

## PRESS RELEASE

City of Cape May

For release on March 19, 2015

by authority of the City Manager, Bruce A. MacLeod

Following the City Council's March 3, 2015 meeting, the City of Cape May limited its release of information regarding recent police department investigations. Initially, the City limited the release of information based upon concerns that the Cape May County Prosecutor was conducting a criminal investigation, as well as concerns that the release of information would impact future disciplinary hearings. The Prosecutor's Office has since indicated that its investigation into the City's Police Department is administrative, and the City has had the opportunity to consult with labor counsel concerning the impact of releasing information on future disciplinary hearings.

The City has now determined that additional information can be released in compliance with applicable laws. In preparing this statement, the City has identified and is now disclosing relevant facts and materials believed to be non-confidential. The City must also protect additional information not being made available today that is subject to privacy considerations or otherwise required to be kept confidential. The information provided today is intended to clarify for the City's residents much misinformation that has been circulating throughout the community.

1. July 10, 2014. The City Manager received a letter from an attorney representing the local Police Benevolent Association (or PBA) indicating that Lieutenant Lear of the Cape May Police Department had accumulated a significant amount of compensatory time in violation of the City's policy and in violation of his contract. Compensatory time (or comp time) is basically an accumulation of overtime hours to be paid or taken at a later date. Police Lieutenants, Captains and Chiefs have never been permitted to receive overtime pay and are not permitted to bank overtime as comp time. They are salaried management employees and get paid the same salary regardless of how many hours they work over 40 hours in any one week. The City Manager met with Chief Sheehan and Lieutenant Lear on the same date and provided them with a copy of the letter. See, **Exhibit A**.

2. July 16, 2014. The PBA attorney along with two PBA representatives met with City officials to outline their concerns about the excessive amount of comp time that had been accumulated and expended by Lieutenant Lear. They also expressed concerns about retaliation by Chief Sheehan for reporting this to City officials.
3. July 17, 2014. Based on this complaint, the City Manager met with Chief Sheehan to discuss the matter. He met with the Chief again on July 18, 2014 and then with Chief Sheehan and Lieutenant Lear on July 21, 2014.
4. July 31, 2014. The City Manager again met with Chief Sheehan and Lieutenant Lear and all agreed that Chief Sheehan would have the Cape May County Prosecutor's Office review the matter. On this date, a citizen also brought this matter to the attention of the City Manager.
5. August 5, 2014. First Assistant Prosecutor Robert Johnson sent a letter to Chief Sheehan stating that he had reviewed the proffered facts concerning the Lieutenant and advising that no criminal prosecution would be warranted. However, Johnson specifically authorized the City to review the matter for administrative charges. See, **Exhibit B**.
6. August 20, 2014. The City Manager met with Chief Sheehan and retired Chief Sorantino to discuss this matter.
7. August 21, 2014. The same citizen met with the City Manager and City Attorney requesting an update as to the status of his complaint, referencing a Robbinsville, New Jersey firefighter who had been convicted of Official Misconduct recently for taking unauthorized vacation time over a three year period with a value of \$10,000, and was sentenced to five years in prison. He indicated that he would pursue this matter with the County Prosecutor and State Attorney General.
8. September 5, 2014. This same citizen met again with the City Manager complaining that as the initial complainant no one from any law enforcement agency had contacted him and that he was going to file a brief with the State Attorney General. He believed that he was entitled to a response as to the disposition of his complaint. The City Manager promptly notified Chief Sheehan of the content of this meeting as he had done after each of the prior two meetings.
9. September 8, 2014. In response to the PBA and private citizen complaints, and in an effort to ensure that the Cape May County Prosecutor's Office had reviewed all of the data concerning the Lieutenant's use of comp time, the City Manager and City Attorney met with Mr. Johnson and the Chief of Detectives, Kenneth Super, and provided them with the City Manager's file related to the Lieutenant's comp time usage. At that meeting, Johnson and Super also said that if they ultimately concluded there was no criminal conduct, the City would need to hire an outside investigator to conduct an administrative investigation. At their recommendation, the City contacted Ret. New Jersey State Police Major James Fallon, who has a private investigation and consulting firm and is believed to have considerable expertise in the investigation of police departments.

