
In the Matter of an Investigation
of the Hoboken Police Department

Prepared By:

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INTRODUCTION

On October 24, 2007, Sergeant Edwin Pantoja ("Pantoja"), Detective Mario Novo ("Novo"), Detective George Fonseca ("Fonseca"), Detective James Perez ("Perez") and Detective Cesar Olavarria ("Olavarria") filed a lawsuit in the United States District Court, District of New Jersey against the City of Hoboken ("City") and Lieutenant Angelo Andriani ("Andriani") Case No. 2:07-cv-05113-SRC. The complaint alleges that the Plaintiffs were subject to discrimination and harassment because of their race and national origin in violation of 42 U.S.C. § 1983. Among other things, Plaintiffs allege that:

- a. Andriani subjected the Plaintiffs "to a constant barrage of racist slurs and extremely offensive conduct motivated by racial hatred" (TY 14; 20-29);
- b. Andriani threatened Plaintiffs with physical assault, including putting a bullet in the head of anyone who tried to F*** with him" when they complained to him about his behavior (TY 19);
- c. Andriani ordered Plaintiffs Fonseca, Olavarria and Perez to perform personal work for him while on City time (TY 30-32);
- d. Plaintiffs indirectly complained to Chief of Police Carmen LaBruno about Andriani's behavior, but the Chief "failed to conduct any internal investigation or otherwise take remedial action to stop the harassment or future retaliation. (TY 34);
- e. Andriani used racist language to third parties during the course of his employment with the City of Hoboken (TY 41-44).

On November 2, 2007, City of Hoboken Corporation Counsel Steven Kleinman assigned me to investigate the allegations contained in the Complaint. In pertinent part, Mr. Kleinman said:

You are directed to immediately commence a full internal investigation of each of the numerous allegations contained in the lawsuit, except for the allegation that Lt. Andriani made the officers do personal work for him. That matter remains under active criminal investigation by the Hudson county Prosecutor's Office and they have requested we avoid that particular topic.

Thereafter, however, on November 16, 2007, the Hudson County Prosecutor requested that I not interview either the Plaintiffs or Lieutenant Andriani regarding any matters until they completed their investigation.

On January 14, 2008, Peter H. Stoma, Assistant Prosecutor, (Internal Affairs) of the Hudson County Prosecutor's Office advised me that the Prosecutor's investigation was complete. He advised that criminal charges would not be brought against Lt. Andriani or any of the Hoboken Police Officers involved in the inquiry. He further advised that Hoboken could proceed with their internal investigation and requested that the Prosecutor be advised of the results.

On February 1, 2008, I moved for access to Grand Jury testimony to assist me in my investigation. This application was opposed by the Plaintiff. The Hon. Peter Vasquez, J.S.C., denied this application. On the same day, Plaintiffs moved to enjoin me from continuing my investigation. This application was also denied.

I continued to interview witnesses and review documents and now submit this report.

FINDINGS OF FACTS

Carmen LaBruno ("LaBruno") became Chief of the Hoboken Police Department in 1991. At that time, Andriani was a patrolman. Soon after LaBruno became Chief, Andriani asked for and received permission to form a SWAT team.

The SWAT team was in existence from 1991 until it was disbanded in November, 2007. During this entire period of time, Andriani was in charge of the unit. It was partially self-funded: members would pay monthly dues and would "volunteer" their time for training exercises. On occasion, however, members of the unit would attend training during their work time. In other words, they would leave their normal assignment to go on training exercises. These exercises sometimes took place in Hoboken, but also occurred out of Hoboken and sometimes out of state. In addition, on the rare instances the members were actually deployed, they would be either paid and/or receive compensatory time off. For example, police officers that were deployed to Louisiana received credit for having worked every day that they were there and were credited for compensatory time for the days they worked on their normal "day off" when they returned to Hoboken.

There were no written regulations governing the SWAT unit. There were no general or special orders pertaining to the operation. The sole document received from the City in this investigation pertained to the qualifications and selection of the members of the unit which was issued on October 30, 1991. Andriani did whatever he wanted with respect to the administration and operation of the unit.

The SWAT unit was ostensibly designed to provide the City with specialized resources to better enable the City to protect its residents. In truth, however, SWAT

rendered virtually no meaningful services to the City. After questioning numerous witnesses, this is all I am able to report concerning what SWAT did:

1. Provide "security" during the World Cup;
2. Assist in a few search and arrest warrants, one of which was in Bayonne;
3. Went to Louisiana on two occasions; and
4. Spent thousands of hours in "training" in Hoboken and around the state of New Jersey and the United States.

These services did not benefit any business, resident or taxpayer of the City of Hoboken. Moreover, any of these purported services could have been performed better and more efficiently by either the Emergency Services Unit of either the Port Authority or City of Jersey City Police Departments.

The Hoboken SWAT unit was more than a waste of money and/or time. The unit's operations either directly or indirectly led to several acts of misconduct engaged in principally by A [REDACTED]. The SWAT unit gave A [REDACTED] a license to engage in misconduct. Further and most disturbing is the fact that La [REDACTED] was aware of the improper and needless operation of the SWAT team, but took no action to stop it. Rather, he let A [REDACTED] operate free of the normal constraints of a paramilitary police department. The following are some of the major derelictions of duty committed by A [REDACTED] and La [REDACTED] regarding the SWAT operation.

La [REDACTED] permitted A [REDACTED] to keep the SWAT bus at his home in Verona, New Jersey and to work from home. There was no good reason for this. The bus could have been and should have been kept in the Hoboken garage. Police officers under A [REDACTED] command regularly went to his home to work on the bus while they were on

duty. L [REDACTED] permitted them to do this. As a result, this negatively impacted on public safety. Police officers who should have been protecting the residents of Hoboken were often washing and waxing a bus in Verona. Sometimes they were washing A [REDACTED]'s personal boat. Beyond this, working outside of Hoboken gave A [REDACTED] a license to have police officers engage in private work for A [REDACTED] while they were being paid by the City.

