



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: In-Car Camera	GENERAL ORDER NO. 18-06	
SUPERSEDES: New	DATED: April 13, 2018	SECTION CODE:

I. PURPOSE

This policy establishes uniform procedures for the Newark Police Division’s (Division) in-car camera system and provides members with instructions on when and how to use an in-car camera. Implementation of this technology will allow the Division to maintain public trust, enhance officer safety, and provide an unbiased recorded account of an incident. Within this policy, there are guidelines for the use, management, and storage of video recordings.

II. POLICY

It is the policy of the Newark Police Division to equip all marked patrol vehicles with an in-car video system. Members assigned a marked patrol unit with an in-car camera will make every effort to record traffic stops, pursuits, searches and police-citizen contacts.

III. DEFINITIONS

- A. **Activate** – Turn on the record mode/function of the in-car camera.
- B. **Deactivate** – Turn off the record mode/function of the in-car camera.
- C. **In-Car Camera** - Camera mounted in either the front or rear compartments of the vehicle. The camera mounted in the front compartment will face forward capturing the view from the front of the vehicle. The camera mounted in the rear will capture the rear passenger compartment.
- D. **Wireless Access Point** – A networking hardware device that allows a wireless internet device to connect to a wired network. This device will be mounted in a specifically designated area at each precinct.

IV. TRAINING

- A. The commander of the Training Division is responsible for scheduling in-car camera training for all newly hired officers during their in-service training. In addition, a curriculum shall be established to provide “refresher” training at least every five years or more frequently if there are material changes to the in-car camera technology.



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- B. All members must receive training on this policy and complete the in-car camera training course to ensure proper use of the in-car camera system.
- C. The vendor will host training on the in-car camera system and body-worn camera (BWC) simultaneously. In-car camera training will be scheduled upon issuance of a BWC.

V. AUTHORIZED USE and POLICY REVIEW

- A. Only in-car cameras and storage servers issued by the Division shall be used.
- B. All in-car cameras, related equipment, data, images, video and metadata captured, recorded or otherwise produced are the sole property of the Newark Police Division.
- C. The Consent Decree and Planning Unit shall review this policy quarterly during the pilot program and on an annual basis after full deployment.

VI. INSPECTION, MAINTENANCE, and USE of CAMERA

- A. The in-car cameras and related equipment installed in the marked patrol unit are the responsibility of the member assigned the vehicle. That member must conduct, at the beginning of his/her tour of duty and before calling in-service, an inspection of the vehicle, including in-car camera equipment. This inspection will include:
 - 1. Turning the vehicle on;
 - 2. Inspecting camera and related equipment for signs of physical damage (damage must be documented on an administrative report);
 - 3. Opening the Arbitrator Front-End Client Application on the mobile data computer;
 - 4. Logging in to the Arbitrator Front-End Client Application;
 - 5. Pairing the body-worn camera to the vehicle (if applicable);
 - 6. Activating the emergency lights;
 - 7. Ensuring the in-car cameras record (both front and rear cameras);
 - 8. Reviewing the video to ensure cameras are recording video; and
 - 9. Categorizing this procedure/video as a "Vehicle Inspection/Test" in the Arbitrator Software.
- B. If any of the functions of the in-car camera (i.e., pairing BWC to vehicle, logging in, video recording, etc.) do not work, restart the mobile data computer and repeat steps 1-5 in Section VI, subsection A. If, after doing so, the front or rear cameras still do not function correctly:
 - 1. The member must notify his/her immediate supervisor to attempt to resolve the issue.
 - 2. If the problem continues, member must notify the desk supervisor to email the Technology Unit to have the camera assessed/repared. The desk supervisor must email the Technology Unit immediately. The email must:
 - Be addressed to mis2@ci.newark.nj.us, the member's commanding officer, executive officer and principal clerk.



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- Indicate the officer name, identification number, command and vehicle number.
 - Indicate the problem/malfunction.
3. During normal business hours, a follow-up telephone call must be made by the commanding officer to the Technology Unit.
 4. The desk supervisor must issue the member another vehicle with a working in-car camera, if available.

