



STATE OF NEW JERSEY

In the Matter of Michael Cantone,
Newark, Department of Public Safety

CSC Docket No. 2024-1152
OAL Docket No. CSV 07646-24

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

ISSUED: SEPTEMBER 10, 2025

The appeal of Michael Cantone, Identification Officer, Newark, Department of Public Safety, 10 working day suspension, on charges, was heard by Administrative Law Judge Andrea Perry Villani (ALJ), who rendered her initial decision on July 17, 2025. 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 (Commission), at its meeting on September 10, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the 10 working day suspension.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore upholds that action and dismisses the appeal of Michael Cantone.

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 10TH DAY OF SEPTEMBER, 2025

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
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 07646-24

AGENCY DKT. NO. 2024-1152

**IN THE MATTER OF MICHAEL CANTONE,
CITY OF NEWARK, DEPARTMENT OF PUBLIC
SAFETY**

George Cotz, Esq., for appellant, (The Law Firm of Lydia Cotz, attorney)

Rexton Gordon, J.D., for respondent, (Department of Law, Labor Section)

Record Closed: July 7, 2025

Decided: July 17, 2025

BEFORE **ANDREA PERRY VILLANI**, ALJ:

STATEMENT OF THE CASE

On January 8, 2020, appellant, Michael Cantone, Investigative Officer for respondent, City of Newark, Department of Public Safety, was disrespectful, rude, and insolent with a superior officer when he argued with him and approached him aggressively. Did Cantone commit insubordination? Yes. In the Department of Public Safety, insubordination is any disrespectful, mutinous, insolent, or abusive language or action directed toward a superior officer.

PROCEDURAL HISTORY

On March 12, 2020, Newark served Cantone with a Preliminary Notice of Disciplinary Action (PNDA). In its notice, Newark alleged that on January 8, 2020, Cantone disrespected a superior officer and disobeyed an order to submit an administrative report at the end of his shift in violation of Newark Police Division Rules and Regulations 18:8, "Insubordination," and 18:14, "Disobedience."

On October 31, 2023, Newark conducted a departmental hearing.

On November 8, 2023, Newark issued a Final Notice of Disciplinary Action (FNDA) sustaining the charges in the PNDA and suspending Cantone for ten days.

On November 15, 2023, Cantone appealed the FNDA.

On December 19, 2023, the Civil Service Commission transmitted the case to the Office of Administrative Law (OAL) as a contested case 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.

On June 4, 2025, and June 30, 2025, I conducted the hearing. On July 7, 2025, Newark submitted a copy of its Police Division Rules and Regulations, and I closed the record upon receipt.

DISCUSSION AND FINDINGS OF FACT

Cantone has worked for the City of Newark since 2013. He is an Investigative Officer in the Crime Scene Unit. Cantone processes crime scenes for Newark Police by visiting the crime scenes and collecting evidence.

On January 8, 2020, Cantone was working a normal eight-hour shift. He was scheduled to work from 11:00 p.m. on January 8th until 7:00 a.m. on January 9th. He

“punched in” at Crime Scene Unit headquarters a little before 11:00 p.m. on January 8, 2020, and went to his desk and opened his computer.

Meanwhile, fellow Investigative Officer Roderick Brown learned of a shooting. Brown was working a crime scene with Sergeant Wyhidi Wilson when dispatch called about the shooting. Wilson asked Brown to respond. Brown, however, was at the end of a sixteen-hour overtime shift, so Wilson changed his order. He told Brown to go back to headquarters, inform the Crime Scene Unit about the shooting, and ask someone else to assist.

Brown did indeed return to headquarters, and he spoke with the other investigative officers working that night. Officer Stephanie Coleman was processing a weapon and told Brown that she could not respond to the shooting. Officer Justin Dickerson had just come back from another assignment so he told Brown that he could not respond either. Brown went to Cantone. Brown advised Cantone that there was a shooting, and he had to respond. Cantone, who had just started his shift, said, “Well, they’re going to have to wait.”

According to Dickerson, Wilson arrived at headquarters soon after Brown, and Wilson also spoke to each investigator about responding to the shooting. Wilson spoke to Dickerson, then Coleman, and then Brown. Finally, Wilson spoke to Cantone, who worked in an office near the back and around a corner. When Wilson went into Cantone’s office, Dickerson didn’t see or hear anything until Wilson and Cantone came back around the corner. Dickerson heard someone say, “Are you walking up on me?” and someone else say, “Are you threatening me?” Dickerson was not sure who said what to whom, but when he turned to look, Cantone and Wilson were face to face in a confrontation.

