

AG Issues New Police Shooting Video Directive - NJ OPRA Blog

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Last week, Attorney General Gurbir S. Grewal issued Attorney General Law Enforcement Directive No. 2018-1, which provides instructions to law enforcement agencies in this State regarding public access to dash camera and body camera footage of police-involved shootings. We find that there are both pros and cons to this new directive.

Pros:

On one hand, we are very happy to see that the new Attorney General clearly understands that transparency advances public trust in law enforcement. The overall spirit of this directive is positive and it recognizes that law enforcement do not need permanent confidentiality over their records—the directive requires disclosure of police shooting videos within 20 days, in most cases. The presumption of access is important and we hope that agencies will follow the directive and will not seek constant extensions of time to release these videos.

Cons:

On the other hand, the new directive does not give the public any more access than already existed pursuant to the Supreme Court's decision in North Jersey Media Group v. Township of Lyndhurst. If anything, the new directive may make access to police shooting videos slower, as the Lyndhurst decision held that access must be granted "within a few days" and the new directive sets a timeline of 20 days. We fear that requestors will now need to wait for 20 days after an incident to file an OPRA request, then wait an additional 7 business days to gain access to the video. This is much slower than what we have experienced the past several months since the Lyndhurst decision was issued.

We are also disappointed that the directive only applies to videos which depict the use of deadly force or where other force results in “serious bodily injury.” We think that the spirit of the Lyndhurst decision makes it clear that most police videos should be released relatively soon after an incident occurs, but the new directive applies Lyndhurst very narrowly and the public will still struggle to gain access to police video which shows other types of misconduct or more minimal uses of force. For example, we think that if a police officer uses a racial slur toward a suspect while arresting them, the public should be able to see the video. The new directive, however, would not require disclosure unless the suspect was seriously injured. This is problematic.

Media Coverage:

PSWH Partner CJ Griffin was quoted in NJ Advance Media’s article on the new directive. To read article in it’s entirety click [here](#).