

From: Greg Walsh <opra+request-9848-21dc69b7@requests.opramachine.com>
Sent: Wednesday, March 04, 2020 12:15 PM
To: Karen Gallagher
Subject: Re: OPRA Request - Ryan Troiano

MAR 04

Dear Karen Gallagher,

Please allow me to clarify: Any and all police reports, arrest reports or complaints against Ryan Troiano for disorderly person offenses, public drunkenness, and harrassment against police officers and any other reports from the wpd.

Yours sincerely,

Greg Walsh

-----Original Message-----

Good Morning Mr. Walsh:

Attached are document and a correspondence which pertains to your OPRA request dated February 26, 2020. Please advise by email that you received this notice.

Thank you

Karen

Karen M. Gallagher
Deputy City Clerk,
Registrar of Vital Statistics
City of Wildwood
City Clerk's Office
4400 New Jersey Avenue
Wildwood, NJ 08260
[email address]
(609)-522-2244 EXT:209

Please use this UNIQUE email address for all replies to this request and no other:
opra+request-9848-21dc69b7@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:
<https://opramachine.com/help/officers>

View this OPRA request & responses online:
https://opramachine.com/request/ryan_troaino_dismissal_and_illig

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.



**CITY OF WILDWOOD
CITY CLERK'S OFFICE
4400 NEW JERSEY AVENUE
WILDWOOD, NJ 08260
(609)-522-2444**

March 12, 2020

Mr. Greg Walsh
opra+request-9848-21dc69b7@requests.opramachine.com

Dear Mr. Walsh:

The City of Wildwood received your Open Public Records Act (OPRA) request on March 4, 2020. The official Records Custodian, Christopher H. Wood received your OPRA request on March 4, 2020. As such, the seven (7) business day deadline to respond to your request is March 13, 2020. This response to your request is being provided to you on the 6th business day after the custodian's receipt of said request.

The table below identifies the records that being denied in whole or in part as well as the legal basis for each denial, as is required by N.J.S.A. 47:1A-6.

List of all records responsive to OPRA request (include the number of pages for each record).	List of all records provided, <u>with redactions</u>, or denied in their entirety.	If records are disclosed with redactions, give a general nature description of the redactions.	If records were denied in their entirety, give a general nature description of the record.	List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u>.
1. Any and all police reports, arrest reports or complaints against Ryan Troiano for disorderly person offenses, public drunkenness, and harassment against police officers and any other reports from the WPD.		Redactions for personal information, specifically date of birth, home address and social security number		<u>N.J.S.A. 47:1A-9.a.</u> (allows exemptions from disclosure contained in other state statutes to apply under OPRA) and <u>N.J.S.A. 10:4-12</u> (allows governing bodies to exclude the public from discussions of personnel matters).

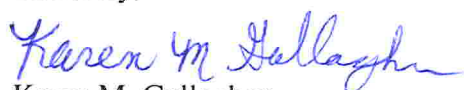
2. All documentation on the rehiring of Ryan Troiano.		These reports are being produced with redactions for privacy; personal identifying information		
3. Information on disorderly person offenses, public drunkenness, harassment against police officers and any other reports from the wpd on Ryan Troiano.			This request does not request a specific, identifiable government document.	

* A list of OPRA's exemptions is attached to this response letter.

These records are being transmitted to you via Email as per your request. Pursuant to N.J.S.A. 47:1A-5.b.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the [insert name of agency] to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Karen M. Gallagher,
Deputy City Clerk

OPRA EXEMPTIONS
(Exceptions are noted in italics)

N.J.S.A. 47:1A-1.1

- 1) Inter-agency or intra-agency advisory, consultative or deliberative material (Note: generally refers to draft documents or documents used in a deliberative process).
- 2) Legislative records. Specifically:
 - a. information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, *unless it is information the constituent is required by law to transmit;*
 - b. any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, *except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members.*
- 3) Medical examiner records – photographs, negatives, print, videotapes taken at the scene of death or in the course of post mortem examination or autopsy, *except:*
 - a. *when used in a criminal action or proceeding in this State which relates to the death of that person,*
 - b. *for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,*
 - c. *for use in the field of forensic pathology or for use in medical or scientific education or research, or*
 - d. *or use by any law enforcement agency in this State or any other state or federal law enforcement agency.*
- 4) Criminal investigatory records - records which are not required by law to be made, maintained or kept on file that are held by a law enforcement agency which pertain to any criminal investigation or related civil enforcement proceeding. (Note: N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed).
- 5) Victims' records - an individually-identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records. "Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board.
- 6) Trade secrets and proprietary commercial or financial information obtained from any source. Includes data processing software obtained by a public agency under a licensing agreement which prohibits its disclosure.
- 7) Any record within the attorney-client privilege.
- 8) Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security.

