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STATE TROOPERS FRATERNAL	:	SUPERIOR COURT OF NEW JERSEY
ASSOCIATION OF NEW JERSEY,	:	LAW DIVISION
	:	DOCKET NO.: MER-L-
Plaintiff,	:	
	:	CIVIL ACTION
vs.	:	
	:	
STATE OF NEW JERSEY, GURBIR S.	:	VERIFIED COMPLAINT IN
GREWAL, in his capacity as	:	SUPPORT OF PLAINTIFF's
ATTORNEY GENERAL, COLONEL	:	
PATRICK J. CALLAHAN, in his	:	ORDER TO SHOW CAUSE
Capacity as SUPERINTENDENT of	:	
the DIVISION OF STATE POLICE	:	
and THE DIVISION OF STATE	:	
POLICE,	:	
	:	
Defendants.	:	
	:	

Plaintiff, STATE TROOPERS FRATERNAL ASSOCIATION OF NEW JERSEY ("STFA"), by and through its President Wayne D. Blanchard ("Blanchard"), by way of Verified Complaint against the Defendants, STATE OF NEW JERSEY ("State"), GURBIR S. GREWAL, ATTORNEY GENERAL ("Attorney General"), COLONEL PATRICK J. CALLAHAN, SUPERINTNDENT OF THE DIVISION OF STATE POLICE

("Superintendent"), and the DIVISION OF STATE POLICE ("NJSP"), say:

JURISDICTION AND VENUE

1. Jurisdiction and venue are properly laid by STFA in the Superior Court pursuant to New Jersey Court Rule 4:3-2(a)(2).

2. This action is brought seeking preliminary restraints and pursuant to the Declaratory Judgment Act, N.J.S.A. 2A:16-50 et seq., which authorizes the Court to declare rights, status, and other legal relations to afford litigants relief from uncertainty and insecurity.

3. This Court therefore has jurisdiction over the constitutional and statutory claims raised herein.

PARTIES

4. Plaintiff, State Troopers Fraternal Association of New Jersey ("STFA") is a labor organization and the exclusive representative of all Trooper, Trooper I, Trooper II, Detective, Detective I, and Detective II in the Division of State Police. The STFA has approximately 1500 members.

5. The STFA has its primary office at 2634 Highway 70, Manasquan, New Jersey.

6. Defendant State of New Jersey ("State") administers and enforces the laws of the State of New Jersey and must assure that its laws comply with the New Jersey and United States Constitutions.

7. Gurbir S. Grewal is the Attorney General ("Attorney General") for the State of New Jersey and the chief law enforcement officer of the State. As such he has general supervisory authority over criminal justice in the State and is generally responsible for the operation of the Department of Law and Public Safety which includes the Division of State Police.

8. Colonel Patrick J. Callahan ("Superintendent Callahan") is the acting Superintendent of the Division State Police.

9. The Division of State Police ("NJSP") was established in 1921 and is currently a division in the State of New Jersey, Office of the Attorney General.

STATEMENT OF THE CASE

10. Blanchard is a Trooper I employed by the NJSP and has been employed since April 29, 2005.

11. Blanchard is currently the elected President of the STFA has been since January 1, 2018. The STFA is the sole and exclusive representative for all Trooper, Trooper I, Trooper II,

Detective, Detective I, and Detective II in the Division of State Police with a current membership of 1,500.

12. The STFA and the State of New Jersey have been parties to successive collective negotiations agreements. The current agreement has a term of July 1, 2019 through June 30, 2023. Article XXVI "Complete Agreement" Section B of the Contract between the STFA and the State sets forth the State's obligation to continue honoring past practices of the parties:

The State agrees that all mandatorily negotiable benefits, terms and conditions of employment relating to the status of Troopers of the Division of State Police covered by this Agreement shall be maintained at standards existing at the time of the agreement.

13. Blanchard has been a member of the STFA since his graduation from the State Police Academy in 2005 and has been an STFA officer and Executive Board member since January 1, 2012 when he served as the elected Vice President for Legislation of Grievances. In that position he was primarily responsible for the facilitation of Contractual Grievances and the tracking and following of Legislation. During that time, he was also on the STFA Negotiations Committee. He held the Vice President position until he was sworn in as the President of the STFA.

