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Dear Members of the State Capitol Joint Management Commission:

On November 18, 2019, Susan Altman, the president of the New Jersey Working Families Alliance, was removed from a legislative hearing at the New Jersey State House Annex and issued a citation for disorderly conduct, in violation of N.J.S.A 2C:33-2. Ms. Altman objected to her removal, alleging that it was politically motivated, and raised other concerns about the actions of law enforcement before and during the hearing. Ms. Altman's allegations triggered two reviews within the Department of Law & Public Safety: an internal affairs investigation, conducted by the New Jersey State Police (NJSP) Office of Professional Standards (OPS), into the actions of the State Troopers involved in Ms. Altman's removal, and a broader policy review, led by the leadership of NJSP and the Attorney General's Office, regarding the role of law enforcement in and around the State capitol complex.

In the normal course, the results of inquiries like these would remain confidential. However, I recognize that this case implicates significant public interests, in no small part because it raises questions about when and how our state's residents may exercise their right to petition inside the State House Annex. For that reason, and in accordance with the Attorney General's *Internal Affairs Policy & Procedures (IAPP)*, I have decided to share aspects of our findings with you and with the public, in the hopes that it prompts a broader dialogue about how we can more effectively safeguard the right of our fellow citizens to "make known their opinions to their representatives, and to petition for redress of grievances." N.J. CONST. Art. I § 18. In particular, I believe that the State Capitol Joint Management Commission (SCJMC), as the body responsible for establishing a code of conduct within the State capitol complex, can play an important role in clarifying certain rules and ensuring that all parties act appropriately within the complex.

Based on the reviews conducted by NJSP and my office, I have concluded that:

1. The State Troopers who removed Ms. Altman did so because they believed that she was being disruptive during the hearing and refusing to respond to the instructions of law enforcement. There is no credible evidence to indicate that the State Troopers involved in the removal were motivated by political



- considerations or were acting at the behest of actors opposed to Ms. Altman's political views.
2. The State capitol complex lacks clear, well-defined rules about what actions constitute disorderly or disruptive conduct during Committee hearings. Although our State Troopers try their best to maintain order during hearings, they have not been provided clear guidelines about when to remove individuals who present security risks, leaving them to exercise their discretion on a case-by-case basis. In addition, the capitol complex would benefit from clearer rules on a range of other matters so that all parties – legislators, law enforcement, and members of the public – have clear expectations inside the building complex.
 3. A number of non-governmental organizations that regularly organize events at the State capitol complex expressed concern about prior interactions with security officials at the complex, and it appears that Ms. Altman's removal on November 18 exacerbated those concerns. To help build trust, I recommend that SCJMC and NJSP affirmatively engage with those individuals and organizations who most frequently attend events and protests at the complex, opening lines of communication that can help defuse tension in the long term. This could be accomplished with a SCJMC-led advisory board, which would provide an opportunity for community stakeholders from across the political spectrum to provide feedback on security policies. In addition, SCJMC and NJSP should identify ways to make it easier for individuals to file complaints about the conduct of security officers inside the capitol complex.
 4. Although the State Troopers did not act inappropriately when they decided to remove Ms. Altman, who was refusing to submit to a lawful request by law enforcement, I have instructed the Mercer County Prosecutor's Office to supersede the prosecution of Ms. Altman for disorderly conduct, currently pending in Trenton Municipal Court, and seek dismissal of the charge.

Factual Background

On the morning of November 18, the Senate Select Committee on Economic Growth Strategies convened a public hearing in Committee Room 4 of the State House Annex. A number of high-profile witnesses, including businessman George Norcross III, were scheduled to testify, and a significant number of people entered the State House Annex that morning intending to observe the proceedings.

As is standard practice, two types of personnel handled security for the hearing: officials working for the Legislature's Sergeant-at-Arms, and State Troopers assigned to NJSP's Statehouse Complex Security Unit (SCSU). Among the officers on duty were Trooper 1, Trooper 2, and Trooper 3.

