

September 29, 2015

RE: Police Car Camera Mandate to be Suspended

Dear Mayor,

Today, the Council on Local Mandates stated that it will be issuing an order enjoining the application of P.L. 2014 C. 54 (Chapter 54). This law requires that “every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after [March 1, 2015], which is primarily used for traffic stops, shall be equipped with a mobile video recording system [body cams or dash cams].” An overview of this law can be found [here](#).

It is the duty of the Council, created under the authority of the State Constitution, “to resolve any dispute regarding whether a law or rule or regulation issued pursuant to law constitutes an unfunded mandate.”

The practical effect of this injunction is that, pending final review of the Council, the decision to outfit police cruisers with body cams or dash cams will be a local decision and not mandated by state statute. However, the injunction will not go into effect until the Council issues a formal order.

By way of background, Deptford Township had filed a complaint before the Council, arguing that Chapter 54 was an unfunded mandate and thus would violate the New Jersey Constitution and the Local Mandates Act. The League supports Deptford in this case as *amicus curiae*. An overview of this complaint can be found [here](#).

Procedurally, the Council met today to hear arguments regarding the state’s motion to dismiss and Deptford’s motion for an injunction of Chapter 54. The Council heard argument from Deptford, the state and the League of Municipalities. The Council denied the state’s motion to dismiss and granted Deptford’s motion for an injunction. In granting Deptford’s request, the Council’s Chairman John Sweeney AJSC (Ret.) stated:

[The Council is] unanimously satisfied that the mandate... as funded can and will, if let to proceed, will lead to irreparable harm not just to this complainant [Deptford] but to all municipalities in similar circumstances.

This injunction **will not** go into effect until the Council formally orders an injunction; one should be expected within the next two to three weeks.

**The League will notify you when the Council formally issues its order.**

Going forward, the Council will still need to make a final determination as to Chapter 54’s constitutionality. We will continue to update you on these developments.

The League appreciates the resources that Deptford Township has brought to bear on this issue and the advocacy skill of their counsel, Doug Long Esq., and Brian Shotts Esq. of Long, Marmero & Associates. Our thanks also go to League Staff Counsel, Ed Purcell Esq., who argued today on your behalf.

Contact: Ed Purcell Esq. at [epurcell@njslom.org](mailto:epurcell@njslom.org) or (609) 695-3481 x. 137

Sincerely

Michael J. Darcy, CAE  
Executive Director