

ABSECON POLICE DEPARTMENT
INTERNAL AFFAIRS INVESTIGATION ALLEGATIONS & CONCLUSIONS

Employee: Sergeant Joyce Lee – Badge #844
IA Case #: I-2020-021907

Allegation #1: Neglect of Duty

The complainant, [REDACTED] alleged that Sergeant Joyce Lee #844 failed to give suitable attention to the performance of duty. She failed to take appropriate action on the occasion of a domestic violence incident which had qualifiers dictating a mandatory arrest as per New Jersey Attorney General Guidelines.

Violation of Rules and Regulations, which states in part:

Neglect of duty is the failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post during the tour of duty; failure to perform duties or comply with provisions prescribed in the rules and regulations and written directives, and failure to conform to the department operating procedures.

More particularly, RULES AND REGULATIONS 1:4.17 – NEGLECT OF DUTY

Conclusion: **SUSTAINED**

1. On Tuesday, July 28, 2020, at 17:03hrs patrol was dispatched to the Dollar General, 705 S. New Road, regarding a disturbance at the Dollar General.
2. Upon arrival, Sergeant Lee, [REDACTED], and [REDACTED] encountered a group of individuals arguing with one another.
3. It was revealed that a domestic violence incident had occurred. A male, [REDACTED] had been pepper sprayed and cut with a knife by his [REDACTED] [REDACTED].
4. Sergeant Lee never recognized that numerous qualifiers existed which required a mandatory arrest to be made.
5. [REDACTED], the [REDACTED], suffered from physical pain and an impairment of his physical condition after having been pepper sprayed.

6. [REDACTED] had information that [REDACTED] had been cut with a knife by [REDACTED]. Sergeant Lee never asked [REDACTED] to provide his statement that he obtained from [REDACTED]. Lee spoke with [REDACTED] however, never inquired what had occurred.

7. After learning that a weapon was present on the premises of the domestic violence scene, Sergeant Lee never made an attempt to seize any of the weapons. The weapons would reasonably expose the victim to a risk of serious bodily injury.

8. A check of the Family Automated Case Tracking System was never done on scene. Neither was a warrant check.

9. A Victim Notification form was never provided to the victim.

Based on the preponderance of the aforementioned evidence obtained during this investigation, the allegation of NEGLCT OF DUTY (1:4.17) is SUBSTANTIATED.

Allegation #2: Commanders and Supervisors

Sergeant Joyce Lee did not enforce or have oversight of her subordinates to ensure departmental rules and regulations were adhered to. Lee did not assure efficient performance by her subordinates.

Violation of Rules and Regulations, which states in part:

Commanders and supervisors shall be able to perform all of the general duties of a police officer.

Commanders and supervisors shall:

1. Enforce department rules and insure compliance with department policies and procedures.
2. Exercise proper use of their command, within the limits of their authority, to assure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives for the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.
7. Conduct themselves in accordance with high ethical standards, on and off-duty.

More particularly, RULES AND REGULATIONS 2:1.2 – COMMANDERS AND SUPERVISORS

Conclusion: **SUSTAINED**

1. On Tuesday, July 28, 2020, at 17:03hrs patrol was dispatched to the Dollar General, 705 S. New Road, regarding a disturbance at the Dollar General.
2. Upon arrival, Sergeant Lee, [REDACTED] and [REDACTED] encountered a group of individuals arguing with one another.
3. It was revealed that a domestic violence incident had occurred. A male, [REDACTED] had been pepper sprayed and cut with a knife by his [REDACTED] [REDACTED].
4. During the investigation Sergeant Lee never made sure a F.A.C.T.S or warrant check occurred as per policy.
5. Sergeant Lee never ensured a "Domestic Violence Notice of Rights Form" (Victim Notification form) was given to the victim.
6. After learning of the domestic violence incident, Sergeant Lee did not oversee the seizure of any/all weapons that were involved. Nor did she question where the weapons may be.
7. The totality of the incident would lend another reasonable police supervisor to recognize numerous qualifiers existed for a mandatory arrest as per New Jersey Attorney General Guidelines (Injuries sustained, weapon(s) involved, and admissions).

Based on the preponderance of the aforementioned evidence obtained during this investigation, the allegation of COMMANDERS AND SUPERVISORS (2:1.2) is SUBSTANTIATED.