




BERGEN COUNTY PROSECUTOR'S OFFICE

MEMORANDUM

To: All Bergen County Chiefs of Police, Directors, and Captain Babiak

From: Prosecutor John L. Molinelli 

Subject: Revised Mobile In-Car Video Systems

Date: March 11, 2004

Attached is the Bergen County Police Chiefs Association Revised Policy on Mobile-in-Car Video Systems.

**BERGEN COUNT POLICE CHIEFS ASSOCIATION
REVISED POLICY**

MOBILE IN-CAR VIDEO SYSTEMS

I. PURPOSE

The purpose of this directive is to establish minimum procedures, which must be followed for the use of the mobile video, and audio equipment, which have been installed in patrol units. When properly used, this equipment will have the following capabilities:

- Creation of accurate documentation of all motorist contacts and other patrol-related activities.
- Preservation of an audio and video record of events, actions, and conditions during arrests, critical incidents and prisoner transports.
- In turn, this record will serve the following purposes:
- The tape can be introduced into evidence in criminal and motor vehicle prosecutions as well as civil litigation.
- The tape will resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
- When complete recall is not possible, such as when multiple events are happening simultaneously or out of the officer's line of sight, an audio/visual recording will provide an accurate record of events.
- The tape will serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
- The tape will provide a record of police/citizen interaction within the patrol car itself, when the officer's attention is on his driving. For example, the tape will record events during transport of arrested persons, escape risks, mentally disturbed individuals, intoxicated persons, people who are physically injured and members of the opposite sex.
- The tape will provide accurate documentation of highly detailed and/or fast-moving incidents, such as roadside sobriety testing, violent encounters, and police pursuits.

- The camera's zoom lens will permit recording of events too far away for the human eye to see accurately, for example, surveillance of drug transactions.
- The audio feature will work at distances up to approximately 1000 to 1300 feet from the patrol car, allowing the taping of events such as domestic disputes, emotionally disturbed persons ect. occurring inside adjacent buildings.
- Tour Commanders (Sergeants and above) will be able to view the tapes and select portions for use in training officers concerning safety, FTO Training, interpersonal skills, proper police procedures and legal doctrines, with the permission of the administration.
- The tape may permit the administration to undertake more meaningful performance reviews.

II. DESCRIPTION OF EQUIPMENT

The mobile-in car video system consists of the following major components:

- A. The miniaturized video camera is windshield mounted on a swivel bracket on the passenger's side of the patrol car. The camera can swing; rotate 360 degrees and tilt to film the desired location. It films in color and features power zoom, auto zoom, auto focus for near and far distances, and a sensitivity switch to compensate for low-light conditions. Nothing shall be hung on the camera bracket.
- B. The color monitor is normally affixed to the overhead console between the sun visors. It has its own volume control and on/off switch for covert usage or when transporting persons who may become antagonized by the video system.
- C. The VCR is secured in a locked, crash-resistant, tamper-proof, and environmentally controlled enclosure. The VCR has a record-inhibiting feature to prevent the operator from erasing or taping over previously recorded information. It also has a built-in time and date indicator to protect against claims that the tape has been edited or manipulated.
- D. A wireless microphone will have an operating range of 1,000 to 1,300 feet and will transmit conversations back to the vehicle to become part of the recording. It has a re-chargeable battery. A light in the patrol car will shine when the signal from this microphone is being received.
- E. A hardwired in-car microphone will be installed in the rear of the vehicle.
- F. A control box will be mounted in the passenger compartment within reach of both the driver and the passenger.

- G. VCR tapes issued by the department are assigned to each officer or to the car itself. The recording capacity of each tape is eight hours.
- H. A sticker affixed inside the rear passenger compartment warning occupants in English, Spanish and Korean that everything they say and do is being recorded.

III. TRAINING AND MAINTENANCE

- A. No officer who has not been appropriately trained on the use and routine maintenance of the mobile in-car video system will be permitted to operate the system. Each authorized operator must have demonstrated his competence to the satisfaction of the training officer.
- B. Equipment installed in a patrol vehicle is the responsibility of the officer assigned to that vehicle. Based on the training he will have received, the officer must ensure that the audio and video equipment is operating properly prior to the start of his shift and must report all malfunctions, damage or other problems to his Tour Commander. This will be part of the vehicle check performed by each officer at the beginning of his/her shift. Personnel who have not been trained and authorized to make repairs will not attempt repairs.
- C. None of the installed components of the system may be moved from their positions without authorization by the Chief of Police or his designee.

IV. OPERATION OF EQUIPMENT

A. Types of Incidents to Record

1. All traffic stops from the time the violation is observed until the stop is concluded, including field sobriety testing.
2. Stationary police details, such as DWI sobriety checkpoints, truck inspections, and shoulder-riders as practical.
3. Motor vehicle accident scenes, including motorist interviews on the scene.
4. Major crime scenes.
The situation may occur when the recording of a major crime scene cannot be accomplished by the camera in a particular car. For example, the police car may not be located in a position that will allow the camera to adequately record the scene, or the scene is located indoors, and the camera will only be able to record the outside of the building. If the police officer believes that the video recording device will not record any significant information, the officer should discuss the matter with a

supervisor / tour commander and if the supervisor / tour commander believes that it is appropriate to shut off the recording device, the supervisor / tour commander may approve shutting off the recording device. The name and rank of the supervisor / tour commander granting permission to shut off the recording device, and the reason for shutting off the recording device shall be memorialized either on the videotape before shutting off the recording device, or in the officers written report of the incident.

