

## ULTRA VIRES "COMSTAT COMMANDER"

If Louis Jordan titled himself as the "**COMSTAT Commander**" on the community partnership police assessment form and ALSO mandated that his personal approval was a prerequisite for events, while ratified by the City Manager and confirmed by the City's Attorney he was exercising and allowed to enforce **core law enforcement powers** that the Court specifically prohibited. This is a direct violation of the March 2004 Superior Court Ruling and the July 2004 Superior Court Order.

In New Jersey, COMSTAT (Computer Statistics) is a high-level police management system used to track crime data and deploy tactical resources. It is an **operational police function**. By labeling himself the COMSTAT Commander, supported by the City's Executive and Legal Branches, Jordan was wearing a "police mask" to perform a civilian business function.

The COMSTAT Commander title is the "**smoking gun**" for this Fraud on the Court and NJCFA claims:

### 1. Proof of "Ultra Vires" Police Power

Judge Feinberg's March 2004 ruling was clear: Jordan could not perform the duties of a Chief or exercise operational command.

- The Violation: Acting as a "COMSTAT Commander" is the definition of operational command.
- The Deception: If the City told Judge Feinberg he had "ceased **all** law enforcement duties," but he was still operating as "Commander" and requiring his "approval" for events, the City committed a direct **misrepresentation to the Court**.

### 2. Evidence of Commercial "Shadow Process"

Because Jordan was legally a civilian, his "COMSTAT" role at the Paramount Theater was a shadow process. He used a police title to force the Plaintiff into a proprietary gatekeeping system.

In proving the NJCFA violation, the City and Theater used a "false pretense" (the COMSTAT title) to make a commercial oversight process look like a mandatory police safety check.

Note: Jordan's assessment form shows it was revised on March 16, 2004 and used through November 2004. After the March 2004 Court Ruling and the July 2004 Court Order.

### 3. Joint Liability and Ratification

The 2005 Internal Acknowledgement and the City Manager's ratification prove the City knew about this title and allowed it to continue through the Bamboozle festival.

- By letting a civilian call himself a "Commander" to manage venue contracts, the City acted as a market participant.
- This strips away all Tort Claims Act immunity as the City cannot claim "governmental immunity" for a civilian **pretending** to be a police commander.

#### 4. Impact on the \$ ██████ Loss

The fact that this "COMSTAT Commander" used this form to justify the event cancellation—which the City then used to trigger an insurance claim acknowledgment—directly links official misconduct to your ascertainable loss.

#### Legal Argument:

"The 'Community Partnership Assessment Form' is a fraudulent instrument on its face. By designating himself as the 'COMSTAT Commander,' Civilian Louis Jordan exercised prohibited police powers in direct defiance of this Court's March 2004 Order. This 'Shadow Process' was ratified by the City Manager to protect the City's commercial interests in the Paramount Theater, and it constitutes a per se violation of the NJCFA and a Fraud upon the Court."

### **SUPPLEMENTAL STATEMENT OF MATERIAL FACTS: EXERCISE OF PROHIBITED POLICE POWER**

Pursuant to *N.J. R. 4:46-2(a)*, Plaintiff further asserts the following undisputed facts regarding the operational law enforcement activities performed by Civilian L. Louis Jordan, which were ratified by the City Manager in direct defiance of the March 2004 Superior Court Ruling.

#### **I. THE FRAUDULENT "COMSTAT COMMANDER" DESIGNATION**

1. Unauthorized Title: As evidenced by the "Community Partnership Assessment Form" (Exhibit B), L. Louis Jordan designated himself as the "COMSTAT Commander."
2. Operational Police Function: COMSTAT is an operational police management system used for tracking crime data and deploying tactical law enforcement resources. By assuming this title, Jordan projected a "police mask" to perform what was legally a civilian business oversight function.
3. Mandatory Approval: The form explicitly mandated that final "approval" for events at the Paramount Theatre rested with the "COMSTAT Commander," establishing a shadow gatekeeping process that lacked any legal foundation under City Ordinance 2362.

