

## New Jersey Supreme Court Accepts Security Camera Case

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The New Jersey Supreme Court has granted the Township of Bloomfield's Motion for Leave to appeal in Gilleran v. Twp. of Bloomfield, 440 N.J. Super. 490 (App. Div. 2015, making the Appellate Division's decision subject to the Court's review.

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In this case, Ms. Gilleran initially filed an OPRA request for a week's worth of video footage from a security camera at the rear of the Municipal Building. She sought the footage to confirm whether certain politically connected individuals were visiting the municipal complex, as was rumored. The camera is in plain sight and sits above the mayor's parking spot. At the Township's request, Ms. Gilleran narrowed her request to a single day of footage. The Township denied the request, stating it was exempt pursuant to a provision of OPRA that "emergency or security information or procedures for any building or facility which, if disclosed, would jeopardize security of the building or facility or persons therein' is exempt from disclosure." Ms. Gilleran sued to gain access to the video footage.

In opposing Ms. Gilleran's suit, the Township essentially argued that the security-related exemption was a blanket exemption. No one from the Township watched the tape, but it argued that the footage "could" contain images of victims reporting crimes to the police station next door, confidential informants, or others reporting crimes. The trial court ruled that the exemption was not a blanket exemption and that without watching any of the tape, the Township could not meet its burden of proof. The Appellate Division affirmed in a published opinion and agreed that the exemption was not a blanket exemption. The appellate panel held:

With respect to the particular camera in this case and information contained on its recordings, Administrator Ehrenburg's certification was not sufficiently specific to establish a risk to the safety of any person or

property or jeopardy to the security measures taken for the building. Bloomfield provided no specific information from police officials stating that the identity of informants, crime victims, or confidential witnesses would in fact be revealed and specifying what kinds of activities occurred outside the police station during the period of recordings that Gilleran requested. It provided no information by the persons responsible for installing or operating the security camera to indicate that important security strategies or techniques would be disclosed. For example, there was no indication that the security camera might have blind spots in its apparent surveillance area, or that the clarity and sharpness of the imagery recorded would be revealed in a way that might compromise the strategic deterrent effect of the security camera or overall security system of the building. The Administrator’s “conclusory and general allegations of exemptions,” see Newark Morning Ledger, *supra*, 423 N.J. Super. at 162, were insufficient to justify withholding the recordings from disclosure.

[Gilleran v. Twp. of Bloomfield, *supra*, 440 N.J. Super. at 498]

Defendants filed a motion for leave to appeal to the Supreme Court. In accepting the case, the Supreme Court’s website presents the question as: “Does the Open Public Records Act require the Township to disclose video recordings from a security camera surveilling the back of the Township’s municipal building (i.e., Town Hall)?”