



DENNIS CALO  
Acting Bergen County Prosecutor

## Office of the County Prosecutor

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### County of Bergen

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**TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS,  
OFFICERS-IN-CHARGE, AND SHERIFF**

**FROM: ACTING PROSECUTOR DENNIS CALO**

**DATE: MARCH 25, 2019**

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT  
DIRECTIVE NO. 2019-5 REGARDING NON-EVIDENTIAL VIDEO  
RETENTION POLICY**

This Directive establishes the policy and minimum standards for the preservation of non-evidential video and audio recordings made by Bergen County police agencies in the course of their professional responsibilities. For purposes of this Directive, the following definitions apply:

**EVIDENTIAL RECORDINGS:**

- a. A recording that pertains to an arrest or investigation which may be subject to discovery in a motor vehicle, criminal or civil matter;
- b. A recording which captures the use of police force, other than constructive authority;
- c. A recording that pertains to an Internal Affairs matter.

All other audio/video recordings are deemed non-evidential. Such non-evidential recordings must be preserved by police agencies for a minimum of 90 days after their recording. Police agencies may discard or destroy these non-evidential recordings after that 90 day period. However, in their discretion, police agencies may preserve non-evidential recordings beyond the 90 day period, in accord with the formal, individual policy of each agency.

Each Bergen County police agency must establish a formal, written policy regarding the preservation of non-evidential audio/video recordings, in accord with this Directive and appoint a supervising officer to implement the policy and approve the destruction of non-evidential recordings.



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Nothing in this Directive is designed or should be interpreted as superseding or amending the Attorney General's Body Worn Cameras and Stored Body Worn Camera Recordings (2015-1), or Evidence Retention Guidelines (2011-1).

Where a dispute may exist as to the evidential nature of an audio/video recording, such dispute shall be resolved by the agency chief, director, or agency designee in consultation with the agency's Bergen County Prosecutor's Office legal advisor and/or municipal attorney.

  
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DENNIS CALO  
ACTING BERGEN COUNTY PROSECUTOR

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