Cantone’s version of the events was confusing. First, Cantone testified that Brown notified him by saying, “Mike there’s a shooting”; but later, Cantone testified that Brown only said, “There’s a call coming in.” Cantone testified that his response to Brown was, “No problem, I’ll handle it,” yet Cantone did not take any immediate action. Cantone testified that Wilson then came into his office, and the conversation was

“normal.” Yet, Cantone also testified that, moments later, Wilson returned to his office “yelling and screaming”: “You’re not going to the job!”

Cantone described the confrontation. He testified that as he and Wilson walked out of the office along with Karima Hannibal, another Investigative Officer, Wilson “stopped and bumped” Cantone. Cantone testified that he said to Wilson, “Are you kidding me? Are you threatening me?” Cantone further testified that Wilson said a few things back to him, which Cantone could not recall, then Wilson “came after me again.” Cantone did not explain how Wilson “came after” him but testified that Wilson said, “This is never going to happen again,” and that Brown jumped up yelling, “I told all of you about the job and nobody wanted to go!” Finally, Cantone testified that Wilson told Brown to “cut it out” and that Wilson said to him and Brown, “I want Administrative Reports from both of you.”

Hannibal corroborated some of Cantone’s testimony, but her recollections of the incident were inconsistent. For example, back on January 19, 2020, Hannibal reported to Lieutenant John Patela that Wilson “exited the office...Cantone and I proceeded behind him in that order.” (R-9.) Then, on September 4, 2020, she told Sergeant John Neves that Cantone “was walking to the exit...with Sergeant Wilson behind him, and she behind Sergeant Wilson.” (R-4.) Then, at trial, Hannibal said she could not recall who was in front. Yet, she also stated at trial, “I had to go past him [Cantone] to grab the Sergeant.” If Hannibal “had to go past” Cantone to grab Sergeant Wilson, Wilson was obviously in front.

Hannibal’s testimony was inconsistent in other ways as well. Hannibal testified that she did not recall being interviewed by Patela, but when counsel showed her Patela’s report, Hannibal claimed that she did not know it was a “formal interview.” Also, when counsel showed Hannibal her own written report to Patela, Hannibal testified, “That’s one of them...that’s one report that I submitted,” implying that she wrote a second report; but later, Hannibal testified that there was a second page, not a second report. Hannibal claimed that the second page was missing. Yet, the one-page report appears to be a complete report, as Hannibal signed the page at the end of the narrative.

Wilson's testimony included more detail of the discussion between him and Cantone. Wilson went to Cantone's office and asked Cantone if he was aware that he was needed at the crime scene. Cantone said "yes," but he was waiting for a call to respond. Wilson said, "There's no need to wait for a call because you are aware and I need you to respond." Cantone didn't move. Wilson said, "I'm a supervisor of the Shooting Response Team, and I'm telling you your services are needed." Cantone said, "Can't you see I'm logging into my computer?" Wilson asked if Cantone had his radio. Cantone motioned toward the radio, but Wilson observed that the radio was off. Wilson then directed Cantone to submit a report regarding his undue delay in responding to the shooting. Cantone said, "Yea, you'll get it." As Wilson walked away, Cantone jumped up and walked closely behind him. Wilson said not to follow him so closely, stopped short, and they collided. Cantone said, "All he had to do is call the office!" Brown argued back, and Wilson told both to get him a report.

Wilson also testified about the importance of crime scene investigators responding immediately to a shooting. When a shooting occurs, first responders tape off the crime scene to prevent people from entering and contaminating the crime scene. When a shooting occurs in a residential area, sometimes officers must tape off one or more homes. Wilson recalled that the shooting on January 8, 2020, occurred on a residential block in front of a multi-family home. He said that there were many people trying to get on that block and into their homes. Wilson also remembered that it was cold out that night.

Although Wilson and Cantone disagree on much of what happened on January 8, 2020, they agree that Wilson directed Cantone to submit a report by the end of his shift. That day, Cantone's shift ended at 7:00 a.m. on January 9.

