

TABLE OF CONTENTS

Introduction	page 3
Background: Case Facts	page 6
Command and Control	page 9
Utilization of Available Assets	page 12
Responsible Person(s)/Entities	page 13
Findings of Fact	page 14
Recommendations	page 16
Conclusion	page 18

Appendices

Appendix A: Report of Lieutenant Nicole Martin, CPD	
Appendix B: Report of Sgt Tyree Noble, CPD	
Appendix C: Report of Officer Pimentell, CPD	
Appendix D: Report of Officer Gransden, CPD	
Appendix E: Report of Captain Cassandra Smith, CPD	
Appendix F: Report of Lieutenant Thomas Merek, CPD	
Appendix G: Report of Captain Harry Leon, CPD	
Appendix H: Report of Sgt D. Yeager, NJSP	
Appendix I: Report of Special Officer M. Bruce Kanis, CPD	
Appendix J: Basic Course for Officers Instructional Unit 10.16.3 Missing Juveniles	
Appendix K: County Medical Examiner's Postmortem Report	

**Appendix L: Report of the Review Panel: Concerning the disappearance and Deaths of
Three Young Boys in East Camden June 22-24, 2005 (Cover thru page 28)**

Note: Appendix J, does not include the appendices of Review Panels Report. In light of the appendices included in this report, those appendices were deemed to have no bearing on the outcome of this report.

INTRODUCTION

During the early evening hours of Friday June 24, 2005, the bodies of three missing children were discovered in the trunk of an automobile, which was located on the property of the home where the children were last seen. The boys had been the subject of an extensive two day search involving law enforcement agencies from the local, county, state and federal levels as well as concerned members of the community and volunteers from neighboring communities and towns.

The search area(s) included the home and adjacent areas where the children were last seen, the surrounding community, a rail yard, the banks of the nearby Delaware River as well as searches of the river itself by dive teams. Also included in the search was aerial surveillance (helicopter) of the entire area (Cramer Hill) where two of the children's families resided.

On June 25, 2005, the Camden County Prosecutor, Vincent P. Sarubbi announced the appointment of a review panel to investigate both the disappearance of the children and the response of the appropriate law enforcement entity. That panel consisted of three members, two (2) from the County Prosecutor's Office and one (1) from the Camden Police Department.

On June 29, 2005 Major Keith A. Walker, USMC (Ret) and former Camden Police Chief Robert Allenbach announced they would establish an independent panel (Citizens Independent Panel) to look into the circumstances surrounding the deaths of the children. Similarly, City Council President Angel Fuentes announced that City Council would also be establishing an independent panel to investigate circumstances surrounding the tragedy.

On August 2, 2005, the County Prosecutor and Camden Police Chief Edwin Figueroa released the findings of the Prosecutor's panel in a report entitled, "Report of the Review Panel – Concerning the Disappearance and Deaths of Three Young Boys In East Camden – June 22-24, 2005". Members of the Citizens Independent Panel have had the opportunity

to review the report of the Prosecutor's Review Panel and where appropriate this report will reference that document.

After the release of the prosecutor's report Council President Fuentes decided not to proceed with a panel empowered by City Council. This panel, however, believes there are serious flaws and omissions in the Prosecutor's Report that must be addressed. With many questions left unanswered and no accountability for the tragic deaths of the three children, it necessary and in the interest of the public that this report be issued.

The goal of the Independent Citizens Panel is not to assign blame, however the members of the panel have been instructed to approach their responsibilities as panel members in an objective manner. In doing so, the panel will look at the circumstances leading up to the discovery of the children's bodies, including the actions of the family, police, and other persons in authority relative to this case. Consequently, the findings of this report may identify those persons and/or entities who due to their relative positions of authority and responsibility can be reasonably held accountable for the failures leading up to the deaths of the three Camden children.

