

	<b>TOWNSHIP OF SOUTH ORANGE POLICE DEPT.</b> <b>Policy &amp; Procedures</b>  <b>Wireless Digital Video System and Criminal Intelligence</b>  <b>Authority: Kyle M. Kroll</b>		
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References: NJ AG Intelligence Concepts Guideline: <a href="https://www.state.nj.us/lps/dcj/agguide/intelligence.pdf">https://www.state.nj.us/lps/dcj/agguide/intelligence.pdf</a> External Reference Material: Federal Code of Regulation 28 Part 23			

**PURPOSE**

The purpose of this policy is to establish guidelines for the use of Wireless Digital Video Systems (WDVS) installed throughout the Township of South Orange Village and usage of Advanced Intelligence Systems incorporated into the WDVS operating system. The regular use of the WDVS will provide officers with a means to effectively investigate incidents, collect evidence, assist in identification of criminal actors and may also serve to protect officers from false allegations. The use of the WDVS will also improve the safety of the community and will reduce the amount of time necessary to investigate criminal and administrative investigations within this jurisdiction.

**POLICY**

It is the policy of the South Orange Police Department to utilize fixed and mobile WDVS cameras throughout the Township of South Orange Village. It will further be the policy of the department to utilize WDVS recordings to aid in the prosecution of offenders, to assist outside law enforcement agencies, and for police training purposes.

## **GENERAL**

The following shall apply with regard to WDVS:

### **DEFINITIONS:**

1. **WIRELESS DIGITAL VIDEO SYSTEM:** Describes the component parts including cameras, cables, routing switches, operation center, video monitors, servers, vaults, and log, as well as the operation procedures and rules described herein.
2. **CODE OF FEDERAL REGULATIONS (CFR):** Federal regulation to assure that all criminal intelligence systems are being utilized in conformance with the privacy and constitutional rights of individuals.
3. **CRIMINAL INTELLIGENCE:** Information compiled, analyzed and/or disseminated in an effort to anticipate, prevent, or monitor criminal activity.
4. **LEGAL THRESHOLD FOR CRIMINAL INTELLIGENCE:** The legal threshold for collecting information and producing criminal intelligence shall be reasonable suspicion standard in 28 Code of Federal Regulations, Part 23.
5. **LIVE STREAMING:** Recording speed that captures events as they occur, without interruption, and display the most detail as possible. To be used when illegal activity is witnessed by operators whenever possible.
6. **INVESTIGATIVE TOOLS:** Pertaining directly to the functionality of the WDVS, Investigative tools are data bases which are accessed by software to assist in identifying individuals, vehicles, and locations of incidents.
7. **INCIDENTS:** Occurrences that require assistance or intervention to prevent injury to persons, theft of or damage to property, serious breaches of public peace, or a real threat of either. Incidents include illegal activity described in New Jersey Criminal Code 2C as well as that activity defined in the Township of South Orange Village Municipal Code as breaches of the Peace. Incidents include but are not limited to:
  - a. Assaults
  - b. Thefts
  - c. Disputes
  - d. Fires
  - e. Motor Vehicle Crashes and Crash Investigations
  - f. Injured persons
  - g. Damage to property
  - h. Burglary
  - i. Hazardous conditions, i.e. building or street, downed electrical lines, water main breaks
  - j. Disorderly conduct, i.e. lewdness, prostitution, use or sale of Controlled Dangerous Substances, public use of alcohol.
  - k. Unusual Occurrences, i.e. Riots, Civil Unrest, unusually large crowds/gatherings
  - l. Professional Standards, i.e. Internal Affairs, Training

8. **SITE ADMINISTRATOR:** Sworn Officer or Civilian employee authorized by the Chief of Police who is empowered to modify user access and make adjustments to the WDVS as needed.
9. **USERS:**
  - a. Investigators – Sworn Administrative Officers and Officers assigned to the Detective Bureau authorized to conduct criminal and administrative investigations.
  - b. Tour Commander – Officer of Rank (Lieutenant or Sergeant) assigned to desk command of Uniform Police Operations communications room.

## **TRAINING**

An individual authorized to utilize the WDVS shall not use the equipment until he or she has received basic training in its use, has demonstrated basic operation, and is in compliance with CJIS procedures or 28 CFR Part 23.

Training shall be conducted by Site Administrators. Training will be conducted annually for authorized users and all training shall be documented.

## **RESPONSIBILITIES**

**Tour Commanders:** shall conduct a functionality test of WDVS software during their assigned shift and shall have the “GRID” view open and available for monitoring. When monitoring the live stream, the Tour Commander may direct officers and resources to incidents that they observe or have been made aware of by a legitimate source such as a South Orange Police Officer communicating their observations, or 9-1-1 caller.

If any malfunction or damage is observed to any WDVS equipment, the Tour Commander shall file an Administrative Submission report addressed to Special Operations. In the report, the Tour Commander will state the camera location, date/time of malfunction, and any addition information pertinent to the malfunction

**Site Administrators and Investigators:** shall conduct periodic functionality inspections of the WDVS and evaluate the equipment’s suitability for use.

The creation and editing of data bases and hot lists as it relates to criminal intelligence can only be performed by Site Administrators and Investigators. Civilian Site Administrators shall not alter or otherwise modify any criminal intelligence data bases. Further, Civilians who are 28 CFR Part 23 certified shall not view any criminal intelligence resources without receiving prior approval from the Chief of Police or their appointed designee.