Second, A [REDACTED] and L [REDACTED] entered into an illegal verbal agreement in the guise of aiding the SWAT operation. A [REDACTED] would let the Department use his boat for emergencies; in return, police officers would be permitted to work on A [REDACTED] boat while being paid by the City. This agreement was a secret: it was kept verbal and L [REDACTED] did not submit the "contract" to the City Council as required by law. Nor did he tell anyone in the City Administration about this boat agreement. The City received no benefits whatsoever. Then, L [REDACTED] then let A [REDACTED] use the City's dock, which cost \$15,000, for A [REDACTED] boating pleasure.

Third, L [REDACTED] permitted A [REDACTED] to have SWAT members dues deducted from their paychecks. These dues deducted which amounted in the thousands of dollars, were then given to A [REDACTED]. L [REDACTED] never exercised any oversight concerning whether this SWAT dues money was properly spent. In fact, there is clear evidence that A [REDACTED] gave L [REDACTED] SWAT money for a trip to New Orleans, which included money for a private trip for a family vacation. This is what happened.

L [REDACTED] flew from New Jersey to Houston (where he was on vacation with his family) to New Orleans for the Mardi Gras trip. He then flew from New Orleans to Houston (to return to his vacation with his family) to New Jersey. J [REDACTED], the City's

Deputy Emergency Management Coordinator paid for the flights with his credit card. (M [REDACTED] was also paying for other expenses on the trip and was ultimately reimbursed by the City). After the trip, sometime in the Spring, 2006, M [REDACTED], A [REDACTED] and L [REDACTED] met in the Chief's office. L [REDACTED] wrote M [REDACTED] a check to reimburse him for paying for the flight. The chief left the room. A [REDACTED] took L [REDACTED] check, ripped it up and wrote M [REDACTED] another check from the SWAT account. A [REDACTED] put the torn check in L [REDACTED] checkbook. In short, contrary to L [REDACTED] repeated statements, he did not use his own funds to go to Mardi Gras.

Over one year later, after the media commenced its reporting of the SWAT trips, L [REDACTED] went to M [REDACTED] inquiring as to whether he had paid for the trip. M [REDACTED] said no.

The inevitable and disturbing conclusion is that the Chief let A [REDACTED] pay for his trip to Louisiana by using SWAT funds generated by police officers. Police Officers paid for L [REDACTED] to fly to New Orleans and be transported to and from a family vacation to go to Mardi Gras. L [REDACTED] version is different. He says he wrote M [REDACTED] a check for the trip, did not realize he had not paid for the trip and that is the end of the matter. I do not believe that. To accept that version would require acceptance that L [REDACTED] did not realize, for more than one year, that he did not know that his check to M [REDACTED] had not cleared and requires me to believe L [REDACTED] instead of M [REDACTED]. This episode, more than any other, sheds an illuminating light on the relationship between the Chief and A [REDACTED]. They both bestowed favors on the other to the detriment of the public. I believe the Chief knew that A [REDACTED] had paid for the Chief's trip using SWAT funds. Why else would he not inquire why M [REDACTED] did not cash his check?

There is one other matter, although unrelated to SWAT, which warrants attention.

Chief [REDACTED], on one previous occasion, permitted A [REDACTED] to escape unpunished concerning a major disciplinary infraction.

Then Sergeant A [REDACTED] committed a gross act of insubordination in April, 2003. He was charged with insubordination and received an appropriate penalty of a six day suspension without pay. However, the charges were dismissed and the penalty never served because the Chief authorized the case to be "settled" with the dismissal of the charges with no penalty. This action by the Chief had the inevitable consequence that A [REDACTED] believed the normal rules did not apply to him and that he could act improperly without consequence.

This is what happened. James [REDACTED], Captain of Police, was assigned to call employees on sick leave to monitor their leave and seek to determine their prognosis and determine when they would be able to return to work. Captain [REDACTED] was able to reach all police employees on sick leave with the exception of A [REDACTED]. [REDACTED] repeatedly attempted to contact A [REDACTED] and left repeated messages for A [REDACTED] to contact him. A [REDACTED] did not return the repeated phone calls as ordered. Finally, on April 23, 2003, at about 2:00 p.m., [REDACTED] called A [REDACTED] on his cell phone. A [REDACTED] answered. This is the conversation:

AA: (sounds in good spirits) Hello Jim

JF: Hey Angelo. I hope everything is fine. But I gotta tell you that I also hope that when you come back to work as a Supervisor that people who work for you are

not as disrespectful as you've been to me by not returning phone calls. I've called three times.

AA: (begins screaming) Hey who the fuck do you think you are to call me and talk to me like that.

JF: I've been trying to reach you for a couple of weeks now through a number of people.

AA: You don't call me and tell me %&\$**# *\$%#!^&... AA HANGS UP PHONE

JF: Redials (phone rings about seven times).

AA: (answers) Yea

JF: Hey Angelo

AA: (interrupts) you tell me who you called and who do you think you are to talk to me like that...

JF: AA (interrupts)

JF: AA (interrupts again) &%#*&%#

JF: Can I talk now? I've been ordered to check on the extended sick status of a ...

AA: (interrupts) AA. Yeah well I'll tell you my status. I'm sick. Now what else do you want to know.

JF: See Angelo. You've just given me yet another reason to believe that my comment about disrespect is right. Now, I've held off on putting anything on paper and I've spoken to the Chief.

AA: (interrupts) Put it on paper because I've got enough paper on all of you to do some real damage.

JF: Hey Angelo. Do what ever you have to do. But understand that you have a

responsibility to the rules and procedures and our sick policy just like everyone else.

AA: (interrupts) AA. Yea well I've asked for a written copy of my contract and I still don't have one so I don't know what I am responsible for...until you get me a copy of my contract.

