



STATE OF NEW JERSEY

In the Matter of Juan Estrella, Union
City, Department of Public Safety

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2024-65
OAL Docket No. CSV 06540-23

ISSUED: FEBRUARY 5, 2025

The appeal of Juan Estrella, Police Officer, Union City, Department of Public Safety, 10 working day suspension, on charges, was heard by Administrative Law Judge Daniel J. Brown (ALJ), who rendered his initial decision on January 3, 2025. Exceptions were filed on behalf of the appellant and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent, *de novo* evaluation of the record, including a thorough review of the exception and reply, the Civil Service Commission (Commission), at its meeting on February 5, 2025, adopted the Findings of Fact and Conclusions and the ALJ's recommendation to modify the 10 working day suspension to a six working day suspension.

Regarding the charges, the Commission finds that the ALJ's findings and conclusions were appropriate and based on the credible evidence in the records. Accordingly, the Commission finds the appellant's exceptions challenging any of those findings unpersuasive.

Regarding the penalty, the ALJ listed the appellant's extensive disciplinary history, including prior major discipline. Nevertheless, the ALJ found:

Union imposed a ten-day suspension, but I **CONCLUDE** that the appellant should receive a lesser penalty under a progressive discipline analysis. As counsel for the appellant argued, the domestic violence call that the appellant responded to was atypical. The victim was not under duress when she met with the appellant. She advised the appellant that

she was no longer in an abusive relationship and that the abusive conduct occurred in West New York some years ago. Additionally, both Captain Bergbauer and Lt. Rengel testified favorably about the appellant's service as a Police Officer. Captain Bergbauer credited the appellant for his longevity with the Police Department as the appellant has been employed as a Police Officer with Union City since 2006. Lt. Rengel stated that the appellant is a reliable officer who comes to work and does his job. Captain Bergbauer and Lt. Rengel also provided testimony that was favorable to the possibility of a lesser penalty being imposed upon the appellant. According to Captain Bergbauer, the ten-day suspension that was imposed by Union was appropriate based upon the seriousness of the charge of an inability to perform duties. However, if the sustained charge was not based upon an ability to perform duties but was based instead upon the violation of a departmental rule, Captain Bergbauer would recommend a suspension of only between three and five days. Lt. Rengel testified that the appellant should receive no suspension at all. Instead, Lt. Rengel opined that the appellant should receive enhanced supervision and additional training on how to properly respond to domestic violence incidents. I do not agree with Lt. Rengel's opinion that enhanced supervision, and increased training is a sufficient penalty. I **CONCLUDE** that a suspension is necessary based upon the appellant's misconduct and the length of his disciplinary history. However, I **CONCLUDE** that a ten-day suspension is excessive.

Similar to its review of the underlying 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." Moreover, the Commission emphasizes that a 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 regard, notwithstanding that the appellant has quite a significant disciplinary history, as detailed in the ALJ's initial decision, the facts and

circumstance presented in this matter serve as a basis to impose a lesser penalty. In this regard, the Commission agrees that the recommended six working day suspension is appropriate, as it constitutes major discipline. As such, it should serve as a warning to the appellant as to the inappropriateness of his conduct and provide warning that future misconduct could lead to more severe disciplinary penalties.

Since the suspension has been modified, the appellant is entitled to four working days of back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10*. However, he is not entitled to counsel fees. *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 the 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). In the case at hand, although the penalty was modified by the Commission, charges were sustained, and major discipline was imposed. Consequently, as the appellant has failed to meet the standard set forth in *N.J.A.C. 4A:2-2.12*, counsel fees must be denied.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. However, it modifies the suspension to a six working day suspension. The Commission further orders that the appellant be granted four working days of back pay, benefits, and seniority. The amount of back pay awarded is to be reduced as provided for in *N.J.A.C. 4A:2-2.10(d)3*. Proof of income earned shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

Counsel fees are denied.

