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DEPARTMENTAL DIRECTIVE
No. 25.3*

20 February 2020

**ELECTRONIC VIDEO SURVEILLANCE SYSTEM (EVSS)
PROCEDURES AND POLICIES**

1. **PURPOSE.** Many of the New Jersey Department of Military and Veterans Affairs' (DMAVA) facilities utilize an Electronic Video Surveillance System (EVSS). The EVSS is a tool that provides security; promotes safety; aides in monitoring the provision of services provided; tracks, evaluates and validates unusual events and irregularities; documents occurrences and irregularities; prevents future occurrences which may threaten the safety of individuals receiving and/or providing services and/or lead to litigation. The EVSS provides a form of oversight in areas of the facility where constant direct observation or supervision is not always possible. Additionally, it serves as a visual deterrent of criminal activity and as additional protection of individuals and DMAVA facilities, grounds and assets.

Because DMAVA respects the privacy of their employees, residents, cadets, guests and visitors, and their need to feel safe and secure, this Bulletin establishes uniform administrative policies and standards of practice for the operation, utilization and security of the EVSS at all DMAVA facilities. The EVSS encompasses all equipment used to record visual occurrences on a facility's grounds and the common areas of the buildings.

2. **APPLICABILITY.** This Bulletin applies to all State and DMAVA employees, residents, cadets, contractors, vendors, visitors and guests at DMAVA facilities.

3. **REFERENCES.** Refer to Appendix A

4. **DEFINITIONS.** Refer to Appendix B.

5. **OBJECTIVE.** It is DMAVA's policy to provide for the protection, safety and security of its employees, residents, cadets, guests and visitors, while simultaneously respecting their inherent right to privacy. Under Governor Christine Todd Whitman's Executive Order Number 49, dated 17 April 1996, N.J.S.A. 38A:3-6.4, and this Bulletin, DMAVA has established an EVSS program to promote zero tolerance regarding resident and/or cadet abuse, professional misconduct and workplace violence. The goal of this Bulletin is to reduce security threats, promote a safe environment and ensure the proper operation, utilization, maintenance and security of the EVSS in DMAVA facilities.

6. **RESPONSIBILITIES.**

a. **Facility Supervisors** will implement this Bulletin and insure it is adhered to by all DMAVA Employees. Additionally, Facility Supervisors will:

- 1) Designate a DMAVA employee as the facility's Video Surveillance Monitor.

- 2) Authorize facility personnel as necessary to view video recordings.
- 3) Answer all questions and inquiries regarding the use and location of the EVSS.
- 4) Ensure all authorized users are properly trained on the effective, legal, and ethical use and management of the EVSS.
- 5) Designate a secured area/location for the retention of video recordings.
- 6) Direct the video recordings be reviewed during alleged incidents, events and/or irregularities.
- 7) Approve the use of temporary, covert video cameras, such as a "nanny-cam", when necessary.
- 8) Decide on the number and placement of video cameras necessary in order to ensure the proper surveillance at their facility

b. Director of Veterans Service Division, Director of Veterans Healthcare Services Division, and the Deputy Commissioner for Veterans Affairs will:

- 1) Approve or deny appeals of a Facility Supervisor's denial to access of video recording requests.
- 2) Approve or deny requests to view video recordings from residents or cadets, their families, media, advocacy and other groups, or requests not associated with disciplinary matters.
- 3) Approve or deny requests to view video recordings from NJ National Guard members.

c. The DMAVA Director of Employee Relations will:

- 1) Assist the Facility's Human Resources Officers and Employee Relations Coordinators, when necessary.
- 2) Assist and provide guidance to the Director of Veterans Service Division, the Director of Veterans Healthcare Services Division, or Deputy Commissioner for Veterans Affairs, as necessary.
- 3) Coordinate the requests for and review of the video recordings when Human Resources or Labor Relations issues are involved.
- 4) Approve or deny all requests for copies of video recordings from law enforcement agencies.

d. Video Surveillance Monitor will:

- 1) Maintain and monitor the remote access and video control room access logs.
- 2) Report all irregularities from video recordings or access logs to the Facility Supervisor immediately.
- 3) Notify all affected users and the Facility Supervisor once they become aware of planned shutdowns or problems with accessing the remote system.
- 4) Maintain and clean the EVSS and Video Control Room.
- 5) Conduct random review of video recordings for general monitoring purposes, and periodic review of "high risk", "high volume" and "problem" areas.