Prior to the start of the hearing, several members of the public expressed frustration about being denied entry to the committee room. Although the details remain in dispute, it appears that members of the public engaged in a number of discussions with legislative staffers about the room's capacity and whether security officers were denying entry based on individuals' political views.

By 10:00 a.m., most of the approximately 100 seats in the committee room were occupied by witnesses, journalists, and members of the public. A number of additional people were standing inside the room, with one group of people standing along the room's back wall and another group congregating in an open area to the left of the main seating area. Among those standing in the left area was Ms. Altman. Other individuals inside the room at various points were Staffer 1 and Witness 1.

Several attendees posted messages on social media describing the scene inside the room. At 10:00 a.m., one attendee posted on Twitter, "Senate Select Committee Hearing is already devolving as attendees try to shout each other down. Some in the crowd yelling 'shut up' 'bullshit' and 'lock her up' while @suealtman speaks to the press."¹ At 10:17 a.m., Rob Duffey, the national communications director for the Working Families Party, retweeted the post, adding, "Norcross crowd gets seriously Trumpy, demand arrest of activist and @NJWFA director @suealtman for daring to criticize Norcross. #MarALagoDemocrats #TakeBackNj."² At 10:22 a.m., Ms. Altman retweeted Duffey's post, adding, "Not arrested!! (Yet) 😊😊😊. Powerful crew standing together over here. #TakeBackNJ."³

The hearing opened at approximately 10:20 a.m., with the Select Committee Chairman, Senator Bob Smith, presiding.⁴ During his introductory remarks, Chairman Smith instructed the audience to remain quiet and stated that law enforcement officers were "authorized" to remove anyone who disrupted the proceedings:

I will note that, for some reason, I can't even imagine what it is, there is a huge turnout today. And that being said, we run an orderly process. We've invited the various individuals to come forward, where senators are going to be able to ask whatever questions they like. And you may—we have a huge audience today—you may like what the speakers say, or dislike what they say, but you're welcome to be informed, sit there, and listen.

¹ <https://twitter.com/DarrylIsherwood/status/1196443117584617475>.

² <https://twitter.com/RobDuffey/status/1196447419585744898>.

³ <https://twitter.com/suealtman/status/1196448718888865795>.

⁴ Archived audio recording, Senate Select Committee on Economic Growth Strategies, Nov. 18, 2019, <https://www.njleg.state.nj.us/media/mp.asp?M=A/2019/SEGS/1118-1000AM-M0-1.m4a&S=2018> [hereinafter "Select Committee Audio Recording"].

And I don't think anybody would ever attempt to make a Committee meeting a political spectacle. But be advised, if you want to shout or boo or act in a disorderly way, I'm authorizing the State Troopers that are here—and where are our State Troopers? In the corner?—I'm authorizing our State Troopers, if anybody behaves in a disorderly way, you can escort them out. So let there be no doubt.⁵

A short time later, at approximately 10:44 a.m.,⁶ the hearing's second witness—New Jersey AFL-CIO president Charles Wowkanech—completed his testimony and leaned back in his chair.⁷ As he did so, a number of individuals in the audience responded audibly, some by clapping, some by booing. Chairman Smith then stated:

So I pointed out that that conduct's not going to be acceptable. That entire back line [*pointing towards the back wall of the room*] cheered, clapped. Officers, remove the entire back line that's standing up. And also, I'd like you to post some officers over there [*signaling elsewhere in the room*]. If there's any more hollering out, those people should be removed as well.⁸

Acting on the Chairman's instructions, two State Troopers approached those standing along the back wall to coordinate their exit from the room. Video footage shows that, around the same time, Trooper 1 began to engage with Ms. Altman. The footage shows that Trooper 1 walked from the right side of the room, passed behind the witness table, and approached Ms. Altman where she was standing on the left side of the room. Trooper 1 stated to Ms. Altman that she needed to leave the hearing room. Ms. Altman responded that she would not do so.

