



## STATE OF NEW JERSEY

 DECISION OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Joseph  
Campolattaro, Bergen County,  
Sheriff's Office

CSC Docket No. 2024-2023  
OAL Docket No. CSR 06536-24

ISSUED: FEBRUARY 26, 2025

The appeal of Joseph Campolattaro, Sheriff's Officer, Bergen County, Sheriff's Office, removal, effective March 19, 2024, on charges, was heard by Administrative Law Judge Patrice E. Hobbs (ALJ), who rendered her initial decision on January 14, 2025. Exceptions were filed on behalf of the appointing authority and a reply to exceptions was filed on behalf of the appellant.

Having considered the record and the ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply, the Civil Service Commission (Commission), at its meeting on February 26, 2025, adopted the ALJ's Findings of Facts and Conclusions and her recommendation to modify the removal to a six-month suspension. However, the Commission also ordered that the appellant undergo a psychological fitness-for-duty examination prior to his return to duty, and also continue mental health counseling. Finally, the Commission reversed the ALJ's award of counsel fees.

In this matter, the ALJ found that the appellant was guilty of the infractions alleged. Upon its *de novo* review of the ALJ's determinations in that regard, the Commission agrees with the ALJ's findings and finds nothing in the record to demonstrate that the ALJ's findings regarding the charges were arbitrary, capricious or unreasonable.

In its exceptions, the appointing authority argues that removal is the proper penalty in this matter. In this regard, similar to its assessment of the charges, the Commission's review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the

Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant's offense, the concept of progressive discipline, and the employee's prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual's disciplinary history. See *Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a "fixed and immutable rule to be followed without question." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. See *Carter v. Bordentown*, 191 N.J. 474 (2007). Even when a law enforcement officer does not possess a prior disciplinary record after many unblemished years of employment, the seriousness of an offense may nevertheless warrant the penalty of removal where it is likely to undermine the public trust. In this regard, the Commission emphasizes that a Sheriff's Officer, like a municipal Police Officer, is held to a higher standard than a civilian public employee. See *Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). See also, *In re Phillips*, 117 N.J. 567 (1990).

In this matter, the ALJ performed an analysis of the penalty to be imposed. In that regard, the ALJ stated:

Even though Campolattaro has been disciplined before for a previous alcohol-related incident, that incident was an off-duty incident, and it was also treated as such, with only a ninety-day suspension. Although Campolattaro was also intoxicated at the time of this incident, this was not an alcohol-related, off-duty incident. It was an officer in crisis who was experiencing mental health issues. Although it does not excuse the misconduct, it at least explains it. Moreover, Campolattaro is extremely remorseful and continues to receive mental health counseling. His fellow officers all acted out of deep care and concern for him when they found him at the warehouse. None of the officers who came to the warehouse turned on their body cameras as protocol required. Everyone treated the entire incident as an officer in crisis. For all these reasons, especially his mental health issues that reached a crescendo at the warehouse, I **CONCLUDE** that a suspension for six months is the appropriate penalty.

While the appointing authority believes the removal should be upheld, for all of the reasons expressed by the ALJ above, the Commission can support the modification to a six-month suspension. That penalty, the most severe suspension permitted under Civil Service law and rules, should serve as a warning to the appellant that any future misconduct with likely result in his removal from

employment. However, given the circumstances, the Commission orders that the appointing authority send the appellant for a psychological fitness-for-duty examination prior to his actual return to duty. Should he be found not fit for duty, the appointing authority should issue any new disciplinary charges based on the unfitness at that time. It also orders that the appellant continue to receive mental health counseling as indicted in the ALJ's initial decision.

Since the removal has been modified, the appellant is entitled to be reinstated to his position with mitigated back pay, benefits, and seniority pursuant to *N.J.A.C.* 4A:2-2.10 from six-months after the first date of disciplinary separation without pay<sup>1</sup> until the date he is returned to duty after the above fitness-for-duty examination or otherwise disciplined for being found unfit for duty.

However, the appellant is not entitled to counsel fees. In this regard, the ALJ's award in that regard was improper. *N.J.A.C.* 4A:2-2.12(a) provides for the award of counsel fees only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in a disciplinary appeal is the merits of the charges. See *Johnny Walcott v. City of Plainfield*, 282 *N.J. Super.* 121,128 (App. Div. 1995); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). Thus, where, as here, a penalty is modified but charges are sustained and major discipline is imposed, counsel fees must be denied since the appellant has failed to meet the standard set forth at *N.J.A.C.* 4A:2-2.12.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, per the Appellate Division's decision, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay are finally resolved. In the interim, as the court states in *Phillips, supra*, if it has not already done so, upon receipt of this decision, subject to the fitness-for-duty examination ordered herein, the appointing authority shall immediately reinstate the appellant to his permanent position.

### ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore modifies that action to a six-month suspension.

The Commission orders that the appointing authority send the appellant for a

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<sup>1</sup> In this regard, if the appellant was immediately suspended without pay prior to the effective date of his removal, the imposed six-month suspension begins as of that date, and the back pay period starts six months later. See e.g. *In the Matter of Ranique Woodson* (CSC, decided January 15, 2025).

psychological fitness-for-duty examination prior to his actual return to duty. Additionally, the Commission orders that the appellant continue his mental health counseling. The Commission further orders that the appellant be granted back pay, benefits, and seniority from six-months after the first date of disciplinary separation without pay to the date he is returned to duty after the above fitness-for-duty examination or otherwise disciplined for being found unfit for duty. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. Proof of income earned, and an affidavit of mitigation shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. Pursuant to *N.J.A.C. 4A:2-2.10*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay dispute.

Counsel fees are denied pursuant to *N.J.A.C. 4A:2-2.12*.

The parties must inform the Commission, in writing, if there is any dispute as to back pay within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to R. 2:2-3(a)(2). After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 26<sup>TH</sup> DAY OF FEBRUARY, 2025

*Dolores Gorczyca*

Dolores Gorczyca  
Member  
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 06536-24

AGENCY DKT NO. 2024-2023

**IN THE MATTER OF JOSEPH CAMPOLATTARO,  
BERGEN COUNTY SHERIFF'S OFFICE.**

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**Kenneth Ralph, Esq.**, for appellant Joseph Campolattaro (Bruno & Ferraro, attorneys)

**Brian M. Hak, Esq.**, for respondent Bergen County Sheriff's Office (Eric M. Bernstein & Associates, LLC, attorneys)

Record Closed: December 23, 2024

Decided: January 14, 2025

**BEFORE PATRICE E. HOBBS, ALJ:**

**STATEMENT OF THE CASE**

On April 28, 2023, appellant, Joseph Campolattaro, a sheriff's officer with the Bergen County Sheriff's Office, while off-duty, drove under the influence of alcohol and assaulted a police officer. Campolattaro, however, was undergoing a mental health crisis. Must Campolattaro be removed from his position as a sheriff's officer? No. Progressive discipline is considered when determining the reasonableness of the penalty and the egregiousness of the offense. West New York v. Bock, 38 N.J. 500 (1962).

### **PROCEDURAL HISTORY**

On August 25, 2023, Bergen County served Campolattaro with a Preliminary Notice of Disciplinary Action. In the notice, Bergen County charged Campolattaro with conduct unbecoming a public employee in violation of N.J.A.C. 4A:2-2.3(a)(6) (Conduct unbecoming a public employee), N.J.A.C. 4A:2-2.3(a)(12) (Other sufficient cause), N.J.S.A. 39:4-50(a) (Driving while Intoxicated), and for violations of Bergen Employee Rules and Regulations 3:1.1 (Obedience to Laws), 1:5 (Ethics), 3:1.2 (Standards of Conduct), 3:1.28 (Respect), 3:1.29 (Unbecoming Conduct), 3:1.39 (All Other Conduct). Bergen County alleges that on April 28, 2023, Campolattaro drove his personal vehicle while intoxicated to a warehouse, entered without authorization, harassed employees and was confrontational and disrespectful with the local police. As a result, Bergen County sought his removal and suspended him from his position, effective August 25, 2023.

On December 15, 2023, a disciplinary hearing was held. On March 9, 2024, Bergen County served Campolattaro with a Final Notice of Disciplinary Action. In the notice, Bergen County sustained all the charges and specifications. Bergen County also removed Campolattaro from his position as sheriff's officer, effective August 25, 2023.

On April 2, 2024, Campolattaro filed a timely appeal. On May 13, 2024, the case was filed with the Office of Administrative Law (OAL) for a hearing under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On June 4, 2024, I held a prehearing conference, and on September 30, 2024, and October 2, 2024, I held the hearing. On December 23, 2024, the parties submitted post-hearing briefs, and I closed the record.

### **FINDINGS OF FACT**

Based upon the testimony the parties provided and my assessment of its credibility, together with the documents the parties submitted and my assessment of their sufficiency, I **FIND** the following **FACTS**:

Campolattaro was in crisis.

On April 28, 2023, while off duty, Campolattaro entered a warehouse without permission. The Lyndhurst Police Department (LPD) was called to the warehouse. Campolattaro was intoxicated, incoherent, disrespectful, and confrontational to Sergeant Jasinski, Officer Giangeruso, and Officer Fernandez, who arrived on the scene. (R-1; R-8.)