5. Motor vehicle pursuits.
6. Investigations of criminal violations, including domestic violence, which can be recorded by audio and / or video.
7. Field Interviews.
8. All transports of prisoners. Any other transportation at the direction of the supervisor / tour commander.
9. All other situations, which, by virtue of the officer's training and experience, he believes, should be recorded.

I. Activating the Equipment

1. Upon assignment of a RPC the officer must inspect the MICV system. At the beginning of the tour of duty the power to the unit will be placed in the on position and remain in the on position until the tour is complete.
2. The monitor switch will remain in the on position at all times. The off and auto positions are not to be utilized unless there is a legitimate tactical reason (prisoner in the rear seat).
3. By pressing "record," both the camera and the microphones are manually activated. This feature allows a recording to be made without alerting a potential violator with emergency lights.
4. When the vehicle's emergency lights are turned on, both the camera and the microphones are automatically activated.
5. Manual activation of the wireless microphone also turns on the video camera.
6. Activation of the siren does activate the audio and video equipment. If the vehicle has lost power due to low a low battery or a blown fuse this feature may default to off and must be reset. Any loss of power should be documented and the unit reset.

7. The engine of the patrol car need not be running in order for the audio and video equipment to work, as long as the VCR is in the "on" position.
8. The recording equipment can be turned off only by pressing and holding the stop button on the control box until the record light goes off.
9. The Control box shall be turned off at the end of each shift
10. No officers may utilize the video or audio recording device for any purpose other than legitimate law enforcement activities. Surreptitious recording of government or department personnel is strictly prohibited.

11. Rules Governing Recording

1. The entire incident must be recorded, beginning to end unless covered in section IV.
2. The camera should be positioned and re-positioned to record the pertinent incident, but officer safety always comes first.
3. Once it is activated, the in-car microphone will remain on regardless of whether an officer is present in the vehicle, provided that a sign in the rear passenger compartment warns the occupant that he is being recorded. In the absence of the sign, no recording may occur unless the officer is actually present.

In addition the officers MUST verbally inform persons being placed in the vehicle that they are subject to recording. Failure to comply with this directive will expose the operator to the NJ wiretap act.

4. In two-person cars, the officer carrying the microphone is the one who approaches the motorist, pedestrian or other subject.
5. Subjects who inquire about taping must be told that the event is being recorded, but subjects have no right to have the camera or microphone turned off.

V. RECORD KEEPING RESPONSIBILITIES

12. Use of VCR Tapes

1. The only VCR tapes that may be utilized in the mobile in-car video system are those that are issued by this department.
2. Blank tapes are maintained in a secure location at headquarters. They are

inventoried, numbered, labeled, logged and distributed by an officer designated by the Chief of Police.

3. After each recorded incident, the recorder shall be stopped and the ending tape counter number shall be called into headquarters and documented.
4. The tape shall be assigned to each vehicle. The tape shall be removed when it is full or when needed for evidence. The officer designated by the Chief of Police will remove the tape from the recorder. The appropriate notations are made on the log sheet and the tape. The tape will then be archived or placed into evidence according to department policy.
5. Log sheets and corresponding VCR Tapes are always cross-referenced and stored in a secure location.
6. When a tape has less than 30 minutes remaining, the overhead control lights will flash. The operator must notify his tour commander (Sergeant or above) and have the tape changed.
7. No one except the Chief or his designee may duplicate or erase a tape.

7. Retention and Duplication of VCR Tapes

1. All tapes must be stored in a secure location for a minimum of 28 months.
2. Tapes which contain incidents deemed to be of great importance will be immediately secured and the record tab snapped off. Such tapes can still be copied, but they cannot be re-used.
3. Tapes containing incidents which are the subject of criminal, civil or administrative proceedings or citizen complaints must be retained pursuant to evidence-retention guidelines, but in no event less than 28 months. The tape must be appropriately labeled to ensure that evidence is not destroyed.
4. Departmental procedures for security and chain of custody must be followed for tapes of evidential value.
5. No tape may be erased and re-recorded more than five times.
6. A fee (based on local ordinance) plus a blank unopened VCR tape will be required for duplication of relevant portions of VCR tapes for criminal or motor vehicle discovery.
7. In the event that an original tape is required for use in court or by another law enforcement agency that tape shall not be released without the prior approval

of the Chief of Police (or his designee) and only if a duplicate copy is retained by the department.

8. All requests by the media or general public for viewing of tapes must be referred to the Bergen County Prosecutor's Office.

VI. VIOLATIONS

Any officer circumventing this policy will be subject to disciplinary action.