VII. RESPONSIBILITY

A. Officer Responsibilities

The member shall:

1. Conduct an inspection of the in-car camera and related equipment in the marked patrol unit during the vehicle inspection.
2. Pair the body-worn camera to the vehicle.
*****If the in-car camera does not pair with the BWC, activation of the in-car cameras must be done independently******
3. Launch the Arbitrator Front-End Client and log on. This launch will ensure that the video is associated with the member that is logged on.
4. Activate and deactivate the in-car camera in accordance with this policy.
5. Ensure that an event number is entered for each video (dispatched assignment or police action).
6. Categorize each video with the proper classification from the “drop down” selection:
 - Vehicle Inspection/Test;
 - Call for service (no arrest);
 - Special Detail (protest, civil disturbance)
 - Traffic Matter (use of emergency lights; non-call for service or stop)
 - Activating lights to move a vehicle along
 - Motor Vehicle Stop;
 - Motor Vehicle Accident;
 - Motor Vehicle Aid;
 - Pedestrian Stop;
 - Frisk or Search;
 - Arrest;
 - DB Investigation;
 - Critical Incident (homicide, serious bodily injury, suspicious death, serious use of force); and
 - Internal Affairs (**Office of Professional Standards use only**).
7. Ensure vehicles are parked within range of the wireless access point (refer to the wireless signal strength indicator on the mobile data computer to determine if the vehicle is within range). This parking location will allow in-car video to upload automatically.



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8. Log off from the Arbitrator Front-End Client, within the vehicle, upon completion of the tour of duty. This log off will prevent other users from recording video with other members' credentials.

B. Supervisor Responsibilities

1. Desk supervisors shall log on to the Arbitrator Back-End Client, during their tour of duty, from the precinct computer at the desk to verify if officers video has:
 - An assigned event number.
 - Classifications from the "drop down" selection.
2. On a daily basis, supervisors shall randomly select two videos of officers and/or the supervisor from their tour of duty pertaining to Stops, Searches and Detentions. Supervisors shall review the Arbitrator Back-End Client "Main" page and view video to determine if the members complied with law and NPD policy. The "Main" page will provide a list of all uploaded video (body-worn and in-car video).
3. Before the end of each tour of duty, the desk supervisor shall send an email to the commander, executive officer and principal clerk indicating:
 - The name of the member(s).
 - The date and period of time the audit of video was conducted.
 - List the videos, from the "Main" page selected (date, time, event number, etc.)
 - If the member(s) were in compliance.
 - Actions taken to address deficiency/ recommendation for retraining.
4. When the desk supervisor learns that an in-car camera is not working, that desk supervisor must send an email to the Technology Unit. The email must:
 - Be addressed to mis2@ci.newark.nj.us, the member's commanding officer, executive officer and principal clerk.
 - Indicate the officer name, identification number, command, and vehicle number.
 - Indicate the problem/malfunction.
5. During normal business hours, the commanding officer must make a follow-up telephone call to the Technology Unit.
6. Supervisors will review investigatory stops and detentions, searches, and arrests for completeness and adherence to law and NPD policy. Supervisors will:
 - Review all written documentation;
 - Review all relevant video recordings for all incidents in which the supervisor suspects, for any reason, that an officer's conduct may not have complied with law or NPD policy; and
 - On an ongoing basis, review a random selection of video recordings of stops and detentions, searches, and arrests amounting to at least 10 percent of all stops and detentions, searches and arrests.



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7. For every search or arrest involving the recovery of contraband evidence, the desk supervisor will review the circumstances of the encounter, including BWC video, to assess the adequacy of the seizure.
8. Field supervisors shall ensure that members are logged on to the Arbitrator Front End-Client during the field inspections.
9. Field supervisors shall initiate an Investigation of Personnel (IOP) when damage is observed to the camera/related equipment or when a report of damage is received.
10. Upon reviewing report and video for investigatory stops and detentions, searches and arrests, supervisors shall submit an administrative report for each event reviewed, by the end of their tour of duty, listing:
 - An event number for each event viewed when prompted in RMS (e.g., P18012345)
 - Name(s) of the officer(s) for each event reviewed.
 - Type of video reviewed (body camera video, in-car video, or both).
 - Reason for reviewing video (recovery of contraband, stop, search, detention, arrest, suspected non-compliance with policy or law).

C. Command Responsibility

1. Commanders shall ensure that all members comply with the mandates within this policy.
2. Commanders shall coordinate to schedule members for retraining based on the assessment of the desk supervisor.
3. Commanders shall contact the Technology Unit when an email is received regarding a malfunctioning in-car camera.

D. Technology Unit

1. Provide all personnel a username and password for the Arbitrator software.
2. Setup and maintain an Active Directory list to ensure user privileges are granted to each member.
3. Ensure newly hired, promoted, or separated personnel are added, deleted, or adjusted accordingly within the Active Directory.
4. Maintain a database of vehicles equipped with an in-car camera and the history of any repair or replacement to the camera.
5. Upon receiving a notification of a malfunctioning in-car camera, an on-site assessment is required to determine the issue. In addition, an assessment shall be made of any issue with recording or uploading of video.
6. On a weekly basis, conduct an overall assessment of video upload in the Back-End Client and coordinate with the vendor to address any issue.
7. Coordinate with the vendor to have cameras repaired or replaced.
8. Retrain members in the use of the in-car camera, BWC and Arbitrator software.



