

Major Discipline Disclosures Reveal Serious Flaws in AG Directive - NJ OPRA Blog

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In response to the Supreme Court's decision upholding Law Enforcement Directive 2020-5, the Attorney General set a deadline of August 9, 2021 for agencies to make major discipline disclosures by posting on their websites "the identity of each officer subject to final discipline, a brief summary of their transgressions, and a statement of the sanction imposed" for all major discipline imposed after 6/15/2020. These disclosures are exposing how police departments will easily evade the very little transparency that AG Directive 2020-5 provides to the public.

As NJ Advance Media writes, "The details provided about each incident vary widely, with some departments offering only a single sentence to describe the misconduct." The New Jersey Monitor adds, "the disclosures contain scant details. And some stragglers haven't yet gotten their reports online." Indeed, many agency reports do not tell the public what the officers actually did, instead simply describing the misconduct as an "off-duty incident", "prohibited activity on duty", or "failure to conduct one's self to a high ethical standard on and/or off duty."

We find Jersey City Police Department's major discipline report to be very troubling and indicative of what is almost certainly a larger problem: police departments being purposely vague and misleading in their disclosures now that they have to include officer names.

For background, prior to AG Directive 2020-5, agencies had to disclose major discipline, but they did so without revealing the name of the officer. The reason JCPD's new report is alarming is because we have a copy of its old report (p.3), without the names, that we can compare to its new report with the names. ***The differences in the***

details provided to the public is startling. AG Directive 2020-5 was supposed to provide more transparency, not less.

Below are some examples:

EXAMPLE 1:

Old Anonymous Report:

JCPD disclosed that, “A member of this agency while off duty retrieved a firearm after consuming 6-8 beers. He negligently discharged a round from the firearm during a dispute. The New Jersey State Police responded and their investigation resulted in his arrest and subsequent placement in Pre-Trial Intervention.” This resulted in a suspension of 19 days and 71 lost days.

New Report With Name:

JCPD describes the misconduct with much less detail, saying that the officer “lost a total of 90 days for violating JCPD Rules and Regulations for: Conduct, Mishandling of a Firearm, Intoxicants Off Duty” and that he “negligently discharged a firearm while off duty on his personal property.” ***There is no mention of the number of beers the officer consumed, the fact that he fired his weapon during a dispute with someone else, or that he was arrested by the State Police. These are important facts about this officer’s volatility.***

EXAMPLE 2:

Old Anonymous Report:

JCPD disclosed that, “A member of this agency purposefully and intentionally failed to report and make proper notifications to dispatch and supervisory personnel following an on-duty officer involved in a motor vehicle accident.” This resulted in a loss of 25 days.

New Report With Name:

JCPD describes the misconduct as, a loss of “25 days accrued time for violating JCPD Rules and Regulations for: Failure to Perform Duties and Conduct after failing to submit an MVA report as required.” ***There is no mention of the fact***

that the officer “purposefully and intentionally” failed to file the report and that the accident involved another on-duty officer. The new report makes it seem as if the officer was careless, not that he intentionally was covering up another officer’s accident.

EXAMPLE 3:

Old Anonymous Report:

JCPD disclosed that, “A member of this agency presented a false, fraudulent and altered doctors’ note to the Police medical Unit.” The report says the officer was “terminated.”

New Report With Name:

The new report does not list any corresponding officer as having been “terminated” for presenting a fraudulent doctor’s note, but this entry seems to match with the old entry: the officer “lost a total of 122 days for violating JCPD Rules and Regulations for: Conduct, Neglect of Duty, and Truthfulness. FNDA issue date 9/16/2020. Resignation effective 9/17/2020.” ***Assuming these entries are in fact the same, this entry does not tell the public what the officer actually did (forged doctor’s notes) and it falsely states that he was “terminated,” when he really resigned.***

These are just some of the flaws in JCPD’s new report, but it is evidence of a larger problem that advocates predicted: agencies will be less than forthcoming in the disclosures they make pursuant to AG Directive 2020-5. Because the public does not have access to the actual internal affairs files, there is no way to fact-check these disclosures.

Moreover, AG Directive 2020-5 only requires disclosure of names for major discipline imposed after 6/15/2020, and JCPD’s old report reveals some egregious misconduct occurring before that date, such as an officer using a “derogatory term” and attempting to remove the body cam footage; an officer engaging in a “physical altercation with a juvenile that escalated” into the officer inadvertently firing his weapon; and an officer entering a public restroom and making an “inappropriate and unwelcome advance toward a female JCPD Officer.” We will likely never know the names of these officers and they are still on the police force.

To view the blog post, [click here](#).