14. Prior to January 2018 Blanchard served as a General Road Duty Trooper at Kingwood Station, Hamilton Sub-Station, and

the Red Lion Station. He also served in the Troop C Tactical Patrol Unit and the Street Gangs Central- Intelligence Section.

15. To continue to serve as a Trooper, Troopers are required pursuant to N.J.S.A. 53:1-8 and 1-8.1, to successfully complete two re-enlistment evaluation processes at the end of 2 years and 4 years of service and do not gain tenure until after the completion of 5 years of service in good standing.

16. As a Trooper STFA Station Representative in Street Gangs and later the STFA Executive Board, Blanchard is well-versed in the NJSP Disciplinary Process and has represented dozens of STFA members in the process over the last 10 years. The violations that can lead to discipline in the NJSP is vast. In the NJSP, according to the NJSP Office of Professional Standards ("OPS") annual report of discipline, there are three types of disciplinary proceedings:

Minor Discipline- may result in a suspension of up to 5 days.

Summary Disciplinary Hearing- may result in a suspension of up to 30 days.

General Disciplinary Hearing- may result in a suspension of 30 days and up to termination, and/or a reduction in rank and/or grade.

17. When a Trooper is disciplined, he is served with the Disciplinary Charges and Specifications. The Trooper also

receives and signs for Discovery which is clearly labeled 'Confidential'. A member of OPS directs the Trooper that the discovery is for only him, his STFA representative and his attorney and that it is not to be shared with any third party.

18. During the process, the Trooper is also advised by OPS that there are avenues available to resolve the Disciplinary matter. The Trooper and the NJSP can enter a Voluntary Negotiated Plea Agreement and is advised that it will remain strictly confidential and recorded in the member's Discipline File and would not be released to the public. It is explained very clearly that if the matter is not adjusted within the NJSP, the matter would be transmitted to the Office of Administrative Law for a Hearing, if applicable, and from that point forward the matter is made public.

19. The guarantee of confidentiality has caused many Troopers to enter into settlement agreements with the NJSP. That guarantee of confidentiality is also mandated by the current Attorney General Guidelines on Internal Affairs Policy and Procedure.

20. On June 15, 2020 New Jersey Attorney General Gurbir S. Grewal ("Attorney General") issued Attorney General Law Enforcement Directive No. 2020-5, "Directive Requiring Public Disclosure of the Identities of Officers Who Commit Serious

Disciplinary Violations" ("Directive 2020-5"). A true and correct copy of the Directive is attached as **Exhibit A.**

21. Directive 2020-5 requires all law enforcement agencies under the authority of the Attorney General to publish the names of all sworn law enforcement personnel who have been suspended for more than 5 days or who have been demoted or terminated along with a description of the circumstances that led to the discipline. The STFA learned of this development when the Attorney General convened a phone call with the three State Police union presidents and representatives of the NJSP approximately one hour before the release of Directive No. 2020-5.

22. On that call, Blanchard requested that the Attorney General and NJSP meet and negotiate regarding Directive 2020-5 but was refused. Subsequently, on June 17, 2020 the STFA sent a written request to negotiate with the Attorney General's Office and the NJSP which has not been granted. STFA representatives and the Attorney General met on June 24, 2020. Prior to and at the meeting it was made clear by the Attorney General to the STFA that the meeting was not a negotiations.

23. Directive 2020-5 requires the affected agencies to comply no later than December 31, 2020 with a 12-month look-back from the date of the initial report and "prospective"

application. Directive 2020-5's effective date is August 31, 2020.

24. Notwithstanding the December 31, 2020 compliance date and the 12-month look-back, the NJSP has decided to issue the names of Troopers who are covered by Directive 2020-5 on or before July 15, 2020 with a 20-year look-back. The Attorney General has made it clear that the Superintendent of the NJSP Colonel Patrick Callahan is acting voluntarily and that he "intends to update" previously published annual disciplinary reports issued from 2000 to the present which summarized incidents of major discipline to include the names of the disciplined current and former Troopers.

25. A June 15, 2020 news release on the Attorney General website states in relevant part, 'Since 2000, NJSP has imposed major discipline in approximately 430 cases. This includes dozens of State Troopers who received suspensions of more than 180 days, as well as State Troopers who were terminated because their misconduct. The identities of these State Troopers will be published no later than July 15, 2020. Prior to publication, each of the individuals whose names will be revealed will receive notice in writing. A true and correct copy of the news release is attached as **Exhibit B**.

