

COMPLAINT - SUMMONS

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> <i>VS.</i> MICHAEL T EMMERT	
0307	S	2022	000026		
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				ADDRESS TOMS RIVER NJ 08755-1960	
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 2020-04459		DEFENDANT INFORMATION	
COMPLAINANT NAME: ROSS PORTNER 25 MARKET ST P O BOX 085 TRENTON NJ 08625			SEX: M EYE COLOR: BLUE DOB: 1984 DRIVER'S LIC. # DL STATE: NJ SOCIAL SECURITY #: xxx-xx- () SBI #: TELEPHONE #: LIVESCAN PCN #:		

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 04/08/2020 in CHESTERFIELD TWP, BURLINGTON County, NJ did: WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, IN VIOLATION OF N.J.S.A. 2C:12-1(B) (7) (THIRD DEGREE).

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, in violation of:

Original Charge	1) 2C:12-1B(7)	2) 2C:12-1B(7)	3) 2C:28-7A(1)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: _____ ROSS PORTNER Date: 05/24/2022

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Superior Court in the county of: BURLINGTON

at the following address: BURLINGTON COUNTY

CRIMINAL COURTS 49 RANOCAS ROAD MT HOLLY NJ 08060-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: 05/24/2022 Appearance Date: 06/30/2022 Time: 09:00AM Phone: 609-288-9500

Signature of Person Issuing Summons: _____ ROSS PORTNER Date: 05/24/2022

Domestic Violence – Confidential

Related Traffic Tickets or Other Complaints

Serious Personal Injury/ Death Involved

Special conditions of release:

- No phone, mail or other personal contact w/victim
- No possession firearms/weapons
- Other (specify):

ORIGINAL

COMPLAINT - SUMMONS

COMPLAINT NUMBER

0307

S

2022

000026

STATE V.

MICHAEL T EMMERT

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE) .

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT, WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE) .

Original Charge

Amended Charge

COMPLAINT - SUMMONS

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER

0307 S 2022 000026

COURT CODE PREFIX YEAR SEQUENCE NO.

**CHESTERFIELD TWP MUNICIPAL COURT
1 MUNICIPAL DRIVE
BORDENTOWN NJ 08505-0000
609-298-2802 COUNTY OF: BURLINGTON**

ADDRESS

THE STATE OF NEW JERSEY

VS.

MICHAEL T EMMERT

TOMS RIVER

NJ 08755-1960

of CHARGES **3** CO-DEFTS POLICE CASE #: **2020-04459**

DEFENDANT INFORMATION

SEX: **M** EYE COLOR: **BLUE**

DOB: **1984**

DRIVER'S LIC. #.

DL STATE: **NJ**

COMPLAINANT NAME: **ROSS PORTNER**

SOCIAL SECURITY #: **xxx-xx-**

SBI #: ()

TELEPHONE #.

LIVESCAN PCN #.

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about 04/08/2020 in **CHESTERFIELD TWP**, **BURLINGTON County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, IN VIOLATION OF N.J.S.A. 2C:12-1(B) (7) (THIRD DEGREE).

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, **in violation of:**

Original Charge	1) 2C:12-1B(7)	2) 2C:12-1B(7)	3) 2C:28-7A(1)
Amended Charge			

CERTIFICATION:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment

Signed: ROSS PORTNER Date: 05/24/2022

The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

YOU ARE HEREBY SUMMONED to appear before the **Superior Court** in the county of: **BURLINGTON**

at the following address: **BURLINGTON COUNTY**

CRIMINAL COURTS 49 RANOCAS ROAD MT HOLLY NJ 08060-0000

If you fail to appear on the date and at the time stated below, a warrant may be issued for your arrest.

Date of Arrest: **05/24/2022** Appearance Date: **06/30/2022** Time: **09:00AM** Phone: **609-288-9500**

Signature of Person Issuing Summons: ROSS PORTNER Date: 05/24/2022

Domestic Violence – Confidential Related Traffic Tickets or Other Complaints Serious Personal Injury/ Death Involved

Special conditions of release:

No phone, mail or other personal contact w/victim
 No possession firearms/weapons
 Other (specify):

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

COMPLAINT NUMBER

0307

S

2022

000026

STATE V.

