



STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matters of Christopher
Massey, Borough of Bergenfield,
Police Department

CSC Docket Nos. 2025-1930 and
2025-2220
OAL Docket Nos. CSV 05612-25 and
CSV 07722-25

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ISSUED: July 13, 2026

The appeals of Christopher Massey, a Deputy Police Chief with the Borough of Bergenfield, Police Department, of his 10 and 60 working day suspensions, on charges, was heard by Administrative Law Judge Bindi Merchant (ALJ), who rendered her initial decision on May 28, 2026.¹ Exceptions were filed by the appointing authority and a reply was filed by the appellant.²

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, including a thorough review of the exceptions and reply filed by the parties, the Civil Service Commission (Commission) at its meeting of July 1, 2026, accepted and adopted the Findings of Fact and Conclusions of Law as contained in the ALJ's initial decision and her recommendation to dismiss the charges related to the 10 and 60 working day suspensions as having violated *N.J.S.A. 40A:14-147*.

¹ In her initial decision the ALJ also ordered that an appeal (CSC Docket No. 2025-167) of a third suspension, of 45 working days, be scheduled for a hearing as there was no violation of *N.J.S.A. 40A:14-147* for those charges. These matters have been bifurcated, and separate decisions are being issued as the appeal of the 45 working day suspension is being remanded to the Office of Administrative Law. See *In the Matter of Christopher Massey, Borough of Bergenfield, Police Department* (CSC, decided July 1, 2026) (Commission ordered a remand for a hearing on charges related to the appellant's 45 working day suspension to be scheduled).

² The suspensions were not served.

Initially, the Commission does not agree with the appointing authority's exceptions that argue that the appellant waived his right to assert a violation of *N.J.S.A. 40A:14-147*. In this regard, the ALJ found:

Here, [the appointing authority] argues that [the appellant] has not timely raised the forty-five-day rule. [The appointing authority] argues that [the appellant] should have raised the forty-five-day rule either at the time of the charges, upon receipt of disposition letters, when he requested a hearing, or by seeking interim relief. Instead, [the appellant] raised the forty-five-day rule in *N.J.S.A. 40A:14-147* in his motion for summary decision. Since the "forty-five-day" rule is considered analogous to the statute of limitations, [the appellant] has not waived the forty-five-day rule as he has brought this affirmative defense in his motion for summary decision.

Furthermore, regarding the testimony of the parties and the ALJ's assessment of their credibility in determining the facts, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 *N.J.* 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 *N.J.* 644 (1999) (quoting *State v. Locurto*, 157 *N.J.* 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri v. Public Employees Retirement System*, 368 *N.J. Super.* 527 (App. Div. 2004). The Commission finds no persuasive evidence in the record to demonstrate that the ALJ's credibility determinations, or her findings and conclusions based on those determinations, were arbitrary, capricious, or unreasonable. Accordingly, the Commission finds nothing in the record to question those determinations or the findings and conclusions made therefrom.

Moreover, the Commission agrees with the ALJ's analysis with respect to each suspension. Regarding the 10 working day suspension, the ALJ found:

[The appointing authority] argues that Chief Rabbah did not possess sufficient information to determine the appropriate disciplinary penalty and sought an independent recommendation from Judge Klein. Case law indicates that the forty-five-day rule starts when the person filing the complaint has sufficient notice of the conduct underlying the

disciplinary charges, not regarding the penalty. Chief Rabbah was able to sustain the complaint on January 18, 2024, and a PNDA should have been issued within forty-five days after. If he wanted to wait for Judge Klein's recommendations on penalty, he could have issued the PNDA with "TBD" written for the penalty portion or even left the penalty blank. Instead, the PNDA was served on May 31, 2024. Therefore, the forty-five-day rule was violated, and the ten-day suspension is dismissed for untimeliness under the statute.

Regarding the 60 working day suspension, the ALJ found:

There is no current case law that explicitly states whether the forty-five-day rule applies to the [Attorney General's Internal Affairs Policy and Procedures (IAPP)]. As the name suggests, these are "guidelines," not statutory violations but more aligned with policy violations, similar to internal departmental policies. The forty-five-day rules only apply to "charges of violations of departmental rules and regulations." [*In the Matter of Telina Hairston, City of East Orange* (CSC, decided February 8, 2017)]. See also *McElwee*, 400 N.J. Super. at 394. Thus, the forty-five-day rule would apply to the AG Guidelines.

