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PUBLIC AND OFFICER FEEDBACK ON THE NEWARK POLICE DIVISION'S BODY WORN CAMERA POLICY



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Executive Summary

The Newark Police Division (NPD) is in the process of implementing a body-worn camera (BWC) program, which includes creating a BWC policy. This policy was developed from New Jersey Attorney General Directive 2015-1 and a review of BWC policies in other cities. In order to promote transparency and ensure the BWC policy reflects the interests and concerns of Newark residents, the NPD partnered with researchers from the School of Criminal Justice at Rutgers University-Newark (“Rutgers”) to solicit public and officer feedback on the proposed BWC policy.

Prior to the roll out of the BWC pilot program in the 5th Precinct, NPD solicited community and officer feedback on the policy via surveys. Individuals from the Consent Decree monitoring team and the New Jersey Institute for Social Justice (NJISJ) also reviewed the policy. Community surveys were distributed during various community meetings and by community service officers. An online version was also posted to the NPD website and was advertised through social media and flyers. In total, 490 community surveys and 37 patrol officer surveys were completed.

Overall, community members and officers were in favor of the proposed policy; however, some concerns were expressed. NPD reviewed the community feedback and provided explanations and clarifications to the most frequent concerns from the community and officers.

Concern: Officers may fail to record the beginning of incidents that arise suddenly if they are not required to record during their entire shift.

NPD Response: Continuous recording would create tremendous storage issues and the BWC has a 30-second pre-record feature that would capture the beginning of incidents if an officer fails to immediately activate the camera.

Concern: Some community members and officers felt that officers should not be required to notify individuals when they are recording. Officers are also not required to notify when it is “unsafe”. Some community members were concerned since the term “unsafe” is subjective.

NPD Response: Under the NJ Attorney General Directive on BWCs, notifications will be made until the use of BWCs is commonplace in law enforcement. At that point, notifications will not be needed. If an officer determines that it is “unsafe” to notify an individual when a BWC is activated, they must narrate the reason while recording or must document the reason on their report filed immediately after the incident.

Concern: Officers and citizens had concerns as it related to internal affairs complaints. The policy states that individuals may be allowed to view video footage prior to making a complaint. Some felt individuals should not be allowed to view the video and individuals who are caught lying about an officer’s actions should be arrested.

NPD Response: Matters of this nature are referred to the Essex County Prosecutor’s Office.

Concern: There was some concern about not recording in schools unless investigating criminal activity. Some felt that recordings should be made to protect the officer and juvenile.

NPD Response: NPD reiterated its policy that if an incident arises that requires law enforcement action; it will be recorded, regardless of where the incident occurs. If an incident is recorded and involves a juvenile, it will be tagged and prosecutorial approval is required prior to release.

This report outlines the feedback process, provides a demographic breakdown of the respondents, reviews the survey questions and responses, summarizes the main concerns expressed by the community, and details NPD's response to the concerns.

Policy Review Process

In order to ensure the NPD received feedback from a representative sample of Newark residents, the NPD and Rutgers identified multiple opportunities for the community to participate. The public comment process was open from March 1, 2017 to April 12, 2017. The section below provides details on the opportunities for participation.

- **Organizational Comments:** Prior to posting the BWC draft policy online, NJISJ and the BWC subject matter expert from the federal monitor for the Consent Decree reviewed the policy. Since the NPD received a 2016 Bureau of Justice Assistance grant for BWCs, the draft policy was also reviewed by Subject Matter Consultants from the Center for Naval Analyses. As part of the grant, the BWC policy must complete a scorecard which reviews the comprehensiveness of the policy. The NPD is in the final steps of this process.
- **Citizen Survey:** Using a survey template provided by the Policing Project at the NYU School of Law, Rutgers researchers and the NPD created a survey on the NPD policy that enabled respondents to answer questions without reading the policy.
 - The draft policy and the survey were posted online to NPD's website under a special BWC section. A total of 233 respondents completed the survey. The Newark Department of Public Safety posted a link to the survey on their Facebook page. The link was also posted on the Facebook page of RLS Metro Breaking News where it received 53 shares. Community Service Officers and the Community Affairs Unit distributed a one-page flyer with the online link to the survey at community meetings, to businesses, and to residents throughout the city.
 - Hard copies of the survey were also produced and distributed at community events such as the Newark Community Street Team's Public Safety Roundtable and community Comstat meetings in the West and East Wards. Hard copies were also distributed to businesses and residents by Community Service Officers and the Community Affairs Unit. A total of 257 hard copy surveys were completed.
- **Officer Survey:** Patrol officers in the 5th Precinct were surveyed utilizing the same questions as the residents. These officers were selected because they had already been trained on the Attorney General's BWC policy. Patrol officers were provided the surveys during their roll call. Thirty-seven officers completed the survey.