- 9) Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.
- 10) Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software.
- 11) Information which, if disclosed, would give an advantage to competitors or bidders.
- 12) Information generated by or on behalf of public employers or public employees in connection with:
 - a. Any sexual harassment complaint filed with a public employer;
 - b. Any grievance filed by or against an individual; or
 - c. Collective negotiations, including documents and statements of strategy or negotiating position.
- 13) Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.
- 14) Information which is to be kept confidential pursuant to court order.
- 15) Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency, *except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records.*
- 16) Personal identifying information. Specifically:
 - a. Social security numbers, *except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.*
 - b. Credit card numbers
 - c. Unlisted telephone numbers
 - d. Drivers' license numbers.

Except for:

- a. Use by any government agency, including any court or law enforcement agency, in carrying out its functions,
 - b. or any private person or entity acting on behalf thereof,
 - c. or any private person or entity seeking to enforce payment of court-ordered child support; *except with respect to the disclosure of driver information by the Division of Motor Vehicles as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4);*
- 17) Certain records of higher education institutions:
 - a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project, *except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.*
 - b. Test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination.
 - c. Records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication.

- d. Valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access.
- e. Information contained on individual admission applications.
- f. Information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

N.J.S.A. 47:1A-1.2

- 18) Biotechnology trade secrets.

N.J.S.A. 47:1A-2.2

- 19) Limitations to convicts - personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information. *Information may be released only if the information is necessary to assist in the defense of the requestor. A determination that the information is necessary to assist in the requestor's defense shall be made by the court upon motion by the requestor or his representative.*

N.J.S.A. 47:1A-3.a.

- 20) Ongoing investigations – any records pertaining to an investigation in progress by any public agency if disclosure of such record or records shall be detrimental to the public interest. *This provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced.*

N.J.S.A. 47:1A-5.k.

- 21) Public defender records that relate to the handling of any case, *unless authorized by law, court order, or the State Public Defender.*

N.J.S.A. 47:1A-9

- 22) Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders of the Governor, Rules of Court, Constitution of this State, or judicial case law.

N.J.S.A. 47:1A-10

- 23) Personnel and pension records, *except specific information identified as follows:*
- a. *An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received,*
 - b. *When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest.*
 - c. *Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information.*

N.J.S.A. 47:1A-1 (Legislative Findings)

- 24) Privacy Interest - “a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy.”

Burnette v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision “is neither a preface nor a preamble.” Rather, “the very language expressed in the privacy clause reveals its substantive

nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- 1) Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- 2) Records exempted from disclosure by State agencies' promulgated rules are exempt from disclosure by this Order.
- 3) Executive Orders No. 9 (Hughes), 11 (Byrne), 79 (Byrne) and 69 (Whitman) are hereby continued to the extent that they are not inconsistent with this Executive Order.

Executive Order No. 9 (Hughes) exemptions that are still active:

- a. Questions on examinations required to be conducted by any State or local governmental agency;
- b. Personnel and pension records (same as N.J.S.A. 47:1A-10);
- c. Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by any State or local governmental agency;
- d. Records which are required to be made, maintained or kept by any State or local governmental agency which would disclose information concerning illegitimacy;
- e. Fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency;
- f. Criminal records required to be made, maintained and kept pursuant to the provisions of R. S. 53:1-20.1 and R. S. 53:1- 20.2;
- g. Personal property tax returns required to be filed under the provisions of Chapter 4 of Title 54 of the Revised Statutes; and
- h. Records relating to petitions for executive clemency.

Executive Order No. 11 (Byrne) exemptions are the same as N.J.S.A. 47:1A-10.

Executive Order No. 79 (Byrne) exemptions are the similar to # 8, 9, 10 above under N.J.S.A. 47:1A-1.1.

Executive Order No. 69 (Whitman) exemptions that are still active: Fingerprint cards, plates and photographs and similar criminal investigation records that are required to be made, maintained or kept by any State or local governmental agency.

Executive Order No. 26 (McGreevey 2002)

- 1) Certain records maintained by the Office of the Governor:
 - a. Any record made, maintained, kept on file or received by the Office of the Governor in the course of its official business which is subject to an executive privilege or grant of confidentiality established or recognized by the Constitution of this State, statute, court rules or judicial case law.
 - b. All portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege.
 - c. All portions of records containing information provided by an identifiable natural person outside the Office of the Governor which contains information that the sender is not required by law to transmit and which would constitute a clearly unwarranted invasion of personal privacy if disclosed.

