MIRZA M. BULUR, in his official capacity as the Acting Public Safety Director for the City of Paterson and Appropriate Authority, City of Paterson Police Department, and ENGELBERT RIBEIRO, in his official capacity as the Police Chief of the City of Paterson Police Department,

Plaintiffs-Appellants,

v.

THE NEW JERSEY OFFICE OF THE ATTORNEY GENERAL, MATTHEW J. PLATKIN in his official capacity as Attorney General of the State of New Jersey, JOHN DOES 1-10, MARY DOES 1-10, and XYZ CORPORATIONS 1-10,

Defendants-Respondents.

ANDREW SAYEGH, in his official capacity as the Mayor of the City of Paterson, and ENGELBERT RIBEIRO, in his official capacity as the Police Chief of the City of Paterson Police Department,

Plaintiffs-Appellants,

v.

ISA M. ABBASSI, in his official capacity as Officer-in-Charge of the Paterson Police Department, THE NEW JERSEY OFFICE OF THE ATTORNEY GENERAL, and MATTHEW J. PLATKIN, in his official capacity as Attorney General of the State of New Jersey,

Defendants-Respondents.

SUPREME COURT OF NEW JERSEY

Docket No. 090126

Civil Action

ON PETITION FOR CERTIFICATION OF THE FINAL JUDGMENT OF THE SUPERIOR COURT OF NEW JERSEY, APPELLATE DIVISION

Docket No. A-0629-23/
A-1209-23

Entered: December 18, 2024

Sat Below:
Hon. Morris G. Smith, J.A.D.
Hon. Mark K. Chase, J.A.D.
Hon. Christine M. Vanek, J.A.D.

BRIEF ON BEHALF OF AMICI CURIAE, CERTAIN FORMER ATTORNEYS GENERAL OF NEW JERSEY

Date Submitted: January 10, 2025

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"AAG" refers to the appendix of Amici group to this brief.

"Pa" refers to Plaintiffs' appendix to their brief in the Appellate Division.

"Pca" refers to Defendants' appendix to their combined brief in support of certification and a stay in the New Jersey Supreme Court.

"Ra" refers to Defendants' appendix to their brief in the Appellate Division.

PRELIMINARY STATEMENT

This Court's intervention is necessary to decide whether the New Jersey Attorney General (AG) is authorized to supersede the operations of a municipal police department directly, without the municipality's consent or that of the municipality's political leadership or leadership of the department that is subject to the supersession. In a published opinion, the Appellate Division held that no such authority exists. Respectfully, that conclusion is wrong. The AG's authority to supersede a local police agency derives from the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117 (CJA), and a separate statute, L. 2023, c. 94 (Chapter 94), among other sources. That authority is consistent with judicial decisions, historical practice, as well as with the AG's common law powers, which the CJA expressly preserves. When necessary, such supersession is in the public's interest.

Amici curiae are six former Attorneys General of New Jersey, listed here in order of their years of service: John J. Degnan (1978-1981), Peter G. Verniero (1996-1999), John J. Farmer (1999-2002), Peter C. Harvey (2003-2006), Christopher S. Porrino (2016-2018), and Gurbir S. Grewal (2018-2021) (collectively, Amici or Amici group). Amici are especially familiar with various forms of supersession that have occurred during the collective span of their service as AG. Each member of this Amici group is participating in this matter

in his individual capacity only. This brief does not represent or reflect the views or position of any firm, institution or entity with which Amici may be affiliated or may have been formerly affiliated.

The Appellate Decision's decision is infirm for numerous reasons. It diminishes and jeopardizes the AG's role as New Jersey's chief law enforcement officer; misconstrues the CJA by reading its various provisions narrowly rather than liberally, contrary to the Legislature's intent; all but ignores the historical interpretations that Attorneys Generals (including Amici) have given to the CJA, contrary to this Court's teaching that interpretations of agency heads charged with enforcing statutes, such as the CJA, are entitled to great weight; and misreads Chapter 94, which lawmakers adopted specifically to address the AG's appointment of the officer in charge in this very instance of supersession and, in so doing, ratified the AG's authority to act.

In sum, few matters are more critical to the public interest than those involving the police function and the integration of that function with the AG's role as the State's chief law enforcement officer. That integration is reflected in the CJA, as well as other statutes, historical practice, judicial caselaw construing the CJA and the common law. The judgment below stands as a stark outlier to what, until now, has been Amici's understanding of the AG's authority in this area of law. Amici urge this Court to grant certification and reject the

Appellate Division's blinkered view of the AG's authority.