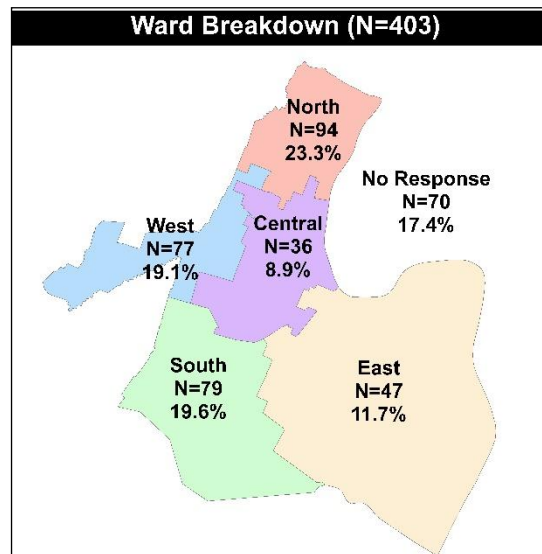
Community Survey Responses and Feedback

A total of 490 surveys were completed during the public comment process. Approximately four-fifths of the respondents (82.2%) indicated that they lived in Newark. Of these individuals, the majority of respondents lived in the North (23.3%) and South (19.6%) Wards. Slightly over half of the respondents were female (53.1%) and almost half were between the ages of 35 and 54 (48.1%). Finally, a majority of the respondents were African American (53.7%). A complete breakdown of the demographics of the respondents can be found below.

Lives in Newark	N=490	%
Yes	403	82.2%
No	85	17.3%
No Response	2	0.4%

Age	N=490	%
18-34	129	26.3%
35-54	236	48.1%
55+	116	23.7%
No Response	9	1.8%

Race	N=490	%
African American	263	53.7%
Caucasian	74	15.1%
Hispanic	113	23.1%
Other	32	6.5%
No Response	8	1.6%



Gender	N=490	%
Female	260	53.1%
Male	223	45.5%
No Response	7	1.4%

Overall, the survey respondents were overwhelmingly in favor of the BWC policy. The section below reviews each question asked in the survey broken down by category: general questions, activation, deactivation, privacy, retention, internal affair complaints, and public release. After providing a statistical breakdown of the responses, some of the most common responses from the comment section of each question are presented verbatim.

General BWC Questions

Would you feel comfortable talking to a Newark Police Officer wearing a BWC?

	N=490	%
Yes	412	84.1%
No	30	6.1%
Unsure	40	8.1%
No Response	8	1.6%

Yes:

- Cameras protect the public as well as police from criminal activity and perjury. I would feel more comfortable knowing a PO was wearing an active BWC.
- Body cams are a good method to keep cops and citizens safe. It's not 100% but it's a start.
- I believe it is for the best interest of both the police officer and the person in question...

No:

- I do not support the expansion of government surveillance, in whatever form, and for whatever purpose, including public safety and police accountability.
- I feel being recorded is a violation of my rights. Video will not change the demeanor of the conduct.

Unsure:

- I'm unsure because things can still happen like it has in the past, the camera films it but so will I to be on the safe side. Police are people and at the end of the day people can be corrupted.
- It depends. Sometimes I feel uncomfortable being recorded.

