

## Police Officer's Intervention in Private Dispute Shows Severity of New Jersey's Public Corruption Law

According to [NJ.com](http://NJ.com), in August of 2014, Deptford Police Sgt. Rudy Ruiz, dressed in his uniform, arrived at a residence regarding a civil dispute and tried to persuade one party to return \$200 to another party. His reason for being there, or his relationship to the parties, is not clear. He may have been trying to innocently mediate a minor disagreement between two people. But apparently something wasn't quite right, because the party that was leaned on filed a complaint, and Sgt. Ruiz apparently felt the need to hide his involvement, so he created a false police report under another officer's name, and asked that officer to lie to investigators.

You can guess what happened next. As we learned from other historic (and current) high-profile investigations, it's not the crime but the cover-up that can cause the most serious legal repercussions. In August 2019, five years later, Sgt. Ruiz was charged with five counts of official misconduct and a count of witness tampering. Just last week, he [rejected a plea offer](#) for one count of official misconduct, which required him to serve three years in state prison with two years parole ineligibility, lose his job, and never work for the public again.

The details of the investigation into Sgt. Ruiz, who is presumed innocent, will emerge after an indictment, and we can't draw any legal or factual conclusions. However, the case and the plea offer are illustrative of the severity of [New Jersey's official misconduct laws](#). A public servant is guilty of official misconduct when he commits an unauthorized exercise of his official functions with the purpose to obtain a benefit for himself or another, or to injure or deprive another of a benefit. The benefit could be anything, and courts have supported very broad interpretations of "benefit," from money and services, to a police officer's satisfaction in doing a [strip search](#), to a [firefighter's joy of responding to fires](#), to the benefit of someone else [not being arrested](#). Virtually anything can be deconstructed and viewed as a benefit or injury to someone. Therefore, the real linchpin in these cases tends to be whether the act was performed while the public servant was in an official role. Defendants often argue that their actions were unrelated to their official role, and they were acting *off-the-clock*, as it were. It is a tough argument to make where the public often thinks of public servants, like police, as always on-duty.

Public corruption and official misconduct undermine the public's confidence in government, and New Jersey has sought to deter it by imposing minimum prison sentences, even for minor infractions. If the benefit sought or obtained is greater than \$200, official misconduct is punished as a second-degree crime, with a prison sentence of between five and ten years, and a [mandatory period in prison of five years before being eligible for parole](#). If the benefit is \$200 or less, or isn't quantified in dollars, the crime is a third-degree, with a prison sentence of between three and five years, and two years in prison before being eligible for parole. Contrast that with most third-degree offenses which result in only probation for first-time offenders.

As the facts of the Ruiz case emerge, it will add to the growing body of case law which helps judges, legislators, and attorneys strive to achieve proportionality between criminal acts and punishment.