

ORDER ON MOTION  
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POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL NUMBER 105, POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL NUMBER 383, POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL NUMBER 383A, POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL NUMBER 383B, AND THE NEW JERSEY LAW ENFORCMENT SUPERVISORS ASSOCIATION V. STATE OF NEW JERSEY AND GURBIR GREWAL, IN HIS OFFICIAL CAPACITY AS ATTORNEY GENERAL	SUPERIOR COURT OF NEW JERSEY APPELLATE DIVISION DOCKET NO. A-003985-19T4 MOTION NO. M-007519-19 BEFORE PART K JUDGES: ALLISON E. ACCURSO PATRICK DEALMEIDA
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MOTION FILED: 07/02/2020	BY: PBA LOCAL #105, PBA LOCAL #383, PBA LOCAL #383A, PBA LOCAL #383B, NEW JERSEY LAW ENFORCEMENT SUPERVISORS ASSOCIATION
ANSWER FILED: 07/07/2020	BY: OFFICE OF THE ATTORNEY GENERAL
SUBMITTED TO COURT: July 07, 2020	

ORDER  
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THIS MATTER HAVING BEEN DULY PRESENTED TO THE COURT, IT IS, ON THIS 8th day of July, 2020, HEREBY ORDERED AS FOLLOWS:

MOTION BY APPELLANT

MOTION FOR STAY GRANTED AND OTHER

SUPPLEMENTAL: Police unions representing State and municipal officers in these five appeals challenging Attorney General Directives 2020-5 and 2020-6 ordering public disclosure of the identities of officers who have been sanctioned for serious disciplinary violations, defined as "termination of employment, reduction in rank or grade, and/or suspension greater than five days," seek a stay of their implementation pending appeal. They contend the directives "voided decades of settled expectation," that the disciplinary records of law enforcement personnel are confidential and privileged, that the directives are contrary to

protections afforded them by statute and regulation as well as the State and federal constitutions, and that they will be irreparably harmed, and their appeal effectively mooted, if implementation is not stayed while we consider their challenge. The unions note that a significant number of their members entered into voluntary settlements over the past twenty years accepting major discipline in reliance on the Department's assurance that those records would remain confidential.

The Attorney General candidly acknowledges both the sea change in his Department's position on the confidentiality of internal affairs records the Directives represent, and that appellants would ordinarily be entitled to a stay to maintain the status quo pending appeal under settled law. He asserts, however, that appellants have little likelihood of prevailing given the powers the Legislature has vested in the Attorney General as New Jersey's chief law enforcement officer under the Criminal Justice Act. Moreover, he contends that at this "critical juncture in the State's and the Nation's history," when our citizens have joined their fellow Americans across the country "demanding reforms and accountability of law enforcement," and "the ties between many law enforcement agencies and the communities they serve are straining," that he must act quickly and decisively on behalf of the public and "[t]he vast majority of law enforcement officers in New Jersey [who] serve with honor and astonishing courage" and have never incurred major discipline, "to promote trust, transparency and accountability," by implementing the Directives immediately, notwithstanding appellants' challenge to their legitimacy. The Attorney General reminds us that "sometimes the status quo is unacceptable and should not be preserved."

Having considered the positions of the officers affected by these dramatic changes and the Attorney General, and aware of the enormous public interest in this issue, illustrated by the applications of the twenty-five organizations that have already petitioned to participate as amicus, we apply well-settled law to preserve the officers' challenge by staying implementation of the Directives pending our disposition of the appeal. In light of the importance of the issues and the compelling need for prompt resolution, we accelerate the appeal in accordance with the following schedule:

Statement of Items	July 15, 2020
Appellant's Briefs	August 5, 2020
Respondent/Amicus Briefs	August 19, 2020
Reply Briefs, if any	August 26, 2020

The appeal will be calendared for oral argument before Part C on October 15, 2020. All dates are peremptory.

The Attorney General has expressed the intention to provide to each trooper and officer in the Department of Law and Public Safety whose identities were to be made public on July 15 in accordance with Directive 2020-6 notice of that fact by July 8, 2020, "whenever possible." This order does not stay that notice.

FOR THE COURT:

*Allison E. Accurso*

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ALLISON E. ACCURSO, J.A.D.

N/A STATEWIDE  
ORDER - REGULAR MOTION  
CLD