Footage shows that, as Trooper 1 and Ms. Altman exchanged words, Trooper 2 and Trooper 3 approached the area, standing somewhat further away from Ms. Altman. Several individuals standing nearby began to film the interaction on their smartphones.⁹

As it became clear that Ms. Altman would not leave the room, Trooper 1 began to guide her in the direction of the exit on the other side of the room. The footage shows that

⁵ *Id.* (timestamp 0:51-2:04).

⁶ <https://twitter.com/tjcNJ/status/1196454224093163521>; <https://twitter.com/DarrylIsherwood/status/1196454050151223297>.

⁷ Archived video recording, NJTV News, Nov. 18, 2019, <https://www.youtube.com/watch?v=KcEv3pQ8DyI> [hereinafter "NJTV Video Recording"].

⁸ Select Committee Audio Recording (timestamp 21:50-22:11); NJTV Video Recording (timestamp 8:24-8:48).

⁹ NJTV Video Recording (timestamp 8:50-9:40); Archived video recording, New Jersey 101.5, Nov. 18, 2019, <https://www.youtube.com/watch?v=gY5f98vc0ps> [hereinafter "NJ 101.5 Video Recording"] (timestamp 0:20-1:00).

Trooper 1 used minimal force attempting to facilitate her exit, steering Ms. Altman with his body and at certain moments placing his hands on her arms. As the interaction continued, Ms. Altman attempted to pull herself away, at least twice moving her arms suddenly to prevent Trooper 1 from placing his hands on her. Footage of the incident shows Ms. Altman stating loudly that she did not believe she had done anything wrong and that she would not leave on her own accord.

Trooper 1 eventually moved Ms. Altman across the full width of the room, escorting her behind the witness table and towards the left side door, with Trooper 2 and Trooper 3 standing nearby. On at least two occasions, Ms. Altman dropped towards the ground, requiring the Troopers to grab her and pull her back onto her feet.¹⁰ As they approached the exit, Trooper 1 escorted Ms. Altman outside, while Trooper 2, Trooper 3, and several other security officials stood by the door.¹¹

Outside, Trooper 1 issued Ms. Altman a citation for disorderly conduct. As they spoke, a civilian filmed a 12-second portion of their encounter and posted it on social media. The video captured the following dialogue:

TROOPER 1: I know what you guys are trying to do.
Unfortunately, we're just—we're on opposite
sides unfortunately right now and
[inaudible].

ALTMAN: We're on the same side, you just don't know it
yet.

TROOPER 1: That may be. Thank you, ma'am.

The recording shows that Trooper 1 and Ms. Altman then shook hands and departed in opposite directions.¹²

Afterwards, Witness 1 posted on Facebook, "I heard security discuss removing her before the hearing started. She was targeted." Several hours later, Witness 1 posted a photo of Ms. Altman being removed from the committee room, adding "I was there."

OPS Review of State Troopers' Conduct

On November 21, 2019, OPS opened an internal affairs investigation into the conduct of Trooper 1, Trooper 2, and Trooper 3 during the November 18 hearing. OPS investigated two allegations: whether any of the Troopers subjected Ms. Altman to

¹⁰ Archived video recording, <https://twitter.com/DanielMunoz100/status/1196454588188155905> (timestamp 0:00-1:02).

¹¹ NJTV Video Recording (timestamp 9:40-10:37).

¹² Archived video recording, <https://twitter.com/peoplepersson/status/1196460583731843072> (timestamp 0:00-0:12).

disparate treatment because of her political views, and whether any of the Troopers acted in a manner that brought discredit to themselves or NJSP. These allegations, if substantiated, would constitute violations of the NJSP Rules and Regulations and result in disciplinary action against the Troopers. *See* Rules & Reg. Art. VI §§ 2(a), 3(b). The investigation was conducted pursuant to NJSP policies and procedures governing the conduct of internal misconduct investigations, as well as the *IAPP*.¹³

