



STATE OF NEW JERSEY

In the Matter of Stefano Barahona,
Pompton Lakes, Police Department

CSC DKT. NO. 2024-2291
OAL DKT. NO. CSV 06535-24

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: SEPTEMBER 25, 2024

The appeal of Stefano Barahona, Police Officer, Pompton Lakes, Police Department, removal, effective April 24, 2024, on charges, was heard by Administrative Law Judge Nanci G. Stokes (ALJ), who rendered her initial decision on August 14, 2024. No exceptions were filed.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting of September 25, 2024, accepted the Findings of Fact and Conclusions of the ALJ as well as her recommendation to uphold the removal.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore upholds that action and dismisses the Stefano Barahona.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 25TH DAY OF SEPTEMBER, 2024

Allison Chris Myers

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 06535-24

AGENCY DKT. NO. N/A

2024-2291

**IN THE MATTER OF STEFANO BARAHONA,
POMPTON LAKES POLICE DEPARTMENT.**

Christa Lamia, Esq., for appellant (Mets, Schiro, McGovern, Manetta & Milewski,
attorneys)

Ryan S. Carey, Esq., for respondent (Apruzzese, McDermott, Mastro & Murphy,
attorneys)

Record Closed: July 30, 2024

Decided: August 14, 2024

BEFORE Nanci G. Stokes, ALJ:

STATEMENT OF THE CASE

In internal affairs (IA) interviews on December 22 and 30, 2023, and January 5, 2024, Stefano Barahona, a Pompton Lakes police officer, was untruthful about his communications with another officer under IA investigation. Should Barahona be removed from his employment? Yes. When the job involves public safety and the misconduct is egregious or impedes the employer's ability to trust the officer's ability to perform their duties properly, progressive discipline is contrary to the public interest. In re Herrmann, 192 N.J. 19 (2007).

PROCEDURAL HISTORY

On January 18, 2024, the Pompton Lakes Police Department (Pompton Lakes) served Barahona with a Preliminary Notice of Disciplinary Action (PNDA). In its notice, Pompton Lakes charged Barahona with incompetency, inefficiency, or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7); and other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12).

Pompton Lakes also charged Barahona with violations of Pompton Lakes' Rules and Regulations regarding obedience to the law, ordinances, rules, and written directives (3:1.7); reporting violations of laws ordinances, rules, and written directives (3:1.9); action off duty (3:1.6); performance of duty (3:1.5); engaging in prohibited activities on duty (3:7.16); reports (3:4.3); truthfulness (3:13.5); department investigations-testifying (3:13.4); and all other conduct (3:7.18). The PNDA advised that Pompton Lakes sought Barahona's removal.

In its disciplinary notice, Pompton Lakes specified that Barahona was untruthful during IA interviews on December 22 and 30, 2023, and January 5, 2024, about communications with another officer, M.P., under IA investigation about the mishandling of a domestic violence (DV) incident. Following the first two IA interviews as a witness, Pompton Lakes further specifies that it interviewed Barahona as a target on January 5, 2024, having learned that Barahona previously provided false information. At that interview, Pompton Lakes maintains it learned that Barahona assisted M.P. in conducting his investigation into an IA complaint against him, distorted facts about that investigation, accessed police computers to provide M.P. information, and failed to report the other officer's interference with the IA investigation, including contact with the female victim of the DV call.

On January 5, 2024, Pompton Lakes suspended Barahona and advised him that he could not engage in any official police action. On January 19, 2024, Pompton Lakes notified Barahona that his suspension was without pay, pending the disposition of the

PNDA's charges. Although Barahona sought his pay through the case's conclusion, Pompton Lakes denied that request.

Pompton Lakes scheduled a disciplinary hearing, but Barahona did not appear.

Thus, a Final Notice of Preliminary Disciplinary Action (FNDA) dated April 17, 2024, sustained all the charges against Barahona and removed him from Pompton Lakes' employ, effective April 24, 2024.

