



# UNION COUNTY PROSECUTOR'S OFFICE

BODY WORN CAMERA PILOT PROGRAM

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## **I. Abstract**

*Having equipped police agencies throughout Union County with body-worn cameras (BWC), the Union County Prosecutor's Office conducted a pilot program designed to assess the value and practicality of implementing a review program intended to proactively improve the safety and performance of police officers through the active review of BWC footage. The program established a framework for the review of BWC footage and recruited three volunteer police agencies from within the county to use that framework to evaluate a sample of the BWC footage each agency generated during a 90-day collection period.*

## **II. Background**

Acting in the belief that the wearing of body-worn cameras by law enforcement officers would increase citizen and officer civility, bring about quicker resolutions to citizen complaints of officer misconduct, provide greater transparency in police operations, and reveal instances of police performance that would serve as opportunities for enhanced departmental training, police departments throughout the country have deployed BWCs in large numbers. The Union County law enforcement community has been at the forefront of that trend.

Indeed, beginning in 2016, the Union County Prosecutor's Office began work to ensure that every law enforcement agency within the County of Union was outfitted with body worn cameras. The process began with Acting Prosecutor Grace Park and has been carried further by each prosecutor to hold office since that time. By 2020, uniformed officers from every municipal law enforcement agency within Union County had been outfitted with body worn cameras, and the program continues to expand. Presently, agencies throughout the county are in the process of expanding BWC use to less traditional roles, including tactical teams and plain-clothes investigators.

As a result of these efforts, the vast majority of police-civilian encounters that take place in Union County are captured on BWC. This footage has already proven itself invaluable as an impartial record, reliably documenting police use of force incidents and criminal investigations.

An obvious next step to maximize the potential of BWCs is to begin using the BWC footage generated to help identify exemplary conduct for training purposes and problematic behaviors and practices before they result in harm. To do so, police agencies will need to move from passive gathering of BWC data to active review of that data.

Yet active BWC review programs face many challenges. Not least of those challenges is the sheer volume of footage recorded by an agency deploying BWCs. If police agencies must commit to assigning experienced personnel to review hundreds of hours of footage in order to operate a successful review program, they may well decide that they cannot afford to do so.

Indeed, agencies making that decision may wonder whether BWC review will add enough value to be justified. If, for example, traditional supervision is already identifying all or most police performance issues, an active review program may simply not be worth the cost. Furthermore, although there is little evidence to support the idea, agency leadership may well wonder whether the incentives created by the mere presence of BWCs will be sufficient to correct most police performance issues.

Accordingly, in June of 2020, Acting Union County Prosecutor Lyndsay Ruotolo launched a pilot program designed to determine if the active review of body worn cameras could efficiently and effectively be used at the agency level to improve police performance. If successful, the program also aimed to establish best practices that individual agencies could adopt in formulating their own review programs.

### **III. The Pilot Program**

The pilot program sought police agencies to volunteer to participate in an active review program. Ultimately, three Union County municipal law enforcement agencies agreed to participate: the Cranford Police Department under the leadership of Chief Ryan Greco; the Plainfield Police Division under the leadership of Director Lisa Burgess (ret.); and the Roselle Police Department under the leadership of Chief Brian Barnes (ret.). Together, these departments reflect the broad variety of police agencies found in Union County, ranging from agencies that serve densely populated urban areas to those that serve more sparsely populated suburban regions.

Each department agreed to work with the project to identify rating criteria and to assign personnel to review BWC video generated by agency employees. They also agreed to discuss the results of the review process with the other program participants.

#### **A. Selecting Incident Types for Review**

One hurdle immediately faced by the pilot was the need to ensure uniformity and consistency in the review process. Inconsistent or ad hoc review processes would, ultimately, be unlikely to succeed in the long term for a number of reasons. For example, the officers under review might feel the process to be arbitrary and resist review, and the reviewers themselves might not establish consistent measures of quality performance. Accordingly, a first step in the pilot was to formulate clear and concise criteria against which performance could be reviewed.

Because police officers may be called upon to face a wide-variety of circumstances, it is extremely difficult to identify consistent criteria in order to assess arbitrary police conduct. The pilot program addressed this difficulty by limiting the scope of review to three specific incident types: motor vehicle stops; investigations of driving while intoxicated; and mental health response/assist calls for service. Each incident type was selected for review based upon its frequency of occurrence, the existence of clear guidelines and best practices related to the incident type, its significance in maintaining and improving public safety, and the degree of risk the incident type posed to the public and the police.