- 6) Make a copy of a video recording when directed by the Facility Supervisor.
 - 7) Be responsible for the security of the EVSS and Video Control Room.
- e. **Facility Information Technology (IT) Office** will assist the Facility Supervisor and/or Video Surveillance Monitor in copying of video recordings when necessary.
- f. **Facility's Employee Relations Coordinator** will coordinate with the Facility Supervisor, the facility's Human Resources Officer and the DMAVA Office of Employee Relations, when disciplinary action is being taken that resulted from the EVSS.

7. PROCEDURES.

a. NOTIFICATION.

- 1) Signs will be posted at all entrance points to the grounds of the DMAVA facility indicating that, pursuant to law, the facility is under twenty-four (24) hour surveillance. The signs shall include a contact number that interested persons can call to receive information regarding the cameras.
- 2) Signs will be posted on or beside all entrance doors to DMAVA buildings in which the EVSS is operational.
- 3) All newly hired employees, newly admitted residents and cadets, or, where applicable, their legal guardians will receive notification and general information about the presence and use of the EVSS.
- 4) Questions regarding the use and location of the EVSS will be directed to the Facility Supervisor.

b. **RECORDING TIMES.** The video surveillance system will be in operation and recording twenty-four hours per day, seven (7) days per week, on a year-round basis.

c. CAMERA LOCATIONS.

- 1) The Facility Supervisor shall decide on the number and placement of video cameras necessary in order to ensure the proper surveillance at their facility. Based on administrative need, the Employee Relations Coordinator or facility personnel office may request that specific locations be monitored by EVSS. The request shall not be unreasonably denied.
- 2) Video cameras will be placed in the common areas of the DMAVA facility and grounds, especially "high risk", "high volume" and "problem" areas.
- 3) Video cameras may be installed in restricted-access sites and areas, but not in areas where a person has a reasonable expectation of privacy.
- 4) Unless under exceptional circumstances (see Section 7.q below), all video camera installations shall be visible.
- 5) Video cameras will be located so that personal privacy is maximized. Video cameras will not be placed in areas designed for employee, resident and cadet privacy, unless under exceptional circumstances (see Section 7.q below). These areas include, but are not limited to, the following:

- a) Bathrooms
- b) Shower/Bathing Rooms
- c) Bedrooms/Sleeping Areas
- d) Locker Rooms
- e) Employee Break Rooms
- f) Offices
- g) Classrooms not used as a lab

6) Video cameras are generally placed in locations which allow the observation and supervision of the facility grounds, building entrances and exits, and common areas of the facility.

7) Each DMAVA facility with an ESSV will maintain an up-to-date current blueprint or site plan indicating the locations of all surveillance system video cameras.

8) No audio shall be recorded except in areas where no one is permitted.

9) The installation of "dummy" cameras that do not operate on a regular basis may be installed.

10) No camera shall be used as a means of surreptitiously evaluating employee performance.

d. CONFIDENTIALITY.

1) Personnel are prohibited from using or disseminating information acquired from the EVSS cameras except for official purposes.

2) All original video recordings and copies thereof are the confidential property of DMAVA.

3) All information and/or observations made in the use of EVSS cameras are considered confidential and can only be used for DMAVA and law enforcement purposes with the approval of the Director of Employee Relations or Director of Human Resources

4) Videos will be reviewed or have excerpts released in accordance with the confidentiality safeguards as established and in accordance with N.J.S.A. 30:4-24.3 and this Bulletin.

e. **TRAINING.** The Facility Supervisor will ensure that all authorized users are properly trained on the effective, legal, and ethical use and management of the EVSS.

f. EVSS INTEGRATION.

1) The digital system will record video directly onto a dedicated computer hard drive.

2) Depending on the area, video cameras will be recording full time or by motion detection.

3) The EVSS shall be set to an acceptable resolution range with the goal of preserving and storing the digital video on a dedicated computer for a minimum of thirty (30) days before the "overwrite" feature begins.

