

CJ Griffin Featured in Q&A in Star-Ledger Editorial Board Opinion on Landmark Ruling on Police Transparency

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CJ Griffin, Director of the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, was featured in a Q&A in the Star-Ledger Editorial Board Opinion, “A landmark ruling will pry open police internal affairs reports. What now?” The Opinion features a Q&A with Griffin on police transparency in New Jersey and a recent New Jersey Supreme Court victory. In that case, Griffin represented the plaintiff who was seeking the internal affairs records of the director of the Elizabeth Police Department who had been found to violate Elizabeth’s anti-discrimination and anti-harassment policies. While acknowledging that police internal affairs reports are not subject to the Open Public Records Act, the NJ Supreme Court held that such reports should be released under the common law right of access. The Court also set forth factors that public agencies and trial courts should consider when deciding whether to release internal affairs reports. The Court reversed the Appellate Court decision and ordered the trial court to release the records, with appropriate redactions.

The Star-Ledger Editorial Board Opinion notes that New Jersey is one of the most secretive states in the nation regarding police misconduct and that “CJ Griffin, a lawyer and leading public records expert, is out to change that. Griffin just won a big case this week when the state Supreme Court ruled that Elizabeth police must release an internal affairs report on a former police director, James Cosgrove, who resigned in 2019 after he used sexist and racist language. Even though Griffin prevailed in this case, the ruling does not compel the release of all internal affairs files, as is the law in some states.”

Excerpts from Griffin’s Q&A are below:

“Police internal affairs files have largely been shrouded in complete secrecy in New Jersey. Yesterday’s decision for the first time gives the public a path to access them, at least in cases related to complaints of serious misconduct. The court acknowledged how transparency benefits not only the public, but also the police officers who serve honorably.”

“The court didn’t decide whether all internal affairs files will be public, but rather internal affairs reports. I think it’s going to be very positive and we’ll gain access to a lot, but I also know we will be suing for more files and have to get more rulings here. In other states, such as Florida, you can get access to all internal affairs files whether they’re substantiated or not. And they’re public through the public records laws in those states. What we would prefer is that our Legislature pass a bill that is pending to make all internal affairs and disciplinary records public. If we do it under OPRA, we have the benefit of statutory right of access, and we don’t have to engage in any sort of balancing.”

Griffin also discussed another recent New Jersey Supreme Court ruling in which Cumberland County was required to publicly disclose the settlement agreement of a corrections officer who had been accused of misconduct.

“Coupled together, I think these rulings will provide a level of accountability New Jersey police haven’t seen before.”

To view the full Opinion and Q&A, click here.

<https://www.nj.com/opinion/2022/03/a-landmark-ruling-will-pry-open-police-internal-affairs-reports-what-now-qa.html>