



STATE OF NEW JERSEY

In the Matter of Lasheta Montigue,
South Woods State Prison,
Department of Corrections

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

CSC Docket No. 2025-1242
OAL Docket No. CSV 01168-25

ISSUED: September 2, 2026

The appeal of Lasheta Montigue, Senior Correctional Police Officer, South Woods State Prison, Department of Corrections, 90 working day suspension, on charges, was heard by Administrative Law Judge Carl V. Buck, III (ALJ), who rendered his initial decision on July 24, 2026. Exceptions and replies were filed on behalf of both parties.

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 exceptions and replies, the Civil Service Commission (Commission), at its meeting on September 2, 2026, adopted the ALJ's Findings of Fact and Conclusions but did not adopt the ALJ's recommendation to modify the 90 working day suspension to a 75 working day suspension. Rather, the Commission upheld the 90 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 record. Accordingly, the Commission finds the appellant's exceptions challenging any of those findings unpersuasive. In this regard, the appellant's arguments pertaining to the ALJ's wording of and succinct assessment of the credibility of the witnesses is unavailing. While the ALJ was quite brief in making such assessments, there is nothing in the record to evidence that such findings were not based on his direct assessment and observation of the witnesses. 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 u. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). The Commission finds no persuasive evidence in the appellant's exceptions or the record to demonstrate that the ALJ's determinations in that regard was in error.

The main issue in this matter is the penalty, which, similar to the charges, is reviewed by the Commission *de novo*. The Commission need not recite the appointing authority's arguments supporting its proposition that the 90 working day suspension is appropriate, or the appellant's exceptions calling for an even further reduced penalty. 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 Senior Correctional Police 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 his initial decision, the ALJ stated:

She has prior discipline from 2018, which is discounted due to time, but also has discipline imposed in 2021 and 2023 – both resulting in an official reprimand. She also has a more substantial disciplinary action from 2024, which ultimately resulted in a ten-working-day suspension¹.

¹ Official records indicate that the appellant actually received a 60 working day suspension and agreed to its disposition as follows: 10 working days served and 50 working days "on the record." In this regard, *N.J.A.C. 4A:2-2.4(e)* states: "An appointing authority may impose a suspension on the record when the appointing authority and the employee, or, where the employee is covered by a collective negotiations agreement, the employee's majority representative, agree in writing that, for purposes of progressive discipline, the employee will receive a suspension on the record **and that it will have the same force and effect for purposes of future disciplinary actions as a suspension actually served by the employee** (emphasis added).

In applying progressive discipline, I weigh appellant's time with the NJDOC with one major of discipline and others that contained no substantial penalty. Considering appellant's time spent working for the NJDOC, presumed experience, and knowledge of rules and policies in the workplace, there can be no excuse nor any equivocation about the charges resulting in this action. I do find a mitigating factor in that the appellant has not received discipline greater than a ten day working suspension – notwithstanding all instances stand on their own.

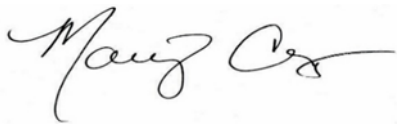
In this regard, the Commission disagrees with the ALJ's reasoning for reducing the penalty. At the time of the incident, the appellant had been employed with the Department of Corrections for approximately 10 years and had amassed four prior disciplinary actions, most notably, a recent major discipline in 2024, less than one year before to the current matter. Moreover, the incident in question had the potential to seriously compromise the safety and security of the facility. Accordingly, given the nature and circumstances of the incident, the Commission does not find the appellant's years of service or prior disciplinary history mitigate the originally imposed suspension, especially given the higher standard applied to law enforcement employees. Therefore, the Commission finds the 90 working day suspension appropriate and should serve as sufficient warning to the appellant that any future misconduct may lead to more severe disciplinary penalties.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. Accordingly, the Commission affirms the 90 working day suspension and dismisses the appeal of Lasheta Montigue.

