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CITY COUNCIL
CITY OF TRENTON

319 East State Street
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December 28, 2020

Hon. Phil Murphy, Governor
225 West State St., Trenton, NJ, 08625
(609) 292-6000

Hon. Gurbir Grewal, Attorney General
25 Market St., Trenton, NJ, 08625
(609) 292-8740

RE: Police Accountability – Stop The Rehire Of A “Bad Apple Cop”

I am the duly elected representative of the West Ward, City of Trenton, on behalf of the residents of Trenton, I demand that you exercise the full powers of the New Jersey Attorney General, Department of Law and Public Safety, and promptly intervene to prevent the rehire of a “bad apple cop,” Mr. David Ordille, back into the Trenton Police Department.

In the midst of the deaths of George Floyd, Breonna Taylor and many other Black Americans by law enforcement’s use of excessive force and inaccurate search warrant affidavits, our nation reckons with longstanding challenges of eradicating police brutality, addressing serious disciplinary violations, creating police department and criminal justice reform. To allow the rehire of a **“bad apple cop”** back into the Trenton Police Department after he was terminated for cause by Police Director Sheila Coley would fly in the face of those national reform initiatives, and more importantly, would be in direct contravention of your own stated commitment to police reform through accountability and transparency and your initiative to create a standard of excellence in policing in New Jersey.

It was brought to my attention that after Mr. Ordille’s administrative hearings regarding his termination in September 2020, allegedly it was ultimately concluded that this was merely a **“training issue”** and recommended that Mr. Ordille be re-trained, fully reinstated with his top salary and benefits. And to add insult to injury, it is alleged that Mercer County Prosecutor Angelo Onofri and City of Trenton Mayor Reed Gusciora, a former prosecutor himself, both support this outcome. To ensure that you fully appreciate my position on behalf of the citizens of Trenton, and the gravity of my demand, I’ll outline some important details and concerns below.

Mr. Ordille, a 15 year veteran of TPD, was serving in the high capacity of Detective Sergeant when he was terminated by Trenton Police Director, Sheilah Coley, for lying, making misstatements and omissions in a search warrant affidavit in the federal case *United States v. Timothy Wimbush*. Chief Judge Freda L. Wolfson of the United States District Court presided over the case, and in her written *Opinion*, January 14 and 16, 2020, regarding Mr. Ordille’s search warrant affidavit, stated:

"Both of the statements regarding the interaction with the confidential informant and the misrepresentation of law enforcement's purpose are affirmative acts of deliberate deception."

And:

"Misstatements are reflective of more than mere carelessness or negligence on the part of the drafting officer. They are the product of wholly inappropriate police practices, which are tantamount to lack of candor to the Court." – Judge Wolfson's Opinion, January 14 and 16, 2020

Neither Mayor Gusciora nor Mercer County Prosecutor Onofri need look any further than the Chief Judge's opinion for a reason to reject the administrative hearing officer's recommendation or conclusion, and support Police Director Sheila Coley's decision to terminate Mr. Ordille. But if neither the judge's words nor the concept of restoring and building public trust is sufficiently important or convincing for the Mayor or the Chief Prosecutor, I would hope that it is for you, as your police reform initiatives were hailed by ACLU-NJ's Executive Director, Amol Sinha, as efforts to **"...protect fundamental rights, particularly in Black and brown communities which often are the subject of over-policing."** (Jurist.org, December 22, 2020.) To support the decision, or rather, to not challenge the decision to rehire Mr. Ordille is wholly contrary to your police reform initiatives.

But it's not only contrary to your initiatives, it's contrary to the words of the Mercer County Prosecutor's Office itself. On August 10, 2020, the *Trentonian* newspaper, wrote:

"The Mercer County Prosecutor's Office labeled Ordille a "Brady cop," meaning his honesty as a witness is doubted. Prosecutors informed the city they won't call Ordille to testify in criminal cases unless his statements are independently corroborated, documents show."

So how can Mr. Ordille be deemed an **unreliable** witness in a court of law, an **unreliable** police officer witness who needs his testimony to be independently corroborated in the prosecutor's office, but be considered **reliable officer while policing our predominantly brown and black population in the City of Trenton?** Police Director Sheilah Coley made a sound decision and it should be upheld and enforced by your office.

The *Trentonian* article goes on to say:

"Rich Rivera, a former cop and police accountability expert, said officers should never swear to facts that they don't know. And if they're relying on another officer's information, they should spell that out in search warrants. "He took a shortcut," Rivera said, "because it's extraordinarily rare that an officer is going to get caught. And this guy got caught. [The misstatements] are significant enough that he shouldn't be a cop and are significant enough that the prosecutor should review every one of his affidavits."

My question at this point is – why is there even a discussion around rehiring Mr. Ordille? And not around reviewing every single one of Mr. Ordille's search warrant affidavits he has ever written while serving on the in the Trenton Police Department?

To be clear, this is not the first time that Mr. Ordille's veracity relative to a search warrant affidavit was questioned. In case *State of New Jersey v. Darrell M. Hall*, Superior Court of New Jersey Appellate Division, Judge Thomas M. Brown, denied the defense's challenge to Mr. Ordille's credibility and he relied on Mr. Ordille's long tenure and expertise as a police officer working the narcotics beat. - Appellate Court Opinion, September 18, 2019, stated:

"The main witness at the suppression hearing was Trenton Police Detective David Ordille, an experienced police officer who had worked on narcotics matters for over eight years and had investigated several (2,000) thousand cases. Ordille was on surveillance with two other officers on the evening of November 4, 2014, in the vicinity of the 200 block on Walnut Avenue in Trenton, which he described as "a known narcotics area."