4) Request for videos to be saved will be backed up on a non-rewritable CD, DVD or other storage media, and will be labeled and stored for future viewing.

g. REMOTE VIEWING.

1) All recording or monitoring of activities of individuals or groups by the EVSS will be conducted in a manner consistent with this Bulletin and applicable State and Federal laws, and will never be based on the subjects' personal characteristics, including gender, ethnicity, sexual orientation, disability, or other protected characteristics. Furthermore, all recording or monitoring will be conducted in a professional, ethical, and legal manner.

2) DMAVA employees are only permitted to use the EVSS for a legitimate purpose and with proper authorization by the Director of Employee Relations or his/her designee. The improper use of these systems can result in discipline up to, and including, termination.

3) Any DMAVA employee who becomes aware of any unauthorized disclosure of a video recording in contravention of this Directive and/or a potential privacy breach has the responsibility to ensure that the facility Employee Relations Coordinator and Human Resources Officer are notified.

4) Remote access will be controlled through access hardware restrictions, usernames, and passwords. Users will be restricted to remote viewing of authorized areas only.

5) Access to remote viewing of the digital system will be only granted upon the written approval of the Director of Employee Relations or his/her designee.

6) Authorized DMAVA personnel will be provided with a copy of this policy and instructed on the confidentiality and regulations of the video surveillance system.

7) Personnel authorized remote access to the digital system will be provided with training, a remote viewer access log, and camera location maps for authorized viewing areas only.

8) Before accessing the digital system, the authorized user must fill out the remote viewer access log with the building, digital unit accesses, date, time in/out, reason for access and whether a or not a backup of the video is requested. Failure to log every access to the digital system will result in the immediate removal of the user from the video surveillance system.

9) The video surveillance room remote access log will be monitored daily for unauthorized access and access attempts. Should the Video Surveillance Monitor find any irregularities in the access log, they are authorized and required to shut down all remote access immediately. Should remote access be terminated, the Video Surveillance Monitor must report this immediately to the Facility Supervisor, or their designee.

10) The Video Surveillance Monitor will monitor and make available reports on all remote system activity.

11) Any problems or questions on access and use of the remote video system are to be directed to the facility's Information Technology (IT) Office. When the facility's IT Office and/or Video Surveillance Monitor become aware of planned shutdowns or problems with accessing the remote system, they will notify all affected users and the Facility Supervisor, or their designee.

h. EVSS MAINTENANCE AND STORAGE.

1) The Video Surveillance Monitor shall ensure that the dome coverings for each camera are cleaned as needed so that the clarity of the images is maximized.

2) Any broken, cracked, or scorched (by sunlight) domes or non-working cameras shall be reported to the facility's Maintenance Office for repair or replacement.

3) As feasible and as necessary, adequate lighting in exterior areas shall be provided so that nighttime images will be viewable.

4) All EVSS equipment shall be maintained by the Video Surveillance Monitor according to the manufacturer's guidelines, including firmware updates as these are released.

5) Questions relating to the maintenance of the system shall be addressed to the facility's Maintenance Office.

6) Neither DMAVA, nor the DMAVA facility, is liable for any malfunctions of the EVSS.

7) Video digital recordings will be maintained on the hard drive of a dedicated computer with long-term storage in a dedicated office which will be secured and have controlled access.

8) Only DMAVA Staff employees authorized by Facility Supervisor will have access to the secured areas.

i. RANDOM VIEWING OF VIDEO RECORDINGS.

1) Random review of video recordings for general monitoring purposes, as well as periodic review of "high risk", "high volume" and "problem" areas, will be conducted by the Video Surveillance Monitor.

2) Video recordings found to contain any irregularities, which may serve to initiate corrective, disciplinary or legal actions, will be copied onto a non-rewritable CD, DVD or other storage media. These copies will be labeled and stored for future viewing in a secured area. Digital recordings will be backed up accordingly. Immediately upon identifying any irregularity or unusual incident, the Video Surveillance Monitor will contact the Director of Employee Relations and the Facility Supervisor, or his/her designee.

3) Video recordings may be reviewed to determine appropriate follow-up on the reporting of any unusual incidents as required by this Bulletin.

4) The facility's Employee Relations Officer will review video recordings for alleged incidents as requested by Facility Supervisor, or designee.