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 2ND DAY OF SEPTEMBER, 2026



Mary Cruz
Acting Chairperson
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 01168-25

AGENCY DKT. NO. 2025-1242

LASHETA MONTIGUE

Appellant,

v.

**SOUTH WOODS STATE PRISON,
STATE OF NEW JERSEY, DEPARTMENT
OF CORRECTIONS**

Respondent.

Donna O'Brien, Esq., for appellant, Lasheta Montigue (Alterman and Associates, LLC, attorneys)

Marcus Garcia, Legal Specialist, for respondent New Jersey State Prison, Department of Corrections, pursuant to N.J.A.C. 1:1-5.4(a)(2)

Record Closed: February 6, 2026

Decided: July 24, 2026

BEFORE: **Carl V. Buck III**, ALJ

STATEMENT OF THE CASE

Senior Correctional Police Officer (SCPO) Lasheta Montigue (Montigue or appellant) appeals the decision of her employer, State of New Jersey, South Woods State

Prison, Department of Corrections (respondent or South Woods or NJDOC), to suspend her for ninety working days because of her actions (or inaction) during an incident involving an inmate at South Woods on June 27, 2024. On December 9, 2024, Montigue received a ninety (90)-working-day suspension for the following sustained charges:

N.J.A.C. 4A:2-2.3 (a)6 Conduct unbecoming a public employee and (a)(12) Other sufficient cause;

Human Resources Bulletin 84-17 as amended:

- B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to persons or property,
- C(11) Conduct unbecoming an employee,
- D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends,
- D(7) Violation of administrative procedures and/or regulations involving safety and security, and
- E(1) Violation of a rule, regulation, policy, procedure, order or administrative decision.

PROCEDURAL HISTORY

On September 6, 2024, South Woods issued a Preliminary Notice of Disciplinary Action (PNDA) listing the charges above. Montigue requested a departmental hearing, held on November 22, 2024.

On December 9, 2024, a Final Notice of Disciplinary Action (FNDA) was issued sustaining all charges against Montigue and imposing a ninety-working-day suspension. Montigue appealed the decision on December 17, 2024, and the Civil Service Commission transmitted this matter on December 31, 2024, to the Office of Administrative Law (OAL) as a contested case. N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. The hearing for this matter was held on December 8, 2025. The record was held open for submissions, and the record closed on February 6, 2026. Extension requests for issuance of this Initial Decision were requested and granted.

FACTUAL DISCUSSION

Testimony

Craig Cavagnaro (Cavagnaro) testified on behalf of the NJDOC. He is employed with the Department of Corrections, Special Investigations Division (SID) and assigned to the South Woods State Prison. He is a senior investigator and has been in SID for six years and has been employed with NJDOC for eighteen years. He attended the basic course for investigators through the Division of Criminal Justice. Prior to becoming an investigator, he served as a housing unit officer at several NJDOC facilities.

Cavagnaro provided a summary of the events in question based on his investigation, which included several interviews and a review of the ICS footage:

Officer Richard Hymer (Hymer) was assigned to work in the housing unit on June 27, 2024. Montigue relieved Hymer while he went for a lunch break. While on duty, Montigue was approached by an inmate named Jameen Cooke (Cooke) on two separate occasions. The first time, Cooke had his JPay tablet; the second was when he gave her a folded note. The note mentioned “linking up with” Cooke and that Cooke had “power” and “resources.” The note also instructed Montigue to “get a PO box and hit me with a fake name.” Montigue reviewed the note and then placed it in the officer’s podium. When Hymer came back from his break, Montigue left. Hymer reported the note to a supervisor. After reviewing the ICS footage, Montigue was placed on no inmate contact pending further investigation.