- d. If any of the foregoing records shall contain information not exempted by the provision of the Open Public Records Act or the preceding subparagraphs (a), (b) or (c) hereof then, in such event, that portion of the record so exempt shall be deleted or excised and access to the remainder of the record shall be promptly permitted.
- 2) Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing. *The resumes of successful candidates shall be disclosed once the successful candidate is hired. The resumes of unsuccessful candidates may be disclosed after the search has been concluded and the position has been filled, but only where the unsuccessful candidate has consented to such disclosure.*
 - 3) Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments.
 - 4) Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation.
 - 5) Information in a personal income or other tax return
 - 6) Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed.
 - 7) Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing.
 - 8) Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by a regulation of that department or agency adopted pursuant to N.J.S.A. 47:1A-1 et seq. and Executive Order No. 9 (Hughes 1963), or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure.
 - 9) Records of a department or agency held by the Office of Information Technology (OIT) or the State Records Storage Center of the Division of Archives and Records Management (DARM) in the Department of State, or an offsite storage facility outside of the regular business office of the agency. Such records shall remain the legal property of the department or agency and be accessible for inspection or copying only through a request to the proper custodian of the department or agency. In the event that records of a department or agency have been or shall be transferred to and accessioned by the State Archives in the Division of Archives and Records Management, all such records shall become the legal property of the State Archives, and requests for access to them shall be submitted directly to the State Archives.

City of Wildwood Police Department

PUBLIC RECORDS REQUEST RESPONSE

TO: _____ Greg Walsh _____

☒ The document or documents you requested are available to you upon your payment of the billed amount reported below.

☐ The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

*Redactions for personal information, specifically date of birth, home address and social security number.

You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Public Records Council or to the New Jersey Superior Court as provided by N.J.S.A. 47:1A-6 and -7.

Date: _____ 03/12/20 _____

Captain J. Flanigan

City of Wildwood Police Department

ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided. I have received information on the procedures for any appeal of the determination.

Date: _____

Applicant

Payment Information

The fee for the documents provided is \$ _____.

Payment Method

Cash _____ Check # _____ Money Order _____
CHECKS OR MONEY ORDERS PAYABLE TO :
"CITY OF WILDWOOD TREASURER"

Wildwood Police Department

Date



Wildwood Police Department
4400 New Jersey Avenue, Wildwood, NJ 08260
Phone: 609-522-0222 Fax: 609-522-3472 Mun. Code: 0514
Investigation Report



Incident Details:			Incident Location:	Incident Type:
Case Number	Time	Date		
2007-017791	03:45	04/29/07	3707 Pacific Avenue, Wildwood	Unknown Problem/s

Reported By	Officer of Record
oleary	lemon

Contact Information:					
Code	Contact Name	DOB	Age	Sex	Race Address Phone
	TROIANO, RYAN		29	M	W
	NEW JERSEY, THE STATE				
	DEMARZO, PTLM. GS.				4400 NEW JERSEY AVENUE, WILDWOOD, NJ (609) 522-0222

Narrative:

ON APRIL 29, 2007 AT APPROXIMATELY 0345 HOURS I PTLM. GS. DEMARZO WAS IN A MARKED PATROL UNIT DRIVING NORTH ON PACIFIC AVENUE. AS I PASSED THROUGH THE 3700 BLOCK OF PACIFIC AVENUE I HEARD THE AGGRESSIVE YELLING OF PROFANITIES. THE SUBJECT WAS YELLING "FUCK YOU", "FUCK YOU YOU PUSSY", "YOU FUCKING MOTHER FUCKER". HEARING THIS VULGARITY I TURNED AND SAW A SUBJECT LEANING FORWARD AND FORCEFULLY POINTING THROUGH THE CROWD, THINKING THERE WAS AN ALTERCATION I PULLED MY VEHICLE TO THE NORTHEAST CURB-LINE OF LINCOLN AND PACIFIC AVENUES AND EXITED MY PATROL VEHICLE.

THERE WAS A LARGE CROWD IN THE AREA DUE TO "BAR BREAK". AS I APPROACHED THE SUBJECT, WHO CONTINUED TO YELL CURSE AFTER CURSE, I REALIZED THAT THE SUBJECT WAS, RYAN E. TROANIO AND HIS ANGER WAS DIRECTED AT ME. THE ACCUSED, RYAN E. TROANIO, THEN YELLED OUT "I WILL KILL YOU, YOU MOTHER FUCKING COWARD." AS I CONTINUED TOWARD HIM, THE LARGE CROWDS FROM BAR BREAK STARTED TO POOL IN VARIOUS LOCATIONS TO WATCH THE ACTIONS OF THE ACCUSED. I ADVISED THE ACCUSED THAT HIS TONE WAS VERY AGGRESSIVE AND TO CEASE. ADDITIONALLY THE ACCUSED WAS ADVISED THAT IF HE CONTINUED HE WOULD BE PLACED UNDER ARREST.

