

CONCLUSION

My investigation shows that the names of the Union County Employees that were reported to this Office by the Department of Engineering and Public Works of having used a County generator for personal use is factual and each of the employees admitted to that fact. I have found that all employees who borrowed a generator did so after receiving authorization from a supervisor. All of the generators that were borrowed from the Department of Engineering and Public Works were generators used by the trades, and are not the type of generators used for emergency service. These generators were in storage and were not being actively used by any of the trades.

Union County Sheriff's Office XXXXXXXXXXXXXXX did in fact borrow a County owned generator for personal use during and after the storm without permission. The generator in question was assigned to the Union County Sheriff's K-9 Unit.

I reviewed the log sheet of generators provided by Emergency Management that was issued out to both government and non-government agencies. It appears that no agency was denied the use of any requested generator. Several attempts were made to obtain information on the names of other County employees that had been reported by Tina Renna on The Union County Watchdog Association website. However, the Union County Watchdog Association did not cooperate with this investigation, thereby causing a delay in the release of this report. As a result, additional investigative resources and time were spent on attempting to find phantom employees that were alleged to have used County owned generators.

In addition, on or about May 8, 2013, I received, from an anonymous source, a list of 16 employees who purportedly used County generators. Upon receiving this list, I conducted further investigation into each name on the list. That investigation revealed that the allegations against many of the individuals on the list were unfounded. Some of the remaining names were employees who had used generators, but were already known to me from earlier in my investigation. However, I did discover that one individual on the list, who was previously unknown to me, used a County generator for personal use.

Though the conduct of the employees who used and/or approved the use of County owned generators was completely inappropriate, it does not rise to the level of criminal conduct. Under New Jersey law, in order to charge an individual with theft, there must be probable cause to believe that the individual(s) intended to permanently deprive the owner of the property taken. Here, the employees intended to borrow the generators for a short period of time. As such, they did not intend to permanently deprive the County of the use of the generators as required by the relevant theft statutes: N.J.S.A. 2C:20-1a and N.J.S.A. 2C:20-4a. Consequently, this matter will be referred to the County for whatever administrative action they deem appropriate in light of the findings set forth in this report.