

	Cape May County Sheriff's Office S.O.P. Standard Operating Procedure		VOLUME 1	SOP 219	
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SUBJECT Body Worn Cameras (BWC) (Taser Axon Video Camera and Audio Systems)					
SPECIAL INSTRUCTIONS Ref: Chiefs of Police policy #77 (Body Worn Camera Program) Attorney General Directive 2015-1, NJ BWC Assistance Program Application, July 2015					
BY ORDER OF Sheriff Robert A. Nolan		SIGNATURE 			
DISTRIBUTION All Sworn Personnel		REEVALUATION DATE As per DMS		ACCREDITATION STANDARD 3.5.5	
The written directives developed by the Cape May County Sheriff's Office are for internal use only and do not enlarge an Employees' civil or criminal liability in anyway. They should not be construed as to the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this agency and then only in an administrative disciplinary setting.					
REVISIONS					
DATE	PAGE	SECTION	DATE	PAGE	SECTION
05/10/2019	All	All	05/19/16		
4/6/2018	Page 6,7	7.1, 8.3	09/17/14		9.0
08/21/17	2,9,10,14	3.6, 10.1, 11.1.3 Appendix B	11/15/12		original

1.0 PURPOSE

- 1.1 The purpose of this policy is to set forth guidelines for the use, management, maintenance, storage, control, and retrieval of audio-visual media recorded by wearable, Body Worn Cameras, by sworn law enforcement and Correctional personnel in the performance of their duties. It has been recognized that Body Worn Audio/Video Recording Devices may provide an accurate and unbiased recorded account of an incident, as well as an effective tool to reduce the number of unwarranted civilian complaints against police officers, to increase law enforcement transparency, and as a tool for de-escalation between police and members of the community. Therefore, because recorded accounts are evidential, to maximize their effectiveness and to maintain the integrity of evidence and related documentation, all personnel utilizing these devices shall adhere to the procedures outlined within this policy.
- 1.2 It is necessary to balance the need to promote police accountability and transparency on the one hand, against the need to respect the privacy interests of persons whose

personal images will be captured in a recording on the other. So too, it is necessary to balance the benefits achieved by electronically recording evidence that may aid in solving a crime and successfully prosecuting an offender against the costs incurred if a recording were to dissuade a victim or witness from providing a camera-equipped officer with needed information to solve a crime and convict an offender. The Cape May County Chiefs of Police Association recognizes that law enforcement agencies in Cape May County, who issue and utilize Body Worn Cameras, utilize this technology for the purpose of recording audio and video accounts of specific events, and further recognizes that audio and video captured, as a result, may not accurately reflect the perception of the officer wearing the Body Worn Cameras. The purpose of the Body Worn Camera program does not include capturing audio and/or video recordings of officers' non-incident related activities or accounts. The use and maintenance of audio and video recordings can be invaluable to law enforcement for both training and evidential purposes. Therefore, proper safeguards need to be in effect to ensure their non-discriminating use, as well as the proper preservation of evidence, which may be obtained through use of this technology.

2.0 **POLICY**

- 2.1 It is the policy of the Cape May County Sheriff's Office that all sworn personnel, who have been issued Body Worn Cameras (BWC) comply with the following procedures outlined in this SOP concerning the use, maintenance, data storage, chain-of-custody and effectiveness of Body Worn Cameras, in the performance of their duties.
- 2.2 The management, maintenance, storage, control, and retrieval of audio-visual media recorded by wearable Body Worn Cameras (BWC) by members of this agency related to the capture and use of audio and video recordings via the "Taser Axon" video recording system. This system will be used to document events and capture data to be preserved in a web-based digital storage facility at Evidence.com. Once recorded, these recordings cannot be altered in any way and are protected with multiple layers of encryption.
- 2.3 The Sheriff has authorized the use of the Taser Axon Video System for officers in the Correctional and Law Enforcement Divisions. The system will be utilized for various assignments as determined by the Sheriff or his designee in the respective divisions. Only officers who have been trained on the equipment will be permitted for usage while on duty. Officers equipped with a (BWC) will comply at all times with the established requirements of this policy and state law. The County Prosecutor has been designated by the Acting Attorney General as the Cape May County Coordinator in regards to the implementation of Body Worn Cameras. The Cape May County Sheriff's Office hereby adopts the Cape May County Association of Chiefs of Police SOP #77 (COP policy #77) and the New Jersey Attorney General Directive #2015-1.

3.0 **DEFINITIONS**

- 3.1 Activate: To operate, switch on, turn on, start-up, set in motion, initiate, actuate, energize; in this regard, a Body Worn Camera device.
- 3.2 Audio Recording: Electronic recording of conversation or other spoken words.
- 3.3 Axon Tactical Computer (ATC) -- A computer with a touch screen display that manages the video compression and storage which is then uploaded to Evidence.com.
- 3.4 Axon Flex Camera-- A digital video recorder (DVR) that offers high quality video and low-light gathering capabilities.
- 3.5 Axon Flex Controller -- A user worn device which starts and stops digital video recording and powers the Axon Flex camera. The controller enables the user to turn the device on and off and in standby mode. It also displays remaining battery life.
- 3.6 Axon Body 2 Camera -- A single unit digital Audio/ Video recorder (DVR and Camera) that offers high quality video and low-light gathering capabilities.
- 3.7 Body Worn Camera (BWC): Audio/video recording system; consisting of, but may not be limited to, a recorder, a camera, a power supply, computer software, which can be worn on an officer to record events during his/her shift.
- 3.8 Communications Hub -- Connects the head camera to the Axon Tactical Computer.
- 3.9 Electronic Recorded Data / Digital Multimedia Evidence: To render (sound or images) into permanent form for reproduction, as by mechanical or digital means. Data/Evidence is stored or maintained on a recorded electronic platform, accessible by software to allow for viewing and duplicating.
- 3.10 Event Mode -- In the Event Mode the ATC saves the buffered video and continues recording audio and video for up to 8 hours. Based on models utilized, the equipment may operate in various modes pertaining to active, intermittent or continuous recordings.
- 3.11 Evidence.com -- An online, web-based digital media storage facility that stores digitally encrypted data (photographs, audio and video recordings) in a highly secure environment. The recordings are accessible to authorized personnel based upon a security clearance.
- 3.12 EVIDENCE Sync. Computer software application to checkout shared cameras and label/review digital video recordings.
- 3.13 Evidence Transfer Manager (ETM) -- In this regard, evidence transfer deals with the

transfer of electronically stored recorded data from one storage medium to another. For the purpose of this policy and the system utilized by members, a 12 port docking station that simultaneously recharges the Axon Tactical Computer and uploads all data captured during the shift to Evidence.com. The ETM ensures that evidence handling is secure and not altered.