Cavagnaro did not find anything relevant when reviewing social media or when reviewing Cooke’s JPay or telephone calls. Cavagnaro conducted multiple interviews during his investigation, starting with Cooke’s cellmate, Turner. Turner provided little insight into the matter and mentioned that Cooke was attempting to start a clothing line. Cavagnaro then interviewed Cooke, who admitted to authoring the note. Cooke claimed that he thought he was related to Montigue through a godbrother based on their last names. He said he thought he could trust her with starting a clothing line business, which would allow him to raise revenue before his eventual release from prison.

As part of his investigation, Cavagnaro reviewed footage, some of which was played during his testimony. At approximately 9:32 A.M., the footage shows Cooke approaching the officer's podium and displaying his JPay to Montigue. JPay is a tablet that includes an inmate e-mail system that allows inmates to send/receive correspondence from friends and families and to contact their attorneys. The tablet also enables inmates to fill out forms and file requests/grievances to different divisions and offices within DOC. Cavagnaro previously worked in housing units, although not at South Woods, and has encountered inmates using JPay. In his experience, there is no reason for an officer to review an inmate's tablet. Staff are not trained in how to use JPay.

At approximately 10:05 A.M., Cooke handed Montigue a folded-up piece of paper with another paper inside of it. Montigue can be seen reviewing the piece of paper for about two minutes. Montigue then folded the paper back up and placed it in the podium.

Cavagnaro testified that it is significant that the paper was folded up because inmates are attentive to what is occurring in the housing unit. The paper was not an official document, so it would create red flags immediately for other inmates and staff, and the fact that it was folded up made it look as though it was an attempt to conceal the note.

Cavagnaro then interviewed Officer Hymer, who cleaned out the podium when he first started his shift and saw no notes. When he returned for his meal break, he discovered a note in the podium addressed to "M." Hymer thought the contents were suspicious, so he notified Lieutenant White.

Cavagnaro next interviewed White, who told him that besides Hymer, the matter was not reported to him directly or indirectly through another supervisor. If it had been reported to other area supervisors, White claimed it would have been reported to him as well. White turned the information over to the major's office. Cavagnaro also interviewed Sergeant King, who was the House 5 supervisor on June 27, 2024, and worked underneath White. Sergeant King is responsible for all four housing units in House 5 and told Cavagnaro that he never received any reports from Montigue on that day.

Cavagnaro finally interviewed Montigue, who claimed that she never read the note and that generally she does not review documents or paperwork that inmates hand to her. She claimed that when an inmate hands her something that she assumes is mail, she places it in the podium drawer. Montigue acknowledged in her interview that there could be a delay in addressing a safety or security issue by not reviewing documents handed to her by inmates. In Cavagnaro's experience, an inmate that conceals a note might be trying to let an officer that he trusts know that he or another inmate is in imminent danger. Cavagnaro testified that Montigue made some evasive or indirect answers during her interview. For example, when Cavagnaro asked Montigue directly whether an inmate provided her with documents, she started talking about various inmates' locations and their movements. During the interview, Montigue repeatedly asked whether she is supposed to read things that an inmate hands to her. Cavagnaro said that when it comes to mail, officers should review it, which entails checking that it has the correct postage and verifying the identity of the inmate sending it, but the officer should not read it. Cavagnaro acknowledged that drugs are sometimes found in the mail. Montigue was trained on how to deal with suspicious activity. Training on mail is typically done on the job and can vary between institutions.

Christopher Danielson (Danielson) testified on behalf of the NJDOC. He is currently a correctional police major for the DOC. He oversees the Division of Training, Recruitment, and Professional Development, the Correctional Staff Training Academy, the Custody Recruitment Unit, and in-service training for custody staff. He is not personally familiar with Montigue beyond his review of her case file. His review included the ICS footage, video of Montigue's interview, the note, the SID report, and relevant DOC policies.

Danielson testified that if an officer receives mail or another type of document from an inmate, the officer should review it to see what type of document it is to determine where it should go. Based on Cooke's references to social media and a PO box, it appeared that Cooke was trying to form either a personal or business relationship with Montigue. This would be misconduct on Cooke's part. As a policy matter, officers need to keep relationships professional and avoid other types of relationships that may enable inmates to manipulate staff to later bring in contraband or cause other security issues.