PROCEDURAL HISTORY AND STATEMENT OF FACTS[1]

Amici rely on and incorporate by reference the Procedural History and Statement of Facts set forth in Defendants' combined brief in support of their petition for certification and motion for a stay pending final judgment.

ARGUMENT

POINT I

CERTIFICATION SHOULD BE GRANTED DUE TO THE PUBLIC IMPORTANCE OF THE ATTORNEY GENERAL'S ABILITY TO SUPERSEDE LOCAL POLICE DEPARTMENTS.

This appeal involves the authority of the AG to assume responsibility of the daily operations of the Paterson Police Department (PPD). This case is as much about the public interest to be served by the PPD's supersession as it is about the AG's authority to undertake such action.[2] Few governmental functions are more vital to the public interest than the police function. See State v. Bogan, 200 N.J. 61, 73 (2009) (describing the dual role of police officers in carrying out "traditional law enforcement functions, such as investigating crimes and

[1] As true of Defendants' brief, these sections are combined for the Court's convenience.

[2] As reasons for the supersession, the AG cited "loss of faith in the leadership of the [Paterson Police] Department, longstanding fiscal challenges, and mounting public safety concerns in the City of Paterson." Pa227.

arresting perpetrators," and care-taking functions, "such as aiding those in danger of harm, preserving property, and 'creat[ing] and maintain[ing] a feeling of security in the community'") (alterations in original) (citations omitted).

The integration of the police function with the AG's role "as chief law enforcement officer of the State," N.J.S.A. 52:17B-98, renders this appeal especially important to the safety and welfare of not only the residents of Paterson but of all New Jersey. For the reasons that follow, the published Appellate Division decision incorrectly curtails the AG's role by excising the AG's authority to supersede a local law enforcement agency directly. As a result, this appeal falls well within the ambit of Rule 2:12-4 (allowing for certification "if the appeal presents a question of general public importance which has not been but should be settled by the Supreme Court"). Given the public interest that is inherent in the Office of Attorney General (OAG), the effect of the judgment below, in diminishing and jeopardizing the OAG's authority, raises issues of public importance that this Court should resolve.

POINT II

THE AG'S LAW ENFORCEMENT AUTHORITY INCLUDES THE ABILITY TO SUPERSEDE A LOCAL POLICE DEPARTMENT DIRECTLY.

The AG's authority derives from many sources. They include the CJA; relevant caselaw construing the CJA; a separate statute, Chapter 94, which

essentially ratified the AG's supersession in the case at bar; historical practice by agency heads operating under the CJA; and the common law. Amici will address those sources in turn. All support the AG's actions in the present case.

A. When Sensibly Construed, the CJA Provides the AG with Ample Authority to Directly Supersede a Local Police Department.

Like any statute, the CJA is subject to familiar canons of construction. When construing statutes, courts seek "to discern and implement the Legislature's intent." State v. Drury, 190 N.J. 197, 209 (2007). In discerning that intent, a court can "'draw inferences based on the statute's overall structure and composition,' and may consider 'the entire legislative scheme of which [the statute] is a part.'" Grillo v. State, 469 N.J. Super. 267, 275 (App. Div. 2021) (alteration in original) (citation omitted). Moreover, it is well recognized that "statutes are to be read sensibly rather than literally and the controlling legislative intent is to be presumed as 'consonant to reason and good discretion.'" Schierstead v. Brigantine, 29 N.J. 220, 230 (1959) (citations omitted).

Applying those tenets here, the overall structure of the CJA reflects a pyramid structure with the AG on top with authority over all levels of law enforcement. That structure is embodied in numerous individual provisions, most especially the designation of the AG as the "chief law enforcement officer

of the State. . . ." N.J.S.A. 52:17B-98. On numerous occasions, this Court has confirmed and reinforced the AG's authority in that role. See In re Att'y Gen. L. Enf't Directive Nos. 2020-5 & 2020-6, 246 N.J. 462, 482-83 (2021) (recognizing the AG's "broad authority over criminal justice matters"); Fraternal Ord. of Police, Newark Lodge No. 12 v. City of Newark, 244 N.J. 75, 100 (2020) (same); Paff v. Ocean Cty. Prosecutor's Off., 235 N.J. 1, 20-21 (2018) (confirming the "Attorney General's statutory power to adopt guidelines, directives, and policies that bind law enforcement").