MICHAEL T EMMERT

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE) .

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT, WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE) .

Original Charge

Amended Charge

COMPLAINT - SUMMONS (DEFENDANT'S COPY)

Page 6 of 11

NJ/CDR1 1/1/2017

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER				THE STATE OF NEW JERSEY VS. MICHAEL T EMMERT
0307	S	2022	000026	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				ADDRESS : <p style="text-align: center;">TOMS RIVER NJ 08755-1960</p>
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 2020-04459		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 1984 DRIVER'S LIC. #. DL STATE: NJ SOCIAL SECURITY # xxx-xx- SBI #: TELEPHONE #: () LIVSCAN PCN #:
COMPLAINANT ROSS PORTNER NAME: 25 MARKET ST P O BOX 085 TRENTON NJ 08625				

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **04/08/2020** in **CHESTERFIELD TWP**, **BURLINGTON County, NJ** did: **WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, IN VIOLATION OF N.J.S.A. 2C:12-1(B) (7) (THIRD DEGREE).**

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS AS A CORRECTIONAL POLICE SERGEANT, DID PURPOSELY ATTEMPT TO CAUSE OR CAUSE SIGNIFICANT BODILY INJURY TO VICTIM 1, WHOSE IDENTITY IS KNOWN TO LAW ENFORCEMENT, BY SPRAYING OLEORESIN CAPSICUM SPRAY AT VICTIM 1, CAUSING HIM TEMPORARY LOSS OF RESPIRATORY FUNCTION OR TEMPORARY LOSS OF SIGHT, in violation of:

Original Charge	1) 2C:12-1B(7)	2) 2C:12-1B(7)	3) 2C:28-7A(1)
-----------------	-----------------------	-----------------------	-----------------------

Check √	Certification by Police Regarding Complaint-Summons
✓	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: **ROSS PORTNER NJ DIVISION OF CRIM JUSTICE** Date of Action: **05/24/2022**
Name, Title and Department of Officer

RETURN OF SERVICE INFORMATION

COMPLAINT NUMBER

0307

S

2022

000026

STATE V.

MICHAEL T EMMERT

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

IN VIOLATION OF N.J.S.A. 2C:12-1(B)(7) (THIRD DEGREE) .

WITHIN THE JURISDICTION OF THIS COURT, ON OR ABOUT APRIL 8, 2020, IN THE TOWNSHIP OF CHESTERFIELD, IN THE COUNTY OF BURLINGTON, DID KNOWINGLY MAKE, PRESENT, OFFER FOR FILING OR USE ANY RECORD, DOCUMENT OR THING KNOWING IT TO BE FALSE, AND WITH PURPOSE THAT IT BE TAKEN AS A GENUINE PART OF INFORMATION OR RECORDS BELONGING TO, OR RECEIVED OR KEPT BY, THE GOVERNMENT FOR INFORMATION OR RECORD, OR REQUIRED BY LAW TO BE KEPT BY OTHERS FOR INFORMATION OF THE GOVERNMENT, WITH THE PURPOSE TO DEFRAUD OR INJURE ANYONE, THAT IS, THE SAID MICHAEL EMMERT, WHILE EMPLOYED BY THE DEPARTMENT OF CORRECTIONS, KNOWINGLY MADE ONE OR MORE FALSE ENTRIES IN A PRELIMINARY INCIDENT REPORT, PREPARED BY EMMERT IN CONNECTION WITH HIS DUTIES AS A CORRECTIONAL POLICE SERGEANT FOR THE DEPARTMENT OF CORRECTIONS AT THE GARDEN STATE YOUTH CORRECTIONAL FACILITY, IN VIOLATION OF N.J.S.A. 2C:28-7(A) (THIRD DEGREE) .

Original Charge

Amended Charge

RETURN OF SERVICE INFORMATION

Page 8 of 11

NJ/CDR1 1/1/2017

Affidavit of Probable Cause

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. MICHAEL T EMMERT	
0307	S	2022	000026	ADDRESS	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.		
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				TOMS RIVER NJ 08755-1960	
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 2020-04459		DEFENDANT INFORMATION	
COMPLAINANT ROSS PORTNER NAME: 25 MARKET ST P O BOX 085 TRENTON NJ 08625			SEX: M EYE COLOR: BLUE DOB: 1984 DRIVER'S LIC. #. DL STATE: NJ SOCIAL SECURITY #: xxx-xx- SBI #: TELEPHONE #: () LIVESCAN PCN #:		

Purpose: This Affidavit/Certification is to more fully describe the facts of the alleged offense so that a judge or authorized judicial officer may determine probable cause.