10. September 30, 2014. Mr. Johnson sent another letter, this time to the City Attorney. This letter concluded, based upon his review of the City's records and interviews with Chief Sheehan and retired Chief Sorantino, that both Chiefs were aware of the Lieutenant's accumulation of comp time and approved same. Accordingly, Mr. Johnson advised the City that no criminal prosecution was warranted, and again explicitly authorized the City to review the matter to determine whether departmental or administrative charges were warranted. See, Exhibit C.

11. October 10, 2014. The City followed the recommendation of Mr. Johnson and Chief Super and hired Major Fallon to conduct the investigation, which began on October 24, 2014. At Major Fallon's recommendation, that investigation was expanded to include a review of Chief Sheehan's actions, since the Cape May County Prosecutor's Office had concluded he approved the Lieutenant's use of comp time.

12. November 11, 2014. Having received an objection from Chief Sheehan regarding Major Fallon's investigation of the Chief's conduct, the City Attorney notified Mr. Johnson of the Chief's objection and requested guidance as to the scope of Major Fallon's investigation. See, Exhibit D.

13. November 13, 2014. Chief Sheehan's personal attorney sent a letter to the City Manager stating that Chief Sheehan would not be interviewed by Major Fallon without immunity from criminal prosecution in the form of a Garrity Waiver from the County Prosecutor. See, Exhibit E.

14. November 14, 2014. The Prosecutor's Office sent its criminal investigation report to Major Fallon, with the interviews of the only two witnesses, Chief Sheehan and former Chief Sorantino.

15. November 19, 2014. Mr. Johnson responded to the City Attorney in a letter directing the City to refrain from any investigation of the Chief, but to continue with the investigation of the Lieutenant. Mr. Johnson also requested that the report be sent to him when completed, and advised the City that if evidence is discovered that would suggest that [sic] internal affairs investigation needs to occur with regard to Chief Sheehan, it will be done by this office. The City complied with this request. See, Exhibit F.

16. December 9, 2014. Chief Sheehan's personal attorney wrote a letter to the City Attorney objecting to retired Major Fallon's involvement and informing the City that the Chief would not voluntarily participate in the investigation of the Lieutenant unless the Chief received immunity from criminal prosecution in the form of a Garrity letter to be issued by the Cape May County Prosecutor. See, Exhibit G.

17. December 23, 2014. In response to the December 9, 2014 letter, a meeting was held at the Prosecutor's Office at Mr. Johnson's request. In attendance were Mr. Johnson, Chief Super, Chief Sheehan and his personal attorney, the City Attorney and the City Manager. At the outset of that meeting, Mr. Johnson decided that Chief Sheehan should be placed in charge of the Lieutenant's investigation. The City disagreed based

numerous factors, including the Prosecutor's prior determination that the Chief was a witness, the Prosecutor's notice to the City that there could also be an investigation of the Chief, the Chief's prior refusal to cooperate in the investigation, and the Chief's request for immunity from criminal prosecution.

18. December 28, 2014. Chief Sheehan sent an email to Major Fallon. In this email, the Chief asserted control over the investigation, refused to be interviewed, ordered that no further action be taken by Major Fallon without the Chief's approval, and demanded that all Major Fallon's information be turned over to the Chief. The Chief further ordered Major Fallon to have no further contact with the City Manager or Attorney regarding the investigation and concluded that "there is not much to be done for an administrative investigation." See, Exhibit H.

19. February 9, 2015. Major Fallon finished his report without the cooperation of Chief Sheehan or the Lieutenant and subsequently supplied that report to the City. The City Manager, City Attorney and Chief met on February 18, 2015 to discuss the report. At that meeting, Chief Sheehan was provided with a copy of the report and a conference call was conducted with Major Fallon. A copy of the report was sent to Mr. Johnson by letter dated February 19, 2015 as requested.

