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October 19, 2020

**VIA E-MAIL**

Heather Joy Baker, Clerk  
Attention: Matthew Kelly  
Supreme Court of New Jersey  
Hughes Justice Complex  
25 Market Street, P.O. Box 097  
Trenton, New Jersey 08625  
SupremeEmergent.mbx@njcourts.gov

Re: In re Attorney General Law Enforcement Directive Nos.  
2020-5 and 2020-6  
Supreme Court Docket No.:  
Appellate Division Docket Nos.: A-3950-19; A-3975-19;  
A-3985-19; A-3987-19; A-4002-19

Dear Ms. Baker:

The State has received appellant-petitioners' applications for emergent relief in connection with the above matters, and now writes to provide further information on its planned timing to the extent this Court finds it helpful.

By way of background, on October 16, 2020, the Appellate Division affirmed two July 2020 Directives issued by the Attorney General. The first, Directive 2020-5, requires law enforcement agencies to publish brief summaries each year of which officers received major disciplinary sanctions, and to issue their first report by the end of 2020. The second, Directive 2020-6, requires three agencies in the Department of Law and Public Safety - the Division of State Police, the Division of Criminal Justice, and the Juvenile Justice Commission - to publish summaries of which officers received major disciplinary sanctions for each year going back to 2000. After affirming both Directives, the Appellate Division continued its previously-ordered stay of the Directives



"for five days only, to permit appellants to file an immediate petition for certification and application for any further stay in the Supreme Court."

In light of that decision, the State will not be publishing any reports until November 30, 2020, at the earliest. During that time, as contemplated by the Appellate Division, the Department of Law and Public Safety does intend to provide supplemental notice to affected officers regarding the planned reporting, to allow for the filing of any potential as-applied challenges. The State chose this date so as to balance the needs of the public for greater transparency at this critical moment with the need to ensure that appellants could expeditiously file - and this Court can review - petitions for certification.

Of course, if this Court has not decided whether to grant or deny certification as of November 30, 2020, the State agrees that the reports may not issue at that time, and the State instead will await the Court's disposition of the petitions. In the same vein, if this Court ultimately does grant certification, the State agrees no reports may issue until this Court has resolved the case on the merits. The State believes that this should address the concerns raised by appellants in their applications.

To best effectuate appellants' interest in the review of their petition with the State's interest in promptly implementing its Directives, the State thus respectfully requests this Court issue an expedited certification briefing schedule that would allow for resolution of the forthcoming petitions prior to November 30, 2020. Similarly, if the Court ultimately does grant certification, the State respectfully requests an expedited merits briefing schedule at the Court's discretion.

Thank you for your attention in this matter.

Sincerely yours,

GURBIR S. GREWAL  
ATTORNEY GENERAL OF NEW JERSEY

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

cc: All counsel of record (via e-mail)