

State Releases Name of Trooper Who Engaged in "Racially Offensive Behavior;" Modifies Internal Affairs Policy - *NJ OPRA Blog*

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6.15.20

In 2017, CJ Griffin of Pashman Stein Walder Hayden filed an OPRA lawsuit against the New Jersey State Police on behalf of Libertarians for Transparent Government, seeking the identity of a state trooper who had been “required to separate from employment” for “engaging in racially offensive behavior.” The trial court dismissed the lawsuit and the Appellate Division affirmed that dismissal, but the New Jersey Supreme Court agreed to hear the case. The appeal is pending.

Today, the State **released the name of the trooper.**

Additionally, the Attorney General **revised the Attorney General Internal Affairs Policy and Procedures** so that every police department in the state must start disclosing the names of police officers who commit serious disciplinary violations. Beginning August 31, 2020, police departments must disclose the names of officers who are sanctioned by termination, reduction in rank or grade, and/or a suspension of greater than five days. The State will release the names of officers who received major discipline over the past 20 years.

“This is a victory not only for my client, but also the public,” said CJ Griffin, a partner at Pashman Stein Walder Hayden. “However, we hope this is just the first step and that full transparency will follow soon. The reality is that most internal affairs investigations do not result in major discipline, so New Jersey’s internal affairs functions will still largely remain a complete and total secret. Plus, there are too many loopholes with this policy—agencies can avoid disclosure by simply imposing 4-day suspensions or permitting an officer to resign instead of terminating them.”

“It’s great that we’ll now know the names of police officers who receive major sanctions, but what about all the hundreds of complaints every year that are not sustained? We need full access to actual internal affairs investigation files so that we can ensure that the investigations were conducted correctly and fairly and that bad behavior wasn’t swept under the rug. We shouldn’t have to just put blind faith in our police that internal affairs investigations are thorough and accurate — transparency lets us hold internal affairs units accountable. Transparency builds trust and community trust benefits police departments.”

Today’s policy change by the Attorney General came not long after the **Star Ledger published an editorial** demanding that internal affairs records be open for public inspection. More than a dozen other states have open internal affairs records, including places such as Florida and Colorado.