Additionally, as persuasively argued by the appellant in his reply, the IAPP govern agency conduct. The appellant also highlights that the appointing authority adopted the IAPP guidelines via a general order, which is part of the Police Department Policy and Procedure, and Chief Rabbah acknowledged this.

Finally, it is noted that the appellant, in his reply, requests an award of reasonable counsel fees and costs incurred in defending against disciplinary charges that were commenced in violation of the mandatory filing requirements of *N.J.S.A.* 40A:14-147. The Commission agrees that, under the circumstances, the appellant should receive this relief. Therefore, since the 10 and 60 working day suspensions have been dismissed, the appellant is entitled to reasonable counsel fees only for these dismissed suspensions pursuant to *N.J.A.C.* 4A:2-2.12. The Commission notes, however, under no circumstances should counsel fees for these two matters exceed two-thirds of the total counsel fees for all three matters (*i.e.*, the 45, 10, and 60 working day suspensions) incurred up to the issuance of this decision.

This decision resolves the dispute between the parties concerning the 10 and 60 working day suspensions imposed by the appointing authority. However, per the decision of the Superior Court of New Jersey, Appellate Division, *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision with respect to these two suspensions will not become final until any outstanding issues concerning counsel fees are finally resolved.

ORDER

The Civil Service Commission finds that the actions of the appointing authority in imposing the 10 and 60 working day suspensions were in violation of *N.J.S.A.* 40A:14-147 and dismisses these charges.

The Commission also orders reasonable counsel fees pursuant to *N.J.A.C.* 4A:2-2.12. However, under no circumstances should counsel fees for these matters exceed two-thirds of the total counsel fees for all three matters incurred up to the issuance of this decision.

An affidavit in support of reasonable counsel fees 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:2-2.12, the parties shall make a good faith effort to resolve any dispute as to the amount of counsel fees.

The parties must inform the Commission, in writing, if there is any dispute as to counsel fees 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 these matters shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 1ST DAY OF JULY, 2026

Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NOS. CSV 10704-24, CSV
05612-25, and CSV 07722-25
AGENCY DKT. NOS. 2025-167, 2025-
1930, and 2025-2220
(CONSOLIDATED)

**IN THE MATTER OF
CHRISTOPHER MASSEY,
BOROUGH OF BERGENFIELD
POLICE DEPARTMENT.**

Marcia J. Mitolo, Esq., for appellant Christopher Massey (Limsky Mitolo,
attorneys)

Sabrina R. Santamaria, Esq., and John L. Shahdanian II, Esq., for respondent
Borough of Bergenfield Police Department (Trenk Isabel Siddiqi &
Shahdanian, P.C., attorneys)

Record Closed: April 15, 2026

Decided: May 28, 2026

BEFORE BINDI MERCHANT, ALJ:

STATEMENT OF THE CASE

Respondent, Bergenfield Police Department (Bergenfield) charged appellant, Christopher Massey, within forty-five days of receiving the investigative report, noting internal rules violations addressed in CSV 10704-24, but charged him more than forty-five days after for additional violations in CSV 05612-25 and CSV 07722-25. Is dismissal warranted? Yes, but only for charges under CSV 05612-25 and CSV 07722-25. An employer must file charges within forty-five days of having sufficient information that an employee violated internal rules and regulations. N.J.S.A. 40A:14-147.

PROCEDURAL HISTORY

On October 23, 2023, respondent issued the first Preliminary Notice of Disciplinary Action (PNDA), Internal Affairs (IA) 23-07, CSV 10704-24, setting forth the charges made against Massey. Massey was charged with violations of the Bergenfield Police Department (BPD) Policy and Procedure O-G 469 and violations of the BPD Rules and Regulations: 2.1.3(2); 2.1.3(5); 3.1.11; 3.7.17(10); and 3.7.17(11). Massey requested a departmental hearing, and the first part of the hearing was held on April 11, 2024. Massey waived his right to the remainder of the hearing. On July 12, 2024, respondent issued a Final Notice of Disciplinary Action (FNDA), sustaining the charges in the PNDA and suspending Massey for forty-five days. Thereafter, Massey appealed this disciplinary action with the Office of Administrative Law (OAL).