Lieutenant Barry Baker, Cantone's direct supervisor, testified that Cantone did not submit the report before the end of his shift. When Baker arrived at headquarters in the late morning of January 9, there was nothing in his mailbox. Baker then called Cantone at around 2:00 p.m., and Cantone texted him a PDF copy of the report. (R-7). Baker explained that, except on this one occasion, he has never received a report by

text, and text is not the proper way to submit a report. Cantone didn't submit the hard copy of the report to Baker until the next day, January 10.

Cantone maintains that he submitted the report before the end of his shift. Cantone testified that he left the report in Baker's mailbox on his door at 1:54 a.m. on January 9. To prove this at hearing, Cantone submitted a photo of an envelope in Baker's mailbox. (P-1.) Cantone stated that his report was inside the envelope.

Cantone's photo, however, is not reliable. The date and time, "January 9, 2020 1:54 AM," appears at the top of the picture. Cantone could not explain how the date and time got there. Additionally, Cantone's picture of the report looks very different from the other picture he submitted as evidence. Cantone testified that at the same time he took the picture of the report in Baker's mailbox (P-1), he also took a picture of the Crime Scene Unit Logbook (P-2). Cantone stated that he took both pictures with his phone and both pictures were printed by the "Verizon rep." Yet, the logbook picture is a screenshot from Cantone's phone, reflecting the date and time on the phone screen. The picture of the report is not a screenshot. Someone added the date and time to the picture of the report. Cantone could not explain why the pictures are so different.

Strangely, Cantone did not show Baker the picture of the report in his mailbox when Baker questioned him. Baker called Cantone around 2:00 p.m. on January 9 to ask him why he didn't submit the report, and Cantone texted Baker a PDF copy of the report. (R-7.) He did not text Baker the picture of the report in his mailbox. Cantone purportedly took the picture as proof that he submitted the report; but, when Baker didn't get the report, Cantone did not show him the picture. When I asked Cantone why he didn't show Baker the picture, he said, "I have no idea. I can't even say."

In addition to the photos, Cantone maintains that video evidence supports his version of events on January 8, 2020. More specifically, Cantone believes that a security camera in the Crime Scene Unit captured his altercation with Wilson. Newark didn't produce any videos in discovery, so Cantone alleges that Newark either lost or destroyed the surveillance video.

Yet, two investigating officers confirmed that no surveillance video of the incident on January 8, 2020 ever existed. The first investigating officer, Patela, reviewed the January 8, 2020 surveillance footage from the Crime Scene Unit. He wrote in his report (R-3) and testified at trial that the footage did not show anything because the camera was “off view.” Patela testified, “there is video of the office where the evidence locker was but no video of where the incident took place.” Patela further testified, “I did review the video and again the video did not show any part where this incident took place.”

The second investigating officer, Neves, testified that the retention period for surveillance footage is only thirty days and video is only preserved when footage shows something relevant. This video was not preserved because it showed nothing relevant. Neves also visited the location of the incident during his investigation, had a detailed recollection of the area at trial, and confirmed that there was no security camera recording the area where the confrontation occurred.

To support his allegation that video evidence does exist, Cantone called Investigative Officer George Napoleon. Napoleon did not witness the incident on January 8, 2020. He only testified that six years ago in 2019, a colleague named Jackie Moton showed him surveillance footage on her phone that showed the area where Cantone and Wilson had their confrontation. Napoleon did not claim to see footage of the confrontation or any surveillance footage from 2020. Napoleon also did not explain who Moton is, why she had security footage on her phone, or why she showed it to him.

Given this discussion of the facts, including the unreliability of Cantone’s and Hannibal’s testimony, I **FIND** that on January 8, 2020, Brown told Cantone to respond to a shooting, but Cantone did not immediately respond, so Wilson went to the Crime Scene Unit to follow up. Wilson spoke to Cantone in his office and told him to respond. Cantone argued with Wilson, stating that he was waiting for a call. Cantone was agitated and closely followed Wilson out of his office, causing the two to collide when Wilson stopped short. Wilson said, “Are you walking up on me?” and Cantone replied, “Are you threatening me?” Wilson told Cantone to submit a report by the end of his shift on January 9, 2020, but Cantone didn’t submit a hard copy of the report until January 10, 2020. In short, Cantone was disrespectful, rude, and insolent with a superior officer

when he argued with him and approached him aggressively as well as disobedient when he failed to submit a timely report.