The objective of the Independent Citizens Panel is to follow a simple formula and determine the following:

- 1. What went wrong in the search for the children**
- 2. When (at what point) did the search go wrong**
- 3. Where did the search go wrong**
- 4. Why did it go wrong**
- 5. Who was responsible for the conduct of the search**
- 6. How can policies and procedures be implemented/perfected to prevent a recurrence of tragedies such as occurred during the period June 22-24, 2005**

Panel members are acutely aware of the weight of their responsibility; none of them have taken their duties lightly. The findings of the Citizens Independent panel may or may not

be consistent with findings of the Prosecutor's panel; however, it is of critical importance that the findings of this panel serve as a viable adjunct to the report released by the Prosecutor's panel.

In preparing this report, panel members have tirelessly reviewed internal memos and reports generated by members of the Camden Police Department and other law enforcement agencies directly involved in the search/investigation. Additionally, panel members conducted interviews of family members, neighbors and other parties who were actively engaged in the search for the missing children.

As a note: The panel was made aware of a similar situation which occurred during the month of July 2004. In that case two little girls were reported missing. After an exhaustive eleven (11) hour police search, the children were located when a neighbor walking past the family car heard a faint knocking on the trunk. The mother was notified and the trunk was opened. Fortunately, although one of the girls was rendered unconscious, neither sustained serious injury as a result of their ordeal.

This narrowly averted tragedy should have been used to establish an SOP (Standard Operating Procedure) for handling cases of missing children in Camden. In fact, it should have become a standard training lesson for police officers, as opposed to using the deaths of the three little boys as the "training lesson". Additionally, with the knowledge that children had been trapped in a car trunk should have triggered news alerts pointing to the dangers posed to children relative to car trunks.

Background: Case Facts

At approximately 1700 hours (5:00 PM) on the evening of June 22, 2005, Elba Cruz, the mother of Anibal Cruz, age eleven (11) years, discovered her son and two (2) other children, Danny Agosto, age six (6) and Jesstin Pagan, age five (5) were missing from her yard. Jessica Pagan, mother of Jesstin, was visiting Elba Cruz the last person to see the boys in the yard.

Cruz family members, along with Ms. Pagan, searched the area for approximately three hours, but were unable to locate the children. At about 2025 hours (8:25 PM) Elba Cruz called 911 and reported her son and the two other children missing. Officer Merari Pimentel was assigned to the case and arrived at approximately 2057 hours (8:57 PM). Lieutenant Nicole Miller arrived shortly thereafter to assist in the case. The officers were given descriptions of the boys, as well as information on what they were wearing. According to the prosecutor's report, "officers were informed that a neighborhood search had been conducted and two families noted that the Toyota in the yard had been searched". However, Elba Cruz states that she told the officers, "We searched the house the yard and the car..."

The officers then searched the house and the yard, Officer Pimentel searched a shed and Lieutenant Martin, "looked (through a window) inside the interior of what appeared to be an abandoned car." The next officer to arrive was Detective Tyree Nobles. He reports that he observed Officer Pimentel walking from the shed. He states, he asked Lieutenant Martin: "...where the children in the vehicle? She replied the vehicle is clear." He then asked about the shed and Officer Pimentel advised him "the shed was clear".

This is a critical point in this investigation, because the prosecutor's Report based its assignment of equal blame to the fact that the family(s) claimed to have searched the car. Yet, had the families claim to have searched the car was given as much credence as the claim to have searched the house and the yard, the car would have been searched again (more thoroughly) and the tragedy would have been averted. But more importantly, the

failure by the Lieutenant to have the car thoroughly searched, and her statement to Detective Nobles that the “vehicle was clear” was a misrepresentation that would be repeated time and again, effectively steering searchers clear of the place where the children’s bodies would be discovered almost forty-two hours later. However when Lieutenant Martin made the “vehicle Clear” statement, the children were alive.

Allegedly, while the officers were actively searching the yard at the Cruz residence, a child informed the family that the boys had been spotted at Ricardo’s pizzeria. For reasons that can only be attributed to the officers zeal to locate the missing children, the search at 957 Bergen terminated and all of the officers engaged in that search converged on the area in and around the pizzeria. After not locating the boys, the report of the sighting was determined to be bogus. However, officers failed to return to 957 Bergen to resume the search of the yard, which might have included a more thorough search of the automobile.