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9. Ensure a signature roster is generated and signed by each member for every training session. Signature rosters must be forwarded to the Training Division.

E. Office of Professional Standards

1. Investigators shall review in-car camera video when an Investigation of Personnel (IOP) is received.
2. Investigators shall ensure video, if available, is reclassified to “Internal Affairs” within the Arbitrator Back-End Client. This classification is within the “drop down” selection.
3. The commander of the Office of Professional Standards shall ensure Integrity Control Officers are reviewing video, as delineated within this policy.

F. Integrity Control Officers and Compliance Unit

1. Review 12 BWC/ in-car videos, divided among all tours, on a monthly basis.
2. When reviewing video, ensure members are:
 - Activating and deactivating video in accordance with this policy.
 - Logging in to the Arbitrator Front-End Client.
 - Assigning an event number to all videos.
 - Classifying video from the “drop down” selection.
3. Include a recommendation to correct any deficiency in the audit report.
4. Ensure the outcome of the audit/review of video is included in the monthly report.

G. Fleet Management

1. If a motor vehicle, equipped with an in-car camera and related equipment, is being decommissioned, the entire in-car camera system must be removed.
2. The Fleet Management supervisor is responsible for notifying the Technology Unit to coordinate with the vendor to arrange the removal of in-car camera equipment.
3. The Fleet Management supervisor shall coordinate with the Technology Unit to reinstall the in-car camera and related equipment in another marked patrol unit, and ensure that the in-car camera and related equipment are properly working.

H. Training Division

1. Ensure all BWC training signature rosters are maintained at the division.



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I. Advocate Unit

1. Video must be provided to the collective bargaining entity, for each case, prior to the date of the hearing.

VIII. HOW TO ACTIVATE AND DEACTIVATE

A. Once the camera is activated, there is a thirty-second “pre-record” feature. The in-car video audio will be recorded on the body-worn camera. The in-car cameras can be activated by:

1. Activating the emergency lights;
2. Manually pressing the REC button on the camera will turn on the front camera; or
3. Manually pressing the REC button on the Mobile Data Computer (MDC) for the front or rear camera.

B. Deactivation is done by:

1. Pressing and holding the REC button on the back of the camera for three seconds or;
2. Pressing the STOP button on the MDC.

IX. RECORDING OF EVENTS

A. When a member records an event, that member shall advise individuals involved in the event, at the earliest safe and feasible opportunity, that the event is being recorded. Activation is required immediately upon receiving a dispatched assignment or the initiation of a stop. When recording an event, members must record until the member(s) and all citizens have departed the scene.

If the members arrive at an event already in progress, they must record the entire duration of the event, recording must continue until the member(s) and all citizens have departed the scene. The following events must be recorded:

1. Motor vehicle stop-- from observed of the violation until the stop is concluded, including
 - Car/truck inspection
 - Motor vehicle pursuit
 - Motor Vehicle Safety Checkpoint
2. Any call for service or police response that involves the use of emergency warning lights and or siren;

Important: if emergency lights are not required during the response, the front camera must be activated manually (e.g., responding to a blocked driveway, double parked vehicle, etc.)**



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3. Aiding motorist or pedestrian (community caretaking check);
4. Crime in progress;
5. Pedestrian stop or investigative detention/field interview;
6. Transporting an arrestee (**ensure rear camera is activated from the time the arrestee is secured in the vehicle**);
7. Civil disturbances
8. In any situation where the member deems a recording to be necessary.

X. VIDEO RETENTION AND CATEGORIZATION

In-car video recordings shall be retained for at least 90 days. The Technology Division is responsible for updating/maintaining a video retention and disposition schedule in accordance with requirements set forth by the Attorney General and/or the courts of the State of New Jersey. The following shall be subject to additional retention periods:

- When an in-car camera recording pertains to a criminal investigation or otherwise records information that may be subject to discovery in a criminal prosecution, the recording shall be treated as evidence and shall be kept in accordance with the retention period for evidence in criminal prosecution.
- When an in-car camera records an arrest that does 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. If a civil action relating to the incident depicted on the recording is filed the recording shall be maintained until the conclusion of the civil action. NPD personnel responsible for the disposal of video images shall contact the office of the Newark Corporation Counsel for guidance regarding the destruction of the video images.
- When an in-car 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.
- When a civilian who is the subject of the video recording makes a written request indicating the footage be retained, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency.