As a general matter, OPS investigations are subject to the confidentiality requirements codified in Section 9.6 of the *IAPP*. Those requirements make clear that “the nature and source of internal investigations, the progress of internal affairs investigations, and the resulting materials are confidential information.” *IAPP* § 9.6.1. There are good reasons for such confidentiality. In order to conduct a thorough review, internal affairs investigations typically require access to material that is not appropriate for public disclosure, including internal deliberative communications and the sensitive personal information of witnesses and complainants. The confidentiality of the internal affairs process allows the Attorney General’s Office to strike a balance between three important interests: rooting out misconduct where it occurs; obtaining the candid views of all witnesses, including law enforcement officers; and limiting the public release of sensitive law enforcement information. Maintaining this balance is crucial to upholding the integrity of our criminal justice system.

However, the *IAPP* does permit the release of certain internal affairs information in limited circumstances, including for “good cause” and “upon the request or at the direction” of the Attorney General. *IAPP* §§ 9.6.1.(c), 9.6.2. Although this authority is used sparingly, I have determined that it is appropriate to do so here. My decision to release certain limited information about the OPS investigation is based on the unique circumstances of this case, including the need to address concerns about citizens’ right to express their political views at the State capitol complex without fear of retaliation.

As a result, I am sharing the following information about the OPS investigation, making every effort to limit disclosure of the identities of those contacted as part of the investigation:

During the investigation, OPS interviewed 18 witnesses, including Ms. Altman, Trooper 1, Trooper 2, and Trooper 3. In addition, OPS obtained video- and audio-recordings depicting various aspects of the November 18 hearing, including multiple recordings showing Ms. Altman’s removal from the committee room. Based on this investigation, OPS concluded that both of the allegations against the Troopers were unfounded and recommended that none of the three Troopers be subject to discipline. NJSP leadership reviewed the investigative file and concurred with the recommendations.

¹³ For convenience, citations are to the version of the *IAPP* issued on December 4, 2019, which takes effect on April 1, 2020. The analysis would not be different under the version of the *IAPP* that was in effect on November 18, 2019, or during the duration of the resulting internal affairs investigation.

OPS concluded that Trooper 1 sought to remove Ms. Altman based on her actions during the hearing, and not based on any political motivations. During their interviews, Trooper 1, Trooper 2, and Trooper 3 each stated that no one instructed them to remove Ms. Altman or treat her in a differential manner based on her political views. All three Troopers stated that, at the time of Ms. Altman's removal from the committee room, they did not know who she was or the nature of her political views, other than the fact she was booing at aspects of the day's testimony. OPS found the Troopers' statements credible.

OPS concluded that Trooper 1's decision to remove Ms. Altman was influenced in part by the Chairman's opening statement, who "authorized" the State Troopers to "escort out" anybody behaving "in a disorderly way." However, OPS ultimately determined that Trooper 1's decision to remove Ms. Altman was based on Trooper 1's own independent assessment that she was disrupting the proceedings. Trooper 1 stated that, during the course of the hearing, he observed Ms. Altman booing and making noises on multiple occasions, and that when the Chairman paused the proceedings to order the removal of individuals along the back wall, Trooper 1 used the opportunity to approach Ms. Altman and seek her removal as well. Ms. Altman herself acknowledged that she was booing before and during Mr. Wowkanech's testimony, even if she maintained that her booing did not actually disrupt the testimony or differentiate her from others in committee room.

OPS further concluded that none of the Troopers used undue force to remove Ms. Altman from the room. As video footage shows, Trooper 1 notified Ms. Altman that she was required to leave the room, and Ms. Altman made clear several times that she would not comply with this order. Based on her noncompliance, Trooper 1 had no choice but to escort Ms. Altman out of the room, and the video footage indicates that he did so using the least amount of physical force necessary. OPS concluded that Trooper 1 escalated his force gradually and only in response to Ms. Altman's increasingly physical refusals to comply with his instructions. OPS found no evidence that any of the Troopers intentionally caused Ms. Altman to drop to the ground during her removal.