At approximately 0230 hours (2:30 AM) Officer Dean Gransden arrived at 957 Bergen Avenue. Upon his arrival he reported that after looking through the house, shed and the yard, he “shined my flashlight in the vehicle and seeing nothing, knocked on the trunk approximately 3 or 4 times and heard nothing”. The prosecutor’s report states that Dr. Hoyer (medical examiner) advised that if the boys were asleep this (the knock) would have awakened them. However, he noted that by that time the boys could have lapsed into unconsciousness”. The prosecutor’s report aside, the action(s) by officer Gransden would be unbelievable, save for the fact that it is detailed in his own report.

At approximately 0700 hours (7:30 AM) on the morning of June 23rd, the first K-9 teams arrived at the Bergen avenue address. At about the same time police requested K-9 assistance from the Sheriff’s Department; however the sheriff’s department was unable to comply at that time. Meanwhile a K-9 team with a dog that had been tested under similar conditions remained inside a van parked a few yards from the 957 address. An officer involved in the search, who wishes to remain anonymous, states that special officer Bruce Kanis, requested that he be allowed to use his dogs in a thorough search of cars in the

immediate area. That request was denied. Additionally, K-9 teams from the state police stood by awaiting instructions but were never employed in the search/investigation.

On Thursday June 23 and again Friday June 24, 2005 K-9 teams from the County Sheriff's Department joined in the search, however according to documents, these officers conducted searches no closer than three blocks from the site of the last sighting of the missing children (957 Bergen Avenue).

On the afternoon of Thursday, June 23, 2005, the search of the property located at 957 Bergen Avenue was hampered by an impromptu press conference, involving the mayor Gwendolyn Faison. Faison had visited the site for the purpose of consoling and reassuring the families. However, through no fault of her own, her presence created a media frenzy that effectively prevented officers and search personnel from conducting a subsequent search of the property including the yard and quite possibly a thorough search of the burgundy Camry.

On Friday June 25, 2005, Luis Borges, the uncle of one of the missing children, needed jump cables to start his van. He went to the burgundy Toyota opened the trunk. He immediately closed the trunk and clutched his head with both hands. Onlookers began asking him what was wrong and he mumbled "They in there!" They in there!" The father of Danny Augusto then went to the car and opened the trunk. His anguish was caught by a CN8 camera team as was that of Elba Cruz, mother of eleven year old Anibal. The three children Anibal Cruz, Jr., Danny Augusto and Jesstin Pagan were lying dead in the trunk of the Toyota where they had been since their disappearance.

Repeatedly, law enforcement personnel had combed the area. According to reports, an officer had knocked on the trunk on the morning of June 23 and later that same day a detective was photographed inspecting the rear of the car (After reviewing reports submitted by officers, there is no reference to the search conducted by this officer and no information on who the officer may have been). Why no one thought to open the trunk of a car in the immediate area of children's disappearance is perplexing and virtually defies

logic. In fact, as the search/investigation progressed, at some point the car should have been thoroughly searched, with its doors left ajar and the trunk and hood open so that follow-on search teams would know at first glance it had been searched.

In the wake of the discovery of the bodies of the three children, issues surrounding the failure to search the burgundy Toyota lay at the crux of investigations and subsequent recriminations. The question arises; why wasn't the trunk searched? The failure to search the trunk started with a serious oversight by the first officers on the scene. At some point the three officers had the opportunity to search the immediate area of the disappearance (house, yard, shed and car). One or more of these officers reported that the car was clear, indicating that it had been searched. This information was relayed to follow-on search teams. Thus this misrepresentation ultimately snowballed, ultimately leading to the discovery of the children's bodies on the June 25.

