



# NPDF

NATIONAL POLICE DEFENSE FOUNDATION

"Protecting and Supporting Law Enforcement"



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**Combined Federal Campaign** (Reg. #52710)

**IRS Registration** (13-3830191)

**DATE:** October 7, 2019

**TO:** NPDF Members & Supporters  
Police Association Presidents

**FROM:** Joseph Occhipinti  
Founder & Executive Director  
National Police Defense  
Foundation

**SUBJECT:** Selective Prosecution of  
Detective Sterling Wheaten



## NPDF FUND FOR DETECTIVE STERLING WHEATEN

The National Police Defense Foundation (NPDF), a congressionally recognized and IRS designated 501 (c) (3) non-profit organization would like to bring to your attention a grave injustice against one of its members, Atlantic City K-9 Officer Sterling Wheaten, who is currently being prosecuted for federal civil right violations.

After a complete and extensive investigation by the Atlantic County Prosecutors Office in New Jersey, as well as a State Grand Jury presentment that resulted in a no-bill indictment, the Federal Government filed a criminal complaint against the officer in October 2018. The United States Attorney in Camden, New Jersey, then presented testimony to a Federal Grand Jury and secured an indictment, alleging that Det. Wheaten reportedly violated the suspects civil rights and filed a false police report. What is disturbing is the federal action commenced five years after the event, which occurred on June 15, 2013!

A NPDF preliminary investigation found this prosecution similarly troubling due to the overall implications on all K-9 officers nationwide when a police dog is assaulted and uses appropriate force to arrest the suspect and/or defend himself.

Det. Wheaten is presently receiving PBA legal representation, however, there is a "cap payment" that has reportedly reached its maximum benefit to cover the pre-trial phase only. Once exhausted, Det. Wheaten will have to raise tens of thousands of dollars to pay for his legal representation at trial which includes hiring a K-9 expert in his defense, investigative and related costs not covered by his PBA insurance.

### BACKGROUND ON DETECTIVE STERLING WHEATEN

In 2012 Sterling successfully completed the Atlantic County K-9 Handlers Academy and was duly certified. The events for which Sterling is currently being prosecuted occurred in less than six months from his graduation. Sterling graduated the K-9 Academy at the top of his class and was a decorated patrolman, detective and K-9 handler in the Atlantic City Department. Beyond that, three experts have reviewed the facts of the case, and Sterling's use of his K-9 to apprehend the suspect on June 15, 2013. All of the experts have concluded that Sterling committed no civil rights violation. Nonetheless, the government continued to prosecute in the Federal District of New Jersey.

#### **NATIONAL HEADQUARTERS**

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The NPDF is an IRS 501(c)(3) non-profit foundation that funds the "Safe Cop" and "Operation Kids" Programs.



## **SYNOPSIS OF NPDF INVESTIGATION**

In the early morning hours of June 15, 2013, Sterling Wheaten was on patrol in the City of Atlantic City, as its only K-9 Officer. At about 1 a.m., Sterling received a radio dispatch directing him to an area outside of the Tropicana Casino Hotel, involving a disorderly male. Sterling heard a fellow officer call for a K-9 assist. It was apparent from the tenor of the call and the background chaos that officers were involved in a struggle. Sterling pulled up to the scene and witnessed five police officers wrestling with the suspect. He immediately parked, exited, and took his K-9 on lead. As he began to approach the pile of struggling officers, one of them shouted, "he's reaching." At that point, Sterling directed an apprehension and his K-9 partner, Hagan engaged the suspect on his torso. The suspect reacted by punching or striking the dog in the neck, and the K-9, Hagan immediately recoiled and reattached to the suspect's neck area. The suspect was thereafter contained, treated, and transported. All of it is captured on a video clip that was largely distributed through the Philadelphia media market.

Prior to Sterling's arrival, other Atlantic City Officers had encountered the subject on multiple occasions. The subject had been evicted from the Tropicana Casino Hotel by security officers for drunk and disorderly conduct. Security officers removed the subject to the exterior of the property, and he was then initially confronted by Atlantic City Police. Police attempted to have the subject leave the area and go about his business. While the suspect initially began to leave, he ultimately turned back, advanced toward two Atlantic City patrolmen and then punched one of the patrolmen in the face. At that point, the officer attempted an arrest, and a fight between them ensued. Additional officers arrived and even with a total of five officers on scene, grappling with the subject, they could not successfully contain and arrest the male.

The subject sustained serious bite injuries to his head and neck area. While he recovered, he initiated a civil action and received a substantial settlement. At the same time, the Atlantic County Prosecutor's Office commenced its own investigation. After months of investigation and the presentation of witnesses before a Grand Jury, no Indictment of the officer followed. The Grand Jury presentation included the testimony of an expert K-9 instructor. During the County's investigation, members of the U.S. Department of Justice, as well as the U.S. Attorney's Office from Camden were involved. Federal officials also participated in meetings with the Atlantic County Prosecutor, apparently to assure a fair and unbiased presentation. Once the matter was no billed by the Grand Jury, the County Prosecutor closed its file.

Five years after the incident, the U.S. Attorney for Camden proceeded against the officer in a criminal complaint, and ultimately indicted him for the alleged violation of the subject's Constitutional rights. Incredibly, the federal government's own investigation includes the opinions of two expert K-9 specialists, both of whom have concluded that the officer committed no criminal or civil rights violation. Nonetheless, the government's prosecution of the officer continues. The officer has just retained a defense K-9 expert for trial testimony. The officer was required to pay that retainer out-of-pocket while being suspended without pay for the last 12 months. Beyond the dual experts concluding that the officer committed no criminal or civil rights violation is the opinion of the Chief of Police of Atlantic City. The Chief was involved in the investigation from day one and was privy to the investigation conducted by the Atlantic County Prosecutor. In the end, the Chief's recommendation to his City was that Sterling be suspended with pay, pending disposition of the federal Indictment. The Chief concluded that he committed no violations and had already been exonerated by the County Prosecutor and an independent Grand Jury. Notwithstanding the Chief's opinion, the City Administrators rejected his recommendation and suspended without pay.

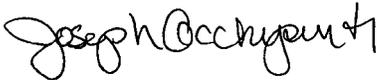
Dear NPDF Member:

I want to help Det. Sterling Wheaten and his family in their plight for justice. I am also outraged what appears to be a selective prosecution against a dedicated K-9 officer and the overall implications on other K-9 officers nationwide when federal prosecutors believe their police dogs may have used excessive force to arrest a suspect.

Unfortunately, Det. Wheaten doesn't have unlimited funds similar to the federal government in order to prove his innocence, nor does his PBA legal defense insurance have a "no cap" on benefits, which is why the NPDF has seen fit to establish his legal defense fund where 100% of funds solicited will go to his legal defense efforts. No administrative costs will be accessed!

Therefore, the NPDF is depending on you to come through with a tax-deductible donation that can be made out to the "Det. Sterling Wheaten Legal Defense Fund" and sent to the following address:

**Det. Sterling Wheaten Legal Defense Fund**  
**% National Police Defense Foundation**  
**21 Kilmer Drive**  
**Building 2 • Suite F**  
**Morganville, NJ 07751**



Joseph Occhipinti  
Founder and Executive Director



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