26. On June 19, 2020, the Attorney General issued Administrative Executive Directive 2020-6 ("Directive 2020-6")

to compliment Directive 2020-5. A true and correct copy of the Directive is attached as Exhibit C.

27. Directive 2020-6 only applies to law enforcement officers in the NJSP, the Division of Criminal Justice ("DCJ"), and the Juvenile Justice Commission ("JJC"). Directive 2020-6, which does not amend the IAPP, did make several changes to Directive 2020-5 as it relates to the above-named law enforcement units. First, it mandated that the NJSP, DCJ and JJC publish on its public website with a brief synopsis of all sustained discipline that resulted in a suspension of more than 5 days, a demotion or termination. Second, it mandated that the release go back 20 years. Third, it mandated that the synopsis disclose the identity of the law enforcement officer. Lastly, Directive 2020-6 indicated that for appeal purposes that it "is a final agency action under Rule 2.2-3(a)(2) of the New Jersey Rules of Court."

28. Directive 2020-6 also states that at least seven days prior to the publication of the synopsis and their names, active and former Troopers will be notified. To date, upon information and belief, none of the impacted former or active Troopers have received notification in writing, nor have any been contacted by the NJSP.

29. The Directive 2020-5 and Directive 2020-6 will cause immediate and irreparable harm to these impacted Troopers,

former Troopers, and to the membership of the STFA. For every individual Trooper named there is the strong likelihood that with the publication of their name it will be relatively easy to determine where they live and work. It will unnecessarily impact the families of these Troopers who may have not been involved in the underlying disciplinary matter. It could also unveil the identity of a victim or alleged victim of domestic violence.

30. There exists a very real concern that the safety of these current or former Troopers and their families would be placed at risk by the action of the Attorney General or the NJSP Superintendent.

31. Recently the public has learned the name of a Trooper involved in a fatal incident with a motorist on May 23, 2020 on the Garden State Parkway. Since the release of his name and videos of the incident by the Attorney General, the Trooper and his family have been targeted for attack and his family's home has been vandalized, specifically the word "Murderer" and the acronym "ACAB" [All Cops Are Bastards] was chalked on his driveway.

32. Current and former STFA members are very concerned that releasing the identities of current and former Troopers who have been disciplined will subject them to the same criminal conduct or worse.

33. In addition to the fear that Troopers will be attacked, there are also many other concerns that must be weighed. There are concerns that the identities of witnesses and victims will be easily discovered. For example if a Trooper was allegedly involved in a matter at home with a family member or spouse that did not result in a Domestic Violence Temporary Restraining Order and that Trooper was charged with a rules and regulations violation of bringing discredit to the Division of State Police, due to the publication of his name, it will not be difficult at all to determine the identity of that Trooper's spouse or family members.

34. Similarly if a Trooper in return for confidentiality resolved disciplinary charges for a suspension of more than 5 days for an alcohol issue, the disclosure of his name will result in the potential for public shaming or interference with that Troopers performance of his duties for something that might have occurred more than a decade ago. There is also concern that subsequent to such an event, the Trooper may have sought medical treatment for a condition or dependency and that the release of this information could make the confidential and privileged nature of medical treatment now in the public record. Releasing this information may also deter Troopers who do have an alcohol dependency from voluntarily coming forward or from seeking treatment.

35. The Attorney General, until issuing Directive 2020-5 and 2020-6, has made repeated public comments regarding his concern for the safety and well-being of Law Enforcement Officers and went to great lengths to assure law enforcement and the public that his concern was genuine when he issued his Attorney General Law Enforcement Directive No. 2019-1 on August 6, 2019, 'Directive Promoting Law Enforcement Resiliency' which reads in part:

The men and women of law enforcement put their lives on the line every day to protect the citizens of New Jersey...They also typically operate in a state of hypervigilance while on duty. The emotional and mental toll of this work can build over time and contribute to a range of health issues, including increased blood pressure, heart disease, diabetes, substance misuse, family and relationship stress, self-harm, and risk of suicide... "Resiliency" is defined as the ability to overcome adversity, and the New Jersey Resiliency Program for Law Enforcement (NJRP-LE) is designed to do just that. This Directive recognizes that protecting an officer's mental health is just as important as guarding their physical safety and strives to create a supportive culture for law enforcement officers, their families, and friends, as well as the broader New Jersey community.