Danielson testified that the note should have been reported to an area supervisor since it was unusual. The inmate should have been charged with a prohibited act, and a report should have been written up about the incident and the note confiscated as evidence. The inmate should have been disciplined for attempting to make contact. As far as the policy on relationships with inmates, Danielson testified that Montigue's violation stemmed from the fact she allowed Cooke to correspond with her and never reported it.

Danielson acknowledged that different institutions have different policies on mail. For instance, some facilities may collect mail from inmates, while others may have mailboxes where inmates can drop off their mail. Danielson has never worked at South Woods and is not personally familiar with their practices. Notwithstanding, Danielson testified that typically anything handed to an officer should be read in its entirety. Mail, on the other hand, would not necessarily be read as it would be sealed and contained in an envelope.

Montigue received all the relevant policies prior to starting the academy. She also received training on undue familiarity on May 30, 2024, approximately a month before the incident in question. Danielson testified that Montigue's actions raised safety and security concerns because the note could have possibly been an attempt to alert staff to a potential threat to other staff or inmates. For this reason, it is important for the administration to be aware of any suspicious communications.

According to Danielson, a review of Montigue's record reveals past disciplinary history. He also testified that all of the charges Montigue faces carry a range of discipline that includes a ninety-day suspension.

Lasheta Montigue (Montigue) testified on her own behalf. She has previous experience working in other correctional facilities. She is currently a local control point (LCP) officer, which she described as a second pair of eyes for the housing units. Generally, she would not have access to inmates because she is behind glass. She is also an LCP relief officer, which entails stepping in to relieve an officer on duty so that

officer can take a meal break. A relief officer sometimes entails going onto the unit floor and potentially interacting with inmates. On June 27, 2024, Montigue acted as a relief officer for Hymer.

On that day, Montigue was approached by Cooke twice. Montigue testified that she never had prior conversations with Cooke, nor is she related to him. During the first interaction, Cooke wanted to use the kiosk. He showed her some type of art on his JPay. He asked to use the kiosk to access some paperwork for a book. Montigue told him that he should go to the library and ask the paralegal working there. This was the extent of the conversation. Montigue claimed that the conversation did not strike her as odd. Cooke subsequently returned to his cell.

When Cooke later approached her again to hand her a note, he did not say anything. Montigue testified that inmates will often hand officers their mail to be sent out of the housing unit. She assumed the note that Cooke handed to her was mail. Typically, when an inmate hands her mail, she reviews or inspects it to determine if there are any concealed drugs or drug residue. The housing unit is considered a high-traffic drug unit – sometimes there is a powdery substance on the mail, or the paper is blotchy because it has been dipped in something. Montigue never received training on receiving mail. She claimed that the extent of her training was based on common practice and word of mouth. After inspecting mail, she will place it inside the podium. Montigue testified that while she inspects mail, she does not read the mail because it would violate an inmate's privacy. Montigue stated that she followed this procedure when Cooke handed her the note. She inspected it whilst wearing gloves but never read its contents.

To the extent that she deviated from the questions being asked in her interview, she was merely trying to refresh her memory. During her interview, she also repeatedly asked whether she was supposed to read inmates' mail.

Montigue testified that nothing about Cooke's behavior seemed suspicious. He was not jittery or swaying back and forth, and he seemed coherent. Montigue claimed that if she had read the note at the time, she would have reported it. She acknowledged on cross-examination that if she is unsure about a particular policy, she should ask her

supervisor. But she explained that in this case she had no cause for concern. After Hymer returned, Montigue quickly left the floor because she needed to lactate. When asked on cross why she did not report the incident after pumping, she reiterated that she did not think there was anything unusual that required reporting.