According to the Stanford Open Policing Project, police pull over 50,000 motorists a day. Indeed, computer aided dispatch (CAD) data for all three participating agencies showed motor vehicle stops as the most frequent enforcement activity conducted by officers. Furthermore, according to the New Jersey Division of Highway Traffic Safety website, nearly 97% of Americans view drunk driving as a serious threat to the community.<sup>1</sup> This sentiment is borne

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<sup>1</sup> *State of New Jersey*. New Jersey Division of Highway Traffic Safety. The Official Web Site for The State of New Jersey. [https://www.nj.gov/oag/hts/youlose\\_points.html](https://www.nj.gov/oag/hts/youlose_points.html)

out by the fact that drunk driving was responsible for over 129 deaths in New Jersey in 2019.<sup>2</sup> Calls for assistance involving persons suffering from mental health emergencies are also of great import. Such calls have increased in number each year for the past five years as to each of the pilot agencies, and have unfortunately resulted in a number of instances in which members of the public, officers, or both have been injured.

## B. Rating Criteria

In order to establish uniform review criteria, the program identified operational best practices for each incident type. The criteria were chosen for their value as indicators that the officers involved had used acceptable methods in addressing the incident.

Thus, prior to beginning the data collection period, the project group, consisting of a supervisor from each agency; the Director of New Jersey's Crisis Intervention Team (CIT); the Director of Police Policy, Planning & Training from the Union County Prosecutor's Office; and the Acting Union County Prosecutor, worked together to formulate the rating criteria that would be used to measure officer performance. The following criteria were identified for each respective incident response type and labeled as key performance indicators:

- Motor Vehicle Stops
  - Notify dispatcher of the make, model, registration number, and color of the vehicle
  - Notify dispatcher of the number of occupants in the vehicle
  - Stop the vehicle in a well light location
  - Wait for backup if available
  - Only extend the duration of the stop if supported by Reasonable Suspicion or Probable Cause
  - Advise the driver of the reason for the stop
  - Maintain a professional and courteous demeanor
  
- Driving While Intoxicated
  - Notify dispatcher of the make, model, registration number, and color of the vehicle
  - Notify dispatcher of the number of occupants in the vehicle
  - Stop the vehicle in a well light location
  - Wait for backup if available
  - Establish impairment through officer's observations
  - Establish impairment through a Field Sobriety Test
  - If effectuating an arrest, advise subject of the reason for the arrest
  - Handcuff subject and search them prior to placing them in a police vehicle

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<sup>2</sup> NHTSA's 2019 Traffic Safety Facts Annual Report Tables, Chapter 5, Table 117  
<https://cdan.nhtsa.gov/tsftables/tsfar.htm#>

- Impound vehicle according to John’s Law<sup>3</sup> if applicable
- Activate vehicle’s interior camera during transport
- Mental Health Assist
  - Request backup
  - Request a CIT Officer
  - Ask dispatcher if consumer is assigned a Mental Health Case Worker
  - Request a Screener
  - Inform caregivers of police procedure
  - Utilize de-escalation techniques
  - Provide medical attention if consumer is forcibly restrained
  - Provide caregivers with mental health resources

Notably, despite differences in agency culture and policies, the agencies involved agreed that the criteria above accurately captured the fundamental elements of police action in that category.

Having identified acceptable measurement criteria, the pilot proceeded to determine whether those criteria could, in fact, be used as the basis for a practical performance measurement system. To do so, each participating agency was asked to review footage captured by officers within that agency against the above criteria.

#### C. Footage Selection

The participating agencies were then asked to select 40 videos for review from the video recorded by the agency during a 90 day window. The footage selected was recorded in the normal course of agency operation and was not specifically recorded for the pilot. The videos selected were chosen at random, from the set of videos corresponding to the incident types described above and generated by officers who agreed to participate in the pilot program.

#### D. Selection of Reviewers

Each agency was asked to identify a supervisor from the agency to review BWC footage against the criteria established above. Each agency identified a superior officer with experience supervising officers in the performance of the identified incident types.

#### E. The Review Process

Each reviewer was then asked to review the videos that had been selected by the agency. The reviewers viewed each video and rated the video by comparing the officer’s performance against the key performance indicators outlined in the “Rating Criteria” section *supra*. Once the initial performance rating was completed, each supervisor was also asked to select a follow-up action based upon the officer’s performance. The below follow-up actions were available for each reviewed video:

- No Action

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<sup>3</sup> [https://www.state.nj.us/lps/dcj/agguide/2001\\_5dir.pdf](https://www.state.nj.us/lps/dcj/agguide/2001_5dir.pdf)

- The performance viewed was consistent with departmental policy and best practices
- Commendation
  - The performance exceeds expectations and merits recognition
- Counseling
  - The performance is inconsistent with policy and best practices, requiring the officer to be made aware of the inconsistency and begin improvement
- Training
  - The performance is inconsistent with policy and best practices, requiring the officer to be retrained on the steps to successfully perform the series of job tasks
- Forward to Internal Affairs
  - The performance violates a rule, regulation, policy, or procedure and requires additional review by Internal Affairs

#### IV. The Results

In the end, the pilot program successfully demonstrated that a BWC review program like that described herein can not only be practically implemented, but can provide significant benefit to implementing agencies.

