

Appendix O

SAMPLE SUMMARY and CONCLUSIONS REPORTS

SAMPLE I

Officer's Name: Officer John Smith

Internal Affairs Case No.: 2022-0123

Summary of Allegations

On March 16, 2022, the Absecon Police Department received an anonymous complaint through its online portal that Officer Smith had been drinking on duty and had abused sick leave. Specifically, the first allegation involved Officer Smith consuming alcohol while detailed to escort a funeral procession in February 2022. It is also alleged that on March 7, 2022 the officer used sick leave time while he was actually playing golf.

Summary of Factual Findings

Allegation #1 – Drinking on Duty

Investigation revealed that Officer Smith was assigned to a funeral procession detail on February 22, 2022. His time records indicate he was on duty from 10 am to 3 pm. An interview of 2 witnesses confirmed that the Officer was present at the repast in uniform between approximately 1:30 and 2, but they did not see him drinking. However, a review of the surveillance cameras from the kitchen area of the restaurant revealed him consuming a bottle of beer at 1:52 pm.

Finding: Sustained

Allegation #2 – Misuse of Sick Time

A review of Department payroll records indicates that Officer Smith did request and was granted a full day sick leave on March 7, 2022. When interviewed, the Officer confirmed that he did play golf on that date at approximately 3:15 pm. However, he had two medical appointments earlier that day and did not return home until around 2 pm. Since Department policy only permits leave to be taken in ½ day increments and his appointments took longer than ½ day, the Officer was aware he would be charged a full day of sick leave. However, the policy further provides that Officers do not need to return to work for unused leave if it is less than ½ day. Therefore, he contacted a friend to play golf. The Officer also provided written documentation of his medical appointments.

Finding: Exonerated

Discipline Imposed (to be completed when Discipline is final; See Section 9.11.2)

Based upon the facts of this case and a review of his prior disciplinary record, Officer Smith was suspended for 10 days..

SAMPLE II

Officer's Name: Trooper Jane Cook

Internal Affairs Case No.: 2022-0124

Summary of Allegations

A civilian complainant alleges that on December 20, 2022, in the late evening, New Jersey State Trooper Jane Cook conducted an improper automobile stop on Interstate 78 in the area of Clinton, NJ. Specifically, complainant alleges that Trooper Cook stopped her car for speeding based on racial profiling, was rude and unprofessional in speaking with complainant, arrested her without probable cause and used excessive force in subduing her.

Summary of Factual Findings

Allegation # 1 - Racial Profiling

Reviews of the DIVR (digital in vehicle recorder), the body worn camera (BWC) and radio communications did not reveal any comments that would support racial motivation in the stop. The DIVR video fails to reveal the race of the driver as conditions were dark. Trooper Cook states on the radio in initiating the stop that the race of the driver is unknown. A review of Trooper Cook's stop history does not reveal a pattern of racial imbalance in stops or other indications of bias. Complainant's claim that others were also travelling over the speed limit does not establish proof of racial profiling.

Finding: Not Sustained

Allegation # 2 - Conduct Unbecoming an Officer

Reviews of the DIVR, the BWC and radio communications do not reveal any comments that were rude or unprofessional. Trooper Cook remained calm and polite throughout the encounter.

Finding: Unfounded

Allegation # 3 - Arrest Without Probable Cause

Complainant alleges that she should not have been arrested for a traffic ticket. While an arrest for a traffic ticket would have been improper, the facts show that complainant was not arrested for a traffic ticket, but rather because when her license was run by the trooper it showed that there was an outstanding warrant for her arrest based on a felony complaint.

Finding: Exonerated

Allegation # 4 - Excessive Force

Review of the DIVR and BWC shows that Trooper Cook slammed complainant to the ground when she asked a question about why she was being arrested. She did not resist or attempt to flee and was not given an opportunity to voluntarily comply with handcuffing. The trooper's conduct was a violation of the Attorney General's Use of Force Policy and the NJ State Police Policy on force.

