactivation to their supervisor/OIC as soon as practicable.
  - (4) The officer shall document the deactivation in any operation or investigation report related to the encounter.

- 4. If an officer declines a civilian's request to deactivate the BWC, the officer must document the reasons for the decision (e.g., the potential need for constructive authority or force) and notify their supervisor/OIC as soon as it is safe and practicable to do so. The officer must inform the civilian of the decision and must not mislead the person into believing the BWC is off when it is still recording unless explicitly authorized for covert recording by the County Prosecutor or Director of the Division of Criminal Justice.

## **5. Deactivation During Criminal Investigation Strategy or Planning Discussions**



- a) An officer may deactivate a BWC while engaging in discussions related to criminal investigation strategy or planning (e.g., deciding investigative techniques, obtaining warrants, or planning searches), provided:

- (1) The discussion does not occur in the presence of a civilian.

- (2) The officer is not actively engaged in collecting physical evidence.

- (3) Before deactivation, the officer must narrate the circumstances (e.g., "I am now turning off my BWC to discuss investigative strategy with my supervisor.").

#### **6. Deactivation on Instruction from a Prosecutor**

- a) An officer may deactivate a BWC upon receiving authorization from an assistant prosecutor, deputy attorney general, or their designee for good cause. The officer must narrate the deactivation circumstances, including the name of the authorizing official (e.g., "I am now turning off my BWC as instructed by Assistant Prosecutor [Name].").

#### **7. Reactivation Requirements**

- a) A BWC must be reactivated as soon as it is safe and practicable to do so when the reasons for deactivation no longer exist. Examples include:

- (1) Completion of the civilian's requested interview.

- (2) Resumption of activities that require recording under this policy.

- (3) If circumstances arise where the officer is authorized to use force, the BWC must be reactivated immediately, provided it is safe and practicable to do so.

#### **G. Special Restrictions**

1. BWCs must not be activated in schools, healthcare facilities, or places of worship unless investigating a criminal offense, responding to an emergency, or reasonably anticipating the use of force.
2. BWCs may not record undercover officers, confidential informants, or tactical operations unless explicitly authorized.
3. Enhanced audio/visual capabilities (e.g., infrared or sound amplification) require prior approval from the County Prosecutor or Division of Criminal Justice.

#### **H. Notice Requirements**

##### **1. Public Notice**

- a) To ensure the public is informed about this technology, the Hackettstown Police Department shall publish a statement on its official website (or the municipality's website if no agency website exists) announcing the

deployment of BWCs. This statement will include a photograph of the BWC device and an explanation of how it is worn by uniformed officers and plainclothes detectives, enabling the public to easily identify its use during law enforcement interactions.

## **2. Notification During Encounters**

- a)** A law enforcement officer wearing a BWC must notify individuals that they are being recorded as soon as reasonably practicable during an encounter unless it is unsafe or infeasible to do so. If notification is not provided due to such circumstances, the officer must document the reasons either by narrating them on the BWC recording, in a report, or both. Failure to provide notification does not affect the admissibility of any evidence or statements.

## **3. Truthful Responses to Inquiries**

- a)** If a civilian asks an officer whether they are equipped with a BWC or whether the device is recording, the officer shall respond truthfully unless expressly authorized to make a covert recording by the County Prosecutor, the Director of the Division of Criminal Justice, or their designees. Covert recordings must adhere to legal and policy guidelines.

## **4. Private Residences**

- a)** Before entering a private residence, an officer must notify the occupant that the BWC is recording. If the occupant requests the officer to discontinue the use of the BWC, the officer must comply unless actively investigating a criminal offense, responding to an emergency, or reasonably believing that constructive authority or force may be required. Any request to discontinue recording and the officer's response shall be documented on the BWC prior to stopping the recording.

## **5. Crime Victims**

- a)** When interacting with an apparent crime victim, an officer shall notify the victim that they are being recorded as soon as practicable. If the victim requests that the BWC be turned off, the officer shall comply immediately. The request and the officer's response shall be recorded on the BWC prior to discontinuing recording.

