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N.J. cops can no longer hide serious misconduct from public after Supreme Court ruling

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New Jersey's Supreme Court partially approved a plan Monday to identify many police officers disciplined for misconduct, allowing the state's attorney general to name officers who were found guilty of wrongdoing such as giving false testimony, drinking on the job or abusing family members.

In a unanimous, 60-page ruling, the high court found state authorities can identify officers subjected to "major discipline" going forward but held that officers who were disciplined prior to last year can go to a judge to seek to block the public disclosure.

The decision stems from directives by state Attorney General Gurbir Grewal reversing a decades-long policy of protecting the identities of any officer subject to internal discipline. The ruling was a defeat for police unions, which argued any disclosure could embarrass or endanger officers who may have only made minor mistakes years ago.

"The Attorney General had the right to change course and direct that details of future serious disciplinary matters — including the names of the officers disciplined — will be revealed to the public," Chief Justice Stuart Rabner wrote.

In a statement Monday, Grewal said the ruling marked "a new chapter for police transparency and accountability in New Jersey."

"Going forward, every police department in New Jersey will be required to annually publish the names of officers who were fired, demoted, or suspended for more than five days," he said.

"By lifting the cloak of secrecy over our state's police disciplinary process, we are not simply ensuring accountability for those who engage in misconduct; we are also demonstrating that the vast majority of law enforcement officers work hard and play by the rules."

Patrick Colligan, the president of the state Policemen's Benevolent Association, New Jersey's largest police union, called the ruling "both frustrating and disappointing."

"The NJSPBA does not and will not protect bad officers who violate the public trust and, yet, the 99.9% of good men and women serving in law enforcement continue to find themselves under attack," he said in a statement.

Colligan praised a provision of the ruling that allows officers who agreed to discipline under the assumption that it would remain confidential prior to Grewal's directive to seek a judge's approval to keep the records secret.

“We are pleased that the court recognized that many officers only resolved disciplinary actions because they received specific promises of confidentiality which they relied upon, and that they are entitled to a hearing before release of any information regarding events that may have occurred decades ago,” he said.

Unlike most other states, New Jersey generally does not disclose which cops break the rules.

Grewal tried to change course a year ago, not long after George Floyd’s murder, by issuing two orders he said would increase trust and accountability.

Both would identify cops who were fired, demoted or suspended for more than five days, for conduct ranging from chronic lateness to sexual harassment.

The first directive told departments statewide to identify cops who received “major discipline” going forward. The second told the State Police, the juvenile prison system and Grewal’s own staff to name similarly punished officers going back two decades.

A half dozen police unions sued, and while an appeals court sided with Grewal the state’s top court agreed to reconsider earlier this year.

The yearlong lawsuit was a rare public fight between Grewal and the unions, who have otherwise found ways to compromise on a host of issues including the state’s new use-of-force policy.

Advocates for reform have long said the plan fell short of true transparency.

Alexander Shalom, a senior attorney for the American Civil Liberties Union of New Jersey, said the decision was “a win for transparency” but “mostly in the utter repudiation of the unions’ quest for opacity.”

Shalom said the high court’s ruling obliterated any effort by police unions to block the public disclosure of discipline against officers going forward. He said the decision also put pressure on the state Legislature to take action.

A bill (S2656) before state lawmakers would go much further than the attorney general’s directive by largely making internal disciplinary records public.

In his statement, Grewal said the Supreme Court ruling affirmed his office’s broad powers to make police misconduct records public and he was “exploring additional steps that we can take to promote public trust.”

CJ Griffin, a public records attorney who was involved in the case, said the directives were a half-measure in terms of police transparency and that Grewal should take the high

court's decision as permission to release a wide swath of police internal affairs records that other states treat as public.

"He's spoken for the past year about how he wants to be a national leader on this," Griffin said. "Make internal affairs records public now."