5) No DMAVA employee is permitted to view, continually watch, search, copy or otherwise use the EVSS or tamper with, access, archive, alter, add to, or make copies of any data that has been recorded and stored within the EVSS without permission from the Facility Supervisor. Extending viewing must be for a legitimate purpose, such as at a security desk.

j. COPYING OF VIDEO RECORDINGS.

1) Only the following personnel or their designees are authorized to approve the review and/or copying of video recordings:

- a) The Adjutant General
- b) Deputy Commissioner of Veterans Affairs
- c) Director of Veterans Service Division

- d) Director of Veterans Healthcare Services Division
- e) Chief of the Joint Staff
- f) Chief Executive Officer
- g) Superintendent of Veterans Haven
- h) Director of Youth Challenge
- i) State or Local Law Enforcement
- j) DMAVA Director of Human Resources
- k) Facility's Employee Relations Officer or Human Resources Officer
- l) DMAVA Director of Employee Relations

2) The Video Surveillance Monitor will copy video recordings as soon as they become aware of an incident. A backup of the digital video will be made once it has been determined when and where the event happened, a minimum of ten (10) minutes before and after an event will be recorded.

3) When complete information of an incident is not readily available, then copies of all video recordings from the cameras in the immediate area are to be made.

4) All cameras on the digital system for that area will be backed up at least one (1) hour before and after the time(s) provided. If a specific time is not available, then a temporary (no more than thirty [30] days) 24-hour backup of the digital system will be made for the date specified.

5) Once a video recording has been made, then it will be labeled with a unique identification number using a date format of YYMMDD, building/location, time recorded and DVR number. This identification number will also be entered on the DMAVA Form 25.3 (Figure 1) by the Video Surveillance Monitor.

6) If an event was captured on the video recording(s), then the video recording(s) will be kept and secured in the Video Control Room or a secure place designated by the Facility Supervisor for at least twenty (20) years, and then destroyed or erased, as appropriate.

7) If the event was not captured on the video recording(s), then the video recording(s) will be kept and secured in the Video Control Room or a secure place designated by the Facility Supervisor for at least seven (7) years, and then destroyed or erased, as appropriate.

k. REQUEST FOR REVIEW OF VIDEO RECORDINGS.

1) To review a video, a DMAVA Form 23.5 (Figure 1) will be provided to the Video Surveillance Monitor.

2) All requests from DMAVA employees who have been served with an Initial Notice of Disciplinary Action, or their duly authorized representative, to review video recordings, must be submitted in writing to the Facility's Employee Relations Coordinator indicating the purpose of the request and who will be included in the viewing of the video recording. The written request will then be forwarded to the Director of Employee Relations for approval.

3) Upon written approval of the Director of Employee Relations, the DMAVA employee or their duly authorized representative will be contacted within three (3) working days to schedule a mutually agreeable time for review of the requested portion of the video recording. Timeframes for approval or denial of viewing the recording will not exceed seven (7) working days from the date of the written request by the DMAVA employee or their duly authorized representative.

4) An authorized management representative of the DMAVA facility will be present at the scheduled review of the video recordings. However, arrangements will be made for parties to view the recording privately in an area within the control of Facility Supervisor.

5) The DMAVA employee must authorize in writing the presence of their representative(s) during the review of the video recording. At no time will the DMAVA employee be accompanied by more than two (2) individuals, for a maximum of three (3) individuals viewing the video recording.

6) No additional recording devices will be permitted in the viewing area.

7) Any DMAVA employee or union representative who disagrees with the determination by the Director of Labor Relations to deny access to the video recording(s) may appeal this decision by requesting in writing to the Deputy Commissioner for Veterans Affairs, as appropriate, within fifteen (15) days of the initial denial. The Deputy Commissioner for Veterans Affairs will review the justification(s) for the denial in concert with DMAVA Director of Human Resources, and/or other DMAVA staff as appropriate.

8) Requests to view video recordings from residents, cadets, their families, media, advocacy and other groups, or requests not associated with disciplinary matters will be forwarded to the Director of Veterans Service Division, the Director of Veterans Healthcare Services Division, or the Deputy Commissioner for Veterans Affairs, as appropriate. The Director of Veterans Service Division, the Director of Veterans Healthcare Services Division, or Deputy Commissioner for Veterans Affairs will direct the request to the DMAVA Employee Relations Office, the DMAVA Office of Government Relations and/or the Attorney General's Office, as appropriate.