On April 29, 2024, Barahona mailed an appeal of the FNDA to the Civil Service Commission (Commission), enclosing the appeal fee and the FNDA. The appeal did not include the PNDA as required under N.J.A.C. 1:4B-3.1(b). Barahona perfected his appeal on May 8, 2024, and the matter was filed simultaneously with the Commission and the Office of Administrative Law (OAL) under the expedited procedures of N.J.S.A. 40A:14-202(d), for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -23.

I conducted several pre-hearing conferences and scheduled hearing dates for July 30 and September 5, 2024. However, the hearing concluded on July 30, 2024, and I closed the record.

FINDINGS OF FACT

Based upon the testimony provided, and my assessment of its credibility, together with the documents submitted and my evaluation of their sufficiency, I make the following **FINDINGS of FACT**:

Captain Anthony Rodriguez has been a police officer for twenty-three years, fifteen of those with Pompton Lakes. Rodriguez has worked in IA for Pompton Lakes since 2016 and currently serves as the IA Commander. Rodriguez attended training on conducting IA investigations and is familiar with the Attorney General's internal affairs requirements, Pompton Lakes' IA procedures, and departmental policies. His testimony was

straightforward, logical, sincere, and persuasive. At no time did Rodriguez's testimony waver or suggest a bias towards Barahona.

Pompton Lakes is a small department with only twenty-three officers serving that community. Patrol shifts should have four officers but can have as few as two.

Rodriguez investigated Stefano Barahona's conduct and was present at all three IA interviews that underlie Pompton Lakes' charges against Barahona. Pompton Lakes presents videos of the IA interviews with Barahona, which I reviewed.

On September 2, 2023, Barahona was on patrol with M.P., another Pompton Lakes officer, and they responded to a domestic violence (DV) service call. Pompton Lakes received a complaint from the victim because she requested a Temporary Restraining Order (TRO). However, no officer called the municipal court judge to obtain one, in violation of DV procedures. This complaint led to an IA investigation into M.P.'s conduct on that call because he was the shift commander responsible for contacting the judge. Soon after the DV incident on September 2, 2023, M.P. was on medical leave.

On December 22, 2023, Rodriguez and Sergeant Stephen Kouefati first interviewed Barahona about the DV incident. On that date, Barahona acknowledged that Pompton Lakes IA informed him that he was a witness to M.P.'s alleged failure to follow necessary procedures concerning a DV service call. Barahona also acknowledged his responsibility to answer truthfully all questions related to his official duties and that the investigation was confidential, precluding him from disclosing any information discussed during the interview. During questioning, Barahona stated that he had not spoken with M.P. since the DV incident and that M.P. did not contact him.

Soon after that interview, IA learned that M.P. reached out to the DV victim from the September 2, 2023, service call, who reported this contact to the department. Since M.P. could not access Pompton Lakes' computer system while on medical leave, IA knew that someone within the department supplied the victim's name and address to M.P.; in other words, a Pompton Lakes employee was assisting M.P.

This information led Rodriguez and Kouefati to conduct a second interview with Barahona on Saturday, December 30, 2023, outside Barahona's residence. Barahona again acknowledged that he witnessed Pompton Lakes' alleged misconduct by M.P., that he needed to be truthful, and that his interview was confidential. During the interview, Rodriguez reminded Barahona multiple times of his need to be truthful and the importance of being honest about any contact or communication with M.P. Rodriguez stated that he understood Barahona was in an uncomfortable position, but that IA needed his honesty and that this investigation was a serious matter. The investigators revealed that they knew M.P. was receiving assistance from department members. Further, Rodriguez highlighted that if Barahona knew that M.P. had contacted the DV victim, he had an obligation to report this to IA. Barahona acknowledged his obligations during the interview. Yet, Barahona denied any communication with M.P. or knowledge of M.P.'s actions with the DV victim.

IA interviewed many officers regarding M.P.'s alleged misconduct. On January 3, 2024, IA interviewed B.Z., an officer and good friend of M.P. B.Z. told the investigators that M.P. disclosed that he spoke with Barahona about the IA investigation into the DV service call. In other words, IA now had information suggesting that Barahona lied during his interviews on December 22 and 30, 2023.

