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.

ANDRE 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

COMBINED BRIEF IN SUPPORT OF PETITION FOR CERTIFICATION AND MOTION FOR STAY PENDING FINAL JUDGMENT

Submitted: December 31, 2024

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

Jeremy M. Feigenbaum (No. 117762014)
Solicitor General

Michael L. Zuckerman (No. 427282022)
Deputy Solicitor General

Of Counsel and on the Brief

Leo R. Boerstoel (No. 413222022)
Stephanie Mignogna (No. 40272023)
Deputy Attorneys General

On the Brief

R.J. Hughes Justice Complex
25 Market Street, P.O. Box 080
Trenton, New Jersey 08625
Attorney for Defendants-Petitioners
(862) 350-5800
Jeremy.Feigenbaum@njoag.gov

TABLE OF CONTENTS

Page(s)

TABLE OF AUTHORITIES

Page(s)

Cases

Rules

Statutes

Other Authorities

TABLE OF CITATIONS

Sca = Appendix to this combined brief in support of certification and a stay

Pso = Plaintiffs' brief in opposition to an emergent stay

Rb = State Defendants' brief in the Appellate Division

Ra = Appendix to State Defendants' brief in the Appellate Division

Pb = Plaintiffs' brief in the Appellate Division

Pa = Appendix to Plaintiffs' brief in the Appellate Division

Pr = Plaintiffs' reply in the Appellate Division

PRELIMINARY STATEMENT

For over fifty years, New Jersey law has established the Attorney General as the State's Chief Law Enforcement Officer. The Criminal Justice Act of 1970 (CJA) emphasizes the importance of the "uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State," and it "provide[s] for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State." The law imposes on law enforcement agencies the duty "to cooperate with and aid" the Attorney General. And it guarantees to the Attorney General "broad authority over criminal justice matters." That includes the power "to adopt guidelines, directives, and policies that bind law enforcement." But it also includes the power to take over any case, function, or law enforcement agency that has fallen far short of the standards to which law enforcement must adhere. That authority, known as "supersession," allows Attorneys General or county prosecutors to temporarily stand in the shoes of, as relevant, a local police chief and take the necessary steps to improve public safety and rebuild public trust. Attorneys General and county prosecutors have used their supersession authority at least 26 times in the past 25 years, including to transform Camden's police into a national model.

Paterson presented precisely the sort of extraordinary case for which this failsafe power was designed. After years of misconduct and mismanagement at

the Paterson Police Department (PPD) led to a crisis point, the Attorney General recognized that a "loss of faith in the leadership of the Department, longstanding fiscal challenges, and mounting public safety concerns" required him to act. As a result, on March 27, 2023, the Attorney General informed the Paterson Mayor that he was superseding the PPD. He brought in a decorated NYPD veteran to serve as Officer-in-Charge (OIC), and the new team immediately began working with PPD members and with the Paterson community to implement a new vision, structure, and culture at the PPD. Plaintiffs accepted the supersession for over six months. But in October 2023, they sued—even though state investments and efforts at reform were well underway. And on December 18, 2024, the Appellate Division issued a published decision holding the Attorney General categorically lacks authority to supersede municipal police departments, and demanding the removal of the Attorney General's leadership team within weeks—even though those same state investments and efforts at reform are still underway today.

This Court should grant certification, grant a stay pending final judgment, and ultimately reverse. Initially, the panel decision errs on an issue of profound public importance, and the Attorney General will likely prevail. New Jersey law expressly makes the Attorney General responsible for supervising state, county, and local law enforcement—and to the State's knowledge, the panel decision is the first to strip the Attorney General of a necessary tool to achieve those goals.

Not only is the decision thus inconsistent with this broad supervisory authority, but it is contrary to state statutes buttressing the Attorney General's supersession authority; the Internal Affairs Policies and Procedures; and the longstanding and unrebutted history of supersessions in our State. And most strikingly, the panel decision invalidating the PPD supersession is irreconcilable with recent specific state laws bolstering this particular supersession, including statutes granting the State's leadership team appropriations for their work at the PPD.

Much as the merits favor certification and a continued stay, the interests of justice and equities do as well. Supersession is a crucial tool in the rare cases in which the circumstances warrant it, and state- and county-led efforts to reform troubled law enforcement agencies would be hamstrung without it. The record in Camden and in Paterson prove as much: both arose out of extraordinary local challenges, and both prove meaningful reform is possible with concerted effort from a range of stakeholders, including the State. But because the State's efforts in Paterson remain underway, ending their efforts now—only to have control of the Department potentially whipsaw back if the State ultimately prevails at the end of this appeal—would disserve the equities and good governance. Instead, this Court should grant certification and preserve the status quo as it has existed since March 2023, staying the panel's mistaken ruling and ultimately reversing the decision when it considers these questions in full on the merits.

STATEMENT OF FACTS AND PROCEDURAL HISTORY[1]

The Attorney General incorporates by reference the fact statement in his brief to the Appellate Division, and emphasizes certain facts that bear especially on the merits, interests of justice, and equitable factors:

A. This Supersession.

Unfortunate episodes of both misconduct and mismanagement culminated in the Attorney General's decision to supersede the PPD on March 27, 2023. Between 2016 and 2018, for instance, a so-called "robbery squad" of rogue PPD police officers routinely stopped, searched, and stole money from residents, with members eventually going to federal prison. (Ra64-68). Another officer, who had dealt drugs while on the force, was sentenced to federal prison in 2019 after being videotaped assaulting a hospital patient who had just attempted suicide. (Ra72). And Paterson faced a series of lawsuits for the conduct of certain bad-apple law enforcement officers, paying out over $1 million in settlements in one sixteen-month period. (Pca110-112).