9) Requests to view video recordings from NJ National Guard members will be forwarded to the Deputy Commissioner for Veterans Affairs.

a) The facility Administrative Officer will submit DMAVA Form 25.3 to the appropriate service Chief of Staff for submission to the Deputy Commissioner for Veterans Affairs for approval.

b) Unit Commanders will submit DMAVA Form 25.3 through the facility Administrative Officer to the appropriate service Chief of Staff for submission to the Deputy Commissioner for Veterans Affairs for approval.

10) Requests to view video recordings by law enforcement agencies or the Attorney General's Office will be submitted in writing on official letterhead to the Facility Human Resource Office. Video recordings that may be potentially involved in criminal investigations will be made available for review with the approval of Facility Supervisor, or their designee.

a) The Facility Supervisor will be immediately notified when a request from a law enforcement agency or the Attorney General's Office is received.

b) The Video Surveillance Monitor shall be authorized to provide a digital/video copy on a non-rewritable CD or DVD of the matter in question to the appropriate authorities after approval by the Facility.

c) A signature from the person receiving the copy shall be obtained on the facility's letterhead, noting the date and nature of the images on the non-rewritable CD or DVD. This document shall be maintained by the Video Surveillance Monitor in a secure location.

d) The section of the digital/video recording provided shall contain only the period of time in question surrounding an incident but shall include the "footage" that sufficiently conveys the nature of the incident.

e) To the greatest extent possible, the images on the digital/video recording shall contain only the individual(s) or area(s) in question, although it must be acknowledged that this may not be possible in all cases, if other individuals move in and out of the frames that were recorded. However, individuals cannot presume a right to privacy in public areas of a DMAVA facility.

f) Images of cadets or any DMAVA facility where the individuals on the video are considered minors will be disclosed to a police officer, a probation officer, and/or the courts.

g) The Video Surveillance Monitor shall complete a log to describe the nature of the event and additionally to indicate that a non-rewritable CD/DVD copy was provided to law enforcement.

h) The authorized entity which received a non-rewritable CD/DVD copy of an event shall maintain, secure and return their copy to the Video Surveillance Monitor.

11) Video surveillance recordings may be enhanced (brightened, darkened, zoomed in/out, cropped) in order to improve the quality of the video, to identify individual, and/or to clarify an irregularity. Video surveillance recordings will not be altered beyond these enhancements.

12) Video surveillance recordings with identified individual's images will be reviewed in accordance with the confidentiality safeguards set forth in N.J.S.A. 30:4-24.3. Individuals not involved in the recorded incident will have their images electronically redacted as much as possible from the copied recording.

13) Only authorized personnel can remove a video recording from the secured area and for the purpose of showing the video to authorized persons (i.e. Labor Relations hearing).

14) In situations where Labor Relations are involved, the DMAVA Office of Employee Relations will coordinate the request and review of the video with facility's Employee Relations Coordinator and Human Resources Officer.

15) In cases where advice is required by the facility concerning a request for video recordings from legal entities or processes (i.e. subpoenas), the Director of Employee Relations will seek consultation on such requests to DMAVA's Deputy Attorney General.

16) The Video Surveillance Monitor, upon approval of the facility's Employee Relations Coordinator, will make the necessary arrangements for the review of the approved surveillance video or portions thereof.

17) An accurate listing of all requests to view videos and recordings made of videos will be maintained by the video technician and filed in the facility video room.

1. ACQUISITION OF ORIGINAL OR COPIES OF DIGITAL RECORDINGS.

1) All video recordings will remain the confidential property of the DMAVA facility.

2) The DMAVA facility will not provide originals or copies of the video recording to anyone without the permission of the Facility Supervisor.

3) Should the police upon viewing a video recording, determine that the recordings will result in a criminal investigation, then these particular video recordings or copied recordings will be turned over to the County Prosecutor. Access to recordings in these situations will be in accordance with established DMAVA Office of Employee Relations policies. Refer to Section 7.k.9 above.