- 3.14 Head Camera -- The audio and color video camera mounted on a fitted head bracket. The head camera can also be mounted on glasses, hats or helmets.
- 3.15 Modes Of Operation: Depending upon the specific Body Worn Camera device, this equipment may operate in various modes in regards to active, intermittent or continuous recordings.
- 3.16 Normal (Buffering) Mode -- The Axon continuously loops video recording for 30 seconds. It records only video in buffering mode.
- 3.17 On Body Electronic Recorders (OBER): Audio/video recording system; consisting of, but may not be limited to, a recorder, a camera, a power supply, computer software, which can be worn on an officer to record events during his/her shift.
- 3.18 Privacy Mode -- Activating the privacy button places the audio and video in a sleep mode. The audio and video are not recording in this mode.
- 3.19 Recording Device: Electronic hardware designed to intercept, capture and store audio, video, or both audio/video, wire, electronic, oral or visual communication recordings.
- 3.20 Taser Axon Flex System-- Audio/video system consisting of primarily three components (Camera, Communications Hub and Axon Tactical Computer) worn on an officer to record events during his/her shift.
- 3.21 Video Recording: Electronic recording of visual images, whether still images or motion picture video, with or without audio.

4.0 **PROCEDURES**

4.1 **ADMINISTRATION**

4.1.1 The County Prosecutor has been designated by the Acting Attorney General as the Cape May County coordinator in regards to the implementation of Body Worn Cameras. Thereby, all law enforcement agencies in Cape May County, who implement a Body Worn Camera program, shall establish and comply with agency procedures, standards and practices concerning the use of Body Worn Cameras, in addition to this SOP.

- 4.1.2 All law enforcement agencies in Cape May County, who seek to implement a Body Worn Cameras program, shall refer to the Attorney General Law Enforcement Directive Number 2015-1, when establishing departmental procedures, standards and practices concerning the use of Body Worn Cameras.
- 4.1.3 All law enforcement agencies in Cape May County, who implement a Body Worn Cameras program, shall provide the Prosecutor with a copy of their departmental procedures, standards and practices, upon request, and prior to the implementation of a Body Worn Camera program.
- 4.1.4 Any policy, standing operating procedure, directive, or order promulgated by an agency pursuant to the Chiefs of Police policy #77 shall provide that:
 - a. A law enforcement officer employed by this agency only may use a Body Worn Camera system that has been issued and approved by this agency;
 - b. An officer equipped with a Body Worn Camera must comply at all times with the requirements established in the Chiefs of Police policy #77 and in this agency's policy, standing operating procedure, directive;
 - c. *A Body Worn Camera shall be used only in performance of official police duties and not for personal purposes;*
 - d. No Body Worn Camera recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the agency except for an official purpose specified in this SOP; and
 - e. Any sworn officer or civilian employee of this agency who knowingly violates the requirements of this SOP, COP policy #77, or order shall be subject to discipline.
- 4.1.5 OFFICER'S DISCRETION - To ensure that all citizens are treated uniformly when officers decide to electronically record an encounter, this agency's policy COP policy #77, or order must limit the discretion of officers in the field.
 - a. When an this agency chooses to expand the list of specified law enforcement activities required to be recorded by available Body Worn Cameras, it shall clearly establish the objective circumstances that require activation.

- b. This agency is not permitted under this section to authorize uniformed officers to exercise discretion based upon subjective factors. This agency may not, for example, authorize an officer to activate a Body Worn Camera "when otherwise appropriate," or "when the officer deems it prudent." Rather, the obligation to activate a Body Worn Camera must be based on a specified type of police action or an objective event.
- c. When the officer initiates the specified form of law enforcement activity, the officer automatically shall be required to activate his or her Body Worn Camera as soon as it is safe and practicable to do so, subject to the exceptions and limitations set forth in this SOP.

4.1.6 PROVISIONS GOVERNING USE OF BODY WORN CAMERAS BY PLAINCLOTHES OFFICERS – A Cape May County law enforcement agency implementing a Body Worn Camera device program shall detail, in a formal departmental policy, standing operating procedure, directive, or order specifying the circumstances when a plainclothes officer is required to activate and when they may de-activate the device, provided that the agency limits the discretion of individual officers in deciding when to activate/de-activate a Body Worn Camera.

4.2 EQUIPMENT

- 4.2.1 All Body Worn Cameras in use by the Cape May County Sheriff's Office must meet the following minimum standards:
- a. Recording Format: The video and audio must be recorded and able to be exported in a standard, open, non-proprietary format such that each can be played back on commercially available software without processing or conversion.
 - b. Video Resolution: Video resolution must be a minimum of VGA 640 x 480.
 - c. Recording Speed: The frame rate must not be slower than 30 frames per second.
 - d. Field of View: The field of view must be at least 90 degrees.
 - e. Time/Date Stamping: The device must be capable of providing a time and date stamp.
 - f. Night Time/Low Light Functionality: The device must have the capability of recording video in night time and low light situations.

- g. Battery Life: The Body Worn Camera battery must be able to record a full shift on a single charge (i.e., 8-12 hours) or permit recharging in the field during a shift such that the officer does not need to return to the station for a replacement battery.
 - h. Audio Quality: The Body Worn Camera must be capable of capturing conversational speech at a distance of 3 feet without wind or excessive background noise.
 - i. Data exporting: The Body Worn Camera must be capable of exporting all recorded footage to a data archiving or management system in its original file format and without loss of quality or associated metadata.
 - j. Synchronization and Metadata: The Body Worn Camera must be capable of recording video and audio simultaneously and time synchronized. The Body Worn Camera must have a device clock that is synchronized with an external universal clock when the unit is active for absolute time of day accuracy.
 - k. Tamper Resistance: The Body Worn Camera prohibits recordings from being edited or deleted and does not permit the overwriting of existing data before transfer. The Body Worn Camera has a standard encryption system as part of its operating system to reduce the risk of tampering.
 - l. Environment Testing: The Body Worn Camera model being purchased must have undergone an industry standard testing to ensure environmental functionality in a variety of weather conditions and use under constant pressure (e.g., repetitive use, drop testing, etc.)
- 4.2.2 When considering the purchase of new equipment or new technologies in the form of Body Worn Cameras this agency shall verify, through the Cape May County Prosecutor, that the technology and equipment is compatible with the recording, viewing, duplicating and data storage requirements needed for prosecution.
- 4.2.3 Duty to Inspect and Report Malfunctions - An officer equipped with a Body Worn Camera shall be responsible for determining that the device is fully functional and that its battery is adequately charged at the start of the officer's duty shift, and before going into the field. If a malfunction is detected, the officer shall report the malfunction to a supervisor before going into the field. If the Body Worn Camera malfunctions while out in the field, the malfunction shall be reported to the officer's supervisor as soon as it is safe

and practicable to do so.

4.3 **OFFICER AUTHORIZED TO WEAR/UTILIZE BODY WORN CAMERA DEVICES** - The Sheriff shall determine which officers will be equipped with and trained to utilize Body Worn Camera, and shall determine the types of specific duty assignments for when those officers will wear BWCs.

4.3.1 In the case of a task force, team, or unit composed of officers from more than one law enforcement agency, the chief law enforcement officer of the agency overseeing the task force, team, or unit shall determine whether and in what circumstances officers assigned to the task force, team, or unit will wear BWCs.

4.3.2 Nothing in this SOP shall be construed to prevent this agency from developing a pilot program to determine when and in what circumstances/duty assignments the deployment of BWCs would be most efficacious.

4.3.3 An officer shall not wear a Body Worn Camera, unless he or she:

- a. Has been authorized to do so by the Sheriff or designee, or by the chief law enforcement officer of the agency overseeing a multi-agency task force, team, or unit; and
- b. Has received training on the proper care and use of the device in accordance with the requirements of this SOP, COP policy #77, or order.

