



**STATE OF NEW JERSEY**

In the Matters of Michael Maldonado  
and Alfonso Reddick, Newark,  
Department of Public Safety

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

CSC DKT. NOS. 2022-2508 and 2022-  
2509  
OAL DKT. NOS. CSV 02961-22 and  
CSV 02963-22

Consolidated

**ISSUED: FEBRUARY 22, 2023**

The appeals of Michael Maldonado and Alfonso Reddick, Police Officers, Newark, Department of Public Safety, six working day suspensions, on charges, were heard by Administrative Law Judge JoAnn LaSala Candido (ALJ), who rendered her initial decision on January 18, 2023. Exceptions were filed on behalf of the appellants and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, including a thorough review of the exceptions and reply, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of February 22, 2023, adopted the ALJ's Findings of Fact and Conclusions as well as her recommendation to uphold the six working day suspensions.

As indicated above, the Commission thoroughly reviewed the exceptions filed in this matter and finds them unpersuasive in light of the ALJ's well-reasoned and supported initial decision. As such, most are unworthy of additional attention. Nevertheless, the Commission makes the following comments.

The Commission wholly rejects the appellants' argument under *N.J.S.A.* 40A:14-147, the "45-day rule." *N.J.S.A.* 40A:14-147 states, in pertinent part:

A complaint charging a violation of the internal rules and regulations established for the conduct of a law enforcement unit shall be filed no later than the 45<sup>th</sup> day after the date upon which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based . . .

A failure to comply with said provisions as to the service of the complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.

The plain language of this provision indicates that charges are to be filed “no later than the 45<sup>th</sup> day after the date upon which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. It is generally acknowledged that the person filing the complaint in a law enforcement organization is the highest-ranking officer, their civilian equivalent or their designees. In this matter, the April 2020 incident was apparently investigated by a Risk Analysis Review Board. It was only after the findings of that Review Board, which were dated September 15, 2020, were reviewed that the charges were thereafter brought forth on a September 15, 2020, Preliminary Notice of Disciplinary Action signed by the Public Safety Director. While the appellants argue that the appointing authority had sufficient information to charge them in April 2020, there is no evidence in the record that the individual who brought forth the charges, the Public Safety Director, had sufficient information to do so any time before September 15, 2020. Thus, no violation of the 45-day rule is evident.

Similar to the underlying charges, Commission’s review of the proper the penalty is *de novo*. In this matter, it is clear that the six-working day suspensions imposed are appropriate. The appellants’ misconduct regarding a vehicle pursuit is serious, as such an error can and has led to many unfortunate outcomes. A major disciplinary suspension for such an infraction is undoubtedly warranted and should serve as proper and sufficient warning to the appellants that any future misconduct will lead to increasingly more severe disciplinary action, up to removal from employment. It cannot be minimized that the appellants, as Police Officers, by the very nature of their job duties, are held to a higher standard of conduct than other public employees. *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). Their actions in this matter fell below those standards.

#### ORDER

The Civil Service Commission finds that the action of the appointing authority in suspension the appellants was appropriate. The Commission therefore affirms those actions and dismisses the appeals of Michael Maldonado and Alfonso Reddick.

This is the final administrative determination in these matters. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 22<sup>ND</sup> DAY OF FEBRUARY, 2023

*Allison Chris Myers*

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Allison Chris Myers  
Acting Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Nicholas F. Angiulo  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
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Trenton, New Jersey 08625-0312

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 02961-22  
AGENCY REF. NO. 2022-2508

IN THE MATTER OF MICHAEL  
MALDONADO, CITY OF NEWARK,  
DEPARTMENT OF PUBLIC SAFETY,

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OAL DKT. NO. CSV 02963-22  
AGENCY REF. NO. 2022-2509  
**(CONSOLIDATED)**

IN THE MATTER OF ALFONSO REDDICK,  
CITY OF NEWARK, DEPARTMENT OF  
PUBLIC SAFETY,

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**Amie DiCola, Esq.**, for appellants (Fusco and Macaluso)

**Chane Jones, Esq.**, for respondent (Assistant Corporation Counsel, City of  
Newark)

Record Closed: December 20, 2022

Decided: January 18, 2023

BEFORE: **JOANN LASALA CANDIDO, ALAJ:**

**STATEMENT OF THE CASE**

Appellants, Michael Maldonado and Alfonso Reddick, City of Newark Police Officers, appealed the disciplinary action of a six-day suspension by the Newark Police

Department (City) for a violation of Newark Police Department Rules and Regulations, Chapter 18:4, Disobedience of Orders with respect to a police pursuit on April 11, 2020.