4) At any time that the original video or digital recording is released to the requesting person, then they will be required to sign for the video recording ensuring their understanding that the video is confidential and will be returned to the facility.

5) If the courts subpoena the original video recording, a copy of the said recording will be made prior to its release and secured. All subpoenas must be sent to Facility Supervisor who will forward the subpoena(s) to the Director of Employee Relations who will coordinate with the Director of Human Resources and the Attorney General's Office.

6) All video recordings are to be returned to the facility upon completion of the matter that required the release of the video. If the video recordings are not returned within 120 days, then a follow-up letter will be sent requesting return or reply regarding the status of the video.

m. ACQUISITION OF EXCERPTED COPIES OF VIDEO RECORDINGS.

1) All requests for excerpted copies of video recordings must include the reason for the request and must be submitted in writing to DMAVA's Director of Employee Relations.

2) In situations where Labor Relations issues or administrative proceedings are involved, DMAVA's Director of Employee Relations will review the request and video. Following the review, DMAVA's Director of Employee Relations will make a recommendation regarding the request to the facility's Employee Relations Officer.

3) The facility's Human Resources Officer, shall, upon approval, make the necessary arrangements for the copying of the approved sequence/excerpt of the original 24-hour video or digital recording.

4) An accurate listing of all duplicating and release of copied surveillance video recordings will be maintained in the Video Control Room.

5) All excerpted copies of video recordings are to be returned to the facility upon completion of the matter that required the release of the video. If the video recordings are not returned within 120 days, then a follow-up letter will be sent requesting return or reply regarding the status of the video.

n. VIDEO CONTROL ROOM ACCESS AND SECURITY.

1) The EVSS hard drive will be located in a secure room/area. Access to the Video Control Room will be only to those individuals authorized by the Facility Supervisor. Keys to the Video Control Room shall be the responsibility of the Video Surveillance Monitor and will be safeguarded at all times.

2) The Video Control Room will be located in a secured area and is to be locked at all times, even when attended.

3) The Video Control Room will be under 24-hour video surveillance and is to be uniquely keyed with a limited amount of keys issued to authorize personnel only.

4) Locks will be changed as needed when personnel are reassigned, retire, removed, etc.

5) Video recordings that remain in active litigation are to be locked in a secured cabinet inside the Video Control Room or a secured room designated by the Facility Supervisor.

6) Unless otherwise required, all display monitors must be turned off while visitors are in the room.

o. DOCUMENTATION.

1) A daily log must be kept of all authorized personnel who access the control room; recording the time of entry, reason for entry, and the time out.

2) A visitor log must also be kept of each visitor entering the control room. Visitors must sign in with the time of entry and exit, and reason for visit (i.e. view video, repair light, etc.). Unless required, all monitors must be off during the visit.

3) An equipment fault and failure log will be kept indicating the condition or damage to any camera or recording device. Any irregularities will be reported to the Facility Supervisor, or designee.

4) A monthly log must be maintained of all video activity including requests for, viewing of, and copying of any video.

5) The logbooks are to be maintained in the Video Control Room and will only be removed on direct instructions of the Facility Supervisor, or designee.

p. VIDEO CONTROL ROOM CLEANING AND MAINTENANCE.

1) The Video Control Room is to be cleaned and maintained by the personnel with authorized access, or by housekeeping staff accompanied by authorized personnel.

2) Cleaning and maintenance is to include:

a) Emptying all trash cans at least weekly.

b) Dusting/vacuuming of all equipment, furniture and floors at least monthly.

c) Sweeping and mopping floors as needed at least every three (3) months.

d) Time adjustments are to be made to all video recording systems as needed.

3) The Video Control Room is to be maintained at a cool temperature and low humidity. Air conditioners must be adjusted and run 24 hours per day, seven (7) days per week year round in order to keep the electrical equipment cool.

4) Monitors are to be off when room is not in use in order to reduce the amount of heat generated, electricity used and to lengthen the life of the units.