4.4 **TRAINING**

4.4.1 This agency shall designate one or more training officers and shall establish a training program to ensure that officers equipped with Body Worn Cameras, as well as those officers and civilian employees who access or handle confidential recordings are familiar with the provisions of this SOP and COP policy #77.

4.4.2 The Cape May County Sheriff's Office shall report, bi-annually and upon request, to the Cape May County Prosecutor, with the active roster of trained and certified agency users of Body Worn Cameras.

4.5 **NOTIFICATIONS** – The Sheriff's Office shall take reasonable steps to inform the citizenry of the agency's decision to deploy this technology.

4.5.1 **PUBLIC NOTIFICATION** - This agency shall publish a statement that it deploys, or plans to deploy Body Worn Cameras, via:

- a. Sheriff's Office Internet web site.
 - (1.) If this agency does not have its own web site, It shall then be published on the County Government's web site when feasible.
- b. The web site posting shall include a picture showing what the device looks like, and how it is to be worn by uniformed officers or plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device.

4.5.2 SPECIFIC NOTIFICATION TO INDIVIDUALS DURING AN ENCOUNTER/INCIDENT - This section addresses specific events and incidents that an officer, equipped with a Body Worn Camera is required to activate a Body Worn Camera device during an encounter.

- a. During contact with a civilian occurring inside the person's residence, or during contact with a person reasonably believed to be a victim of a criminal offense.
 - (1.) The officer shall verbally notify the persons with whom the officer is conversing that the Body Worn Camera has been activated; unless, it is unsafe or infeasible to provide such notification.
 - (2.) If the officer decides not to provide notification of a Body Worn Camera activation because it is unsafe or infeasible to do so, the officer shall document the reasons for that decision in a report and/or by narrating the reasons on the Body Worn Camera recording.
- b. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
- c. Truthful Response to Specific Inquiries - If a civilian inquires of an officer, whether the officer is equipped with a Body Worn Camera, or inquires whether a Body Worn Camera device is activated, the officer shall answer truthfully unless the County Prosecutor or designee, has expressly authorized the officer to make a covert electronic recording.
 - (1.) This directive does not apply to officers while operating in an undercover capacity, or while conducting/participating in a station house custodial interrogation electronically recorded.

4.6 **ACTIVATION OF BODY WORN CAMERAS**

4.6.1 USED ONLY IN PERFORMANCE OF OFFICIAL DUTIES A BODY WORN CAMERA shall be activated only while in performance of official police duties and for the purpose of recording incidents, investigations, and police-civilian encounters involving those law enforcement activities specified in this SOP, COP policy #77, or order promulgated pursuant to the Attorney General Directive.

4.6.2 BODY WORN CAMERA **SHALL NOT** BE ACTIVATED WHEN:

- a. The officer is on break or otherwise is not actively performing law enforcement functions.
- b. By an officer for personal purposes, or when engaged in police union business.
- c. To record conversations involving counseling, guidance sessions, personnel evaluations, or any similar supervisory interaction.

4.6.3 WHEN ACTIVATION BY A UNIFORMED OFFICER GENERALLY IS REQUIRED - Except as otherwise expressly detailed in any policy, standing operating procedure, directive, or order promulgated by this agency pursuant to the COP policy #77, a uniformed officer equipped with a Body Worn Camera shall be required to activate the device in any, but not limited to, the following circumstances as soon as it is safe and practicable to do so:

- a. The officer initiates an investigative detention, criminal suspicion stop, or a checkpoint or roadblock stop;
- b. The officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
- c. The officer is conducting a motorist aid or community caretaking check;
- d. The officer is interviewing a witness in the course of investigating a criminal offense;
- e. The officer is conducting a custodial interrogation of a suspect, unless the interrogation is otherwise being recorded in accordance with Rule 3:17 (electronic recordation of station house interrogations);
- f. The officer is making an arrest;

- g. The officer is conducting a protective frisk for weapons;
- h. The officer is conducting any kind of search (consensual or otherwise);
- i. The officer is engaged in a police response to any type of civil disorder in circumstances where the officer is engaged with or in the presence of civilians and the officer or any other officer on the scene may be required to employ constructive authority or force;
- j. The officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed 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;
- k. 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
- l. The officer reasonably believes that any other officer on the scene has undertaken or is engaged in any of the foregoing police actions/activities.

4.6.4 SPECIAL ACTIVATION RULES GOVERNING DEADLY-FORCE INCIDENTS AND OTHER EXIGENT CIRCUMSTANCES WHERE OFFICERS ARE IN DANGER

- a. When an officer equipped with a Body Worn Camera is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance, the officer shall activate the Body Worn Camera before arriving at the scene when feasible.
- b. An officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not de-activate the Body Worn Camera 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 Attorney General Law Enforcement Directive No.2006-5, or their designee.
 - (1.) Such instruction may be given telephonically by the assistant prosecutor, assistant or deputy attorney general, or designee

supervising the investigation.

4.6.5 AGENCY DISCRETION – This agency may promulgate a policy, standing operating procedure, directive, or order that requires uniformed officers to activate a Body Worn Camera when conducting a specified law enforcement activity not listed in section. This agency may also specify circumstances when the Body Worn Camera be de-activated, provided that this SOP does not authorize deactivation in circumstances where the COP Directive #77 requires that the Body Worn Camera remain activated.

4.6.6 CONTINUOUS RECORDING PENDING COMPLETION OF THE ENCOUNTER - To ensure that the entire encounter/event/episode is recorded, when feasible, a Body Worn Camera should be activated before a uniformed officer arrives at the scene of a dispatched call for service or other police activity listed above in section 4.6.3.

a. The officer need not begin recording at the moment he or she receives instructions from a dispatcher to respond to a call for service.

b. The officer may delay activation until he or she is near the destination.

c. Once a Body Worn Camera has been activated by a uniformed officer pursuant to this SOP, the device must remain activated throughout the entire encounter/event/episode and shall not be de-activated until it is "concluded."

(1.) Except as otherwise expressly provided in section 4.6 or any other provision of this SOP,

(2.) Examples of the conclusion of an encounter/event/episode occurs when it is "closed" on the department's computer-aided dispatch (CAD) system; when the Body Worn Camera - equipped officer has left the scene; when all civilians involved in the encounter have left the scene; or when the officer has informed the dispatcher or a supervisor that the event has concluded.

d. When a BODY WORN CAMERA is activated pursuant to section 4.6.3.k (transport of arrestee), whether by an officer in uniform or in plain clothes, it shall remain activated at all times while the Body Worn Camera 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.

4.7 **DE-ACTIVATION OF BODY WORN CAMERAS**

4.7.1 **DE-ACTIVATION AT THE REQUEST OF A CIVILIAN PROVIDING INFORMATION** - an officer may de-activate a Body Worn Camera 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.

- a. The officer shall not suggest to the person that the Body Worn Camera should be de-activated; nor shall the officer ask the person whether he or she would prefer that the Body Worn Camera be de-activated. The officer may explain the consequences of de-activation. As an example, evidence relevant to a criminal investigation will not be recorded.
- b. Request for de-activation must be self-initiated by the civilian.
- c. In deciding whether to de-activate the Body Worn Camera, 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.

4.7.2 **DE-ACTIVATION AT THE REQUEST OF A PERSON SEEKING MEDICAL ASSISTANCE** - an officer may de-activate a Body Worn Camera when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the Body Worn Camera be de-activated.

