

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF PUBLIC INTEGRITY & ACCOUNTABILITY



INVESTIGATION CONCLUSION & FINDINGS

Bureau/Unit: Special Investigations Bureau	Division Case Number: C.J. 2023-05734	Case Title: I.A. 2023-063
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Narrative:

Subject: Chief Darren McConnell, Red Bank Police Department (RBPB)

Complaint: Chief Darren McConnell, of the Red Bank Police Department (RBPB), is alleged to have used his position to influence internal affairs investigations and other employment related matters involving a subordinate officer, [REDACTED], with whom he has a personal/ romantic relationship, [REDACTED] (this redaction references another individual which resulted in an unsustained finding).

SUMMARY OF COMPLAINT

On Friday, April 14, 2023, [REDACTED], who identified [REDACTED] self as [REDACTED], submitted a complaint through the Attorney General's online anti-corruption portal. In his complaint [REDACTED] alleged that Red Bank PD Chief of Police Darren McConnell has been overseeing the internal affairs complaints involving a subordinate [REDACTED] officer, [REDACTED], with whom he is involved in a personal/ romantic relationship.

Investigator Name, Badge # <i>Brian Melnick</i> Melnick, Brian --- Investigator #5288	Page 1	Supervisor Approval <i>RTB</i>	Review Date 2/26/24
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Date: **February 16, 2024**

Specifically, [REDACTED] claims that Chief McConnell failed to recuse himself from Patrol Officer [REDACTED] “approximately fourteen” internal affairs complaints during [REDACTED] eight years with the department and, as a result, [REDACTED] has received “severely light to no discipline at all” because of the relationship conflict.

Further, [REDACTED], accompanied by [REDACTED], claims to have brought this conflict of interest, and Chief McConnell’s creation of a toxic work environment, to the attention of the Monmouth County Prosecutor’s Office (MCPO) in a meeting in November 15, 2022. [REDACTED] said he was informed Chief McConnell’s actions did not constitute a crime and he should present his complaint to the Red Bank Mayor and Council.

[REDACTED] added in his complaint that Chief McConnell is currently serving as the interim Red Bank Borough Administrator which has compounded the problem. According to [REDACTED] Chief McConnell’s favoritism and selective enforcement of department policies that involve Officer [REDACTED] have been detrimental to the safety and well-being of the officers of the Red Bank Police Department.

The two specific allegations against Chief McConnell are as follows:

- 1) Chief McConnell failed to conduct business according to the highest ethical standards of public service. This is in violation of Red Bank Borough’s Employee Policies and Procedures **Conflict of Interest Policy (Red Bank Borough’s Employee Policies and Procedure, November 2018 Edition , Paragraph N, Pages 13- 14).**
- 2) Chief McConnell failed to report his supervisor/ subordinate dating relationship. This is in violation of Red Bank Borough’s Employee Policies and Procedures **Employee Dating Policy (Red Bank Borough’s Employee Policies and Procedure, September 2016 Edition, Paragraph L, Page 32).**

Investigator Name, Badge #

Page 2

Supervisor Approval

Review Date



2/26/24

Melnick, Brian --- Investigator #5288

Date: **February 16, 2024**

FINDINGS

Allegation (1): Employee Conflict of Interest Policy ((Red Bank Borough’s Employee Policies and Procedure, April 2014, Paragraph N, Pages 10-11). (Note: this policy has appeared with no significant change in the 2016 and 2018 updates of the Red Bank Borough’s Employee Policy and Procedures Manual)

Finding: **Sustained**

The Borough of Red Bank Personnel Policies and Procedures Manual, November of 2018 Edition includes the following provision concerning personal conflicts of interest:

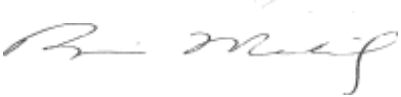

N. Conflict of Interest Policy:

Employees, including Borough of Red Bank officials, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Borough of Red Bank. Violations of this policy will result in appropriate discipline, up to and including termination.

The Borough recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Borough of Red Bank business. However, business dealings that appear to create a conflict between the employee’s personal interests and the Borough of Red Bank’s interests are unlawful under the New Jersey Local Government Ethics Act. Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Borough Administrator, or Borough Attorney. Under the Act, certain employees and officials are required to annually file with the Borough of Red Bank Clerk a state mandated disclosure form. The Borough of Red Bank Clerk will notify employees and Borough of Red Bank officials subject to the filing requirements of the Act.