On May 31, 2024, respondent issued a second PNDA, IA 23-12, CSV 05612-25, charging appellant with violations of BPD Policy and Procedure CA 105 and violations of the BPD Rules and Regulations 1.4.31 (Neglect of Duty); 2.1.2 (Deputy Chief of Police); 2.1.2 (Supervisory Officer); 3.1.8 (Performance of Duty); 3.1.11 (Obedience to Law and Rules); 3.1.14 (Insubordination); and 3.7.5 (Work Expectation). Massey initially requested a hearing, which was scheduled for November 22, 2024, which he later waived. On March 14, 2025, respondent issued an FNDA, sustaining the charges in the PNDA and

suspending Massey for ten days. Thereafter, Massey appealed this disciplinary action with the OAL.

On October 30, 2024, respondent issued a third PNDA, IA 24-05, CSV 07722-25, charging him with violations of the Attorney General (AG) Internal Affairs Policies and Procedures 1(h) (Notification to the County Prosecutor); 5.1.8 (Accepting Reports of Officer Misconduct); 6.3.2 (Investigation and Adjudication of Serious Complaints); and 9.6.1 (Confidentiality) and violations of the BPD Rules and Regulations 2.1.3 (Police Officers); 3.1.8 (Performance of Duty); 3.1.11 (Obedience of Law and Rules); and 3.4.1. (Release of Information). Massey initially requested a hearing and later waived his right to a hearing on March 26, 2025. On April 3, 2025, respondent issued an FNDA, sustaining the charges in the PNDA and suspending Massey for sixty days. Thereafter, Massey appealed this disciplinary action with the OAL.

The matters were transmitted to the OAL, where they were filed on August 2, 2024, March 28, 2025, and April 30, 2025, respectively, for hearing as contested cases under N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. On May 13, 2025, I issued an order to consolidate the cases at the request of the parties.

I originally scheduled the hearing for September 30, October 1, October 2, and October 3, 2025. I granted an adjournment of these dates and allowed Massey to file a motion for summary decision. After the motion for summary decision was denied, the parties agreed to bifurcate the hearings and have a hearing limited to the forty-five-day rule. If necessary, a hearing on the merits will follow.

I conducted the hearing on the forty-five-day rule on February 25, 2026, and left the record open for post-hearing briefs. On April 15, 2026, I received post-hearing briefs and closed the record.

FINDINGS OF FACT

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

Forty-Five-Day Suspension; IA 23-07

In January 2022, Bergen County Administrator, Corey Gallow, learned that Massey recorded him during Massey's deposition in January 2022. The Bergen County Prosecutor's Office (BCPO) opened an investigation into Massey recording Borough Administrator Gallow, and this investigation was subsequently concluded on or about April 12, 2022. That same day, the BCPO advised Chief Mustafa Rabboh that Massey's recordings violated departmental policy and reminded him to file charges within forty-five days. That was the subject of IA Case #22-03. On May 15, 2023, Chief Rabboh served Massey a written warning regarding his recording of Administrator Gallow following the BCPO's investigation of him. That same day during a meeting between Massey and Chief Rabboh, Massey admitted to Chief Rabboh that he recorded Chief Rabboh and had additional recordings of Administrator Gallow, not just one that was the subject of the prior investigation. Afterwards, Chief Rabboh reached out to the BCPO to inform them that Massey had additional recordings. The BCPO told Chief Rabboh to have the IA department investigate this new case.

On June 6, 2023, Chief Rabboh opened IA Case #23-07. The IA investigation revealed that Massey recorded several conversations between 2019 and 2020 with employees of the Borough of Bergenfield and the BPD. On July 14, 2023, Massey was served interrogatories as part of the internal affairs investigation. On August 25, 2023, Massey answered the interrogatories and admitted to several recordings. On September 8, 2023, an investigative report was issued. After the investigative report was reviewed, Chief Rabboh sought a recommendation from Judge Harriet Klein (retired) regarding Massey's discipline. Chief Rabboh wanted Judge Klein to make the recommendation to shield himself and the borough from retaliation and bias claims since Massey had already filed lawsuits against the borough. Chief Rabboh made the decision to impose the

discipline recommended by Judge Klein. On October 23, 2023, Massey was received a PNDA. This PNDA was issued forty-five days after the investigative report was issued. On July 12, 2024, Massey was issued an FNDA.