20. March 2, 2015. In a letter faxed to the City Attorney's office at 4:39 p.m., Mr. Johnson confirmed that he had received Major Fallon's report as well as a February 26, 2015 letter from Chief Sheehan, which has not been supplied to the City. In his letter, Mr. Johnson stated that the Prosecutor's Office was taking over the investigation, and that it would include a review of Chief Sheehan's actions and other information to determine whether any witness or party willfully provided false information during a criminal investigation. Mr. Johnson's letter also cautioned the City about the release of information regarding the matter. See, Exhibit I.

21. March 3, 2015. At the City Council meeting, a resolution pertaining Chief Sheehan's one year probationary period was on the agenda. The Chief had previously requested that his personnel matter be discussed in open session and the City Council had intended to conduct the entire discussion in open session. However, Mr. Johnson's March 2, 2015 letter cautioned the City about the release of any information pertaining to the then-expanded investigation, which was an unexpected factor not known to the City until hours before the meeting. For that reason, the City Council, upon advice of the City Attorney, discussed the Prosecutor's pending investigation as it pertained to the conduct of the Chief in closed session, in accordance with the Open Public Meetings Act. The City then returned to public session and voted to rescind the probationary appointment as permitted by the contract terms. A video of this entire meeting is available for viewing on the City's website.

Since the March 3, 2015 meeting, the Prosecutor's Office has indicated publicly that there is no criminal investigation of Chief Sheehan, and has not replied to the City's inquiry as to whether there is any pending criminal investigation. For that reason, the City has concluded that at the present time, there is no pending criminal investigation which

prevents the release of the information outlined above. This statement offers no position on status of the administrative investigation currently being conducted by the Cape May County Prosecutor's Office.

# **EXHIBIT A**

**CHARLES E. SCHLAGER, JR.**  
Attorney at Law

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P.O. Box 67  
Mount Laurel, New Jersey 08054

[ceschlager@gmail.com](mailto:ceschlager@gmail.com)  
Member of NJ and PA Bar

RECEIVED  
JUL 14 2014  
CITY OF CAPE MAY  
CITY MANAGER'S OFFICE

(856) 297-9112 (Cell/Office)  
(856) 802-0601 (Fax)

July 10, 2014

**Via Fax and Regular Mail**

Mr. Bruce A. MacLeod, Administrator/Director of Public Safety  
CITY OF CAPE MAY  
643 Washington Street  
Cape May, NJ 08204

**RE:   Policemen's Benevolent Association Local No. 59  
      v. City of Cape May  
      Docket No.:  
      (Labor Issues-Records)**

Dear Mr. MacLeod:

Please accept this letter on behalf of my clients Policemen's Benevolent Association Local No. 59 in reference to multiple labor issues. I am of the personal and professional opinion that meetings to communicate positions, issues and problems with the opportunity to discuss mutual resolutions are better for all parties, rather than pursue litigation. Notwithstanding that belief and position, I am in a quandary as to whether a meeting to address recent issues will be beneficial to the parties. I will explain this position later in this letter.

Just prior to Memorial Day the PBA, Police Chief, Mayor and you met to discuss multiple labor issues. While the meeting was somewhat tempestuous, it was nonetheless beneficial....at least as this writer determined. Since then, certain issues appear to have been addressed while other issues remain. Recently, several members have raised the issue of excessive compensatory time for certain superior officers and errors in recording of officer's time. This information was gleaned primarily through a cursory review of the Department's records that are accessible to all officers in the Department and subsequently by word of mouth.

This issue was informally raised to the PBA. A cursory review was made of the Departmental files and there did appear to certain discrepancies. Without formal notification certain elected officials received word if these discrepancies. I am of the opinion and belief that these discrepancies whether made by omission, commission, or intentionally, are real and not illusory.