Data bases shall be reviewed at least every 30 days to ensure that current accurate information is uploaded. When uploading information into data bases Site Administrators and Investigators shall ensure they meet the legal threshold for criminal intelligence.

Site Administrators shall arrange for the repair of any WDVS equipment reported or determined to be in need of repair.

If Investigators observe any damage or malfunction to any WDVS equipment, they shall file an Administrative Submission report addressed to Special Operations. In the report, the investigator will state the camera location, date/time of malfunction, and any addition information pertinent to the malfunction.

## **SCOPE OF USE**

The WDVS has been established to provide the Township of South Orange Village with additional means to deter crime and where that fails, to provide quality evidence to aid detection and conviction of crimes & offenses, and to reduce time spent by investigators while conducting investigations. The use of video recordings and images may be of vital importance in a police investigation and a subsequent prosecution in the courts. The management of the video images is therefore of equal importance. The following guidelines must be adhered to:

- A. Live Streaming video is automatically recorded and stored on a cloud based network. Video that is not used for investigative, prosecutorial or training purposes is to be stored for no more than thirty (30) days on the cloud network and then subsequently erased.
- B. Site Administrators and Investigators are the only personnel authorized to download, archive or create a DVD/Blu-ray copies of video images from the WDVS for the purposes of Evidence retention, prosecution, discovery and training.
- C. Requests for review of images from any outside law enforcement agency shall be directed to the South Orange Detective Bureau.
- D. Upon viewing or becoming aware of an incident captured on the WDVS the Tour Commander shall notify the Detective Bureau via email. All relevant and available information shall be included in this correspondence including: Date, Time, Case Number and Camera Location.
- E. Copies of video recording(s) and image(s) utilized for investigative purposes shall be archived by Investigators on South Orange Police Department Detective servers.
- F. No unauthorized access to the WDVS will be permitted. Site Administrators, Investigators and Tour Commanders shall ensure compliance with this policy.
- G. The interiors of private property do not fall within the domain of the WDVS and may not be observed.
- H. Any unauthorized release of video recordings and images is strictly prohibited. All copies of video recordings and video images which are not labeled as evidence in a criminal investigation must be deleted or otherwise disposed of.

## **DEMONSTRATIONS OF WDVS EQUIPMENT**

Arrangements may be made through the Chief of Police to exhibit, display, and demonstrate Township WDVS equipment to prosecutors, judges, and others reasonably affected by their use. Every effort should be made to insure that the demonstration is both positive and thorough. The goal of this effort is to foster positive support for the use of WDVS equipment and to resolve any questions that may hamper the effectiveness and efficiency of the equipment as an enforcement tool.

## **DISPOSITION OF VIDEO EVIDENCE**

All digital videos generated by the WDVS that capture an indictable offense, suspected indictable offense, disorderly persons offense, or petty disorderly persons offense which are needed for judicial, prosecutorial, or investigative purposes must be retained for a duration of time no less than the time period dictated by the New Jersey Attorney General for the underlying offense(s) under review. This time period may vary based on updates to the New Jersey Attorney General's Directives and Guidelines or at the direction of the Essex County Prosecutors Office.

The New Jersey Attorney General, Essex County Prosecutors Office, and the South Orange Police Department have the authority to retain WDVS footage that has been identified as relevant to an investigation, prosecution, or for training purposes indefinitely.

The New Jersey Attorney General and the Essex County Prosecutors Office have the authority to prohibit the South Orange Police Force from releasing or otherwise disseminating video or images generated by the WDVS.

Video clips not held as evidence may be indefinitely retained for training purposes.

## **OWNERSHIP, CUSTODY AND CONTROL OF DIGITAL RECORDINGS**

All video recordings generated on departmental equipment are the property of the police department and are subject to joint control with the Essex County Prosecutor's Office.

The department shall retain video recordings of evidentiary value until adjudication of any related court proceedings. Display of any recordings during this time frame shall be limited to departmental personnel and those persons specifically designated by the prosecutor.

## **USE OF RECORDINGS FOR TRAINING PURPOSES**

When a WDVS captures an event or circumstance perceived to be of value as a training aid, the following shall apply:

- A.** Site Administrator will review the video recording and confirm that it has value as a training aid.
- B.** The Site Administrator will make arrangements to have the associated video recording segment duplicated for training purposes.

Officers shall not copy or reproduce any video segment without authorization from the Chief of Police.

Officers shall not afford individuals outside the parameters of law enforcement the opportunity to review a segment of video without authorization from the Chief of Police.

## **MISCONDUCT**

While the Township of South Orange Village maintains its rights under the law to conduct a video surveillance program within the bounds of this order, it also recognizes that a breach of these carefully sculpted rules and regulations may result in violations of the personal privacy and civil rights of citizens. Therefore, compliance with this order will be strictly enforced with particular sensitivity to appropriate use of the system by all authorized personnel. Those who are found to be out of compliance with this order may be subject to criminal or administrative charges, which if sustained may result in discipline up to and including termination of employment.

## **SEVERABILITY**

The provisions of this Policy shall be severable. If any phrase, clause, sentence, section, or provision of this Policy is declared to be invalid by a higher authority, the remainder of the Policy shall not be affected.