



State of New Jersey

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ATTORNEY GENERAL ADMINISTRATIVE EXECUTIVE DIRECTIVE NO. 2020-6

TO: Superintendent, New Jersey State Police
Director, Division of Criminal Justice
Executive Director, Juvenile Justice Commission

FROM: Gurbir S. Grewal, Attorney General

DATE: June 19, 2020

SUBJECT: Directive Requiring Public Disclosure of the Identities of Department’s Officers Who Committed Serious Disciplinary Violations Since 2000

On June 15, 2020, I issued Law Enforcement Directive No. 2020-5, known as the “Major Discipline Directive,” to promote a culture of transparency and accountability in policing. Today’s Administrative Executive Directive complements that action by ordering additional transparency measures for the agencies that employ law enforcement officers within the Department of Law & Public Safety (the Department).

The Major Discipline Directive amended the statewide rules for internal affairs investigations, known as *Internal Affairs Policy & Procedures (IAPP)*, to require that all law enforcement agencies annually publish the names of officers who have been terminated, demoted, or suspended for more than five days due to a disciplinary violation. Although the *IAPP* amendments apply prospectively—with the first annual lists due no later than December 31, 2020—the Directive also made clear that law enforcement agencies may elect to publish historical lists of disciplined officers.

The Major Discipline Directive also noted that, by July 15, 2020, the New Jersey State Police, the Division of Criminal Justice, and the Juvenile Justice Commission will publish the names of any officers who have been subject to serious discipline in the past twenty years. There are compelling reasons for that requirement, many of which are laid out in the Major Discipline Directive, which is incorporated by reference herein. Sharing the identities of individuals who received major discipline will allow for public scrutiny and improve the culture of accountability among the Department’s law enforcement agencies. That is true even where an individual no



longer works for the relevant agency, as many of our officers go on to serve with other law enforcement agencies, and the State at present lacks a licensing system to track such repeat disciplinary sanctions across agencies. Moreover, the sharing of identities will enable the public and policymakers to identify repeat offenders, and to hold the Department's law enforcement agencies accountable for their response to patterns of discipline. And, most importantly, the sharing of identities will help to build public confidence in the vast majority of officers in the New Jersey State Police, the Division of Criminal Justice, and the Juvenile Justice Commission, who—like the officers of other law enforcement agencies—serve with honor and astonishing courage under extremely difficult circumstances. Releasing the identities of those who committed major disciplinary infractions will show that all the remaining officers did not commit such an infraction—which will help to build significant trust between these law enforcement officers and the communities they serve.

Pursuant to the authority granted to me under the New Jersey Constitution; the Law and Public Safety Act of 1948, N.J.S.A. 52:17B-1, *et seq.*, which provides for general responsibility of the Department's operations and the supervision of the organization of the Department; and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97, *et seq.*, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State, I hereby direct all Department personnel operating under the authorities of the laws of the State of New Jersey to implement and comply with the following directives.

I. Disclosure Requirement for Divisions Employing Law Enforcement Officers

- A. ***Disclosure of officers' identities.*** No later than July 15, 2020, the Division of State Police, the Division of Criminal Justice, and the Juvenile Justice Commission shall each publish on its public website a brief synopsis of all complaints where a termination, reduction in rank or grade, and/or suspension of more than five days was assessed to a law enforcement officer since January 1, 2000. These synopses shall include the identity of each officer subject to a final disciplinary action, a summary of their transgressions, and a statement of the sanction imposed.
- B. ***Notice to officers.*** At least seven days prior to the publication of the synopses described in Paragraph I.A, the relevant division shall provide notice to each officer it intends to identify, whenever possible. In cases where the officer is no longer employed by the division, the division shall make reasonable efforts to contact the officer at their last known residential address, email address, or phone number.

II. Other Provisions

- A. ***Non-enforceability by third parties.*** This Directive is issued pursuant to the Attorney General's authority to supervise the operations of the Department and ensure the uniform

and efficient enforcement of the laws and administration of criminal justice throughout the State. This Directive imposes limitations on law enforcement agencies and officials that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.

- B. **Severability.** The provisions of this Directive shall be severable. If any phrase, clause, sentence, or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the document shall not be affected.
- C. **Questions.** Any questions concerning the interpretation or implementation of this Directive or the Major Discipline Directive shall be addressed to the Executive Director of the Office of Public Integrity & Accountability (OPIA), or their designee.
- D. **Effective date.** This Directive shall take effect immediately and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.
- E. **Appeal.** This Directive is a final agency action under Rule 2:2-3(a)(2) of the New Jersey Rules of Court.



Gurbir S. Grewal
Attorney General

ATTEST:



Jennifer Davenport
First Assistant Attorney General
Dated: June 19, 2020

- CC: Executive Director, Office of Public Integrity & Accountability
Insurance Fraud Prosecutor
Director, Division of Alcoholic Beverage Control
Director, Division of Gaming Enforcement