### **PROCEDURAL HISTORY**

On April 14, 2022, the Civil Service Commission transmitted the matter to the Office of Administrative Law (OAL), for a hearing as a contested matter pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13. A hearing was held on December 16, 2022, via Zoom and continued in-person on December 20, 2022, on which date the matter closed. The appointing authority sustained the following for Police Officers Michael Maldonado and Alfonso Reddick:

### **CHARGE**

**CHARGE I:** Violation of Newark Police Department Rules and Regulations Chapter 18:14-Disobedience of Orders- Division members shall not disobey lawful orders.

**SPECIFICATION:** PO Maldonado and PO Reddick failed to notify Communication Supervisor that they initiated a pursuit. In addition, they pursued said vehicle for a Title 39 violation and suspicious activity which disobeyed the following contents of G.O. 94-03 NPD Pursuit Policy.

If the decision to initiate and/or continue a pursuit is made, the officer must:

Immediately activate the vehicles emergency lights,

Audible device and Headlights. The Officer must then notify the Communications Division/911 Call Center of pertinent information such as:

- a. Reason for the pursuit.
- b. Direction of travel.
- c. Identification of the violator's vehicle: year, make, model, color, vehicle registration number and other identifying characteristics.
- d. Number of occupants.
- e. The speed of the pursued vehicle.
- f. Other information that may be helpful in terminating the pursuit or resolving the incident.

No pursuit shall be conducted solely for the violation of Eluding (2C:29-2b)

An unmarked police vehicle must not participate in a vehicular pursuit unless it is equipped with emergency lights and an audible device. The unmarked vehicle must relinquish primary unit status immediately upon the participation of a marked patrol vehicle.

### TESTIMONY

A summary of the evidence offered in support of, and in opposition to, the charges against appellants follow. The testimony outlined is not intended to be a verbatim report of the testimony of all the witnesses. Rather, it is intended to summarize the testimony and evidence found by the undersigned to be relevant to the issues presented. In short, appellants dispute the facts and penalty that give rise to the charges against them.

#### Lieutenant Bernard Davis

Lieutenant Bernard Davis testified on behalf of respondent. The Lt. has been with the Department for twenty-two years. He was promoted in the Department in 2017 to supervise the patrol officers in the 6th Precinct. In 2018, Lt. Davis was assigned to Officer Professional Standards to take complaints and investigate complaints from citizens. As an advocate, he made the decision to file charges against appellants regarding a pursuit after reviewing the Risk Analysis Review Board Analysis Matrix prepared by a review Board of police executives dated September 15, 2020. (Exhibit A) They determined that the appellants were not in compliance with the police department policy regarding vehicle pursuits. At that time, investigations were not conducted. When questioned about the handwritten note on the Matrix of "no radio transmission therefore no MPU could take over", Davis stated that when an unmarked car is involved in a pursuit and calls it in, a marked car takes over. There was no radio transmission therefore no marked car taking over. Davis was not present at this meeting. There were no meetings by the review Board in June, July or August because of Covid restrictions but he was not aware if there were meetings prior.

The pursuit in issue was on April 11, 2020. A Vehicle Pursuit Report was authored by Officer Maldonado on April 11, 2020. (Exhibit B) The Incident Report outlines the conditions upon which the incident occurred. The Incident Report in this

matter dated April 11, 2020, was authored by Officer Maldonado. (Exhibit C) The pursuit was initiated at 7:10 p.m. because of an immediate threat to public safety. The pursuit lasted for twenty minutes. He listed a violation of 2C:29-2b (Eluding).