Finally, OPS investigated two specific claims suggesting that Ms. Altman may have been targeted for her political views. The first was based on Witness 1's allegation, posted on Facebook, that she heard "security guards" discussing Ms. Altman's removal before the hearing started. After interviewing Witness 1 and several others who were present, OPS concluded that Witness 1 most likely overheard a conversation involving an official employed by the Legislature's Sergeant-at-Arms. Although the details of that conversation remain unclear, OPS determined that, even if a member of the Sergeant-at-Arms staff had concerns about Ms. Altman's presence at the hearing, there is no evidence that this message was ever conveyed, directly or indirectly, to any of the Troopers involved in her actual removal, and no evidence that the Troopers' actions were based on the concerns allegedly raised by the Sergeant-at-Arms staff.

The second specific claim was recounted by Ms. Altman, who stated that, prior to the hearing, she was confronted by Staffer 1, who allegedly made statements indicating that she was unwelcome inside the hearing room. Although OPS concluded that Ms. Altman and

Staffer 1 did in fact speak prior to the hearing, OPS found no evidence that this interaction had any bearing on the Troopers' subsequent decision to remove Ms. Altman later that morning.

Review of State House Security Policy

In the days and weeks after the November 18 removal of Ms. Altman, my office received several other complaints about the security procedures inside the State capitol complex. To address these issues, I asked senior members of my office and NJSP to review the role of law enforcement in and around the building complex. This review resulted in several policy recommendations, as discussed below.

First and foremost, the review revealed that few people—both inside and outside of state government—understood the differences in the responsibilities of the two types of officials tasked with providing security in the building: the Sergeants-at-Arms and the State Troopers assigned to NJSP's SCSU. This lack of understanding has resulted in considerable confusion as to when and under what circumstances State Troopers should carry out the instructions of legislators inside the complex.

It is therefore helpful to review the legal authorities of each entity, as well as the responsibilities of the Senate President and Assembly Speaker, who also play key roles in ensuring the orderly operations of the Legislature. In short:

- **Senate President and Assembly Speaker.** Under the Rules of the Senate and the Rules of the General Assembly, the Senate President and the Speaker are authorized to preserve “order and decorum” in their respective chambers, as well as the “rooms, corridors, and passages in the State House and elsewhere” used by the members of each house. Sen. R. 3.2(a); Asm. R. 4.2(a). The Rules make clear that the Senate President and the Speaker have the “authority to the protect the safety of members, officers, and employees” of their respective chambers, as well as the safety of the “general public” in connection with the conduct of the Legislature’s business. Sen. R. 3.2(b); Asm. R. 4.2(b). In cases of “disturbance or disorderly conduct in the gallery or lobby,” the Rules allow the Senate President or the Speaker to “clear the gallery or lobby” or “have the offending persons arrested and removed.” Sen. R. 3.2(b); Asm. R. 4.2(b).
- **Sergeant-at-Arms.** The Sergeant-at-Arms is an officer of the Legislature and responsible for carrying out certain tasks as defined in the Rules of the Senate and the Rules of the General Assembly. N.J.S.A. 52:11-2, 52:11-3; Sen. R. 1:5, 1:6, 5:1; Asm. R. 1:5, 1:6, 6:1. Among other duties, the Sergeant-at-Arms “serve[s]” the Legislature during meetings and committee meetings, “maintain[s] order,” and “execute[s] the commands” of the Legislature and “all processes issued by its authority” at the direction of the Senate President, the Speaker, or the Chair of a committee. Sen. R. 5:1; Asm. R. 6:1(a), (b). As a general matter, the Sergeant-at-Arms is not considered a law enforcement officer, insofar as he or she lacks general

policing powers, but the Sergeant-at-Arms does have limited ability to carry out arrests and engage in other quasi-law enforcement activities pursuant to the Legislature's rules. *See, e.g.*, Sen. R. 2:3, Asm. R. 2:3 (empowering the Sergeant-at-Arms to compel the attendance of absent legislators upon the vote of the majority of members present).

