

CERTIFICATION OF FORMER TROOPER & FTA MEMBER NO. 1

1. I am a former New Jersey State Trooper ("Trooper"). I served as a Trooper employed by the New Jersey Division of State Police ("NJDSP") for over 25 years and was honorably discharged by the NJDSP within the past 15 years.
2. I am a member in good standing of the Association of Former New Jersey State Troopers ("FTA").
3. I submit this certification in my capacity as a former Trooper and as a member of the FTA in support of the motion to intervene by myself and by the FTA in the Appeal denominated State Troopers Non-Commissioned Officers Association of New Jersey v. State of New Jersey, Docket No. A-003975-19 T4 (the "Appeal").
4. I am familiar with facts and circumstances giving rise to the Appeal and have personally reviewed Attorney General Law Enforcement Directive 2020-5 ("Directive 2020-5") and Attorney General Law Enforcement Directive 2020-6 ("Directive 2020-6") (together the "Directives").
5. I am also a small business owner who, after his honorable discharge as a Trooper, started his own business and grew that business based in large measure on my service as a Trooper and my honorable discharge by the NJDSP.
6. I submit this certification anonymously because of the irreparable damage I, my family and my business will suffer if the statements which follow become publicly associated with my identity or the identity of my business.

Discipline Imposed By The NJDSP

7. Approximately fifteen (15) years ago while on duty I was directed to evaluate a motorist suspected of being drug impaired. I interviewed the motorist, who was Caucasian, and requested that the person submit a urine sample in accordance with standard protocol.
8. The motorist agreed to submit the urine sample, and returned soon thereafter with a sample.
9. I examined the sample and quickly concluded that the liquid in the container was not urine based upon my visual observation of the liquid and the temperature of the container.
10. Based upon my assessment of the motorist's demeanor and the subterfuge over providing a urine sample, I concluded that the motorist was not drug impaired and instead probably had a medical/mental health issue. In connection with finalizing the assignment, I destroyed the contents of the specimen container.
11. It is my understanding that NJDSP subsequently received an anonymous letter of complaint about how I handled this matter. After conducting an investigation, NJDSP notified me that it intended to issue me a Summary Discipline for Culpable Inefficiency for Failing to Adhere to Evidence Submission Procedures because, according to the

NJDSP, I should have had a regional laboratory destroy the motorist's urine sample rather than destroying it at station level.

2. I retained legal counsel who was able to negotiate a settlement with the *State of New Jersey Attorney General's Office*. The settlement agreement provided for, among other things, that I would serve an unpaid administrative suspension of over a week and that the terms of the settlement and all information about the alleged infraction and the NJDSP's investigation of it would remain confidential. I would not have entered into the settlement agreement but for the promise of confidentiality. I signed the confidential agreement and it was signed by the Deputy Attorney General on behalf of the State.
3. If a mutually satisfactory settlement agreement had not been negotiated, I would have directed my attorney to contest the charges in an effort to avoid any discipline and clear my good name.
4. A few years after entering into the settlement agreement I retired from the NJDSP.

My Own Business

5. After retiring I began my own business utilizing the skills I had developed as a Trooper and leveraging my many years of service as a Trooper and my honorable discharge by the NJDSP to promote and market the business. The business is a service business and the services are performed almost exclusively by me.
6. The business is in a competitive industry, and customers and potential customers have multiple service providers from which to choose. I have convinced third parties to choose me by relying upon my good reputation as a former Trooper honorably discharged from service. If that good reputation is impaired, I will not be able to garner as many new and repeat customers.

The Directives Will Cause Irreparable Harm

7. It is my understanding that the Directives are scheduled to go into effect on July 15, and that if they go into effect it is likely that my name will be published along with a synopsis of the reason for my suspension. It is also my understanding that the Directives will not provide me with an opportunity or avenue to contest the disclosure or the wording of the synopsis.
8. My last name is rather unique and I believe a person using reasonable diligence would be able to locate my home address and information about my business using the information disclosed by the Directives.
9. When disclosed and connected to me, the information will irreparably harm my reputation and that of my business. I expect that the public will associate my name with police misconduct in general and with police misconduct related to racial bias, and I will not have a reasonably effective means to counteract such perceptions.

20. To seek relief for breach of the settlement agreement, I will have to retain my own attorney at my own expense. It is my understanding that I may not have a legal basis to seek such relief and that I may not be able to recoup my attorney's fees even if I am successful in the litigation. Certainly I know that monetary damages will not make me or my business whole for the harm to my reputation.
21. In addition, given the current climate placing law enforcement officers in danger I am clearly concerned that my family and I may not be safe if my name is published pursuant to the Directives.

Miscellaneous

22. I am signing this document as "Former Trooper & FTA Member No. 1."
23. I certify that I have signed this document and have sent it by Portable Document Format (PDF). If requested by the court or a party to the Appeal, I shall ensure that the attorney filing the document can provide the original document.
24. I further certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 6, 2020

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