- a. In deciding whether to de-activate the Body Worn Camera, the officer shall consider the privacy interests of the person requesting de-activation and the person in need of medical assistance.

4.7.3 **PROCEDURES FOR DE-ACTIVATION UPON A CIVILIAN'S REQUEST** - When an officer de-activates a Body Worn Camera pursuant to this or an agency directive, the following procedures shall be followed:

- a. The interaction between the officer and the civilian concerning the request for deactivation shall be electronically recorded;
- b. The officer, before de-activating the Body Worn Camera, shall narrate the circumstances of the de-activation. As an example, "I am

now turning off my Body Worn Camera as per the victim's request.";

- c. The officer shall report the circumstances concerning the deactivation to his or her superior as soon as is practicable; and
- d. The officer shall document the circumstances of the deactivation in any investigation or incident report concerning the incident under investigation.

4.7.4 **DECISION TO DECLINE A CIVILIAN'S DE-ACTIVATION REQUEST -**
If an officer declines a request to de-activate a Body Worn Camera pursuant to section 4.7.1 or 4.7.2, the reasons for declining the request must be documented and shall be reported to the officer's superior as soon as it is safe and practicable to do so.

- a. In the event that the officer declines a de-activation request, the officer immediately shall inform the person making the request of that decision.
- b. An officer shall be prohibited from misleading the person making the de-activation request pursuant to section 4.7.1 or 4.7.2 into believing that the Body Worn Camera has been turned off, when in fact it is operating unless the County Prosecutor or designee or the Director of the Division of Criminal Justice, or designee, expressly has authorized covert recording.

4.7.5 **DE-ACTIVATION DURING CRIMINAL INVESTIGATION STRATEGY/PLANNING DISCUSSIONS -** Notwithstanding section 4.6.6 above, and subject to the requirements of section 4.6.4 above, a Body Worn Camera equipped officer may de-activate a Body Worn Camera 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 Body Worn Camera -equipped officer is not actively engaged in the collection of physical evidence.

- a. When an officer de-activates a Body Worn Camera, the officer shall narrate the circumstances of the de-activation. As an example, "I am now turning off my Body Worn Camera to discuss investigative strategy with my supervisor."

4.7.6 **DE-ACTIVATION ON INSTRUCTION FROM THE PROSECUTOR -**
Notwithstanding section 4.6.6 above, an officer may de-activate a Body Worn Camera when specifically authorized to do so by an Assistant Prosecutor, or Assistant or Deputy Attorney General for good and sufficient cause as

determined by the Assistant Prosecutor or Assistant or Deputy Attorney General.

- a. When an officer de-activates a Body Worn Camera pursuant to this section, the officer shall narrate the circumstances of the de-activation indicating that the Assistant Prosecutor or Assistant or Deputy Attorney General who authorized the de-activation; specifically by verbalizing, "I am now turning off my Body Worn Camera as per the instruction of Assistant Prosecutor (insert name)."

4.8 **RE-ACTIVATION OF BODY WORN CAMERAS AFTER AN INITIAL DE-ACTIVATION**

4.8.1 RE-ACTIVATION WHEN REASON FOR DE-ACTIVATION NO LONGER EXISTS - In any instance where a Body Worn Camera was deactivated, the device shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances justifying de-activation no longer exist, and the officer would otherwise be required to activate the Body Worn Camera where the officer proceeds to other investigative activities that are required to be recorded pursuant to this SOP.

4.8.2 RE-ACTIVATION WHEN ACTUAL LAW ENFORCEMENT FORCE IS AUTHORIZED - In any instance where a Body Worn Camera was deactivated pursuant to any other provision of this Directive, or policy, standing operating procedure, directive, or order issued by a department, if the circumstances develop so that an officer is authorized to use force, the Body Worn Camera shall be re-activated as soon as it is safe and practicable to do so.

4.9 **SPECIAL CONDITIONS / RESTRICTIONS ON BODY WORN CAMERA ACTIVATION**

4.9.1 SPECIAL RESTRICTIONS WHEN RECORDING IN SCHOOLS, HEALTHCARE/TREATMENT FACILITIES AND PLACES OF WORSHIP - Unless an 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 Body Worn Camera, or shall de-activate a Body Worn Camera that has been activated, while the officer:

- a. 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 Body Worn Camera;
- b. 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 Body Worn Camera; or
- c. Is in a place of worship under circumstances where worshipers would be in view of the Body Worn Camera.
- 4.9.2 If an officer is required to de-activate the Body Worn Camera in accordance with the provisions of this section, the officer shall narrate the reason for de-activation. As an example, "I am entering a school building where children are present."
- 4.9.3 The Body Worn Camera shall be re-activated as soon as it is safe and practicable to do so if and when the circumstances requiring de-activation no longer exist.
- 4.9.4 In the event that a Body Worn Camera captures the image of a patient in a substance abuse treatment facility, the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, shall be notified to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information.
- a. The recording shall not be accessed without the permission of the County Prosecutor or designee, or Director or designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
- 4.9.5 **SPECIAL RESTRICTIONS WHEN UNDERCOVER OFFICERS OR CONFIDENTIAL INFORMANTS MAY BE RECORDED** - An officer shall not activate a Body Worn Camera, or de-activate a Body Worn Camera that has been activated, if the officer knows or reasonably believes that the Body Worn Camera would capture the image of an undercover officer or confidential informant, or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer requires that the encounter/incident be recorded, in which event the officer shall inform his or her supervisor that the image of an undercover officer or confidential informant was recorded.
- a. Notwithstanding the foregoing general rule prohibiting the recording of an undercover officer or confidential informant, in the event of a planned arrest/search warrant execution where it is expected that an undercover officer or confidential informant would be present, the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, may provide specific instruction to any

Body Worn Camera -equipped officers participating in the operation on whether to activate their devices.

- b. The Body Worn Camera 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.

4.9.6 SPECIAL PRECAUTIONS WHEN A BODY WORN CAMERA RECORDING MAY REVEAL TACTICAL OPERATIONS INFORMATION - In the event that a Body Worn Camera worn during the execution of tactical operations records confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the recording shall be "tagged."

- a. "Tagged" refers to Agency requirements to establish and implement a system that permits a notation (tagging) to be made when the recording may, or is believed to have raised special privacy or safety issues.
- b. N.J.S.A. 47:1A-1.1, exempts 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."
- c. N.J.A.C.13:1 E-3.2(2), exempts records that may reveal "surveillance, security, tactical, investigative, or operational techniques."

4.9.7 SPECIAL RESTRICTIONS ON RECORDING IN COURTROOMS - An officer shall not activate a Body Worn Camera while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless such activation is expressly authorized by the judge.

4.9.8 DE-ACTIVATION / REMOVAL OF BODY WORN CAMERA FROM ALCOHOL BREATH TESTING - If the Body Worn Camera equipment selected by this agency produces radio-frequency interference while activated, or while in standby mode, the device shall be de-activated while in the area where an electronic alcohol breath testing device is being used, or, as necessary, shall be removed from the area where such device is being used.

- a. Nothing herein shall be construed to preclude the use of a Body Worn Camera 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.