- **State Troopers Assigned to NJSP SCSU.** Like any other officer employed by NJSP, the State Troopers assigned to SCSU are law enforcement officers operating under supervision of the NJSP Superintendent, the Attorney General, and, ultimately, the Governor. Originally an independent law enforcement agency known as the "State Capitol Police Force" under the auspices of the State House Commission, the unit was brought under the supervision of NJSP in 1947 and formally reorganized within NJSP under the Superintendent's chain of command in 1977. N.J.S.A. 52:17B-9.1 (Pub. L. 1977, c.135); Letter from Gov. Alfred E. Driscoll to Homer C. Zink, Comm'r, Dep't of Taxation and Finance (Nov. 7, 1947) (on file with the N.J. State Library); Pub. L. 1935, c.271. Today, State Troopers assigned to SCSU possess "all police powers as other police officers," including the authority to arrest individuals and issue citations for criminal violations. N.J.S.A. 52:17B-9.1.

In other words, the Senate President and Speaker are authorized to maintain order during Committee hearings in their respective chambers, and may deploy the Sergeant-at-Arms to carry out their instructions. SCSU State Troopers, on the other hand, report to the NJSP Superintendent and not to legislators, and any decisions by State Troopers to arrest or cite a disorderly person inside the State House Annex must be based on the Troopers' own independent judgment, subject to the approval of their chain of command within NJSP.

There is one exception to this general structure. The only time when State Troopers are duty-bound to carry out an order of the State Legislature is pursuant to N.J.S.A. 52:2-2, which requires State Troopers to serve and execute certain types of formal legal orders issued by the Legislature, namely "any summons, subpoena, warrant, commitment, attachment, order of arrest, or other process of any kind." To trigger N.J.S.A. 52:2-2, these forms of legal process must be issued or ordered by the Senate, General Assembly, or both, or any legislative committee constituted by one or both houses. *Id.*

It appears that, over time, the distinction between the Sergeant-at-Arms and the SCSU State Troopers has blurred. This confusion was evident in the statements of Select Committee Chairman during the November 18 hearing. In his opening remarks, for example, the Chairman stated that he was "authorizing" the State Troopers to "escort out" anyone acting in a disorderly way.¹⁴ Similarly, at the conclusion of Mr. Wowkanech's testimony, the Chairman instructed the State Troopers to "remove the entire back line."¹⁵ But while a Committee Chairman may have the authority to call upon the Sergeant-at-Arms to carry out these instructions, a Chairman may not, on his or her own, issue orders

¹⁴ Select Committee Audio Recording (timestamp 1:37-2:01).

¹⁵ *Id.* (timestamp 22:00-22:04).

to State Troopers, at least without following the formal process established in N.J.S.A. 52:2-2. Instead, a Committee Chairman may simply request the assistance of State Troopers, who then must conduct their own independent assessment as to whether the use of their police powers is appropriate in the particular situation.¹⁶

Our review of the State capitol complex's security policies revealed other concerns. Over the past several months, the leaders of multiple non-governmental organizations expressed the view that security policies inside the State capitol complex were being enforced selectively or inconsistently. Although I cannot vouch for the accuracy of any particular complaint, I feel compelled to share these concerns in a summary fashion, which will hopefully give you a better sense of the issues raised. Broadly speaking, the concerns fell into four categories:

- **Building access.** A number of individuals expressed concern about access to various parts of the capitol complex. Some claimed that they were denied access to committee rooms and other spaces because they were “at capacity,” even though the rooms’ occupancy limits were not clearly posted. Others stated that they were unable to assemble in common spaces, such as hallways, benches, or the ground-floor café, which were in especially short supply during the State House’s renovation. Some claimed that they were denied access to the complex itself because they had failed to make an “appointment” with legislators or staff.
- **Permits.** Several individuals expressed concern about the process for obtaining permits for events at the complex. A number of people described the process as “antiquated,” operating on a first-come, first-served basis that required organizers to apply for permits in person. Some asked for additional clarification about when multiple organizations could use a single permit, and to clarify ambiguities about the need for a permit for groups of 7-10 people. Others asked that officials at the capitol complex make additional space available for events while the complex is undergoing renovations.
- **Objects.** A number of individuals stated that they had been denied access to the complex because they were carrying signs, banners, or buttons larger than a certain size. Some stated that they were denied access to the complex carrying petitions, even when they intended to deliver the petitions to legislators inside the building. Others stated that they were unable to carry fliers inside the complex, even when they were not actively distributing them to others.
- **Manner and tone.** Several individuals stated that they had been treated by security officials in a brusque or disrespectful tone, or that officials had made