The County Medical Examiner, performed autopsies on the bodies of the deceased children, his findings are included in this report. In his findings he estimates the boys died approximately a day or twenty-four hours prior to the discovery of their bodies. This estimate coincides with an estimate given to panel members on June 28, 2005 by the mortician who prepared the bodies for funeral services. Consequently, through the night of June 22, 2005 and throughout the day of June 23, 2005 or until between approximately, 1745 hours (5:45PM) and 1945 hours (7:45PM) the children where alive!

Command and Control

The execution of a successful investigation and search operation requires the effective control of a solid command structure, a well recognized chain of command as well as a standard operating procedure (SOP) to be employed in each specified situation. This formula allows for a more effective exercise of command functions, communication and ultimately the effective control of the search/investigative processes in the immediate area. The reports generated as a result of this tragedy show that effective command and control was at times either lacking or non existent.

According to the Prosecutor's report, "the Camden Police Department employs an "Incident Command System (N.I.M.S.) as a management strategy." Under this strategy, the watch commander is responsible for exercising control over emergent matters..." during his/her shift of duty. The report outlines two problems which arose during the morning of June 23rd.

The first involved the turnover of shifts between incident commanders. The outgoing incident commander did not remain on site until he/she was properly relieved and therefore could not issue a situation brief to the relieving officer. This also resulted in the absence of a site supervisor in the area for approximately one hour.

The second problem allegedly arose when "the incoming incident commander requested additional investigative personnel, but failed to specify where they were to report". This resulted in the Investigative personnel being sent to a separate location where the report leaves us to believe another operations center was established. However, according to the "Incident Command System" this type of confusion is averted through the identification of a responsible officer, in this case, the Watch Commander. The fact that there was no recurrence of these particular problems does nothing to disavow the fact that the operation was already spiraling out of control.

According to police records at or about 0815 hours (8:15 AM) Captain Cassandra Smith, CPD, took the initiative and directed a subordinate, Lieutenant Scott Leusner, CPD, to establish and maintain a command post in the vicinity of the intersection at Bergen Avenue and River Road. The reason(s) for this decision, according to Captain Smith, was, because "...it was close to the area where the children were last seen and easily accessible to detectives and officers currently engaged in the search." At approximately 0915 hours (9:15 AM) Lieutenant Thomas Merek, CPD, reports that after notifying Chief Edwin Figueroa and Captain Harry Leon, he established a second command post at 36th Street and Farragut Avenues and instructed assemble there. According to Captain Leon, he agreed with Lieutenant Merek's choice of location(s); "...because it was away from the

scene (of the disappearance) open enough to operate a coordination of public safety assets and equipment and ... free of media distractions.”

Sgt D. Yeager of the NJSP was assigned to search an area approximately ten (10) blocks from 957 Bergen Avenue. Sgt Yeager felt that searching the area he was assigned would yield few, if any, positive results he therefore took it upon himself to search an area closer to the property. After searching a two block radius of 957, the search took his team back to 957 Bergen Avenue Sgt. Yeager pointed to the Burgundy Toyota in the yard and asked a lady (later identified as Jessica Pagan, mother of Jesstin) whether the car had been searched. He was told that it had and because the yard was teeming with law enforcement personnel, the media and family members, he continued along his original line of search.

Each of these incidences indicates a serious breakdown in the command and control aspect of the search/investigation. First, the establishment of two (2) command posts indicates a conflict in leadership. The rationale used by Captain Smith for situating the Command Post at the corner of Bergen and River Road is far more credible than the decision to locate a second command post at 36th Street and Farragut Avenue. Further, in establishing the latter location, one of the justifying criteria was, “it was..., free of media distractions.” This justification is invalid in that there was an immediate need to control access to the area in and around the property where the children were last seen. The area in and around 957 Bergen avenue was a prospective crime scene and as such should have been cordoned off and with restricted access for the duration of the search/investigation. Unfortunately, family members, the media and residents had relatively free access to the site.