Credibility

When witnesses present conflicting testimonies, it is the duty of the trier of fact to weigh each witness's credibility and make a factual finding. Credibility findings "are often influenced by matters such as observations of the character and demeanor of witnesses and common human experience that are not transmitted by the record." State v. Locurto, 157 N.J. 463 (1999). Credible testimony "must not only proceed from the mouth of credible witnesses but must be credible in itself." Spagnuolo v. Bonnet, 16 N.J. 546, 554–55 (1954) (quoting In re Perrone's Estate, 5 N.J. 514, 521 (1950)). Credibility is the value that a finder of fact gives to a witness's testimony. It requires an overall assessment of the witness's story in light of its rationality, its internal consistency, and the manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963).

I found that the testimony of Cavagnaro and Danielson was straightforward, to the point, and credible. Neither knows the appellant personally – only through the investigation.

Cavagnaro has been employed by the NJDOC for eighteen years – with six years as a senior investigator. He was previously a CO and has knowledge and experience in working in that title. After he was assigned the investigation of the incident, he proceeded methodically with the investigation, interviewing witnesses, reviewing video, and reviewing documents to complete the investigation.

Danielson reviewed the video, the report, and the policies addressing concerns regarding the incident. He testified to the policies, rules, and regulations applying to the incident.

Montigue's testimony of the event lacked the perspicacity needed for a corrections officer to perform their duties and functions in an objective and dutiful manner.

LEGAL ANALYSIS

The Civil Service Act and regulations govern a civil service employee's rights and duties. N.J.S.A. 11A:1-1 et seq.; N.J.A.C. 4A:1-1.1. In major disciplinary actions, such as removal or demotion, the appointing authority has the burden to show by a preponderance of the credible evidence the employee's guilt and that the disciplinary action was justified. N.J.A.C. 4A:2-1.4(a); In re Polk License Revocation, 90 N.J. 550, 560 (1982). These issues are determined in a de novo hearing in front of an administrative law judge. See In re Morrison, 216 N.J. Super. 43, 151 (App. Div. 1987).

Montigue has sustained charges of: Conduct unbecoming a public employee, N.J.A.C. 4A:2-2.3(a)(6); and Other sufficient cause, N.J.A.C. 4A:2-2.3(a)(12) – encompassing violations of Human Resources Bulletin (HRB) 84-17 as amended. Specifically: B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to persons or property; C(11) Conduct unbecoming an employee; D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends; D(7) Violation of administrative procedures and/or regulations involving safety and security; and E(1) Violation of a rule, regulation, policy, procedure, order or administrative decision.

“Conduct unbecoming” is an “elastic” phrase, defined as any conduct that “adversely affects the morale or efficiency” of the public organization or “has a tendency to destroy public respect for municipal employees and confidence in the operation of municipal services.” Karins v. Atlantic City, 152 N.J. 532, 554 (1998) (quoting In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960)).

“Other sufficient cause,” N.J.A.C. 4A:2-2.3(a)(12), is a catch-all provision for conduct that violates the implicit standard of good behavior expected of public employees. For this charge, DOC points to several alleged violations of HRB 84-17, specifically: B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to

persons or property; C(11) Conduct unbecoming an employee; D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families or friends; D(7) Violation of administrative procedures and/or regulations involving safety and security; and E(1) Violation of a rule, regulation, policy, procedure, order or administrative decision.

The ICS footage clearly shows Montigue reviewing the note that Cooke handed her for about two minutes. The note was not in an envelope with postage that would indicate it was mail. Based on Cavagnaro and Danielson's testimony, Montigue, in inspecting or reviewing the note, was required to determine the nature of the document. Instead, she supposedly searched the note for signs of drugs for two minutes yet never read its contents or noticed that it lacked basic characteristics of mail. The situation was unusual enough to raise a concern from an established CO, requiring Montigue to report it to a supervisor.