36. Notwithstanding his prior proclamation and Directive No. 2019-1, "Resiliency" designed to safeguard law enforcement officers, the impact of Directive No. 2020-5 and Directive No. 2020-6 will have the immediate effect of harming them, their families and friends, and the community broadly.

37. Current Troopers whose names are released will be impacted in the performance of their duties by this disclosure which in turn will have a negative impact upon public safety. Troopers are trained to act in a community-caretaking role and provide a wide range of social services outside of their traditional law enforcement and criminal investigatory roles. In approximately 90 municipalities state-wide the NJSP provides primary patrol responsibility, which effectively makes STFA unit members "small town cops" for those municipalities. In those communities Troopers are recognizable to many residents by face and or name. In a dire situation, this could mean the difference between life and death. A resident who knows that a Trooper has been suspended (without knowing the exculpatory facts) may choose to delay or prevent the Trooper from entering their home despite the need for emergent action and wait for another who could be miles away.

38. Regarding the expectation of confidentiality, many Troopers resolved disciplinary matters through a Negotiated Voluntary Plea Agreement specifically to prevent disclosure of their names to the public. Their well-placed reliance upon the NJSP's promise of confidentiality is not frivolous or overstated. The OPS or the Colonel's office does not warn Troopers that the confidentiality of the voluntary resolution of discipline would be breached and be disclosed to the public.

Within the NJSP the implications for a Trooper's career when he is issued discipline, particularly those involving more than 5 days of suspension, have permanent and lasting negative effects. Any discipline will always be considered for the imposition of progressive discipline and they also negatively impact the awarding of points necessary for promotional consideration in their future. By releasing their names to the public, Troopers who may already have their career damaged by a disciplinary action may also have their ability to perform their law enforcement duties and interact with the public harmed. It is the expectation of confidentiality that has motivated many Troopers to pursue negotiated pleas of discipline which have always remained confidential.

39. Those Troopers who have entered into Negotiated Voluntary Plea Agreements since 2000 should now be permitted to vacate and re-open those disciplinary matters as the assurance of confidentiality and finality that were a material component of the Agreement and binding upon the parties no longer exists, absent relief from the Superior Court.

40. The Press Release accompanying Directive No. 2020-5 informed that the identities of these State Troopers will be published no later than July 15, 2020. Prior to publication, each of the individual whose names will be revealed will receive notice in writing. Directive No. 2020-5 does not address this

requirement and the proposed IAPP Section 9.11 and 9.11.2 similarly makes no such requirement. Directive 2020-6 also states that at least seven days prior to the publication of the synopsis, the Division of State Police shall provide notice to each trooper it intends to identify, whenever possible. In cases where the Trooper 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.

To date, upon information and belief, none of the impacted former or current Troopers have received notification in writing or by any other means. Nor does the STFA know what the notice will contain and whether there are any avenues of appeal or opportunity to be heard regarding the release of the Trooper's name or to address the accuracy of what the NJSP intends to release.

41. Attorney General Directive 2020-5 states that the need for this new action is, in part "...required to promote trust, transparency and accountability, and I have concluded that it is in the public's interest to reveal the identities of New Jersey law enforcement officers sanctioned for serious disciplinary violations... The public's trust depends on maintaining confidence that police officers serve their communities with dignity and respect."

42. The public is not without protection in this regard. Last year the Attorney General updated the IAPP to include sweeping changes to when prosecutors must disclose information about the investigation, team members, and witnesses involved in the prosecution of a defendant pursuant to the United States Supreme Court decisions in Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). The disclosure of past incidents and discipline that may impact the credibility or truthfulness of a witness must be disclosed to the defense attorneys providing substantial safeguards that inspire confidence that law enforcement officers are serving with honor and that when they may not their relevant past is disclosed. 38.

43. Here the examples provided by the Attorney General of violations that can include Major Discipline is not an exhaustive list and are based solely on the penalty and not the seriousness of the underlying circumstances that caused the discipline to be issued. Moreover, nowhere in Directive No. 2020-5 or Directive No. 2020-6 are there any safeguards that would present an opportunity to correct any information that has been improperly categorized as major discipline or any exemption from this reporting requirement once the IAPP becomes effective on August 31, 2020.

