

CJ Griffin Quoted in the New Jersey Law Journal on Two Recent Pro-Transparency Rulings by the NJ Supreme Court

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CJ Griffin, Director of the Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden, was quoted in the *New Jersey Law Journal* article, “In 2nd Pro-Transparency Ruling, Justices Grant Access to Police Internal Affairs Reports.” The article discusses two recent New Jersey Supreme Court victories in the past week in which Griffin represented the plaintiff seeking records of government employees. In the most recent case, plaintiff sought 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.

“Cumulatively, they are a sea change, because they open up much more information about police misconduct investigations than we’ve ever had in the past. We’ll be able to access separation agreements, and then today’s decision really sets the past for access to police internal affairs reports, or at least those more serious ones,” said CJ Griffin of Pashman Stein Walder Hayden in Hackensack, who represented records requesters in both Supreme Court cases.

Griffin said certain less serious internal affairs investigations, such as an inquiry into chronic lateness by a police officer, might not warrant disclosure under the court’s balance test, but reports covering serious issues such as criminal behavior, excessive force or domestic violence would be deemed subject to access.

Griffin said she would have preferred to see the court find internal affairs records are subject to OPRA. But since a 2017 Supreme Court decision, North Jersey Media v. Township of Lyndhurst, which held that police dash camera footage is subject to access under the common law, police departments have released such information routinely, as if under OPRA, rather than require applicants to undergo a balance test. Hopefully, the same thing will happen with internal affairs records, Griffin said.

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