Upon the appointment of Robert Sheehan as Chief of Police, Officer John Campbell, as the NJ State PBA Delegate PBA Local #59 and a Unit Representative for PBA Local #59-Cape May Unit had a conversation with Chief Sheehan. Chief Sheehan advised Officer Campbell that he would be permitted to continue to take PBA time as necessary so long as the Department was reasonably noticed of his need to attend this

business. This has been a long-standing practice in this Unit. The record would show that Officer Campbell has an exemplary law enforcement record, has never abuse, nor has he ever misused the privilege of being able to take time to perform PBA-related duties. On many occasions Officer Campbell has been praised both by appointed and elected officials of Cape May, including the current chief of Police for his invaluable and tireless assistance in resolving labor issues within the police department.

It is my understanding and belief that the chief of Police was confronted by the City Administration regarding the issue of compensatory time and recording of hours. Subsequent to this confrontation, Chief Sheehan advised Officer Campbell's supervisor that his time needed to attend the State PBA meeting was cancelled. The Chief claimed this was due to man-power issues, except that the man-power issues have not altered since the prior month when Officer Campbell did attend the meeting.

Clearly I have been advised of the situation and I believe that the facts (some other not less pertinent facts are not set forth herein for the purpose of brevity) and the Chief's response constitute a retaliatory action and creates a hostile work environment. Moreover, the implication of fraud and malfeasance would clearly subject any employee to coverage under the Whistleblower Act.

This correspondence is merely meant to advise the City that neither Officer Campbell, nor any other officer similarly situated is going to be subjected to disparate treatment. No one, I repeat, no one wishes this matter to move to litigation, but we do expect that this matter be addressed in a timely manner. As such, we are willing to meet to discuss these labor issues.

We thank you in advance for your consideration, attention and cooperation in this matter. Assuming your concurrence with a meeting, please provide me several dates and feel free to contact me by email or by cell.

Respectfully submitted,

*Charles E. Schlager Jr*

Charles E. Schlager, Jr., Esq.

CES

cc: PBA

# **EXHIBIT B**

OFFICE OF THE PROSECUTOR  
COUNTY OF CAPE MAY

ROBERT L. TAYLOR  
COUNTY PROSECUTOR

ROBERT W. JOHNSON  
First Assistant Prosecutor

KENNETH W. SUPER  
Chief of County Investigators



4 Moore Road, DN-110  
CAPE MAY COURT HOUSE  
NEW JERSEY 08210-1654

Phone: (609) 465-1135  
Fax: (609) 465-1347

August 5, 2014

City of Cape May  
643 Washington Street  
Cape May, New Jersey 08204

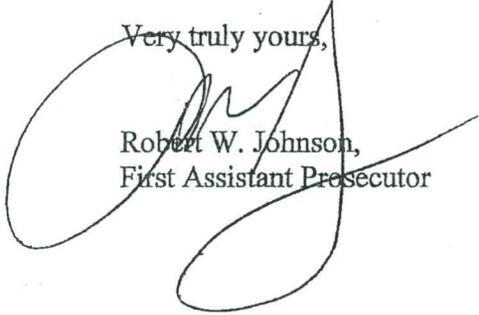
**RE: Matter Concerning Lieutenant Chuck Lear**

Dear Chief Sheehan:

Please be advised that I have reviewed the proffered facts with regards to Lieutenant Chuck Lear's use and/or accumulation of comp-time. Further, based upon the facts, as I understand them, no criminal prosecution would be warranted. Accordingly, I hereby authorize your office to review the matter to determine whether any department or administrative charges are warranted.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very truly yours,

  
Robert W. Johnson,  
First Assistant Prosecutor

cc: Tony Manzo, City of Cape May Solicitor

RWJ:ap

AUG 11 2014

# **EXHIBIT C**

OFFICE OF THE PROSECUTOR  
COUNTY OF CAPE MAY

ROBERT L. TAYLOR  
COUNTY PROSECUTOR

ROBERT W. JOHNSON  
First Assistant Prosecutor

KENNETH W. SUPER  
Chief of County Investigators



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September 30, 2014

Tony Monzo, Esquire  
City of Cape May Solicitor  
643 Washington Street  
Cape May, New Jersey 08204