44. In Libertarians for Transparent Government v. New Jersey, decided May 20, 2019, *aff'd*, , 2019 W.L. 2172890 at pp. 3-4 (App. Div.), *certif. granted*, 239 N.J. 518 (2019) a matter involving an attempt by plaintiff to obtain the name, title, date of separation and reason therefor of a former Trooper whose disciplinary circumstances were summarized in the NJSP Office of Professional Standards 2015 Annual Report as follows: "Member pled guilty to acting in an unofficial capacity to the discredit of the Division while off-duty by having questionable associations, engaging in racially offensive behavior and publicly discussing police patrol procedures. The member was required to forfeit all accrued time and separate from employment with the Division." The State and NJSP, represented by the Attorney General, submitted a Certification of Major John Baldosaro who at the time of his Certification on April 21, 2017 was the commanding officer of the New Jersey State Police, Office of Professional Standards (OPS). A true and correct copy of the Certification is attached as Exhibit D.

45. In his Certification, Major Baldosaro strongly pointed to the reasons that the identities of Troopers are not currently and should not be revealed. Referring to the publication of the Annual Reports, he stated:

Although they do provide a substantial amount of information about complaints and investigations resulting in discipline- they purposely do not disclose names or other

information that could identify the persons involved, or similar case-specific information that would compromise the integrity of individual investigations or expose the subjects or witnesses in individual investigations to unwarranted, targeted attention.

Major Baldosaro certified further:

The identities of the subjects, complainants, and other witnesses in an internal investigation and even basic details such as dates and locations ... are all capable of associating specific individuals with acts, events, and circumstances that at best are highly embarrassing, and at worst implicate highly sensitive and personal matters ... in other investigations where the allegations are substantiated, they originated from the reporting of private citizens or other NJSP members who, undisputedly, did so with the understanding that their identities would remain protected and disclosed only among those involved in the investigation.

* * *

Even dates, locations, and similar details could, if revealed, suffice to expose a witness or the complainant or subject of the investigation to public identification. These may not be enough to identify those individuals to anyone and everyone who views it, ... but when produced publicly ... these become available for any persons who would have an ability to identify ... such persons include those with incentives to embarrass, harass, threaten, or cause harm to the individuals involved in the investigation. Once the information is publicly released, it cannot later be taken back.

As to the need to keep the Troopers names confidential,
Major Baldosaro certified:

I also firmly believe that maintaining the integrity of the NJSP's operations includes protecting the identities of any members subject to internal investigations. I submit that the reasons for the non-disclosure implicate not just the privacy interests of individual NJSP members, but also the collective trust that internal investigations will be handled with the necessary levels of sensitivity and confidentiality.

In his Certification Major Baldosaro confirm this when
stated:

In some cases - as was the case here with "Trooper Doe" - the subject agrees to accept culpability to some or all of the charges brought against him or her, and thereby waives his or her right to formal administrative proceedings on the charges. Not bringing the matter to a public forum would under current practice and policies protect the subject trooper's identity from public disclosure. While this fact undoubtedly is an incentive for some troopers to agree to cooperate and openly admit culpability to the charges, it also benefits the investigating unit by not having to expend as many resources to conclude an investigation yet still bring about a favorable outcome - the appropriate discipline of a trooper who admittedly committed misconduct.

Major Baldosaro concluded:

It is my opinion, based on my professional experience and training, that producing the name, date of separation and any additional

details into the reasons for his separation, requested by the Plaintiff - or similar internal investigative records - would be contrary to longstanding law enforcement practices and policy and would jeopardize the safety of numerous individuals and the success of current and future internal investigations.

46. On the actual Negotiated Voluntary Resolution General Disciplinary Matter between Troopers and the NJSP the words "CONFIDENTIAL PERSONNEL RECORD" are on the forms signed by all parties and their representatives. A true and correct copy of a Negotiated Voluntary Resolution with the Trooper's personal information redacted is attached as **Exhibit E**.

47. Those Troopers who have entered into Negotiated Voluntary Plea Agreements since 2000 should now be permitted to vacate and re-open those disciplinary matters as the assurance of confidentiality and finality that were a material component of the Agreement and binding upon the parties no longer exists.

COUNT ONE

VIOLATION OF N.J.A.C. 13:1E-3.2(A) (4) AND EXECUTIVE ORDER 11 ISSUED BY GOVERNOR BYRNE.