## **6. Anonymous Reporting**

- a)** When interacting with a person seeking to remain anonymous while reporting a crime or assisting in an investigation, the officer must notify the individual of the BWC's recording. If the individual requests that the BWC be turned off, the officer must evaluate the circumstances and, if appropriate, discontinue recording. Any such request and the officer's response must be recorded on the BWC prior to discontinuing recording.

## **V. Mobile Video Recorder(s)**

- A.** The vehicle's internal camera shall be positioned so it faces forward and can capture any activity in front of the vehicle and the vehicle's path of travel.
- B.** If necessary, officers shall adjust the vehicle's camera to capture an event if the vehicle is parked and not facing the primary scene or subject.
- C.** Prior to beginning their shift, officers shall ensure the MVR system has a sufficient amount of free storage to record any potential events.
- D. Activation**
  - 1.** Officers must activate their mobile video recorders (MVR's) in all required circumstances as outlined in Section II of this policy.
  - 2.** Additionally, the MVR system will automatically activate without intervention during the following circumstances:
    - a)** Vehicle's emergency lights are activated; or
    - b)** On-board system detects a crash.
  - 3.** If the system does not automatically activate, the officer is responsible for manually activating the system to record a required event.
- E.** In addition to these incidents, officers shall attempt to record the probable cause or reasonable suspicion for stops or investigations utilizing their vehicle's MVR.
- F. Notice Requirements**
  - 1.** A written notice will be placed in the rear of each vehicle to notify rear seat occupants that they are subject to recording.

## **VI. Events Not to Be Recorded**

- A.** In accordance with New Jersey Attorney General Guidelines, certain situations and events must not be recorded by MVRs or BWCs to protect privacy, confidentiality, and legal considerations. Officers must exercise discretion and adhere to the following restrictions:
  - 1. Sensitive Locations**
    - a)** Healthcare Facilities: Recordings shall not be made in patient care areas of healthcare facilities, medical offices, or substance abuse treatment centers unless the officer is actively investigating a criminal offense, responding to an emergency, or reasonably believes constructive authority or force may be necessary.

- b)** Places of Worship: BWCs and MVRs shall not record in places of worship during religious services unless the recording is necessary for a criminal investigation, a response to an emergency, or when constructive authority or force may reasonably be anticipated.
- c)** Schools and Youth Facilities: Recordings in schools or youth facilities are prohibited unless the officer is investigating a criminal offense, responding to an emergency, or reasonably believes that force or constructive authority may be required.

## **2. Undercover Officers and Confidential Informants**

- a)** Officers shall not record in situations that could reveal the identity of an undercover officer or confidential informant unless such recording is explicitly authorized by a supervisor/OIC or necessitated by an exigent situation (e.g., officer safety). Officers must narrate and document the circumstances surrounding such activations.

## **3. Private Conversations and Union Activities**

- a)** BWCs and MVRs must not record private conversations involving officers, union representatives, or during personnel counseling, guidance, or evaluations, unless explicitly authorized under the law or policy.

## **4. Strategic Discussions**

- a)** Officers may deactivate BWCs or MVRs during discussions of investigative strategy, provided no civilians are present and the circumstances are documented. The device must be reactivated as soon as practical if required by policy or law.

## **5. Courtrooms**

- a)** Recording is prohibited during courtroom proceedings unless the officer is responding to an emergency or explicitly authorized by law.

## **6. Alcohol Breath Testing Areas**

- a)** To prevent interference with alcohol breath testing equipment, BWCs must be deactivated and removed from the testing area before testing begins. Officers must narrate the reason for deactivation and reactivate the camera immediately after the test is completed.

## **7. First Amendment Activities**

- a)** Cameras shall not be used to record activities protected under the First Amendment, such as peaceful protests, demonstrations, or other expressive conduct, unless there is a legitimate law enforcement purpose. Recording may occur if related to a criminal investigation, public safety concern, or response to a call for service.

## **8. Surreptitious Use**

- a)** BWCs and MVRs shall not be used surreptitiously. Officers must provide appropriate notification of recording as required by law unless specific covert recording authorization is granted by the County Prosecutor or Director of the Division of Criminal Justice.
- B.** Officers are responsible for ensuring adherence to these restrictions. If a recording is inadvertently made in violation of these guidelines, the officer must document the incident and report it to a supervisor/OIC. Unauthorized recordings may be subject to review and deletion in accordance with agency policy and legal standards.

