

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 5039

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 5039 (ACS).

As reported by the committee, this Assembly Committee Substitute requires correctional police officers to wear a body worn camera (BWC). The committee substitute also requires the development and implementation of a comprehensive plan to install a state-of-the-art camera system in State correctional facilities.

The committee substitute specifically requires all correctional police officers employed in State correctional facilities to wear a BWC that records audio and video at all times while performing their duties. Specific instances when video and audio functions of the BWC are to remain activated at all times include during a riot, an incident resulting in bodily injury or death, an incident in which the officer exercises the use of force, and an incident that involves suspected criminal activity while meeting with a confidential informant, as well as when directed by the Commissioner of Corrections or a superior officer.

The committee substitute sets forth certain exceptions to the BWC requirement. The BWC is to be deactivated when an officer is using the restroom; during a State parole board hearing or court proceeding; during an officer's medical assessment or appointment; during a Department of Corrections (DOC) meeting or when the officer is engaged in representing a union member; and during an interview of a victim alleging a violation of the Prison Rape Elimination Act (PREA), unless the victim requests that the BWC remain activated during the interview.

Exceptions providing for the video capabilities of a BWC to be deactivated, but requiring the audio to remain activated, include during a strip or body cavity search and when an officer is patrolling a restroom or shower facility.

The committee substitute generally requires BWC recordings to be retained for a minimum of 180 days from the date of the recording, but longer periods of retention are required under certain circumstances set forth in the committee substitute.

The committee substitute requires disciplinary action to be taken against any correctional police officer who fails to adhere to the

recording or retention requirements or intentionally interferes with a BWC camera capturing video or audio.

The committee substitute requires the DOC to issue a written summary of the provisions of the committee substitute relating to the use of BWCs by correctional police officers and ensure that a copy of the written policy is provided to each inmate, published in the inmate handbook, posted on the DOC website, and prominently posted throughout each State correctional facility.

Finally, the committee substitute requires the DOC to install a state-of-the art camera system in each State correctional facility. A study of each facility is required, in consultation with an expert on surveillance cameras in correctional facilities, to develop and implement a plan for installing the camera system.

The plan for the camera system is to require an evaluation of the current number and location of cameras in the facility and to the extent possible, incorporate these cameras into the comprehensive plan. Security cameras are to be placed throughout the facility, including identified blind-spots, housing unit hallways and entryways, common spaces, and exterior locations.

The plan also is to require systematic oversight and review of the camera footage. At least one corrections officer per shift is required to continuously monitor the camera system. The corrections officer is to immediately report any observed misconduct to the appropriate supervisor, as well as to the corrections ombudsperson. A corrections officer who does not comply with these reporting requirements is subject to administrative sanctions.

The plan also is to require security camera footage to be maintained for not less than 90 days and, when necessary, to be retained indefinitely. Upon request, the commissioner is to make this footage available to the Legislature for investigatory purposes. The Legislature is to keep confidential any information garnered from the footage.

The committee substitute requires the DOC to submit to the Legislature an annual report evaluating the effectiveness of the camera system. If the report indicates that a change to a camera location is necessary, the DOC is to make that change within 30 days or document why the change can't be made within that time frame.

As reported by the committee, Assembly Bill No. 5039 (ACS) is identical to the Senate Committee Substitute for Senate Bill No. 3286, which also was reported by the committee on this same date.