The following is a list of video categories and their retention period:

- A. Vehicle Inspection/Test – 90 days
- B. Call for service (no arrest) – 90 days
- C. Special Detail – 90 days
- D. Traffic Matter – 90 days
- E. Motor Vehicle Stop – 3 years



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- F. Motor Vehicle Accident – 3 years
- G. Motor Vehicle Aid – 3 years
- H. Pedestrian Stop – 3 years
- I. Frisk or Search – 3 years
- J. Arrest – 7 years
- K. DB Investigation – 7 years
- L. Critical Incident - Indefinite
(homicide, serious bodily injury, suspicious death, serious use of force)
- M. Internal Affairs - Indefinite

XI. UPLOADING VIDEO

- A. In-car video uploads automatically once the vehicle is in the range of the wireless access point.
- B. An upload indicator will appear on the mobile data computer once connectivity is made with the wireless access point. The upload indicator will show the progress of video that is uploading.
- C. The vehicle must be on for the upload to begin. The battery will allow the software to remain active for approximately ten minutes after the vehicle is turned off. This will allow video to upload during this time.
- D. Video upload can occur at any command that has a wireless access point.
- E. All video will be stored at one central location, 480 Clinton Avenue.

XII. ACCESS TO, DISSEMINATION OF IN-CAR CAMERA RECORDINGS

Viewing of in-car camera events is strictly limited to authorized employees of the Division, the Public Safety Director may use his/her discretion to authorize any other person to view in-car camera video. No law enforcement officer or civilian employee of this division shall access, view, copy, disseminate or otherwise use an in-car camera recording except for an official purpose. Access to and use of an in-car camera recording is permitted only in the following situations:

1. When relevant to and in furtherance of a criminal investigation or prosecution.
2. When relevant to and in furtherance of an internal affairs investigation which shall include an investigation of any use of force.
3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern of possible misconduct.
4. To assist the member whose in-car camera made a recording to prepare his or her own police report, except as delineated in number 14 of this section.



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5. When relevant to a supervisor's review of a member's actions as part of their supervisory responsibility.
6. To show a civilian who intends to file a complaint against a member to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint.
7. To comply with the state's discovery obligations in criminal prosecutions pursuant to Rules of Court;
 - a. Such request must be specific and on the proper instrument (e.g., subpoena, discovery request, etc.).
 - b. Only those portions pertinent to the request shall be forwarded.
 - c. The NPD reserves the right to redact video as applicable by law (minor, victim, witness, etc.) and/or Attorney General Directive
 - d. All requests for copies or review of in-car camera recordings are subject to a reasonable processing fee.
8. To comply with any other legal obligation to produce the recording to a person or entity.
9. To show or disseminate the recording to a civilian or non-law enforcement entity, or to disseminate to the public to determine that the disclosure to the person/entity or the public is warranted because the need or access outweighs the Newark Police Division's need in maintaining confidentiality. The Public Safety Director must approve the dissemination/release of video.
10. Training purposes provided that the recording is redacted in order to obscure the identity of the individuals depicted, unless the individuals consented to the use of the recording for training.
11. To conduct an audit to ensure compliance with this policy.
12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution. The Public Safety Director must approve the use of a recording for this circumstance.
13. Any other specified official purpose where the Public Safety Director, finds in writing that good and sufficient cause exists to authorize access to a particular in-car camera recording.
14. When a police related use-of-force incident investigated by the County Prosecutor's Office or any other agency with equivalent or greater authority, department members and civilians shall not access any recording of the incident until authorized by the lead investigative agency.
15. A in-car camera recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with, provided or shown to any person, entity or government agency other than a law enforcement agency, officer or authorized civilian employee of such agency, unless such disclosure is expressly approved by the Public Safety Director.
16. The Legal Affairs Unit is responsible for coordinating with the Office of the City Clerk to provide notice to the Essex County Prosecutor's, within one business day, of receiving a request for in-car camera video in the following manner:
 - Subpoena
 - Court Order



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- Open Public Records Act
- Common Law Right to Know

A database pertaining to requests for in-car camera recordings shall be maintained by Legal Affairs.

17. The Legal Affairs Unit is responsible for redacting video.

XIII. DATA CONTROL AND MANAGEMENT

Members shall not erase or in any other manner alter, tamper with, destroy, or conceal in-car video recordings. Members shall not alter, remove, obstruct or disable any camera or related equipment. Tampering is a violation of NJSA 2C:28-7, which is a 4th degree crime, and members may be subject to internal discipline.

- A. Data uploaded from in-car cameras will be stored on servers located at 480 Clinton Avenue, or any other secure storage location ordered by the Police Director.
- B. Events captured on in-car cameras shall not be released to other law enforcement entities other than the Essex County Prosecutor's Office, New Jersey Division of Criminal Justice or U.S. Department of Justice without the expressed permission of the of the Public Safety Director.
- C. The Technology Unit shall prevent unauthorized access to in-car video recordings and must establish and maintain rules within the system to document:
 - Identity of member who is accessing video;
 - Date and time of access;
 - Specific in-car video that was accessed;
 - Groups of NPD members with specific user privileges.

BY ORDER OF:

**ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR**

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