Would you feel comfortable reporting a crime to a Newark Police Officer wearing a BWC?

	N=490	%
Yes	345	70.64%
No	69	14.1%
Unsure	66	13.5%
No Response	10	2.0%

Yes:

- By reporting the crime to them they have video that proves they spoke to me and the reason for going after an individual.
- I would prefer to, so details wouldn't be lost.

- Yes I would, because it can be something that can save someone's life or getting a criminal off the street.

No:

- I may not want my image or name used for fear of retaliation
- It's important to protect a witnesses identity especially if they are providing the police with information.

Unsure:

- I would fear for my safety if that system were to somehow gets hacked. However, if the information is going to very secured and protected I would not fear with reporting a crime to the police.
- If they will be using it to help solve a crime than yes but if they will show it to a suspect than no.

Activation Policy

Under the draft policy, an officer is required to record all law enforcement related actions except general conversations with the public. Do you agree with this policy?

	N=490	%
Yes	382	78.0%
No	60	12.2%
Unsure	43	8.8%
No Response	15	1.0%

Yes:

- I agree with these general guidelines we don't need to treat officers with a heavy hand but any official action should be recorded for the protection of the officer and the city.

No:

- All conversations should be recorded at all times.
- If people feel big brother is always watching, you will have more people keep their mouth shut.
- One can begin as a general conversation may rapidly change.

Unsure:

- How will this be monitored to ensure that all law enforcement related activities are recorded?
- It's possible that altercations or misunderstandings can begin as general conversations with the public and then escalate to an issue requiring law enforcement related actions. If the camera is turned on when convenient, then prosecutors/attorneys will have a harder time trying to determine what caused an issue to escalate to a situation where enforcement related actions are required.

When an officer is recording an individual, that officer must inform the individual that the BWC is activated unless it is unsafe to do so. Do you agree with this policy?

	N=490	%
Yes	416	84.9%
No	40	8.2%
Unsure	25	5.1%
No Response	9	1.8%

Yes:

- All recording equipment everywhere should be made known except for undercover investigations.
- Yes, officers should definitely let people know they are being recorded no matter what

No:

- Officers should not have to inform a civilian that they are being recorded. However, if a civilian asks then they should be advised of the BWC recording.
- No need to inform and do not want to set precedent if officer fails to inform, recording cannot be used.
- In my opinion, an officer shouldn't have to disclose that he is wearing a body camera. They need to record the suspect or individual as they are really acting.

Unsure:

- need clarification on what constitutes unsafe.
- What determines what is unsafe? Is that up to the responding officer or is it a set up policy when info is withheld
- Who determines if it is unsafe to activate the BWC?

Additionally, once activated, a BWC must remain activated for the entire duration of each incident/encounter. Do you agree with this policy?

	N=490	%
Yes	436	89.0%
No	28	5.7%
Unsure	16	3.3%
No Response	10	2.0%

Yes:

- This allows for capturing encounter from start to finish.
- Yes, things can always take a turn.

No:

- BWC should remain active for the entirety of all shifts and duties.

- Yes and no. The officer should have discretion especially when in a residence or dealing with certain types of calls like domestic violence.

Unsure:

- The policy has to protect the officers as well as the civilian. Should the camera record actions that occur, it should not be taken out of context where a short time period shows an action that would not normally take place, i.e. Excessive force.

Deactivation Policy

Cameras may be deactivated if a civilian conversing with an officer requests that the camera be turned off and it reasonably appears that the individual will not provide information or cooperate with the officer unless that request is met. If this occurs, the request shall be recorded and the deactivation will be documented. Do you agree with this policy?

	N=490	%
Yes	344	70.2%
No	78	15.9%
Unsure	54	11.0%
No Response	14	2.9%

Yes:

- Absolutely you want to create an environment whereby the community is not afraid to cooperate with the police to help report a crime.
- This should be done to build trust between the citizens and the police and also for citizens to feel comfortable with communicating with the police.