- b. If this provision requires de-activation of a Body Worn Camera, the officer shall narrate the reasons for de-activation ("I am de-activating the Body Worn Camera because the suspect is about to take a breath test."), and the Body Worn Camera shall be re-activated when safe and practicable to do so following the completion of the breath testing operation.

4.9.9 **RESTRICTIONS ON USING BWCs WITH ENHANCED AUDIO/VISUAL CAPABILITIES** - If an Agency acquires a Body Worn Camera 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, that feature or capability shall not be used without the express approval of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee, in accordance with any applicable legal requirements.

- a. Example: infrared night vision or thermal imaging, and/or sound amplification that would record conversations occurring at a remote distance.

4.10 **RETENTION OF BODY WORN CAMERA RECORDINGS** - The policy, standing operating procedure, directive, or order promulgated by a law enforcement agency shall specify the period of time during which a Body Worn Camera recording shall be retained.

4.10.1 The retention period shall not be less than 90 days, and shall be subject to the following additional retention periods:

- a. When a Body Worn Camera 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.
- b. When a Body Worn Camera 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 and/or agency.
- c. When a Body Worn Camera 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.

4.11 **STANDARDS TO ENSURE SECURE STORAGE & ACCESSIBILITY OF BODY WORN CAMERA RECORDINGS**

4.11.1 PROCEDURES TO PROTECT INTEGRITY OF BODY WORN CAMERA RECORDINGS - Every department that deploys BWCs shall establish and maintain a system and procedures to ensure the integrity and proper handling and storage of all Body Worn Camera recordings. This system shall include provisions to:

- a. Ensure that all recordings are uploaded to a secure data storage system in a timely fashion;
- b. Prevent tampering with or deletion of recorded data both before and after downloading from the Body Worn Camera and uploading to the storage system;
- c. Prevent unauthorized access to stored Body Worn Camera recordings;
- d. Document all instances where Body Worn Camera recordings are accessed, viewed, copied, disseminated, or deleted; and
- e. Permit auditing of all instances where Body Worn Camera recordings are accessed, viewed, copied, or deleted.

4.11.2 CAPACITY TO LOCATE SPECIFIC BODY WORN CAMERA RECORDINGS – This agency shall establish and implement a system that permits the agency to locate and retrieve all recordings associated with a specific incident/event, investigation, case, or criminal charge.

- a. Accordingly, this agency shall be required to develop and maintain a Body Worn Camera control ledger or log, which may be computerized.
- b. This agency shall establish and implement a system to ensure that relevant Body Worn Camera recordings are provided in discovery in a timely fashion.
- c. The system established by the agency should include a provision to ensure that police arrest/incident/continuation reports indicate whether the incident or investigative activity described in the report was electronically recorded by a Body Worn Camera.
 - (1.) Police reports should, when feasible, indicate the corresponding Body Worn Camera control ledger/log number, and the Body Worn Camera control ledger/log should cross-reference the incident case number.

- d. Copies of Body Worn Camera recordings, made for the purpose of complying with the State's discovery obligations, shall be provided to the Prosecutor in a readily available media format approved by the Director of the Division of Criminal Justice in consultation with the Administrative Office of the Courts.

4.11.3 PROVISIONS TO IDENTIFY "TAG" RECORDINGS THAT RAISE PRIVACY OR SAFETY ISSUES - To identify Body Worn Camera recordings that may raise special privacy or safety issues, every Agency that deploys BWCs shall establish and implement a system that permits a notation; also known as "tagging." An Agency's policy, standing operating procedure, directive, or order may specify additional circumstances when a Body Worn Camera recording will be "tagged." A "tagged" record will occur when it:

- a. Captures the image of a victim of a criminal offense;
- b. Captures the image of a child;
- c. Was made in a residential premises, a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
 - (1.) Examples include a home, apartment, college dormitory room, hotel/motel room, etc.
- d. Captures a conversation with a person whose request to de-activate the Body Worn Camera was declined;
- e. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 - (1.) Examples include verbal codes and hand signals used to give direction to officers, techniques for interior movements and clearing rooms during execution of a warrant, techniques for convincing persons to open doors during warrant execution, etc.
- f. Captures the image of an undercover officer or confidential informant; or
 - (1.) Captures the screen of a police computer monitor that is displaying confidential personal or law enforcement sensitive information.

4.12 **APPROVAL FOR ACCESS TO "TAGGED" BODY WORN CAMERA RECORDINGS** - A "tagged" Body Worn Camera recording shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the County Prosecutor or designee, or the Director of the Division of Criminal Justice or designee.

4.12.1 The County Prosecutor, or Director, may authorize the Sheriff, and one or more superior officers or duty positions identified by the Sheriff, to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use Body Worn Camera recordings tagged.

4.13 **COMPLIANCE WITH DISCOVERY OBLIGATIONS RELATING TO BODY WORN CAMERA RECORDINGS THAT MIGHT EXPOSE OFFICERS OR OTHER PERSONS TO DANGER** - If disclosure of a Body Worn Camera recording, as part of the State's discovery obligations in a prosecution, might present a danger to any officer or civilian, or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee in cases prosecuted by the Division, 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.

4.13.1 Examples of potential danger to any officer or civilian include the reveal of an undercover officer, a confidential informant, or a surveillance site, etc.

4.13.2 Examples of potentially jeopardizing future operations or officer safety include the reveal of 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.

4.14 **RESTRICTIONS ON ACCESS TO USE AND DISSEMINATE BODY WORN CAMERA RECORDINGS**

4.14.1 **AUTHORIZATION FOR ACCESSING/USING STORED BODY WORN CAMERA RECORDINGS** - No law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a Body Worn Camera recording, except for an official purpose. Access to and use of a stored Body Worn Camera recordings is permitted only:

- 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 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;
- d. To assist the officer whose Body Worn Camera made the recording in preparing his or her own police report, subject to restrictions;
- e. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
- f. 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;
- g. To comply with the State's discovery obligations in prosecutions pursuant to the Rules of Court;
- h. To comply with any other legal obligation to turn over the recording to a person or entity;
- i. To show or disseminate the recording to a civilian or a non-law enforcement entity, or to disseminate it to the public, where the County Prosecutor or designee, or Director of the Division of Criminal Justice or 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;
- j. 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;
- k. To conduct an audit to ensure compliance with this SOP, COP policy #77, or order promulgated pursuant to the AG Directive 2015-1;
- l. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution, when such use is approved by the County Prosecutor or designee, or the Director

of the Division of Criminal Justice or designee; or

(1.) An example of this type of intelligence may include the providing of information about the layout of a premises to be searched, etc...

m. Any other specified official purpose where the County Prosecutor or designee, or Director of the Division of Criminal Justice or designee, finds in writing that good and sufficient cause exists to authorize access to a particular Body Worn Camera recording.

4.14.2 AUTHORIZATION TO ACCESS BODY WORN CAMERA RECORDINGS RELATED TO USE-OF-FORCE INVESTIGATIONS - The Assistant Prosecutor, Assistant or Deputy Attorney General, or designee overseeing a police use-of force investigation pursuant to Attorney General Law Enforcement Directive No. 2006-5, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to, or view a Body Worn Camera recording of the incident under investigation.

a. To ensure the integrity of investigations of police-involved shootings and other use-of-force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, no civilian or law enforcement witness; including the principals of the investigation, shall be given access to or view a Body Worn Camera recording of the incident, or a Body Worn Camera recording of the response or on-scene investigation of the incident, without the express prior approval of the Assistant Prosecutor, Assistant or Deputy Attorney General, or designee.