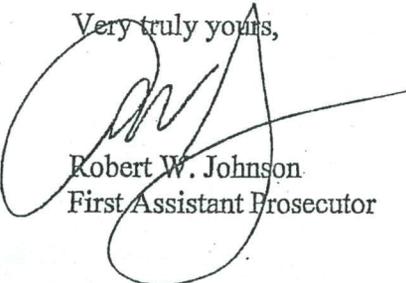
**RE: Matter Concerning Lieutenant Clarence Lear**

Dear Mr. Monzo:

Please be advised that a second review of the facts and circumstances concerning the accumulation of comp/flex time by Lieutenant Clarence Lear was completed. During the second review, the City of Cape May work leave reports and records kept by Lieutenant Lear were reviewed. Further, both Chief Sheehan and former Chief Sorantino were interviewed. As a result of this investigation, I have concluded that no criminal prosecution is warranted. I reached this conclusion based upon the fact that both Chief Sheehan and Chief Sorantino were aware of Lieutenant Lear's accumulating time off and approved of same.

Accordingly, I hereby authorize the City of Cape May to review the instant matter and determine whether any department or administrative charges are warranted. Further, any such review should seek to address the administrative issue that has come about due to conflict between the existing Lieutenant contract and any internal police department practices that run afoul of contract limitations.

Very truly yours,

  
Robert W. Johnson  
First Assistant Prosecutor

RWJ:ap

# **EXHIBIT D**



Anthony P. Monzo (LLM Taxation)\*  
Andrew D. Catanese\*  
F. Thomas Hillegass  
Louis A. DeLollis\*  
Daniel Reeves  
Douglas A. Burke (Of Counsel)\*

\*Also Member of Pennsylvania Bar

November 11, 2014

Robert W. Johnson, First Assistant Prosecutor  
Office of the Prosecutor  
County of Cape May  
4 Moore Road, DN-110  
Cape May Court House, NJ 08210

RE: Lieutenant Chuck Lear  
File No. 1003-005

Dear Mr. Johnson:

Thank you for your review of the compensatory time issues pertaining to the Cape May City Police Department. As a result of your analysis of this matter, and based in part upon your interviews with Lieutenant Lear, Chief Sheehan and (Ret.) Chief Sorantino, it was your opinion that no criminal conduct occurred based upon the approval of compensatory time by both Chief Sheehan and (Ret.) Chief Sorantino. As a result, you referred this matter back to the City for an administrative investigation to be conducted under the guidelines promulgated by the Division of Criminal Justice for Internal Affairs Investigations. You also suggested that the City consider an outside independent investigator and suggested that we might want to consider James Fallon, a retired state trooper who is currently engaged in the private practice of conducting internal affairs investigations.

Based upon your referral of this matter back to the City for an administrative investigation, Mr. Fallon was hired and he is now conducting an internal affairs investigation on both Lieutenant Lear and Chief Sheehan based upon Lieutenant Lear's unauthorized use of compensatory time and Chief Sheehan's approval of such time. Chief Sheehan has questioned whether the City has authority to conduct an internal affairs investigation without oversight from the Cape May County Prosecutor's Office. I am therefore asking for your confirmation that this matter is being properly conducted subject to full adherence to the Attorney General Guidelines.

Thank you for your continued cooperation in this matter. I look forward to your response.