## II. JORDAN'S ADMISSIONS OF PROHIBITED LAW ENFORCEMENT ACTS

4. Operational Deployment: In a contemporaneous memorandum to the City Manager (Exhibit C), Jordan explicitly confirmed that he "**placed the event on high alert**" and **mandated the recommendation of 50 Officers** for the Plaintiff's event.
5. Intelligence Investigation: Jordan further admitted in the same memorandum that he "**conducted an intelligence investigation**" regarding the event and the Plaintiff.
6. Bypassing Sworn Authority: Jordan's memorandum indicates he overrode the operational decisions of Captain Reed, a sworn law enforcement officer. Under [N.J.S.A. 40A:14-118](#), these are duties reserved exclusively for a Chief of Police or sworn officers, and which [Judge Feinberg ruled Jordan could not perform](#).

## III. KNOWLEDGE AND RATIFICATION BY THE CITY MANAGER

7. Executive Awareness: The City Manager received and reviewed Jordan's memorandum detailing these "high alert" and "intelligence" activities.
8. Official Ratification: During the September 22, 2004 meeting, the City Manager affirmatively ratified these unauthorized police acts. By doing so with knowledge of the March 2004 Ruling, the City Manager transformed a regulatory violation into a knowing omission and a commercial fraud intended to protect the [Waterfront Redevelopment Plan](#).

## INTERNAL AFFAIRS

The Plaintiff filed two separate timely Internal Affairs Complaints. **Both complaints returned unfounded** while the City was denied Injunctive and Declaratory Relief and while Jordan was specifically prohibited from exercising police powers by the Superior Court.

Jordan, through his connections and network, was allowed to get away with criminal activities while in violation of the Superior Court's March 2004 Ruling and July 2004 Court Order. **NOTE:** The Monmouth County Prosecutor's Office sent the State Attorney General's Office the complaint on Jordan, which was most likely generated from within the Asbury Park Police Department.

Jordan was allowed to hold another public position ([Jordan v AP Board of Education](#)) and collected his pension for 20 years based on the Internal Affairs cover up and ratification of the City Manager and City Attorney.


**Jordan successfully outsmarted the Attorney General's Office, the State of NJ and the NJ Superior Court Judicial System in whole. Jordan was and remains untouchable.**

**CONCLUSION**

These facts prove that the City's representation to the Court—that Jordan had "ceased all law enforcement duties"—was a **Fraud on the Court**. Jordan was acting as a "police chief in all but name," a practice the Superior Court in March 2004 and the Appellate Division in 2005 specifically condemned as an effort to evade statutory requirements.

There are **no statute of limitations** for Fraud Upon The Court.

**COMSTAT COMMANDER: L LOUIS JORDAN**



I have read the above and have answered all the above questions to the best of my ability. I also understand that the police department has instituted an emergency mutual aid policy for all events in the city. In short that policy states that any event involving or failure to involve the police department after recommendations from the Police Director and the City Manager have been made, shall put complete onus the promoter.

Robert Carney Jr  
Robert Carney Jr  
Signature of Event Person (Promoter)

9/3/04  
Date

\_\_\_\_\_  
Signature of City Event Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ComStat Battalion Major Kinmon

\_\_\_\_\_  
Date

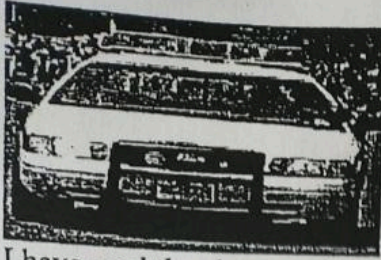
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Signature of ComStat Brigade Lt. Colonel Reed

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Date

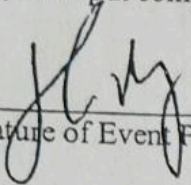
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Signature of ComStat Commander L. Louis Jordan

\_\_\_\_\_  
Date

**The Plaintiff's form**



I have read the above and have answered all the above questions to the best of my ability. I also understand that the police department has instituted an emergency mutual aid policy for all events in the city. In short that policy states that any event involving or failure to involve the police department after recommendations from the Police Director and the City Manager have been made, shall put complete onus the promoter.