Against that backdrop, then-Attorney General Grewal directed the Passaic County Prosecutor's Office (PCPO) to supersede the PPD's internal affairs (IA) function in April 2021. (Ra63). Although that intervention led to a report that identified deficiencies and recommended changes, more remained necessary to

[1] For the convenience of the Court, these related sections are combined.

turn things around. In early 2022, a man went missing after officers left him in a park at night in near-freezing temperatures. (Pca119-122). At different times that year, two men were shot and killed while fleeing the police, which sparked protests. (Ra73); (Pca123-124; Pca125-130). And March 2023 began not only with a man opening fire on two State Troopers who were investigating a break-in (hitting and injuring one), (Ra74), but with the fatal shooting by PPD officers of a resident in the throes of a mental-health crisis, bringing community outrage and public calls for federal intervention to a fever pitch, (Ra75-80). Engelbert Ribeiro was part of PPD's leadership during this period, and on the same day of that fatal shooting, he was sworn in as PPD's full-time Chief. (Pa6; Pa26).[2]

On March 27, noting a "loss of faith in the leadership of the Department, longstanding fiscal challenges, and mounting public safety concerns," Attorney General Platkin informed the Paterson Mayor that he was superseding the PPD. (Pca4-5; Pa227). In a letter to PPD officers that same day, the Attorney General observed that the Department had for too long "been subjected to the whims of a revolving door of leadership," along with "high-profile cases of misconduct" that "sullied the good name of the hundreds of officers trying to do good work,"

[2] Ribeiro would the PPD's third chief in the prior three years. In February 2020, Troy Oswald had resigned and been replaced by Ibrahim Baycora (Pca113-114), but crime spiked, and the Mayor fired Baycora (who had by then sued him and the City) in September 2022 (Pca115-118). Ribeiro, already serving as Deputy Chief, became Acting Chief that same month. Ibid.

and causing "the trust between the community and the Department" to unravel. (Pa21). The Attorney General announced the State was "bringing in nationally recognized leadership to work with members of this department to raise up the good work being done, and address areas in need of reform and repair," (ibid.)—including Isa Abbassi, a decorated NYPD veteran with experience overseeing similar reforms to repair community trust, (Ra82).

OIC Abbassi and his team swiftly got to work. They began by framing a new strategic vision for departmental reform, focusing on rebuilding public trust through increased transparency, oversight, and community feedback, (Ra88-91); undertaking a top-to-bottom assessment of the PPD to retire outdated methods and implement new ones, (Ra93); and ensuring a robust and fair recruitment and hiring process, (Ra94-95). The new chain-of-command followed that strategic vision with a full-scale strategic plan, (Ra105-32), which they paired with a list of 55 concrete initiatives and a tracker that would allow the public to follow the Department's execution of those initiatives, (Ra121-25). Progress has continued apace, with 40 now completed and fifteen in progress. (Pca132-146).

The initiatives have paid tangible dividends not only in increasing police-community trust, but also in making Paterson safer for its residents. To take one example, this leadership team adopted and implemented a "Summer Crime and Quality of Life" initiative that deployed PPD personnel, newly empowered with

de-escalation techniques, to "hotspots that have historically seen increases of violence in the summer months," bolstered by nearly $1 million in funding from OAG. (Ra99). That initiative and similar strategies achieved marked declines in crime, including—as of the briefing below—a 39.3% decrease in murders, 33.3% decrease in shootings, and 22.6% decrease in robberies between calendar years 2022 and 2023. (Ra100). Not only that, but thanks to new transparency initiates, the public can track weekly updates to this data for the first time via a new "CompStat" page. See PPD, CompStat Data, https://tinyurl.com/4ppauy8u (Pca154) (as of this filing, showing 59.3% decrease in murders, 28.8% decrease in sexual assaults, and 9.3% decrease in robberies over the past two years).

None of this escaped the notice of the Legislature. Rather, having heard testimony about the PPD's supersession, (Rb23 & n.5), the Legislature took two steps to assist and bolster the Attorney General's efforts. First, the Legislature enacted L. 2023, c. 94 (Chapter 94), which the Governor signed into law on July 3, 2023. Chapter 94 provides that "upon superseding a law enforcement agency in a city of the first class having a population of less than 200,000," the Attorney General "may appoint a person who has not previously satisfied the applicable law enforcement officer training requirements … to serve as officer in charge of that law enforcement agency during" the supersession, id. § 1(a). That provision allowed OIC Abbassi to swiftly begin his work without fulfilling a series of state

requirements to which officers are subject. Chapter 94 is retroactive to the start of the month the Paterson supersession began. Id. § 2. Second, the Legislature appropriated funds to OAG for the "Paterson Police Department — State Costs," estimated at $10 million, first for FY 2023-2024, and again for 2024-2025.[3]

B. This Litigation.

On October 6, 2023, over six months after the supersession order issued and three months after the Legislature passed Chapter 94, Plaintiffs Mirza Bulur (identifying himself as Acting Public Safety Director) and Chief Ribeiro sued in the Law Division. (Pa1). The Law Division granted Mayor Sayegh's unopposed motion to intervene, (Ra101-02), and granted the Attorney General's motion to transfer venue to the Appellate Division in light of its exclusive jurisdiction to entertain challenges to final state agency orders, (Pa229). Plaintiffs then sought permission to file an emergent motion, which the Appellate Division denied, but Plaintiffs did not otherwise move for a stay pending appeal. (Ra104).

On December 18, 2024, the Appellate Division issued a published opinion holding that Attorneys General categorically lack the power to supersede local law enforcement agencies without that agency's consent. (Pca3-4). The panel

[3] N.J. Dep't of Treasury, Appropriations Handbook: Fiscal Year 2023-2024, at B-165-66, https://tinyurl.com/bdz8v955 (Pca147-50); N.J. Dep't of Treasury, Appropriations Handbook: Fiscal Year 2024-2025, at B-170, https://tinyurl.com/2zxkjt64 (Pca151-53).

began by rejecting the State's timeliness arguments, concluding that while some of Plaintiffs' challenges were barred by a 45-day filing deadline, their challenge to the supersession was not. (Pca15-19). The panel then held that the state laws ensuring the Attorney General "'general supervisory' authority over county and municipal law enforcement" did not grant him the power to supersede when the agencies fell short, (Pca33), and determined that none of N.J.S.A. 52:17B-106 and -107 (Sections 106 and 107) of the CJA, (Pca22-23); N.J.S.A. 40A:14-181 (Section 181), (Pca23-25); and/or Law Enforcement Directive 2022-14, (Pca25-27), gave him that supersession power either. Although the panel acknowledged the history of county prosecutors likewise exercising supersession authority over local law enforcement agencies, the panel refused to credit that history because it believed the county prosecutors might have "statutory" supersession authority the Attorney General lacked. (Pca36). And although the panel admitted that the Legislature adopted Chapter 94 after the Attorney General superseded the PPD, (Pca27-32), the panel concluded that Chapter 94 merely served "to ensure that OIC Abbassi's time running the PPD was not consumed by New Jersey police training requirements," not to grant supersession authority itself, (Pca31).