4.14.3 DOCUMENTING ACCESS TO STORED BODY WORN CAMERA RECORDINGS - Each Agency that implements and deploys a Body Worn Camera program shall maintain a record of all access to stored Body Worn Camera recordings pursuant to this Directive. The Agency's record keeping system shall document the following information:

- a. The date and time of access;
- b. The specific Body Worn Camera recordings that was/were accessed;
- c. The officer or civilian employee who accessed the stored Body Worn Camera recording;
- d. The person who approved access, where applicable; and

- e. The reasons for access, specifying the purpose or purposes for access authorized, and specifying the relevant case/investigation number, where applicable.

4.15 **PUBLIC DISCLOSURE OF BODY WORN CAMERA RECORDINGS**

4.15.1 **NOTICE TO PROSECUTOR OF SUBPOENA, COURT ORDER, OR OPRA/COMMON LAW REQUEST** - Any Agency receiving a subpoena, court order, or request pursuant to the Open Public Records Act, or the common law right to know, for a Body Worn Camera recording shall, within one business day of receipt of such subpoena, court order, or request, and before complying with it, provide notice to the County Prosecutor, or to the Division of Criminal Justice where the recording was made by a state-level law enforcement agency. Such notice shall state clearly the deadline by which a response must be made.

4.15.2 **DISCLOSURE OF BODY WORN CAMERA RECORDINGS IN TO CRIMINAL INVESTIGATIONS** - A Body Worn Camera 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 law enforcement agency in consultation with the County Prosecutor or designee, or the Director of the Division of Criminal Justice or 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.

4.16 **VIOLATIONS** - Any willful or repetitive violations of this SOP shall be reported promptly to the County Prosecutor. The County Prosecutor is authorized to take such actions as are reasonable and necessary to ensure compliance with this SOP and to prevent future violations.

4.17 **NON-ENFORCEABILITY BY THIRD PARTIES** - This SOP is issued pursuant to the Attorney General's authority to ensure the uniform and efficient enforcement of the laws and the administration of criminal justice throughout the State. This Directive imposes limitations on the exercise of law enforcement discretion that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any promises or any rights beyond those established under the Constitutions, statutes, and regulations of the United States and the State of New Jersey. The provisions of this Directive are intended to be implemented and enforced by law enforcement agencies that deploy BWCs, and these provisions do not create any promises or rights that may be enforced by any

other persons or entities.

5.0 **OPERATIONS:**

5.1 Only those Officers who have completed approved training will be allowed to operate the Axon system.

3.5.5 b

5.1.1 Officers will inspect the Axon system for any physical damage and to ensure the device is in working order at the beginning of their shift. Any problems will be reported immediately to their supervisor.

3.5.5 a

5.1.2 A (BWC) shall be used only in the performance of official duties and NOT for personal use. The Axon system shall be worn at all times the officer may become involved in an enforcement situation.

3.5.5 b

a. No (BWC) recording shall be accessed, viewed, copied, disseminated, or otherwise used by a sworn officer or civilian employee of the agency except for an official purpose specified in the this SOP.

b. Any Sworn officer or civilian employee of the agency who knowingly violates the requirements of this SOP or other procedures, directives or orders shall be subject to discipline.

3.5.5 a

5.1.3 Officers shall begin recording as soon as practical during a given situation and continue to record until the completion of the event, to include the recording of statements.

5.1.4 Once the situation stabilizes, if it is necessary to discuss issues or concerns with another officer or supervisor in private, the Axon may be temporarily muted or placed in Privacy Mode.

5.1.5 The intention to stop the recording will be noted by the officer verbally on the Axon.

a. As soon as the private conversation is completed, the Axon shall be returned to Event Mode.

5.1.6 When an incident arises that requires the immediate retrieval of a digital recording, (serious crime scenes, serious incidents within the Correction Center, Officer involved shootings, department involved motor vehicle accidents), a supervisor shall respond to the scene to secure the ATC and maintain chain of custody.

3.5.5 c

5.1.7 Officers shall document, in all reports, if the Axon system was utilized during an event and attach the appropriate case number to the video via the ATC or computer.

3.5.5 a

5.1.8 The Axon shall not be used in Sheriff's Office locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy.

5.1.9 Officers shall not record confidential informants or undercover officers.

5.1.10 The Axon will not be intentionally activated to record conversations of fellow employees without their knowledge during routine, non-enforcement related activities.

5.1.11 Officers may allow citizens to review any video or audio recording with approval from a supervisor.

5.1.12 Officers will immediately report to their direct supervisor any loss of, or damage to, any part of the Axon equipment.

3.5.5 b

5.1.13 Any officer who intentionally disables or damages any part of the Axon system or who fails to activate or deactivate the system required by this policy without a justifiable reason, will be held accountable and subject to criminal and/or internal disciplinary action.

5.2 **Media Storage for the Taser Axon-All Divisions**

5.2.1 At the end of their shift, Officers shall place the Axon ATC into the Evidence Transfer Manager (docking station) for charging and uploading of media.

5.2.2 The ATC cannot be removed from the ETM until the data has been uploaded.

3.5.5 c

5.2.3 The media captured via the Axon will only be uploaded to Evidence.com and used for official purposes only.

5.2.4 Officers may use media captured, directly from the ATC or Evidence.com, to assist with the investigation and complete reports.

5.2.5 Media captured via the Axon may be used for training purposes with proper authorization from the Sheriff or his designee.

3.5.5 c

5.2.6 Media captured via the Axon will be accessed through www.evidence.com.

3.5.5.d

5.2.7 All recordings are the property of the Cape May County Sheriff's Office. No video or audio portions of a video will be released to persons outside the Sheriff's Office except as allowed for the release of record information in accordance with SOP 1508.

- a. Officers will not make copies of any video or audio recording for personal use and are prohibited from using a recording device, such as a telephone camera or secondary video camera, to record media from Evidence.com or the ATC unit.

- b. Media Storage of video for investigative purposes will be maintained in accordance with state law and the NJDARM.

5.3 **Review of Axon Media**

- 5.3.1 Digital recordings shall be randomly reviewed by supervisors to monitor Officer Performance, training, critique, early intervention inquiries, civil claims or administrative inquiry.
 - a. An investigator who is designated by the Sheriff or his designee and participating in an official Sheriff's Office investigation of a personnel complaint, claims investigation, administrative inquiry or criminal investigation may review specific incidents contained on digital recordings. Any other review will require the approval of the Sheriff or his designee.
 - b. Viewing rights and/or copies of media may be given to legal representation or media outlets only with the authorization of the Sheriff or his designee.
 - c. In no event shall any digital recording be used or shown for the purpose of Officer Ridicule or embarrassment. This includes submission of any portion of a video to a media organization unless previously authorized by the Sheriff or his designee.