No:

- Absolutely not. This gives the civilian an opportunity to lie about the officer. If this policy stands, there must be multiple people present to serve as witnesses. Accountability is for both the officers and the public.
- Cameras serve as both a deterrent & prevention ... If the cameras are off no one can truly account for the truth! Police Officers & Civilians lie!
- Cameras should be Recording at all time for a Officer safety, don't matter if requested by a civilian as long is on public property.

Unsure:

- I understand but wondering about encounter turning negative... then what?
- All depends on what the situation is about.

Privacy Zones

The activation of a BWC is not required when an officer is on break, not actively performing police duties, during police union business, during disciplinary proceedings, during courtroom proceedings, or in any location where there is a reasonable expectation of privacy, unless enforcement action is required. Do you agree with this policy?

	N=490	%
Yes	382	78.0%
No	49	10.0%
Unsure	41	8.4%
No Response	18	3.7%

Yes:

- I would suggest that the BWC be required when an officer is on break in public. However, when the police officers are not interacting with the public, I would consider the exemption to be reasonable.
- But once engaged with police business it should be turned on

No:

- If the uniform is on then so should the camera
- Officers who have been off duty, on break, etc., at times come into situations they were not expecting and having the cameras on could prove their case.
- On at all times for entire shift if on duty on streets. Other stuff mention above OK to have off

Unsure:

- While I don't think BWC should record PO using the bathroom or when other recording overlaps BWC (court), this would make it too easy to say an "I was on break/I forgot to activate it after break." when there is an incident in dispute.
- This is where the mandate can become tricky. I think this provides an excellent opportunity for a police officer to abuse his/her duties or the public trust. I do understand that there are times when a BWC should not be worn for privacy, but that should be limited.

Cameras shall also be deactivated or not activated when in a school or youth facility, in a place of worship, during court proceedings, or in a healthcare facility. Exceptions are made when an officer is investigating criminal activity, responding to an emergency, or when an officer believes constructive authority or force will be used. Do you agree with this policy?

	N=490	%
Yes	371	75.7%
No	68	13.9%
Unsure	39	8.0%
No Response	12	2.4%

Yes:

- As long as it is turned on if the officer is responding to an emergency or there is a necessity for force to be used.
- I agree for the safety of those via the HIPPA law that in these cases deactivation should be done. BUT if an investigation is being completed than no it should remain on. If undercover it should also remain on as well as not seen by others.

No:

- I understand the need to keep a minor's information unreleased and keep HIPPA information confidential but there must be a way to protect the public and PO in these settings.
- The most vulnerable of our populations need to be protected by these cameras. Youth, especially in High Schools, need the protection of video evidence as they are not often taken at their word.

Unsure:

- While in a school setting needs more of a descriptive narrative.
- I'd like to know that interactions in youth facility for instance are recorded for transparency.

Retention of Recordings

BWC recordings shall be retained for no less than 90 days. Recordings will be held for a longer period of time when a recording: pertains to a criminal investigation, documents a use of force, or is the subject of an internal affairs complaint. Do you agree with this policy?

	N=490	%
Yes	396	80.1%
No	51	10.4%
Unsure	31	6.3%
No Response	12	2.4%

Yes:

- But positive encounters with no connection to a crime or assault between officer and a person might be erased sooner than 90 days.
- This is fair we have rights just as well as the officers when it comes to the safety of us all.

No:

- 90 days too short. All should be saved no less than 6 months
- Recordings should be retained for about a year to be sure that whatever the matter may be it is accessible if needed.
- Recordings should last as long as the statute of limitation, recording should be held as long as the case and/or criminal charges last

Unsure:

- I am unsure if 90 days is consistent with time frames for other investigations, reporting periods, etc.
- Why not 120 days, there will be a process to obtain said information if needed 90 days is not enough time. On the other hand it can be depends of the situation

Internal Affairs Complaints

Civilians who intend to file a complaint against an officer may be able to review BWC recordings in order to make an informed decision whether to file a complaint. Do you agree with this policy?

	N=490	%
Yes	409	83.5%
No	48	9.8%
Unsure	19	3.9%
No Response	14	2.9%

Yes:

- I think this is a great idea particularly when the goal is to have transparency with the community.
- We know eye witness testimony and memories of traumatic events are imperfect. Allowing civilians to review recordings may reduce unnecessary complaints.