By way of remedies, the panel ordered the State to "relinquish control of the PPD to city officials … including Director Bulur and Chief Ribeiro," and to "produce a narrative written report to plaintiffs summarizing all actions and

accounting for all expenditures undertaken by defendants on behalf of the police department from March 27, 2023 to the date of this opinion" within 21 days. (Pca38). The panel stayed its ruling for three business days to permit the State to seek emergent relief from this Court. (Pca39).

The State immediately entered its notice of petition and sought emergent relief, which a Justice granted on December 19. Pursuant to the schedule issued that same day, this consolidated certification and stay brief follows.

QUESTION PRESENTED

Whether the Attorney General can supersede a local law enforcement agency without that agency's consent. (Pca20-39).

ARGUMENT

The panel incorrectly decided a question of immense importance, holding the Attorney General lacks power to supersede local law enforcement agencies despite a wealth of evidence to the contrary. The interests of justice and equities likewise confirm the need for certification and a continued stay.

POINT I

THE RULING BELOW INCORRECTLY LIMITS THE STATE'S OVERSIGHT AUTHORITY.

A wealth of statutory authority establishes that the chief law enforcement officer—including the Attorney General and county prosecutors—can supersede local law enforcement agencies. Those sources include a range of state statutes

dating back to the CJA of 1970, confirmed by extraordinary historical practice, and even include specific statutes the Legislature adopted since 2023 to facilitate and bolster the PPD supersession. The Appellate Division's contrary conclusion relies on a series of three errors that ultimately produced a cramped view of law-enforcement supervision that New Jersey law has long rejected.

A. The Attorney General Maintains The Authority To Supersede Law Enforcement Agencies When Necessary.

That an Attorney General can supersede a police department follows from both statutory text and established practice, including laws that our Legislature adopted since 2023 to facilitate and bolster the PPD supersession.

The Criminal Justice Act of 1970 is one of "several sources" from which the Attorney General's "broad authority over criminal justice matters" derives. See In re Att'y Gen. L. Enf't Directive Nos. 2020-5 & 2020-6, 246 N.J. 462, 482-83 (2021) (In re 2020 Directives). Diverging from the approaches taken in other States, our Legislature made the explicit choice "to provide for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State," which it did "in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State." N.J.S.A. 52:17B-98. The CJA thus establishes our State's longstanding law enforcement chain-of-command: N.J.S.A. 52:17B-112 states that it "shall be the duty of the several county prosecutors to cooperate

with and aid the Attorney General in the performance of his duties," and that all "the police officers of the several counties and municipalities of this State and all other law enforcement officers" shall likewise "cooperate with and aid the Attorney General and the several county prosecutors." In other words, while each local and county law enforcement agency operates independently, all are linked together by our law in a single statewide chain of command.

The Attorney General has a number of statutory tools in order to fulfill his responsibilities to ensure "general supervision of criminal justice" and maintain appropriate "enforcement of the criminal law and the administration of criminal justice throughout the State." N.J.S.A. 52:17B-98 (adding the CJA's provisions "shall be liberally construed to achieve these ends" and "declaration of policy"). See Town Tobacconist v. Kimmelman, 94 N.J. 85, 122 n.18 (1983) (consistent with the statute's text, noting the CJA "declares it to be the responsibility of the Attorney General to do whatever is necessary to" achieve these policies); cf. In re Kimber Petroleum Corp., 110 N.J. 69, 74 (1988) (holding state agencies enjoy not only the powers expressly granted by statutes, but those implicitly necessary to effectuate their assigned responsibilities). Although not mentioned explicitly in the CJA, courts have long recognized that the Attorney General's supervisory authority includes power "to adopt guidelines, directives, and policies that bind law enforcement." Paff v. Ocean Cty. Pros. Office, 235 N.J. 1, 20-21 (2018);

see In re 2020 Directives, 246 N.J. at 482-83; Fraternal Order of Police, Newark Lodge 12 v. City of Newark, 244 N.J. 75, 100 (2020) (FOP). And those statutes allowed for the adoption of a uniform Internal Affairs Policies and Procedures (IAPP), which the Legislature later confirmed law enforcement must follow. See N.J.S.A. 40A:14-181; In re 2020 Directives, 246 N.J. at 487.

The Attorney General's established supervisory authority over the State's law enforcement chain-of-command likewise includes the power to temporarily supersede a law enforcement agency, function, or case if necessary. That ability is inherent in the nature of a chain-of-command: were it otherwise, the Attorney General would have little recourse if one law enforcement agency's leadership, whether by mismanagement or misconduct, had failed to comply with statewide policies or satisfied the high standards expected of New Jersey law enforcement. And it is thus no surprise that a range of other state laws confirm this authority. Section 107 makes clear the Attorney General's oversight authority extends not only to the supersession of any county prosecutor "in any investigation, criminal action or proceeding," N.J.S.A. 52:17B-107(a)(1)(a), but also to oversight over "any investigation, criminal action or proceeding" throughout the State, N.J.S.A. 52:17B-107(a)(1)(b)-(c), confirming that supersession is not limited to oversight over county prosecutors and can even operate down to the level of an individual case. And the IAPP—which Section 181 requires all law enforcement agencies

to follow—expressly confirms that the Attorney General can supersede local law enforcement agencies, reflecting that supersession remains an important tool to improve agencies facing significant internal challenges. See IAPP § 1.0.5 (as amended by Law Enf. Dir. 2022-14); see also supra at 4-6 (recounting attempts to address problems at PPD by superseding IA, but later finding an agency-wide supersession remained necessary to address PPD's extraordinary challenges).

Given the authority the Attorney General and county prosecutors maintain under the CJA and IAPP alike, the Attorney General and county prosecutors for decades have relied on supersession as a failsafe for a law enforcement agency in crisis. See NLRB v. Noel Canning, 573 U.S. 513, 525 (2014) (recognizing that the "longstanding practice of government" will often inform interpretation of the law, particularly "in a separation-of-powers case"); Cedar Cove, Inc. v. Stanzione, 122 N.J. 202, 212 (1991) (recognizing an agency's view of a state law that it implements, especially when that view reflects "long usage," can be "persuasive evidence of the Legislature's understanding of its enactment"); Saint Peter's Univ. Hosp. v. Lacy, 185 N.J. 1, 15 (2005) (same). As the Attorney General compiled below—and as neither Plaintiffs nor the Appellate Division disputed—the record shows at least 26 agency-wide supersessions over the past 25 years. See (Ra1-7, 7-62). Those supersessions include at least one Attorney General supersession of a municipal police department (Camden), see (Ra1-4);

eight Attorney General supersessions of a County Prosecutor, see (Ra7-31); and 17 supersessions by a county prosecutor of a municipal police department, see (Ra32-62) (recounting supersessions made necessary by disclosures, inter alia, or racist or sexist conduct by the local chief). Only two of the 26 supersessions were challenged, and none were challenged successfully.