Chief Rabboh testified that the forty-five-day rule is mandatory, not discretionary, and there is no language in the statute that allows for a delay in deciding the level of discipline.

Ten-Day Suspension; IA 23-12

On July 17, 2023, Chief Rabboh opened IA Case #23-12 due to Massey's failure to supervise his subordinates. On January 12, 2024, an investigative report was issued. On January 16, 2024, Chief Rabboh was able to read and review the investigative report. On January 18, 2024, Chief Rabboh approved the recommendation in the investigative report to sustain charges. Chief Rabboh testified that after receiving the investigative report, he had sufficient information to file disciplinary charges. The investigative report identified findings of fact and policy violations. At this time, Chief Rabboh knew what the charges were going to be; however, he wanted Judge Klein's recommendations regarding penalty. On January 23, 2024, Chief Rabboh forwarded the IA packet to borough counsel and Judge Klein to review for disciplinary recommendation. On March 1, 2024, Chief Rabboh served Massey with a disposition letter stating that the IA investigation resulted in a sustained finding. The letter stated that the discipline would be determined, and Chief Rabboh would be waiting for Judge Klein's recommendation. On May 31, 2024, Chief Rabboh received the recommendation from Judge Klein on what penalty to impose. Chief Rabboh testified that Judge Klein made her recommendation outside the forty-five-day window. On May 31, 2024, Massey was issued a PNDA, 134 days after he knew what charges he was going to impose. On March 14, 2025, Massey was issued an FNDA.

Sixty-Day Suspension; IA 24-05

On April 22, 2024, Chief Rabboh opened IA Case #24-05 to investigate Massey's disclosure of IA matters to civilians. On July 31, 2024, an investigative report was issued. On August 1, 2024, Chief Rabboh was given the report and approved the

recommendation to sustain the investigation. On August 16, 2024, Chief Rabboh sent a disposition letter to Massey advising him that the charges against him had been sustained. On October 30, 2024, Massey was issued a PNDA, eighty-one days after Chief Rabboh received and approved the IA report. Massey was charged with violating Bergenfield Police Department internal policies and the A.G. Guidelines. On April 3, 2025, Massey was issued an FNDA. Chief Rabboh testified that he did not believe that the forty-five-day rule applied to the A.G. Guidelines.

LEGAL DISCUSSION

The Uniform Administrative Procedure Rules (UAPR) do not specifically address the pleading of an affirmative defense such as timeliness. Where the UAPR does not set forth a rule, “a judge may proceed in accordance with the New Jersey Court Rules.” N.J.A.C. 1:1-1.3(a). Per the New Jersey Court Rules, an affirmative defense must be pleaded or timely raised or else it is deemed waived. Pressler & Verniero, Current N.J. Court Rules, cmt 1.2.1 on R. 4:5-4 (2024); see Cole v. Jersey City Med. Ctr., 215 N.J. 265, 281 (2013); Brown v. Brown, 208 N.J. Super. 372, 384, (App. Div. 1986) (“It is well settled that an affirmative defense is waived if not pleaded or otherwise timely raised.”) (citing R. 4:6-7). The rules also deem “statute of limitations” to be an affirmative defense in the defendant’s answer or defendant’s motion for summary judgment. Fees v. Trow, 105 N.J. 330, 335 (1987); R. 4:5-4; see also Notte v. Merchs. Mut. Ins. Co., 185 N.J. 490, 500 (2006) (“The defense that a claim is time-barred must be raised by way of an affirmative defense, either in a pleading or by a timely motion, or it is waived.”); see also, In re Reyes, CSV 07433-16, Initial Decision (March 28, 2017), <https://njlaw.rutgers.edu/OAL/index.php>, adopted, Comm’r (May 4, 2017) (failure to object under the forty-five-day rule at the time charges were brought has been deemed a waiver of the timeliness objection.). The “requirement for the filing of the complaint under N.J.S.A. 40A:14-147 [the forty-five-day rule] is analogous to the running of the statute of limitations.” Grill v. City of Newark, 311 N.J. Super. 149, 157 (Law Div. 1997).