On January 5, 2024, IA notified Barahona that he was the target of an IA complaint alleging insubordination and reporting violations of laws, rules, ordinances, and written directives. That same day, IA interviewed Barahona. Barahona did not request an attorney for this interview.

At the interview, Barahona acknowledged that IA was questioning him as the target of an administrative investigation. The form advised Barahona that IA would ask questions related to the performance of his duties or "for not answering truthfully." Barahona again acknowledged that the investigation was confidential and that he was ordered not to disclose any information discussed during the interview.

Initially, Barahona maintained that he had no discussions regarding M.P. or his IA investigation. However, he later recalled a general conversation about M.P.'s well-being

because of his medical leave. Still, he was unsure who brought M.P. up during that conversation or who else participated in the discussion. Barahona also denied that he knew M.P. had an IA complaint against him or the focus of that IA investigation.

Yet, later in the interview, Barahona admitted to talking to M.P. regarding M.P.'s IA investigation. While at the interview, Barahona showed the IA investigators his text messages with M.P., contradicting his earlier statements that he did not discuss the IA investigation with M.P. or was in contact with M.P.

Indeed, on December 5, 2023, M.P. asked Barahona to look up an arrest from August 15, 2023, via text message. Notably, in the same text message chain, M.P. shared a screenshot of his IA complete notification, incorrectly identifying the DV service call date of August 15, 2023, and notifying M.P. that the alleged misconduct related to his failure to contact the judge for a TRO. Barahona's text message response identified individuals that Pompton Lakes arrested on August 15, 2023, and that there was "a walk-in CAD" DV. Thus, I **FIND** that Barahona reviewed the department's computer reporting system at M.P.'s request for reasons outside of his job duties to obtain information concerning the date identified in M.P.'s IA complaint notice. M.P. also asked Barahona not to show anyone the IA complaint notification.

Barahona's text messages with M.P. also ask M.P. to call him. Barahona later admitted that he spoke to M.P. outside of his text messages with M.P.

On December 28, 2023, M.P. texted Barahona with "one more question," stating, "Did they say how this came about, like someone came in and complained?" Notably, this text message chain was only days after Barahona's initial interview and supported a prior conversation about the December 22, 2023, interview. Barahona responded, "They didn't ask, and [I don't know] why I didn't think to ask that when I was in there."

On December 29, 2023, M.P. texted Barahona that "she never filed [a complaint], just confirmed it with her!!! AJ just showed up at her house." Barahona did not report M.P.'s interference with the IA investigation or victim contact.

On December 30, 2023, within two hours of Barahona's second IA interview, M.P. told Barahona that he was resigning via text message. Barahona informed M.P. that "they said they heard people have been talking" and that IA asked Barahona if M.P. reached out to him. Barahona stated, "Obviously, I said no and that I haven't talked to you in a while." M.P. thanked Barahona, and Barahona replied, "There are a lot of snake rats in this world, but I am not one of them."

When IA confronted Barahona with his unequivocal lies during the January 5, 2024, interview, Barahona explained that he wanted to be a brother and "not a rat." Barahona apologized.

Barahona served as an officer for Pompton Lakes for approximately three years before his removal. Until these charges, Barahona received only a verbal reprimand for failing to report a GPS mapping malfunction in a patrol car. Barahona received all policies, rules, and procedures at issue in this case.

Rodriguez was part of the team that hired Barahona and acknowledged that Barahona was a good officer who received commendations for his police work. Thus, Rodriguez was shocked upon learning of Barahona's disregard of his critical responsibility to be truthful and keep IA matters confidential. Further, Rodriguez highlighted that Barahona surprisingly went even further; he assisted M.P.'s investigation into his misconduct by accessing the department CAD (computer-aided dispatch) system and failed to report M.P.'s disturbing revelation that he took steps to contact the complaining DV victim.

Rodriguez also explained the significance of an officer's untruthfulness. When an officer is determined to be untruthful, they cannot perform their necessary duties. The department must advise the county prosecutor's office of this finding. In turn, the prosecutor must disclose this exculpatory information to criminal defendants when that officer took part in the defendant's arrest or investigation leading to the charges. In other words, an untruthful officer whose credibility is questionable impedes the prosecution. Because Pompton Lakes is a small police department, it cannot "hide" an untruthful officer in a position where their credibility is unimportant.