5) Backup battery systems located in the Video Control Room are to be tested semi-annually. All tests are to be recorded.

q. **EXCEPTIONAL CIRCUMSTANCES.**

1) Periodically, a DMAVA facility may experience patterns of criminal activity, both to persons and property. In an effort to combat repeated criminal acts, either by deterring the activity or apprehending the violators, the facility may use security cameras, such as a "nanny- cam" for covert surveillance purposes. No further announcement need be made prior to the actual placement of the video equipment. Covert surveillance activity should continue only so long as it is necessary. These cameras and their use shall be disclosed only after resolution of the case or cases so as not to interfere with law enforcement activities.

2) "Nanny-cams" will not be placed in a resident's or cadet's room without their explicit written consent, and/or the consent of their legal guardian or parent, as appropriate. Such cameras will be placed in such a way to capture video recordings only of the area requiring surveillance (such as a dresser or closet). These video cameras will be set up for a limited duration of not more than ten (10) days. These video cameras will not be set up to capture other resident's or cadet's living area or their images. These are areas where a person has a reasonable expectation of privacy.

3) With the exception of the facility's Security Desk, EVSS cameras are not to be monitored continuously under normal operating conditions, but may be monitored for legitimate safety and security purposes that include the following: "high risk", "high volume", "problem", and "restricted access" areas/locations, and in response to an alarm, special event, and specific investigation upon authorization from the Facility Supervisor, or designee.

Attachment 1: DMAVA Form 25.3, Request for Surveillance Video.

The proponent for this Directive is the DMAVA Office of Employee Relations.
Users are invited to send comments for improvement to:
NJDMAVA. ATTN: OER, PO Box 340, Trenton, NJ 08625-0340



JEMAL J. BEALE
Brigadier General, NJARNG
The Adjutant General

Appendix A – References

18 U.S. Code, Chapter 119, Section 2510 *et seq.*, Wire and Electronic Communications Interception and Interception of Oral Communications.

NJ Public Law 1997, Chapter 151, New Jersey Wiretapping and Electronic Surveillance Act.

Executive Order 49, Workplace Violence, 17 April 1996.

N.J.S.A. 2A:156A-1 *et seq.*, New Jersey Wiretapping and Electronic Surveillance Act.

N.J.S.A. 30:4-24.3, Institutions and Agencies: Confidentiality; Exceptions.

N.J.S.A. 38A:3-6, Powers and Duties of the Adjutant General.

N.J.S.A. 38A:3-6.4, Veterans' Facilities; Duties and Powers of Adjutant General; Purposes.

N.J.A.C. 4A:7-31, Policy Prohibiting Discrimination in the Workplace.

New Jersey State Policy Prohibiting Discrimination in the Workplace, 20 August 2007.

Departmental Directive 25.2.3, Information Security Program, 1 May 2006.

Departmental Directive 25.2.4, Safeguarding Confidential and Privacy Act-Protected Data, 28 July

Departmental Directive 25.2.6, Physical Security Standards and Policies for Information Technology (IT) Restricted Space, 15 February 2012.

Departmental Directive 230.05, State Employee Relations Policies, 1 July 1991.

Departmental Directive 230.80, Violence in the Workplace, 15 May 2012.

DMAVA, Division of Veterans Healthcare Services Policy 04-02-001, Residential Rights, April 2013.

Appendix B – Definitions

"**Acceptable resolution range**" means the image quality that is deemed adequate for accurate recognition of recorded images, achieved by the settings for image quality, resolution, and frame-rate that meets evidentiary standard in a court of law.

"**Access**" means the ability to receive, use and manipulate data and operate controls included in information technology.

"**Authorized Management Representative**" means a DMAVA Employee selected by the Facility Supervisor that will be present at all scheduled review of video recordings.

"**Authorized User**" means a State of New Jersey employee who is authorized access by the Facility Supervisor or the Directors of Human Resources and Labor Relations to the Electronic Visual Surveillance System.

"**Cadet**" means a student attending the NJ Youth Challenge Academy in a residential, military-style, academic setting.

"**Common Area(s)**" means any place to which the public has access, including but not limited to, a street, road, sidewalk, park, recreation area, parking lot, and any public building, structure or area. This also includes those areas which are available for use by more than one person and/or areas shared by others in the same building, such as lobbies, corridors, hallways, stairways, lounges, libraries, weight rooms, workout rooms, classrooms, cafeterias, mess halls, and elevators.