Very truly yours,

ANTHONY P. MONZO  
[amonzo@mchlegal.com](mailto:amonzo@mchlegal.com)

APM/kmm

cc: Bruce A. MacLeod, City Manager

# **EXHIBIT E**

Law Offices

# SCIARRA & CATRAMBONE, L.L.C.

Charles J. Sciarra\*  
Jeffrey D. Catrambone\*  
Matthew R. Curran

Of Counsel  
Cathie Perselay Seidman\*  
Alan Serrins\*\*  
Deborah Masker Edwards\*  
Christopher A. Gray#

\*Admitted NJ & NY Bars  
\*\* Admitted NY Bar  
# Admitted NJ & PA Bars

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New York Office  
The Woolworth Building  
233 Broadway, Suite #2340  
New York, NY 10279  
212-384-0202

November 13, 2014

Via Regular Mail and Telefax 609.884.9581

Bruce A. MacLeod  
City Manager  
Cape May City  
643 Washington Street  
Cape May, New Jersey 08204

**Re: Cape May City Police Department  
and  
Police Chief Robert Sheehan, Jr.  
Internal Affairs Complaint Notification Dated October 28, 2014  
Our File No.: 14-263**

RECEIVED  
NOV 17 2014  
CITY OF CAPE MAY  
CITY MANAGER'S OFFICE

Dear City Manager MacLeod:

Please be advised that this office has been retained to represent Robert Sheehan, Jr. regarding the Internal Affairs Complaint Notification he received on October 28, 2014. My client has been made aware that the City has appointed James Fallon, a retired Major from the New Jersey State Police to undertake the investigation. Pursuant to the New Jersey Attorney General's Guidelines for the handling of Internal Affairs we are requesting the legal basis for Major Fallon to undertake the investigation. Major Fallon is not currently sworn law enforcement and is not privy to Internal Affairs information.

We believe that this matter, as it is an Internal Affairs Investigation against the Chief of Police, must be handled by the Cape May County Prosecutor's Office. We therefore request that referral be made to the Prosecutor's Office undertake the investigation rather than an uncertified law enforcement officer who is not privy to Internal Affairs Investigation materials pursuant to the New Jersey Attorney General Guidelines for the handling of Internal Affairs.

Once we are provided with documentation providing for the authority of Major Fallon to continue or a letter from the Prosecutor's Office advising that Major Fallon has any authority to undertake the Internal Affairs Investigation then we will proceed.

I understand that the City wishes to undertake an interview with my client regarding the allegations. Further we would require a Garrity Waiver Form signed by the Cape May County Prosecutor in order to proceed with the interview.

Bruce A. MacLeod  
City Manager  
Cape May City  
November 13, 2014  
Page 2

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Should you wish to discuss this matter further please do not hesitate to contact me.

Very truly yours,  
Sciarra & Catrambone, L.L.C.

By: *Christopher A. Gray /s/*  
Christopher A. Gray, Esq.

CAG/c

Enclosure

cc: Major James Fallon, New Jersey State Police  
(Dictated But Not Reviewed)

# **EXHIBIT F**

OFFICE OF THE PROSECUTOR  
COUNTY OF CAPE MAY

ROBERT L. TAYLOR  
COUNTY PROSECUTOR

ROBERT W. JOHNSON  
First Assistant Prosecutor

KENNETH W. SUPER  
Chief of County Investigators



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November 19, 2014

Tony Monzo, Esquire  
City of Cape May Solicitor  
643 Washington Street  
Cape May, New Jersey 08204

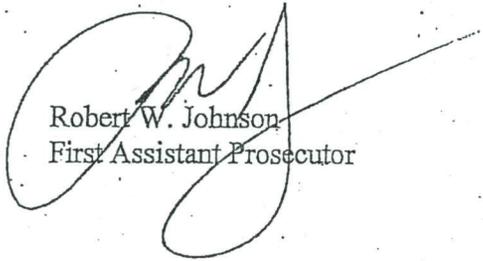
**RE: Matter Concerning Lieutenant Chuck Lear**

Dear Mr. Monzo:

Pursuant to the issues raised in your letter of November 11, 2014, I am directing the City of Cape May to continue with their administrative investigation concerning the use of compensatory time used by Lieutenant Chuck Lear and forward the results of the investigation to this office for review. However, any investigation should not include an investigation of Chief Sheehan. Any investigative notices served on the Chief should be withdrawn. The Cape May County Prosecutor's Office takes this position based upon the current Attorney General Guidelines. The aforementioned guidelines require this office to handle all investigations involving the Chief Law enforcement officer in any agency under our jurisdiction.