## **VII. Tagging**

- A.** Officers are responsible for tagging and categorizing recorded footage at the conclusion of each event to ensure accurate documentation for evidentiary, administrative, or training purposes. Proper tagging facilitates efficient retrieval, compliance with privacy considerations, and adherence to agency policies.
- B.** Officers shall tag all recordings by the end of their shift, but preferably at the conclusion of each event. Categories for tagging will automatically set retention periods:
  - 1.** Warning;
  - 2.** Citation;
  - 3.** Traffic Accident;
  - 4.** Assault;
  - 5.** Domestic;
  - 6.** Drug Charges/Seizure;
  - 7.** D.U.I.;
  - 8.** Evading;
  - 9.** Suspicious Vehicle/Behavior ;
  - 10.** Motorist/Public Assist;
  - 11.** Fire/Rescue;
  - 12.** All Alarm;
  - 13.** Restricted;
  - 14.** Community Policing;
  - 15.** Test Recording;
  - 16.** Investigation;

- 17. Jail Transport**
- 18. Property/Business check**
- 19. Arrest;**
- 20. Miscellaneous; and**
- 21. Criminal Investigation.**

**C. Officers must tag recordings that involve the following circumstances:**

- 1. Victims of Criminal Offenses**
  - a) Recordings capturing the image or voice of a victim of a criminal offense must be tagged appropriately to protect the victim's privacy.**
- 2. Recordings capturing the image or voice of a child must be tagged to ensure compliance with legal and privacy standards.**
- 3. Recordings made in sensitive locations must be tagged, including:**
  - a) Residential premises (e.g., homes, apartments, dormitory rooms, hotel/motel rooms).**
  - b) Schools or youth facilities.**
  - c) Healthcare facilities or medical offices.**
  - d) Substance abuse or mental health treatment facilities.**
  - e) Places of worship.**
- 4. Recordings capturing conversations where a request to deactivate the BWC was declined must be tagged for review and documentation.**
- 5. Recordings of special operations events or the execution of arrest/search warrants must be tagged if they contain confidential tactical information, such as:**
  - a) Verbal codes or hand signals used to direct officers.**
  - b) Techniques for interior movements or clearing rooms during operations.**
  - c) Methods for gaining entry or convincing individuals to comply during warrant execution.**
- 6. Recordings that capture the image, voice, or presence of an undercover officer or confidential informant must be tagged to ensure their identities are protected.**
- 7. Recordings that capture the screen of a police computer monitor displaying confidential personal or law enforcement-sensitive information must be tagged to prevent unauthorized disclosure.**

## **VIII. Retention and Storage of MVR and BWC Recordings**

- A.** The MVR and BWC system is designed to automatically upload and securely store recordings to ensure the integrity and accessibility of all data.
  - 1. MVR units wirelessly transfer recordings to the storage system. In cases where an MVR unit does not successfully transmit recordings wirelessly, a System Administrator shall promptly retrieve the recordings using an external storage device to avoid delays.
  - 2. BWC units upload recordings when docked in their designated docking stations. Officers must ensure BWCs are properly docked at the end of their shift to facilitate timely and secure uploading of all recorded footage.
- B.** Video recordings are securely stored on the designated police server to prevent tampering or deletion of recorded data both before and after upload or download.
- C.** Viewing and Access Permissions
  - 1. The MVR and BWC system is designed with tiered access controls and strict permissions to ensure recordings are securely stored and accessed only for authorized purposes. The system tailors access levels to the agency's structure, restricting subordinate officers, civilian employees, and other personnel to permissions appropriate for their roles. All instances of access, viewing, copying, or deletion of recordings are automatically logged and can be audited to ensure compliance with agency policies. Any dissemination of recordings must also be documented in a supplemental report to maintain transparency and accountability.
  - 2. No law enforcement officer or civilian employee of the Hackettstown Police Department may access, view, copy, disseminate, or otherwise use MVR or BWC recordings except for official purposes as specified in this policy and applicable law. Recordings shall not be divulged or used for commercial purposes or any non-law enforcement activity.
  - 3. Officers are permitted to review BWC recordings prior to creating any required substantive initial reports, providing a statement, or submitting to an interview regarding the recorded event, except in certain enumerated circumstances.
    - a) These circumstances include:
      - (1) Any use of force by the officer resulting in significant or serious bodily injury or death.
      - (2) The discharge of a firearm or any use of deadly force by the officer.
      - (3) The death of a person while in law enforcement custody or during an encounter with law enforcement.