Not only do the CJA's text and structure, Section 107, the IAPP, and this longstanding practice all confirm the Attorney General's supersession authority, but the Legislature's specific actions to facilitate and bolster the supersession of PPD offer conclusive proof. In the months after the Attorney General took over the PPD, the Legislature heard testimony on the Paterson supersession. Rather than overturn that supersession as exceeding the Attorney General's supervisory authority, the Legislature instead enacted statutes to further it. See supra at 7-8. Initially, through Chapter 94, the Legislature relaxed the rules that govern the appointment of Officers-In-Charge when the Attorney General "supersed[es] a law enforcement agency in a city of the first class having a population of less than 200,000," and relaxed those rules for "the period of time during which the law enforcement agency is superseded." Id. § 1(a). The Legislature made the law retroactively effective as of March 1, 2023, the month the PPD supersession began. Id. § 2. And the Legislature twice appropriated funding directly to OAG for its "State Costs" at the "Paterson Police Department" itself. Supra at 8.

Chapter 94 and these appropriations are powerful evidence regarding the Attorney General's authority to supersede the PPD. The enactment of Chapter 94 and the appropriations to OAG rather than to Paterson demonstrate both the Legislature's awareness of the PPD supersession and its decision to allow this supersession to stand—just as it allowed to stand the 26 supersessions over the last 25 years. See Macedo v. Dello Russo, 178 N.J. 340, 346 (2004) (the "long acquiescence on the part of the Legislature" is "evidence that such construction is in accord with the legislative intent"). More than that, these enactments reveal a concerted effort by the Legislature to ensure the Attorney General has the OIC and funding he needs to make his efforts successful. Cf. Worthington v. Fauver, 88 N.J. 183, 208 (1982) (when "executive acts pursuant to an express or implied authorization from the Legislature," that "action should be 'supported by the strongest of presumptions and the widest latitude of judicial interpretation'"). Furthermore, any holding that the Attorney General lacks authority to supersede local law enforcement would render Chapter 94 superfluous, but see FOP, 244 N.J. at 99 (discussing canon against surplusage), as it applies exclusively in such supersessions. And that holding would mean the Legislature appropriated funds for the Attorney General to effectuate an unlawful supersession—an odd if not contradictory view of Legislative intent. See Lacy, 185 N.J. at 14 (emphasizing

courts should "make every effort to harmonize" related New Jersey laws); N.J. Ass'n of Sch. Adm'rs v. Schundler, 211 N.J. 535, 555 (2012) (same).

The evidence favoring the Attorney General's authority to supersede local law enforcement agencies, both generally and as to PPD specifically, is therefore overwhelming. That authority finds support in the CJA, and in the unique law enforcement chain-of-command it sets forth. See N.J.S.A. 52:17B-98; N.J.S.A. 52:17B-112. That authority is confirmed by the language in Section 107 and the IAPP reflecting that supersession is one important tool to manage that chain-of-command. See N.J.S.A. 52:17B-107(a)(1); N.J.S.A. 40A:14-181. It is likewise reflected in longstanding practice by Attorneys General and county prosecutors superseding law enforcement agencies. (Ra1-7, 7-62). And it is furthered by the laws bolstering the PPD supersession itself. See supra at 7-8. These "several sources" reflect not only express grants of authority, but collective recognition that the Attorney General's "authority over criminal justice matters," In re 2020 Directives, 246 N.J. at 482-83, includes the power to supersede law enforcement agencies that have fallen short—especially given the deference our courts accord the Attorney General's supervisory authority, see id. at 473.

B. The Panel Made Three Core Errors In Concluding Otherwise, Each Of Which Warrants Further Review And Supports A Stay.

In reaching a contrary result, the panel made three overarching mistakes. First, the panel overlooked or disregarded a range of relevant statutes based on

a crabbed view of the Attorney General's "supervisory" powers—crediting only statutes that specifically cite supersession. Second, even accepting the panel's limited lens, the Appellate Division failed to credit multiple state laws that do confirm the Attorney General's power to supersede. Last, the panel improperly discounted particularly compelling history and practice.

1. Initially, the panel failed to acknowledge or address multiple sources of authority. As explained above, for over 50 years, our law has established the Attorney General as the "chief law enforcement officer of the State" and made him responsible for "general supervision of criminal justice" statewide, N.J.S.A. 52:17B-98, and conversely has required that "the police officers of the several counties and municipalities of this State and all other law enforcement officers" shall "cooperate with and aid the Attorney General" in his performance of those duties, N.J.S.A. 52:17B-112(b). The panel did not address or cite these statutory provisions, even though this Court has previously treated them as the linchpin of the Attorney General's oversight role. See, e.g., In re 2020 Directives, 246 N.J. at 487; FOP, 244 N.J. at 100; Town Tobacconist, 94 N.J. at 122 n.18.

The Appellate Division appears to have ignored these statutes based on its misunderstanding of the Attorney General's overarching supervisory authority. The panel reasoned that because "supervision" and "supersession" are different terms that lack "interchangeable" meanings, laws or precedents that expressly

establish the former have no bearing on the latter. (Pca34); see also (Pca32-38). But that misunderstands New Jersey law. The State has never said supervision and supersession are identical; instead, state law affords the Attorney General sweeping supervisory authority over the law enforcement chain-of-command, and supersession is a tool on which he can rely to fulfill that mandate. That is exactly what this Court held in the context of law enforcement directives—that the Attorney General's power to oversee law enforcement encompasses power "to adopt guidelines, directives, and policies that bind law enforcement," even though no statute authorizes them explicitly. Paff, 235 N.J. at 20-21; see In re 2020 Directives, 246 N.J. at 487. The same was true of the first IAPP, which also relied on supervisory authority, years before the Legislature endorsed them. See In re 2020 Directives, 246 N.J. at 487; FOP, 244 N.J. at 100. Any holding that the CJA's supervisory authority only encompasses tools that are themselves mentioned explicitly is thus irreconcilable with this Court's precedents.