Accordingly, if evidence is discovered that would suggest that internal affairs investigation needs to occur with regard to Chief Sheehan, it will be done by this office.

Very truly yours,

  
Robert W. Johnson  
First Assistant Prosecutor

RWJ:ap

# **EXHIBIT G**

Law Offices

SCIARRA & CATRAMBONE, L.L.C.

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\*\* Admitted NY Bar  
# Admitted NJ & PA Bars

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December 9, 2014

Via Regular Mail and E-Mail amonzo@mchlegal.com

Anthony P. Monzo, Esq.  
Monzo Catanese Hillegass, P.C.  
211 Bayberry Drive  
Suite 2A  
Cape May Court House, New Jersey 08210

**Re: Cape May City Police Department  
and  
Police Chief Robert Sheehan, Jr.  
Internal Affairs Complaint Notification Dated October 28, 2014  
Our File No.: 14-263**

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Dear Mr. Monzo:

I am in receipt of your November 18, 2014 letter regarding my client Chief Robert Sheehan, Jr. After my previous letter it appears as though that my client is not the target of an Internal Affairs investigation. It is my understanding that although my client is not a target of the investigation his duties and responsibilities as Chief of Police in the City of Cape May are being abdicated to a Major (retired) James Fallon to conduct an Internal Affairs investigation of a member of Chief Sheehan's Police Department.

If my client is not the target of the Internal Affairs investigation, and has not been made the target in light of the investigation from the Prosecutor's Office, my client believes that as the head of the Police Department he is the one responsible for Internal Affairs investigations and he should be in charge of whatever Internal Affairs investigation is ongoing within his Police Department. Under the Attorney General Guidelines for the handling of internal affairs the Chief of Police is the person responsible for the maintenance of internal affairs and Internal Affairs investigations. Therefore it appears as though if the City of Cape May wishes to use an outside investigator that investigator should be assigned and work under Chief Sheehan.

The question has been raised as to whether Major Fallon's role in this matter is to recommend changes and improvements to policy as opposed to whether or not he should be conducting an Internal Affairs investigation. If Major Fallon is being used as a resource to develop policy to deal with the issues raised in the investigation then it must be disclosed. If Major Fallon is operating as a *conduit* of the Prosecutor's Office we would need some confirmation from the Prosecutor's Office of Major Fallon's authority to conduct any Internal Affairs

Cape May City Police Department and  
Police Chief Robert Sheehan, Jr.  
Page 2 of 2

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investigation in Chief Sheehan's Police Department.

As a means to keep everybody on the same page this letter is being copied to Robert Johnson, Assistant County Prosecutor so he is included in this conversation. If this is an Internal Affairs matter and it is being investigated by Major Fallon under the auspices of the Prosecutor's Office and my client is sought for an administrative interview my client will request that he receive Garrity protections in a letter from the Prosecutor's Office. If my client does not receive his Garrity protections and this is an Internal Affairs investigation he will therefore then not be voluntarily participating.

My client is concerned that some of the actions are running contrary to N.J.S.A. 40A:14-118 and are circumventing his duties and responsibilities as the Chief of Police and the individual responsible for the Internal Affairs investigations for the City of Cape May Police Department.

We look forward to working with you through the process to hopefully bring this matter to a resolution as soon as possible.

Thank you for your attention and courtesies.

Very truly yours,  
Sciarra & Catrambone, L.L.C.

By: Christopher A. Gray |e|  
Christopher A. Gray, Esq.