JF: I hope that you are aware that the Rules, Regulations and the Department Policies have little to do with our union contract. So you should have a copy of your Union Contract but you still have a responsibility to this Police Department and its policies.

AA: yea well we'll see when I call my lawyer.

JF: What is your problem?

AA: I'll tell you what it is. I don't give a fuck what any of you think, so go put it on paper and give it to the Chief and tell him to do what he's gotta do with it. In the meantime, I'll take it up with my lawyer.

JF: Yea and then I'll get a lawyer to talk to your lawyer and where are we going here? Listen to how ridiculous this is getting.

JF: Listen to me. I've been ordered by the Chief to check the status on everyone on extended sick leave. And to ask them to contact their doctor to provide an up-to-date diagnosis and a prognosis.

AA: (arrogantly) Who told you to do that?

JF: Hey listen, I'm not going to argue with you.

AA: No? So Who told you to check up on me?

JF: That comes from the Chief.

AA: Yea well like I said put it on paper and give to the Chief and tell him to handle it.

(emphasis added)

A [REDACTED] as a result of the above, was charged with insubordination.

F [REDACTED] advised the Chief of the foregoing and requested and received permission to file disciplinary charges. A [REDACTED] did not appear at the hearing. He was found guilty and received a six-day suspension without pay. The Final Notice of Disciplinary Notice was signed by the City's Business Administrator. A [REDACTED] appealed to the Merit System Board and the matter was transferred to the Office of Administrative Law. The matter was resolved at a settlement conference. Andriani was there and the resolution was that the agreement was the charges were dismissed and Andriani would not receive any penalty.

The Chief said he was not directly involved in this matter and that it was handled by "the lawyers". That is not accurate. A [REDACTED] said he made a phone call with the Chief; the Chief said he was not aware of the case, but would take care of it. Then the matter was resolved. This was confirmed by a February 6, 2004 letter from the City's labor counsel to L [REDACTED] (sent via fax and regular mail), stating "Pursuant to our conversation yesterday, I am writing to confirm that you wish to withdraw the [Andriani] disciplinary charges and penalty] in the above action. Following that, the charges were dismissed. Thus, it wasn't that the lawyers wanted the case dismissed and L [REDACTED] went along. It was L [REDACTED] who wanted the case dismissed with no penalty. After the dismissals, fellow Captain of Police, "Brother" F [REDACTED] told F [REDACTED] that the charges against A [REDACTED] had been dismissed (F [REDACTED] had not been told) and derisively said "and you thought you would be different". After that, F [REDACTED] met with L [REDACTED]

and tried repeatedly to inquire and discuss why the case had been dismissed. L [REDACTED] refused to respond or even acknowledge the matter and went onto the next topic.

ATTF and Andriani

In December, 2004, Sgt. A [REDACTED] was commanding the Department's Auto Theft Task Force ("ATTF"). F [REDACTED] F [REDACTED] and O [REDACTED] were assigned to the unit along with Jose [REDACTED] who was particularly close to A [REDACTED] and considered him a "friend". All ATTF unit members were members of the SWAT team.

All the members, including A [REDACTED], initially got along well. They would often work at A [REDACTED]'s house, but no one complained. They did both personal and SWAT related work at A [REDACTED]'s house from December, 2004 until they resigned, en masse, from the unit in January, 2007. Indeed, the members repeatedly requested to remain in the unit when they submitted their annual assignment requests.

A [REDACTED] occasionally used racist language while he was working with the ATTF members. A [REDACTED] used the word "nigger" when talking to team members. The following are examples when A [REDACTED] used that Language:

1. While having dinner at the Malibu Diner, A [REDACTED] used the word in front of team members;
2. When in North Carolina during a training trip, A [REDACTED] said "I hate niggers";
3. Referred to his neighbor as a "nigger" for cleaning his yard;
4. When A [REDACTED] went to a wedding and saw people dancing to Salsa music, A [REDACTED] said that "reminds me of taking my wife to the zoo"

The foregoing comments did not upset any of the TEAM members. They did not complain about these comments when they occurred to any supervisory member of the Hoboken Police Department. Nor did they file complaints with the Internal Affairs Division.

The ATTF members regularly went to A [REDACTED]'s house in Verona, New Jersey about a half-hour from Hoboken (when there is no traffic) during their work hours. The SWAT bus was often parked there. In addition, A [REDACTED]'s personal boat was usually at his home.

The ATTF squad went to Verona on numerous instances from December, 2004 until January, 2007. They worked on A [REDACTED]'s zodiac boat and cleaned it. They worked on the SWAT bus, such as making electrical repairs and cleaned and washed it. They spent hours cleaning and maintaining the bus and boat. They also performed personal work for A [REDACTED] such as cleaning and reorganizing his garage, moving his furniture and transporting a Kennel to his home and installing a drain on the side of the house. Nobody in the unit reported that they were doing personal work to any superior officers of the department until September, 2007.

Officer F [REDACTED] went to A [REDACTED]'s house frequently while working for the ATTF unit. He did the following while at the house:

1. Washing of the SWAT bus and detailing by waxing the entire bus, the cleaning of the bus rims, tires, battery checks, air pressure checks, wiring the inside panels of the bus;
2. The cleaning of both house garages on numerous times while at the house.

O [REDACTED] also went to the house on numerous occasions. He often cleaned and organized the garage; washed the SWAT bus and A [REDACTED] boats; helped with electrical repairs to the bus. One time O [REDACTED] transported a kennel to A [REDACTED] house.

They generally did this work during the day hours. The Lieutenant would change their shift to have them work at his house.

The Katrina Trip

On August 29, 2005, Hurricane Katrina ("Katrina") landed in Southeast Louisiana. It was the costliest and one of the five deadliest hurricanes in United States history.

The most severe loss of life and property damage occurred in New Orleans, Louisiana, which flooded as the levee system catastrophically failed, in many cases hours after the storm had moved inland. Nearly every levee in metro New Orleans breached as Katrina passed east of the City, subsequently flooding 80% of the City and many areas of neighboring parishes for weeks.

