



August 22, 2014

Senator Peter J. Barnes, III  
Suite 2D  
3 Stephenville Parkway  
Edison, New Jersey 08820

**Re: S1236**

Dear Senator Barnes:

As the President of the NJ Foundation for Open Government (“NJFOG”), it is with great pleasure to inform you that our Board has read the subject bill, along with the comments Tom Maras has offered in support of your bill, and we have decided to give the bill our full support.

In making the determination to lend our organization’s support for the bill, we are relying heavily on your commitment to incorporate our desired wording into the bill, at the appropriate time.

So as to be clear, the wording reads as follows:

“Under Section 2 of the new language, create a new subsection c which would state:

c. In order to address public's loss of confidence in the internal affairs process identified in the findings above, simultaneously with the issuance of the report to the Governor and Legislature, the Attorney General shall also publicly disclose the internal affairs complaints, investigative reports and internal affairs dispositions for each internal affairs matter that was processed during the two year pilot program. The documents publicly disclosed shall have redacted from them the names and identifying information of the officers under investigation, the complainants and others whose identities need to be protected. The Attorney General shall also redact any other information from these records for which disclosure would jeopardize legitimate confidentiality provisions and personal privacy interests more than disclosure would help the public understand and judge the efficacy of the pilot program and the internal affairs process. The Attorney General shall construe his power to redact narrowly against confidentiality and in favor of public disclosure, and will describe each redaction in an accompanying redaction index, which will also be publicly disclosed.

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Each redaction shall state its “specific basis” and the Attorney General shall also explain in the index “each suppression in a manner that ‘without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.’ Paff v. New Jersey Department of Labor, Board of Review, 379 N.J. Super. 346, 354-55 (2005) (quoting R. 4:10-2(e))”.

In support of your bill, NJFOG will post information about the bill on our website, <http://njfog.org/>, and call for our members to contact their respective local legislative representatives to lend their support to the bill. By copy of this letter, I am calling upon our members, with their own blog sites, *e.g.*, John Paff, to notify their readers of the bill and our support for it.

NJFOG will notify our media outlet contacts of our position on the bill. In that connection, perhaps we could do a co-op piece to ensure the article gets maximum media coverage? Please let me know your feelings on the aforementioned approach to the media.

As previously mentioned by Tom Maras in his communications with you, NJFOG appreciates your stated commitment to support S781/A2900 and S782/A2763 - OPMA and OPRA reform bills. Your help in strengthening legislation that will bring the Delaware River Ports Authority into greater compliance with OPMA and OPRA is essential, and is also most appreciate.

On behalf of NJFOG, we look forward to working with you and your good office on legislative matters that relate to enhancing open government in our greater state, and beyond.

Sincerely,

*Walter M. Luers*

Walter M. Luers, Esq.  
President, NJFOG