CAG\c

cc: Major (Retired) James Fallon  
Robert Johnson, Assistant County Prosecutor  
Client

(Dictated But Not Reviewed)

# **EXHIBIT H**

*prohibited. If you have received this e-mail in error, please call Fallon Associates, 732-974-2322 and destroy the original message and all copies.*

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**From:** Rob Sheehan [<mailto:rsheehan@capemaycity.com>]

**Sent:** Sunday, December 28, 2014 8:55 AM

**To:** 'Jim Fallon'

**Cc:** 'C Gray'

**Subject:** Lt. Lear Investigation

Dear Maj. Fallon:

On December 23, 2014, I had a meeting with First Assistant Prosecutor Robert Johnson, Sr., Anthony Monzo and the City Manager Bruce MacLeod. In that meeting, the investigation in to Lt. Lear was discussed as well as your involvement. As the Chief of Police I am in charge of the internal affairs investigation. You have no authority to conduct an internal affairs investigation into an officer of my department without my permission.

Your investigation is hereby placed under the jurisdiction and authority of my office. You are to take no further action on the internal affairs investigation without my express written approval. Demand is hereby made for all information that you have thus far acquired in this investigation. Upon receipt and review of the materials we will discuss the next steps to be taken. You are not to have any direct contact with the city attorney or manager about the internal affairs case. Under the Attorney General's Guidelines for Internal Affairs only sworn active law enforcement can be in charge of an internal affairs investigation. Under N.J.S.A. 40A:14-118, I am responsible for discipline of my officers and those decisions are not to be made by politicians or involve politicians.

The Cape May Prosecutor's Office determined through their investigation that I am neither a target nor witness in this investigation. As such I will not be interviewed in this matter at this time. I already provided a full and complete statement to the Prosecutor's Office. It is my understanding that they interviewed the former chief and determined that Lt. Lear's actions were not in violation of the criminal laws and were done as a past practice that was condoned by police administration. It appears as though there is not much to be done for an administrative investigation as the criminal investigation file will be turned over to me including the statements of the cooperating witnesses.

I hope that we can work together to have this matter resolved in a short period of time.

Thank you for your attention and courtesies.

Robert E. Sheehan  
Chief of Police  
Cape May Police Department  
643 Washington Street  
Cape May, NJ 08204  
(609) 884-9500  
[rsheehan@capemaycity.com](mailto:rsheehan@capemaycity.com)

# **EXHIBIT I**

OFFICE OF THE PROSECUTOR  
COUNTY OF CAPE MAY

ROBERT L. TAYLOR  
COUNTY PROSECUTOR

ROBERT W. JOHNSON  
First Assistant Prosecutor

KENNETH W. SUPER  
Chief of County Investigators



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March 2, 2015

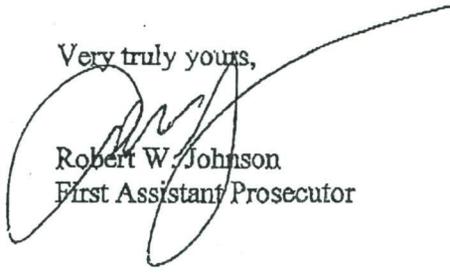
Tony Monzo, Esquire  
City of Cape May Solicitor  
643 Washington Street  
Cape May, New Jersey 08204  
Via Fax & Regular mail (609) 463-4606

Dear Mr. Monzo:

Please be advised that I have reviewed the Internal Affairs investigation report of James Fallon, as well as, a letter from Chief Sheehan dated February 26, 2015. Based on several issues raised by both documents, including but not limited to credibility issues, the Cape May County Prosecutor's Office is assuming responsibility for the investigation. This investigation will include a review of Chief Sheehan's actions, as well as, a review of the initial information provided to this office in order to evaluate whether any witness or party willfully provided false information during a criminal investigation.

I further direct that any party who has knowledge of the ongoing Internal Affairs investigation be cautioned about the release of any information that would be contrary to the Attorney General Guidelines.

Very truly yours,

  
Robert W. Johnson  
First Assistant Prosecutor

RWJ:ap

cc: Chief Sheehan