Had the K-9 teams provided by Special Officer Kanis and the state police been employed to sweep over the property and check cars, as Officer Kanis had requested, the result would have been a more thorough and comprehensive search. In practice, there are two search areas, the immediate (local) area and wider (general) area. The immediate area should be covered time and again looking for evidence and additional clues. While the wider area or area of general search widens. The immediate area of search is subjected to more intensive, close quarter search. In essence, it is placed under the proverbial microscope with

investigative personnel pouring over every detail within the local area and going over the area with a fine toothed comb.

Additionally, internal reports indicate a fractured command structure in which rank is often ignored. Patrol officers submitted reports in which they instructed sergeants or lieutenants to report to them. And reports that allude to conflicts between senior officers of lesser rank that are detrimental to the good order and discipline of such as the Camden Police Department. These situations, when allowed to exist, have an adverse effect on a units cohesiveness, morale and effectiveness. The failure of senior leadership to address these deficiencies is indicative ineffective or absent command and control which is a major contributing factor in the outcome of the search/investigation.

Employment and Utilization of Available assets

During the execution of the search numerous assets from various law enforcement agencies were employed, these included helicopters, K-9 teams, boats and other river craft. As stated previously, the services of numerous canine teams were requested or offered. However, at approximately 10:00 AM the Camden Police decided to utilize the services of Officer Gary Cundiff of the Cherry Hill P.D. and his dog Daisy. The Prosecutor's Report states that, "by the time the dogs were brought into the investigation... many hours had elapsed since the disappearance.... Therefore the trail was neither fresh nor was it uncontaminated."

Consequently, this is the rationale provided for the fact that the dog utilized in the search picked up a scent and led searchers to the banks of the Delaware River. In the meantime State Police K-9 teams stood by at River Road, awaiting instructions and Special Officer Bruce Kanis, and his K-9 team sat waiting in a van on Bergen Avenue (later, for inexplicable reasons, Kanis and his K-9's were sent to Petty's Island). It is important to note that two of Officer Kanis' dogs, K-9's Pace and Thunder successfully followed the scent of 1999 rape/murder victim, Chia Yen Shu, to the banks of the Cooper River. A few

weeks later her body surfaced in the river, less than forty yards from where the K-9's gave their signal.

According to the Prosecutor's Report, "Sometime during the day on Thursday June, 23 a directive was given to search all abandoned houses and vehicles". Additionally, area residents would be questioned for any leads in the whereabouts of the missing children. No indication is given of who issued the directive, however the burgundy Toyota was again ignored as the target of a detailed search.

Responsible Person(s)/Entity(s)

On the operational level the first responding officers are responsible for shaping the investigation up to the point that more senior officers became fully involved in the operation. Specifically, a Lieutenant was responsible for the initial phase(s) of the search/investigation. The misrepresentation of the facts, specifically, the lieutenant's reply of "clear" when asked by Detective Nobles if the children were inside the car, was misleading and was the main reason the search went askew. This erroneous statement regarding if the car had been searched was a keystone in establishing a pattern where a search of the automobile would be systematically bypassed.

Chief Figueroa was not notified of the situation until the morning of Thursday, June 23, although reports indicate that attempts to contact him via his cell phone were unsuccessful because the calls were immediately routed to his voice mail. Despite the time lapse in notifying the chief, once the senior command structure in the P.D. became aware of the situation, organizational policy should have dictated that operational control of the search/investigation shift to one of the senior officer's. Instead there is clear evidence that in at least one case, a senior captain was hampered in her attempt to assume effective control of the operation by a lieutenant and a junior captain.

Chief Edwin Figueroa is the overall tactical commander of the Camden Police Department. As such, he is directly responsible for ensuring officers are adequately trained and for

effective deployment of police equipment and personnel. However, the Camden P.D. is under the supervision and operational control of the County Prosecutor. The attorney general has put a monitor(s) in place to oversee the operations of the Police Department. In fact, in the recent past the Camden police chief has, to varying degrees, reported to five separate entities; the county prosecutor, attorney general, the Department of Community Affairs and the state appointed Chief Operating Officer and the mayor. If this is still the case, even under the best of conditions this scenario is unwieldy and cumbersome and belies the fact that there is no clearly defined chain of command or command structure for the Camden Police Department.