1. Description of relevant facts and circumstances which support probable cause that (1) the offense(s) was committed and (2) the defendant is the one who committed it:
 Michael Emmert is employed by the New Jersey Department of Corrections (DOC) as a Correctional Police Sergeant. On or about April 8, 2020, at approximately 12:05 A.M., Emmert was assigned to the Garden State Youth Correctional Facility in Chesterfield Township and conducted a cell extraction of Victim 1 while on duty and working in his official capacity. Emmert was the leader of the extraction team, and approached the cell of Victim 1 with two other officers. Victim 1 offered his hands and stated his intent to be handcuffed, but Emmert did not allow Victim 1 to leave the cell voluntarily and gave no orders. Rather, Emmert sprayed Victim 1 in the face with Oleoresin Capsicum (OC). Emmert left and returned with a five-person suited team. Again without offering Victim 1 an opportunity to comply, Emmert deployed OC spray on Victim 1 a second time, then supervised as the team entered the cell and forcibly removed Victim 1. Victim 1 screamed in pain and left his cell covered in blood. Victim 1 was given an inhaler and oxygen in the infirmary, and was treated for lacerations on his face. DOC policy permits use of force that is objectively necessary and reasonable; it requires that an inmate be given an opportunity to comply before a forced cell extraction proceeds. DOC CUS.001.UF.002, IIIA, IVF. In his preliminary incident report, Emmert falsely stated that Victim 1 refused orders to be handcuffed, blocked a food port, and attempted to "mule kick" a shield, which is contradicted by video and photographic evidence. By filing a false report, Emmert intended to deceive others within the DOC into believing that his use of force on Victim 1 was justified.

Affidavit of Probable Cause

COMPLAINT NUMBER

0307

S

2022

000026

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

THE STATE OF NEW JERSEY

VS.

MICHAEL T EMMERT

2. I am aware of the facts above because: (Included, but not limited to: your observations, statements of eyewitnesses, defendant's admission, etc.)

Documents received and footage reviewed during investigation

3. If victim was injured, provide the extent of the injury:

Victim 1 was injured and received medical attention

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: ROSS PORTNER LAW ENFORCEMENT OFFICER

Date: 05/24/2022

Affidavit of Probable Cause

Preliminary Law Enforcement Incident Report

COMPLAINT NUMBER				<i>THE STATE OF NEW JERSEY</i> VS. MICHAEL T EMMERT
0307	S	2022	000026	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
CHESTERFIELD TWP MUNICIPAL COURT 1 MUNICIPAL DRIVE BORDENTOWN NJ 08505-0000 609-298-2802 COUNTY OF: BURLINGTON				ADDRESS TOMS RIVER NJ 08755-1960
# of CHARGES 3	CO-DEFTS	POLICE CASE #: 2020-04459		DEFENDANT INFORMATION SEX: M EYE COLOR: BLUE DOB: 1984 DRIVER'S LIC. #. DL STATE: NJ SOCIAL SECURITY #: xxx-xx- SBI #: () TELEPHONE #. LIVESCAN PCN #:
COMPLAINANT ROSS PORTNER NAME: 25 MARKET ST P O BOX 085 TRENTON NJ 08625				

Purpose: The Preliminary Law Enforcement Incident Report (PLEIR) is intended to document basic information known to the officer at the time of its preparation. It is recognized that additional relevant information will emerge as an investigation continues. The PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigation reports. Note that the PLEIR is specific to each defendant charged in an investigation.

- The offense/incident was recorded using electronic/surveillance via:
 - Other/Explain video recording
- The defendant was known to the victim as:
 - Other/Explain inmate
- The victim was injured and:
 - Victim treated at the scene

Certification:

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Signed: ROSS PORTNER LAW ENFORCEMENT OFFICER Date: 05/24/2022