No:

- Civilians should not review the recording, they should be allow to make the complaint and once Newark officials finds out its false, they should be arrested!
- If someone wants to make a complaint. They should not be able to watch the video. If they are right then shame on the officer. If they are wrong charge them for a false report.
- If the person wants to file, the higher in commands should have access to review the recording and than make a decision and than let the civilian see the recording and discuss why a complaint was accepted or denied.

Unsure:

- I am not sure all civilians are capable of making informed decisions.

Public Release of Video

BWC recordings shall only be released publicly when the Public Safety Director, County Prosecutor or the Director of the Division of Criminal Justice determines the disclosure of the recording is warranted because the public's need or access outweighs the law enforcement interest in maintaining confidentiality. Do you agree with this policy?

	N=490	%
Yes	355	72.4%
No	63	12.9%
Unsure	55	11.2%
No Response	17	3.5%

Yes:

- All recordings don't need to be seen by everyone.
- For transparency the public should be able to see video if something improper, or controversial was recorded.

No:

- Any recording pertaining to the public health and safety of any crime should be released to ensure the trust of our police, as we are all aware the police can not police the police.
- Default should be public release and withheld only if a civilian in the video is at risk
- Recordings should be public record as are virtually all other official records.
- Recordings shall be viewed by a judge and judge decides if it's suitable for public viewing

Unsure:

- Are all of these positions political appointments? If so an impartial person should also be included in the decision making process.
- As long as the decision to release or not release is not made within the police department itself, but by a third party who can be trusted to be impartial.
- Yes and No...if it causes danger to either the person in question or officer/s involved than no. but if those mentioned are protected than yes it should be.

Additional Comments/Questions

Do you have any additional comments or questions about the Newark Police Division's body-worn camera policy?

- As mentioned above, the activation of the camera should be 100% at the discretion of the officer. If these cameras will help the police, great. If the officers are against them, then so am I. Bottom line: I don't see where the public's opinion should carry any weight. We don't understand the implications of wearing a camera - especially in such a potentially volatile environment. Listen to your officers.
- Giving the police body cameras will score you political points but just know work within the police department is going to DECLINE... cops don't want to be the next viral news video victim... whether or not it's right it definitely happens... Newark will be the next Baltimore or Chicago look what happened in those cities when the police stopped working... my 2 cents...
- I am a strong advocate of transparency especially in light of negative interactions which prevail in communities of color with police. This policy buoys my confidence in transparency. Likewise, I

would like to know what disciplinary actions will be taken for failure to use device by paid personnel and what procedure will take place when paid personnel indicate technical failure.

- This idea should go in the trash because there isn't a single benefit in terms of ROI or relations that would justify such an expense. Focus on hiring the right people at the top who will hold officers accountable and takes their conduct and honor seriously. Organizations put the wrong people in leadership quite often... It's really HARD to be a good guy these days.. Newark needs good people with values and honor. Cameras can't change that- only the people can. Get some active leaders who promote a culture of accountability and honor- and you will see the public view the police as men to admire again.

Police Officer Survey Responses

A total of 37 patrol officers from the 5th Precinct completed the policy survey. Officers were asked the same questions as the community. These officers were selected since they were trained in the Attorney General's policy on BWCs.