Years before passing the CJA, the Legislature acted to integrate the police function under the AG's roof. After New Jersey ratified its new constitution in 1947, the Legislature enacted, and then-Governor Alfred Driscoll signed, the Law and Public Safety Act of 1948. That act established the AG as the head of the Department of Law and Public Safety (L&PS), with numerous divisions residing under the AG, including the Division of State Police. N.J.S.A. 52:17B-2, 17B-3. Later, as part of the CJA, the Legislature established the Division of Criminal Justice, placing it within L&PS and providing that its director "shall be appointed by and serve at the pleasure" of the AG. N.J.S.A. 52:17B-99.

With both the police and prosecutorial function integrated under the AG, the pyramid structure of law enforcement in New Jersey is unmistakable. Consistent with that structure, the AG may (and does) direct and supervise all

County Prosecutors "with a view to obtaining effective and uniform enforcement of the criminal laws throughout the State." N.J.S.A. 52:17B-103. And, importantly, the AG may "supersede a county prosecutor in any investigation, criminal action or proceeding" "[w]henever in the opinion of the Attorney General the interests of the State will be furthered by so doing. . . ." N.J.S.A. 52:17B-107(a)(1).

To remove any doubt of this holistic structure, the CJA directs County Prosecutors "to cooperate with and aid the Attorney General in the performance of [the AG's] duties." N.J.S.A. 52:17B-112(a). Local police agencies, too, are part of this integrated system with the AG as its head. In that regard, the CJA could not be clearer: "It shall be the duty of the police officers of the several counties and municipalities of this State and all other law enforcement officers to cooperate with and aid the Attorney General and the several county prosecutors in the performance of their respective duties." N.J.S.A. 52:17B-112(b).[3]

[3] To be sure, in numerous ways outside the supersession setting, local police departments operate independently and are governed by a myriad of rules, including local ordinances and the like. But, in the context of supersession or when given directives by the AG or a County Prosecutor and in other circumstances, local police departments are part of New Jersey's integrated system of law enforcement and must follow the chain of command as directed by the AG.

To achieve the uniformity and integration of law enforcement that is so prominently embodied in the CJA, supersession is a necessary tool. It has been used by Attorneys General when needed to supersede the Offices of County Prosecutors, see infra at pp. 9-10 and note 4, as well as by County Prosecutors to supersede local police departments. See Williams v. Borough of Clayton, 442 N.J. Super. 583, 587 n.2 (App. Div. 2015) (recognizing supersession by a County Prosecutor as "a period of time where the office of a county prosecutor directly supervises the day-to-day operations of a local police department within that county").

Here, the Appellate Division opinion recognized the AG's "clear and unequivocal authority to supersede county prosecutors. . . ." Pca025. It also acknowledged the supersession of a local police department by the County Prosecutor in the Williams case, which, as just noted, was described as a County Prosecutor directly supervising the department's day-to-day operations. Pca035. Yet, incongruently, the panel declined to recognize the logical conclusion flowing from the interplay of those two forms of supersession within the integrated context of the CJA. Namely, if the AG is authorized to supersede a County Prosecutor and a County Prosecutor is able to supersede a local police department, then surely the AG may supersede the local police department directly.

The Appellate Division reached a contrary conclusion by exalting form over substance and by offering a cramped view of the CJA. In so doing, the panel disregarded the Legislature's directive that "[a]ll the provisions of [the CJA] shall be liberally construed" to achieve its purposes. N.J.S.A. 52:17B-98. One of the CJA's main purposes, as already mentioned, is the integration of law enforcement under the AG's roof. The Appellate Division's construction of the CJA upsets that integration and erodes the statute's architecture, which, prior to the judgment below, had provided ample room for the AG to act as he did in Paterson.

An additional word about the AG's authority to supersede a County Prosecutor's Office is warranted. As noted, the Appellate Division acknowledged the AG's "clear and unequivocal authority to supersede county prosecutors. . . ." Pca025. On closer scrutiny, however, the panel seemed to be narrowing that authority. It did so by drawing a distinction between supersessions taken at the Governor's direction, which the panel described as a "complete supersession," and supersessions undertaken solely at the discretion of an AG, which the panel described as "discretionary limited supersession." Pca023. Again, the panel appeared to take an overly narrow view of the AG's power of supersession.