5.4 **Correctional Division: Personal Body Cameras**

- 5.4.1 All correctional center Shift Sergeants, Roving Officers and at least one Booking Officer will carry and use a personal body camera based upon the requirements and limitations set forth in this policy.
- 5.4.2 All personnel will be trained in the proper operation of the Taser Axon Flex body camera and must demonstrate proficiency in its operation.
- 5.4.3 All personnel will create an on-line account with EVIDENCE.COM to electronically store their digitized recordings. However, authorization to view recorded data is limited as per section 5.6.
- 5.4.4 The Warden or his designee may authorize the use of the Taser Axon Flex tactical body camera in other areas of the Correctional Center as deemed necessary to enhance security. In addition, Officers authorized in the use of a personal body camera will do so based upon the requirements and limitations set forth in this policy.
- 5.4.5 The recording of any spontaneous emergent event in any area of the correctional center is authorized at all times.

5.5 **Sergeants and Officer (Responsibility)**

5.5.1 Each designated officer will at the beginning of his/her shift, checkout an Axon Flex unit by performing the following steps:

- a. Ensure that the camera displays a green LED before undocking it from the ETM.
 - (1.) On the computer, log into the EVIDENCE Sync application with user name and password.
 - (2.) Connect the Axon Flex camera to the computer with the USB cable.
 - (3.) In the "Officer" box, use the drop-down to select the appropriate user name.
 - (4.) Click "Reassign".
 - (5.) Disconnect the camera from the computer; the camera is ready for use.
- b. The Taser Axon Flex body camera will be worn at all times while on duty; utilizing the approved uniform mounting system.
- c. The Taser Axon Flex controller shall be worn on the uniform utilizing the approved holster for the device.
- d. The Taser Axon Flex system will be powered on and in the buffering mode at all times except as indicated in 5.7.
- e. All officers must be cognizant of the Taser Axon Flex body camera system and provide reasonable protection against damage to its components.

5.5.2 **Sergeants (Use of System)**

- a. Must utilize the body camera to record any circumstance that leads him or her to believe that the specific actions during an inmate contact may need to be retrieved or reviewed for evidence.
- b. Must utilize the body camera to record any incident that requires a Sergeants response and may require an administrative course of action.

5.5.3 Roving Officer and Booking Officer (Use of System)

- a. All officers assigned to the Rover post and at least one Booking Officer will be readily equipped with the Taser Axon Flex Body Camera System.
- b. In certain circumstances associated with the high risk nature of Housing Unit 2A and Housing Unit 2B and Booking, the Warden or his designee may order the use of the Taser Axon Flex Body Camera System to record the actions of specific inmates.
- c. The Roving Officer and the Booking Officer will follow the administrative order(s) disseminated by the Warden or his designee concerning the authorization for individual inmate recordings.
- d. Due to the nature of the Roving Officer Post and Booking, utilizing the Taser Axon body camera system to record any spontaneous emergent event occurring in this tier is authorized and will be required.

5.5.4 Any officer of this agency who is involved with a transport or detail at the hospital or doctor's office with a subject in custody, shall activate the camera for situations that present the potential for extraordinary behavior including but not limited to: the subject exhibits signs of aggression, makes threatening or alarming remarks or there are facts and circumstances that lead the officer(s) to believe that the operation of the camera is prudent based on a specific fact pattern or information obtained.

- (1.) The officer should make every reasonable attempt to not record any conversations regarding medical conditions or treatments between the subject and a health care provider. The officer should also make every reasonable attempt to not record any treatments being administered by a health care provider.

3.5.5 a
3.5.5 b

5.6 Law Enforcement Division: Personal Body Cameras:

5.6.1 All Law Enforcement Division members as assigned will carry and use a personal body camera based upon the requirements and limitations set forth in this policy as applicable.

3.5.5 b

5.6.2 Officers are assigned a specific camera by an Administrative Evidence.com user. The officers who are assigned a camera are to wear that camera during

3.5.5 b

their entire tour of duty. Officers who are designated for on-call status are to wear their assigned camera when activated to on-duty status.

- a. Cameras are re-assigned manually by an administrative user when necessary.
- b. Officers place their assigned camera and battery pack into the ETM at the conclusion of each shift or tour of duty.
- c. Cameras automatically download stored videos as well as receive updates from Evidence.com while connected to the ETM. Battery packs charge while connected to the ETM. See section 5.2.
- d. Cameras are assigned to an individual officer at the command staff's discretion.
- e. Officers are to activate their cameras when making contact with the public and there is a possibility of law enforcement action being taken.
- f. Officers are not to activate their cameras while having personal or official conversations or meetings with other members of the Sheriff's Office or secretly record any member of the Sheriff's Office unless their actions are directly related to an official law enforcement action / investigation.

3.5.5 a

5.6.3 Use of BWC's at the Correctional Center:

- a. Officers transporting arrestees to the Cape May County Correctional Center shall have their body camera activated in a manner consistent with this SOP, Cape May County Chiefs of Police Policy 077, and New Jersey Attorney General Directive 2015-1.
- b. During the initial processing, Correctional Center personnel will ask questions related to the PREA requirements.
 - (1.) During this questioning the transporting officers will exit the prisoner vestibule into the garage and continue recording.
 - (2.) At the conclusion of the PREA questioning the transporting officers will re-enter the prisoner vestibule and continue recording until custody of the arrestee is accepted by Correctional Center personnel and the arrestee is no longer in their presence.
- c. **No recordings are to be made beyond the prisoner vestibule.** If a transporting officer has reason to enter the Correctional Center

beyond the prisoner vestibule, they **will deactivate** their body worn camera.

5.6.4 **Special Details:**

a. Any officer of this agency who is involved with a transport or detail at the hospital or doctor's office with a subject in custody, shall activate the camera for situations that present the potential for extraordinary behavior including but not limited to: the subject exhibits signs of aggression, makes threatening or alarming remarks or there are facts and circumstances that lead the officer(s) to believe that the operation of the camera is prudent based on a specific fact pattern or information obtained.

(1.) The officer should make every reasonable attempt to not record any conversations regarding medical conditions or treatments between the subject and a health care provider. The officer should also make every reasonable attempt to not record any treatments being administered by a health care provider.

b. When assigned to a school, or responding to a school, the officer should activate their camera when there is a possibility of law enforcement action being taken as previously outlined in section 5.6.3a. The officer should make every reasonable attempt to not record interactions between faculty members and students unless directly related to law enforcement action. The officer is not to record any faculty member, student or regular school activity, absent law enforcement action, at any time.

3.5.5 a
3.5.5 b

5.7 **Operating Standard (Privacy)**

a. The body camera system should be utilized in such a manner as to avoid interference with the privacy of inmates, whenever possible.

b. The Taser Axon Flex Body Camera System and Axon Body 2 Camera have a unique 30 second loop recording feature. When a recording is activated, the previous 30 seconds of camera footage will become part of the current recording (however audio will be deactivated during these first 30 seconds). All officers must be aware of this 30 second recording loop and power the unit off during personal hygiene sessions and other authorized breaks.

c. Specifications are attached to this policy for the Flex Camera and Body and the Axon Body 2 camera as outlined in Appendix A and Appendix B respectively. As for maintenance, in online mode firmware updates will occur automatically. Other product

management will be regular visual inspection of the device, its switch and button functionality, visual inspection of wires and connectors, and an occasional wipe down with a dry, soft cloth.

- d. The Instruction manual for the Axon Body Camera System can be accessed by all officers in DMS, File IM17-004.