Although Barahona did not testify, his counsel asked Rodriguez if Pompton Lakes had sent the departmental hearing notice to his new attorney. Rodriguez believed Pompton Lakes sent the notice to the attorney of record. However, Barahona did not raise this issue before the hearing and supplied no certification or affidavit supporting any assertion that the notice was defective.

DISCUSSION AND CONCLUSIONS OF LAW

The Charges

Civil service employees who commit a wrongful act related to their duties or give other just cause may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. Indeed, "[t]here is no constitutional or statutory right to a government job." State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998).

In appeals concerning major disciplinary action, the appointing authority bears the burden of proof. N.J.A.C. 4A:2-1.4(a). The burden of proof is by a preponderance of the evidence, Atkinson v. Parsekian, 37 N.J. 143, 149 (1962), and the hearing as to both guilt and the penalty is de novo, Henry v. Rahway State Prison, 81 N.J. 571, 579 (1980); W. New York v. Bock, 38 N.J. 500 (1962). The evidence must lead a reasonably cautious mind to a given conclusion. Bornstein v. Metro. Bottling Co., 26 N.J. 263 (1958). One can describe preponderance as the greater weight of credible evidence in the case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975).

"Conduct unbecoming a public employee" is an elastic phrase encompassing conduct that adversely affects the morale or efficiency of a governmental unit, or that tends to destroy public respect for governmental employees and confidence in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998). The complained-of conduct and its attending circumstances need only "be such as to offend publicly accepted standards of decency." Id. at 555 (quoting In re Zeber, 156 A.2d

821, 825 (1959)). Conduct unbecoming a police officer does not require a violation of a rule or regulation but may result from "the violation of the implicit standard of good behavior." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civ. Serv., 17 N.J. 419, 429 (1955)).

Due to their roles in the community, police and corrections officers are held to a higher standard of conduct than other citizens. In re Phillips, 117 N.J. 567 (1990). They represent "law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public." Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966).

The Appellate Division noted the importance of maintaining discipline within paramilitary organizations:

Many New Jersey cases indicate the importance of maintaining discipline within the paramilitary organization to a police department. Refusal to obey orders and disrespect cannot be tolerated. Such conduct adversely affects the morale and efficiency of the department.

[Rivell v. Civ. Serv. Comm'n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971)]

Further, the retention of a police officer with a record of untruthfulness in official matters endangers the effective and efficient operation of public services. Brady v. Maryland, 373 U.S. 83 (1963). An officer's dishonesty in an investigation is significant because "inconsistent statements during the course of the internal affairs investigation, [call] into question [the officer's] honesty, integrity, and truthfulness, essential traits for a law enforcement officer." Ruroede v. Borough of Hasbrouck Heights, 214 N.J. 338, 362–63 (2013).

Under N.J.A.C. 4A:2-2.3(a)(1), an incompetent employee unable to execute his job responsibility is subject to termination. See Klusaritz v. Cape May Cnty., 387 N.J. Super. 305 (App. Div. 2006) (upholding removal of an accountant who was incapable of preparing a bank reconciliation and unsuitable for the job). Absence of judgment alone

can be sufficient to terminate an employee in a sensitive position requiring public trust in that judgment. See In re Herrmann, 192 N.J. 19, 32 (2007) (DYFS worker without prior discipline terminated for waving a lit cigarette in the face of a five-year-old).

Generally, “neglect of duty” means that an employee has failed to perform and act as required by the description of their job title. Briggs v. Dep’t of Civ. Serv., 64 N.J. Super. 351, 356 (App. Div. 1960); In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). “Duty” intends conformance to “the legal standard of reasonable conduct in the light of the apparent risk.” Wytupeck v. Camden, 25 N.J. 450, 461 (1957) (internal citation omitted). Also, neglect of duty can arise from an omission or failure to perform a task imposed upon a public employee that indicates a deviation from usual standards of conduct. Rushin v. Bd. of Child Welfare, 65 N.J. Super. 504, 515 (App. Div. 1961).

