

Transparency A Focus At Legislature's First Police Reform Hearing - NJ OPRA Blog

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On July 15, 2020, the Senate Law and Public Safety Committee **held its first public hearing on police reform** in New Jersey. The hearing was intended to be a discussion on policing issues in general and no particular legislative bill was before the committee, but police transparency was a frequent topic.

The hearing opened **with live testimony from Attorney General Gurbir Grewal**, who acknowledged that even after his recent decision to disclose the names of officers who receive major discipline, New Jersey still lags behind the rest of the nation when it comes to providing transparency over the police disciplinary process. Grewal testified:

We are one of a shrinking number of states where police disciplinary records remain shrouded in secrecy, virtually never seeing the light of day. In recent months, I have come to recognize that our policy isn't just bad for public trust, it's bad for public safety. And it's time for our policy to change.

Although he did not embrace any particular bill, such as S-2656, a bill introduced by Senator Loretta Weinberg to make police internal affairs and disciplinary records subject to OPRA, it can be inferred from the Attorney General's testimony that he may be inclined to support such a bill and believes it that full transparency is the right thing to do. The Attorney General testified:

"[W]hen it comes to the transparency of police disciplinary records, New Jersey needs to end its outlier status and move towards greater openness. We can and should be a national leader on this issue."

S-2656 is one bill that would place New Jersey among at least 14 other states that make internal affairs and police disciplinary files fully available to the public. The *only* way to be a national leader is to embrace full access to actual internal affairs files—all of them, even those that are not sustained.

Unfortunately, the police unions have already obtained a stay of the Attorney General's recent directive requiring disclosure of major discipline. Multiple police unions testified against transparency at the hearing.

The public was invited to submit written testimony in advance of the meeting. **CJ Griffin**, Director of the Justice Gary S. Stein Center at Pashman Stein Walder Hayden, submitted written testimony in favor of S-2656 and explained why the Attorney General's recent directive fails to provide real transparency. Griffin concluded by saying:

“Unfortunately, in New Jersey we are unable to proactively review IA investigation files to root out the complaints that were erroneously dismissed or expose the shoddy IA investigations. Instead, we have to wait until tragic situations occur for IA information to become public. At that point, the damage is already done.

I was not born and raised in New Jersey, so I feel a sense of pride and ownership in having chosen to make this state my home. In that regard, I have bragged to friends and fellow advocates about the areas of law where we lead the nation. But, in this area—police transparency—we are, as the Attorney General recognized, at the “back of the pack.” We must not only catch up to most other states; we must lead.

Let's pass S-2656 and A-4283 and give reporters, researchers, and advocates the tools they need to start identifying problems in policing, holding police departments and police officers accountable, and giving lawmakers data they need to implement transformational reform.”

You can read Griffin's full submission **here**.

Griffin also recently submitted an *amicus curiae* brief on behalf of two non-profit law enforcement organizations, opposing the police unions' lawsuits to stop the Attorney General's directives to disclose the names of officers who receive major discipline. The Appellate Division will hear oral arguments in mid-September.