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 5TH 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. CSV 06540-23

AGENCY DKT. NO. 2024-65

**IN THE MATTER OF JUAN ESTRELLA,
CITY OF UNION CITY, DEPARTMENT OF
PUBLIC SAFETY.**

Joshua M. Forsman, Esq., for appellant (Caruso Smith Picini, attorneys)

Kenneth B. Goodman, Esq., for respondent (O'Toole Scrivo, attorneys)

Record Closed: November 13, 2024

Decided: January 3, 2025

BEFORE DANIEL J. BROWN, ALJ:

STATEMENT OF THE CASE

On August 2, 2021, the appellant, acting in his capacity as a police officer, responded to a domestic violence call. The appellant did not review a victim's rights form with the victim; did not offer the victim the opportunity to sign a complaint; or to apply for a temporary restraining order. The appellant improperly referred the victim to another municipality.

Should the appellant be disciplined? Yes. Under NN.J.A.C. 4A:2-2.3(a)(12), a police officer may be subject to discipline for failing to conduct a proper, thorough and complete investigation.

PROCEDURAL HISTORY

On August 21, 2021, Union City Department of Public Safety (Union) served appellant with a Preliminary Notice of Disciplinary Action (PNDA). In its notice, Union charged the appellant with inability to perform duties in violation of N.J.A.C. 4A:2-2.3(a)(3); and other sufficient cause in violation of N.J.A.C. 4A:2-2.3(a)(12). The charge of other sufficient cause included an allegation of inability to perform duties in violation of departmental rule 8:1.4c, neglect of duty in violation of departmental rule 8:1.4g and failure to conduct a thorough and complete investigation in violation of departmental rule 8:1.34.

In that notice, Union specified, in pertinent part, that on August 2, 2021, the appellant responded to a domestic violence call. Rather than assisting the victim by affording her the opportunity to sign a complaint or apply for a temporary restraining order, the appellant attempted to send the victim to another agency. Additionally, the notice claimed that the appellant failed to ask any specific questions regarding what occurred in the past and that the appellant failed to investigate the incident.

The PNDA sought discipline in the form of a ten-day suspension, and the appellant requested a departmental hearing.

On February 23, 2023, Union conducted a departmental hearing. The hearing officer rendered a decision sustaining all the charges.

A Final Notice of Preliminary Disciplinary Action (FNDA) dated June 29, 2023, sustained all the charges and suspended the appellant for ten days beginning on July 4, 2023, and ending on July 16, 2023.

On July 5, 2023, the appellant appealed the FNDA.

On July 19, 2023, the Civil Service Commission transmitted the case to the Office of Administrative Law (OAL) under the Administrative Procedure Act, N.J.S.A. 52:14B-1 to -15, and the act establishing the OAL, N.J.S.A. 52:14F-1 to -23, for a hearing under the Uniform Administrative Procedure Rules, N.J.A.C. 1:1-1.1 to -21.6.

I held prehearing conferences with the parties under N.J.A.C. 1:1-13.1 on September 7, 2023, December 6, 2023, and December 14, 2023, to discuss availability of dates for the hearing, the nature of the proceeding, the issues to be resolved, and any unique evidentiary problems. I permitted additional time for discovery, and I scheduled the hearing for March 19, 2024, and March 21, 2024. Counsel for the appellant requested an adjournment of the hearing dates. I granted the adjournment request and rescheduled the hearing for May 29, 2024, and May 31, 2024. Counsel for the appellant requested an adjournment of the hearing dates. I granted the adjournment request and rescheduled the hearing for September 4, 2024, and September 5, 2024.

The hearing was held on September 4, 2024, and September 5, 2024. At the request of the parties, I kept the record open for the receipt of transcripts and written summations.

On November 12, 2024, I received the written summations from the parties and closed the record. On December 27, 2024, I requested an extension of time to file my opinion. That request was approved.

