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SUMMARY and CONCLUSIONS REPORT

Officer's Name: Lt. Darren Brodie

Internal Affairs Case No.: 18-18

Summary of Allegations

On or about March 11, 2018, the Clifton Police Department received a complaint from a female police officer who alleged that she was sexually harassed by a superior officer, Lt. Brodie, while attending the PBA Convention in Atlantic City from March 8, 2018 to March 9, 2018.

An investigation revealed that on Thursday, March 8, 2018, the Clifton PBA 36 sponsored a dinner for members at Carmines at 7:30pm. It should be noted that Carmines is a restaurant located in the Tropicana. The number of attendees for this dinner was estimated to be approximately forty (40) officers, including Lt. Brodie and the complainant. While at dinner, the complainant and Lt. Brodie sat next to each other and it was alleged that at one point, the complainant felt a light touch on her thigh. The complainant then inquired if Lt. Brodie had touched her to which he denied and said that the chairs were close. The complainant acknowledged the table was crowded and the seating was tight so she did not give the incident much thought at the time. The complainant said that the other people around her were involved in their own conversations so she didn't believe others heard the exchange. Subsequent interviews failed to identify any other witnesses to this act.

Following dinner, the complainant and a co-worker went to play craps. While at the craps table, the complainant alleged that she felt a thrust from behind and when she turned around to see who did it, she observed Lt. Brodie and another co-worker behind her. The complainant then asked who did it but no one said anything so she turned around and continued playing craps. A short time later, the complainant stated that Lt. Brodie whispered in her ear and told her that it was him. The complainant then indicated that she began to feel uncomfortable with Lt. Brodie's actions. Subsequent interviews failed to identify any other individuals who acknowledged seeing this event and video of the gaming floor was unavailable at the time it was sought. The complainant later told two other co-workers about the incident.

Following that incident, a group of Clifton Police Officers went to the Gypsy Bar which is located at the Borgata. The complainant believed that other co-workers would be there but upon arrival she noted that no co-workers were there so she left to buy solution for her irritated eye. When the complainant returned, numerous other officers had arrived at the Gypsy Bar, including Lt. Brodie. At one point, it was alleged that Lt. Brodie asked the complainant why she put in to take off for an

upcoming shift. The complainant stated that Lt. Brodie was uncomfortably close and leaning into her to speak. When the complainant replied that she had plans that night, Lt. Brodie allegedly told her that he does not like it when she takes off because he takes overtime to see her. The complainant stated that this comment was overheard by another co-worker.

To end the conversation with Lt. Brodie, the complainant began speaking with a co-worker and she overheard Lt. Brodie speaking to a different co-worker regarding payments for sexual favors. It was alleged that Lt. Brodie told another employee that he had a crush on the complainant and wanted to have sexual intercourse with her. It was alleged that Lt. Brodie told the employee that he would pay the complainant \$500 for sexual relations. The complainant indicated that she did not realize that the comment was about her until later in the night when it was confirmed by another co-worker and she said that it made her feel sick.

While at the Gypsy Bar, the complainant continued to speak with other co-workers but Lt. Brodie continued to get extremely close to her and make her feel uncomfortable. It was at this point that the complainant alleged that Lt. Brodie rubbed his covered genitalia against her knee as she was sitting on a bar stool while requesting that she buy him a drink. The complainant stated that when she turned to order the drink she felt Lt. Brodie's covered genitalia rub against her knee a second time. Based on Lt. Brodie's actions, the complainant decided to leave and began to walk out of the bar with a co-worker. When Lt. Brodie questioned the departure, the complainant responded that she was going to change her shoes so they can resume gambling. At this point, Lt. Brodie allegedly threatened to remove the complainant from her vehicle assignment and further threatened to kick the co-worker in the groin if they did not return. It should be noted that various witnesses heard this statement and they described Lt. Brodie as being intoxicated at this point in the evening. The Borgata was contacted and preserved the video from the Gypsy Bar at the time in question. The video camera was across the room from the area in question but was of poor quality so it did not confirm or dispel the actions of any individual involved, and was also partially obscured by the bar.

As the complainant left the Gypsy Bar with another co-worker, she explained what had occurred between her and Lt. Brodie. The co-worker then advised the complainant that he told Lt. Brodie that he was making her feel uncomfortable and that she was happy in her relationship. In response, Lt. Brodie made a derogatory comment and indicated that the complainant would be happy if he performed certain sexual acts on her.

A group of Clifton Police Officers then went to the Cigar Bar at the Borgata and the complainant eventually joined them. While there, the complainant complained about Lt. Brodie's actions and was described as being upset and agitated. Numerous witnesses overheard the complainant recount the actions of Lt. Brodie. The complainant stated that she did not want to come to work on her next scheduled workday because Lt. Brodie was scheduled to work overtime.

Summary of Factual Findings

Charge #1 – Improper sexual conduct in the form of inappropriate touching of a female subordinate's thigh with his hand, rubbing one's genitalia against a subordinate's knee and improper contact at a gaming table.

The investigation revealed that there is insufficient evidence to prove or disprove this allegation. Lt. Brodie denied the allegation and no other officers present at each of these incidents claimed to have observed the reported contact(s). Video was unavailable from the Tropicana gaming floor at the time it was requested and investigators determined that the video from the Borgata Gypsy Bar was of poor quality and of no evidentiary use other than to confirm the presence of the complainant and Lt. Brodie, among others.

Finding: Not sustained.

Charge #2 – Engaging in sexually harassing behavior in the form of directing inappropriate sexual comments to a subordinate, specifically relating to sexual favors for money and making derogatory comments about performing sexual acts with the subordinate.

The investigation revealed that there is sufficient evidence to prove this allegation. It was established that Lt. Brodie made numerous inappropriate sexual comments that were directed at the complainant. Because the offer for payment was heard by multiple witnesses and each witness provided a similar description of the statement, it is the finding of this office that the allegations in Charge 2 are sustained. It should be noted that no evidence was found, and no reference uncovered, of a proposal that the complainant return to Lt. Brodie's hotel room during this investigation.

Finding: Sustained.

Charge #3-Threatened removal of a subordinate from an assignment, specifically changing a post assignment if the complainant did not return to the Gypsy Bar.

The investigation revealed that there is sufficient evidence to prove this allegation. Numerous witnesses heard Lt. Brodie threaten to remove the complainant from her vehicle assignment and further threatened to kick another co-worker in the groin if they did not return to the bar. Because the statement was heard by numerous witnesses and each witness provided a similar description of the statement, it is the finding of this office that the allegations in Charge 3 are sustained.

Finding: Sustained.

Charge #4-Threatened physical assault on a subordinate, specifically by threatening assault if the employee did not return to the Gypsy Bar.

The investigation revealed that there is sufficient evidence to prove this allegation. Numerous witnesses heard Lt. Brodie threaten to remove the complainant from her vehicle assignment and further threatened to kick another co-worker in the groin if they did not return to the bar. Because the statement was heard by numerous witnesses and each witness provided a similar description of the statement, it is the finding of this office that the allegations in Charge 4 are sustained.

Finding: Sustained.

Handwritten signature:
7/25/11 M. J. Sandberg
5.30.23