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## **N.J. can release names of disciplined cops, state appeals court rules**

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A state appeals court on Friday said New Jersey can release the names of officers found guilty of misconduct, in some cases going back decades — a defeat for police unions who argued the plan would put a “scarlet letter” on cops who otherwise did their job well.

“The erosion of confidence in our law enforcement agencies is a serious problem,” Judge Allison Accurso wrote in the opinion. While it’s not the court’s job to rule “on the wisdom of the policy,” the state attorney general clearly has the power to force departments to identify some disciplined officers, she said.

Cops “can expect a higher degree of scrutiny of their performance ... and have a lower expectation of privacy” because of the power they have, the judge wrote.

The appellate division panel’s decision was 3-0.

State Attorney General Gurbir Grewal celebrated the ruling.

“It is time to stop protecting the few to the detriment of the many,” he said in a statement. While “the vast majority of law enforcement officers do great work,” officials “need to be candid with the public” about cops who fall short, Grewal said.

Union leaders said they were disappointed, and their lawyers will be meeting soon discuss a possible appeal to the state Supreme Court.

The plan threatened to embarrass cops who may have made mistakes years ago but since cleaned up their lives, Pat Colligan, president of the state Policemen’s Benevolent Association, told NJ Advance Media. He lamented that officials weren’t willing to narrow the list of who could be identified.

Naming disciplined cops put “many good, active, retired and deceased law enforcement officers and their families in jeopardy for their safety,” added Robert Fox, president of the New Jersey State Fraternal Order of Police.

Three trooper unions asked state lawmakers “to step in” and “facilitate a compromise,” that would guard officers’ privacy while “protecting the public from bad actors.”

Unlike other states, New Jersey has long hidden the names of officers punished for drinking on the job, giving false testimony or abusing family members.

Grewal tried to reverse course in June, the month after George Floyd was killed, by issuing two directives.

The first ordered police departments statewide to name cops who were fired, demoted or suspended for more than five days by the end of the year. Agencies needed to identify officers found guilty of misconduct going forward, although they were encouraged to also name anyone given “major discipline” in the past.

A variety of conduct can trigger “major discipline,” from chronically being late to sexual harassment, drug abuse or criminal conviction.

The second directive told the State Police, the juvenile prison system and part of Grewal’s office to name disciplined officers going back 20 years. Troopers should be notified a week before they’re publicly identified, according to the order.

Police unions sued, and the court stopped the releases until the two sides could meet. More than a dozen lawyers debated the proposal during a four-hour hearing last month.

The judges did say officials should notify officers affected by the plan two weeks ahead of time, because some may be able to challenge the release of their names on a case-by-case basis. The court also cautioned Grewal’s office to “to do more to protect the identities of domestic violence victims,” in cases where an officer was disciplined for hurting a spouse or relative.

Friday’s decision said names cannot be released for at least five days, to allow time for an appeal.

“It’s an important baby step toward transparency, but we need so much more,” said CJ Griffin, a public records attorney who supported Grewal’s directives in court.

Jennifer Sellitti, a spokeswoman for the public defender’s office, agreed.

The plan “continues to exempt from public scrutiny cases in which officers received less than a five-day suspension, resigned in lieu of discipline” or had accusations dismissed because of “a shoddy internal affairs investigation,” Sellitti wrote in an email.

Only a small number of complaints ever result in punishment, they said, and lawmakers needed to approve a bill (S2656) to largely make all disciplinary records public to truly hold officers accountable.

The court did say Grewal’s plan “is quite limited, and far less than what some of our neighboring states have done in response to similar concerns.”