

Body Cams are Rarely Released on Time - *NJ OPRA* Blog

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In New Jersey, the Attorney General's Office is required to investigate "[w]henver a person's death occurs during an encounter with a police officer . . . or while the decedent was in custody." N.J.S.A. 52:17B-107. In light of that requirement, the Attorney General issued **Law Enforcement Directive No. 2019-4**, which outlines procedures for selecting the appropriate Independent Investigator and conducting a proper investigation for these fatal incidents. The Directive also requires the disclosure of videos of these incidents, but we find that the transparency measures are not closely followed.

According to Directive No. 2019-4, the "Independent Investigator must release the . . . Incident Footage within 20 days of the . . . Incident, unless the Attorney General, or designee, authorizes a delayed release." This blog **previously discussed** a prior iteration of this Directive, highlighting how the 20-day disclosure requirement actually slowed down the access provided by the Supreme Court in North Jersey Media Group v. Township of Lyndhurst, 229 N.J. 541 (2017), which held that videos should be released "within days of an incident." Now it appears that even the 20-day disclosure requirement is being consistently ignored.

Based on data collected from the Attorney General's website, there have been 12 incidents since January 1, 2020 that the Attorney General's office has investigated. Nine of these incidents were shootings and three were in-custody deaths.

It appears that the fastest time that any videos of these deadly incidents were released was 16 days. Those videos related to Maurice Gordon, who was shot and killed by an officer on the Garden State Parkway on May 23, 2020. Gordon's death received **significant media attention** and activists demanded that the videos be released.

As detailed in the chart above, it appears that the Attorney General's Office has complied with the 20-day disclosure requirement only a single time this year. Sometimes, investigators have taken more than double the time allotted by Directive No. 2019-4, with three incidents taking 44 days, 48 days, and 50 days. In the case of a man who died after a physical altercation with Trenton police, videos were not released for 153 days.

There are three incidents (two of which are in-custody deaths with unidentified decedents) where it does not appear that videos have been officially released. Working alongside our longtime client, **Richard Rivera**, we filed requests for these videos on September 26, 2020.

The Attorney General **has repeatedly spoken out in favor of transparency**, arguing that New Jersey should become national leaders on the issue. Ensuring that his office complies with his own Directives would be a good place to start.