Montigue acknowledges the contents of the note are suspicious. She claims that if she had read the note at the time, then she would have reported it. However, the circumstances surrounding the note, including the fact it was not in any sealed envelope and the fact it looked as though it was meant to be concealed, should have raised suspicions themselves. Danielson and Cavagnaro both stressed that inmates passing concealed or anonymous notes can sometimes be an attempt to alert staff to a potential threat. While the note ultimately did not contain any such threats, Montigue's failure to properly review the note and report it is concerning.

The charges against Montigue resulted in a ninety-working-day suspension within the permissible range of discipline.

CONCLUSIONS OF LAW

A civil service employee's rights and duties are governed by the Civil Service Act and regulations promulgated pursuant thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is an inducement to attract qualified individuals to public service positions and is to be liberally construed toward attainment of merit appointments and

broad tenure protections. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576, 581 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972) (citing Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 145, 147 (1965)).

A civil service employee who commits a wrongful act related to their employment may be subject to discipline, which may be a reprimand, suspension, or removal from employment, depending upon the incident. N.J.S.A. 11A:1-2, 11A:2-20; N.J.A.C. 4A:2-2. Public entities should not be burdened with an employee who fails to perform their duties satisfactorily or engages in misconduct related to their duties. N.J.S.A. 11A:1-2(a). Thus, a public entity may impose major discipline upon a civil service employee, including termination/removal from their position. N.J.S.A. 11A:1-2; N.J.A.C. 4A:2-2.2.

The appointing authority employer has the burden of proof to establish the truth of the disciplinary action brought against a civil service employee. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); see Atkinson v. Parsekian, 37 N.J. 143, 149 (1962). Evidence is considered to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) (citation omitted). The evidence must "be such as to lead a reasonably cautious mind to the given conclusion." Bornstein v. Metro Bottling Co., 26 N.J. 263, 275 (1958).

In this matter, appellant sustained charges of:

N.J.A.C. 4A:2-2.3(a) General causes:

- (6) Conduct unbecoming a public employee;
- (12) Other sufficient cause

Specifically Human Resources Bulletin 84-17, as amended:

- B(8) Serious mistake due to carelessness
which may result in serious danger
and/or injury to persons or property

- C(11) Conduct unbecoming an employee

- D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends
- D(7) Violation of administrative procedures and/or regulations involving safety and security
- E(1) Violation of a rule, regulation, policy, procedure, order, or administrative decision.

N.J.A.C. 4A:2-2.3 General Causes

(a)(6) – Conduct Unbecoming a Public Employee

Conduct unbecoming a public employee is a term that encompasses 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.” Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also 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.” Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). 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)). Suspension or removal may be justified where the misconduct occurred while the employee was off duty. In re Emmons, 63 N.J. Super. at 140.

Montigue’s status as a CO subjects her to a higher standard of conduct than an ordinary public employee. In re Phillips, 117 N.J. 567, 576–77 (1990). Law-enforcement employees, such as a correction officer, represent “law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect

of the public.” Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), certif. denied, 47 N.J. 80 (1966). In military-like settings such as police departments and prisons, it is of paramount importance to maintain strict discipline of employees. Rivell v. Civil Serv. Comm’n, 115 N.J. Super. 64, 72 (App. Div.), certif. denied, 59 N.J. 269 (1971); Newark v. Massey, 93 N.J. Super. 317 (App. Div. 1967).

It is the policy of the DOC to ensure that Law Enforcement Personnel Rules and Regulations are followed. (R-8.) This prohibits a law enforcement officer from knowingly behaving in any way that might reasonably cause a member or the public to have the impression that an officer may be engaged in conduct violative of her trust as an officer. Danielson testified that appellant violated this policy because Cooke’s actions were inappropriate and unusual and that this incident should have been reported to area supervisors. Danielson stated that failing to report the note was related to safety and security concerns at South Woods, as the note could have been an attempt to incite violence or a potential threat toward the facility, staff, and the incarcerated population.