(4) An incident the officer knows or has been advised is or will be the subject of an internal affairs or citizen complaint relating to the officer's use of force, bias, or dishonesty.

4. Additionally, access to and use of recordings is strictly limited to the following circumstances:

5. Access to and use of recordings is strictly limited to the following circumstances:

- a) When relevant to and in furtherance of a criminal investigation or prosecution.
- b) When relevant to and in furtherance of an internal affairs investigation.
- c) When relevant to a management review aimed at identifying possible misconduct or determining patterns or practices of potential misconduct.
- d) When relevant to a supervisor's/OIC's review of an officer's actions as part of the agency's supervisory process.
- e) To show a recording to a civilian who intends to file a complaint against an officer, allowing the individual to make an informed decision based on the facts of the encounter.
- f) To comply with discovery obligations in prosecutions pursuant to the Rules of Court.
- g) To comply with any other legal requirement to disclose the recording.
- h) To show or disseminate the recording to a civilian, a non-law enforcement entity, or the public when authorized by the County Prosecutor or the Division of Criminal Justice, provided that the public or entity's need for access outweighs the law enforcement interest in confidentiality. If used for training purposes, recordings must be edited to anonymize individuals unless they have consented to the use of their images.
- i) When used for official training purposes, with identities protected unless consent is provided.
- j) To conduct audits ensuring compliance with agency policy, standing operating procedures, directives, or orders.
- k) To provide intelligence or information to enhance officer and public safety, such as preparation for raids or warrant executions, when approved by the County Prosecutor or Division of Criminal Justice.
- l) Any other specified official purpose when the County Prosecutor or their designee, the Director of the Division of Criminal Justice or their designee, finds in writing that good and sufficient cause exists to authorize access to a particular recording.



**D. Preserving Recordings of Evidentiary Value**

1. Recordings that are being stored for criminal, civil, or administrative purposes are to be transferred to a CD or USB Drive and preserved as evidence.

**E. The Chief of Police or his/her designee shall maintain a record of all recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police or their designee shall conduct a periodic audit of these records to ensure compliance with this policy. 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.

**F. Notification and Disclosure of BWC Recordings**

1. The Chief of Police or their designee shall notify the Warren County Prosecutor's Office within one business day of receiving any subpoena, court order, or OPRA request for a BWC recording before complying with the request. This notification must include the response deadline.
2. Recordings related to the investigation of a criminal offense shall not be shared, provided, or shown to any person, entity, or government agency outside of law enforcement, unless required by discovery rules, a court order, or approved by the Chief of Police in consultation with the Warren County Prosecutor or their designee, based on a determination that the public's need for access outweighs law enforcement confidentiality interests.
  - a) If disclosure as part of the State's discovery obligations poses a safety risk (e.g., exposing an undercover officer, confidential informant, or tactical information), the Warren County Prosecutor or their designee shall take appropriate legal steps, such as seeking a protective order, to safeguard sensitive information.
  - b) Recordings tagged for "Special Privacy" may not be accessed, viewed, copied, or disseminated without permission from the Warren County Prosecutor, their designee, or the Director of the Division of Criminal Justice. The Prosecutor, Director, or their designees may authorize the Chief of Police or supervisory officers to grant such permissions under this policy.
  - c) In use-of-force investigations, the assistant prosecutor or designee overseeing the investigation may authorize a civilian or law enforcement witness to view the recording. To maintain the integrity of police

use-of-force investigations, no witnesses, including the principals involved, may view BWC recordings of the incident or related investigations without prior approval from the assistant prosecutor, deputy attorney general, or designee.