At least 1,836 people lost their lives and there was 81.2 billion dollars in damages, making it the costliest natural disaster in U.S. history.

The state and national response to the storm, with the notable exception of the Coast Guard, was abysmal. Residents were left without water, food or shelter. There was little planning or coordination; help was slow and delayed. Ultimately, Congress determined that FEMA and the Red Cross "did not have a logistics capacity sophisticated enough to fully support the massive number of Gulf Coast victims. It

placed responsibility for failure to respond adequately to the disaster on all three levels of government.

Kenner, Louisiana, is a suburb of New Orleans. It is part of Jefferson Parish, Louisiana. It has a population of 70,517 (census 2000).

It was devastated by Katrina. The Town was flooded, power was out for several months and there was some looting and fear of more.¹

A Hoboken resident was friends with a Kenner resident. She wanted to help. She suggested to City officials, including Mayor David Roberts and Councilman Russo that it do something to help². All the City wanted to help. Money was raised; enormous donations of food and supplies were made; and the City acquired the use of a tractor-trailer to transport the material.

Mayor Roberts, Councilman Russo, A [REDACTED] SWAT team members, EMT Coordinator Joe [REDACTED] and several Hoboken residents went to Kenner in late September, early October, 2005.

They arrived to find Kenner devastated. The town was flooded, there was little electricity, stores and homes had been damaged and/or destroyed. There was little food and water, residents were scared and in need of basic supplies and there was fear of looting.

¹The foregoing concerning Katrina and its aftermath is taken from Wikipedia.

²No one has suggested that either the Mayor or the Councilman did anything improper on the trip. My independent review has confirmed that.

No one was helping Kenner except Hoboken. The City reached out and provided a tremendous public service. Hoboken supplied necessary supplies, food and water and necessities. Kenner was appreciative. The federal and state government did virtually nothing. Hoboken did a lot to help.

Kenner wanted to show their appreciation by having a dinner for the Hoboken contingent. Mayor Phil Capitano arranged to have Henry [REDACTED] a prominent local developer, cater a dinner to recognize the help that Hoboken did for the people of Kenner. He noted that Hoboken was one of perhaps only two towns that provided aid, supplies and assistance to Kenner which was undergoing chaos and nobody was helping.

A [REDACTED] went to the dinner with other team members. He gave his weapon to S [REDACTED] wife. He then handed out ammunition to the Kenner contingent. L [REDACTED] was watching and laughing. L [REDACTED] did not reprimand A [REDACTED] or take any steps to secure the weapon.

Later during the trip, members of the contingent stopped at a restaurant in Kenner. A [REDACTED] was seated next to Michelle [REDACTED] an elected Kenner Councilwoman. M [REDACTED], O [REDACTED], P [REDACTED] and N [REDACTED] were there. A [REDACTED] cut two holes in a white napkin or handkerchief, making it appear to be a Ku Klux Klan hood. A [REDACTED] tried to put the hood on Branigan, but she resisted. He then placed the hood on his head, uttered guttural sounds and repeatedly said "nigger". He did so even though there was an African-American couple eating dinner at a nearby table.

No one reported any misconduct by anyone when they returned to Hoboken from Kenner.

The Trip to Mardi Gras

The Kenner officials were quite appreciative of what Hoboken had done for them. They invited them to Mardi Gras 2006. They did so for two reasons: (1) they needed security for the parade and (2) they wanted the Hoboken people to have a good time.

The trip provided virtually no public service. Security was provided for three parades in parts of two days. A training exercise for SWAT team members took place on another day. The only other notable work was servicing, maintaining and cleaning the SWAT bus.

On February 21, 2006, the team arrived at Kenner, Arrangements were made for the team to stay at the Hilton Garden Inn. The next day, the team performed SWAT training operations at the Fairfield Inn Hotel, which was vacant at the time. On February 23, 2006, the team toured the 9th ward of New Orleans which had been devastated by Katrina. On February 24, 2006, the vehicles were cleaned and maintained. On February 25, 2006, the team worked on bus maintenance. Because of inclement weather, the scheduled parade and security detail was canceled.

On February 26, 2006, the team provided security for the Mardi Gras parade route. (this was day 8 of the trip). On February 27, 2006, the team provided security for the "Zulu Festival" in Kenner and the "Zeus Parade" in Metairie.

One morning, Councilwoman B [REDACTED] A [REDACTED] and M [REDACTED] went to a Dunkin' Donuts in Mederie, Louisiana. An Indian woman in her twenties was at the counter. In a very heavy Indian accent, the woman said "May I help you". A [REDACTED] started

mimicking her in her Indian accent and did it repeatedly. The woman was visibly upset. Councilwoman Branigan said "That's enough". Nevertheless, A [REDACTED] continued to mimic the woman and her Indian accent. The Indian woman started to get tears in her eyes and excused herself. Branigan said "I can't believe you did that". A [REDACTED] denied doing anything. They walked outside and continued to argue about the incident with Councilwoman Branigan repeatedly saying I can't believe you did that and A [REDACTED] responding that it did not happen. Later, A [REDACTED] brought up the incident at a dinner they had together a year ago. At that time Councilwoman Branigan said that she did not want to talk about it, but A [REDACTED] repeatedly talked about it.

On February 28, 2006, maintenance on the bus occurred at the Grayline Bus Company; vehicles were fueled at the Kenner Police Department; bags were packed and luggage was loaded on the bus.

On one day, during the trip A [REDACTED] went to an Army Navy store with Joel [REDACTED], and Officer M [REDACTED]. A [REDACTED] purchased a confederate hat and said "let's go get some niggers".