¹⁶ It is worth reiterating that, according to OPS, the Troopers who removed Ms. Altman did so based on their own independent conclusion that she was acting in a disorderly manner, and not because they were instructed to do so by the Chairman or any other legislative official.

offhand comments suggesting that the officials' political views played a role in their enforcement of the rules.

It is of course distressing to hear that some of our fellow residents feel unable to fully exercise their rights to assemble and petition inside the capitol complex. While it is unclear the extent to which State Troopers may have been involved in incidents that prompted these concerns, I can assure you that NJSP Superintendent Colonel Patrick Callahan and I are absolutely committed to protecting the First Amendment rights of all individuals in our state capitol. Colonel Callahan and NJSP's Command Staff have met with SCSU's leadership on multiple occasions to reiterate this view, and to ensure that State Troopers working inside the capitol complex continue to treat all visitors in a courteous, respectful manner.

What became apparent during these conversations is that the capitol complex would benefit from clearer rules about what types of conduct are permitted inside the complex and what types are not. As you know, activity on the grounds of the complex is governed by the SCJMC, which consists of representatives of both the legislative and executive branches and has "exclusive jurisdiction" over the "management and operation" of the complex, including its maintenance, security, and space utilization. N.J.S.A. 52:31-39(a)(2). It appears that, currently, SCJMC's primary rules regarding the use of the State capitol complex are limited to a two-page, sixteen-paragraph document last updated in April 2001.¹⁷ A copy of those rules are attached.

A number of individuals raised concerns that SCJMC's rules are worded vaguely, creating uncertainty about their meaning and leaving significant discretion to those responsible for enforcing these requirements on the ground. And while our review found that most State Troopers try their best to accommodate visitors to the capitol complex, the lack of clarity in the rules injects a degree of unpredictability into their enforcement efforts.

This is also true when it comes to the definition of "disorderly" or "disruptive" conduct within the State capitol complex. Although N.J.S.A. 2C:33-2 defines "disorderly conduct" as a criminal offense, it does not appear that the Legislature has ever defined these terms for the purposes of determining when a member of the public should be removed from a committee room.

SCJMC could address these issues by convening a task force to review and revise the existing rules governing the capitol complex. Should SCJMC decide to do so, I recommend that the task force include members of SCJMC and NJSP, and that it solicit the input of non-governmental organizations that regularly attend hearings at the complex. Based on the concerns raised during our policy review, I recommend that the task force address the following topics:

¹⁷ It appears that SCJMC has issued two additional sets of rules that parallel the primary document: rules regarding the use of the State Capitol Plaza, last updated in April 2001, and rules regarding occasional use of the capitol complex, last updated in November 2000. Both of these documents are also attached.

- Issuing more specific guidelines about the types of activity that constitute disorderly or disruptive conduct during a legislative hearing or other event;
- Identifying the circumstances under which legislative officials may call upon the Sergeant-at-Arms to remove individuals from a legislative hearing or other event;
- Clarifying occupancy limits for specific rooms and corridors in the capitol complex, and making clear who is responsible for enforcing these limits;
- Expanding the use of overflow rooms for committee hearings and other events that draw a large number of attendees;
- Designating additional spaces for public gatherings while the capitol complex is undergoing renovation;
- Designating specific areas within the capitol complex as off-limits for members of the public;
- Improving the current process for obtaining permits for events in and around the capitol complex;
- Clarifying rules on prohibited items, including oversized signs, banners, and buttons; and
- Ensuring that all visitors to the capitol complex are treated in a courteous, respectful manner.