Clearly, the current status of the city under the “Camden Rehabilitation and Economic Act” places a number of persons in direct lines of responsibility. Obviously, the mayor and police chief are accountable by virtue of their leadership positions in the city and the police department. However, due to the states direct involvement in and ultimate control over every aspect of Camden’s municipal operations, the state and its appointed officers must share the responsibility for this tragedy. Therefore, along with the mayor and the police chief, the county prosecutor and state appointed chief operating officer should also be held accountable.

Findings of Fact

1. During the initial phase of the search, the first officers reporting to 957 Bergen Avenue failed to execute a search for the missing children in accordance with the “Basic Course for Police Officers, Instructional Unit 10.16.3 – Initial Investigation to Missing Juveniles. Which stipulates that officers search the house, adjacent structures (garages, sheds,...etc.) cars and car trunks. Had the instructional manual been followed, there is no doubt the children would have been located.
2. During the initial phases of the Search/investigation, when asked if the children were in the vehicle a lieutenant, by stating that the car was clear, set in motion a

chain of events that would lead to the gruesome discovery of Friday June 23, 2005.

- 3. Although the family claimed to have checked the red Toyota, the police should have employed the same reasoning outlined in the Prosecutor's Report which clearly states: "Fear and concern on the part of family members may cloud their judgment as to where and how to conduct a search."**
- 4. Dogs should have been employed as soon as the situation was identified as a case of missing children. Despite the availability of numerous K-9 assets on the morning of Thursday June 23, 2005 and throughout the period up to the discovery of the children's bodies on Friday June 24, 2005 the services of one K-9 team was utilized in a search of the immediate area and that K-9 led searchers to the Delaware River. In fact, one of the K-9 handlers specifically requested that his dogs be permitted to search cars in the immediate area of 957 Bergen Avenue, a search which would have included the burgundy Toyota parked in the yard of 957 Bergen Avenue.**
- 5. Allowing the establishment and operation of two (2) separate command Posts (the first at Bergen and River Road, commanded by a senior captain and the second located at 36th Street & Farragut Avenue, commanded by a Lieutenant) indicates a fractured command structure and a lack of effective coordination of the operation commencing on the morning of Thursday June 23, 2005.**
- 6. Police failed to initially secure the area around 957 Bergen Avenue and thereafter failed to execute effective control of the area and its accessibility by the media and the public.**
- 7. Investigative personnel reporting to the wrong area and establishing a separate operations center indicates a severe gap or void in leadership and the command structure.**

8. According to member(s) within the police department who wish to remain anonymous, the Camden P.D. is rift with politics, political intrigues, and infighting. This is a situation that poisons the atmosphere, contributes to low morale, which in-turn can have a devastating affect on job performance as evidenced in the outcome of the investigation.
9. The Police Chief, while responsible for the tactical deployment of the police force, is not in charge of the department. In fact under state legislation, the County Prosecutor is responsible for the police department. Additionally, the Chief at various times must report to any one of five entities. This is unwieldy and creates an impossible situation where no one is in a position of authority to assume and accept responsibility for the deficiencies within the department.
10. The failure of anyone in a position of leadership to step forward and accept responsibility for the tragedy again indicates a lack of effective leadership.
11. Internal politics within the Camden P.D. has created an atmosphere of fear, intimidation and mistrust, again resulting in low morale and performance issues which tend to be magnified in crisis situations.

Recommendation(s)

1. First and foremost: Politics must be removed from the operational and administrative functioning of the Camden P.D. so that officers can perform their duties in a professional environment, reasonably free of political intrigues.
2. The presence of politicians and elected officials in the vicinity of an ongoing investigation for the purposes of a press conference, regardless of how well intended, can mar evidence and tends to disrupt police procedures. This is especially true in sensitive and/or high tension situations such as the events of

June 22-25, 2005. Politicians must discipline themselves to stay clear of sensitive police operations and the police must have the confidence and support to move elected officials, the media and the public away from the investigative area.

