

The Star-Ledger

N.J. cops must now have body cams. Here's when they can turn them on and off.

By Blake Nelson

NJ Advance Media for NJ.com and The Star-Ledger

Published June 1, 2021

Almost all New Jersey police must now wear body cameras after a new law took effect Tuesday, perhaps the most significant legislative reform to pass since George Floyd's death.

"We are redoubling our commitment to transparency and accountability," Gov. Phil Murphy said during a press conference in Camden to mark the new mandate. "Body cameras are a wise, all-around investment."

State Attorney General Gurbir Grewal issued 26 pages of rules last week that clarify and expand the statute.

Here's what the policy says.

Do all cops have to wear body cameras?

Most on-duty officers must have them, including SWAT teams, K-9 cops and those working a police station's front desk.

Who's exempt?

Anyone working undercover, with a confidential informant or at most desk jobs don't need a camera.

The same goes for hostage negotiators, union meetings, people processing crime scenes and off-duty officers directing traffic.

When should they be turned on?

Police must generally film all interactions with residents.

As long as it's safe, officers should turn on cameras before they arrive at a scene to record both the mundane (traffic stops) and the serious (searches and arrests). They must also film underage people suspected of using marijuana or alcohol.

When can cameras be switched off?

In some cases, officers will have to use their judgement for when to stop filming.

Cameras should generally be deactivated once an incident is over and everyone has left the scene, but there are circumstances when cops should temporarily stop filming.

Bathroom breaks are one.

Certain breathalyzer tests are another, to head off concerns that a camera's radio frequency interferes with "an electronic alcohol breath test."

And as long as there's not an active investigation, cameras should be deactivated before officers walk into hospitals, courthouses, places of worship or schools — although police providing security for big events like football games or graduations do need cameras.

Other exemptions can be granted by county prosecutors or the attorney general's office.

Will officers turn off their cameras if I ask?

Sometimes.

Crime victims can ask not to be filmed, as can tipsters who wish to remain anonymous. You may ask cops to stop recording if you're receiving medical care, as long as you're not also being arrested.

Residents may ask police not to film inside their homes, but officers may keep recording during an emergency, a criminal investigation or if police think they might need to use physical force.

Will I know if I'm being filmed?

Yes. Police should tell you when you're being recorded, and officers are generally banned from lying about whether the camera is on.

Officers also need special approval to use cameras that can record from a long distance, such as through "infrared night vision" or "sound amplification."

How long will footage be stored?

Video must be kept for at least 180 days, or about six months.

That window increases to three years if somebody logs a complaint against the officer over the incident, among other circumstances.

Footage may be kept even longer if it's part of a trial or an internal investigation.

A state task force recently said departments may store video in the cloud, which can be cheaper. Outside companies who manage the footage should generally be banned from viewing it.

What happens if officers break the rules?

Those cops “shall be subject to appropriate disciplinary action, in addition to any judicial consequences outlined in the law,” but the policy doesn’t go into more specifics.

When can video be released?

Just because footage exists doesn’t mean the public will have access to it.

When officers save video to a database, they’re supposed to flag any clips that contain sensitive material, such as a child’s face or SWAT team hand signals that count as “confidential tactical information.” That can prevent footage from being published.

Officials already delay releasing video of fatal encounters, so witnesses can be interviewed based on their memories alone.

Cops are also told to write their initial report before watching their own video.

So my local department now has the cameras it needs?

Not necessarily.

Clifton officials have said their body cameras may not arrive in time for Tuesday’s deadline, NorthJersey.com reported, and other departments may still be getting equipment in order.

Fewer than half of all agencies had any cameras as of September, according to a state survey.

To remedy that, about \$57 million in grants have been distributed to 487 departments to buy around 26,000 cameras, state Attorney General Gurbir Grewal said Tuesday.

“All people behave better when they know that they are on tape,” he added.

Are prisons getting body cameras?

Some are, but it’s not a statewide mandate.

Two facilities are adopting them, including the state’s troubled women’s prison, but officials have said they’re still months away from full deployment.

Lawmakers are considering requiring body cameras for every prison. The New Jersey Assembly approved that proposal last month, but the bill still needs the green light from the state Senate before it can head to the governor’s desk.