THE ACCUSED WAS GRABBED BY THE ARM AND ESCORTED SOUTH BY MARTIN NIEVES, A FORMER SEASONAL EMPLOYEE OF THIS JURISDICTION AND FRIEND OF THE ACCUSED. AS MR. NIEVES WALKED WITH HIM THE ACCUSED CONTINUED TO YELL THINGS SUCH AS "YOUR NOTHING WITH THAT BADGE" "TAKE OFF THAT UNIFORM AND I KICK YOUR ASS".

I CONTACTED A SUPERVISOR TO COME TO THE LOCATION AND SGT. NANOS ADVISED THAT HE WAS IN ROUTE. WHEN SGT. NANOS ARRIVED THE ACCUSED AND MR. NIEVES WERE A BLOCK SOUTH OF MY LOCATION (3800 BLOCK). I ADVISED THE SGT. OF THE DETAILS. AS WE STOOD IN THE 3700 BLOCK, ON THE EAST SIDE OF THE STREET, THE ACCUSED BEGAN TO WALK BACK NORTH TOWARDS THE 3700 BLOCK BUT ON THE OPPOSITE SIDE (OR WEST SIDE) OF THE



Wildwood Police Department

4400 New Jersey Avenue, Wildwood, NJ 08260

Phone: 609-522-0222 Fax: 609-522-3472 Mun. Code: 0514

Investigation Report



STREET. THE ACCUSED AND MR. NIEVES THEN CROSSED AND WENT INTO ROMEO'S PIZZA.

A FEW MOMENTS LATER THE TWO SUBJECTS CAME OUT OF ROMEO'S PIZZA AND BEGAN TO APPROACH US. AS THE ACCUSED PASSED ME, I ADVISED HIM THAT I HAVE NO PROBLEM WITH HIM. THE ACCUSED BEGAN HIS AGGRESSIVE TAUNTS, ACCUSING ME OF COMMENTS ABOUT HIS FATHER'S ELECTION SIGNS. THE ACCUSED YELLED "YOU FUCKING COWARD, FUCK YOU." SGT. NANOS STEPPED IN AND TOGETHER WITH MR. NIEVES DIRECTED THE ACCUSED OUT OF THE AREA.

AS SGT. NANOS AND I DISCUSSED THE CHAIN OF EVENTS, I WAS ADVISED BY PTLM MCCARTHY, PTLM. STIMMEL AND OFFICER LEMON THAT THEY HAD WITNESSED THE EVENTS. AS WE SPOKE ABOUT THE INCIDENT, PTLM STIMMEL RECEIVED A PHONE CALL FROM THE ACCUSED ON HIS CELL PHONE AT 0408 HOURS. THE ACCUSED REQUESTED THAT SGT. NANOS CONTACT HIM TO DISCUSS THE MATTER. SEE THE RESPECTIVE OFFICERS FOR THEIR SUPPLEMENTARY AND OFFICERS REPORTS.

I ADVISED SGT. NANOS THAT I WOULD COMPLETE THIS INVESTIGATION REPORT AND THAT I WOULD BE SIGNING A COMPLAINT AGAINST THE ACCUSED. CDR COMPLIANT# S-2007-000353 WAS GENERATED FOR THE OFFENSE ABOVE AND SENT TO THE COURT FOR SERVICE.

NJ/DL
SS#



Wildwood Police Department
4400 New Jersey Avenue, Wildwood, NJ 08260
Phone: 609-522-0222 Fax: 609-522-3472 Mun. Code: 0514
Supplemental Investigation Report