48. The STFA repeats and realleges paragraphs 1 through 47 as if set forth fully herein.

49. N.J.A.C. 13:1E-3.2(a) (4) provides:

4. Records, specific to an individual employee or employees - other than those records enumerated in N.J.S.A. 47:1A-10 as available for public access - and relating to or which form the basis of discipline, discharge, promotion, transfer, employee

performance, employee evaluation, or other related activities, whether open, closed, or inactive, except for the final agency determination.

50. The only exception to this Administrative Code prohibition is records that must be disclosed pursuant to N.J.S.A. 47:1A-10.

51. The identities of disciplined Troopers are not a government record required to be disclosed by N.J.S.A. 47:1A-1.1, and 10.

52. N.J.S.A. 47:1A-10 provides:

[T]he personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for access.

53. N.J.S.A. 47:1A-10(a) has three exemptions, including subsection (a) which states:

[A]n individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received shall be a government record.

54. N.J.S.A. 47:1A-10 also explicitly exempts "records relating to any grievance filed by or against an individual."

55. N.J.S.A. 47:1A-1 recognizes that records may be exempt from public access based upon authorities "other than the exemptions enumerated within the OPRA" including Executive Orders.

56. The information that the Attorney General has directed the NJSP to release is the very type of information that N.J.S.A. 47:1A-1, 9 and 10 shields from public release.

57. The Attorney General's Directive 2020-5 and 2020-6 violate N.J.S.A. 47:1A-1, 9 and 10 and N.J.A.C. 13:1E-3.2(a)(4) and the Division must be temporarily enjoined from implementing them.

COUNT TWO

ATTORNEY GENERAL DIRECTIVE 2020-5 AND DIRECTIVE 2020-6 VIOLATE THE DOCTRINE OF PROMISSORY ESTOPPEL.

58. The STFA repeats and realleges paragraphs 1 through 57 as if set forth fully herein.

59. To establish a prima facie case of promissory estoppel, a party must demonstrate the following: (1) a clear and definite promise by the promisor; (2) the promise must be made with the expectation that the promisee will rely thereon; (3) the promisee must in fact reasonably rely on the promise, and (4) detriment of a definite and substantial nature must be incurred in reliance on the promise.

60. In the disciplinary process, the NJSP made definite promises to Troopers who reached negotiated plea agreements to resolve disciplinary charges that those plea agreements are and would remain confidential.

61. These Troopers relied on the confidentiality of the plea agreements when they elected to plead guilty to charges and accept a penalty.

62. Attorney General Directive 2020-5 and Directive 2020-6 abrogate the confidentiality of the negotiated plea agreements between Troopers and the NJSP upon which the current and former Troopers relied on to their detriment and they should be temporarily enjoined from being implemented pending the outcome of a full hearing on this matter.

COUNT THREE

Attorney General Directive 2020-5 and Directive 2020-6 Violate Article I, ¶19 of the State Constitution.

63. The STFA repeats and realleges paragraphs 1 through 62 as if set forth fully herein.

64. Article I, ¶19 of the New Jersey Constitution states: "[p]ersons in private employment shall have the right to organize and bargain collectively. Persons in public employment shall have the right to organize, present to and make known to the State, or any of its political subdivisions or agencies, their grievances and proposals through representatives of their choosing."

65. This right is codified in the New Jersey Public Employer-Employee Relations Act, N.J.S.A. 34:13A-5.1, et seq., which sets forth a public employer's duty to negotiate before changing existing working conditions:

Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances, disciplinary disputes, and other terms and conditions of employment.

N.J.S.A. 34:13A-5.3.

66. Attorney General Directive 2020-5 and Directive 2020-6 strips the STFA of its right to present and make known to the State its proposals to maintain the confidentiality of the identity of its members whose names will be released in conjunction with their discipline.

67. To allow Attorney General Directive 2020-5 and Directive 2020-6 to be implemented unilaterally will fundamentally interfere with the right of the STFA to negotiate and represent its members as required by Article I, ¶19 of the New Jersey Constitution and N.J.S.A. 34:13A-5.3. Thus, the STFA's request for a preliminary injunction must be granted.

COUNT FOUR

Attorney General Directive 2020-5 and Directive 2020-6 Violate Article 4, Section 7 of the State Constitution.