Here, respondent argues that Massey has not timely raised the forty-five-day rule. Respondent argues that Massey should have raised the forty-five-day rule either at the time of the charges, upon receipt of disposition letters, when he requested a hearing, or

by seeking interim relief. Instead, Massey raised the forty-five-day rule in N.J.S.A. 40A:14-147 in his motion for summary decision. Since the “forty-five-day” rule is considered analogous to the statute of limitations, Massey has not waived the forty-five-day rule as he has brought this affirmative defense in his motion for summary decision.

The forty-five-day rule, as it is commonly known, applies only to alleged violations of internal rules and regulations and not to the general causes for major discipline listed under N.J.A.C. 4A:2-2.3(a). McElwee v. Borough of Fieldsboro, 400 N.J. Super. 388 (App. Div. 2008). A complaint charging a violation of internal rules and regulations may be dismissed if an appointing authority unnecessarily delays an investigation or fails to file the complaint within forty-five days of obtaining sufficient information.

Both appellant and respondent cite Aristizibal v City of Atl. City, 380 N.J. Super. 405 (Law Div. 2005), where the court held that Atlantic City violated the forty-five-day rule under N.J.S.A. 40A:14-147 by failing to start an investigation into alleged violations of police department rules and regulations until seventy-two days after an incident in which over 100 police officers called out sick from work as part of a labor dispute. Aristizibal articulates the intent of the forty-five-day rule, which embodies underlying principles of sufficiency of information, reasonableness of delay, date of filing, and undue prejudice to the officer. Id. at 427–28.

The Appellate Division often applies the principles laid out in Aristizibal when interpreting forty-five-day rules in law enforcement discipline cases. In In re Farlow, a corrections lieutenant at Camden County Correctional Facility was terminated for conduct unbecoming and other sufficient cause for violating the facility’s rules of conduct under N.J.A.C. 4A:2-2.3(a). In re Farlow, CSR 01795-15, Initial Decision (June 13, 2016), adopted, Comm’r (August 15, 2016), <https://njlaw.rutgers.edu/OAL/index.php>. The lieutenant argued that the facility failed to adhere to the forty-five-day rule. Id. at 11. The ALJ noted that the forty-five-day rule is intended to prevent an appointing authority from “unduly and prejudicially delaying the imposition of disciplinary action.” Ibid. The statute permits an appointing authority to conduct a proper investigation using the “sufficient information” benchmark to begin the forty-five-day period. Ibid. An investigation can exceed forty-five days; however, the appointing authority needs to bring charges once it

has sufficient information to do so and forward the information “to the person responsible for filing the complaint.” Ibid. The ALJ found that there were no extraordinary circumstances or complicated events that resulted in the delay, and the delay “resulted from the investigatory process.” Id. at 12.

Here, there are three different PNDAs at issue.

Forty-Five-Day Suspension; IA 23-07

Massey asserts that the Borough possessed sufficient information and knowledge of the infraction to file charges on May 15, 2023, the day Massey confessed to recording his colleagues. Massey argues that the forty-five-day time frame should have begun on May 15, 2023. However, the investigation commenced on June 6, 2023, and Chief Rabboh sustained the charges upon review of the investigative report on September 8, 2023. Within forty-five days, the PNDA was filed and served to Massey on October 23, 2023.

Based on the timeline, the charges against Massey were properly filed within the forty-five-day rule. The investigation commenced on June 6, 2023. As in Farlow, the delay in bringing charges resulted from the delay in interviewing Massey, which appears to be a result of the investigatory process and of scheduling rather than any bad faith on behalf of either party. Additionally, like Farlow, there is no assertion that Massey lost any evidence, was deprived of any potentially exculpatory evidence, or not provided due process. Using the language of Farlow, interviewing Massey as part of the investigation appears to have been done out of “fairness and good management practice” despite the scheduling delay. The investigation was completed on September 8, 2023, and the PNDA was subsequently filed and served on October 23, 2023. Therefore, the investigation did not violate the forty-five-day rule and need not be dismissed for untimeliness under the statute.