5.8 **Administrative Control (Taser Axon Camera Systems)**

5.8.1 After each tour of duty, the Officer must access EVIDENCE sync and label the captured video with the following information:

- a. Incident video capture- Inmate(s) involved along with incident report number(s). If a spontaneous emergent event was captured and no report number was given then the label must include the inmate(s) involved and a description of the event.
- b. General routine video capture- Name of inmate and description of the event i.e. such as yard movement or medication distribution.
- c. At the end of each shift, the Taser Flex Tactical Computer (Axon Flex Camera and Axon Flex Controller and the Axon Body 2 Camera) will be returned to the Axon ETM multi-bay docking station. Once this is done, all the data recorded on the Axon Flex Tactical Computer will be automatically downloaded to EVIDENCE.COM and stored in that officer's electronic account.
- d. Officers/ Sergeants shall not access their EVIDENCE.COM online account while off duty.
- e. Officers, under the direction of the Chief of Security, may access their online EVIDENCE.COM account for authorized purposes only.
- f. Digitally recorded video stored in the EDVIDENCE.COM electronic data storage system will be administratively controlled by the Sheriff, Undersheriff, Warden, Captain, Chief of Security and the Internal Affairs officer(s).
- g. Digitally recorded incidents, inmate contacts, spontaneous emergent events or any other recordings may be used for the following purposes to include but not limited to:
 - (1.) General observance for procedural adherence;
 - (2.) Training / Instructional guidance;

3.5.5 b

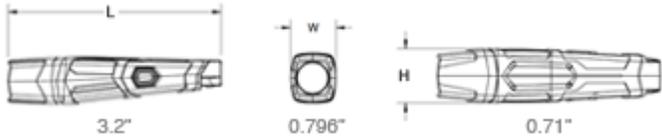
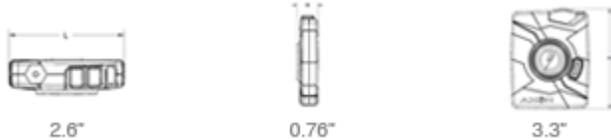
- (3.) Review of Incidents / supporting evidence;
 - (4.) Administrative investigations;
 - (5.) Criminal allegations and Civil Tort claim defense.
- h. Hearing Officers for the purpose of obtaining supporting case evidence for an inmate hearing may request (through the Captain) to view a copy of electronic video data that pertains to the specific incident.
 - i. Copies of digitally recorded data stored in the EVIDENCE.COM storage system will not be released for any other purposes without the consent of the Sheriff. In all cases, any such copy is considered confidential and is not to be released for non-law enforcement purposes.

APPENDICES

Appendix A – FLEX Camera specifications

Appendix B – Body 2 Camera specifications

APPENDIX A

Specifications: Physical Characteristics	
FLEX Camera Dimensions (L x W x H) Weight: 15 grams	
FLEX Controller Dimensions (L x W x H) Weight: 93 grams	
Weather Resistant	IPX2- MIL- STD 810F Method 506.4 procedure 1 (rain & blowing)
Retina Low Light Capability	≤ 1 lux

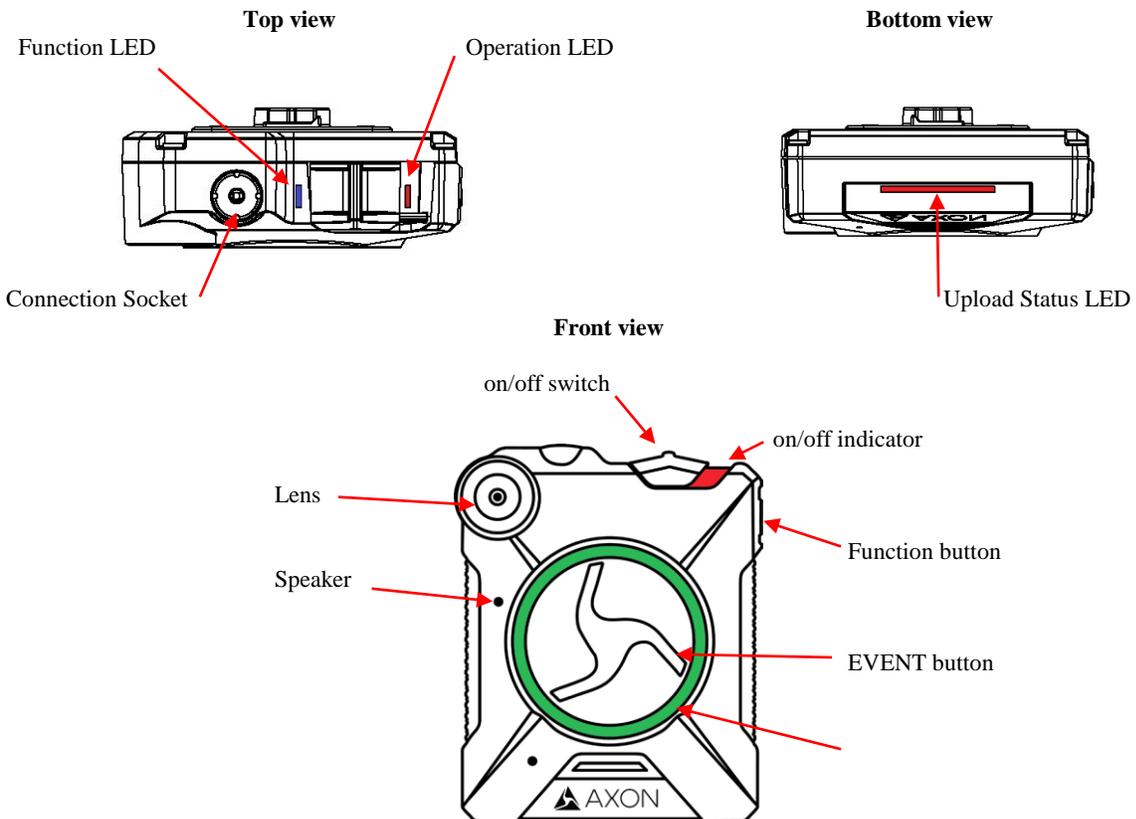
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Taser Axon Video Camera and Audio System

Configurable A/V Settings	Bit rate (multiple settings to optimize file size and upload speed) Audio – on/off
Video Sensor Settings	30FPS
Video Resolution	640 x 480
Server configurable	EVIDENCE.com connected or local download
Field of view	75 degrees
Record time	4 hours
12+ hour Pre-event buffer	Captures previous 30 seconds from start with no audio
Battery stand by time in buffering	12+ hours
Recharge time	Fully depleted battery = 6 hours
Power activation	Slide switch on battery
Record activation	Push button – double-press to start recording, 3-second hold to end recording
Volume Control	4 step momentary press
Video playback	Via phone application or MDT application
GPS coordinates	Via phone application
Operating temperature	-20 to +50 degrees C

Drop test	6 feet
Humidity	80% non condensing

Appendix B

Axon Body 2 - Product Specification





Video Resolution	1080P / 720P / 480P
Video Format	MPEG4
Field of View	143°
Battery Life	12+ hrs.
Storage	64 GB
Record Time	Up to 70 hrs.
Pre-Event Buffer Audio	Configurable
IP Rating	IP67
US Military Standard	MIL-STD-810G
Drop Test	6 ft. [1.8 m]
Operating Temperature	-4° F to 122° F [-20° C to 50° C]