Incident Details:			Incident Location:	Incident Type:
Case Number 2007-017791	Time 03:45	Date 04/29/07	3707 Pacific Avenue, Wildwood	Unknown Problem/s
Reported By oleary			Officer of Record mccarthy	
Contact Information:				
Code	Contact Name	DOB	Age Sex Race Address	Phone
	TROIANO, RYAN		29 M W	
	NEW JERSEY, THE STATE			
	DEMARZO, PTLM. GS.		4400 NEW JERSEY AVENUE, WILDWOOD, NJ	(609) 522-0222
Narrative:				
ON 04/29/07 AT APPROXIMATELY 0345 HRS, I PTLM. MCCARTHY, CHRIS # 66 WAS ON THE 3700 BLOCK OF PACIFIC AVE DURING BAR BREAK. AS I WAS PATROLLING THE AREA ON FOOT I OBSERVED A GROUP OF INDIVIDUALS STANDING OUTSIDE ROMEO'S PIZZA. WITHIN THE GROUP I IDENTIFIED MARTIN NIEVES AND THE ACCUSED RYAN TROIANO. SEVERAL MINUTES LATER I OBSERVED PTLM DEMARZO IN HIS PATROL VEHICLE TRAVELING NORTHBOUND. AS PTLM DEMARZO PASSED ME I HEARD SOMEONE BEGIN TO SHOUT "FUCK YOU". YOUR A "FUCKING PUSSY". AT FIRST I DID NOT REALIZE WHO WAS YELLING. I THOUGHT THERE WAS A ALTERCATION BEGINNING TO START. I THEN OBSERVED PTLM DEMARZO PULL HIS VEHICLE TO THE NORTH SIDE CURB ON THE 200 E. BLOCK OF LINCOLN AVE. I THEN HEARD SOMEONE YELL "I'M GOING TO KILL YOU". I THEN REALIZED THAT THE PERSON YELLING WAS THE ACCUSED. THE ACCUSED WAS WALKING NORTH TOWARDS PTLM DEMARZOS PATROL VEHICLE. AS I BEGAN TO WALK TOWARDS THE ACCUSED I OBSERVED MR. NIEVES ATTEMPTING TO STOP HIM. IT WAS THEN I REALIZED THAT THE ACCUSED WAS YELLING AT PTLM. DEMARZO WHO WAS AT THIS TIME OUT OF HIS VEHICLE AND WALKING TOWARDS THE ACCUSED. DURING THIS TIME PTLM DEMARZO REMAINED SILENT. MR. NIEVES WAS ABLE TO ESCORT THE ACCUSED AWAY FROM THE AREA. AT THAT TIME SGT. NANOS WAS ADVISED OF THE SITUATION AND ARRIVED ON SCENE. SEVERAL MINUTES LATER, MR. NIEVES AND THE ACCUSED RETURNED AND WENT INSIDE OF ROMEO'S PIZZA. WHEN MR. NIEVES AND THE ACCUSED EXITED THE PIZZA SHOP, THE ACCUSED AGAIN STATED TO SCREAM AT PTLM, DEMARZO "FUCK YOU" "YOUR HIDING BEHIND YOUR BADGE YOU FUCKING PUSSY". AT THAT TIME SGT. NANOS APPROACHED THE ACCUSED AND AS HE WAS ESCORTING HIM OUT OF THE IMMEDIATE AREA THE ACCUSED CONTINUED TO SCREAM OBSCENITIES AT PTLM. DEMARZO. END OF REPORT.				

ON SUNDAY 29, 2007 AT APPROXIMATELY 345HRS I, PTLM. SUSAN LEMON #72 OF THE WILDWOOD POLICE DEPARTMENT CONDUCTED A DIRECTED WALKING BEAT IN THE AREA OF LINCOLN AND PACIFIC AVENUES FOR BAR BREAK. WHILE STANDING ACROSS THE STREET OF ROMEOS PIZZA, LOCATED AT 3707 PACIFIC AVENUES I OBSERVED PTLM. GS DEMARZO #56 TRAVELING NORTH ON PACIFIC AVENUE IN HIS MARKED PATROL VEHICLE #335. PTLM. GS DEMARZO #56 MADE A RIGHT HAND TURN ONTO THE 200 EAST BLOCK OF LINCOLN AVENUE PARKING HIS PATROL VEHICLE FACING EAST BOUND NEAR THE NORTH EAST CORNER. AT THIS TIME, I COULD HEAR A MALES VOICE YELLING PROFANITIES. I BEGAN LOOKING AT VARIOUS GROUPS OF PEOPLE STANDING IN THE SURROUNDING AREA FROM BAR BREAK. AS I LOOKED TO MY LEFT I OBSERVED A GROUP OF MALE AND FEMALE SUBJECTS STANDING ON THE SOUTH EAST CORNER OF LINCOLN AND PACIFIC AVENUES. MY ATTENTION WAS THEN DRAWN TO THE ACCUSED WHO WAS YELLING AND FLAILING HIS ARMS IN AN AGGRESSIVE MANNER. I THEN OBSERVED PTLM. GS DEMARZO #56 WHO WAS WALKING FROM HIS PATROL VEHICLE TURN AND LOOK AT THE ACCUSED. THE ACCUSED CONTINUED YELLING AND ACTING IN A DISORDERLY MANNER AND PTLM. GS DEMARZO #56 WALKED OVER TO THE ACCUSED AND ATTEMPTED TO SPEAK WITH HIM. IT SHOULD BE NOTED THAT SEVERAL OF THE MALE AND FEMALE SUBJECTS STANDING IN THE AREA WERE ATTEMPTING TO CALM THE ACCUSED DOWN. AS PTLM. GS DEMARZO #56 ATTEMPTED TO SPEAK WITH THE ACCUSED HE CONTINUED YELLING AND REACHED AROUND ANOTHER MALE SUBJECT, MARTIN NIEVES AND WAS POINTING HIS FINGER AT HIM. AT THIS TIME, MARTIN NIEVES GRABBED A HOLD OF THE MALE SUBJECT AND ESCORTED HIM SOUTH ON PACIFIC AVENUE. SEVERAL MALE AND FEMALE SUBJECTS FOLLOWED BEHIND THEM AS THEY WERE WALKING SOUTH ON PACIFIC AVENUE.