  
\_\_\_\_\_  
Signature of Event Person (Promoter)

11-10-04  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of City Event Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ComStat Battalion Major Kinmon

\_\_\_\_\_  
Date

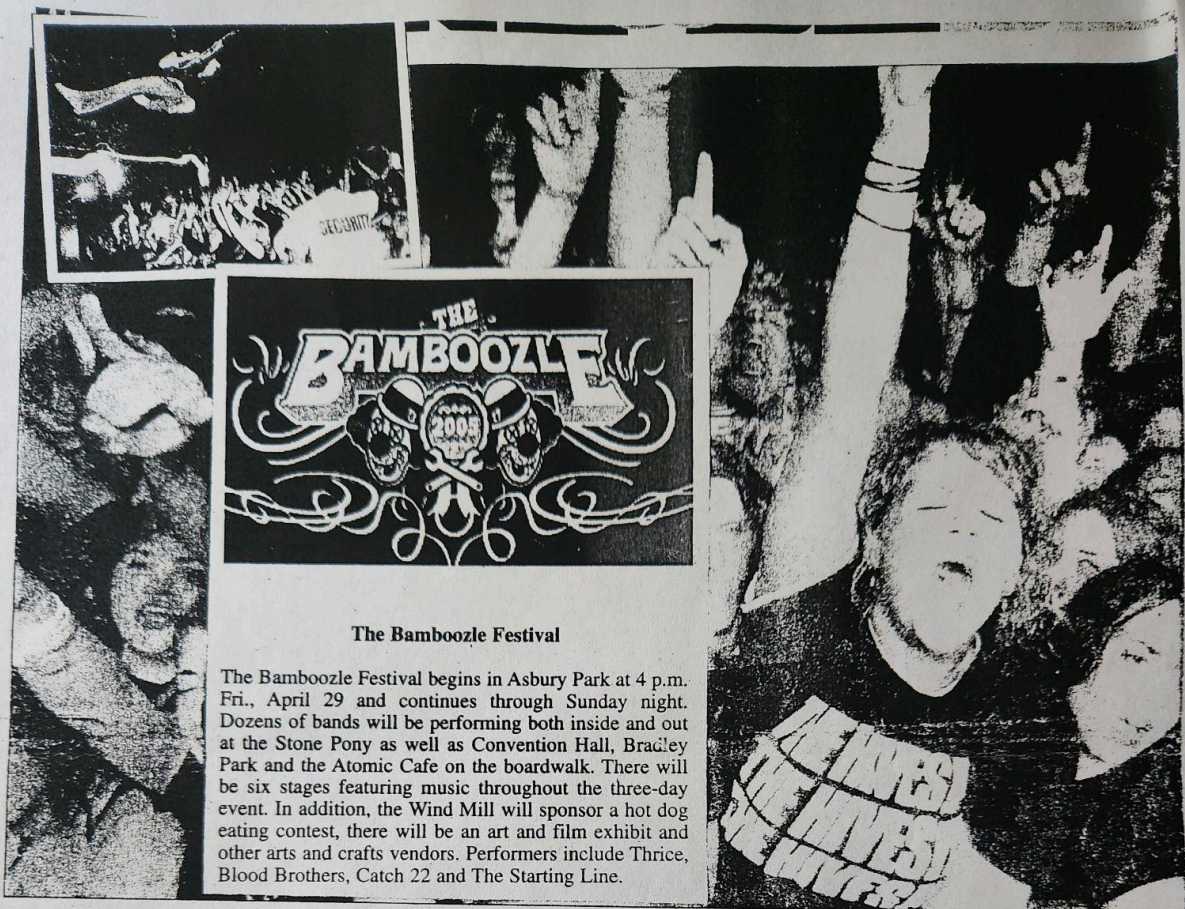
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Signature of ComStat Brigade Lt. Colonel Reed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of ComStat Commander L. Louis Jordan

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Date

**The Bamboozle's form**



**The Bamboozle Festival**

The Bamboozle Festival begins in Asbury Park at 4 p.m. Fri., April 29 and continues through Sunday night. Dozens of bands will be performing both inside and out at the Stone Pony as well as Convention Hall, Bradley Park and the Atomic Cafe on the boardwalk. There will be six stages featuring music throughout the three-day event. In addition, the Wind Mill will sponsor a hot dog eating contest, there will be an art and film exhibit and other arts and crafts vendors. Performers include Thrice, Blood Brothers, Catch 22 and The Starting Line.