Finding: Sustained

Discipline Imposed (to be completed when Discipline is final; See Section 9.11.2) – 30-day suspension and retraining.

SAMPLE III

Officer's Name: Lieutenant Jerry Swan

Internal Affairs Case No.: 2022-0125

Summary of Allegations

Patrol officers were dispatched to 123 Main Street on July 4, 2022 at 0210, in response to a loud noise complaint, possibly a domestic dispute. Upon arrival, the officers were met by the resident, Lieutenant Swan, who advised that everything was fine and told the officers to leave. The officers investigated further and located a hysterical female inside the residence with red marks on her face and forearms. The female advised that the injuries were caused by her boyfriend, Lieutenant Swan, with whom she had been arguing and physically fighting. The Lieutenant, who was intoxicated, was belligerent, berated the officers for not leaving when he told them to do so, and indicated that the incident was not a "big deal." The Lieutenant was arrested and charged with simple assault, N.J.S.A. 2C:12-1a(1), and harassment, N.J.S.A. 2C:33-4b. His behavior was loud and disorderly as he was walked in handcuffs to a patrol car. This behavior was witnessed by a group of neighbors who had gathered outside as a result of the commotion. The Lieutenant cursed the neighbors and told them to get back in their homes. The responding officers seized the Lieutenant's duty weapon and two privately owned weapons. During the arrest processing, the Lieutenant continued to berate the officers with numerous personal insults. The female victim refused to cooperate further with police and declined to seek a Temporary Restraining Order. In municipal court, the charges were dismissed when the victim refused to testify. The Lieutenant was ordered to report for a psychiatric exam as part of the "re-arming process" and failed to appear as ordered. Per Attorney General Directive and agency policy, the entire matter was referred to the Internal Affairs Bureau for review.

Summary of Factual Findings

Allegation # 1 - Criminal Behavior (Simple Assault)

A review of the police reports and body worn camera (BWC) evidence, as well as interviews of the involved officers did not reveal sufficient evidence to sustain the simple assault charge. The victim refused to cooperate with responding officers, the prosecutor or internal affairs detectives. She declined medical attention on the night of the incident. The Lieutenant's statement was that the female victim attacked him and the marks on her body were the result his own self-defense.

Finding: Not Sustained

Allegation # 2 - Criminal Behavior (Harassment)

The same evidence was considered on the charge of harassment by offensive touching. Notably, the responding officers' BWCs recorded the hysterical victim describing a physical altercation with an intoxicated Lieutenant Swan, who was incensed when she rejected his advances. It was difficult to determine the exact order of events during the altercation, but the evidence, including

the red marks on the victim's face and arms, supports the charge that the physically larger Lieutenant Swan engaged in offensive touching harassment, if not simple assault.

Finding: Sustained

Allegation # 3 - Conduct Unbecoming an Officer

In addition to the harassment of the victim, Lieutenant Swan's behavior in telling the responding officers to leave the scene and then berating and insulting them throughout the process, as well as his disgraceful behavior outside his residence, which was witnessed by civilian neighbors, brings discredit to him and to the police department. It fully supports the charge of Conduct Unbecoming an Officer.

Finding: Sustained

Allegation # 4 - Failure to Follow a Direct Order

The Lieutenant was ordered by the Deputy Chief to appear for a psychiatric exam on October 1, 2022 at 9 am as part of the "re-arming" process. The doctor's office advised the police department that the Lieutenant had failed to appear for the appointment. Further investigation revealed that a member of the doctor's staff had rescheduled the appointment for October 15 and failed to enter the new date into the office computer system, resulting in the call to the police department reporting the Lieutenant's absence. The examination was conducted as scheduled on October 15, 2022.

Finding: Exonerated

Discipline Imposed (to be completed when Discipline is final; See Section 9.11.2) – Demotion of one rank from Lieutenant to Sergeant. One-year suspension with alcohol evaluation..