FIRE DEPARTMENT WASHINGTON TWP
DISTRICT 10
GLOUCESTER COUNTY N.J.

WASHINGTON TOWNSHIP FIRE DISTRICT
TOWNSHIP OF WASHINGTON
GLOUCESTER COUNTY, NEW JERSEY

Board of Fire Commissioners
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EMERGENCY
9-1-1

FIRE DEPARTMENT POLICY #47-13
regarding
Electronic Monitoring

It shall be the policy of the Washington Township Board of Fire Commissioners, in order to maintain a cooperative work environment that is free from intimidation, free from harassment, and free from surreptitious behavior, to establish detailed rules regarding electronic recording or video recording of personnel. The Board of Fire Commissioners further state that a material violation of this policy subverts the good order of the fire department and hence requires all firefighters, fire officers, employees, and all others (further known as members) subject to the policies and procedures of the Washington Township Fire District to strictly comply with this policy.

Electronic Monitoring

Personal and Business Oral Communication:

- All members of the Washington Township Fire District have a reasonable expectation of privacy when engaged in personal and or business conversation. Non-interception of member oral communication is our accepted practice and the surreptitious recording of conversations between personnel is strictly prohibited.
- Those members who want to record personal and or business oral communications between themselves and other members must follow the below listed procedures:

A. Prior to recording, the individual wishing to record the communications must first submit their request in writing to their respective supervisor. The individual must state their need for recording. Upon receipt the respective supervisor, following the chain of command, shall make notification to the District Fire Chief where then the request will be approved or denied.

B. If the approval to record is granted by the District Fire Chief, the individual seeking to record the conversation, shall notify all the parties involved in the conversation that they intend to record their conversations.

C. Personnel have the right to refuse to be recorded under these circumstances. Additionally, any individual who has agreed to be

recorded has the right at any time to rescind his/her permission for the recording to be made so that the recording is stopped.

D. If the individual(s) agree to being recorded, a copy of the taped conversation and a certified transcription of the conversation will be forwarded to all parties involved in the conversation. These materials will be forwarded to all parties within ten (10) days of the conversation.

E. District equipment tapes, batteries, audio recorders, video recorders, and microphones will not be used for this type of recording unless permission is first obtained from the District Fire Chief.

F. The cost of transcribing, packaging, postage and delivery of the materials will be at the expense of the individual requesting the recording.

G. Attempts to obtain permission to record after the fact by members of the department shall be deemed a material violation of this policy.

H. **Members who fail to abide by the aforementioned cited requirements shall subject themselves to disciplinary action and may subject themselves to criminal prosecution.**

- Members who record individual's conversations that they are not a party to the conversation or discussion shall subject themselves to departmental disciplinary action and criminal prosecution under established wiretapping laws. Members engaged in this type of monitoring will face internal disciplinary action and will be addressed accordingly for criminal prosecution with the Washington Township Police Department and or the Gloucester County Prosecutors Office. A lack of criminal charge or indictment or conviction will not affect internal departmental disciplinary action. Refer to the below listed statutes:

  A. New Jersey Statutes 2A:156A (New Jersey Wiretapping Act)

  B. New Jersey Statutes 2C:30-2 (New Jersey Official Misconduct Statute)

Communications Center:

- Oral communications between the various communications centers, the police department, and other public agencies may be monitored by the fire

district. The oral recording of these conversations is not intended to be subjected to the provisions of this policy.

- The surreptitious recording or re-recording of this fire department's phone lines and or radio frequencies by non-authorized personnel is strictly prohibited unless the member has explicit permission from the District Fire Chief.

- The District Fire Chief or his designee, may monitor this fire department's radio and telephone recordings for policy compliance and investigative purposes. If necessary, the District Fire Chief shall maintain a file of various recordings described.

Fire Investigation Unit:

- The Fire Investigation Unit may use audio and video recording of persons, including department members, who are being interviewed as part of an official investigation and as long as the recording is in full compliance with the laws of the State of New Jersey.

- When actively involved in an investigation, the Fire Investigation Unit shall use official departmental issued recording devices and equipment. Once an interview has been completed, those recordings will be considered evidence and part of the official records of the fire department. The recording investigator shall follow proper evidentiary procedures and if necessary cooperate with the appropriate law enforcement or other regulatory authorities. Investigators and or members shall not maintain copies of evidence for their personal use.

Departmental Investigations/Internal Affairs:

- The District Fire Chief or his designee may conduct department internal investigations for compliance with district policies and procedures. Should the Chief or his designee have a need to conduct the investigation utilizing audio and or video recording devices, the Chief or his designee shall be responsible for ensuring that the recordings are conducted in full compliance with New Jersey law.

- The District Fire Chief or his designee or other officers acting under the direction of the District Fire Chief have the authority to electronically record interviews of department members with the following stipulations:

  A. Members shall be notified that their interview is being recorded.

  B. Members who are being interviewed as part of an administrative or disciplinary investigation cannot

object to the recordings.

C. The original and any copies of the recordings will be maintained by the custodian of records of the Washington Township Fire District.

D. Members are not permitted to obtain a copy of the recording unless authorized by the District Fire Chief or unless obtained by other lawful means.

- The Washington Township Fire District may conduct routine video monitoring of its fire stations, premises, it's members, and visitors. Appropriate posting of video surveillance shall be maintained by the fire district. The Board of Fire Commissioners shall determine who shall have access to these video recordings. The intent of these video recordings is to maintain the security of all fire district facilities, provide for the safe keeping of the fire district assets, and identify any subversive behavior on behalf of individuals internal or external to the fire district. The fire district may use these video recordings at its leisure to serve the needs of the district and the greater public will.

Discipline:

- Failure to comply with this policy shall result in disciplinary action of members found in non compliance and failure to comply with this policy may result in criminal prosecution of members found in non compliance.

Definitions:

- Recording device: Any device that is capable of capturing audio and/or video recordings.

Applicability:

- This policy is not intended to refer to official meetings of the Washington Township Board of Fire Commissioners, which complies with the laws of the State of New Jersey regarding recordings of public entities at public meetings.
- This policy is not intended to refer to recordings made by the press, other media, or off duty members taken in public settings of fire department activities such as at fire scenes. The audio and video recording at fire scenes to be in compliance with this policy must be in full open view of those being recorded, must be recorded in a manner that is available to anyone from the public and taken from an area accessible by the public. This type of recording must be in full compliance with other departmental regulations regarding pictures and recordings at emergency scenes.
- This policy is not intended to inhibit the recording of specific training classes nor is it intended to inhibit the department's ability to provide training to its members, other agencies, or to the public at large.

Pre-existing Recordings:

- Pre-existing recordings that are a material violation of this policy shall be fully disclosed by the member or members who made the recordings or the member or members who are maintaining the recordings. These recordings shall be subsequently destroyed. Failure to disclose and destroy such recordings shall subject the member or members to disciplinary action and may subject the member or members to criminal prosecution. Authorization to maintain the recording after the fact, shall not be afforded in accordance with this policy

This policy was adopted at a regularly scheduled meeting of the Board of Fire Commissioners on April 4, 2013 and takes effect immediately.

BY:

Sam Micklus, Chairman

ATTEST:

Frank Stella, Secretary