Nor did the panel identify any bases to exclude supersession from the tools available to the Attorney General as he "supervises" law enforcement or from the orders with which local law enforcement must "cooperate." Strikingly, the panel failed to acknowledge that the Legislature required our courts to "liberally construe" the CJA, or addressed how to square its narrow view of the Attorney General's supervision power with that mandate. N.J.S.A. 52:17B-98. The panel

also failed to address that the Attorney General can take all steps "necessary" to achieve those goals, Town Tobacconist, 94 N.J. at 122 n.18, or to recognize the deference owed to his interpretation of laws he is charged with enforcing, Lacy, 185 N.J. at 15. Nor did the panel explain why it cited Section 112(c)'s authority to "call" county or local law enforcement leaders "into conference" as a contrast to supersession, see (Pca34), while ignoring Section 112(b)'s broad command that "police officers of the several counties and municipalities … and all other law enforcement officers" must "cooperate with and aid the Attorney General." Cf. ACLU v. CPANJ, 257 N.J. 87, 123 (2024) (Wainer Apter, J., dissenting) (noting the "cooperation" and "conference" authorities are distinct). The panel's failure to grapple with Sections 98 and 112 as it stripped the Attorney General of a supervisory tool for the first time in state history was thus error.

2. Even accepting the Appellate Division's cramped perspective, however, the panel still erred in failing to give effect to the New Jersey statutes confirming the Attorney General can supersede a local law enforcement agency, specifically including this supersession of the PPD.

The Appellate Division's treatment of Chapter 94 is particularly difficult to square with hornbook interpretive principles—and provides an independently sufficient basis to reverse. Despite recognizing its obligation to "effectuate the Legislature's intent," (Pca28), the panel disregarded Chapter 94 entirely because

the law did not itself grant any "supersession powers," (Pca31). But that, again, misunderstands the impact of Chapter 94 (and the Legislature's appropriations) on the analysis. Chapter 94, to be sure, does not itself set forth that the Attorney General can supersede law enforcement agencies; instead, the statute reflects the Legislature's belief that the Attorney General already enjoys that authority from the CJA and other statutes. After all, Chapter 94 applies exclusively where the Attorney General has superseded a local law enforcement agency—meaning that the Appellate Division's decision, which holds that the Attorney General cannot do so, renders this entire law surplusage. Said another way, the panel's decision means that the Legislature in 2023 enacted a law that—in every word, sentence, and provision—is meaningless. Yet the panel never addressed the canon against surplusage. See, e.g., FOP, 244 N.J. at 99 (discussing canon).[4]

The Appellate Division's opinion is particularly difficult to reconcile with this Court's instructions on how to harmonize statutes adopted at different points

[4] The panel's assertion that the Legislature "had the means and opportunity" to "grant any supersession authority in Ch. 94" if it "had chosen" to do so fails for the same reason. (Pca32). The Legislature did not have to accord supersession authority in Chapter 94 because it believed the authority already existed. Rather, the Legislature was addressing a practical hurdle: rules that would have limited OIC Abbassi as he began his work pursuant to the March 27, 2023 supersession. The Legislature did the same when appropriating funds—granting state monies necessary so that the new leadership team could achieve much-needed reforms. The Legislature addressed each problem directly, bolstering the ongoing PPD supersession, rather than indicating any belief that it was illegal.

in time. Lacy involved this Court's efforts to determine the interplay between a 1971 statute that addressed hospitals generally and a 1992 statue that addressed Robert Wood Johnson specifically. 185 N.J. at 5-6. In adjudicating that dispute, this Court emphasized the need "to make every effort to harmonize" the earlier and later laws, because each Legislature "is presumed to be familiar with its own enactments … and to have passed or preserved cognate laws with the intention that that they be construed to serve a useful and consistent purpose." Id. at 14. It therefore construed the 1971 law in such a way as to avoid a situation in which the 1992 law would have been rendered "a nullity." Id. at 15; see also id. at 16-17 (same); In re Petition for Referendum on Trenton Ordinance 09-02, 201 N.J. 349, 361 (2010) (same for Faulkner Act). The same is true here. The Legislature is presumed to be aware of the CJA and other laws undergirding supersession. And a harmonious reading for these statutes plainly exists: the CJA authorizes supersessions of local law enforcement, and the Legislature chose to relax the rules governing OICs (and to direct $10 million to OAG for use in Paterson) so that this supersession could succeed. The panel's contrary view, however, puts the two at odds—and leaves Chapter 94 with no practical force.

The panel's response to Section 181 and to the IAPP likewise falls short. The panel recognized that the IAPP, as of 2022, confirms the Attorney General "may supersede and take control of an entire law enforcement agency." (Pca26

(citing Directive 2022-14)). The panel disregarded that authority, however, on the sole basis that "no act of the Legislature has expressly authorized the OAG's unilateral extension of its supersession powers." (Pca27). That misapprehends how the IAPP works. Section 181 requires law enforcement agencies to adopt policies that conform to the IAPP, including later amendments to the IAPP. See, e.g., FOP, 244 N.J. at 106-07 (recognizing that law enforcement comply with the IAPP as it stands "under present law"). Indeed, previous Attorneys General have amended the IAPP repeatedly since 1996, yet no court has ever suggested that law enforcement could evade compliance until new legislation "expressly" codifies each change. The decision below is the first, and it thus risks untenable consequences for the administration of criminal justice more broadly.

The panel's brief discussion of supersessions that relate to internal affairs is similarly strained. At one point, the panel suggested that even the takeover of PPD's IA function may not be valid absent consent. See (Pca39) (noting it does not call that supersession into doubt because "plaintiffs have consented" to it). The panel did not, however, explain how the Attorney General could accomplish his supervisory mandate, let alone ensure the IAPP is followed, absent power to take over the IA function if an agency declines to follow the IAPP's mandates. At another point, the panel admitted that there might be "an implied legislative authority" for the Attorney General "to use supersession to enforce the OAG's

internal affairs guidelines with all law enforcement agencies." (Pca25). But it is unclear which supersessions would validly enforce the IAPP, and it is unclear why this supersession fails to do so—after all, the PPD supersession followed years of mismanagement that led to the loss of public trust, one of the principal issues the IAPP exists to address. See supra at 4-6 (noting that Attorney General initially superseded PPD IA, before determining this agency-wide supersession remained necessary). Most fundamentally, however, it remains unclear why the Attorney General would have supersession authority to enforce the IAPP, but not to enforce any other equally binding policies that have the force of law, see Paff, 235 N.J. at 20-21, or to enforce his supervision over the law enforcement chain-of-command more broadly, see N.J.S.A. 52:17B-98.

