



Michael J. Morris
Chief of Police

**DEPARTMENT OF POLICE
EGG HARBOR TOWNSHIP**

3515 BARGAIN TOWN ROAD
EGG HARBOR TOWNSHIP, NJ 08234-8321



(609) 926-4036
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August 15, 2011

John Paff, Chairman
PO Box 5424
Somerset, NJ 08875-5424

Dear Mr. Paff:

In regards to your letter dated August 8, 2011:

- 1. Sergeant Michael Hughes's did author a report after his contact with Officer Lancaster on February 17, 2011. This report is recorded in Egg Harbor Township Police Department Internal Affairs Investigative Case File # 11-02. Because this document is an internal affairs report it is considered exempt from disclosure under N.J.S.A.47:1A-10.**
- 2. Attached is Sergeant Hughes's activity log for February 17, 2011.**
- 3. As a result of our investigation, Officer Lancaster plead guilty to violating several departmental rules and regulations. As such, he was disciplined accordingly. Because the documents pertaining to this action are part and parcel to the internal affairs case file, they are considered exempt from disclosure under N.J.S.A.47:1A-10.**

Sincerely,

Michael J. Morris
Chief of Police

bmb



New Jersey Libertarian Party

Police Accountability Project

John Paff, Chairman

P.O. Box 5424

Somerset, NJ 08875-5424

Phone: 732-873-1251 - Fax: 908-325-0129

Email: lpsmc@pobox.com

August 8, 2011

Michael T. Hughes, Sergeant
Egg Harbor Township Police Department
3515 Bargaintown Road
Egg Harbor Township, NJ 08234-8321

(Personal and Confidential¹)

Dear Sir or Madam:

I chair the New Jersey Libertarian Party's Police Accountability Project and wanted to inform you that I submitted the following records request to Egg Harbor Township today:

Records Request: Egg Harbor Township

to etedesco@ehtgov.org

Please accept this e-mail as my request for government records in accordance with the Open Public Records Act (OPRA) and the common law right of access. Please respond and send all responsive documents to me via e-mail at paff@pobox.com. If e-mail is not possible, please fax responses and responsive records to me at 908-325-0129. Also, I would appreciate it if you would acknowledge your receipt of this e-mail.

Background:

From reading the Northfield's Police Department's "Detail Call for Service Report" regarding a February 17, 2011, 02:04 a.m. encounter with Egg Harbor Township Police Officer Jeffrey Lancaster and listening to Sergeant Hughes' (presumably Michael T. Hughes') call to Egg Harbor Township Communication, it certainly appears possible that a) Lancaster was "AOB" (i.e. had alcohol on his breath) and was "four-fifty" (in violation of N.J.S.A.

¹ The exterior of the transmittal envelope was clearly marked "personal and confidential."

39:4-50, New Jersey's drunk driving statute) when he was found asleep behind the wheel and b) the Northfield Police wanted to know if Lancaster still worked for Egg Harbor Township's police department and wanted to know which sergeant was on duty that night and c) that Sergeant Hughes suggested that the Egg Harbor dispatcher give Northfield his cell phone number and said that he'd go over to the scene and give Lancaster a ride home.

This stinks to high heaven and suggests that Lancaster ought to have been investigated and perhaps arrested for drunk driving, but because of his status of a police officer, was given a pass. If this is true, it's of great public interest because it would reveal wrongdoing by both Egg Harbor Township's and Northfield's departments. I intend to get to the bottom of this and have absolutely no qualms about filing litigation if necessary.

If Egg Harbor's Sergeant Hughes went to the scene to give Lancaster a ride home, I would think that he would have at least written up some sort of report on it. So, the first records I am seeking (see #1 and #2 below) are any writing that Sgt. Hughes created regarding his visit to Lancaster at the scene of the incident in Northfield and any data showing whether or not his car went to Northfield that morning. If you deny me access to the record requested in #1, it is very important for you to at least confirm whether or not the record exists.

As to the request in #3 below, I realize that police discipline is normally confidential, but I believe that knowing whether or not Internal Affairs charges were processed against Lancaster is of public importance because, if he was charged, it would conclusively show that the Northfield PD acted improperly by not investigating him for DUI, as they undoubtedly would have had he not been one of the "favored class."

Remember that this isn't just an OPRA request that's subject to standard OPRA exemptions. I am also requesting these records under the common law right of access because I believe that it's clearly in the public's interest to know whether or not a) Hughes just gave Lancaster a ride home without writing a report, b) whether Lancaster was ultimately disciplined for his behavior in this incident, c) whether the Northfield PD improperly showed favoritism toward Lancaster. I believe that the public's right to this information greatly exceeds any confidentiality interest that Egg Harbor's police department, Lancaster or any other person could possibly assert.

Records Requested:

1. Any report or other writing written by or on behalf of Sgt. Hughes arising out of the Northfield PD's February 17, 2011, 02:04 a.m. encounter with Egg Harbor Township Police Officer Jeffrey Lancaster.

2. Any CAD report, daily activity report or other type of report that show Hughes' activity on the February 17, 2011.

3. Any preliminary notice of discipline, final notice of discipline or other writing relating to any action taken against Lancaster arising out of the incident that is the subject of this request.

Since you are specifically named within the request, I felt that you should be put on actual notice of it.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paff", with a large, stylized flourish above the name.

John Paff