The Trip To Hooters

On March 1, 2006, the team left Kenner for Hoboken. At 1830 hours, the team took a meal break at Hooters Restaurant in Tuscaloosa, Alabama. A [REDACTED] and Police Officers G [REDACTED], M [REDACTED], M [REDACTED] and Resse and Lopez, Deputy EMC M [REDACTED] and

EMT V [REDACTED] went into the restaurant and ate and drank soda³.

The Police Officers were in their SWAT regalia and were clearly identified as Hoboken Police Officers. They, especially A [REDACTED], did not act like professional police officers. A [REDACTED] was a disgrace. I note, in particular, the following:

1. There is a group shot of the waitresses pointing Hoboken police officers' weapons at the camera and laughing and in one instance, pointing a handgun at another person's head;
2. Several waitresses are wearing Hoboken Police hats;
3. A [REDACTED] is cheek-to-cheek with a waitress appearing with a waitress appearing intoxicated in a shirt that identifies him as a police officer;
4. One particularly disgusting and lurid picture has the Hooters waitresses lined up against the SWAT bus;
5. A [REDACTED] is repeatedly pictured with Hooters girls in handcuffs.

A [REDACTED] voluntarily handed his weapon to a Hooters waitress. He directed Officer Lopez, Grossman and M [REDACTED] to make their weapons safe and then hand their weapons to Hooters waitresses. They knew it was wrong and in violation of

³There is a factual dispute as to whether the officers drank alcohol while at Hooters. The Hooters waitresses and management staff said they did. A [REDACTED] looks intoxicated in at least one picture and his behavior is consistent with intoxication. However, all the Hoboken witnesses were uniform that they did not drink. I note that the Hooters witnesses were clearly wrong on other factual issues (how long they stayed and where they went afterwards). I, therefore, find that there was no drinking at Hooters.

Department Regulations. Nevertheless, they did so because ~~Andriani~~ was the superior officer and he told them to do it.

The above officer's conduct violates Hoboken regulations governing firearms.

The Hoboken Police Department maintains a semi-annual firearms requalification form. This form provides for the following acknowledgment:

Acknowledgment

I, the undersigned officer, do acknowledge by my signature that I have read & fully understand the following information which is contained in this document and understand my responsibilities under both these rules as well as all departmental rules, regulations and policies and all laws, guidelines and/or directives pertaining to the carrying and use of firearms both on and off duty. I further acknowledge my sole liability for any intentional disregard or violation of any of the aforementioned rules and fully understand that I may be subject to Department, Criminal and or Civil action(s) for such disregard and/or violations.

The regulations further provide, as follows:

4b) I understand that Department Rules & Regulations require that I must carry on my person, a minimum of **two (2) additional ammunition magazines** which must be fully loaded and carried in approved magazine carriers/holders in addition to the magazine inserted in my semi-auto weapon. If I am still authorized to use a revolver, I am required to carry a minimum of **eighteen (18) additional rounds secured in approved holders** on my person besides the rounds carried in my revolver.

8) **Surrender of Weapons:**

I understand that **I will NOT at ANY time, SURRENDER my weapon** to anyone other than another law enforcement officer*

= THIS INCLUDES ANY HOSTAGE/VICTIM SITUATION=

* Note: **If it becomes necessary to surrender your weapon to another law enforcement officer**, the weapon must first be placed in a "safe" condition (i.e.; magazines removed, slide locked to the rear and/or cylinder opened and ALL rounds removed from the

weapon prior to surrender.

Earlier, during that trip, A [REDACTED] went to another tavern and is pictured abusing alcohol while in his police SWAT uniform.

The team resumed its trip at 2030 of March 1, 2006. At 1130 on March 2, 2006, the team stopped at London Bridge Training, Virginia Beach, Virginia to purchase supplies for team members. At 1430 hours, the team dropped Detective P [REDACTED] at his brother's house. On March 3, 2006, at 200 hours, the team dropped Sgt. A [REDACTED] off at his home. At 315 hours, the Team arrived in Hoboken.

The ATTF Unit remained intact following the trip to Mardi Gras. No one complained about any of A [REDACTED]'s inappropriate behavior. No Hoboken police superior was aware of his racism or that police officers were doing private work at his home.

Falsification of Records

On August 13, 2006, A [REDACTED] had his annual party. He directed the ATTF team to work at his house the day before to prepare for the party. The team was supposed to be on duty, but they worked at his house instead. They were paid by the City. The party was held on August 13. The team and A [REDACTED] were scheduled to work. They did not. A [REDACTED] falsified the time sheets for August 12-13 to reflect that the team had worked for the City when they did not. He did so to hide the fact that the police officers did not work that day, but instead did private work for him.

A week before, M [REDACTED] and P [REDACTED] went to A [REDACTED]'s house and dug holes to support a beam for a new deck. They did this while they were being paid by the City.

The Visit to the Chief's House

On September 7, 2006, A [REDACTED], P [REDACTED], F [REDACTED] and O [REDACTED], while on duty, went to the Chief's house. The Chief was not aware they were on duty and never inquired. They removed sheet metal, a door frame, a bucket of spackle, sheet rock and paneling from the garage. They then transported the material back to Hoboken to be stored.

The Chief made arrangements with A [REDACTED] to pick up this material which the Chief donated to the City for use in the planned SWAT offices at St. Mary's Hospital. However, the material was not used as planned because the City Administration later decided to use the space for other purposes.

The personality disputes between the ATTF team members and A [REDACTED] became intense. The members did not like the way A [REDACTED] was treating them. They were particularly upset about A [REDACTED]'s criticism of them while training in North Carolina. F [REDACTED] complained to Captain F [REDACTED] about A [REDACTED] behavior; A [REDACTED] complained about the team members. F [REDACTED] recommended to Chief L [REDACTED] that the group be split.