Complaint Against Personnel were filed for both appellants by Davis for disobedience of orders by failing to advise a Communications supervisor of an initiated pursuit and for disobeying policy when pursuing a Title 39 Violation and suspicious activity. (Exhibits J and K) Here, the officers had to advise the Communications supervisor of the pursuit, the direction they were traveling, identity of the vehicle, the number of occupants, and the speed of the vehicle. Davis considered this incident a pursuit as soon as the appellants activated the overhead lights and sirens and attempted to stop the vehicle, when the vehicle did not stop, a pursuit started. Maldonado's report stated that a pursuit was initiated. The report indicated that Reddick had a dead radio battery and Maldonado dropped his radio on the floorboard during the pursuit. Davis did not take this into consideration when determining the policy violation. He opined that an officer's radio should be fully charged. Davis would carry a spare battery and has no knowledge referring to that in any policy, rule or regulation. He would pick up the radio depending on where it fell. An Incident Log is prepared by Communications. (Exhibit G) Communication was initiated at 7:37 p.m. on April 11, 2020, for a suspicious vehicle and the incident was closed out at 7:52 p.m.

#### Sergeant Michael Maldonado

Sergeant Maldonado testified on behalf of himself. He is employed with the City. On the date of the incident, appellants were assigned to the 6<sup>th</sup> Precinct, with the crime prevention team. That detail entails quality of life enforcement, narcotics complaints, weapons complaints, and patrol of hot spot areas. On April 11, 2020, he and his partner were stationary in their vehicle patrolling an area, when they observed a vehicle with tinted windows approach the area. They checked the license plate when the vehicle came around the intersection a second time and then pulled behind the vehicle after approaching the intersection a third time. The driver was looking down the street where civilians were outside. Appellants turned on the lights and siren at that time. The driver took off after the appellants tried to stop him. They lost the driver initially

because the officers had to yield to a stop sign until the vehicle approached coming up a one way in the wrong direction, darting into traffic. Maldonado attempted to grab his radio off his belt and the radio fell to the back on the floorboard. He was unable to reach for the radio while driving. Reddick had a dead radio battery. The unmarked police vehicle was not equipped with a police radio. The officers attempted to close the gap but lost site of the vehicle again. When appellants lost site of the vehicle, they turned the lights and siren off. After canvassing the area, the vehicle was sighted again, lost again, until the vehicle was going too far into Irvington and the appellants could no longer see it. It wasn't until they were no longer in pursuit that they were able to get the radio from the back of the vehicle on the floorboard behind Reddick's seat. They then were able to notify Communications.

The appellants returned to headquarters and Maldonado completed the Vehicle Pursuit Report and submitted it to Professional Standards. He listed the reason for the pursuit as an immediate threat to public safety based upon his observation of the vehicle approaching on coming traffic up the wrong way during that time of the day, with fictitious plates and because of the number of shootings in the area. That is also the reason why he continued to canvas the area and not stop the unmarked vehicle to retrieve his radio from the back of the vehicle.

### **FINDINGS OF FACT**

Based upon consideration of the testimonial and documentary evidence presented at the hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**, most of which are uncontroverted:

1. Appellants are police officers with the City Of Newark Police Department.
2. On April 11, 2020, appellants were assigned to the 6<sup>th</sup> Precinct, with the crime prevention team. The detail entailed quality of life enforcement, narcotics complaints, weapons complaints, and patrol of hot spot areas. There had been shootings previously in this area.



3. On April 11, 2020, at approximately 7:10 p.m., appellants observed a vehicle approaching an intersection they were patrolling while in an unmarked police vehicle. This vehicle circled this intersection two times and upon the third time appellants pulled behind the suspicious vehicle to stop the vehicle. They activated the lights and siren. The vehicle accelerated through an intersection and into Irvington. Appellants lost site of the vehicle. Appellants gained site of the vehicle travelling against the flow of traffic and attempted to pursue the vehicle. He was unable to close the gap and lost site of the vehicle. The officers gained site of the vehicle again but lost site again and was last seen travelling into Irvington. Maldonado retrieved his hand-held radio at that time.

4. Communication was initiated at 7:37 p.m. on April 11, 2020, for a suspicious vehicle and the incident was closed out at 7:52 p.m.

5. Maldonado listed the reason for the pursuit as an immediate threat to public safety based upon his observation of the vehicle approaching oncoming traffic driving up the wrong way during that time of the day, with fictitious plates and because of the number of shootings in the area. He referred to Eluding in his report.

6. Appellants violated Newark Police Department Rules and Regulations Chapter 18:14-Disobedience of Orders-Division members shall not disobey lawful orders by disobeying G.O. 94-03 NPD Pursuit Policy A thru F (Exhibits J and K) No pursuit shall be conducted solely for the violation of Eluding (2C:29-2b).

