

February 19, 2015

**RE: Police Car camera mandate effective March 1**

Dear Mayor:

Please discuss this matter with your Municipal Attorney, with your Police Chief and/or your Director of Public Safety and with your Purchasing professionals. You may also want to discuss the sufficiency of the new funding (see below) with your Finance professionals and your Municipal Court Administrator.

**Chapter 54 of the Public Laws of 2014, signed by Governor Christie on September 10, 2014, will go into full force and effect on March 1, 2015.**

As a reminder, this law requires that *“Every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date (that being March 1, 2015), which is primarily used for traffic stops shall be equipped with a mobile video recording system.”*

The law goes on to define “mobile video recording system” to mean *“... a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.”*

In other words, the new mandate requires that whenever **any traffic patrol vehicle, which will have been acquired on or after March 1, 2015**, is in use, that vehicle must either:

1. Be equipped with a video camera; or
2. Be used by an officer wearing a body camera.

**Please note that the new mandate does not apply to any vehicles acquired prior to March 1, nor to any officers using those vehicles.**

In an attempt to overcome the Constitutional prohibition on new unfunded mandates, the law increases a surcharge on DWI fines, from \$100 to \$125. If the summons was issued by a municipality’s law enforcement agency, the additional \$25 dollars is payable to the municipality *“for the cost of equipping police vehicles with mobile video recording systems pursuant to the provisions (of this act). ...”* (If the summons was issued by a State or county enforcement officer, the additional \$25 will be payable to the appropriate government’s general fund. For those levels of government, which are exempt from the new mandate, the use of the additional funding is unrestricted.)

Please note that the League of Municipalities **opposed** this legislation, based solely on our belief that it would impose an unconstitutional unfunded mandate. We doubted the sufficiency of the new funding, which, further, can only be used to equip vehicles, and not to cover administrative expenses relating to compliance with the Open Public Records Act, nor to cover training officers in the use of the new technology. Prior to passage, the non-partisan Office of Legislative Services (OLS) noted, *“The OLS estimates that total municipal costs associated with the*

*enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions. Insufficient information is available to estimate the impact on individual municipalities.”*

Chapter 54 also directed the Attorney General to adopt rules and regulations to provide guidance to municipalities and local law enforcement regarding the new requirements. Those regulations have not yet been proposed. We have reached out to the Attorney General on this. We will keep you posted on any further developments.

In order to prevent costly litigation, which could lead to interpretation of the statute by the courts, and in order to ensure Statewide uniformity in compliance with the mandate, we have asked the Attorney, specifically, for guidance regarding: 1) when these devices must start and stop recording; 2) how these recordings will be treated under OPRA; 3) privacy concerns regarding the recording of third parties; and 4) how this data will be stored or archived.

If, after discussing this with your professionals, you have any questions, please contact Jon Moran at 609-695-3481, ext. 121 or [jmoran@njslom.com](mailto:jmoran@njslom.com)

Very truly yours,

William G. Dressel, Jr.  
Executive Director