By December, 2006, the team members did not like A [REDACTED] and did not want to work for him. This had nothing to do with A [REDACTED] racist behavior or with working at his home. They never complained about either to any Hoboken superior officer, but they were not reticent about making complaints about A [REDACTED]. They did so to Captain F [REDACTED]. These complaints had to do with the fact that A [REDACTED] was a tough taskmaster and certain specific instances that occurred at Blackwater, NC

The fact that A [REDACTED] racist comments did not concern the ATTF members is

best demonstrated by the January 13, 2007 recorded meeting between A [REDACTED] and the team members. This meeting was taped by [REDACTED] based on his lawyer's recommendation. [REDACTED] according to his own statement, was already attempting to build a case against Andriani.

This recorded meeting is illuminating both for what it shows and what it does not show. It shows that the team is not afraid or in fear of A [REDACTED]. They freely criticize or talk frankly to him: they are mad that A [REDACTED] was rumored to say they were an embarrassment, didn't like the way he acted in North Carolina and reprimanded them because the place was a mess, they explain that they had been a family, but that now everything is "doing down the drain", A [REDACTED] doesn't respect them, complain about [REDACTED] sniper assignment, complain because they failed part of the test at Blackwater, that A [REDACTED] said they embarrassed them, that he criticized them for failing part of the test. In short, the team is complaining about numerous issues with A [REDACTED] (to be frank, whining) and A [REDACTED] is responding, for the most part, in a mature and professional manner.

There is one aspect of the recording that is disturbing. [REDACTED] threatens "friendly fire" against A [REDACTED]; A [REDACTED] responds with an epithet and threatens to put a bullet in Andriani's head.

Andriani is transferred. [REDACTED] replaces A [REDACTED]. The squad is elated.

However, A [REDACTED] continues to attempt to supervise the Team. They don't like it. A [REDACTED] tries to catch them engaging in misconduct. He is unsuccessful. Finally, he convinces L [REDACTED] to "teach O [REDACTED] a lesson" by taking away his detective badge. A [REDACTED] want to humiliate O [REDACTED]. This is what happens.

On September 11, 2007 A [REDACTED] called Rob [REDACTED], a member of the SWAT team. A [REDACTED] directed T [REDACTED] to call O [REDACTED] and have him meet A [REDACTED] at the SWAT bus which had been parked in front of the PATH station. T [REDACTED] did so.

O [REDACTED] called Sgt. [REDACTED] because he was concerned about the call and A [REDACTED]'s intentions. O [REDACTED] went to the train station and parked his vehicle. A [REDACTED] came over and took O [REDACTED] detective badge and hat pin and gave him a patrolman's badge and pin. He did so to "punish him" for his conduct with respect to ~~Sciera~~, referred to above. Chief L [REDACTED] was across the street and observed the event. A [REDACTED] had previously told him that he was going to take the badge and explained why. Chief L [REDACTED] approved that action, but was not aware where the badge removal was going to occur. L [REDACTED] said it was a coincidence that eh observed the incident at the PATH train.

The PATH train is probably the busiest intersection in Hoboken. At any given time there can be as many as hundreds of commuters entering and exiting the station. A [REDACTED], as a veteran Hoboken police officer, knew this and picked the location to maximize the embarrassment and hurt inflicted on O [REDACTED]. In fact, O [REDACTED] was hurt, embarrassed and upset. So were the other members of the ATTF unit. This event, according to the Plaintiffs files, was the "final straw", and resulted in the final event that led directly to the filing of the lawsuit against A [REDACTED] and the City of Hoboken.

Kenner, Councilwoman, Branigan had become friendly with several Hoboken Police Officers, including A [REDACTED] and often exchanged e-mails with these officers.

On September 9, 2007, in the evening, A [REDACTED] (using his screen name

mail correspondence. O [REDACTED] asked for the e-mails; Branigan complied. O [REDACTED] saw the e-mails and immediately noticed the K-K-K references in the start of each sentence in these paragraph. He told Branigan, who had not noticed the apparent reference to the Ku Klux Klan. She looked again; she saw the reference and became horrified and disgusted.

The ATTF team had gone to a lawyer who started to craft a discrimination suit. They had a problem: they had never complained about discrimination to any superior officer in the City. They quickly arrived at an answer. They would complain, not give the City the opportunity to investigate the complaint and then file suit. So the Plaintiffs all dated memos in September, 2007, but they would not give them to internal affairs until October 15, 2007. That way it would look like they had complained, but the City had not timely responded. It was a devious ploy to get money from the City.

On September 11, 2007, Sergeant [REDACTED] wrote a memo to Captain James [REDACTED] entitled "harassment/Hostile Environment in the workplace"

[REDACTED] wrote that "...I witnessed first hand and believe to have been a BLATANT ACT OF HARASSMENT AND RETALIATION IN THE WORKPLACE". [REDACTED] was referring to an incident at 1745 hours where A [REDACTED] requested C [REDACTED] detective badge at the PATH terminal. [REDACTED] asserts that A [REDACTED] took these actions because he had been transferred out of the ATTF because of conflicts with O [REDACTED]. [REDACTED] says this action embarrassed and humiliated O [REDACTED]. [REDACTED] further asserts that Police Detective F [REDACTED] advised him that A [REDACTED] had asked him to gather information to be used against members of the ATTF Unit.

P [REDACTED] asserts that, on March 3, 2007, A [REDACTED] approached Police Officer [REDACTED]

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for using a cell phone. P [redacted] and A [redacted] discussed the matter and A [redacted] said "If anyone fucks with me, I'll bury them..."

The public removal of O [redacted] shield troubled P [redacted]. He says that O [redacted] "has been an exemplary Police Officer".

P [redacted] concluded that A [redacted] is on a "mission/campaign to harass and Retaliate against the Unit". P [redacted] advised that he gave O [redacted] Harassment/Discrimination form and P [redacted] requested that "an internal investigation be conducted by our Department's Internal Affairs Bureau into this matter and Lieutenant A [redacted].

On September 17, 2007, Police Officer M [redacted] wrote a memo entitled "Discrimination Harassment Hostile Environment in the Workplace" to Sergeant [redacted] P [redacted]. The memo asserts that N [redacted] has been "subjected to discrimination harassment hostile environment in the workplace".

