

OPRA Request Borough of Berlin

Submitted on 03/31/10 via E-Mail to clerk@berlinnj.org

To the Custodian of Records: Please accept this as my request for government records. Please note that the Open Public Records Act (OPRA) is not the only basis for my request. I claim entitlement to the records sought under both OPRA and the Common Law right of access.

Requestor's Name: John Paff
Address: DO NOT use regular mail either for replying to this request or or sending me the responsive records.
Please use e-mail or fax instead.
Phone: 732-873-1251
FAX: 908-325-0129
E-Mail: paff@pobox.com

BACKGROUND

I am informed that Berlin Borough Police Officer Anthony Glannini, a sixteen year veteran of the force, was disciplined by the department and then appealed to the New Jersey Superior Court (Docket No. CAM-L-5321-09). I am further informed that Officer Glannini was not successful in his appeal and that the court case terminated on or about March 18, 2010.

While police disciplinary matters are normally confidential, it is probably true that copies of these records were attached to, or at least referred to, in the public court filings causing it to lose its confidentiality.

RECORDS REQUESTED

I would like to receive copies of the charging forms, disciplinary notice or other documents that detail the charges made and the penalty imposed. Since I don't know exactly what sort of records Berlin keeps, I've attached six pages of records that I received in response to a similar request to West Milford Township in Passaic County. I don't need duplicative records--just enough to tell me what the final charges were and what the final discipline imposed amounted to.



Berlin Police Department

Community • Integrity • Service

Robert L. Carrara
Chief of Police

April 16, 2009

**Patrolman Anthony Glannini #43
Berlin Police Department**

Anthony,

On April 8th, 2009 you met with me in my office @ 2000hrs. During this conversation you were advised to appear for a fitness for Duty Exam on April 15th, 2009. In addition to this information you were verbally ordered by me to call my cell phone once you have exited the Doctor's office from said exam. You were additionally advised to appear in my office on this same day depending on my availability. My availability was to be discussed during the phone call. You were advised of this order twice while in my office and you acknowledge same.

I waiting 24hrs from your appointment date and have not yet heard from you since this conversation. You neglected to call my cell phone and have not appeared or called my office.

You represent yourself as being a responsible and professional member of this Department and yet you have not followed verbal orders for a second time in less than six months.

For this you are hereby charged with violation of the Berlin Police Departments Rules and Regulations:

- Charge #1 #10:8 Neglect of Duty
- Charge #2 #10:9 Performance of Duty:
- Charge #3 #10:11(A) Insubordination
- Charge #4 #13:36 (E) Neglect of Duty
- Charge #5 #13:35 (A) Insubordination

As per the Department's Rules and Regulations, you have the right to a Departmental Hearing with the Appropriate Authority/Hearing Officer for the above violations at which time all parties/witness(s) will be called to testify, or you have the right to waive said hearing and accept the proposed three (3) eight (8) hour day suspension (24hrs) for these violations.

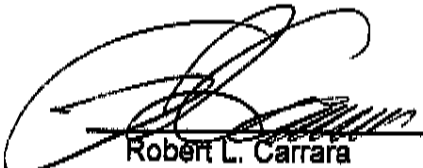
Municipal Building

59 South White Horse Pike • Berlin, New Jersey 08009 • Phone (856) 767-4700 • Fax (856) 768-3442

berlinnj.org

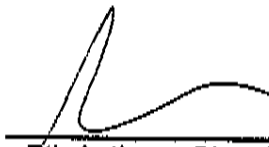

Please indicate below the process you wish to take by signing your name. As per Borough Ordinance and Department Rules and Regulations, a tentative hearing date has been set for Tuesday May 5th, 2009 @ 1900hrs at the Berlin Recreation Center on Franklin Ave.

In accordance to the Attorney General's Guidelines, you do have the right to bring Counsel to said hearing.


Robert L. Carrara
Chief of Police
Charging Authority

4/20/09
Date

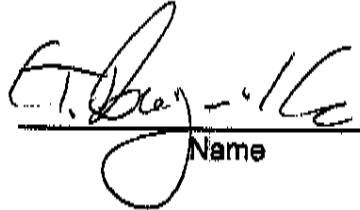
I wish to have a Departmental Hearing:


Ptl. Anthony Giannini #43
Date 4-20-09 

I wish to waive my right to a Hearing and accept the above penalty:

Ptl. Anthony Giannini #43 Date

Witness:



Name Date 4/24/09



Berlin Police Department

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Robert L. Carrara
Chief of Police

September 10, 2009

SUSPENSION NOTICE

Patrolman Anthony Glannini #43

This notice is in response to the Borough's decision on 9/8/09. A six (6) days (48 hours) suspension with no pay will be imposed. This suspension will be at my discretion and will commence on the below listed dates.

Please feel free to contact me with any questions regarding this matter.