DISCUSSION AND FINDINGS OF FACT

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

The appellant testified that he has been employed as a Police Officer with Union City since 2006. On August 2, 2021, the appellant, acting in his capacity as a Police Officer, responded to a call regarding domestic violence. The appellant testified that he

met with the victim, who did not seem scared or afraid and did not show any signs of injury. The appellant testified that the victim told him that she was the victim of an abusive relationship while she resided with her boyfriend in West New York, New Jersey approximately three to four years prior to her call to Police on August 2, 2021. Additionally, the appellant testified that the victim informed the appellant that she wished to document the abusive relationship because she was involved in a civil case against her former boyfriend. The appellant testified that he directed the victim to contact the West New York Police Department. The appellant acknowledged that he did not advise the victim of her right to seek a temporary restraining order because she was not under duress or imminent threat. The appellant testified that he did not advise the victim of her right to seek a criminal complaint because the statute of limitations for a simple assault had passed. Additionally, the appellant acknowledged that he did not review a victim witness form with the victim. The appellant admitted that if he responded to a call like this again, he would handle it differently. The appellant testified that in such a situation he would advise the victim of the right to sign a criminal complaint and apply for a restraining order. The appellant admitted that he violated the department's domestic violence policy but that he testified that a ten-day suspension was excessive and should be lowered.

The appellant prepared a report about the incident which was introduced into evidence as J-3. That report was reviewed by then Sgt., and now Lt. Rengel as part of Lt. Rengel's supervisory responsibilities. Lt. Rengel testified that the appellant's report about the incident did not contain information that should be included in domestic violence incident reports such as the basis for the complaint or any description about what specifically occurred during the abusive relationship between the victim and her former boyfriend. Additionally, Lt. Rengel testified that the appellant is an experienced police officer who should be aware of how to investigate a domestic violence incident and prepare a report. Additionally, a document introduced into evidence as J-12 shows that the appellant was trained on how to respond to domestic violence incidents as he completed the police department's annual training on domestic violence in 2016, 2017, 2018, 2019, 2020, and 2021. There was testimony from Captain Bergbauer that this training included a review of the Attorney General guidelines on domestic violence. Additionally, the appellant testified that he was experienced in responding to domestic violence incidents as he regularly responded to domestic violence calls as part of his

responsibilities as a police officer. The appellant estimated that he could be dispatched on up to ten domestic violence calls a week.

Lt. Rengel testified that he reviewed footage of the appellant's interaction with the victim that was retrieved from the appellant's body worn camera (BWC). This footage was also played during the hearing and was introduced into evidence as J-13. The BWC documented that the victim told the appellant that there were a few instances of domestic violence during her relationship with her former boyfriend. Additionally, the BWC confirmed the relationship ended three to four years ago that there had not been any recent instances of domestic violence because the victim left the relationship. The BWC recorded the appellant asking the victim why she didn't seek to file a report or a complaint in West New York and the victim responding that she was informed she could do so in the municipality where she resides. On the BWC, the appellant directed the victim to sign a complaint in West New York. Additionally, on the BWC, the appellant told the victim that he was going to complete a report to assist the victim. An officer at the scene attempted to provide the appellant with a victim's rights form which the appellant said he did not need. The appellant did not provide the victim with any information regarding services for victims of domestic violence. After Lt. Rengel finished reviewing the BWC, he recommended to the Chief of Police that the Appellant receive enhanced supervision and additional training on how to handle domestic violence incidents.

On August 7, 2021, Lt. Rengel ordered the appellant to speak to the victim again and to further investigate the incident. Per the appellant's supplemental report, introduced into evidence as J-4, the appellant met with the victim later that same day. The victim related that there were multiple domestic violence incidents involving her boyfriend that occurred three to four years ago. The appellant advised the victim that she had the right to sign a criminal complaint and file a restraining order against her former boyfriend. Additionally, the appellant reviewed a victim witness form with the victim and the victim signed the form. The victim told the officer that she would go to the Union City Police Department and sign a criminal complaint once she was able to find a babysitter for her children. Later in the same day, Lt. Gason directed the appellant to again follow up with the victim. As a result, the appellant responded to the victim's residence to determine if she needed any assistance in responding to headquarters to sign a

complaint. The victim told the appellant that she was waiting for a family member to babysit her children. The victim stated that once that occurred, she would go to the Police Department. The victim went to the Police Department at around 8:00 p.m. on August 7, 2021. The victim signed a criminal complaint and applied for a temporary restraining order, which was denied. The victim was also provided with contact information for various support services.