One form of potential or actual conflict of interest occurs whenever an employee, including a Borough of Red Bank official, is in a position to influence a Borough of Red Bank decision that may result in a personal gain for the employee or an employee’s immediate relatives, including a spouse, domestic partner, civil union partner or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee’s household. Employees are required to disclose all possible conflicts so that the Borough of Red Bank may assess and prevent potential conflicts. If there are any questions as to whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Borough Administrator to obtain clarification.

This investigation determined that Chief McConnell, as the Red Bank Police Department Chief of Police, violated this Borough policy in two distinct ways. Chief McConnell and [REDACTED], in their separate interviews, both described an intimate/personal relationship that began shortly after [REDACTED] was hired in 2014.

Investigator Name, Badge #  Melnick, Brian --- Investigator #5288 Date: February 16, 2024	Page 3	Supervisor Approval 	Review Date 2/26/24
---	--------	---	-------------------------------

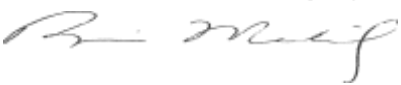

██████████ related that ██████ had a relationship with another member of the department, ██████, whom ██████ began dating in 2016. They “married” in 2019 in a non-binding commitment ceremony in June of 2019 and ended their relationship of 2020. ██████ related in ██████ statement that during that time ██████ remained emotionally tied to Chief McConnell. Further, ██████ acknowledged the intensity of ██████ relationship with Chief McConnell continued during that time period with sexual encounters up to ██████ engagement and marriage to Chief McConnell earlier this year. ██████ related they did not keep their relationship a secret and the department members were aware. Chief McConnell, in his interview, recognized that by definition their relationship would have constituted a dating relationship for police applications.

Clearly, he fell short of conducting business “according to the highest ethical standards” by commencing an intimate relationship with a subordinate, a probationary officer, and by continuing to make decisions regarding ██████ discipline and punishment throughout ██████ career. By doing so, Chief McConnell used his position as the Chief of Police to influence Borough of Red Bank decisions which resulted in personal gain for a subordinate employee, ██████, who by their own accounts was a significant other.

Specifically, and most outwardly, he made decisions involving ██████ internal affairs cases between 2014 and 2021, improperly dismissing some, and even reversing the finding of another of ██████ internal affairs cases. In that matter, ██████ was determined to have violated the RBPB’s Time Off policy by the investigating officer, a department administrator. Chief McConnell received the sustained finding and recommendation for discipline on September 24, 2021. Four days later, he submitted his self-disclosure of their personal relationship. On January 5, 2023, after a review by Monmouth County Prosecutor’s Office found no documentation of a disposition or discipline in the case file, the Chief advised MCPO that ██████ actions were “unfounded” and therefore not subject to discipline. The investigating officer was never consulted or notified of this decision. During his interview for this investigation, Chief McConnell declared he was obligated to do something because he disagreed with the investigator’s findings.

In two, more serious, internal affairs cases prior to 2021 in which ██████ was the subject officer, Chief McConnell prevented ██████ from being disciplined based upon his own, incorrect, interpretation of the Attorney General’s Internal Affairs Policy and Procedures “45-day rule” (he claimed to believe that the final decision must be made within 45 days of receipt of the allegation). During his interview, Chief McConnell conceded that his interpretation of the rule did not benefit or affect the discipline for any other Red Bank officer besides ██████. In another internal affairs case involving ██████, Chief McConnell indicated that ██████ was counselled for failing to appear in court as subpoenaed.

When he was unable to provide any documentation of when ██████ was counselled or by whom,

Investigator Name, Badge #  Melnick, Brian --- Investigator #5288 Date: February 16, 2024	Page 4	Supervisor Approval 	Review Date 2/26/24
---	--------	---	------------------------

Chief McConnell described this as “a failure in our system” and added in hindsight, “it may not have been the best record keeping system”. In another serious matter involving an improper strip search, Chief McConnell decided that instead of a one-day suspension as recommended by the investigator, [REDACTED] would be sent for remedial training in “search and seizures”. Further inquiry revealed no such training took place until years later, and only after Monmouth County Prosecutor’s Office (MCPO) met with RBPB concerning the handling of [REDACTED] internal affairs matters, that [REDACTED] attended a minimal 3-hour training coordinated by MCPO.

During their review on December 22, 2022, MCPO found that in four of [REDACTED] internal affairs cases there was no documentation of disposition or discipline in the case files. On January 6, 2023, Chief McConnell replied via email to provide the missing information. However, Chief McConnell’s email was misleading and failed to provide details of [REDACTED] case dispositions being changed or discipline being downgraded by him.

