

SENATE BILL NO. 1163
(Second Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1163 (Second Reprint) with my recommendations for reconsideration.

The bill requires every uniformed State, county, and municipal patrol law enforcement officer to wear a body worn camera to record the officer's activities while performing his or her duties. Officers would be excluded from this requirement while engaging in certain activities, such as working an undercover assignment, serving in an administrative position, being assigned to a non-uniformed position, and meeting with a confidential informant. The bill also specifies that funding for the body worn cameras would come out of forfeiture funds collected pursuant to N.J.S.2C:64-6 (i.e., the account containing the proceeds of assets and property used in connection with criminal activity which are seized by law enforcement and forfeited through legal proceedings).

I commend the sponsors of this legislation for recognizing the beneficial value offered by widespread use of body worn cameras by law enforcement officers. I share the sponsors' goal of promoting transparency and accountability in policing in our communities. Body worn cameras are a wise public investment, as the benefits of their use are manifest: they improve accountability; promote transparency; enhance the quality of police-civilian interactions and law enforcement performance; contemporaneously record objective, impartial evidence for use in investigations, disciplinary matters, and court proceedings; and provide a useful tool for officer training and development.

Acquisition, deployment, and use of this new technology is not without cost, however, which has discouraged some police agencies from embracing this valuable law enforcement tool. There are over 35,000 local, county, and State law enforcement officers in this State and the bill would compel all uniformed officers, with certain exceptions, to use body worn cameras while on patrol. In September 2020, the New Jersey Attorney General announced the results of a survey showing that, while many law enforcement agencies in New Jersey currently use body worn cameras, more than half do not. The survey found that approximately 12,000 cameras are presently in use across the State. This means that the bill will require up to two-thirds of the State's law enforcement officers to be outfitted with body worn cameras; achieving this laudable goal will require a substantial commitment of resources.

Unfortunately, the funding mechanism provided in this legislation is insufficient to support the bill's mandate. As recently as August 2020, the forfeiture fund account identified in this legislation to fund this endeavor contained less than \$2 million, with more than \$1 million already earmarked for worthwhile programs, leaving under \$1 million to cover the costs of body worn cameras. Additionally, recent changes to the forfeiture laws to promote fairness to property owners will further limit the funds that may be available from the source moving forward. The Department of Law and Public Safety estimates that initial deployment of nearly 26,000 cameras could cost up to \$55.8 million (depending on the specific number of body worn cameras required to outfit all uniformed patrol officers who are not currently so equipped). This estimate includes equipment acquisition, an annual licensing fee, and maintenance and storage. Even after acquisition, ongoing maintenance and storage costs would be incurred.

Consequently, I am returning Senate Bill No. 1163 (Second Reprint) and recommending changes to lay the foundation for a more reliable funding source to support the costs of implementing body worn cameras across the State.

My recommended changes make the mandate to wear body worn cameras subject to the limit of funds appropriated or otherwise made available for the bill's purposes. I am also revising the effective date of the legislation to reflect the bill sponsors' desire to match the effective date of Assembly Bill No. 4312, companion legislation regulating the use of body worn cameras, on which I am also taking action today.

Procuring and outfitting body cameras for every uniformed patrol officer will likely take considerable time and money, but we can and should embrace this opportunity to cement New Jersey's position as a leader in police reforms. Now is not the time to shy away from an initiative as important as this one, which will serve to strengthen the community's trust in our law enforcement officers and enhance law enforcement effectiveness. New Jersey has made great advancements in the pursuit of these goals, including mandating implicit bias training for prosecutors, detectives, and state troopers; requiring the Attorney General to investigate police-involved deaths; and requiring disclosure of the names of officers who have been suspended for serious infractions. I look forward to continuing this progress and to working with my partners in the Legislature to ensure that sufficient, reliable funds are appropriated to support this vision for more accountable policing.

Therefore, I herewith return Senate Bill No. 1163 (Second Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 8:

After "contrary" insert "and subject to the limit of funds appropriated or otherwise made available for this purpose"

<u>Page 2, Section 1, Lines 24-25:</u>	Delete "at the request of a member of the public pursuant to rules developed" and insert "as may be otherwise provided in accordance with guidelines or directives promulgated"
<u>Page 2, Section 1, Line 26:</u>	Delete "The" and insert "In addition to funding provided through the annual appropriations act, the"
<u>Page 2, Section 1, Line 27:</u>	Delete "shall" and insert "may"
<u>Page 2, Section 1, Line 29:</u>	After "General" insert ", or any other source of funding made available for this purpose, including but not limited to federal grants"
<u>Page 2, Section 2, Line 34:</u>	After "promulgate" insert "or revise"
<u>Page 2, Section 3, Line 41:</u>	Delete "enactment into law" and insert "effective date"

[seal]

Respectfully,
 /s/ Philip D. Murphy
 Governor

Attest:
 /s/ Parimal Garg
 Chief Counsel to the Governor