Campolattaro drove his personal vehicle to the warehouse and was clearly unstable on his feet. He was also unstable with Officers Jasinski, Giangeruso, and Fernandez. Campolattaro also failed to cooperate with the officers and provided false information—name, address, and employment. Campolattaro eventually came too close to Jasinski and had to be separated by Fernandez. (R-9; R-10; R-11; and R-12.) Ultimately, the LPD declined to charge Campolattaro with any crimes and only filed an incident report. (R-3.)

LaPlaca confirms that Campolattaro was in crisis.

When Jasinski discovered that Campolattaro was a sheriff's officer with the Bergen County Sheriff's Department, he contacted the Bergen County Sheriff's Department and spoke with Lieutenant LaPlaca, who was the tour commander on duty that night. LaPlaca contacted Sergeants Scarpato and DeSmet and met them at the warehouse. LaPlaca was able to smell alcohol on Campolattaro. Campolattaro stated that his life was over—that this was the end. LaPlaca determined that Campolattaro was an officer in crisis. He did not turn on his body camera as required by protocol because it was not an incident that would lead to charging Campolattaro with a crime; he was concerned for Campolattaro's mental health. LaPlaca decided that the best thing for Campolattaro in his depressed state was to be taken to a hospital for medical treatment.

In his memorandum to Chief Carmelo Giustra dated April 28, 2023, LaPlaca confirmed that the entire incident was an officer in crisis; that Campolattaro was depressed and incoherent; that Campolattaro needed mental health treatment; and that the incident was not an off-duty incident.

Scarpato confirms that Campolattaro was in crisis.

Scarpato has known Campolattaro for many years because they began working together at the Bergen County Sheriff's Office at about the same time. Scarpato has seen Campolattaro at work events as well as personal events. When she arrived at the warehouse on April 28, 2023, she sat Campolattaro in her police vehicle in the front seat. Campolattaro was intoxicated and not behaving normally. She had never seen him behave in such a manner before. She also declined to turn on her body camera as required by police protocol because she was not handling this call as a criminal event. She was there to assist an officer in crisis. She contacted PBA Officers Kryzsiak and Murray, who transported Campolattaro to the hospital.

In her memorandum to Giustra dated April 29, 2023, Scarpato confirmed that the entire incident involved an officer in need and that the best course of action was treatment at a hospital.

DeSmet confirms that Campolattaro was in crisis.

Detective Sergeant Wayne DeSmet has worked with Campolattaro for more than six years and has socialized with him during this time span. DeSmet knows Campolattaro well. DeSmet has been trained to identify persons who are intoxicated and is an Alcotest operator. He was called by LaPlaca to come to the warehouse. When DeSmet arrived, Campolattaro was in the lunchroom, visibly intoxicated. DeSmet did not administer any sobriety tests because he knew that Campolattaro was clearly disoriented and under the influence of alcohol. He frisked Campolattaro to check for weapons because he had to ensure the safety of everyone at the warehouse. Campolattaro was resistant but eventually cooperated. No weapons were found. DeSmet was concerned for Campolattaro's mental health and safety. DeSmet had never seen Campolattaro behave this way before. In his considerable experience with Campolattaro, this was an aberration. Since the scene was secure, DeSmet waited outside for Kryzsiak and Murray to arrive. When Kryzsiak and Murray arrived, they took custody of Campolattaro, and



DeSmet returned to his road patrol. He did not place Campolattaro in handcuffs or otherwise restrain him.

In his memorandum to Giustra dated April 29, 2023, DeSmet, like LaPlaca and Scarpato, confirmed that the incident was an officer in crisis and not an off-duty incident. DeSmet also confirmed that Campolattaro said, "It's all over for me," "This is the end," and "I give up." Campolattaro concluded, like LaPlaca and Scarpato, that Campolattaro needed mental health treatment at the hospital and nothing more.

Marfino confirms that Campolattaro was in crisis.

Detective Richard Marfino is an internal affairs investigator and has conducted more than one hundred internal affairs investigations. He was assigned to investigate the April 28, 2023, incident by Detective Sergeant Steve Ruiz. He contacted the LPD, obtained statements from Jasinski and Fernandez, obtained the body camera footage, the camera footage from the warehouse parking lots, and memoranda and statements from LaPlaca, Scarpato, and DeSmet. He also interviewed Campolattaro. Campolattaro admitted that he had four or five drinks before driving home. Campolattaro had a mental issue when he arrived home and was overwhelmed. Campolattaro thought he was just a number and useless. To help with his mental health issues, Campolattaro took sleep medication.