Montigue did not comply with plain and unambiguous policies. Based on the preponderance of the evidence, I **CONCLUDE** that the respondent has met its burden in establishing a 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

Appellant has been charged with other sufficient cause, specifically, violations of HRB 84-17 as amended:

- B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to persons or property
- C(11) Conduct unbecoming an employee
- D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends
- D(7) Violation of administrative procedures and/or regulations involving safety and security

E(1) Violation of a rule, regulation, policy, procedure, order, or administrative decision.

Having concluded that appellant's failure to act in disclosing the note or taking other appropriate action constituted a violation of conduct unbecoming a public employee under N.J.A.C. 4A:2-2.3(a)(6), I similarly **CONCLUDE** that appellant's failure to act constituted a violation under the HRB 84-17 as amended: B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to persons or property; C(11) Conduct unbecoming an employee; D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends; D(7) Violation of administrative procedures and/or regulations involving safety and security; and E(1) Violation of a rule, regulation, policy, procedure, order, or administrative decision.

For the reasons stated herein, I **CONCLUDE** that the respondent has met its burden in establishing a violation of N.J.A.C. 4A:2-2.3(a)(12); Other sufficient cause, specifically, violation of HRB 84-17 as amended: B(8) Serious mistake due to carelessness which may result in serious danger and/or injury to persons or property; C(11) Conduct unbecoming an employee; D(4) Improper or unauthorized contact with inmate, undue familiarity with inmates, parolees, their families, or friends; D(7) Violation of administrative procedures and/or regulations involving safety and security; and E(1) Violation of a rule, regulation, policy, procedure, order, or administrative decision.

PENALTY

The next question is the appropriate level of discipline. A system of progressive discipline has evolved in New Jersey to serve the goals of providing employees with job security and protecting them from arbitrary employment decisions. Progressive discipline is considered an appropriate analysis for determining the reasonableness of the penalty. West New York v. Bock, 38 N.J. 500 (1962). The concept of progressive discipline is related to an employee's past record. The use of progressive discipline benefits employees and is strongly encouraged. The core of this concept is that the nature, number, and proximity of prior disciplinary infractions should be addressed by

progressively increasing penalties. It underscores the philosophy that an appointing authority has a responsibility to encourage the development of employee potential.

The law is also clear that a single incident can be egregious enough to warrant removal without reliance on progressive-discipline policies. See In re Herrmann, 192 N.J. 19 (2007) (Division of Youth and Family Services worker snapped lighter in front of five-year-old), in which the Court stated:

[J]udicial decisions have recognized that progressive discipline is not a necessary consideration when reviewing an agency head's choice of penalty when the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.

[192 N.J. at 33.]

In addition to considering an employee's prior disciplinary history when imposing a penalty under the Act, other appropriate factors to consider include the nature of the misconduct, the nature of the employee's job, and the impact of the misconduct on the public interest. Ibid. Depending on the conduct complained of and the employee's disciplinary history, major discipline may be imposed. Bock, 38 N.J. at 522-24. Major discipline may include removal, disciplinary demotion, or a suspension or fine no greater than six months. N.J.S.A. 11A:2-6(a), -20; N.J.A.C. 4A:2-2.2, -2.4.

With the above in mind, and turning to the instant matter, appellant was unable to provide a satisfactory explanation for her actions (or inaction) and lack of reporting. She has prior discipline from 2018, which is discounted due to time, but also has discipline imposed in 2021 and 2023 – both resulting in an official reprimand. She also has a more substantial disciplinary action from 2024, which ultimately resulted in a ten-working-day suspension.

In applying progressive discipline, I weigh appellant's time with the NJDOC with one major of discipline and others that contained no substantial penalty. Considering appellant's time spent working for the NJDOC, presumed experience, and knowledge of

rules and policies in the workplace, there can be no excuse nor any equivocation about the charges resulting in this action. I do find a mitigating factor in that the appellant has not received discipline greater than a ten day working suspension – notwithstanding all instances stand on their own.