### **DISCUSSION**

In appeals concerning major disciplinary actions brought against classified employees, the burden of proof is on the appointing authority. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the competent, relevant and credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A2-1.4(a); In re Polk License Revocation, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). An appeal to the Civil Service Commission (formerly the Merit System Board) requires the OAL to conduct a de novo hearing and to determine the appellant's guilt or innocence, as well as the appropriate penalty. In re Morrison, 216 N.J. Super. 143 (App. Div. 1987); Cliff v. Morris Cnty. Bd. of Social Servs., 197 N.J. Super. 307 (App. Div. 1984).

Newark Police Department General Order No. 94-03, sets forth the procedures for pursuits:

If the decision to initiate and/or continue a pursuit is made, the officer must:

Immediately activate the vehicles emergency lights,

Audible device and Headlights. The Officer must then notify the Communications Division/911 Call Center of pertinent information such as:

- g. Reason for the pursuit.
- h. Direction of travel.
- i. Identification of the violator's vehicle: year, make, model, color, vehicle registration number and other identifying characteristics.
- j. Number of occupants.
- k. The speed of the pursued vehicle.
- l. Other information that may be helpful in terminating the pursuit or resolving the incident.

No pursuit shall be conducted solely for the violation of Eluding (2C:29-2b)

An unmarked police vehicle must not participate in a vehicular pursuit unless it is equipped with emergency lights and an audible device. The unmarked vehicle must relinquish primary unit status immediately upon the participation of a marked patrol vehicle.

It is clear from Maldonado's testimony that appellants violated the pursuit policy of the Newark Police Department. Having reviewed the testimony and evidence, I **FIND** that appellants' actions on the evening in question were improper in the following respects. First, appellants failed to notify Communications of their pursuit of a suspicious vehicle once the emergency lights and siren were activated. Because of that failure, appellants did not advise of the reason for the pursuit, direction of travel, year make and model of the vehicle, number of occupants (I note the windows were tinted and this may not have been possible) and the speed of the vehicle. Lastly, Maldonado listed on his report the reason for the pursuit was pursuant to 2C:29-2b (Eluding). No pursuit shall be conducted solely for the violation of Eluding (2C:29-2b).

Notwithstanding appellants claim of the handheld radio falling on the floorboard and the other handheld radio having a dead battery, based upon the totality of the circumstances and credible evidence in the record and the failure of appellants to abide by the unambiguous pursuit policy, I **CONCLUDE** that a six-day penalty is appropriate under the circumstances.

Therefore, I **CONCLUDE** that the respondent has satisfied its burden of proving by a preponderance of the credible evidence the Charge Violation of Newark Police Department Rules and Regulations Chapter 18:14-Disobedience of Orders-Division members shall not disobey lawful orders and for the violation of Newark Police Department 94-03 pursuit policy.

**ORDER**

Accordingly, it is **ORDERED** that the appeal of Michael Maldonado and Alfonso Reddick from the disciplinary action entered in the Final Notice of Disciplinary Action of the City of Newark Police Department is hereby **DISMISSED**.

It is further **ORDERED** that major disciplinary action is **AFFIRMED** and that the penalty imposed for this disciplinary action shall remain six (6) days.

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

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.



January 18, 2023

\_\_\_\_\_  
DATE

\_\_\_\_\_  
JOANN LASALA CANDIDO, ALAJ

Date Received at Agency:

January 18, 2023

Date Mailed to Parties:

January 18, 2023

ljb

**Witnesses:**

**For Appellant:**

Michael Maldonado

**For respondent:**

Lieutenant Bernard Davis

**Exhibits**

**For Appellant:**

None

**For respondent:**

- A Risk Analysis Review Board Analysis Matrix dated September 15, 2020
- B Vehicle Pursuit Report of Officer Michael Maldonado
- C Incident Report of Officer Michael Maldonado
- G Incident Log
- J Complaint Against Personnel Officer Michael Maldonado dated March 15, 2020
- K Complaint Against Personnel Officer Alfonso Reddick dated March 15, 2020
- N Concise History of Officer Michael Maldonado
- P Concise History of Officer Alfonso Reddick