The panel also misapprehended Sections 106 and 107 of the CJA. As to the former, Section 106 neither grants nor cabins the Attorney General's power to supersede—instead, it explains the role of civilian leadership in requesting a supersession. Section 106 requires the Attorney General to supersede a county prosecutor if the Governor requests he do so (stating that the Attorney General "shall" supersede in such a case), while clarifying the Attorney General retains his traditional discretion to decide whether to supersede a county prosecutor if county leadership asks him to do so (stating he "may" supersede in those cases). N.J.S.A. 52:17B-106. And Section 107 explains the Attorney General's power

to supersede is sweeping—extending not only to county prosecutors (the subject of subsection (1)(a)(1)), but also extending to oversight over any other case or investigation (via subsections (1)(a)(2)-(3)). N.J.S.A. 52:17B-107.[5] And while Section 107 does refer to "any investigation, criminal action or proceeding," see N.J.S.A. 52:17B-107(a)(1), "'any' clearly is synonymous with the word 'all,'" In re Ordinance 04-75, 192 N.J. 446, 461 (2007). That is the State's basic point: the Attorney General can oversee not only any investigation or proceeding, but all of them at once—the essence of an agency-wide supersession.

3. The panel also erred in disregarding the above-described evidence that law enforcement executives have superseded local law enforcement agencies 26 times in the last 25 years. Unable to dispute that these supersessions occurred, the panel distinguished them in two ways: they involved supersessions initiated by county prosecutors, and they were based on consent. Neither holds up.

Begin with the Appellate Division's refusal to rely on the vast majority of prior supersessions based on its differentiation between Attorneys General and county prosecutors. (Pca35-37). The panel refused to credit any supersessions by county prosecutors on the basis that, in this case, the Attorney General instead "directly superseded the [PPD], rather than exercising its powers through the

[5] The Appellate Division's position that Section 107 applies to supersession over county prosecutors alone thus makes little sense, given that county prosecutors were mentioned in just one of its three subsections, and not in the other two.

county prosecutor, where the powers of supersession are statutory." (Pca36). But the suggestion that the county prosecutors as chief law enforcement officers of the county have greater power than the Attorney General has as the chief law enforcement officer of the State is startling. Compare N.J.S.A. 52:17B-112(a) (stating that county prosecutors must "cooperate with" and "aid" the Attorney General). And it is wrong: county prosecutors do not have separate "statutory" "powers of supersession" they can rely on. Instead, "[e]ach prosecutor shall be vested with the same powers … within his county, as the attorney general shall by law be vested with or subject to." N.J.S.A. 2A:158-5. And law enforcement agencies are equally obligated "to cooperate with and aid the Attorney General and the several county prosecutors." N.J.S.A. 52:17B-112. So if the Attorney General lacks power to supersede a local law enforcement agency in appropriate cases, a county prosecutor has no authority to do so either.

For that reason, the panel's belief that it could simply reserve the question whether a "nonconsensual supersession of an entire municipal police department … through the county prosecutor's office would be authorized," (Pca36 n.20), does not make sense. Rather, lacking a plausible basis to distinguish such cases, the panel's opinion casts them into doubt—while at the same time discounting their immense probative value. See supra at 11-15 (explaining role of extensive and unrebutted practice in statutory interpretation). That destabilizes not just

past but ongoing practice. See, e.g., (Ra42); OAG, A Public Report of Findings Following the Investigation into Allegations of Misconduct by Members of the Clark Township and Clark Police Department's Leadership (Nov. 20, 2023), https://tinyurl.com/4f4asc6u (Union CPO's supersession of the Clark PD after recordings emerged in which the police chief, inter alia, used an egregious racial slur to refer to a neighboring girls' basketball team and stood by while town's mayor made other racist and sexist remarks); see also infra at 28 n.6 (subset of other supersessions by county prosecutors). In short, having failed to identify reasons for leaving this longstanding practice to the side, the panel should have factored in this evidence—or at least acknowledged and explained the degree to which its holding would upend settled practice across New Jersey.

Relatedly, the panel sought to dismiss other instances of prior practice by stating that they were "consented to," (Pca37-38), but any consent requirement is equally unsound for two main reasons. First, it lacks any support in the record: Plaintiffs badly asserted in the final page of their reply below that "each of" the past supersessions were consented to, (Rb9), but they offered no record evidence to support that sweeping contention, and the panel cited none. Instead, the panel simply noted that two of the many previous cases involving supersessions were "consented to," (Pca37), without grappling with the fact that two explicitly were challenged in court, see Yurick v. State, 184 N.J. 70, 74-75 (2005) (Gloucester

CPO); (Ra32) (Morris CPO), or that others were almost certainly not generally welcomed. See supra at 27-28 (Clark).[6] That these supersessions were not later challenged in court hardly suggests consent; it reveals that—before this case—supersession was a widely recognized tool, and the departments subject to it had no basis to believe a legal challenge would be successful.

Second, any consent requirement is self-defeating. After all, the cases in which supersession is warranted are the very ones in which the local leaders are least likely to invite oversight. Compare (Ra5) (oversight of Camden, directed by Attorney General and led by County Prosecutor, began in 1998), with United States v. Milan, 304 F.3d 273, 279 (3d Cir. 2002) (Camden Mayor indicted for corruption during and leading up to that same year). Indeed, although the panel emphasized the precedent stating that "it should be the unusual case" where a prosecutor directs local law enforcement operations "without the prior consent" of local officials "or other extenuating circumstances," (Pca36) (quoting Passaic Cty. PBA, 385 N.J. Super. at 20), supersession is a tool for the "unusual case[s]" where local law enforcement breaks down to such an extent that intervention is

[6] See also (Ra35-36) (Saddle Brook PD superseded by Bergen CPO after chief accused of using officers to serve private business); (Ra38-39) (Linwood PD superseded by Atlantic CPO after allegations of misconduct by chief); (Ra44) (Guttenberg PD superseded by Hudson CPO amid ongoing investigation of local officials); (Ra50-51) (Princeton PD superseded by Mercer CPO amid criminal investigation into chief); (Ra60-62) (S. Hackensack PD superseded by Bergen CPO amid allegations of corruption by chief and other officers).

warranted. The panel erred in holding that an Attorney General is powerless to act without the consent of the officials who may need greater oversight even in unusual and extenuating cases—like here. If local officials must consent before the Attorney General can act, supervisory authority means little.