Three members of the Amici group have, respectively, superseded County

Prosecutors or appointed an acting County Prosecutor. See Ra24 (news article pertaining to supersession of Essex County Prosecutor); Ra32 (news article pertaining to supersession of Morris County Prosecutor); Ra9 (news article pertaining to appointment of acting Union County Prosecutor).[4] To be sure, there are differences in the CJA's text regarding supersessions. When referencing supersessions at the Governor's request, the CJA speaks of superseding "all of the criminal business of the State in said county. . . ." N.J.S.A. 52:17B-106. When referencing supersession absent the Governor's request, the CJA speaks of the AG's authority to "supersede a county prosecutor in any investigation, criminal action or proceeding. . . ." N.J.S.A. 52:17B-107(a)(1). As a practical matter, such supersessions are nearly the same and can lead to the same result, whether the Governor directs that "all" county matters be superseded or the OAG, on its own, supersedes an unbroken series of criminal actions in a given period, which is tantamount to complete supersession.

In any event, the panel below should have viewed the AG's supersession

[4] The Court may take judicial notice of news articles consistent with N.J.R.E. 201(b)(2); see also Gen. Motors Corp. v. Linden City, 22 N.J. Tax 95, 156-57 (Tax 2005) (taking judicial notice of party's announcement contained in article published in the New York Times). The member of the Amici group involved in the supersession of the Morris County Prosecutor's Office was not AG at the time but served in L&PS and was directly involved in litigation pertaining to that matter, which eventually was withdrawn.

authority, irrespective of how it is triggered, for what it is: A powerful and sometimes necessary tool to be used by the AG as part of an integrated law enforcement system. That should have been enough to justify the AG's action in Paterson. Instead, the panel seemed to be searching for a literal, stand-alone provision regarding supersession of a local police department by the AG. Having identified no such provision in the CJA, the panel held against the AG. But that, too, is the wrong approach. The purpose of a statute "has to prevail over any literalism suggested." Emmer v. Merin, 233 N.J. Super. 568, 582 (App. Div. 1989). As Judge Learned Hand observed long ago, "[t]here is no surer way to misread any document than to read it literally. . . ." Guiseppi v. Walling, 144 F.2d 608, 624 (2d Cir.), aff'd sub nom., Gemsco, Inc. v. Walling, 324 U.S. 244 (1945). This Court has observed similarly. See Caputo v. Best Foods, Inc., 17 N.J. 259, 264 (1955) (teaching that legislative intent is what "emerges from the spirit and policy of the statute rather than the literal sense of particular terms").

Nonetheless, assuming the Appellate Division's emphasis on literalism should prevail (which it should not), then this Court need look no further than Chapter 94. In connection with the supersession at issue in this very case, the Legislature passed and the Governor signed into law Chapter 94. That statute specifically addresses the AG's appointment of an officer in charge (OIC) to manage a local agency during the period of the AG's supersession, allowing the

OIC to bypass certain training requirements. Rather than reasonably construe that statute—which explicitly refers to the appointment by the AG of an OIC "upon superseding a law enforcement agency" in a city with a population the size of Paterson's, see Pca027—the Appellate Division construed it narrowly, concluding that it did not expressly provide supersession authority to the AG. Pca029-32. The more sensible view is that Chapter 94, which was made retroactive to include the date of the Paterson supersession, reflected the Legislature's ratification of the AG's action.

Chapter 94 is not alone as an example of the Legislature's expansive view of the AG's role as the State's top law enforcement officer. For decades, the Legislature has reinforced the AG's role when creating new criminal justice agencies or enhancing existing ones. Two examples have already been cited, namely, the Legislature's placement of the Division of State Police and the Division of Criminal Justice under the AG's roof. See supra p. 6. Another example is when reforming the juvenile justice system and creating a new commission by that name, lawmakers designated the AG as the ex-officio chair of the executive board. See N.J.S.A. 52:17B-170(a), (d). Similarly, when codifying the Office of Insurance Fraud Prosecutor, lawmakers again placed that office under the AG's roof. See N.J.S.A. 17:33A-16 (providing that the Insurance Fraud Prosecutor shall serve "under the direction and supervision of

the Attorney General"). The foregoing examples only buttress Amici's view that rather than curtailing the AG's authority or subtracting from it, the Legislature consistently has enhanced or expanded it to better serve the public—something the panel should have included in its analysis but did not.[5]

In sum, with or without Chapter 94's explicit references to an AG's supersession of a local law enforcement agency, the CJA provides ample authority for the AG's action in Paterson. Such authority is reflected throughout the CJA, especially under N.J.S.A. 52:17B-98 (designating the AG as "chief law enforcement officer of the State" and providing that the AG's powers include "the general supervision of criminal justice") and N.J.S.A. 52:17B-107(a)(1) (authorizing the AG to supersede "any investigation, criminal action or proceeding" when, in the AG's "opinion," "the interests of the State will be furthered by so doing"). The AG's action in Paterson is also consistent with historical practice, a topic to which we now turn.