Ten-Day Suspension; IA 23-12

Respondent asserts that there is no evidence that the Borough unduly delayed the issuing of the PNDA. Respondent argues that Massey did not face any prejudice by the delay in the issuing of the PNDAs since he was placed on notice that he was being charged with discipline before receiving the formal PNDAs. Case law indicates that once the person filing the complaint (usually the Chief of Police) has sufficient knowledge to bring the charges against an officer, the forty-five-day clock begins. N.J.S.A. 40A:14-147 states that there needs to be a "written complaint" that sets forth the charge(s) against the individual. The statute does not indicate that informal notice is sufficient.

Respondent argues that Chief Rabboh did not possess sufficient information to determine the appropriate disciplinary penalty and sought an independent recommendation from Judge Klein. Case law indicates that the forty-five-day rule starts when the person filing the complaint has sufficient notice of the conduct underlying the disciplinary charges, not regarding the penalty. Chief Rabboh was able to sustain the complaint on January 18, 2024, and a PNDA should have been issued within forty-five days after. If he wanted to wait for Judge Klein's recommendations on penalty, he could have issued the PNDA with "TBD" written for the penalty portion or even left the penalty blank. Instead, the PNDA was served on May 31, 2024. Therefore, the forty-five-day rule was violated, and the ten-day suspension is dismissed for untimeliness under the statute.

Sixty-Day Suspension; IA 24-05

Respondent asserts that the forty-five-day rule is not violated as Massey's charges were not limited to violations of the Bergenfield Police Department rules and regulations. Massey's charges include the following: violations of the AG Internal Affairs Policies and Procedures 1(h) (Notification to the County Prosecutor), 5.1.8 (Accepting Reports of Officer Misconduct), 6.3.2 (Investigation and Adjudication of Serious Complaints), 9.6.1 (Confidentiality), and violations of the BPD Rules and Regulations 2.1.3 (Police Officers), 3.1.8 (Performance of Duty), 3.1.11 (Obedience of Law and Rules), and 3.4.1. (Release of Information). Respondent argues that the forty-five-day rule only applies to violations

of internal rules and regulations, not to misconduct charges. Respondent asserts that the AG Guidelines constitute misconduct beyond the scope of N.J.S.A. 40A:14-147.

There is no current case law that explicitly states whether the forty-five-day rule applies to the AG Guidelines. As the name suggests, these are "guidelines," not statutory violations but more aligned with policy violations, similar to internal departmental policies. The forty-five-day rules only apply to "charges of violations of departmental rules and regulations." In re Hairston, City of East Orange, 2017 N.J. CSC LEXIS 86, *30 (Feb. 13, 2017). See also McElwee, 400 N.J. Super. at 394. Thus, the forty-five-day rule would apply to the AG Guidelines.

For the charges regarding violating the AG Guidelines and the Bergenfield Police Department internal rules and procedures, respondent did not issue the PNDA within forty-five days. Chief Rabboh sustained the investigation on August 1, 2024, but did not serve the PNDA until October 30, 2024, well beyond the forty-five days required by the statute. Delaying the PNDA in order to get a disciplinary recommendation by Judge Klein was an unnecessary delay. Therefore, the forty-five-day rule was violated, and the sixty-day suspension is dismissed.

Based on the foregoing, I **CONCLUDE** that forty-five-day rule was not violated in regard to the forty-five-day suspension because the PNDA was served timely after Chief Rabboh received sufficient information from the IA report. I **CONCLUDE** that the forty-five-day rule was violated in regard to the ten-day suspension. Furthermore, I **CONCLUDE** that the forty-five-day rule was violated in regard to the sixty-day suspension.

ORDER

It is **ORDERED** that the charges for CSV 05612-25 and CSV 07722-25 are **DISMISSED**.

It is also **ORDERED** that the parties will schedule a hearing on the charges for CSV 10704-24.

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.