By tackling these issues—and doing so in a collaborative way—the SCJMC could clarify much of the confusion that currently exists. A revised set of rules would be particularly helpful for the SCSU State Troopers, who would appreciate additional guidance when interacting with members of the public inside the capitol complex.

Improving Lines of Communication

Our review revealed that the concerns raised by non-governmental organizations about the capitol's security practices predated Ms. Altman's removal on November 18, 2019, and that her removal may have exacerbated existing frustrations. It appears that, in at least some cases, the concerns could have been addressed and resolved had there been better-established lines of communication between these organizations and security officials. A few simple changes could avoid such problems going forward.

During our review, members of my office and NJSP command staff met with a number of organizations and individuals who regularly organize events and attend protests at the capitol complex. These meetings provided an opportunity for all parties to discuss

issues and identify potential solutions. Going forward, I recommend that SCJMC take the lead in organizing similar meetings with community stakeholders, perhaps by establishing an advisory panel that would allow individuals and organizations from across the political spectrum to provide feedback on the complex's security policies. If SCJMC creates such an advisory panel, I recommend that representatives of both NJSP SCSU and the Sergeants-at-Arms participate as well.

It also became clear that visitors to the capitol complex would benefit from additional information about how to file complaints when they believe that security officials have violated SCJMC rules or otherwise engaged in improper conduct. NJSP OPS offers several ways for individuals to file complaints involving State Troopers, including in person, by phone, or by mail. Complaints may be filed anonymously. Full information about the complaint process is available at:

→ <https://www.njsp.org/information/complaint.shtml> ←

In addition, OPS offers a one-page complaint form, which is attached to this letter and is also available in hard copy at NJSP offices and online at the website listed above. I recommend that NJSP work with SCJMC to identify a number of locations within the capitol complex where members of the public can obtain and complete the form. By making it easier for individuals and organizations to submit their concerns, even anonymously, we can better ensure that security officials are aware of issues before they escalate.

I hope to foster a culture where activists and security officials respect one another, even in situations where activists are vigorously protesting at the capitol and security officials responsible for maintaining order during the protest. This type of mutual respect depends on communication and trust, and requires a clear understanding of the rules of the road. I believe it is particularly important that, as part of this effort, all parties understand the importance of complying with lawful requests by law enforcement, even when they disagree with a particular request. Just as we expect drivers to comply with a Trooper's commands at a traffic stop, we must also expect that peaceful protesters follow a Trooper's instructions inside the capitol complex or other public place. To the extent that a member of the public disagrees with any law enforcement officer's command, he or she should register their concerns after the interaction is over, not while the incident is occurring. I remain hopeful that, as we strengthen trust between law enforcement officers and the people they serve, we will see all parties demonstrate greater respect for their fellow residents.

Dismissal of Ms. Altman's Disorderly Conduct Charge

After Trooper 1 cited Ms. Altman for disorderly conduct, the case was assigned to the Trenton Municipal Court, where the matter remains pending. Although I have serious concerns with Ms. Altman's refusal to comply with Trooper 1's instructions to leave the hearing room, I have instructed the Mercer County Prosecutor's Office to supersede her prosecution and move to dismiss the matter.

Conclusion

I look forward to working with you as we develop better rules regarding the operations and maintenance of the State capitol complex. If you are interested in working together on a task force, please contact our Director of Legislative Affairs, B. Stephan Finkel, to discuss further.

Very truly yours,



Gurbir S. Grewal
Attorney General

To: All SCJMC Members

Christopher Chianese, Director, Division of Property Management & Construction
Anthony J. Cimino, Executive Director, Assembly Majority Office
Kevin Drennan, Executive Director, Senate Majority Office
Mark H. Duffy, Executive Director, Assembly Republican Office
Parimal Garg, Deputy Chief Counsel, Office of the Governor
Elizabeth Maher Muoio, State Treasurer
David Ridolfino, Acting Director, Office of Management and Budget
Christine Shipley, Executive Director, Senate Republican Office