

OPEN SESSION

**HONORABLE SERVICE/INVOLUNTARY ORDINARY DISABILITY**

**Brown, Robert – Palmyra Borough** – The Board considered Robert Brown's application for Ordinary Disability retirement in light of the charges brought against him by the Borough of Palmyra. N.J.S.A. 43:1-3 establishes 11 factors for which the Board is to consider and balance in view of the goals of the pension statutes when determining whether forfeiture or partial forfeiture is appropriate, taking account of the goals to be achieved under the pension laws. These factors are:

1. The member's length of service;	23 years, 8 months
2. The basis of retirement;	Involuntary Ordinary Disability
3. The extent to which the member's pension has vested;	The member's pension is vested he has more than 10 years of service.
4. The duties of the particular member;	Police Officer
5. The member's public employment history and record covered under the retirement system;	23 years, 8 months
6. Any other public employment;	None Noted
7. The nature of the misconduct or crime, including the gravity or substantiality of the offense, whether it was a single or multiple offense and whether it was continuing or isolated;	<p>On February 27, 2014, Robert Brown was served with a Preliminary Notice of Disciplinary Action charging him with 7 violations of Palmyra Police Department Rules and Regulations, including: Neglect of Duty, Performance of Duty, Knowledge of laws and regulations, Reasonable caution in the performance of duties, Supervision of subordinates, Causes for removal, and Repeated violations.</p> <p>Robert Brown, a 13 year veteran, was a Sergeant with the Palmyra PD. On October 7, 2013, he incorrectly read the Domestic Violence Central Registry, causing a subject to be arrested, charged with a crime and jailed for the night without cause. The matter concerned a reported violation of a temporary restraining order that had not been served. Sgt. Brown incorrectly ordered officers under his supervision that the order had been served, and directed subordinates to initiate the process that lead to the subject's arrest, charging and overnight incarceration.</p> <p>He was recommended for permanent demotion to patrol officer, and suspension.</p>
8. The relationship between the misconduct and the member's public duties;	Direct
9. The quality of moral turpitude or the degree of guilt or culpability, including the member's motives and reasons, personal gain and similar considerations;	High Degree

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HONORABLE SERVICE/INVOLUNTARY ORDINARY DISABILITY – (continued)

Brown, Robert – (continued)

<p>10. The availability and adequacy of other penal sanctions; and</p>	<p>By Settlement Agreement entered into on May 14, 2015, Patrolman Brown was found guilty of all the charges and specifications in the February 27, 2014 PNDA. He was permanently demoted to the rank of Patrolman effective June 17, 2014 and suspended without pay for 200 working hours to be charged against his accrued leave time.</p> <p>The Borough determined that Patrolman Brown is permanently unable to perform the job responsibilities of patrolman and agreed to apply for Involuntary Disability retirement benefits on behalf of the member, effective August 1, 2015. He was placed on paid sick leave from November 5, 2014 to July 31, 2015.</p> <p>Patrolman Brown dismissed his lawsuit against the Borough filed in Superior Court, Burlington County.</p>
<p>11. Other personal circumstances relating to the member which bear upon the justness of forfeiture.</p>	<p>On March 9, 2015, Mr. Brown mistakenly applied for Ordinary Disability retirement. The Borough subsequently requested the Division to permit his application to be amended to Involuntary Disability retirement and submitted a Borough resolution and other documentation in support of this request.</p>

The Board noted that Mr. Brown suffered a demotion from Sergeant to Patrolman and was suspended for 200 working hours. After careful consideration, the Board voted not to impose any forfeiture of pension benefits, having determined that the penalty imposed by the Borough of Palmyra was sufficient in light of the nature of the infraction. (Motion by Trustee Barrett seconded by Trustee Bennett) Thereafter, the Board voted to approve Mr. Brown's application for Ordinary Disability retirement because he was determined to be totally and permanently disabled from performing his regular and assigned duties. His Ordinary Disability is approved retroactive to his retirement effective date of August 1, 2015. (Motion by Trustee Barrett seconded by Trustee Bennett)