Accordingly, I **CONCLUDE** that a seventy-five-day suspension is the appropriate penalty.

ORDER

Accordingly, it is **ORDERED** that the charges entered in the Final Notice of Disciplinary Action against appellant Lasheta Montigue are hereby **SUSTAINED**. I **ORDER** however that the action of the appointing authority imposing a ninety-working-day suspension is modified to a seventy-five day working suspension and is hereby **AFFIRMED**.

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.



July 24, 2026

DATE

CARL V. BUCK III, ALJ

Date Received at Agency:

Date Mailed to Parties:

CVB/editing/tat

APPENDIX

Witnesses

For Petitioner:

Lasheta Montigue

For Respondent:

Craig Cavagnaro

Christopher Danielson

Joint Stipulations:

1. Lasheta Montigue (hereinafter “Appellant”) has been employed with the New Jersey Department of Corrections (NJDOC) since February 3, 2014. Appellant is a senior correctional police officer at South Woods State Prison.
2. On June 27, 2024, the appellant was assigned as the first shift H5-1-LCP and H5-2-LCP relief officer.
3. A relief officer’s position includes supervision of incarcerated persons, relieving officers for thirty-minute meal breaks, and the overall safety and security of the facility.
4. On June 27, 2024, the appellant relieved SCPO Richard Hymer for his meal break on H5-2-LCP.
5. South Woods State Prison’s institutional camera system footage revealed that on June 27, 2024, at approximately 9:32:32, inmate J.C. approached the officers’ podium to show his JPay tablet to the appellant. At approximately 10:05:28 AM, inmate J.C. approached the officers’ podium again and handed a piece of paper to the appellant. At 10:08:38, the appellant placed the paper in the podium drawer.
6. An investigation into the incident was completed by the NJDOC Special Investigations Division. Senior Investigator Craig Cavagnaro authored a report dated September 5, 2024.

7. On September 6, 2024, the appellant was issued a Preliminary Notice of Disciplinary Action (PNDA) seeking a ninety-working-day suspension with the following charges:
 - N.J.A.C. 4A:2-2.3 (a)(6) Conduct unbecoming a public employee;
 - (12) Other sufficient causeHRB 84-17, as amended:
 - B(8) Serious mistake due to carelessness which may result in danger and/or injury to persons or property.
 - C(11) Conduct unbecoming an employee.
 - D(4) Improper or unauthorized contact with inmate-undue familiarity with inmates, parolees, their families, or friends.
 - D(7) Violation of administrative procedures and/or regulations involving safety and security.
 - E(1) Violation of a rule, regulation, policy order or administrative decision.
8. The appellant appealed the discipline, and a departmental appeal hearing was held on November 22, 2024.
9. On December 9, 2024, the NJDOC issued a Final Notice of Disciplinary Action (FNDA) with the above-referenced charges, and the ninety-working-day suspension penalty was sustained.
10. A Notice of Appeal dated January 16, 2025, was filed with the Office of Administrative Law.

Appellant:

None

Respondent:

- R-1 Joint Stipulation of Facts
- R-2 FNDA, dated 12/09/24, and PNDA, dated 09/06/24
- R-3 Special Investigations Division Report authored by SI Craig Cavagnaro, dated 09/05/2024

- R-4 SID Interviews of SCPO Lasheta Montigue and SCPO Richard Hymer and Institutional Camera System Footage
- R-5 Copy of note authored by inmate J.C.
- R-6 Standards of Professional Conduct ADM.010.004
- R-7 General Custody Procedures SWSP.CUS #400
- R-8 Law Enforcement Personnel Rules and Regulations
- R-9 New Hire Orientation Checklist for SCPO Lasheta Montigue
- R-10 Individual Training Summary Report for SCPO Lasheta Montigue
- R-11 NJDOC HRB 84-17, as amended, Table of Offenses and Penalties
- R-12 Work History for SCPO Lasheta Montigue