Dates of suspension:

Monday	9/14/09	1830 to 0630hrs	(12hours)
Tuesday	9/15/09	1830 to 0630hrs	(12hours)
Wednesday	9/23/09	1830 to 0630hrs	(12hours)
Thursday	9/24/09	1830 to 0630hrs	(12hours)

Robert L. Carrara
Chief of Police

Cc Public Safety Committee
Discipline File



Berlin Police Department

Community • Integrity • Service

Robert L. Carrara
Chief of Police

August 26, 2009

Departmental Charges

**Patrolman Anthony Giannini #43
Berlin Police Department**

Anthony,

On July 22nd 2009, you appeared for a disciplinary hearing at the office of Mr. Joe Audino. This hearing referenced a matter of disobeying a direct verbal order. During your testimony, you supplied the hearing Officer and testified to the fact that you had secretly recorded me and Lieutenant Paul Miller on April 20th 2009 in my office during a meeting with you. You were further questioned pertaining to this recording and testified that you recorded our meeting without our knowledge or permission with a personal recording device.

At the completion of your hearing on July 22nd 2009, I ordered Lieutenant Paul Miller to conduct an Internal Investigation pertaining to your recording on April 20th 2009. Said investigation was conducted due to the fact that our Department has Policy and Procedure clearly prohibiting this conduct. You were then issued a letter advising you of said investigation.

On August 7th 2009, you were interviewed by Lieutenant Paul Miller. Present with you was your PBA attorney. At the beginning of this interview Lieutenant Paul Miller questioned both you and your attorney if either one of you were recording this interview. Your attorney indicated no. You were again questioned by the Lieutenant if you were recording the interview. At that point you advised him that you were and proceeded to place a recording device from your pocket onto the desk.

This conduct shows complete disregard for authority in that you were not only violating Department Policy on April 20th, but again on August 7th after you knew what you were being investigated for. Your conduct breeds distrust among the closely-knit members of this Police Department. It is because of this trust and the high standards for which we as sworn law enforcement officers are held too that we have such policies in place.

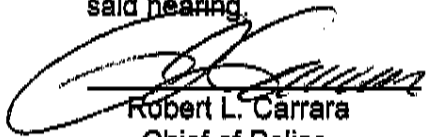
For this you are hereby charged with violation of the Berlin Police Departments Rules and Regulations:

- Charge #1 #10:1 Standard of Conduct:
Bringing the Department into disrepute**
- Charge #2 #10:8 Neglect of Duty:
Failure to comply with previslons In Police Manual
(E-1 Electronic Monitoring - Section III A.1.2.3.)**
- Charge #3 #10:11(C) Insubordination:
Disobedience of Policles of the Chief of Police
(E-1 Electronic Monitoring - Section III A.1.2.3.)**
- Charge #4 #10:12 Obedlence of Rules and Regulations:
(E-1 Electronic Monitoring - Section III A.1.2.3.)**

As per the Department's Rules and Regulations, you have the right to a Departmental Hearing with the Appropriate Authority/Hearing Officer for the above violations at which time all parties/witnes(s) will be called to testify, or you have the right to waive said hearing and accept the proposed thirty (30) eight (8) hour day suspension (240hrs) for these violations.

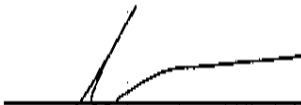
Please indicate below the process you wish to take by signing your name. As per Borough Ordinance and Department Rules and Regulations, a tentative hearing date has been set for Monday September 21st, 2009 @ 1000hrs at the Berlin Recreation Center on Franklin Ave.

In accordance to the Attorney General's Guidelines, you do have the right to bring Counsel to said hearing.


 Robert L. Carrara
 Chief of Police
 Charging Authority

8/26/09
 Date


I wish to have a Departmental Hearing:

 #43 8-31-09
 Ptl. Anthony Giannini #43 Date

I wish to waive my right to a Hearing and accept the above penalty:

 Ptl. Anthony Giannini #43 Date

Witness:

 8-31-09
 Name Date



Berlin Police Department

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Robert L. Carrara
Chief of Police

March 24, 2010

SUSPENSION NOTICE

Patrolman Anthony Glannini #43

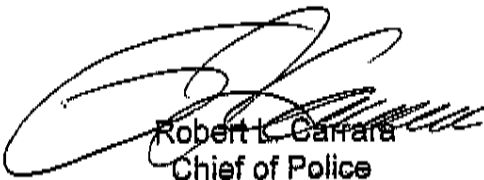
This notice is in response to the Superior Courts' decision on March 18th, 2010. A twenty (20) day suspension with no pay will be imposed. This suspension stems from your Departmental Charges dated August 26th, 2009.

The Court also ruled that you regain three (3) of your six (6) day suspension that you served in September 2009. These three (3) days that are owed to you will be deducted from the twenty (20) day suspension.

Therefore, you will be serving effective Monday March 29th, 2010 a seventeen (17) day (136 hour) suspension. This will also confirm that your attorney representing you at the hearing suggested that you serve the suspension presently while you are out rather than awaiting your potential return to duty and I therefore presume you have no objection.

You are to appear in my office on Monday March 29th, 2010 @ 0900hrs. to relinquish your Department Identification and Badges.

Please feel free to contact me with any questions regarding this matter.



Robert L. Carrara
Chief of Police

Cc Public Safety Committee
Discipline File

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