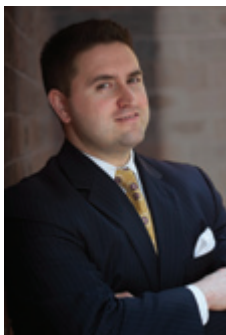


Official Misconduct Is Not Just A Charge For Cops And Politicians

October 18, 2012 | by Matheu Nunn



For those of you that thought charges of “Official Misconduct” applied to police officers and elected officials “on the take”, think again.

On October 5, 2012, five people, including three teachers and two administrators in Camden County, New Jersey, were arrested and charged with (among other things) Official Misconduct. Three of the five individuals (young, male teachers) were charged as a result of their alleged sexual contact with high school students. The other two individuals, administrators at the school (a principal and vice-principal), were charged for failing to act; that is, unlike the male teachers who engaged in affirmative conduct (sexual acts with students) it was the failure to act on the part of the Administrators that led to their respective Official Misconduct charges.

Under New Jersey’s Official Misconduct law the state must prove the following five elements:

1. The defendant was a public servant (*for example, a teacher*);
2. The defendant acted with purpose to gain a benefit or to injure or deprive another of a benefit (*here, the benefit is sexual gratification; or malfeasance in office*);
3. The criminal act committed by the defendant related to the public servant’s (defendant’s) office or position (*here, with students*);

4. The act must be unauthorized (*here, some of the children were under the age of 18*); and
5. The defendant knew that the act was unauthorized.

As I noted in a previous blog post "[New Jersey's Official Misconduct Statute in a Nutshell](#)", a conviction for Official Misconduct has serious consequences including imprisonment for up to ten (10) years.

In other words, this is serious "stuff"; obtaining an experienced [criminal defense attorney](#) and getting out in front of the charges may make the difference between your freedom and 10 years in State Prison.