First, each agency that participated in the trial was able to successfully complete the program. More importantly, in each case the participating agency derived sufficient insight into officer performance from the program such that they were able to — and did — take active measures to appropriately address observed officer conduct, whether through counseling, training, a referral to internal affairs, and even the issuance of commendations to recognize exemplary performance. Figure 1 presents a breakdown of the actions taken by each agency based on information generated during the pilot program.

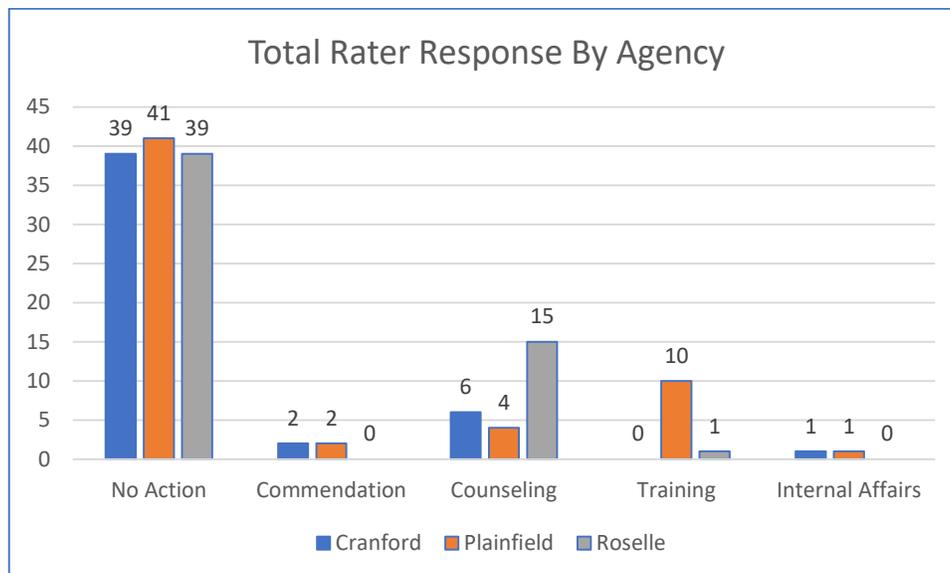


Figure 1—Actions Taken as a Result of Information Learned during the Pilot

The sheer number of actions taken speaks to the value of the information generated by the pilot, as perceived by the agencies themselves. Indeed, involvement in this pilot led the Cranford Police Department to either take remedial action or issue commendations in 18.75% of the cases it reviewed, while Plainfield and Roselle each took action in 29.31% and 29.09%, respectively, of cases reviewed.

Importantly, the need to take action in these cases had not previously been identified through the traditional supervision process, and none of these actions would have been taken by the departments but for their participation in the pilot program. The pilot program, therefore, demonstrated in a vivid way the quantity of actionable information that can be derived from even a relatively small amount of BWC footage.

The program also allowed participating agencies to identify, trace, and address patterns of performance that had previously gone undetected. One such example arising out of the pilot involved certain practices engaged in by officers during motor vehicle stops. Reviewers across the three agencies noticed multiple occasions on which an officer conducting a motor vehicle stop appeared to antagonize the driver of the detained vehicle. In each case, the conduct followed the same pattern. Each car stop would begin with the officer asking for the subject's license, registration, and insurance card. On some occasions, the subject of the stop would ask the reason for the stop before complying. Instead of simply answering the subject's questions, the officers conducting the stops would instead respond by saying that they would only answer after the driver complied with their demand that they produce their credentials. This response often led to an antagonistic escalation of the interaction culminating with subjects being arrested for disorderly conduct.

This discovery led the program group to realize that ten years prior, this "tactic" had been incorporated into the training provided by the John H. Stamler Police Academy during its Basic Course for Police Officers — the institution and training responsible for the training of the majority of Union County's municipal and county police officers. In particular, the tactic was taught to recruits as a method for maintaining control during motor vehicle stops. As a result of the insight made possible by participation in the pilot program the tactic was immediately removed from the course materials. Union County recruits are now trained to begin a motor vehicle stop by advising the driver of the reason for the stop.