Allegation (2): Employee Dating Policy (Red Bank Borough’s Employee Policies and Procedure, Sept. 2016 Edition, Paragraph L, Page 32)

Finding: **Sustained**

In September of 2016, the Borough of Red Bank added the following Employee Dating Policy to their Employee Policies and Procedures Manual:

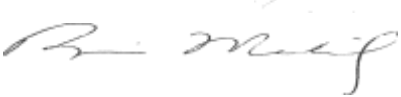

L. Employee Dating Policy:

The Borough of Red Bank recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the municipality also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Borough of Red Bank has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title, makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Borough.

Investigator Name, Badge #  Melnick, Brian --- Investigator #5288	Page 5	Supervisor Approval 	Review Date 2/26/24
---	--------	---	------------------------

Date: **February 16, 2024**

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them. In addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Borough regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with municipal operations.

Nothing in this policy alters an employee's at will status.

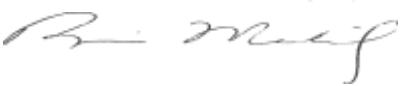

During their interviews, both Chief McConnell and [REDACTED] described an intimate/ dating relationship between them which began shortly after [REDACTED] was hired in 2014. The relationship, including sexual encounters, continued periodically throughout [REDACTED] tenure at RBPD.

Chief McConnell stated he officially disclosed their relationship on September 28, 2021 when he electronically submitted a memorandum doing so to his own "Personnel File". During his statement, Chief McConnell related he could not recall whether or not he notified anyone else at the Borough of his self-disclosure memorandum. There is no other independent evidence that he made anyone aware. Since the inception of this policy until his self-disclosure, Chief McConnell was in violation of the provisions of this policy. During that time, and even after he reported the relationship, Chief McConnell continued to use his position to influence the outcomes, and subsequent discipline, regarding [REDACTED] internal affairs matters.

CONCLUSIONS

The Borough of Red Bank Police Department Policies and Procedures defines the "Chief of Police" as the employee who oversees the "entire operation of the police department" (RBPD Policies and Procedures "Duties and Responsibilities" Number A-2, Revised 3/16/2015). Further, the Borough of Red Bank's Employee Policies and Procedures Manual states that "The personnel policies and procedures of the Borough apply to all employees, volunteers, elected or appointed officials and independent contractors. (Borough of Red Bank Personnel Policies and Procedures Manual, November of 2018 Edition, General Personnel Policy, Page 1).

As such, Chief McConnell, was bound by his position, and employment status, to uphold the requirements of the Borough's employee manual. A violation of the Employee Dating Policy is said to warrant "disciplinary action, up to and including discharge". As a supervisor/ subordinate relationship, the violation is compounded.

Investigator Name, Badge #  Melnick, Brian --- Investigator #5288	Page 6	Supervisor Approval 	Review Date 2/26/24
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Date: **February 16, 2024**

The Conflict of Interest Policy states that “Whenever an employee believes that such a conflict will, or may, occur, the employee should immediately disclose the potential conflict to his/her supervisor, the Business Administrator, or Borough Attorney.” During his interview, Chief McConnell related that due to his position as the acting Business Administrator he submitted his self-disclosure in September of 2021 to report of his relationship with [REDACTED] as an electronic memorandum to his own personnel file. When asked if he made anyone else at the Borough aware, he said he may have told the previous Mayor or Police Commissioner. However, he wasn’t able to confidently say that he made any notification to anyone else at all.

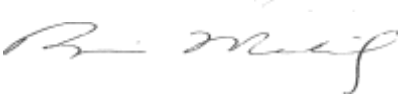

Regardless, Chief McConnell failed to make any notification of the personal relationship with his subordinate until 2021 and he knowingly, and admittedly, made decisions which benefitted [REDACTED] during their relationship. He continued to do so after his “self- disclosure.”

During the course of this investigation, I have had the opportunity to speak with witnesses, review relevant associated reports, speak with involved parties, and interview Chief McConnell himself. Based on the totality of this inquiry, Chief McConnell’s behavior concerning his relationship with [REDACTED] was concluded to be unethical and in violation of the aforementioned Borough policy provisions. The result of his actions has clearly been detrimental to the operations and morale of the Red Bank Police Department, while beneficial to himself and [REDACTED]. Given the seriousness of the sustained charges, the Office of the Attorney General recommends that Chief McConnell be terminated and not continue in any capacity with the Borough after retirement, including Business Administrator.

[REDACTED]

[REDACTED]

(the above redactions reference another individual which resulted in an unsustained finding).

Investigator Name, Badge #  Melnick, Brian --- Investigator #5288	Page 7	Supervisor Approval 	Review Date 2/26/24
Date: February 16, 2024			