AN UNKNOWN AMOUNT OF TIME HAD PASSED AND I OBSERVED THE ACCUSED AND MARTIN NIEVES, WALKING NORTH ON PACIFIC AVENUES AND ENTER ROMEOS PIZZA. BOTH SUBJECT EXITED ROMEOS PIZZA AND BEGAN WALKING NORTH ON THE EAST SIDE OF THE SIDEWALK. PTLM. GS DEMARZO #56 WAS STANDING ON THE EAST OF THE SIDEWALK IN FRONT OF 3701 PACIFIC AVENUES SPEAKING WITH A MALE SUBJECT. I OBSERVED THE ACCUSED STOP WALKING AND APPROACH PTLM. DEMARZO #56. IT APPEARED THAT PTLM. DEMARZO #56 WAS ATTEMPTING TO SPEAK WITH THE ACCUSED IN-REFERENCE TO THE INCIDENT THAT HAD TAKEN PLACE EARLY. THE ACCUSED AGAIN STARTED TO YELL. I THEN OBSERVED SGT. NANOS INTERVENE AND THE ACCUSED WAS ESCORTED FORM THE AREA BY MARTIN NIEVES. END OF REPORT:

WILDWOOD POLICE DEPT

SUPPLEMENTARY INVESTIGATION REPORT

1. Complaint Number 2007-017791		2. Mun. Code 0514		3. Phone Number (609)522-0222		4. UCR		21. Prosecutor's Case Number		22. Department Case Number 2007-017791	
5. Crime/Incident DISORDERLY PERSONS				5A. New Crime/Incident If Changed				23. Victim(s) New Address if Changed			
								23a. Victim(s) Name THE STATE OF NEW JERSEY			
6A. New NJS				7. Date of Crime 04/29/2007				Additional Value Stolen Property		40A. Currency	
								41A. Jewelry		42A. Furs	
								43A. Clothing		44A. Auto	
								Miscellaneous			
46A. S.C.I.C		49A. Additional Technical Service-Agency						48A. Additional Stolen Property Value		47A. Add'l Recovered Property Value	
51A. B.C. Radio		52A. B.C. Radio Cancel		53A. N.C.I.C.		54A.		55A.		56A.	
57. Vehicle		58. Year		59. Make		60. Body Type		61. Color		62. Resgistered Number & State	
										62A. Serial Number or Identification	
List Name Only of Previous Accused. Complete Information on New Accused; Include Additional Perpetrators: Suspects; Record all Developments Since Last Report: Explain Any Crime Change; List Additional Interviews of Victims: Persons Contacted: Witnesses: Evidence; Technical Services, Stolen Property: Recovered Property; Court Action.											
63. No. of Accused 1		63A. New Accused		64A. Adult 1		65A. Juvenile		66A. Status Crime EX/CLEAR		67A. Status Case CLOSED	
								68A. UCR Status Month Yr.		69A. Date Cleared	
70. Name				Address				71. Age		72. Sex	
								73. Race		74. DOB	
[DEFENDANT] TROIANO, RYAN -								- 29 - M - WHITE -			
ON SUNDAY APRIL 29, 2007 AT 0345 HRS., I (PTLM. SHAWN STIMMEL #65) WAS ON A GENERAL PATROL IN THE 3700 BLK OF PACIFIC AVENUE DURING BAR BREAK. DURING THIS TIME, THERE WAS A LARGE CROWD OF PEOPLE IN AND AROUND ROMEOS PIZZA (3707 PACIFIC AVE.). I WAS STANDING OUTSIDE ON THE SIDEWALK IN FRONT OF THE SHAMROCK CAFE, WHICH IS DIRECTLY ACROSS FROM ROMEOS PIZZA.											
DURING THIS TIME, I OBSERVED A MARKED PATROL UNIT, WHICH WAS FOUND TO BE PTLM. GARY DEMARZO #56, TRAVELING NORTH ON PACIFIC AVENUE, PASSING ROMEOS PIZZA. I THEN HEARD SOMEONE YELLING "YOU FUCKING PUSSY" FROM ACROSS THE STREET AND IDENTIFIED THE SUBJECT AS RYAN TROIANO. THE ACCUSED WAS POINTING AT THE PATROL VEHICLE YELLING PROFANITIES, WHILE ANOTHER SUBJECT IDENTIFIED AS MARTIN NIEVES, WAS ATTEMPTING TO CALM HIM DOWN. THE ACCUSED CONTINUED YELLING IN A LOUD VOICE, CAUSING PEOPLE IN THE AREA TO LOOK, "YOUR A FUCKING PUSSY, I HEARD WHAT YOU SAID ABOUT THE SIGNS". DURING THAT TIME, PTLM. DEMARZO PARKED HIS VEHICLE ON THE SOUTH SIDE OF THE NORTH EAST CORNER OF LINCOLN AND PACIFIC AVENUE AND EXITED. DURING THIS TIME, THE ACCUSED CONTINUED TO YELL PROFANITIES, CALLING PTLM. DEMARZO A "PUSSY". AS PTLM. DEMARZO APPROACHED THE ACCUSED, HE CONTINUED YELLING, WHILE BEING ESCORTED AWAY BY MR. NIEVES. PTLM. DEMARZO, THEN CONTACTED SGT. NANOS AND ASKED FOR HIM TO RESPOND TO THE LOCATION.											