"**Electronic Visual Surveillance System (EVSS)**" means a system of fixed cameras in and around a DMAVA facility which transmits images from cameras to a digital hard drive storage system. Output can be seen on a monitor that displays the images of each camera and/or on a desktop computer monitor. The system allows for "live" viewing, reviewing, and making a copy or periods of time based on search criteria for the time-stamped recorded timeframe.

"**Employee**" means a full-time, part-time, temporary or hourly employee of DMAVA, including members of the New Jersey National Guard, and federal technicians.

"**Enhancement**" means a noteworthy improvement to the product which is intended to make it better in some way.

"**Facility**" means a State of New Jersey owned/leased DMAVA building and its adjoining grounds/property, to include, but not be limited to, DMAVA Headquarters, Veterans Memorial Homes, Veterans Havens, War Memorials, NJ Youth Challenge Academy, Brigadier General William C. Doyle Veterans Memorial Cemetery, and all New Jersey National Guard facilities (i.e. armories, etc.).

"**Facility Supervisor**" means the individual with overall responsibility for the operation, utilization, security and safety of a DMAVA building and adjoining grounds/property. Depending on the DMAVA facility, the Facility Supervisor's actual title may be:

- Veterans Memorial Homes – Chief Executive Officer.
- Veterans Transitional Housing Program for Homeless Veterans (Veterans Haven) – Superintendent.
- NJ Youth Challenge Academy – Director.
- DMAVA Headquarters – Deputy Commissioner for Veterans Affairs.
- NJ Vietnam Veterans Memorial – Executive Director.
- Brigadier General William C. Doyle Veterans Memorial Cemetery – Superintendent.
- New Jersey National Guard Facility – Unit Commander or Administrative Officer.

Appendix B – Definitions (continued)

"Irregularity" means evidence that there is fraud; an incident (s) that does not conform to established customs, etiquette or morality; and/or not according to established rules, policies and procedures, or accepted principals and methods of DMAVA.

"Nanny-Cam" means a hidden video camera that has been secretly installed within a common household object and is usually used to secretly monitor and record the activities of others, such as nannies, hence the name, although it has its usefulness to overtly or covertly record any activity. The receiver can be connected to a VCR or DVR recording device or can be a portable receiver-screen which can be carried room to room. For convenience, most "nanny-cams" use built-in transmitters to send their video to a recording device located in another room or floor.

"Preliminary Notice of Disciplinary Action" means the initial document that notifies a DMAVA employee of disciplinary action being taken by the Department.

"Remote Access" means access that is provided to connect remote users via client software to private network resources. This system uses security mechanisms, such as usernames and passwords, to ensure that only authorized users can access the EVSS.

"Resident" means an individual domiciled at a Veterans Memorial Home or Veterans Haven.

"Video Control Room" means a secured room within a DMAVA facility that videos are downloaded and stored.

"Video Surveillance Monitor" means a DMAVA Employee designated by the Facility Supervisor to monitor access to the Video Control Room, copies video recordings when required, and reports irregularities when discovered.

"Visitor" means a vendor, contractor, guest, service personnel, family member or anyone who needs to enter a DMAVA facility for a short duration, usually not more than one (1) day.

Figure 1 – DMAVA Form 25.3, Request for Surveillance Video.

**NJ DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
REQUEST FOR SURVEILLANCE VIDEO**

Name of Requestor:		Date of Request:	
Title:		Facility:	
Requestor's Signature (required):		Department/Unit:	
Please Check Only One: (Checking more than one box could void this form)		If Viewing, Names of Persons Viewing Recording: (If name is not listed, they will not be allowed to view the video recording)	
<input type="checkbox"/> PULL			
<input type="checkbox"/> PULL and VIEW			
<input type="checkbox"/> PULL, VIEW and COPY			
FILL IN ALL REQUESTED INFORMATION – PLEASE BE AS DETAILED AS POSSIBLE.			
Date of Incident / Event:		Time of Incident / Event:	
Unit:		Location / Area:	
Description of Incident / Event:			
Description of People involved (if possible provide names):			
APPROVING AUTHORITY			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED	Name: (Please Print)		
	Title:		Date:
	Signature:		
Video Surveillance Staff Use Only			
Video Pulled or Backed Up Date:		By (Name): (Please Print)	
Identification Number:		Signature:	