68. The STFA repeats and realleges paragraphs 1 through 67 as if set forth fully herein.

69. To determine the validity of a contract impairment claim brought under Article 4, Section 7 of the State

Constitution the Court must first examine whether (1) a contractual right exists, (2) whether a change in state law results in the substantial impairment of a contractual relationship and (3) whether the impairment nevertheless is reasonable and necessary to serve an important public purpose.

70. The STFA and the State are parties to a binding collective negotiations agreement or contract.

71. Article XXVI "Complete Agreement" Section B of the Contract between the STFA and the State sets forth the State's obligation to continue honoring past practices of the parties:

The State agrees that all mandatorily negotiable benefits, terms and conditions of employment relating to the status of Troopers of the Division of State Police covered by this Agreement shall be maintained at standards existing at the time of the agreement.

72. For at least 20 years, the practice within the NJSP has been to preserve as confidential, the identity of Troopers who have entered confidential plea agreements.

73. Many of the STFA unit members whose names will be released signed binding contractual agreements with the NJSP, accepted discipline, and chose not to pursue appeals based upon the NJSP's binding agreement to keep the Trooper's identity confidential.

74. Attorney General Directive 2020-5 as complimented by Directive 2020-6 ordering the NJSP to release Troopers' names

deprives them of the benefit of the bargain that they received in the contractual agreement to resolve their disciplinary action.

75. Directive 2020-5 and Directive 2020-6 impairs the contractual rights of the STFA as well as the current and former Troopers who entered into confidential plea agreements with the NJSP and therefore they must be temporarily enjoined.

COUNT FIVE

Directive 2020-5 and Directive 2020-6 Violate the Procedural Due Process Rights of the Affected Troopers and Former Troopers.

76. The STFA repeats and realleges paragraphs 1 through 75 as if set forth fully herein.

77. The State Constitution and case law protect one's reputation under Article I, paragraph 1.

78. A protectible interest in reputation is established without requiring any other tangible loss.

79. Once it is determined that procedural due process applies, the question remains what process is due.

80. The minimum requirements of procedural due process are notice and the opportunity to be heard.

81. Attorney General Directive 2020-5 and 2020-6 provides no guarantee of notice or any opportunity to be heard and therefore they must be temporarily enjoined.

COUNT SIX**Directive 2020-5 and Directive 2020-6 Violate the Substantive Due Process Rights (Privacy Rights) of the Affected Troopers and Former Troopers.**

82. The STFA repeats and realleges the paragraphs 1 through 81 as if set forth fully herein.

83. Article I, Section 1 of the New Jersey State Constitution protects the right to privacy which includes the disclosure of confidential or personal information.

84. For government action to be upheld, on balance, need for information must outweigh the individual's right of confidentiality. In re Martin, 90 N.J. 295, 318 (1982).

85. The current and former STFA members who signed confidentiality agreements concerning discipline had a reasonable expectation of privacy based on those agreements and reasonably relied on the representation that the agreements would remain confidential.

86. Releasing the names of current and former STFA members despite these confidentiality agreements strikes an inappropriate balance that weighs in favor of the STFA and its current and former member and violates the New Jersey Constitution's right to privacy and Directive 2020-5 and 2020-6 must be temporarily enjoined.

COUNT SEVEN

The Attorney General Directive Violates the Equal Protection Guarantees of the State Constitution.

87. The STFA repeats and realleges the paragraphs 1 through 86 as if set forth fully herein.

88. New Jersey Constitution, Article I, ¶1, protects against injustices and against unequal treatment of those who should be treated alike.

89. Equal protection requires all persons within a class reasonably selected to be treated alike and whether the classification involved rests upon some ground or difference having a real and substantial relation to the basic object of the particular enactment or on some relevant consideration of public policy.

90. Directive 2020-6's application to different classification of law enforcement officers is not reasonably related to the State's purported objective of providing transparency in the disciplinary process to the public.

91. By singling out Troopers for disparate treatment without a rational basis, Directive 2020-6 denies them the equal protection guaranteed by the State Constitution and the STFA's request for a preliminary injunction must be granted.

