

May 11, 2015

**RE: Deptford Challenges Chapter 54 Police Camera Mandate**

Dear Mayor:

On Tuesday, May 4, Deptford Township filed a Complaint with the Council on Local Mandates (the Council), asking for relief from the unfunded mandate imposed by Chapter 54, P.L. 2014. The Council on Local Mandates, pursuant to Article VIII, Section II, paragraph 5 of the State Constitution, has the authority to resolve any dispute regarding whether a law or rule or regulation issued pursuant to a law constitutes an unfunded mandate.

The Constitutional Amendment, which is designed to prevent State actions that would force local governments to raise property taxes to fund new programs or services, empowers the Council to declare all or a portion of most new laws or regulations to “... *cease to be mandatory in its effect and expire.*” That action results, when the Council determines that the new requirement “... *does not authorize resources, other than the property tax, to offset the additional direct expenditures required for the implementation of the law or rule or regulation.*”

As stated in our February 19 letter ( <http://nj-njslom.civicplus.com/Archive.aspx?ADID=364> ), Chapter 54 of the Public Laws of 2014 requires that “*Every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date (that being March 1, 2015), which is primarily used for traffic stops shall be equipped with a mobile video recording system.*” The law goes on to define “mobile video recording system” to mean “... *a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action.*”

In an attempt to overcome the Constitutional prohibition on new unfunded mandates, the law increases a surcharge on DWI fines, from \$100 to \$125. If the summons was issued by a municipality’s law enforcement agency, the additional \$25 dollars is payable to the municipality “*for the cost of equipping police vehicles with mobile video recording systems pursuant to the provisions (of this act). ...*”

The League of Municipalities opposed this legislation, based solely on our belief that it would impose an unconstitutional unfunded mandate. We doubted the sufficiency of the new funding, which, further, can only be used to equip vehicles, and not to cover administrative expenses relating to compliance with the Open Public Records Act, nor to cover training officers in the use of the new technology.

Prior to filing its Unfunded Mandates Complaint, Deptford conducted a detailed study of camera costs – direct and indirect – and on the revenues it could anticipate from the new surcharge, confirming our objection. We will provide a link to the Deptford Complaint, when it is posted on the Council on Local Mandates’ website (<http://www.state.nj.us/localmandates/>).

If you have any questions, contact Jon Moran at 609-695-3481, ext. 121 or [jmoran@njslom.com](mailto:jmoran@njslom.com)  
Very truly yours,

William G. Dressel, Jr. Executive  
Director