- 3. Bulletins regarding the need to notify authorities immediately in the cases of missing children must be disseminated throughout the community.**
- 4. Bulletins outlining the dangers posed by automobiles to children must be distributed immediately with reminders on a frequent basis.**
- 5. The Camden P.D. should implement an evaluation/rating system for officers that is objective and free from petty political influences or agendas. A policy for officer evaluations, similar to the Fitness/Efficiency Report system utilized by the military, should be modeled for the Camden Police Department and implemented as soon as practical.**
- 6. A disciplinary policy must be implemented on the administrative level that will maintain a record of serious deficiencies. This will help ensure only those officers best suited for leadership will be able to attain those positions within the department. This policy should include, but not be limited to:
 - a. Written letters of warning**
 - b. Official letters of Reprimand**
 - c. Punitive Letters of Reprimand****
- 7. A system of checks and balances should be applied to ensure that the reward/discipline policy is applied fairly and equitably throughout the department. This would necessitate establishing a disciplinary review board responsible for reviewing all administrative disciplinary measures.**
- 8. To ensure the Camden P.D. is recognized as the professional organization its members and the community want it to be, the standard bar for becoming a**

Camden Police Officer must be raised. For example, implementing prerequisites similar to the following should be considered:

- a. To become a member of the Camden P.D should require:**
 - **An Associates Degree and four (4) or more years of military service.**
 - **Or Bachelors Degree**
- b. To become a superior Officer (Lieutenant-Captain) should require:**
 - **Bachelors Degree plus four (4) or more years of military service, or**
 - **Masters Degree plus ten years of job related experience**
- c. To become Chief or Deputy Chief should require:**
 - **Masters Degree plus four (4) or more years of military service, plus ten (10) years of job related experience.**
 - **Masters Degree plus eighteen (18) years of job related experience**

Implementation of measures such as these will serve to enhance the quality and reputation of the Camden Police Department. The conduct of the search for the three children was rife with deficiency(s). The failure to locate the children is indicative of deep seated problems within the structure of the Camden P.D. The state of New Jersey took control of the Camden P.D., yet with all its expertise and resources, this tragedy occurred. No one has stepped up and stated, emphatically, I am in charge, this happened on my watch and I take full responsibility! Until such time that the level of professionalism encourages the degree of moral courage required to take such a stand, the children of Camden and the entire community are in imminent danger.

Conclusion(s)

The Prosecutor's report erred grievously when it assigned equal blame for the deaths of the children on the police and the parents. The fact is the parents are most likely to be panic stricken (regardless of how their voice may sound on an audio tape), and consequently be more prone to overlook the obvious. In this case panel has taken the liberty of offering this analogy: most adults have misplaced a wallet or car keys. These same adults will generally

admit that after a few minutes of looking, a sense of panic ensues. If the missing item(s) is not located despair begins to creep in followed by a sense of dread. However, when calm settles in, these same adults will often admit to locating the missing item(s) in the most obvious of places; on a coffee table, in the pocket of a previously worn garment or under a newspaper. Multiply the panic one feels under these circumstances a million times and we might come close to approximating the panic experienced when a child goes missing.

Additionally, an automobile which parents believe is reasonably secure tends to be the least likely place missing children would be. In retrospect we know that not to be the case. Nonetheless, the parents did the right thing, after exhausting all possibilities in locating the children, they called the professional, in this case the Camden P.D., in hopes that these professionals would search places they (the parents) had not and ultimately locate the missing children. The first officers responding to 957 Bergen Avenue, Officer Pimentel and Detective Nobles have no culpability; they performed their duties as they should have. However, in the case of Lieutenant Martin, the Police Department has an obligation to thoroughly investigate why she reported the car as being clear when she had not ascertained as much through a thorough and complete search of its trunk and interior.