Following Lt. Rengel's review of the appellant's interaction with the victim, the matter was referred to Captain Bergbauer, who led internal affairs at the time. Captain Bergbauer testified that as part of his investigation into the matter, he reviewed the appellant's BWC and Lt. Rengel's findings. Additionally, Captain Bergbauer testified that he concurred with Lt. Rengel's findings about the appellant's insufficient investigation of the domestic violence incident. Captain Bergbauer testified that all officers in the department receive annual training on Attorney General Guidelines. Captain Bergbauer also testified that the department's domestic violence policy incorporates the Attorney General's guidelines on domestic violence. Captain Bergbauer testified that the department's policy on domestic violence was in effect on August 2, 2021.

Evidence of the appellant's disciplinary history was introduced as J-11 and is summarized below. In 2007, the appellant had four sustained violations. The most serious sustained violation that the appellant received in 2007 was excessive force for which the appellant received a five-day suspension. In 2008, the appellant received one sustained violation for failing to timely complete reports for which the appellant received an oral reprimand. In 2010, the appellant received one sustained violation for excessive absenteeism for which he received an oral reprimand. In 2012, the appellant received two sustained violations. One violation was for failing to timely complete reports for which the appellant received a written reprimand. The second violation was for failing to turn off his patrol car for which the appellant received an oral reprimand. In 2013, the appellant had three sustained violations. The most serious sustained violation that the appellant received in 2013 was failing to obey a lawful instruction for which the appellant received a performance notice. In 2014, the appellant had three sustained violations. The most serious sustained violation that the appellant received in 2014 was for being inside his vehicle while being assigned to a walking post for which he received a written reprimand.

In 2015, the appellant had two sustained violations. The most serious sustained violation that the appellant received in 2015 was for being involved in a motor vehicle accident for which he received a two-day suspension. In 2017, the appellant had two sustained violations. The most serious sustained violation that the appellant received in 2017 was excessive absenteeism, for which the appellant received a written reprimand. In 2018, the appellant had two sustained violations. The most serious sustained violation that the appellant received in 2018 was a violation of departmental rules, for which the appellant received a twelve-day suspension. In 2020, the appellant had two sustained violations. The most serious sustained violation that the appellant received in 2020 was for a violation of departmental rules, for which the appellant received a five-day suspension. In 2021, prior to this case, the appellant received a four-day suspension for a violation of departmental rules.

DISCUSSION AND CONCLUSIONS OF LAW

Under the Civil Service Act, a public employee may be subject to major discipline for various employment-related offenses, N.J.S.A. 11A:2-6. In an appeal from a disciplinary action or ruling by an appointing authority, the appointing authority bears the burden of proof to show that the action taken was appropriate. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a). The authority must show by a preponderance of the competent, relevant and credible evidence that the employee is guilty as charged. Atkinson v. Parsekian, 37 N.J. 143 (1962); In re Polk, 90 N.J. 550 (1982).

Appellant's status as a police officer subjects him to a higher standard of conduct than ordinary public employees. In re Phillips, 117 N.J. 567, 576–77 (1990). Police Officers 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." Township of Moorestown v. Armstrong, 89 N.J. Super. 560 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966).

