

CJ Griffin Quoted in New Jersey Law Journal Article Regarding NJ Supreme Court Opinion Confirming New Jersey Constitution Provides Greater Protection Than the Fourth Amendment of the US Constitution

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8.6.21

CJ Griffin, Director of the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, was quoted in New Jersey Law Journal article, “How the NJ Supreme Court Steered Clear of SCOTUS Precedent in License Plate Covering Case.” The article addresses the recent New Jersey Supreme Court consolidated opinion in which the Court held that police may no longer stop drivers if their license plate frames only partially cover markings on the plate. While not discussed by the Court, State Police data shows that Black and Latino drivers were disproportionately stopped for this violation.

The article emphasizes that the Court also decided not to adopt the US Supreme Court’s decision in *Heien v. North Carolina*, finding that an officer’s reasonable mistake of law does not render a stop reasonable under the New Jersey Constitution. In declining to adopt the standard in *Heien*, the Court noted that New Jersey Constitution provides greater protection against unreasonable searches and seizures than the Fourth Amendment of the US Constitution.

The article further notes that the Court’s opinion is an important step toward racial equity in New Jersey.

But CJ Griffin, partner at Pashman Stein Walder Hayden who represented the amicus curiae Latino Leadership Alliance of New Jersey, said “the work isn’t done.”

In the Aug. 2 opinion, Rabner noted how despite the frequency of the state’s use of Section 33 for violations, not a single summons was issued from 2012 to 2019 for a companion statute directed against

dealers and other distributors of license plate frames.

“Racial profiling is still very much alive in New Jersey, and we need to take concrete steps to limit the discretion of police to pull people over for a variety of minor non-moving violations, like air fresheners or tinted windows,” Griffin said.

“As the [state Supreme] Court notes, most vehicles have plate frames that are put on by dealers and most frames cover some small portion of the markings on the plate, so police essentially had unfettered discretion to stop almost anyone if they wanted to.”

To view the full article, [click here](#).