

“Social justice should be the underlying goal of all humanity.”

-Alan V. Lowenstein, Institute Founder



NEW JERSEY INSTITUTE  
FOR SOCIAL JUSTICE

**Board of Trustees**

Douglas S. Eakeley, Esq.

**Chair**

Paulette Brown, Esq.

**Vice Chair**

Kenneth Y. Tanji

**Treasurer**

B. John Pendleton, Jr., Esq.

**Secretary**

Ryan P. Haygood, Esq.

**President & CEO**

Elise C. Boddie, Esq.

John J. Farmer, Jr., Esq.

Paul J. Fishman, Esq.

Michael D. Francis, Esq.

Jerome C. Harris, Jr.

Rev. Timothy Adkins-Jones

Sandra King

Robin A. Lenhardt, Esq.

John H. Lowenstein, Ph.D.

Diana DeJesus-Medina

James McQueeney

Patricia Nachtigal, Esq.

Darrell K. Terry, Sr.

Martin Vergara II

Nina Mitchell Wells, Esq.

Antoinette Ellis-Williams, Ph.D.

Gary M. Wingens, Esq.

Zulima V. Farber, Esq. (*Emerita*)

Roger A. Lowenstein, Esq. (*Emeritus*)

Theodore V. Wells, Jr., Esq. (*Emeritus*)

**Founders**

Alan V. and Amy Lowenstein\*

**Founding Board President**

Nicholas deB. Katzenbach, Esq.\*

**Founding Board Vice President**

Hon. Dickinson R. Debevoise\*

\*deceased

60 Park Place, Suite 511

Newark, NJ 07102-5504

ph. (973) 624-9400

fax (973) 624-0704

email: [justice@njisj.org](mailto:justice@njisj.org)

[www.njisj.org](http://www.njisj.org)

**do social justice.**

June 14, 2021

Brooke Lewis, Esq.  
Associate Counsel  
New Jersey Institute for Social Justice  
60 Park Place, Suite 511  
Newark, NJ 07102

The Honorable Angela V. McKnight  
Chair, Assembly Homeland Security and State Preparedness Committee  
2324 John F. Kennedy Blvd.  
Jersey City, NJ 07304

**TESTIMONY FROM THE NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE  
IN OPPOSITION TO ASSEMBLY BILL 5864**

Chair McKnight, Vice-Chair Holley and Members of the Committee:

Thank you for the opportunity to provide testimony on behalf of the New Jersey Institute for Social Justice in opposition to A5864, which will generally allow officers to review body worn camera footage prior to creating mandatory initial reports, interviews and statements.

My name is Brooke Lewis, and I am Associate Counsel at the New Jersey Institute for Social Justice. Established in 1999 by Alan V. and Amy Lowenstein, the Institute's cutting-edge racial and social justice advocacy seeks to empower people of color by building reparative systems that create wealth, transform justice and harness democratic power—from the ground up—in New Jersey.

In November 2020, Governor Phil Murphy signed a law requiring that all uniformed New Jersey officers be equipped with body worn cameras.<sup>1</sup> While officer body worn camera footage can be a valuable transparency tool and provide important evidence of police-community interactions, the footage cannot capture all aspects of an incident from every angle. For this reason, it is paramount that an officer's initial reports, interviews and statements reflect the officer's first-hand account of an incident, and are not influenced by what was, or was not, captured by body camera footage.

An officer's first-hand account of an incident may sometimes differ from what was captured on body camera footage in legitimate ways, as a body worn camera may not capture everything an officer observed as the interaction was unfolding. Because we often evaluate law enforcement

conduct based on an officer's perception of the situation, an officer's reports and statements must reflect what the officer saw at the time and *not* what they saw after studying body camera footage.

While A5864 limits the ability for officers to review body camera footage prior to making initial reports and statements in some situations, these limits are insufficient. For example, A5864 prevents officers from reviewing body camera footage involving “an encounter about which a complaint has been registered by the subject of the body worn camera recording” or “an incident that is the subject of an internal affairs complaint.” Whether or not an officer has access to body camera footage before making initial reports and statements should *not* depend on when—or if—a complaint is filed by a potential victim of police abuse or misconduct. It is not difficult to imagine a circumstance where an officer—in anticipation of a complaint being filed—promptly reviews the body camera footage and drafts a report that distorts the facts while being careful not to contradict what was captured on body camera footage. A5864 allows officers to tailor initial reports and statements to body camera footage in ways that subvert the truth, so long as a complaint is not yet filed. Preserving the integrity of officer reporting should *not* rely on when—or if—victims of police abuse or misconduct come forward.

New Jersey must create a culture of accountability for law enforcement officers. A5864 perpetuates a culture of obfuscation and deceit.

Although officer body worn camera footage provides important evidence of police-community interactions, it does not replace the need for independent reporting from law enforcement officers. I urge you to withdraw A5864 from the Committee's consideration or, alternatively, vote no.

Thank you.

---

<sup>1</sup> N.J.S.A. 40A:14-118.3 & 118.4 (P.L. 2020, c. 128), [https://www.njleg.state.nj.us/2020/Bills/PL20/128\\_.HTM](https://www.njleg.state.nj.us/2020/Bills/PL20/128_.HTM).