# Fun & music at Bamboozle 2005

Photos by **MARK R. SULLIVAN**  
GANNETT NEW JERSEY

Story by **KATHY DZIELAK**  
ENTERTAINMENT EDITOR

*"I think you people have proven something to the world: That half a million people can get together and have three days of fun and music, and have nothing but fun and music."*

— Farm owner Max Yasgur at the Woodstock Music and Art Fair, Aug. 15-17, 1969

OK, SO A VISIT FROM THE

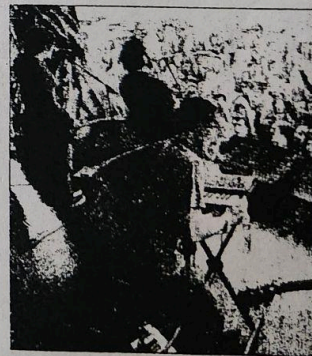
Bamboozle festival in Asbury Park on April 29. And just because you were among the estimated 15,000 who purchased tickets, didn't mean you were guaranteed a space inside a packed-to-the-max Convention Hall, one of several participating venues.

But despite all the parking problems, crowd crushes, fan shut-outs and personal inconveniences, it all added up to — you guessed it — three days of fun and music at Bamboozle 2005.

able under the circumstances," said festival promoter John D'Esposito of Max Cruise Entertainment. "But in the end, the kids had a great time and the bands had a great time and we hope to be back next year."

Max Yasgur would have been proud.

*The Bamboozle was presented by Max Cruise Entertainment. Future events include They Might Be Giants tonight at The Stone Pony in Asbury Park and Billy Idol on May 28 at Con-*



**The Bamboozle 3 day Festival was successful**

RECEIVED AND FILED  
SUPERIOR COURT OF NJ  
MERCER COUNTY

JUL 28 2004

  
JUDGE  
MERCER COUNTY

PETER C. HARVEY  
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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MERCER COUNTY  
DOCKET NO. MER-L-0801-04

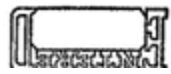
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L. LOUIS JORDAN AND THE CITY OF ASBURY PARK,	:	
	:	
Plaintiffs,	:	<u>Civil Action</u>
	:	
v.	:	ORDER
	:	
HON. PETER C. HARVEY, ATTORNEY GENERAL OF NEW JERSEY,	:	
	:	
Defendant.	:	

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THIS MATTER having been opened to the Court by plaintiffs L. Louis Jordan, Robert L. Tarver, Esq. appearing, and the City of Asbury Park, Steven S. Glickman Esq. appearing, for the purpose of obtaining injunctive and declaratory relief with respect to plaintiff Jordan's duties as police director for the Asbury Park Police Department; and

Plaintiffs having petitioned the Court to clarify the relevant State statutes with respect to the powers and duties of a police director and thus permit Mr. Jordan to exercise



police powers and perform police duties during the execution of his supervisory and administrative responsibilities as police director for the Asbury Park Police Department; and

The Court, having considered the written argument submitted by plaintiffs in support of their petition for relief; and

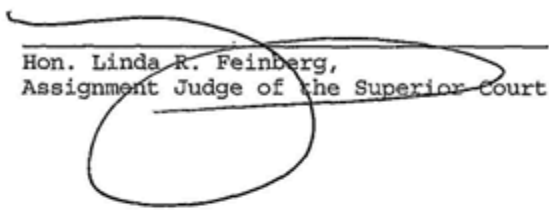
The Court having also considered the written argument submitted by defendant Peter C. Harvey, Attorney General of New Jersey, Dermot P. O'Grady, Deputy Attorney General appearing, in opposition to plaintiffs' request for relief; and

The Court having further considered the arguments advanced by counsel at a hearing which was conducted by the Court on May 18, 2004;

IT IS THIS 28<sup>th</sup> day of July, 2004, ORDERED that plaintiffs' request for injunctive and declaratory relief is DENIED and that declaratory judgement in favor of defendant is GRANTED.

IT IS ALSO ORDERED that plaintiff Jordan is prohibited from exercising police powers or performing police duties while acting as the police director of the Asbury Park Police Department.

IT IS FURTHER ORDERED that plaintiff Jordan may, as police director of the Asbury Park Police Department, perform supervisory duties and administrative responsibilities consistent with a written opinion issued by the Court in this matter on June 11, 2004.

  
Hon. Linda R. Feinberg,  
Assignment Judge of the Superior Court