

TAMPERING WITH PUBLIC RECORDS OR INFORMATION
(Recording Devices in Patrol Vehicles)
N.J.S.A. 2C:28-7(c)

Count ____ of the indictment charges the defendant with the crime of tampering with public records or information, specifically recording devices in patrol vehicles. That section of our statutes provides in pertinent part:

A person commits a crime if he purposely and unlawfully alters, destroys, conceals, removes or disables any camera or other monitoring device that is installed in a patrol vehicle.

To convict defendant of this offense, the State must prove the following elements beyond a reasonable doubt:

1. Defendant **[choose as appropriate: altered, destroyed, concealed, removed or disabled]** a camera or other monitoring device;
2. That a camera or other monitoring device was installed in a patrol vehicle;
3. Defendant did so purposefully; and
4. Defendant did so unlawfully.

The first element the State must prove beyond a reasonable doubt is that defendant **[choose as appropriate: altered, destroyed, concealed, removed or disabled]** a camera or other monitoring device. A “monitoring device” includes any videotape, film or other medium used to record sound or images

The second element the State must prove beyond a reasonable doubt is that the camera or other monitoring device was installed in a patrol vehicle. A “patrol vehicle” includes, but need not be limited to, police or other law enforcement cars, motorcycles, boats, helicopters, bicycles or segways, and includes both marked and unmarked patrol vehicles.

The third element the State must prove beyond a reasonable doubt is that defendant **[choose as appropriate: altered, destroyed, concealed, removed or disabled]** the camera or other monitoring device purposefully.

A person acts purposely with respect to the nature of his/her conduct or a result thereof if it is his/her conscious object to engage in conduct of that nature or to cause such a result. A person acts purposely with respect to attendant circumstances if he/she is aware of the existence

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of such circumstances or he/she believes or hopes that they exist. “With purpose,” “designed,” “with design,” or equivalent terms have the same meaning.

The term purposely is a condition of the mind. A condition of the mind cannot be seen. It can only be determined by inference from defendant’s conduct, words or acts. A state of mind is rarely susceptible of direct proof but must ordinarily be inferred from the facts. Therefore, it is not necessary that the State produce witnesses to testify that the defendant said that he/she had a certain state of mind when he/she did a particular thing. It is within your power to find that such proof has been furnished beyond a reasonable doubt by inference which may arise from the nature of his/her acts and conduct and from all he/she said and did at the particular time and place and from all surrounding circumstances established by the evidence.

The fourth element that the State must prove beyond a reasonable doubt is that defendant **[choose as appropriate: altered, destroyed, concealed, removed or disabled]** the camera or other monitoring device unlawfully. The term unlawful means against the law, illegal, or without a lawful purpose.¹

If you find that the State has proven each of these elements beyond a reasonable doubt, then you must find the defendant guilty. If, however, the State has failed to prove any element beyond a reasonable doubt, then you must find the defendant not guilty.

¹ In an appropriate case, it might be necessary to expand upon this definition.