CONCLUSIONS OF LAW

Public employees' rights and duties are governed and protected by the provisions of the Civil Service Act, N.J.S.A. 11A:1-1 to 12-6, and the regulations promulgated under the Act, N.J.A.C. 4A:1-1.1 to 4A:2-6.2. Public employees may be disciplined for a variety of offenses involving their employment, including the general causes for discipline as set forth in N.J.A.C. 4A:2-2.3(a).

N.J.A.C. 4A:2-2.3(a)(12) states that an employee may be subject to discipline for other sufficient cause. Other sufficient cause is considered a catchall category that addresses violations of department rules and policies. See In re Hairston, No. A-3758-17T4 (App. Div. March 26, 2019) (slip op. at 13).

Newark Police Division Rules and Regulations 18:14 states, "Department members shall not commit any act[,] nor shall they be guilty of any omission that constitutes disobedience of orders."

In this case, Cantone disobeyed Wilson's Order to submit an administrative report by the end of his shift on January 9, 2020. Cantone did not submit his report until several hours after his shift when he texted it to Lieutenant Baker. As such, the report was submitted late, and it was submitted improperly. Cantone didn't submit a hard copy of the report until January 10, 2020, one full day after his shift ended. Thus, I **CONCLUDE** that Cantone disobeyed Wilson in violation of Newark Police Rule 18:14.

Newark Police Division Rules and Regulations 18:8 states that "Department members shall not commit any act[,] nor shall they be guilty of any omission that constitutes insubordination." The Regulations define insubordination as the "willful disobedience of any Order lawfully issued by a superior officer, or any disrespectful, mutinous, insolent, or abusive language, or action directed toward a superior officer." (J-2.)

In this case, Cantone was disrespectful and rude to Wilson, a superior officer. Wilson told Cantone to respond to a crime scene, but Cantone did not immediately respond and instead argued with Wilson, maintaining that dispatch or Brown should have called him. Cantone was agitated and followed Wilson out of the office in an aggressive manner. Indeed, Cantone followed Wilson so closely that they collided when Wilson stopped short. When Wilson asked, "Are you walking up on me?" Cantone escalated the situation by responding, "Are you threatening me?" Wilson did not threaten Cantone in any way, making Cantone's comment insolent, at best. Thus, I **CONCLUDE** that Cantone committed insubordination in violation of Newark Police Rule 18:8.

PENALTY

Once a determination is made that an employee has violated a statute, regulation or rule concerning his employment, the concept of progressive discipline must be considered. W. New York v. Bock, 38 N.J. 500 (1962). However, 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, 580 (1980). Indeed, progressive discipline may 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).

In this case, Cantone has no major discipline in his disciplinary record as he only received an oral reprimand in 2018 for disobedience of Orders. Cantone's actions on January 9, 2020, however, warrant suspension. Prompt response to a shooting is critical for public safety, yet Cantone argued with his superior officer about responding, followed him so closely out of the office that they collided, and then accused the superior officer of threatening him. He also delayed in submitting his report about the incident. Therefore, I **CONCLUDE** that Cantone must be suspended for ten days.

ORDER

Given my findings of fact and conclusions of law, I **ORDER** that Cantone is suspended for ten days without pay.

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 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 becomes 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, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. 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.



July 17, 2025

DATE

ANDREA PERRY VILLANI, ALJ

Date Received at Agency:

July 17, 2025

Date Mailed to Parties:

July 17, 2025

sej

APPENDIX

WITNESSES

For Petitioner:

Michael Cantone
George Napoleon

For Respondent:

Roderick Brown
Justin Dickerson
Barry Baker
John Patela
John Neves
Wyhidi Wilson

EXHIBITS

Joint:

J-1 General Order for Crime Scene Investigators
J-2 Newark Police Division Rules & Regulations

For Petitioner:

P-1 Photo of Envelope
P-2 Photo of Logbook

For Respondent:

R-1 Final Notice of Disciplinary Action

- R-2 Preliminary Notice of Disciplinary Action
- R-3 Investigative Findings from 2/10/20
- R-4 Investigative Findings from 12/21/20
- R-5 FNDA Specifications
- R-6 Disciplinary History
- R-7 Cantone's Administrative Submission dated 1/8/20
- R-9 Hannibal's Administrative Submission dated 1/19/20