Porzio, Bromberg & Newman Successfully Represents New Jersey Chiefs of Police in Appeal of "Daniel's Law" Ruling

April 29, 2024

By: Vito Gagliardi, Jr., David Disler, Thomas Reilly

Porzio, Bromberg & Newman, P.C., representing an association of New Jersey police chiefs in a high-profile dispute with a New Brunswick publication, helped secure an appellate ruling affirming the constitutionality of Daniel's Law—a New Jersey statute restricting the publication of the home address and other personal information about public officials. Daniel's Law had been subject to a constitutional challenge by Charles Kratovil, publisher of the New Brunswick Today, who wanted to publish the home address of New Brunswick Police Director Anthony Caputo when he relocated to a new town.

Daniel's Law is named for the son of U.S. District Court Judge Esther Salas, who was shot and killed in his home by a man who found the Salas family's address online. Plaintiff Charles Kratovil, represented by the American Civil Liberties Union of New Jersey, argued that the law violated the First Amendment. In September 2023, a Middlesex County Superior Court rejected that argument, with Porzio representing the New Jersey State Association of Chiefs of Police as amicus curiae in the closely watched case.

On appeal, the court affirmed the plaintiff's First Amendment rights had not been violated, noting that the plaintiff had always had the right to publish Caputo's hometown, but that Daniel's Law prohibited him from publishing Caputo's exact street address. The court also agreed with the trial court that “protecting public officials from violent attacks and harassment is a compelling State interest of the highest order.”

“The State Association of Chiefs of Police is pleased that the Appellate Division, like the trial court, understood the stakes in this case,” said Porzio's Vito Gagliardi, Jr., who argued for the chiefs. “While there is no dispute over the value of a free press, we are gratified that the court recognized the personal safety of our judges and law enforcement officials as a state interest of the highest order.”

Along with Gagliardi, David Disler, Tom Reilly, and a team of retired judges led the Porzio team representing the State Association of Chiefs of Police. Four additional parties argued as amici in support of the law's constitutionality in the accelerated case. The initial complaint was filed on July 12, 2023, and the appellate decision was rendered on April 26, 2024.