Campolattaro did not know anyone at the warehouse, had never worked there, and had no idea why he went there, let alone entered the building without permission. At the warehouse, Campolattaro ate food that did not belong to him, confronted Jasinski and Fernandez at the warehouse, confronted hospital staff, and even bit someone at the hospital. (R-2.) His behavior was more than out of character. It was bizarre. Nevertheless, Marfino recommended that Campolattaro be charged with what is contained in the notices of disciplinary action, and on August 3, 2023, submitted his report to Ruiz for approval before he submitted it to Chief Giustra.

Ruiz does not let Campolattaro complete his fitness-for-duty examination, bypasses progressive discipline, and disregards the mental health crisis.

Detective Sergeant Steve Ruiz is the supervising officer for professional standards in the internal affairs department. He reviewed the full report from Marfino. He reviewed the statements of all witnesses, all the videos and the incident report, and agreed with all the conclusions by Marfino. He considered all the past disciplinary history for Campolattaro, including his prior Final Notice of Disciplinary Action dated June 16, 2022, where Campolattaro was suspended for ninety days for an incident on February 22, 2020. In that incident, Campolattaro had participated in the polar bear plunge in Toms River. It was not a work-sponsored event, and Campolattaro was not on duty, but he had driven his personal vehicle, which was unregistered, and he had been drinking. He also failed to submit to any testing as a result. Campolattaro was charged with driving an unregistered vehicle, driving while intoxicated, reckless driving, failing to observe a traffic control device, failing to observe a traffic lane, failing to consent to a breath test, and failing to submit to a chemical test. The charges, however, were settled. More significantly, the driving while intoxicated charge was dismissed. Finally, Ruiz noted that there is no written policy for attending to an officer in crisis and that it is a judgment call by those in the field.

On June 5, 2023, because of the April 28, 2023, incident, Campolattaro was required to undergo a fitness-for-duty evaluation with Dr. Daniel Schievella. Campolattaro was placed on modified duty, was not allowed to carry a firearm, was required to attend an outpatient program for mental health, Alcoholics Anonymous (AA) meetings, had to attend counseling sessions, and had to provide documentation of all psychotropic medications. Any failure to comply with those conditions would have resulted in disciplinary action. Campolattaro was also scheduled to undergo a second fitness-for-duty examination in September 2023, but on August 25, 2023, two months after he was placed on modified duty, and without any further explanation, Ruiz issued the preliminary notice of disciplinary action to remove Campolattaro from his position as a sheriff's officer. The second fitness-for-duty examination was never scheduled.

### CONCLUSIONS OF LAW

The Civil Service Act (The Act) and regulations promulgated under the Act govern the rights and duties of a civil service employee. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:2-1.1 to 4A:2-6.2. A civil service employee who commits a wrongful act related to his or her duties or who gives other just cause may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.A.C. 4A:2-2.3. For example, employees who engage in conduct unbecoming are subject to discipline. N.J.A.C. 4A:2-2.3(a).

The issues to be determined at the de novo hearing are whether appellant is guilty of the charges brought against him and, if so, the appropriate penalty that should be imposed. Henry v. Rahway State Prison, 81 N.J. 571 (1980); W. New York v. Bock, 38 N.J. 500 (1962). The appointing authority bears the burden of proving the charges by a preponderance of the credible evidence. In re Matter of Revocation of the License of Polk, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962).

"Conduct unbecoming a public employee" includes conduct that "adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services." In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Ibid. Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

Since Campolattaro drove to the warehouse, entered the warehouse without permission, and refused to leave the premises when uniformed officers arrived to escort him out of the building, and since Campolattaro was uncooperative with personnel from both the LPD and the hospital, I **CONCLUDE** that Campolattaro engaged in conduct unbecoming in violation of N.J.A.C. 4A:2-2.3(a)(6).

Likewise, I **CONCLUDE** that Campolattaro engaged in "other sufficient cause" in violation of N.J.A.C. 4A:2-23(a)(12) for violation of Bergen County Department Rules: Rule 3:108 (Conduct); Rule 3:123 (Obedience to Laws, Rules and Regulations and Orders); Rule 3:126 (Neglect of Duty); Rule 3:127 (Orders); Rule 3:157 (Rules and Regulations); Rule 3:164 (Narcotics Use); and Rule 3:169 (Code of Ethics).