The appellant has been charged with violations of N.J.A.C. 4A:2-2.3(a)(3) inability to perform duties; and (12) other sufficient cause

The inability to perform duties charge in violation of N.J.A.C. 4A:2-2.3(a)(3) usually entails some type of impairment, either physical or psychological, that prevents an individual from performing their job. The charge has been upheld where the employee is too incompetent to execute his or her job responsibility. Klusaritz v. Cape May Cnty., 387 N.J. Super. 305 (App. Div. 2006) (removal of accountant who was incapable of preparing a bank reconciliation and was of no value to the county). This can also be a non-disciplinary type of charge, where the employer seeks to prove that an employee should be demoted or removed due to his physical, intellectual, or psychological inability to perform his duties. Rivera v. Hudson Cnty. Dept. of Corrections, CSR 06456-16, Initial Decision (October 24, 2016) <https://njlaw.rutgers.edu/collections/oal/>. Union offered no evidence or argument that the appellant was physically or psychologically impaired in some way and that impairment keep the appellant from performing his duties as a police officer. Accordingly, I **CONCLUDE** that Union has not met its burden of proof as to the charge of inability to perform duties and this charge must be **DISMISSED**.

The charge of other sufficient cause includes violations of policies and procedures established by the Union City Police Department. Those charges allege that the appellant violated the Union City Police Department's rules and regulations regarding inability to perform duties in violation of 8:1.4(c), neglect of duty in violation of 8.14(g) and failure to conduct proper, thorough and complete investigations in violation of 8:1.34.

The Union City Police Manual was admitted into evidence as R-5. Section 8:1.34 lists the offense of failure to conduct a proper, thorough and complete investigation and the proposed penalties for that offense. Union alleges that the appellant failed to follow the Attorney General Guideline regarding Police response procedures in domestic violence cases. Specifically, Union alleges that the appellant did not give a notice of rights to the victim and did not explain the notice of rights to the victim as required pursuant to N.J.S.A. 2C:25-23 which requires that a police officer advise a victim of available court actions. Pursuant to N.J.S.A. 2C:25-23 and the Attorney General guideline on domestic violence, a Police Officer who responds to an incident of domestic violence must advise the victim that the victim may file a domestic violence complaint alleging the defendant committed an act of domestic violence and asking for court assistance to prevent its

recurrence by asking for a temporary restraining court order (TRO) or other relief. Additionally, a Police Officer must advise victim of their right to sign a criminal complaint alleging the defendant committed a criminal act; or seek both a criminal complaint and make a request for a temporary restraining order. Based upon my review of the BWC and the appellant's admission during his testimony that he did not review a notice of rights with the victim, I **CONCLUDE** that Union has met its burden regarding a violation of departmental rule 8:1.34, appellant's failure to conduct a proper, thorough and complete investigation.

I **CONCLUDE** that Union has not met its burden of proof regarding a violation of the departmental rule of inability to perform duties based upon the reasons that I previously stated in addressing Union's failure to meet its burden of proof for the charge under N.J.A.C. 4A:2-2.3(a)(3). Additionally, I **CONCLUDE** that Union has not met its burden of proof regarding the departmental charges of inability to perform duties and neglect of duty as these violations are based upon the same conduct that has been addressed under the sustained violation of departmental rule 8:1-3.4, appellant's failure to conduct a proper, thorough and complete investigation.

Based upon my earlier conclusion that Union met its burden of proof regarding a violation of departmental rule 8:1.34 based upon appellant's failure to conduct proper, thorough and complete investigation, I **CONCLUDE** that Union has met its burden of proof under N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause.

The next question is the appropriate level of discipline that the appellant should face. A progressive discipline system has evolved in New Jersey to provide job security and protect employees from arbitrary employment decisions. Progressive discipline is an appropriate analysis for determining the reasonableness of the penalty. See West New York v. Bock, 38 N.J. 500, 523–24 (1962). 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. In re Carter, 191 N.J. 474, 484 (2007) (quoting In re Polk, 90 N.J. 550, 578, (1982) (internal quotes omitted)). Indeed, bypassing progressive discipline occurs only when the misconduct is severe, rendering 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).