WHEREFORE, the Plaintiff, STATE TROOPERS FRATERNAL ASSOCIATION OF NEW JERSEY, on behalf of its members and all

similarly situated current and former Troopers respectfully request that this Court enter an Order Judgment in favor of Plaintiff and against Defendants, jointly and severally, as follows:

A. Temporarily and Permanently Enjoining the Defendants from the publication or dissemination of the name of any Trooper or former Trooper that have received more than 5 days of Suspension, who have been demoted or have been terminated from 2000-present by Attorney General Gurbir S. Grewal, Superintendent Patrick Callahan, or anyone on their behalf or at their direction from causing or allowing the disclosure of same.

B. Temporarily and Permanently Enjoining the Defendants from further enforcement of or reliance upon Attorney General Law Enforcement Directive No. 2020-5, "Directive Requiring Public Disclosure of the Identities of Officers Who Commit Serious Disciplinary Violations" issued June 15, 2020, to the extent that it will be the relied upon to publish or disseminate the name of any Trooper or former Trooper that have received more than 5 days of Suspension, who have been demoted or have been terminated from 2000-present.

C. Temporarily and Permanently Enjoining the Defendants from further enforcement of or reliance upon Attorney General Administrative Executive Directive No. 2020-6, "Directive Requiring Public Disclosure of the Identities of Department's

Officers Who Committed Serious Disciplinary Violations Since 2000" issued June 19, 2020, to the extent that it will be the relied upon to publish or disseminate the name of any Trooper or former Trooper that have received more than 5 days of Suspension, who have been demoted or have been terminated from 2000-present.

D. Temporarily and Permanently Enjoining the Attorney General from Amendment of or further enforcement of or reliance upon the Attorney General Internal Affairs Policy & Procedures (IAPP), to the extent that it will be the relied upon to publish or disseminate the name of any Trooper or former Trooper that have received more than 5 days of Suspension, who have been demoted or have been terminated from 2000-present.

E. Temporarily and Permanently Enjoining the Attorney General from Amendment of or further enforcement of or reliance upon the Attorney General Internal Affairs Policy & Procedures (IAPP), to the extent that it will be the relied upon to publish or disseminate any information that names or substantially identifies through release of any Internal Affairs Records or Materials any Trooper or former Trooper that have received more than 5 days of Suspension, who have been demoted or have been terminated from 2000-present.

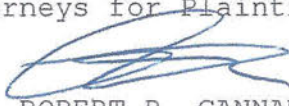
F. Declaring that Directive 2020-5 and Directive 2020-6 violate the statutory and State Constitutional rights of the STFA and its current and former members.

G. Ordering that the STFA be awarded any such other relief as this Court finds just, equitable and or reasonable, and

H. Awarding the STFA reasonable attorneys' fees and costs of suit.

Respectfully submitted,

MARKMAN & CANNAN, LLC
Attorneys for Plaintiff


By: ROBERT R. CANNAN, ESQ.

Dated: June 25, 2020

METS SCHIRO & MCGOVERN, LLP
Attorneys for Plaintiff


By: JAMES M. METS, ESQ.

Dated: June 25, 2020

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby designate, Robert R. Cannan, Esq., Markman & Cannan, LLC and James M. Mets, Esq., Mets Schiro & McGovern, LLP as Trial counsel in the above-captioned matter.

ATTORNEY CERTIFICATION

Pursuant to Rule 4:5-1, the undersigned hereby certify that at the time of filing of this Verified Complaint, the matter in controversy is not the subject of any other action pending in any Court or of a pending Arbitration proceeding, that no other action of Arbitration proceeding is contemplated, and that I have no knowledge at this time of the names of any other party who should be joined in this action.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

MARKMAN & CANNAN, LLC
Attorneys for Plaintiff


By: ROBERT R. CANNAN, ESQ.

Dated: June 25, 2020

METS SCHIRO & MCGOVERN, LLP
Attorneys for Plaintiff


By: JAMES M. METS, ESQ.


Dated: June 25, 2020

CERTIFICATION OF VERIFICATION OF NON-COLLUSION

1. I am the President of Plaintiff, State Troopers Association of New Jersey in this action. The allegations of the Complaint are true to the best of my knowledge, information, and belief. Said Complaint is made in truth and in good faith and without collusion for the causes set forth therein.

2. I certify that the foregoing statements made by me are true. I also certify that except for certain underlining and redactions of identities on Exhibit C and E, respectively all Exhibits attached hereto are true and correct copies of the originals.

3. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



Wayne D. Blanchard,
President, State Troopers
Fraternal Association of New
Jersey

Dated: June 24, 2020