AFTER A FEW MINUTES, SGT. NANOS ARRIVED AND THE ACCUSED WAS NOT IN THE AREA. SEVERAL MINUTES LATER, THE ACCUSED CAME BACK FROM ACROSS THE STREET, STILL WITH MR. NIEVES AND WALKED INTO ROMEOS PIZZA. THE ACCUSED WAS INSIDE FOR SEVERAL MINUTES, WHILE SGT. NANOS, PTLM. LEMON #72, PTLM. MCCARTHY #66 AND MYSELF STOOD IN FRONT OF THE SHAMROCK CAFE. PTLM. DEMARZO WAS STILL IN FRONT OF ROMEOS PIZZA SPEAKING WITH ANOTHER SUBJECT, WHEN THE ACCUSED EXITED THE STORE. THE ACCUSED AND PTLM. DEMARZO, THEN BEGAN A CONVERSATION AND WAS UNABLE TO BE HEARD BY THIS OFFICER, FROM WHERE I WAS STANDING. AFTER A FEW SECONDS, THE ACCUSED BECAME IRATE ONCE AGAIN AND BEGAN YELLING AT PTLM. DEMARZO STATING "YOUR A FUCKING LIAR, I HEARD WHAT YOU SAID". THE ACCUSED REPEATED THE REMARKS, STILL CALLING HIM A "PUSSY". AT THAT TIME, SGT. NANOS APPROACHED THE ACCUSED AND ESCORTED HIM OUT OF THE AREA. THE ACCUSED CONTINUED TO YELL PROFANITIES, AS HE WALKED AROUND THE CORNER.											
75A. Name PTL SHAWN STIMMEL				76A. Badge Number 65				77. Page 1 of 2 Pages		78A. Date Report May 02, 2007	
Signature _____								80A.		81A.	
								82A.		79A. Reviewed By SGT JOHN CLEMENS	

[illegible]

**WILDWOOD
POLICE DEPARTMENT**

OPERATION REPORT

1 Nature of Incident Officers Report	2 Date 04/29/07	3 Time 0335	4 Classification	5 Department Case Number 07-17791
6 Accused		Age	Sex N/A	Race N/A
			DOB	SS Number
7 Address			8 Phone	
7A Local Address				
9. Location of Incident Garfield Ave and Pacific Ave				
10. Reported By: Sgt. James Nanos			Radio	Phone
11. Address 4400 New Jersey Ave Wildwood NJ			View	Other
13.			Phone	
14.				

15. Action Taken:

On 29 April 2007 this Officer was working the 2300 to 0700 shift as shift supervisor. It should be noted that this is not my regularly assigned shift as I was working for another Sergeant. At approximately 0335 hours, this Officer was contacted via the department radio system by Officer Gary DeMARZO #56 who requested that I respond as the on-duty supervisor to the area of Garfield and Pacific Aves. I proceeded to that area and upon my arrival observed Officer DeMARZO standing on the West side of Pacific Ave in front of the Shamrock Café. Also present in the immediate area were Officers STIMMEL # 65, McCARTHY #66 and LEMON# 72. All were in the area for "bar break."

Officer DeMARZO approached my car and advised that he had just had a "problem" with Martin NIEVES and Ryan TROIANO. He went on to say he (DeMARZO) was driving through the area on Pacific Ave when NIEVES and TROIAN began to yell obscenities at him. Officer DeMARZO went on to say that he wanted to make me, his supervisor aware of the situation. I advised Officer DeMARZO that he would have to complete an officer's report on the incident.