B. Historical Practice, which is Entitled to Great Weight, Supports the AG's Supersession of the PPD.

[5] The Appellate Division cited the Law Enforcement Officer's Protection Act, L. 1996, c. 115, but only to point out that the Protection Act was limited to actions regarding "the OAG's internal affairs guidelines." Pca024. Instead, the panel should have cited that Act as yet another example of the Legislature fortifying the AG's role as the State's chief law enforcement officer, consistent with the AG's action in Paterson.

Historical interpretations given by agency heads are highly relevant when courts are construing statutes. See In re Application of Saddle River, 71 N.J. 14, 24 (1976) (instructing that "[a]n administrative agency's interpretation of a statute it is charged with enforcing is entitled to great weight"); see also Pressler & Verniero, Current N.J. Court Rules, cmt. 3.4.1 on R. 2:10-2 (2025) (summarizing judiciary's review of agency legal decisions by noting, "[r]egardless of whether an administrative agency is acting in an adjudicative or a legislative capacity, the agency's interpretation of its own enabling statute and of its own regulations . . . should ordinarily be deferred to unless contrary to statutory authorization or plainly unreasonable"). The Appellate Division in the case at bar all but ignored that tenet when reviewing the CJA.

The current AG's action in Paterson is similar to the actions taken by two members of the Amici group in 1998 and 2003, respectively. In 1998, the then-AG directed the then-Camden County Prosecutor to serve as monitor of the Camden Police Department. Pca065. The events leading to that action are summarized in the 2006 Final Report of the Attorney General's Advisory Commission on Camden's Public Safety (Commission Report). According to the Commission Report:

> In 1996, the Attorney General . . . conducted a review of the operations of the Camden Police Department and . . . made numerous recommendations to improve the overall delivery of police services to the city and its

> citizens. In 1998, the Attorney General conducted follow-up reviews to assess the Department's progress in implementing those recommendations. Based upon that review, the Attorney General determined that the Camden Police Department had failed to take the steps necessary to improve deployment of primary response units and was not effectively utilizing personnel resources. To address these deficiencies, the Attorney General directed that the Camden County Prosecutor serve as the "monitor" of the Camden Police Department. . . .
>
> [Ibid. (internal footnotes omitted).]

In its opinion below, the Appellate Division described prior interventions involving local police agencies that were accomplished with the consent of municipal officials. It did so when comparing those prior interventions with the current AG's action in Paterson, which not only occurred without the City's consent but spawned the current litigation. Pca036 (comparing the AG's action in Paterson to the actions featured in Williams v. Borough of Clayton, 442 N.J. Super. 583 (App. Div. 2015), and Passaic Cty. PBA Local 197 v. Off. of Passaic Cty. Prosecutor, 385 N.J. Super. 11 (App. Div. 2006)).

In other ways, the panel suggested that the CJA would support an action against a municipal law enforcement agency only when consent is obtained from the agency, the affected municipality or local political leadership. See Pca038 (holding that "the AG does not have the legislative authority to supersede municipal police departments without their consent"). But that suggestion is

misplaced. City officials in Camden did not consent in advance of the 1998 action, and the absence of such consent did not render that action unlawful. See AAG1 (news article in Phil. Inquirer, dated Nov. 13, 1998, describing how local Camden officials were "stunned" by the AG's action but, nonetheless, did not challenge "the findings of the audit or the state's decision to appoint a monitor"). And there are good reasons why certain circumstances would obviate the need for advance county or municipal consent. If consent were a prerequisite for an AG's action in superseding either a County Prosecutor or local police department, that action could be stymied or delayed, causing confusion in the chain of command with unacceptable risks to public safety.

In 2003, notwithstanding the good efforts taken in 1998 and others taken in 2002, the then-AG, another member of the Amici group, determined that additional action in Camden was necessary. Again, the Commission Report describes the circumstances leading to that action:

> Despite . . . extraordinary efforts, by 2003, it was clear that police effectiveness in Camden was at an all-time low. In response to this latest crisis [in delivering adequate police services] and the apparent lack of willingness of the Department's leadership to adopt the changes necessary to address the crisis appropriately and effectively, the Attorney General took the step of placing the Police Department under "super[s]ession," and appointed the County Prosecutor as the managing authority for the Department. Under super[s]ession, . . . the Prosecutor oversees strategic initiatives of the Department and is the final decision-maker for all

> administrative and management changes that the Department seeks to make.
>
> [Pca066 (internal footnote omitted).]