The prosecutor's report states, "The Cruz family knew that Anibal played in the car." However, reviews of available reports, including transcripts of interviews, written statements by members of the Cruz family and an interview of Elba Cruz failed to corroborate the this assertion of the Prosecutor's Panel. In fact, the only evidence, from a member of the Cruz family that Anibal went near the trunk of the car was provided by the mother, Elba Cruz, when she stated: "while she was driving Juni flipped the seat down two or three times." The only other statement that Anibal even went near the trunk was made by a nine (9) year old friend of his sister child who stated, "...he (Anibal) had gone in the trunk to get a shirt." Therefore based on available evidence, reports and other data, the parents are not to blame for the deaths of the three children!

The search for the three missing children was mishandled from its inception. It went wrong when Lieutenant reporting that the "car was clear". Regardless of whether it was due to insufficient training or a failure to apply basic search techniques, three innocent children lost

their lives. The families of the children are in anguish as is the community as a whole as well as members of the Camden Police Department. There were at least five (5) separate opportunities where this tragedy could have been averted, unfortunately those opportunities were missed. The failure of those persons in positions of leadership and authority to step up and accept responsibility for the actions and oversights that led to this tragedy, are a disservice to the community and the Police Department. Leadership and authority carry with them certain benefits, one of which is to accept accolades when the mission goes well and to accept responsibility when it goes awry.

As elected or appointed leaders, the prosecutor, Mayor, Chief Operating Officer and Police Chief along with the state of New Jersey, which maintains direct authority over all departments within the city of Camden, must share the responsibility for the failings that led to the tragic deaths of the three children. Comprehensive steps must be taken immediately to improve the morale inside the police department and its overall performance. The stakes are too high, the cost too great for this tragedy to be folded into a manual and used as a “training lesson”.

However, it is not enough to point to the deficiencies evidenced by the outcome of the search/investigation. The majority of police officers, investigative and support personnel performed their duties in an exemplary manner. That their efforts be marred by the failings of a few is a disservice to the men and women who work tirelessly to ensure the safety and security of the public. Specifically, reports indicate, Captain Cassandra Smith of the Camden P.D, Sgt S. Yeager of the NJSP and Special officer Bruce Kanis of the Camden P.D. all performed their duties commendably. If either of these officers was given greater latitude during the execution of the search operation, the outcome may have well been different.

- 1. What went wrong in the search for the children? When (at what point) did the search go wrong? Initially, things went wrong at the point when the lieutenant had the opportunity to search the car, then things continued to go wrong, when K-9 resources were not properly employed again when an officer allegedly**

knocked on the trunk of the car; again when a detective was inspecting the rear of the car; and time and again when the statement “the car is clear” was repeated.

2. **Where did the search go wrong? Obviously, the search went wrong in the yard of 957 Bergen Avenue. However, it also went wrong in police headquarters when a lieutenant was allowed to undermine a senior captain and establish a dual command post (with no tactical value) at 36th and Farragut Avenue.**
3. **Why did it go wrong? The search went wrong because of a failure by certain officers to follow procedure. This was compounded by an atmosphere of mistrust, suspicion, fear and intimidation that permeates the Camden P.D.**
4. **Who was responsible for the conduct of the search? Ultimately the person responsible for the conduct of the Search is the chief of Police followed by those officers he specifically assigned to exercise the administration of the operation.**
5. **How can policies and procedures be implemented/perfected to prevent a recurrence of tragedies such as occurred during the period June 22-24, 2005? The Camden P.D. should immediately review the recommendations in both this and the report of the Prosecutor’s Review Panel and began an implementation process as soon as possible. Additionally, the Wasserman recommendations should be adopted without further delay.**

Respectfully Submitted,

Citizens Independent Review Panel

Major Keith A. Walker, USMC (ret)
Former Assistant Business Admin.
Chairman

Chief Robert Allenbach, CPD (ret)
Co-Chair

Denise Velasquez

Rev. Christopher R. Collins

Angel Codero

Angel Alamo

Consultants:

Dr. Angel Puig, MD, PHD

Dr. Providencia Benitez, PHD

Reviewed By:

Pastor Britt Stargill

Pastor Rafael Calderon