Approximately 20 minutes later I was in the same general area just a short distance to the South of the above listed location. The other named officers were still present in the same general area observing the small crowds as they departed the area. Officer DeMARZO was in the same approximate location as prior, but was now standing on the East side of Pacific Ave just a little North of Romeo's Pizza. I was to the South of Romeo's Pizza on the West side of the street closer to Garfield Ave. I observed Martin NIEVES and Ryan TROIANO exit together from Romeo's Pizza and begin to walk North on Pacific Ave on the East side of the street. It should be noted that I did not see them enter the pizza shop and was not aware that they were still in the area. I saw that given their present direction of travel, their path appeared to be in the same general direction as that of Officer DeMARZO. At this time I began to also walk in that direction given the information that Officer DeMARZO had related regarding the earlier contact between the two.

I was able to get within about 20 feet or so and observed as NIEVES and TROIANO walked past the stationary DeMARZO and appeared to not make any contact at all. I did not see either NIEVES or TROIANO's head turn as if they were speaking or saying anything to DeMARZO. Their pace did not slow and their direction did not alter in any way. I did see that Officer DeMARZO's head turned and appeared to "follow" as the two passed and then I could see that Officer DeMARZO appeared to begin to speak to one of or both of the two. I was still not in close enough proximity to hear what was being said. I could not see at this point if either NIEVES or TROIANO were speaking to DeMARZO but they continued to walk North for a very short distance. At this point

16 Name Sgt. James Nanos	17 Badge Number A3/27	18 Page Page 1 of 2 Pages	19 Date of Report 05/21/06	20 Reviewed By
Signature _____				

1 Complaint Number	21 Prosecutor's Case Number	22 Department Case Number
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both turned and faced Officer DeMARZO and began to speak. I was now close enough to hear TROIANO saying something along the lines of: Don't talk to me that way Gary. He also made some reference to Gary saying his (TROIANO's) father's campaign signs pictures were no good. This was not being yelled and was just slightly above what would be a normal tone of individuals speaking who were several feet apart at that location. TROIANO continued to speak to DeMARZO and during the next few seconds repeating the above but now interjecting the word "fuck" several times. I continued to walk over and approached TROIANO and NIEVES who were now moving North to where I later learned that they had parked their vehicle. TROIANO said "He hides behind that fucking badge." I walked along with them to the corner where they continued to their vehicle. While walking with them, Ryan TROIANO stated "I can't believe this fucking guy." It should be noted that there were numerous pedestrians in the area during this time, but none appeared to be affected or were paying any attention. None of the other officers who across the street approached.

Officer DeMarzo then approached me and said "You see what I mean." During a subsequent conversation that evening, I spoke to Officer DeMARZO and advised him that he would have to complete an officer's report on the incident.

A short time after the portion of the incident that I was present for, Officer STIMMEL called me and stated that Ryan TROIANO had called him (STIMMEL) and that he (TROIANO) wanted me to call him and provided me with TROIANO's phone number. I called TROIANO and during a brief conversation, TROIANO told me that he was sorry for me having to get involved in this incident and that he thought Gary (DEMARZO) was trying to manufacture an incident. I asked TROIANO if he wanted to file any type of police report and he stated no. END

16 Name Sgt. James Nanos	17 Badge Number A3/27	18 Page Page 2 of 2 Pages	19 Date of Report 05/21/06	20 Reviewed By
Signature _____				



Wildwood Police Department
4400 New Jersey Avenue, Wildwood, NJ 08260
Phone: 609-522-0222 Fax: 609-522-3472 Mun. Code: 0514
CAD Report



Incident Details:			Incident Location:	Incident Type:
Case Number	Time	Date		
2007-017791	03:45	04/29/07	3707 Pacific Avenue, Wildwood	Unknown Problem/s
Reported By			Officer of Record	
oleary			demarzo	
Contact Information:				
Code	Contact Name	DOB	Age Sex Race Address	Phone
	TROIANO, RYAN		29 M W	
	NEW JERSEY, THE STATE			
	DEMARZO, PTLM. GS.		4400 NEW JERSEY AVENUE, WILDWOOD, NJ	(609) 522-0222
Narrative:				

4/29/2007 3:45:47 AM - 356 REQUESTS A SUPERVISOR

***SEE OR BY SGT. NANOS IN FILES/NOT DONE IN COMPUTER DUE TO SYSTEM
BEING DOWN. OR DONE IN OLD SYSTEM IN COMPUTER. PAPER COPY IN FILES****