The actions in Camden, which developed into full supersession, are clear examples of how the respective Attorneys General in 1998 and 2003 construed the CJA as authorizing such actions to protect the security and welfare of local residents. And, although not identical, the circumstances leading to the Camden actions resemble those underlying the current action in Paterson. Compare Pa227 (AG's letter to Mayor of Paterson citing "loss of faith in the leadership of the [Paterson Police] Department, longstanding fiscal challenges, and mounting public safety concerns" as reasons for the supersession), with Pca065-66 (citing inadequate delivery of police services and "lack of willingness of the Department's leadership" to enact reforms as justifications for the AG's actions in Camden).

In sum, rather than cite the Camden actions as historical support for the current AG's intervention in Paterson, the Appellate Division opinion makes no mention of them. Instead, the panel decided to gainsay the current AG's action without according "great weight" to the OAG's prior construction of the CJA, contrary to this Court's caselaw. See In re Application of Saddle River, 71 N.J. at 24 (affording "great weight" to agency's interpretation of a statute it is charged with enforcing). That prior construction, settled decades ago as

reflected by the actions in Camden, is consistent with the interpretation utilized by the current AG. It was error for the panel below to ignore such construction, and Amici respectfully ask this Court to correct that error.

C. The AG's Action in Paterson is Consistent with the Common Law.

Not only does a sensible review of the CJA, Chapter 94 and historical practice support the AG's action in Paterson, so does the common law, which the CJA expressly preserves under N.J.S.A. 52:17B-102. At common law, the powers assumed by Attorneys General within the American colonies "were quite numerous." Rita W. Cooley, Predecessors of the Federal Attorney General: The Attorney General in England and the American Colonies, 2 AM. J. LEGAL HIST. 304, 309 (1958). Although those powers typically involved the prosecutions of actions in court, ibid., "[i]n some colonies the Attorney General had a considerable degree of administrative power, e.g., in Virginia, where he supervised the collection of public monies and revenues." Id. at 310.

Caselaw specific to New Jersey confirms the common law's broad reach. Under such law, "[t]he duty of an Attorney-General is essentially a public one." Van Riper v. Jenkins, 140 N.J. Eq. 99, 102 (E. & A. 1946). The common law authorizes the AG to act as "the people's attorney" and includes the AG's "right . . . to intervene when a public issue is involved, which concerns the welfare of the people. . . ." Id. at 103.

The Van Riper case is instructive. There, the AG moved to intervene in a criminal law matter in which two indicted local police officers sought to enjoin the sheriff from finger-printing them, taking their photographs and forwarding the prints and photographs to the State Police. Id. at 100. The lower court denied the AG's motion. Ibid. In reversing the lower court's disposition, the Court of Errors and Appeals noted a specific procedural rule but said it "was not aimed" at the situation at hand. Id. at 103. Instead, the court concluded that, "[t]he right of the Attorney-General to intervene when a public issue is involved, which concerns the welfare of the people, transcends the regulation of a rule of practice." Ibid. (emphasis added).

Even if the Appellate Division is correct (and it is not) that there is no statute or rule of practice to authorize the AG's action in Paterson, the gap-filling function of the common law should have warranted a different conclusion. Although the common law might not solely resolve this case, at the least it fortifies the other sources of authority described in this brief. Those sources underscore that the current AG was authorized to do what he did in Paterson, and the Appellate Division erred in reaching a contrary conclusion.

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In sum, rather than take a cramped view of the AG's powers, the panel below should have followed the directive contained in the CJA to liberally

construe its terms. Absent a specific provision on supersession of local police, the panel should have harmonized the existing provisions with the implied powers reflected in the CJA's overall structure. The panel also should have accorded significant weight to historical practice and analyzed the common law. Respectfully, the panel did none of those things. Instead, the panel acted contrary to the Legislature's intent that is reflected in the CJA and the other statutes cited above, through which lawmakers regularly have sought to strengthen rather than weaken the AG's ability to act in the public interest. This Court's intervention is necessary to reverse those errors and the judgment below.

CONCLUSION

For the foregoing reasons, Amici ask this Court to grant Defendants' petition for certification and set aside the Appellate Division's judgment.

Respectfully submitted,
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