

## Pashman Stein Walder Hayden P.C. Notes Impact of Dash Cam Case on 2nd Anniversary of Landmark New Jersey Supreme Court Decision in *North Jersey Media Group v. Township of Lyndhurst* - *Client Newsletter*

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When Pashman Stein Walder Hayden P.C. partners CJ Griffin and Samuel J. Samaro received the unanimous decision in *North Jersey Media Group v. Twp. of Lyndhurst*, 229 N.J. 541 (2017) from the New Jersey Supreme Court on July 11, 2017, it was clear that this hard-fought matter was a landmark case that would have significant impact on transparency about the use of force by police in the state of New Jersey. The Court had granted access via the Open Public Records Act (OPRA) and common law to police records and dashcam footage of a high-speed police chase and the fatal use of force on a black, male suspect, documents that the State had for more than two years refused to release.

It has been two years since the case set a precedent about the usage of OPRA in obtaining law enforcement records, dashcam footage, and Use of Force Reports. The case received national attention, as reporters applauded the affirmation of government transparency as a fundamental principal that trumps a police agency's interest in keeping videos and reports secret. "In New Jersey, police officers are required to complete Use of Force Reports any time they use any amount of force against a suspect, whether it is twisting someone's arm, using leg or wrist strikes, or using deadly force, which is any time a weapon is fired," said Griffin. "The State sought to shield Use of Force Reports from the public permanently and keep the public from learning the identities of officers who use deadly force against citizens. Thankfully the Supreme Court made that information public."

Griffin adds, “We continue to litigate for information on police shootings and conduct across the state. For example, an appeal is pending on whether a Use of Force Report relating to force used against a juvenile suspect is accessible via OPRA because it directly pertains to the conduct of the police officer, or, as the law enforcement agency counters, is exempt as juvenile records for delinquency crimes. We also continue to file numerous cases for access to body camera footage and other information about police-involved shootings.”

“At this two-year milestone,” Samaro states, “the Lyndhurst decision continues to be impactful. The unprecedented access to police reports has revealed misconduct details and use of force statistics that had never been viewed or analyzed before. We used solid legal arguments to obtain access to this information, and in doing so, opened a movement for greater transparency in our law enforcement agencies.”

As a direct result of the Lyndhurst decision, a public database was created of more than 70,000 Use of Force Reports, searchable by town and by specific officer. It has been reported that the State Attorney General Gurbir Grewal is taking steps to improve police oversight, and that he is acting in part on the information provided in the Use of Force report that derived from the Lyndhurst decision.

Michael S. Stein, chair and managing partner of Pashman Stein, said, “The Lyndhurst case took a stand not only for the journalists who sought the truth about the fatal shooting of Kashad Ashford, but also for the nearly 30 amici curiae that participated in the litigation on behalf of diverse communities who want to ensure that the press and public have meaningful access to law enforcement records. At Pashman Stein, we are committed to taking on these high impact public interest cases, and to use advocacy to advance civil rights and government transparency.”

Our firm is proud of the results it has achieved for clients, some of which are noted here. Of course, each legal matter is unique on many levels, and past successes are not a guarantee of results in any other pending or future matters.