	Yes	No	Unsure	No Response
Under the draft policy, an officer is required to record all law enforcement related actions except general conversations with the public. Do you agree with this policy?	51.4%	18.9%	29.7%	0%
When an officer is recording an individual, that officer must inform the individual that the BWC is activated unless it is unsafe to do so. Do you agree with this policy?	70.3%	24.3%	5.4%	0%
Additionally, once activated, a BWC must remain activated for the entire duration of each incident/encounter. Do you agree with this policy?	59.5%	35.1%	5.4%	0%
The activation of a BWC is not required when an officer is on break, not actively performing police duties, during police union business, during disciplinary proceedings, during courtroom proceedings, or in any location where there is a reasonable expectation of privacy, unless enforcement action is required. Do you agree with this policy?	91.9%	5.4%	2.7%	0%
Cameras may be deactivated if a civilian conversing with an officer requests that the camera be turned off and it reasonably appears that the individual will not provide information or cooperate with the officer unless that request is met. If this occurs, the request shall be recorded and the deactivation will be documented. Do you agree with this policy?	75.7%	8.1%	16.2%	0%
Cameras shall also be deactivated or not activated when in a school or youth facility, in a place of worship, during court proceedings, or in a healthcare facility. Exceptions are made when an officer is investigating criminal activity, responding to an emergency, or when an officer believes constructive authority or force will be used. Do you agree with this policy?	83.8%	10.8%	2.7%	2.7%
BWC recordings shall be retained for no less than 90 days. Recordings will be held for a longer period of time when a recording: pertains to a criminal investigation, documents a use of force, or is the subject of an internal affairs complaint. Do you agree with this policy?	89.1%	8.1%	2.7%	0%
Civilians who intend to file a complaint against an officer may be able to review BWC recordings in order to make an informed decision whether to file a complaint. Do you agree with this policy?	40.5%	54.1%	5.4%	0%
BWC recordings shall only be released publicly when the Public Safety Director, County Prosecutor or the Director of the Division of Criminal Justice determines the disclosure of the recording is warranted because the public's need or access outweighs the law enforcement interest in maintaining confidentiality. Do you agree with this policy?	67.6%	27.0%	5.4%	0%

Feedback and Recommendations

Activation Policy

Respondent Concern: Approximately 78% of community members and 51.4% of officers agreed with the activation policy, which states that officers will record all law enforcement actions except general conversations with the public. Some of the respondents wanted all conversations with the public recorded, no matter the content. Respondents felt that an interaction could go from a general conversation to an incident that required law enforcement action very quickly and that because of this, all conversations should be recorded.

NPD Response: Storage is an issue and general conversations are not required to be recorded. Body-worn cameras have a 30-second pre-record feature and police officers are required to activate their body camera when a law enforcement action is required.

Respondent Concern: Under the draft policy, officers are required to tell individuals when the BWC is activated and recording unless it is unsafe to do so. The majority of respondents, 85% community and 70% of officers, agreed with this. Respondents who did not agree felt that officers should not have to disclose this information or should only disclose the information if asked. What was meant by “unsafe” was also questioned. Respondents wanted to know how “unsafe” will be defined and who determines when it is unsafe to disclose that an individual is being recorded.

NPD Response: Attorney General Directive 2015-1, Body-worn Cameras and Stored BWC Recordings, states it is appropriate to provide notice of recordings until BWCs become commonplace in law enforcement. At that point, citizens will expect a uniformed officer to be equipped with a recording device and such notification will not be needed.

A police officer determines when it is “unsafe” to notify when the camera is recording. This can be for a multitude of reasons but the officer is required to narrate the reason for the lack of notification on the BWC and/or document the reason in their report. An example is:

Police officer is required to pursue an individual on foot and is communicating for assistance via the handheld police radio. The urgency of this situation does not allow enough time for the officer to advise the individual the incident is being recorded.

Respondent Concern: Finally, under the draft policy, once a recording has been initiated, the recording must continue until the completion of the incident. Almost 90% of respondents agreed and 60% of officers. Those who did not agree felt the camera should be activated for the entirety of an officer’s shift or that there should be some discretion for recordings made in an individual’s residence or during a domestic violence incident.

NPD Response: Attorney General Directive 2015-1 requires officers to record all calls for service, investigative detentions, interview of witnesses, arrests, etc. Incidents that are recorded within a residential premise are required to be “tagged,” which marks the video as a special privacy concern. Tagged video is subject to prosecutorial approval prior to release.

Deactivation Policy

Respondent Concern: Under the draft policy, the camera may be deactivated if a civilian requests it and it appears that the individual will not provide information otherwise. This policy does not apply during official police actions; at these times, the camera must remain activated for the entire event.