May 28, 2026

DATE



BINDI MERCHANT, ALJ

Date Received at Agency:

MAY 28, 2026

Date Mailed to Parties:

May 28, 2026

ke

APPENDIX

Witnesses

For appellant:

None

For respondent:

Chief Mustafa Rabboh

Exhibits

For appellant:

None

For respondent:

CSV 10704-2025 Exhibit List

- R-1 Response to Discovery Request
- R-2 Confidentiality Agreement
- R-3 CA-105 Policy & Procedure
- R-4 RC – 305 Policy & Procedure
- R-5 O-G 418 Policy & Procedure
- R-6 Bergenfield Police Department Rules and Regulations
- R-7 Letter to Bergen Count Chiefs of Police, Police Directors, Officers-In-Charge –
and Sheriff Michael Saudino establishing complaint approval
- R-8 Acknowledgment of Internal Investigation
- R-9 Special report regarding Failure to Supervise
- R-10 Memorandum Dated 8/20/21
- R-11 Memorandum Dates 7/20/22
- R-12 Memorandum Dated 08/23/22
- R-13 Memorandum Dated 10/20/22

- R-14 4/18/23 E-Mail Subject: MV Crash Reports
- R-15 7/12/23 E-Mail Subject: Staff Meeting
- R-16 7/17/23 E-Mail Subject: Staff Meeting
- R-17 9/18/23 E-Mail Subject: Sgt. Portorreal
- R-18 9/19/23 E-Mail Subject: CAD and Reports
- R-19 10/18/23 E-Mail Subject: RE: 23-31343
- R-20 11/1/23 E-Mail Subject RE: Outstanding Reports
- R-21 11/02/23 E-Mail Subject RE: CAD and Reports
- R-22 11/09/23 E-Mail Subject RE: CAD and Reports
- R-23 Investigative Chronology – IA Case # 23-12
- R-24 Internal Affairs Investigation Report
- R-25 4/03/23 Incident Report
- R-26 5/2/03 CAD Report
- R-27 5/16/2023 Domestic Violence Complaint
- R-28 5/16/23 Incident Report
- R-29 5/16/23 CAD Report
- R-30 Supplementary Domestic Violence Offense Report
- R-31 Complaint – Warrant
- R-32 5/24/23 Incident Report
- R-33 5/24/23 CAD Report
- R-34 Supplementary Domestic Violence Offence Report
- R-35 6/27/23 E-Mail RE: Tow CAD #23-17641
- R-36 6/16/23 E-Mail Re: CAD # 23-17641
- R-37 6/15/23 Incident Report
- R-38 6/15/23 CAD Report
- R-39 7/12/23 E-Mail: TRO 23-19136
- R-40 6/27/23 Incident Report
- R-41 6/27/23 CAD Report
- R-42 6/27/23 DV Offense Report
- R-43 6/29/23 Incident Report
- R-44 7/6/23 Incident Report
- R-45 7/8/23 Incident Report
- R-46 7/8/23 Incident Report

- R-47 7/9/23 Incident Report
- R-48 7/11/23 Incident Report
- R-49 7/11/23 Incident Report
- R-50 7/11/23 Incident Report
- R-51 7/14/23 E-Mail Subject: RE: 23-20736
- R-52 CAD #23-20736
- R-53 Incident Report 7/12/23
- R-54 CAD Report 7/12/23
- R-55 Incident Report 7/13/23
- R-56 Incident Report 7/13/23
- R-57 Incident Report 7/13/23
- R-58 Internal Affairs Complaint Notification
- R-59 Witness Acknowledgment Form
- R-60 Witness Acknowledgement Form
- R-61 Memo Re: DV Refreshers/Updates
- R-62 Contempt
- R-63 Pursuant to AG/BCPO Directive
- R-64 Contempt – Violation of Domestic Violence Restraining Order
- R-65 Criminal Justice Reform Processing Procedure
- R-66 Preliminary Notice of Disciplinary Action (31-A)
- R-67 8/29/23 E-Mail Subject: Re: IA 23-12 D.C. Massey
- R-68 10/11/23 E-Mail Subject: Re: IA 23-12 Massey
- R-69 11/19/23 E-Mail Subject Re: IA 23-12 Massey
- R-70 11/1/23 E-Mail Subject: Re: IA 23-12
- R-71 11/17/23 E-mail Subject Re: Deputy Chief Massey
- R-72 Letter to Captain Durran in reference to Internal Affairs Investigation
- R-73 FNDA
- R-74 March 1, 2024, Internal Affairs Memo Sustaining Charges
- R-75 March 1, 2024, E-Mail Subject: IA 23-12
- R-76 Investigative Chronology - IA Case # 23-12

