

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3939

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 3939.

As amended and reported by the committee, this bill allows law enforcement officers to review body worn camera recordings of a routine police stop or house call prior to creating an initial report, with certain exceptions.

The amended bill provides that the term law enforcement officer does not include a correctional police officer.

Under current law, a law enforcement officer is prohibited from reviewing or receiving an accounting of certain body worn camera recordings prior to creating any required initial reports, statements, and interviews regarding the recorded event; however, this is not intended to prevent the officer from considering, reviewing, or receiving an accounting of the body worn camera recording subsequent to the creation of any required initial reports, statements, and interviews regarding the recorded event.

The body worn camera recordings subject to this prohibition under current law include: 1) a recording that captures images involving an encounter about which a complaint has been registered by a subject of the body worn camera recording; 2) a recording that pertains to a criminal investigation or otherwise records information that may be subject to discovery in a prosecution; 3) a recording of an arrest that did not result in an ongoing prosecution, or a recording of the use of police force; or 4) a recording of an incident that is the subject of an internal affairs complaint.

This bill, as amended, provides law enforcement officers with an affirmative right to review or receive an accounting of a body worn camera recording of a routine police stop or house call prior to creating any required initial reports, statements, and interviews regarding the recorded event, except if the body worn camera recording contains images involving:

(1) an encounter about which a complaint has been verbally expressed or formally registered by a subject of the body worn camera recording;

(2) the use of any police force;

(3) the discharge of a firearm by a law enforcement officer;

(4) the death of a person while in police custody; or

(5) an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty.

The amended bill also clarifies that it is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event.

Finally, the bill, as amended, provides that a law enforcement officer is not required to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) provide that the term “law enforcement officer” does not include a correctional police officer;

2) provide that that a law enforcement officer is permitted to review and receive an accounting of a body worn camera recording of a routine police stop or house call prior to creating any required initial reports, statements, and interviews regarding the recorded event; except if the body worn camera recording contains images involving:

(a) an encounter about which a complaint has been verbally expressed or formally registered by a subject of the body worn camera recording;

(b) the use of any police force;

(c) the discharge of a firearm by a law enforcement officer;

(d) the death of a person while in police custody; or

(e) an incident that is the subject of an internal affairs complaint relating to the use of force, bias, or dishonesty; as introduced the bill provided that a law enforcement officer is permitted to review and receive an accounting of a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event;

3) clarify that the bill is not intended to prevent the officer from considering, reviewing or receiving an accounting of a body worn camera recording after the creation of an initial report, statement, and interview regarding the recorded event; and

4) provide that a law enforcement officer is not required to review a body worn camera recording prior to creating any required initial reports, statements, and interviews regarding the recorded event.