Approximately 70% of respondents and 76% of officers agreed with this policy. Concerns were raised about officers or civilians lying about an encounter or what would happen if the camera was turned off and then the situation escalates very quickly.

NPD Response: When a law enforcement action arises during general conversation where the officer would not record, it is a mandate that the officer must activate the camera once a law enforcement action is required. The BWC has a 30-second pre-record feature, which will capture events leading up to the necessity of law enforcement action.

Privacy Zones

Respondent Concern: Within the draft policy is a section detailing when an officer does not need to activate the BWC. Recordings do not need to be made during breaks, when not actively performing police duties, during union business, during disciplinary or courtroom proceedings, or in any location where there is a reasonable expectation of privacy unless, enforcement action is required. More than three-fourths (78%) of community members and 92% of officers agreed with this policy. Those that did not agree or were unsure felt that issues may arise during an officers break or that an officer could state that he “was on a break” if a recording was not made.

NPD Response: Policy mandates that all law enforcement actions be recorded. If an incident occurs while an officer is on break, not actively performing police duties, etc., the BWC must be activated and the officer is required to take action.

Respondent Concern: Unless investigating criminal activity, responding to an emergency, or when constructive authority of force will be used, an officer is not to record in youth facilities, places of worship, during court proceedings, or in a healthcare facility. Once again, three-fourths (76%) of community respondents and 84% of officers agreed with this. Most of the concern regarding this policy revolved around recording juveniles. These respondents felt that recording should be made to protect the officer and the juvenile. Other precautions such as blurring faces could be done to protect privacy if necessary.

NPD Response: BWCs will not be activated at these locations unless investigating criminal activity. Videos within these facilities or capturing the image of a juvenile are required to be “tagged”. Tagged video is considered a special privacy concern and is subject to prosecutorial approval prior to release.

Retention of Recordings

Respondent Concern: The draft policy indicates that recording will be retained for no less than 90 days unless the recording pertains to a criminal investigation, documents a use of force, or is the subject of

an internal affairs complaint. The majority of respondents, 80% community and 89% of officers agreed with this policy. Those that did not agree felt that recordings should be held for a longer period. This length of time varied from 6 months to indefinitely.

NPD Response: The Newark Police Division is guided by the State of New Jersey Records Retention and Disposition Schedule, which requires all footage to be retained for at least 90 days. Certain recordings will be retained for a longer period of time:

- Recordings that pertain to criminal investigations shall be treated as evidence and held for the applicable retention period.
- Police use of force incidents and arrests that do not result in an ongoing prosecution shall be kept until the expiration of the statute of limitations for filing a civil complaint.
- Internal affairs complaints will be held pending final resolution of the internal affairs investigation.

Internal Affairs Complaints

Respondent Concern: Under the draft policy, an individual looking to file an internal affairs complaint may be able to review the BWC footage in order to make an informed decision whether to file a complaint. Most community members, 84% agreed, while only 41% of officers agreed. Those that did not agree felt that individuals should not be allowed to review the footage prior to making a complaint. Respondents felt that if an individual was lying about an officer's actions, they should be arrested and charged.

NPD Response: Matters of this nature are referred to the Essex County Prosecutor's Office.

Public Release of Video

Respondent Concern: The draft policy indicates that recordings shall be publicly released if the public's need for access outweighs the law enforcement interest in maintaining confidentiality. The Public Safety Director, County Prosecutor, or the Director of the Division of Criminal Justice shall make the determination. Approximately 72% of community respondents 68% of officers agreed with this policy. Some that disagreed felt that videos should only be withheld if a civilian would be at risk due to the release. A second concern was raised over those who had the authority to release the videos. They felt that an individual outside of the law enforcement community should have a voice in the decision.

NPD Response: Video redaction is available and would allow images to be blurred, if necessary. The Attorney General Directive does require public release of video if the public's need for access outweighs the law enforcement interest in maintaining confidentiality. The Public Safety Director, County Prosecutor, or the Director of the Division of Criminal Justice will consider the public's opinion when determining release of video.