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Can you take video of your traffic stop?



Texas state trooper Brian Encinia next to the car as 28-year-old Sandra Bland gets out of her vehicle following a stop for allegedly failing to signal a lane change, in Waller County, Texas on July 10, 2015. Texas authorities released footage on July 21 showing the white police officer, during a routine traffic stop, argue with and arrest the unarmed black woman who later died in jail. Bland's death is being investigated as possibly suspicious, after authorities initially called her death on July 13 in Waller County jail an apparent suicide. (AFP PHOTO / TEXAS DEPARTMENT OF PUBLIC SAFETY)



By [Tim Darragh | NJ Advance Media for NJ.com](#)

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Between mobile phones and security cameras, there seems to be barely a square foot of New Jersey that isn't covered by a high-resolution video recorder.

But are motorists allowed to use a camera to record police during a traffic stop?

NJ Advance Media asked Seton Hall University Law School Prof. Kip Cornwell, Rutgers University School of Law-Newark Prof. George C. Thomas and a third source, First Amendment expert Bruce Rosen of the law firm McCusker, Anselmi, Rosen, & Carvelli in Florham Park to determine if you have a legal right to record a traffic stop.

And they all said the motorist has a right to record. However, there can be grey areas specific to a particular situation.

Can you video record a traffic stop?

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In New Jersey, there is **no law forbidding a motorist from recording.**

Thomas: "I suppose a state could have a statute forbidding the recording of a traffic stop except by police," he said. "I am unaware of any such statutes."

Although constitutional law is not his field of expertise, Thomas said he doubted any law could prohibit taking pictures in a random public place.

What if you were alone and wanted to record your own traffic stop?

Rosen: The police officer is going to be interested in talking to you.

"I don't think there should be any prohibition on it, but your head should be on your interaction with the cop," he said. "When the cop says, 'License and registration,' you should do what he says."

Cornwell: A potential problem would arise if the police officer orders you to turn off your camera because he believes it is interfering with the investigation. Although a police officer should not ask you to turn off your camera, it is probably best to comply.

MORE: What are your rights in New Jersey when stopped by police?

Can other passengers in your car or witnesses on the street record the traffic stop?

Rosen: The law also allows for a person who is not the driver to record a traffic stop. "I can't see one way that that interferes with what the cop is doing," he said.

However, the issue gets into a gray area if the person with the video recorder gets too close to the police officer. That could raise concerns about interfering with the investigation.

Can police order you to delete information?

Rosen: No.

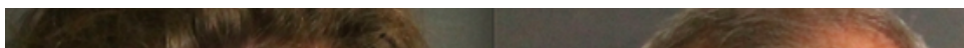
Can the police take your video recorder?

Rosen: "If they ask for your camera, that's outrageous," he said, noting that there is a law specifically protecting professional news videographers.

Assuming the information that is recorded is about the traffic stop and not the underlying reason for the stop, "They have no right to take your phone."

If police order you to stop video recording, "common sense is called for," he said. "If the cop pushes back at you, if they start letting loose on you, back off and then call the ACLU."

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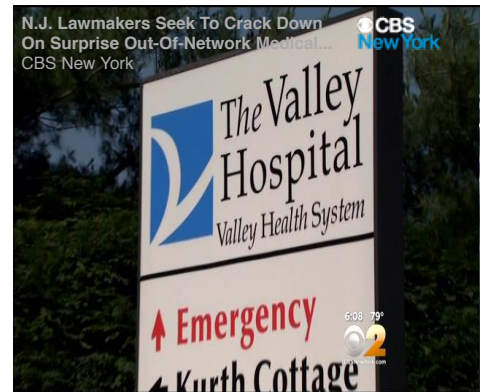
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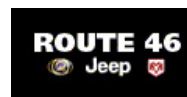
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