Despite the fact that Judge Brown dismissed the defense's challenge to Ordille's credibility in that instance, the case is still important for more reasons than one. First, it establishes that the issue of credibility is paramount in the execution of the law and the distribution of justice. Subsequent to Judge Brown's dismissal, Chief Judge Wolfson, sitting in an even higher court than Judge Brown's, albeit in a different case, found that Mr. Ordille was not credible. It takes no leap in logic to conclude that a police officer whom the District Court judge deemed unreliable, cannot be relied upon during the course of dispensing justice; in other words, he cannot effectively police. The Mercer County Prosecutor's Office seemingly and properly agreed with this notion initially and for whatever the reason changed its recommendation.

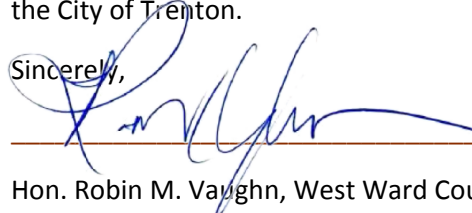
Second, Judge Brown's reliance on Mr. Ordille's extensive experience as a police officer who had worked on narcotics for over 8 years and **investigated several thousand cases**, tells us with certainty only one thing - that New Jersey now has several thousand cases that need to be reviewed. Third, and most relevant to my request not to rehire Mr. Ordille, is the fact that if he was held to be so experienced in 2014 when he executed the warrant in the Darrell Hall case, how can the administrative hearing officer's accept the claim or recommendation from Mercer County Prosecutor Angelo Onofri that this is merely a "training issue" for the officer who now has had even more experience and, is now a 15-year veteran of the TPD? And it is disingenuous for Chief Prosecutor Angelo Onofri to allegedly now support Mr. Ordille's rehire when his office already deemed him a **"Brady cop"**, an unreliable witness. It is a disservice to citizens, the courts, and a misuse of taxpayer dollars to return a **"bad apple cop"** to the TPD's payroll.

If we are to adopt the a core principle of 21 Century Policing building public trust with the community police officers who are sworn to protect and serve, then we cannot continue to support and reward **"bad apple cops"** who infringe upon the civil liberties and rights of citizens, and all too often those are disproportionately brown and black citizens. Police Officers must maintain the trust of the communities they serve and law enforcement leadership must apply zero tolerance to cops who violate and act in total disregard for the policies, procedures of policing and the laws of the State.

I, on behalf of the residents of the City of Trenton, urge that you act decisively, firmly and expeditiously, to send a resounding message, that bad behavior by police officers will not be tolerated, ignored or overturned, and severe penalties will be imposed and upheld.

I demand that you ensure the citizens of the City of Trenton are given due process and equal protection of the laws that govern us all and that the termination of Mr. David Ordille is upheld, and that he is permanently barred from being rehired by the Trenton Police Department or employed in any capacity by the City of Trenton.

Sincerely,



Hon. Robin M. Vaughn, West Ward Councilwoman, Trenton City Council

cc:

Amol Sinha, Esq., Executive Director, ACLU-New Jersey
Richard T. Smith, President, NAACP, New Jersey
Leslie Summiel, Jr., President, NAACP, Trenton Branch
George Helmy, Chief of Staff to the Governor, Office of the Governor
Michael Delamater, Deputy Chief of Staff, Office of Intergovernmental Affairs, Office of the Governor
Hon. Reed Gusciora, Mayor, City of Trenton
Hon. Brian Hughes, County Executive, Mercer County
Hon. Sheilah Coley, Police Director, TPD, City of Trenton
Hon. Angelo Onofri, Chief Prosecutor, Mercer County Prosecutor's Office
Hon. Jack Kemler, Sheriff, Mercer County Sheriff's Office
Hon. Kathy McBride, President, Trenton City Council
Hon. Marge Caldwell-Wilson, Vice President, Trenton City Council
Hon. Jerell Blakeley, Councilman-at-Large, Trenton City Council
Hon. Joseph Harrison, East Ward Councilman, Trenton City Council
Hon. George Muschal, South Ward Councilman, Trenton City Council
Hon. Santiago Rodriguez, Councilman-at-Large, Trenton City Council
Hon. Shirley R. Turner, Senator, 15th Legislative District
Hon. Verlina Reynolds-Jackson, Assemblywoman, 15th Legislative District
Hon. Anthony S. Verrelli, Assemblyman, 15th Legislative District
Hon. Andrew Koontz, Chairman, Commissioner, Mercer County
Hon. Samuel T. Frisby Sr., Vice Chairman, Commissioner, Mercer County
Hon. Ann M. Cannon, Commissioner, Mercer County
Hon. John A Cimino, Commissioner, Mercer County
Hon. Pasquale "Pat" Colavita, Jr., Commissioner, Mercer County
Hon. Nina D. Melker, Commissioner, Mercer County
Hon. Lucylle R.S. Walter, Commissioner, Mercer County
Wesley Bridges, Acting Director, Law Department, City of Trenton
Matthew Conlon, City Clerk, Office of the City Clerk, City of Trenton
Janice Mironov, Mercer County Chair, Democratic County Committee
Lisa Richford, Mercer County Chair, Republican County Committee
Raissa Walker, Trenton Municipal Chair, Democratic County Committee
Jennifer Williams, Trenton Municipal Chair, Republican County Committee