### **Penalty**

Termination is a major disciplinary action. The concept of progressive discipline guides that determination. In re Carter, 191 N.J. at 483–86. Thus, an employee's prior disciplinary record is inherently relevant to determining an appropriate penalty for a subsequent offense. Ibid. The past record includes a recent history of promotions or commendations as well as any other disciplinary actions or instances of misconduct. West New York v. Bock, 38 N.J. 524. Consideration should also be given to the timing of the most recently adjudicated disciplinary history. Ibid. A past record, or lack thereof, cannot be used to prove or disprove a present charge. However, it can be used for guidance to determine the appropriate penalty. Ibid.

Progressive discipline may only be bypassed when the 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. In re Herrmann, 192 N.J. 19, 33 (2007). Thus, the issue is whether such "punishment is so disproportionate to the offense, in light of all the circumstances, as to be shocking to one's sense of fairness." In re Carter, 191 N.J. at 484.

In this case, the incident at the warehouse was unfortunate in every respect. Campolattaro was in distress. He was having a "mental breakdown." He was visibly intoxicated, possibly under the influence of a sleeping pill, and had suicidal ideations. I considered the in-person testimony very carefully and watched the parties interact. All the witnesses were sincerely concerned about Campolattaro's well-being. That collective concern expressed by LPD officers and Bergen County Officers LaPlaca, Scarpato, Marfino, DeSmet, and Ruiz, coupled with the incident report by the LPD, demonstrates that this was an unfortunate incident that should not mark the end of Campolattaro's

career as a sheriff's officer. LPD and Bergen County treated the entire incident as an officer in crisis. LPD and Bergen County agree that Campolattaro violated many laws and declined to charge him with any crimes. Both law enforcement departments found that Campolattaro was indeed an officer in crisis. In short, Campolattaro should not be punished for being in mental distress.

There are many other avenues to assist Campolattaro in recovery and to complete his career as a sheriff's officer. The incident occurred on April 28, 2023. Within two months of the incident, he was placed on modified duty, and only two months later, he was subject to discipline. Campolattaro did not have sufficient time to complete his recovery or his modified duty. Indeed, Bergen County terminated him before the second fitness-for-duty examination, which was scheduled for September 2023.

Even though Campolattaro has been disciplined before for a previous alcohol-related incident, that incident was an off-duty incident, and it was also treated as such, with only a ninety-day suspension. Although Campolattaro was also intoxicated at the time of this incident, this was not an alcohol-related, off-duty incident. It was an officer in crisis who was experiencing mental health issues. Although it does not excuse the misconduct, it at least explains it. Moreover, Campolattaro is extremely remorseful and continues to receive mental health counseling. His fellow officers all acted out of deep care and concern for him when they found him at the warehouse. None of the officers who came to the warehouse turned on their body cameras as protocol required. Everyone treated the entire incident as an officer in crisis. For all these reasons, especially his mental health issues that reached a crescendo at the warehouse, I **CONCLUDE** that a suspension for six months is the appropriate penalty.

### **ORDER**

Given my findings of fact and conclusions of law, I **ORDER** that Campolattaro is **SUSPENDED** for six months, effective August 25, 2023, and that he be **AWARDED** all requisite back pay, benefits, attorney fees, and costs associated with this case.

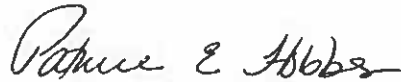
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. 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 in accordance with 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.

January 14, 2025

DATE



PATRICE E. HOBBS, ALJ

Date Received at Agency:

January 14 2025

Date Mailed to Parties:

January 14, 2025

**APPENDIX**

**Witnesses**

**For Petitioner:**

None

**For Respondent:**

Lieutenant Michael LaPlaca  
Sergeant Christine Scarpato  
Detective Richard Marfino  
Sergeant Wayne DeSmet

**Exhibits**

**For Petitioner:**

- A-1 Letter from Chief Giustra to Campolattaro, dated June 22, 2023
- A-2 HUMC Authorization for Release of Records
- A-3 Internal Affairs Policy and Procedures

**For Respondent:**

- R-1 Final Notice of Disciplinary Action, dated March 19, 2024
- R-2 Excerpted Internal Affairs Investigative Report, dated August 3, 2023
- R-3 Lyndhurst Police Department Incident Report, dated April 28, 2023
- R-4 Memorandum from LaPlaca to Chief Giustra, dated April 28, 2023
- R-5 Memorandum from DeSmet to Chief Giustra, dated April 29, 2023
- R-6 Memorandum from Scarpato to Chief Giustra, dated April 29, 2023
- R-8 Final Notice of Disciplinary Action, dated June 16, 2022
- R-9 Video Clip—arrival into warehouse parking lot
- R-10 Video Clip—exiting vehicle entry to warehouse
- R-11 Video Clip—LPD Body Camera Clip 1
- R-12 Video Clip—LPD Body Camera Clip 2