* * *

A broad range of statutory sources establish the Attorney General's "broad authority over criminal justice matters," In re 2020 Directives, 246 N.J. at 482-83, including authority to temporarily supersede a law enforcement agency when necessary. The panel erred in ignoring or rejecting each one: it failed to grapple with the relevance of the CJA and its supervisory powers; failed to credit statutes and IAPP terms discussing supersession, even for the PPD; and failed to grapple with the State's history of supersessions. But worst of all, the panel missed the forest for the trees, addressing each statute on its own, without appreciating their collective force. But see In re 2020 Directives, 246 N.J. at 482-83 (holding that "several sources" collectively reflect Attorney General's broad authority); FOP, 244 N.J. at 100 (citing statutes). Taken together, the confluence of longstanding and recent support—Section 98, Section 112, Sections 106 and 107, state history and experience, the IAPP, Chapter 94, interpretive principles of deference and CJA liberal construction, and the canon against surplusage—all point the same

way: in extreme circumstances that warrant it, the Attorney General can indeed supersede a local law enforcement agency.

POINT II

THE INTERESTS OF JUSTICE AND EQUITIES COMPEL CERTIFICATION AND A STAY.

Beyond the merits, this Court also considers whether this case implicates important questions and whether review would be in the interests of justice, see R. 2:12-4 (criteria for certification), and asks whether the panel opinion causes irreparable harm and is otherwise inconsistent with the balance of equities and the public interest, see Garden State Equal. v. Dow, 216 N.J. 314, 320-21 (2013) (criteria for a stay). Certification and a stay are both amply warranted.

1. There can be little doubt that further review of the Attorney General's supersession authority involves a question of profound public importance or that review promotes the interests of justice. As to public importance, this Court has repeatedly granted review over challenges to the Attorney General's supervisory authority over law enforcement in our State, see, e.g., In re 2020 Directives, 246 N.J. 462; FOP, 244 N.J. 75, no doubt reflecting that these questions matter not only to the state and municipal separation-of-powers, but also the management of New Jersey's law enforcement chain-of-command, and thus the ability of law enforcement to maintain public safety and public trust. That is particularly true of supersession, which ensures the Attorney General has a failsafe power to rely

on when other traditional tools—from directives to IA policies—fails to resolve that particular law enforcement agency's crisis. That the resolution of this case likewise bears on county prosecutors' power to supersede, see supra at 25-27, only confirms the urgent need for review.

The interests of justice further support certification. The Legislature long ago made clear "the public policy of this State" to ensure uniform and effective "administration of criminal justice throughout the State." N.J.S.A. 52:17B-98. Key to achieving that public policy has long been supersession—a tool that no law enforcement executive uses lightly, but that provides a crucial backstop in the cases in which it is truly needed. See supra at 14- 15 & 28 (citing examples of prior supersessions in light of profound mismanagement or misconduct). Nor is the power of supersession limited to cases in which it is exercised: that state, county, and local officials acknowledge supersession remains an available tool likewise incentivizes officials to comply with binding policies, internal affairs, and best practices. It disserves justice to remove that tool altogether, or subject it to the consent of the officials who oversaw the agency now in crisis. And it certainly disserves justice for chief executives to lose a longstanding and critical tool, used dozens of times, without this Court reviewing the issue.

The two times in our State's history that Attorneys General have used this tool to supersede local law enforcement illustrate the rare but crucial nature of

this authority, and thus confirm that "interests of justice" require further review. In Camden and Paterson alike, Attorneys General superseded in circumstances when large police departments needed significant reform—and measures short of agency-wide supersession had failed to solve the challenges. See, e.g., (Ra5-6) (discussing bases for Camden supersession, including a refusal to implement state recommendations for reform); (Pca65-67) (Attorney General report on Camden supersession, including the original need for a supersession); supra at 2-6 (discussing significant incidents at PPD, including loss of public trust and calls for federal monitor); (Pca78-86) (2022 report regarding PPD operations); (Pca125-130) (article discussing public's loss of faith in PPD).

And in both cases, these supersessions spurred vital progress. In Camden, the State's years-long intervention led to a transformation that is now a national case study in reform. See, e.g., (Pca57-77). And while the work in Paterson is ongoing, the results are undeniable. Over the past 21 months, the Department transformed its approach to police-community relations, convening community events and listening sessions, supporting at-risk youth, providing members with de-escalation training and less-lethal options, and increasing transparency. See (Pca78-86) (discussing strategic plan, 55 initiatives, tracker for initiatives, and progress); (Pca43-56) (declaration by James Haggerty, Chief of Staff to former PPD OIC Abbassi, discussing progress). Thanks to changes in leadership and

major funding by the State, the PPD has overhauled its technology, allowing it to respond more quickly, to record officer conduct and detect at-risk behaviors before they deteriorate into misconduct, and to identify specific hotspots where police presence can deter crime before it starts. (Pca49-50 at ¶¶ 23-25); see also (Pca41 at ¶ 3). It has completed most of the goals in its Strategic Plan, and it is on track to complete all by this fall. (Pca45 at ¶6). And the public-safety results are significant, with murders down nearly 60% compared to 2022; a consistently reduced level of sexual assaults, thefts, and robberies; and fewer homicides and shooting victims across three years. See (Pca154); supra at 7 (CompStat data). Given the importance of supersession to fostering such reform, including at the PPD in particular, the interests of justice support certification.

2. For much the same reasons, the equities heavily favor a stay—to allow the status quo at PPD to remain in place while this Court considers the merits of this case. Denying a stay would work tremendous and irreparable harm to the State, the people of Paterson, and the public interest. The transformation of the PPD continues, with a number of initiatives still to be completed. Departmental leaders remain in the process of redesigning the PPD's reporting structures and its internal communications. (Pca46 at ¶¶ 10-11); (Ra118). Work on the PPD's new "nerve center"—a place to monitor and to respond to crime in real-time—is ongoing. (Pca47 at ¶ 15). The IA function is being relocated to a separate

building—a nationally recognized best practice to ensure the IA function has separation from the broader Department, which also helps to foster public trust. (Pca53-54 at ¶¶ 34-40). Other efforts at reform are underway too, including further changes to the civilian-complaint process, institution of additional crisis-intervention training, and efforts to address public sentiment. (Pca48-49 at ¶¶ 17-22); (Pca142-143); (Ra122). And completing these and other initiatives still requires use of the funding the Legislature appropriated directly to OAG for the costs associated with this still-ongoing supersession. See (Pca49-54); see also (Pca42-43) (LPS declaration) (noting State spent $7.6 million to date, with $3.4 million encumbered but not spent, and $13.5 million in unencumbered funding to support the supersession for FY 2025).