Union imposed a ten-day suspension, but I **CONCLUDE** that the appellant should receive a lesser penalty under a progressive discipline analysis. As counsel for the appellant argued, the domestic violence call that the appellant responded to was atypical. The victim was not under duress when she met with the appellant. She advised the appellant that she was no longer in an abusive relationship and that the abusive conduct occurred in West New York some years ago. Additionally, both Captain Bergbauer and Lt. Rengel testified favorably about the appellant's service as a Police Officer. Captain Bergbauer credited the appellant for his longevity with the Police Department as the appellant has been employed as a Police Officer with Union City since 2006. Lt. Rengel stated that the appellant is a reliable officer who comes to work and does his job. Captain Bergbauer and Lt. Rengel also provided testimony that was favorable to the possibility of a lesser penalty being imposed upon the appellant. According to Captain Bergbauer, the ten-day suspension that was imposed by Union was appropriate based upon the seriousness of the charge of an inability to perform duties. However, if the sustained charge was not based upon an ability to perform duties but was based instead upon the violation of a departmental rule, Captain Bergbauer would recommend a suspension of only between three and five days. Lt. Rengel testified that the appellant should receive no suspension at all. Instead, Lt. Rengel opined that the appellant should receive enhanced supervision and additional training on how to properly respond to domestic violence incidents. I do not agree with Lt. Rengel's opinion that enhanced supervision, and increased training is a sufficient penalty. I **CONCLUDE** that a suspension is necessary based upon the appellant's misconduct and the length of his disciplinary history. However, I **CONCLUDE** that a ten-day suspension is excessive.

For those reasons, I **CONCLUDE** that a six-day suspension strikes a balance between appellant's misconduct, respondent's need to ensure compliance with its policies, and the public interest.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that the appellant's appeal is denied and that a six-day suspension is imposed.

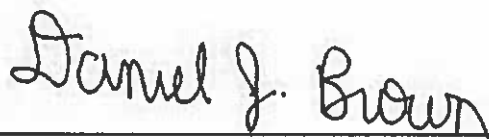
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

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. 52:14B-10.

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 3, 2025

DATE



DANIEL J. BROWN, ALJ

Date Received at Agency:

January 3, 2025

Date Mailed to Parties:

January 3, 2025

dr

APPENDIX

Witnesses

For Appellant:

Juan Estrella

For Respondent:

Captain Bergbauer

Lt. Rengel

Exhibits

Joint:

- J-1a PNDA dated 8/19/21
- J-1b FNDA dated 6/29/23
- J-2 CAD incident report dated 8/2/21
- J-3 Union County PD Incident Report dated 8/2/21
- J-4 Union County PD Incident Report dated 8/7/21 at 9:00
- J-5 Union County PD Incident Report dated 8/7/21 at 14:31
- J-6 Union County PD Incident Report dated 8/7/21 at 20:23
- J-7 Memo re: IA Compliant from Sgt. Rengel dated 8/7/21
- J-8 Internal Investigation Report dated 8/11/21
- J-9 Supervisory Review of Digital Video/ Audio Recordings dated 8/2/21
- J-10 IA Investigation Disposition Recommendation 8/12/21
- J-11 Internal Affairs History
- J-12 Domestic Violence Course Training
- J-13 BWC dated 8/2/21
- J-14 BWC 3715 Palisade Ave dated 8/8/21
- J-15 BWC 2nd video of 3715 Palisade Ave dated 8/8/21
- J-16 BWC 3715 Palisade Ave dated 8/7/21
- J-17 BWC 2nd video of 3715 Palisade Ave dated 8/7/21
- J-18 BWC Summit Ave dated 8/7/21

J-19 Not in evidence

For Appellant:

None

For Respondent:

R-1 Not in evidence

R-2 Not in evidence

R-3 Not in evidence

R-4 Not in evidence

R-5 Police Manual

R-6 Equipment receipt form