A review of just over 150 total BWC videos, across three distinct police agencies, not only provided those agencies with actionable information concerning the performance of their officers, but led to identification and correction of a county-wide systemic issue in police training. While anecdotal, the fact that such a small-scale review could generate such dramatic and productive knowledge demonstrates some of the value inherent in BWC review programs.

## **V. Recommendations for Program Implementation**

Participation in this pilot identified a number of implementation challenges that a successful review program may face. The following recommendations are derived from the experience of

the participants during the pilot and are intended to help guide agencies considering implementing a similar program.

#### A. Identify Clear and Concise Rating Criteria

Establishing clear and well-defined performance criteria proved critical to the pilot's success. By enumerating review criteria in advance, reviewers were able to focus on key points of each police action of special importance to officer and civilian safety. Moreover, the criteria helped guide the review process, allowing it to proceed efficiently and in a consistent manner, helping participants feel that the review process was fair, and allowing the data generated to be aggregated and compared between incidents and reviewers. Indeed, the criteria served to arm reviewers with a common language and focus that, in this pilot, ultimately resulted in identification of a systemic training deficiency.

Moreover, communication of the review criteria appeared to act as training reinforcement, actively guiding officer conduct toward safe and approved methodologies. Indeed, the overall effect of formalizing review criteria was to incentivize high-quality police action.

#### B. Identify Key Incident Types

Focusing review on key incident types also provided several critical benefits. First, by restricting the domain of possible police action, it allowed the program to develop well-considered review criteria. It also focused reviewers such that they were positioned to communicate their insights with one another.

Furthermore, it helped address concerns involving the volume of BWC footage available for review. As mentioned above, the extreme quantity of BWC video generated by a typical agency is both a logistical and psychological impediment to adoption of a BWC review program. Indeed, it was a common initial feeling among the program participants that, while desirable, a comprehensive BWC review program would simply require review of too many hours of video footage to be practical given agency resources.

The pilot showed, however, that by focusing on a subset of police action that is most likely to result in adverse outcomes, a review program may be operated productively and efficiently.

#### C. Significant Insight can be derived from a Limited Review

The pilot also showed that agencies facing resource limitations may still derive significant value from a review program, even if a relatively small percentage of the video generated by the agency is subject to review. Indeed, despite reviewing only a small, randomly-selected sampling of the videos generated by each agency, the pilot was able to help agencies identify previously unnoticed performance issues that could be proactively addressed. Importantly, agency action was not restricted to the officer whose video was reviewed. Rather, agencies were able to proactively identify common issues in officer performance that could be addressed across an agency, -and even the entire county- despite the limited scope of review.

#### D. Reviewer and Inter-Agency Communication is Highly Valuable

Communication between reviewers across agencies was shown to have significant value. One of the great benefits of this program was to focus reviewers on specific review criteria. Doing so meant that the reviewers themselves were able to notice and perceive patterns of deficient conduct, which they could readily communicate with other participants in the program. Regular meetings between reviewers helped individual participants to articulate and highlight those patterns.

The most significant pattern identified during the pilot, namely that involving recruit training regarding motor vehicle stops, was identified during a monthly meeting of the pilot participants. During that meeting, a reviewer from one agency voiced concern and confusion regarding the series of troubling motor vehicle stops he had noticed. Reviewers from the other agencies immediately recognized the same pattern in their own agencies, leading to the realization that the problem extended beyond a single agency's practices or culture.

#### E. The Program Itself Should be the Subject of Periodic Review

As noted above, it was clear that officers within the participating agencies understood the review criteria as expectations of their agency. As long as those criteria reflect well-understood best police practices, the effect of that understanding is to incentivize safe and appropriate police conduct. This reinforcement effect, however, means that the criteria themselves cannot be allowed to stagnate, otherwise agencies risk locking conduct into outdated patterns of behavior while the understanding of police best-practices evolve.

Moreover, in order to best focus resources, agencies may wish to shift the focus of their review programs over time. If, for example, officer performance in one incident type increases to the point that the review program is providing diminishing returns in that area, an agency may consider refocusing the review program to areas in which officer performance is more variable.

## VI. Conclusion

The pilot demonstrated that active BWC review programs can be valuable tools in improving police performance. It showed that even a review program of very limited scope can identify performance issues that would otherwise go unrecognized, as long as such programs are structured and conducted in a consistent and directed fashion. Moreover, it showed that agencies need not commit to an overly burdensome allocation of resources in order to establish a successful active review program, to quickly derive benefits from the implementation of such a program, and, in turn, better serve the public.