CSV 07722-25 Exhibit List

- R-1 Response to Discovery Request
- R-2 Policy and Procedure: Receiving Orders
- R-3 Bergenfield Police Department Policy and Procedure
- R-4 1/31/24 E-Mail Subject: Internal Affairs
- R-5 Investigative Chronology – IA Case #24-05
- R-6 Internal Affairs Investigation Report
- R-7 3/6/2024 Memo
- R-8 1/9/24 Memo
- R-9 Internal Affairs Complaint Notification
- R-9 Letter to Detective Witt Re: IA Complaint #24-05
- R-10 6/12/24 E-Mail Subject: Bergenfield Interviews June 14, 2024
- R-11 Letter to Chief Rabboh Re: Violations of Attorney General's Internal Affairs Policy and Procedures
- R-12 E-Mail Conversation Re: Massey IA
- R-13 Witness Acknowledgement Form
- R-14 Witness Acknowledgement Form
- R-15 8/16/24 Internal Affairs Form
- R-16 Preliminary Notice of Disciplinary Actions
- R-17 Acknowledgment of Internal Investigation
- R-18 IA 24-05 Interview Questions for D/C Massey
- R-19 Final Notice of Disciplinary Action
- R-20 August 16, 2024, Internal Affairs Memo Sustaining Charges

CSV 05612-2025 Exhibits List

- R-1 Preliminary Notice of Disciplinary Action
- R-2 Internal Affairs Investigation Report
Acknowledgment of Internal Investigation
- R-3 Special Report

- R-4 Internal Affairs Complaint Notification
- R-5 8/14/23 E-Mail Subject: IA #23-07
- R-6 8/1/23 E-Mail Subject: IA #23-07
- R-7 8/1/23 E-Mail Subject: IA #23-07 D.C. Massey
- R-8 8/11/23 E-Mail Subject: Deputy Chief Massey
- R-9 Letter of Representation from Alterman & Association, LLC
- R-10 6/28/23 E-Mail Conversation Subject: Internal Affairs Internal Affairs Investigation – Deputy Chief
- R-11 6/12/23 E-Mail Conversation Subject: Internal Affairs Investigation – Deputy Chief
- R-12 6/22/23 E-Mail Conversation Subject: Internal Affairs Investigation – Deputy Chief
- R-13 E-Mail Conversation Subject: IA – D.C. Christopher Massey
- R-14 Police Department Rules and Regulations
- R-15 Policy & Procedure O-G 469
- R-16 Final Notice of Disciplinary Action (31-B)
- R-17 Preliminary Notice of Disciplinary Action (31-A)
- R-18 Internal Affairs Investigation Completed Memo
- R-19 Review of IA #23-07 and Recommendation of Discipline
- R-20 Letter to Stuart Alterman, Esq. Re Discovery Requests
- R-21 Investigative Chronology – IA Case #22-03
- R-22 Letter to Chief Rabboh Re: Internal Affairs Complaint
- R-23 Internal Affairs Investigation Report
- R-24 Internal Affairs Complaint Notification
- R-25 Administrative Only Investigation Form
- R-26 Weingarten Representative Acknowledgement
- R-27 Policy & Procedure O-G 469
- R-28 Preliminary Notice of Disciplinary
- R-29 Written Reprimand
- R-30 Letter to Corey Gallo Dated May 04, 2022
- R-31 May 04, 2022 Internal Affairs Memo from Mustafah Rabboh
- R-32 8/5/22 E-Mail Subject: Massey
- R-33 Review of Investigation and Recommendation of Discipline to D.C. Massey
- R-34 E-Mail Dated 1/23/23 Subject: Massey

R-35 Review of IA #23-07

R-36 Massey Student Records "OG Policies"

R-37 Course Content

R-38 Letter to Alterman with discovery for IA # 23-07