N [redacted] asserts that he is Hispanic of Cuban descent and states that the discriminatory acts have occurred on numerous occasions since he became a SWAT team member in January, 2004. He asserts that he did not bring these allegations forward sooner because he was afraid that Lieutenant A [redacted] would retaliate against him.

On September 16, 2007, Patrolman O [redacted] ("O [redacted]") wrote a memo to Sergeant [redacted], entitled "Discrimination Harassment Hostile Environment in the Workplace". The memo asserts that SWAT Lieutenant Commander A [redacted] A [redacted] has discriminated and harassed Latino and African members of the Auto Theft Task Force.

The memo specifically alleges the following acts of discrimination, harassment and racist comments by Lieutenant A [REDACTED]

1. September 23, 2005 trip to Kenner, Louisiana. O [REDACTED], Detective P [REDACTED] and Officer N [REDACTED] were at dinner with A [REDACTED]. There was an African-American couple close by. A [REDACTED] placed a "white handkerchief or napkin" cut with two holes over his head, appearing to be a Ku Klux Klan hood. O [REDACTED] heard A [REDACTED] utter "nigger" three times; O [REDACTED] said he was greatly offended and noted that he is Puerto Rican.
2. A [REDACTED] referred to his white neighbor as a "nigger" because he did yard work;
3. While in North Carolina on a training mission, (P [REDACTED], M [REDACTED], A [REDACTED] and O [REDACTED]), they went to a restaurant. There was another African-American couple present. A [REDACTED] said, "I hate sitting next to fucking niggers and I will not eat next to them. I won't especially if there is another area to sit in".
4. While eating lunch in the dining area while in North Carolina, A [REDACTED] said "he hates niggers, they all suck". The next day, A [REDACTED] became upset because O [REDACTED] and M [REDACTED] sat with a black State Trooper, and later called them "pigs".
5. At M [REDACTED]' wedding in December, 2006, A [REDACTED] said, referring to minorities who were dancing, "this reminds me of taking my wife to the zoo".
6. On December 20, 2006, J [REDACTED], told M [REDACTED], N [REDACTED], P [REDACTED] and

Of [redacted] that A [redacted] had told him that he was going to "fuck with the unit".

7. On September 11, 2007, O [redacted] was publicly humiliated when he was removed from the Detective Bureau.
8. A [redacted] presented M [redacted] with the movie "Mississippi Burning" (a film about the murder of Civil Rights workers and the subsequent FBI investigation).
9. O [redacted] suggests that A [redacted] is upset with the unit and fears for his life. He notes that, on January 4, 2007, A [redacted] said "if anyone has an issue with him to let him know. If there is a fucking problem and we want a fight, we are going to lose".

On September 20, 2007, Detective James [redacted] wrote a memo to Sergeant [redacted] P [redacted], entitled "Discrimination Harassment Hostile Environment in the Workplace". P [redacted] who is Puerto Rican, was transferred to the ATTF in October, 2005. He asserts the following:

1. A [redacted] told him "I just don't like [black people];
2. In May, 2005, at J [redacted]'s wedding, he heard A [redacted] say, referring to minorities dancing, "this reminds me of taking my wife to the zoo". P [redacted] says he left the table;
3. P [redacted] recounted the KKK and "nigger" comment incident in Kenner, Louisiana;
4. During the second trip to Louisiana, A [redacted] said that blacks are "always

complaining and want everything for free".

5. At a sports bar in Louisiana, there was a physical altercation between a group of blacks and whites with apparent gang references. M█████ told the Lieutenant they were going to leave. Lieutenant A█████ said "Ain't no nigger going to tell me where I'm going to eat" and if they came back, "we are going to shoot the shit out of them". A█████ then arrived and became intoxicated.
6. In December, 2006, M█████, O█████ and F█████ went to North Carolina for a training exercise. While at a local restaurant, A█████ said "I hate sitting with niggers". Later, A█████ expressed anger that the officers had eaten with a black State Trooper. Later, A█████ called the officers "pigs". This made P█████ feel "low and demoralized".
7. P█████ was later forced to work on his birthday because A█████ improperly failed to forward his vacation request to the Chief of Police for his approval.
8. A█████ falsely accused P█████ of stealing equipment from Officer John G█████'s locker;
9. In the summer of 2006, A█████ ordered P█████ to help him work on his deck at home during his tour of duty;
10. P█████ was afraid to report these incidents earlier for fear of retaliation because the Lieutenant was so "powerful".

On September 21, 2007, Detective ██████ F█████ wrote a memo entitled

"Discrimination Harassment Hostile Environment in the Workplace" to Sergeant P [REDACTED]. The memo starts by noting that F [REDACTED] is Puerto Rican and previously married an African-American woman and are the parents of twins with "Beautiful Dark Skin". He was honorably discharged from his service as a marine for this "great country" in 1984. He admits, however, that he has "tolerated racism from Lt. A [REDACTED] during my time served under his command".

F [REDACTED] has recounted the following instances of discrimination:

1. A [REDACTED] has said that his race is superior and has the right to rule and have power over others;
2. Since October, 2004, when Fonseca was transferred to the ATTF, A [REDACTED] used the word "nigger" on a daily basis; One night A [REDACTED] said "nigger" at the Malibu diner and ignored F [REDACTED] request that he stop;
3. F [REDACTED] did not report these comments when they occurred because he feared retaliation because A [REDACTED] had fired other police officers;
4. F [REDACTED] was not allowed to bring his children to a party at A [REDACTED]'s house, but whites were allowed to bring their children;
5. In North Carolina, Officers O [REDACTED], P [REDACTED], and M [REDACTED] told Fonseca that the Lieutenant yelled "I hate niggers";
6. In January, 2007, F [REDACTED] said that A [REDACTED] threatened him, saying "I'll put a bullet in your fucking head";
7. In April, 2007, A [REDACTED] asked that F [REDACTED] "spy" on the ATTF unit;
8. In September, 2007, A [REDACTED] directed internal affairs (Sgt. [REDACTED] R [REDACTED]) to investigate whether F [REDACTED] had returned his SWAT

equipment.