## **G. Retention**

1. Recordings created using BWC and MVR systems are considered investigatory routine business records of the Hackettstown Police Department. The retention and disposal of these recordings shall comply with the requirements outlined in the New Jersey Attorney General's Guidelines and the New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
2. Recordings shall be retained by the law enforcement agency for a minimum of 180 days from the date it was created. After this period, the recording may be permanently deleted unless subject to additional retention requirements as outlined below.
  - a) 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 recording.
  - b) A recording must also be retained for no less than three years if voluntarily requested by:
    - (1) The law enforcement officer whose BWC or MVR made the recording, provided the officer reasonably asserts that the recording has evidentiary or exculpatory value.
    - (2) A law enforcement officer who is a subject of the recording, provided the officer reasonably asserts that the recording has evidentiary or exculpatory value.
    - (3) An immediate supervisor/OIC of an officer involved in the recording who reasonably asserts that the recording has evidentiary or exculpatory value.
    - (4) Any law enforcement officer if the recording is retained exclusively for training purposes.
      - (a) 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. Officers are encouraged to notify their supervisors/OICs of recordings, which may be beneficial for training purposes
    - (5) A member of the public who is a subject of the recording.

(6) A parent or legal guardian of a minor who is a subject of the recording.

(7) The next of kin or legally authorized designee of a deceased person appearing in the recording.

**Note:** To facilitate requests under items 5–7, members of the public must be allowed to review the recording to decide whether to request retention. Such reviews shall comply with the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.).

c) A recording shall be retained beyond the minimum retention periods when:

(1) The recording pertains to a criminal investigation or contains evidence subject to discovery in a prosecution. Such recordings must be retained in accordance with criminal evidence retention schedules (New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedule).

(2) The recording documents an arrest not resulting in prosecution or involves the use of force. These recordings must be retained until the expiration of the statute of limitations for filing a civil complaint against the officer or agency.

(3) The recording is connected to an internal affairs complaint or investigation. These recordings must be maintained pending final resolution of the internal affairs investigation and any resulting administrative action plus the required retention period.

#### H. Disposition of Recordings

1. Recordings that are no longer required to be retained under these provisions shall be securely deleted in compliance with agency-approved protocols. Agencies must maintain documentation of all deletions and ensure compliance with applicable retention schedules and legal obligations.

### IX. Equipment Malfunctions

- A. Officers shall notify Communications to create a CAD entry and verbally notify their shift OIC when there is a malfunction. The OIC will then notify the System Administrator who will arrange to send the BWC in for service. .
- B. If BWC equipment is not functioning, it shall be placed out of service and the officer shall use a different BWC. At the end of the officer's shift, the officer shall update the Watch Guard system indicating they used a replacement BWC. If the BWC is damaged, then the officer shall leave a report explaining what occurred.

- C. If an officer encounters a failure or a malfunctioning MVR system, the vehicle shall be placed out of service.
  - 1. If there are no additional vehicles available to replace a unit with a malfunctioning MVR, the vehicle may remain in service, but the officer shall ensure they have a BWC to record any required events.
- D. Upon notification of an equipment malfunction, the System Administrator shall:
  - 1. Inspect the equipment to determine the extent of the issue;
  - 2. Repair the equipment if within their capabilities;
  - 3. Send the equipment to a manufacturer-authorized location for service.
- E. When the equipment is repaired, the System Administrator shall return the unit to service and notify the reporting officer and supervisor that the equipment has been returned. Additionally, the System Administrator shall note in the initial RMS report what service was completed and that the equipment was returned to service.

## **X. Deletion Requests**

- A. If an officer inadvertently records private or inappropriate data the following procedure shall be followed:
  - 1. The officer shall immediately tag the recording as "Special Privacy" and refrain from viewing the recording.
  - 2. The officer shall submit a memorandum detailing the incident to their immediate supervisor/OIC and the System Administrator.
  - 3. The System Administrator will review the situation and determine if further action is necessary.
  - 4. If required, Internal Affairs may be notified to conduct an investigation.
  - 5. Any review of the recording shall respect personal privacy. If the recording must be viewed, it shall be done only by designated personnel and, if appropriate, by an officer of the same sex as the officer involved.
  - 6. Upon completing the review or investigation, the System Administrator or Internal Affairs commander shall notify the Chief of Police and request permission to delete the recording, after obtaining permission from the County Prosecutor or the Director of the Office of Public Integrity and Accountability.