Pompton Lakes promulgated Rules and Regulations (Rules) and departmental policies and procedures that employees must follow. Pompton Lakes also charged Barahona with violating N.J.A.C. 4A:2-2.3(a)(12), “Other sufficient cause.” This charge often addresses violations of policies or procedures established by the employer, such as those in the Rules.

Pompton Lakes police officers are required to be truthful at all times, and perform their duties promptly as directed or required by law, rules and regulations, or written directives, or by lawful order of a superior officer. Rules 3:13.5, 3:1.5, 3:1-10, and 3:1.7. Officers are also required to report another employee’s “violating laws, ordinances, rules, and written directives of the department.” Rule 3:1.9. Further, no officer “shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.” Rule 3:4.3. Officers are expected to “respond to questioning, provide reports, and render statements during department investigations” under the New Jersey Attorney General’s Internal Affairs Policy and Procedures (IA Policy), including being truthful about matters concerning their police duties. IA Policy 8:4.1 and 8:5.2. While on duty, officers may not engage in activities that are not directly related to their job performance. Rule 3:7-16. Off-duty officers who act in a way that “touches upon or reflects upon” their police position “must notify the highest-ranking

officer on duty.” Rule 3:1.6. Notably, not all police misconduct requires violating a rule. Rule 3:7-18.

The material evidence against Barahona is his unchallenged statements in the internal affairs videos, including his admissions on January 5, 2024, and his contradictory text messages with M.P.

Barahona engaged in a series of acts incompatible with the high degree of integrity expected of all law enforcement officials. Indeed, I found that he lied multiple times about his interactions with M.P. and his knowledge of M.P.’s IA complaint. Further, I found that he assisted M.P. in obtaining information about the investigation by accessing the department’s computer system outside of his duties and failed to report further misconduct by M.P. regarding the DV victim.

Therefore, I **CONCLUDE** that a preponderance of the legally competent evidence exists that Barahona displayed incompetency, inefficiency or failure to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(1); conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6); and neglect of duty in violation of N.J.A.C. 4A:2-2.3(a)(7).

Further, I **CONCLUDE** that a preponderance of the evidence demonstrates that Barahona failed to follow Pompton Lakes’ Rules specified in the FNDA.

Penalty

Progressive discipline requires consideration once a determination is made that an employee violated a statute, regulation, or rule concerning their employment. W. New York v. Bock, 38 N.J. 500 (1962). Where the underlying conduct is egregious, however, imposing a penalty up to and including removal is appropriate, regardless of an individual’s disciplinary record. In re Herrmann, 192 N.J. 19 (2007).

Indeed, the Civil Service Commission may increase or decrease the penalty under progressive discipline. N.J.S.A. 11A:2-19; In re Carter, 191 N.J. 474, 483–86 (2007). Thus, an employee’s prior disciplinary record is relevant to determining an appropriate

penalty for a subsequent offense, and the question upon appellate review is whether such punishment is "so disproportionate to the offense, in the light of all the circumstances, as to be shocking to one's sense of fairness." Id. at 483–84 (quoting In re Polk, 90 N.J. 550, 578 (1982)).

Misconduct is severe when it renders the employee unsuitable for continuation in the position or when the application of progressive discipline would be contrary to the public interest—such as when the job involves public safety, and the misconduct causes a risk of harm to persons or property. In re Herrmann, 192 N.J. at 33.

Indeed, courts "have upheld dismissal of employees, without regard to whether the employees have had substantial past disciplinary records, for engaging in conduct that is unbecoming to the position." Id. at 34. For example, "the Appellate Division affirmed the dismissal of a police officer for infractions that went to the heart of the officer's ability to be trusted to function appropriately in his position." Id. at 35 (citing Cosme v. E. Newark Twp. Comm., 304 N.J. Super. 191, 206 (App. Div. 1997), certif. denied, 156 N.J. 381 (1998) (municipal police officer dismissed, and application of progressive discipline unnecessary, because "charges of basic misconduct that included willful disobedience of orders, neglect of duty, and placing personal interests ahead of police duties . . . go to the heart of the plaintiff's capacity to function appropriately as an officer"))).