9. A [REDACTED] inappropriately ordered the SWAT team to issue Summonses' to Captain [REDACTED] and his son because A [REDACTED] was upset with Captain G [REDACTED]
10. A [REDACTED] told Jo [REDACTED] that the ATTF team was lucky because his "military friends" wanted to come down and "take them out".

On September 28, 2007, Sergeant P [REDACTED] wrote a memorandum to Captain James [REDACTED], (Commander of the Internal Affairs Unit), entitled "Discrimination, Harassment, Intimidation in the Workplace".

The memo refers to P [REDACTED] September 11, 2007 memo and asserts that he instructed his personnel to submit memos regarding "any and all experiences of harassment and intimidation [by Lieutenant A [REDACTED]]". Further, P [REDACTED] asserts that:

...I had approached [Captain] P [REDACTED] on a number of occasions regarding the Lieutenant and his well-known crusade to Harass and Retaliate against us for what I thought was his transfer out of the unit.

P [REDACTED] says he was "shocked and appalled" as he read the memos.

On January 23, 2007, P [REDACTED] replaced A [REDACTED] and was assigned ATTF unit Supervisor. The unit members had previously complained to him about A [REDACTED], but were afraid to complain because of A [REDACTED]'s "close relationship" with Chief [REDACTED]. After P [REDACTED] assumed command, the ATTF members were "hugging each other in

elation, literally thanking God that they no longer had to work under his command".

P [REDACTED] had some concerns because Joe [REDACTED] had advised him that A [REDACTED] was angry, professed to seek revenge and said "No one fucks with him".

P [REDACTED] reported that A [REDACTED] took the following action after being transferred out of the unit:

1. Watched and followed the ATTF unit even though he no longer supervised them;
2. Wrongfully harassed and intimidated Officer N [REDACTED] which resulted in N [REDACTED] not being able to qualify to use his weapon;
3. Attempted to intimidate Sgt. P [REDACTED] into not qualifying;
4. Called officers to inquire why they were at a dinner for Detective J [REDACTED] M [REDACTED], who was leaving to become a [REDACTED] Police Officer;
5. Recruited Officer F [REDACTED] to spy on the ATTF unit;
6. Mocked an Indian employee at a local Dunkin Donuts in Kenner, Louisiana in front of Councilwoman Branigan;
7. Referred to e-mails sent to Councilwoman Michele [REDACTED] of Kenner, Louisiana's making derogatory references to the "Jena6" and apparently making veiled "KKK" references;
8. P [REDACTED] was, himself, a victim of discrimination by A [REDACTED], by being denied training and instead being required to perform menial duties;
9. Refers to a DVD disc received from Detective F [REDACTED] during the second trip to Louisiana (February, 2006);
10. Misused a mobile precinct and "reduced it to no more than a party bus".

This was the first time the ATTF team had complained about A [REDACTED] above conduct to any superior officer. They did so on October 15, 2007.

These police officers' delays in bringing A [REDACTED] misconduct to the police department's attention seriously harmed the City: a racist, liar, and cheat was permitted to remain on the police force because these police officers failed in their sworn duty to come forward and report misconduct.

This is best demonstrated by what happened when they did come forward. On October 15, 2007, they delivered their memos to Lieutenant Tim [REDACTED] of Internal Affairs. M [REDACTED] notified Sergeant J [REDACTED] of the Hudson County Prosecutor's Office Internal Affairs Unit on October 16, 2007. On October 17, 2007, the file was delivered to the Prosecutor's Office. That office immediately commenced a criminal investigation.

On November 5, 2007, [REDACTED] reported to the Hudson County Prosecutor's Office to be interviewed by Assistant Prosecutor Peter Stoma. He refused to be interviewed despite Stoma telling him that he was not a target of the misconduct investigation, was not criminally liable and did not wish to make a statement.

A [REDACTED] immediately went on paid sick leave after media reports surfaced in late October, 2007 concerning pictures of him at Hooters and with the napkin over his head. However, A [REDACTED] left home on November 19, 2007 to pick up a SWAT team check and left home to take the Police Captain's promotional examination, in violation of City policy.

The foregoing concludes my report concerning the relevant facts.

Respectfully submitted,

David F. Corrigan

March 25, 2008

Re: Andriani Investigation

Taped Statement of A [REDACTED] I- February 15 David Corrigan interview

Also present: Lieutenant [REDACTED] (union rep)

Side A

He is presently police lieutenant, started as police officer on August 1, 1984.

Does not remember how long he remained as police officer, didn't become Sergeant until at least 1994. Became Lieutenant in either 2004 or 2005.

As Lieutenant first reported to Captain L [REDACTED] thereafter directly to Chief.

Started giving roll calls directly to Chief.

Prior to becoming Lieutenant, reported directly to Captain L [REDACTED] (while in ATTF), also reported to Captain F [REDACTED] for awhile as Lieutenant (while in Homeland Security).

Does not remember when transferred to Homeland Security, first reported to Captain F [REDACTED] and then directly to Chief.

He had a fine relationship with Captain F [REDACTED] during this period.

Currently on sick leave- since October/November.

Nobody asked him to bring in doctor's note for verification that he is sick. Did not ask for anything pertaining to sick leave, has been advised by Lt. M [REDACTED] that they are setting up appt. for him to see Dr. He called to schedule Dr's appt.

Appointment scheduled with Dr. G [REDACTED]

He called police desk to advise he was sick. Always calls if he is leaving house or else faxes memo to Chief if meeting with attorney.

He is under the care of a physician, does not want to disclose name.

While on sick leave, left home to take a Dept of Personnel exam for Captain- does not