

ASSEMBLY HOMELAND SECURITY AND STATE
PREPAREDNESS COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5864

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Homeland Security and State Preparedness Committee reports favorably and with committee amendments Assembly Bill No. 5864.

As amended and reported by the committee, Assembly Bill No. 5864 allows law enforcement officers to review body worn camera recordings prior to creating an initial report, with certain exceptions.

Current law prohibits a law enforcement officer 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. The recordings that a law enforcement officer are prohibited from reviewing 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; 4) a recording of the use of police force; or 5) 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 certain body worn camera recordings 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 registered by a subject of the body worn camera recording;
- (2) the use of police force resulting in death or serious bodily injury;
- (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.

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.

COMMITTEE AMENDMENTS

The committee amendments provide law enforcement officers with an affirmative right to review or receive an accounting of certain body worn camera recordings 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 registered by a subject of the body worn camera recording;
- (2) the use of police force resulting in death or serious bodily injury;
- (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.

The amendments also 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.