Denying a stay would upend this progress. Progress in crime reduction, public trust, and cultural change is fragile. See (Pca56). And if this Court grants certification but denies the stay, it runs the risk of whipsawing the public and PPD officers back and forth across shifting legal judgments—a recipe for chaos and decreased morale, along with lost momentum and potentially squandered investments. See (Pca43-56) (noting uncertainty over the management of a law enforcement agency breeds confusion and harms the chain-of-command). Nor is that fear speculative: On December 18, 2024, just minutes after the Appellate Division issued its opinion, Plaintiff Bulur accessed the radio frequency used by

PPD and announced to all PPD officers he would be returning. See (Pca55). To avoid confusion until this Court resolves the case, it should "maintain the parties in substantially the same condition … as they were when the litigation began," Crowe, 90 N.J. at 134, and grant a stay. See also (Rb18-20; Rb49-50).

Plaintiffs' responses are unavailing. Plaintiffs contend that the State will face no irreparable harm because only three state employees would be affected. (Pso3). But Plaintiffs' myopic view misses the true harms, which are not about these officers' state-appointed duty assignments, but about maintaining a chain-of-command that is committed to implementing the necessary and still-ongoing reforms, and the use of state resources to achieve those goals. See (Pca43-56). Indeed, although Plaintiffs seek to undercut the State's claim to harm by noting that the State recently replaced OIC Abbassi "with a career PPD" member (Capt. Murray), (Pso3 n.2), the opposite follows; that the State is transitioning control back to PPD's longstanding employees is a sign of an orderly progression in a supersession that respects local interests and empowers longstanding officers to continue ensuring these ongoing reforms can be completed.

Plaintiffs' remaining arguments fare no better. Plaintiffs claimed that any threat to the ongoing progress at PPD is speculative, see (Pso8), but the Attorney General substantiated these concerns with evidence below, see (Rb6-11; Rb49-50), and to this Court, see (Pca40-56), based on the expertise of leaders closest

to the ongoing efforts. Plaintiffs also argued that the Attorney General need not worry about "harm or chaos" given his "general oversight and supervision" over PPD, see (Pso3), but does not lay out what tools Attorney General can actually use if Plaintiffs fail to achieve the many remaining reforms, and the situation in Paterson pre-supersession undermines the claim that other tools were sufficient. Finally, Plaintiffs claim that the goal of protecting the status quo supports them, because they seek to return to the state of affairs pre-supersession. See (Pso4). But the language they cite from Arrowpoint Capital Corp. v. Arrowpoint Asset Management, LLC, 793 F.3d 313 (3d Cir. 2015)—evaluating the "last, peaceful, noncontested status of the parties," id. at 318—does not help them, because their own delay in filing suit meant there was a six-month period of "noncontested" supersession before litigation ever began. That has now been the status quo for 21 months, and it should remain so pending this Court's review.

On their side of the ledger, Plaintiffs have not shown and cannot show that they would be harmed by a stay that keeps a 21-month old supersession in place for the few months it will take this Court to hear and resolve this case. Initially, Plaintiffs' own six-month delay in challenging the supersession, and their failure to move for a stay pending appeal from the Appellate Division, undermines any argument that a stay of less time would harm them. See Del. State Sportsmen's Ass'n v. Del. Dep't of Safety & Homeland Sec., 108 F.4th 194, 206 (3d Cir.

2024) (discussing impact of delay on equitable claims); Benton v. Kernan, 126 N.J. Eq. 343, 347 (E. & A. 1939) ("long delay serves to outweigh the present claim of threatened irreparable loss"). If Plaintiffs could allow that status quo to persist before filing suit, it cannot object to this Court doing the same.

Their claims as to the individual Plaintiffs do not overcome the deep harm to the chain-of-command and to the public that will follow absent a stay. As for the claim that the status quo harms Chief Ribeiro by detailing him to the Police Training Commission, (Pso7), the State made extensive efforts to identify a temporary assignment for Chief Ribeiro that fit with his experience, professional growth, and town of residence. See (Pca55). And the claim that Bulur is "unable to properly oversee the operations of the PPD" or get "monthly reports," (Pso7), is odd: Paterson's actual Public Safety Director is Gerald Speziale, see (Rb36), who is identified as such on the City's website, (Pca131), and in correspondence by Plaintiffs, (Pa270), and who has never participated in this suit. Speziale, who to the State's knowledge has been serving as full-time Public Safety Director at all times during this lawsuit, has never raised concerns to the OIC or OAG about a lack of reporting or oversight. See (Pca55).

Nor do Plaintiffs get further by relying on principles of home rule to claim a harm that overcomes the need for a stay. (Pso7-8). Home rule in New Jersey, though important, is not a freestanding right—instead, there is an "omnipresent

brake on the exercise of municipal authority: where municipal power to act exists, municipal action cannot run contrary to statutory or constitutional law." FOP, 244 N.J. at 93. Here, that includes the multiple collective sources of law that confirm the State's power to intervene when circumstances warrant it. And Plaintiffs' claim that continuing this Court's stay would put "hundreds of duly appointed and sworn chiefs" at risk of "find[ing] themselves abruptly relieved, without warning or explanation," (Pso10), let alone during the few months when this Court considers the merits, is unfounded. Supersession has always been a rare tool for extreme cases—like this one—and the State has never disputed that arbitrary-and-capricious review would preclude any supersession that lacked "a reasonable basis" or failed to reflect "careful consideration of the issues." See In re 2020 Directives, 246 N.J. at 495. That even Plaintiffs and their own amici have failed to advance any claim that this supersession was arbitrary is telling: it confirms that the equities, like the merits, support a stay that keeps the status quo in place pending this Court's plenary review.

CONCLUSION

This Court should grant certification, continue the current stay pending its review on the merits, and ultimately reverse the judgment below.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Jeremy M. Feigenbaum
Jeremy M. Feigenbaum
Solicitor General

Date: December 31, 2024