Pompton Lakes argues that Barahona's misconduct was so severe that it falls outside of progressive discipline and that removal is the only appropriate remedy. To be sure, Barahona's prior discipline was minor and did not involve similar behavior.

Yet, Barahona was not truthful during his multiple IA interviews, compromising the integrity of legitimate law enforcement work and causing public trust in law enforcement to suffer. Barahona demonstrated a serious lapse in judgment by failing to be truthful or keep his interviews confidential. Further, his active assistance to M.P. and failure to

reveal M.P.'s serious interference with the department's IA investigation of his misconduct are unforgivable actions by a police officer.

Given this discussion, I **CONCLUDE** that the egregious nature of Barahona's conduct during his internal affairs interviews and the unreported interactions with M.P. warrant the termination of Barahona from his position as a police officer with Pompton Lakes.

Indeed, the application of progressive discipline would be contrary to the public interest regardless of Barahona's apology for his behavior or minor disciplinary record.

Procedural Violations

Barahona suggests he was not given a departmental hearing because of inadequate notification to his new attorney. Yet, Barahona did not testify and supplied no certification or affidavit from any individual, stating facts supporting a lack of notice regarding the departmental hearing. Even if that assertion is accurate, a subsequent hearing at the OAL cures procedural irregularities at the departmental level. Ensslin v. Twp. of N. Bergen, 275 N.J. Super. 352, 361 (App. Div. 1994), certif. denied, 142 N.J. 446 (1995); See also In re Morrison, 216 N.J. Super. 143, 151 (App. Div. 1987) (holding that police officer alleging hearing officer bias was not prejudiced because an unbiased administrative law judge conducted a de novo hearing). Indeed, this case is determined as if no prior hearing occurred and as if no decision was made. Housing Auth. of Newark v. Norfolk Realty Co., 71 N.J. 314, 326 (1976). Therefore, I **CONCLUDE** that a preponderance of the evidence does not support a violation of discipline policies or procedures precluding a decision in this case.

Therefore, I **CONCLUDE** that Barahona's unsupported assertion has no bearing on this decision and de novo determination.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that Barahona be removed from his position as a police officer with Pompton Lakes.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified, or rejected by the **CIVIL SERVICE COMMISSION**, which is authorized by law to make a final decision in this case. If the Civil Service Commission does not adopt, modify, or reject this decision within forty-five days, and unless such time limit is otherwise extended, this recommended decision shall become a final decision under N.J.S.A. 40A:14-204.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



August 14, 2024

DATE

NANCI G. STOKES, ALJ

Date Received at Agency:

August 14, 2024

Date Mailed to Parties:

August 14, 2024

ljb

APPENDIX

WITNESSES

For Appellant:

None

For Respondent:

Captain Anthony Rodriguez

EXHIBITS

Joint:

- J-1 PNDA, dated January 18, 2024
- J-2 FNDA, dated April 17, 2024
- J-3 Police Department Rules and Regulations, dated December 2021
- J-4 Acknowledgement of Rules and Regulations, dated December 22, 2023
- J-5 Computer Use/Email/Internet Policy, dated January 2021
- J-6 Acknowledgement Comp. Use Policy, dated April 21, 2023
- J-7 NJ Attorney General Internal Affairs Policy and Procedures, dated November 2022
- J-8 Police Department Internal Affairs General Order (G.O.), dated August 2023
- J-9 Acknowledgement of IA G.O., dated December 9, 2021, January 9, 2022, August 25, 2023
- J-10 Witness Acknowledgment form Barahona, dated December 22, 2023
- J-11 Witness Acknowledgement form Barahona, dated December 30, 2023
- J-12 IA Notification - Barahona, dated January 5, 2024
- J-13 Administrative Advisement form - Barahona, dated January 5, 2024
- J-14 December 2023 text messages between M.P. and Barahona
- J-15 Internal Affairs Investigation Report, dated January 18, 2024
- J-16 IA Findings and Conclusions summary, dated January 18, 2024
- J-17 Suspension Notice and related correspondence, Loudermill request and response
- J-18 Flash drive with videos of Barahona witness and target IA interviews
- J-19 Prior verbal reprimand