



STATE OF NEW JERSEY

In the Matter of Mikael Diaz, Linden,
Police Department

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

CSC Docket No. 2024-167
OAL Docket No. CSV 06871-23

ISSUED: MARCH 20, 2025

The appeal of Mikael Diaz, Police Officer, Linden, Police Department¹, 16 working day suspension, on charges, was heard by Administrative Law Judge Andrew M. Baron (ALJ), who rendered his initial decision on February 13, 2025. Exceptions were filed on behalf of both parties and a reply was filed on behalf of the appointing authority.

Having considered the record and the ALJ's initial decision, and having made an independent, *de novo* evaluation of the record, including a thorough review of the exceptions and reply, the Civil Service Commission (Commission), at its meeting on March 19, 2025, adopted the Findings of Fact and Conclusions and the ALJ's recommendation to modify the 16 working day suspension to a four working day suspension.

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

Regarding the penalty, the appointing authority argues that the originally imposed 16 working day suspension is the appropriate penalty. In this regard, it argues that the other officer in the vehicle, who was not even driving, received and accepted a major discipline for his involvement. In his initial decision, the ALJ

¹ The ALJ indicates that the appellant is "now a Lieutenant with the Essex County Department of Corrections." Official personnel records indicate that the appellant is currently a Linden Police Officer.

stated:

I CONCLUDE that while in a perfect world, officer Diaz could have and should have handled himself in a different manner when he approached the local streets of Newark, there were mitigating circumstances including but not limited to the undisputed fact that none of the police officials in higher positions of authority ordered or directed Diaz to stop the pursuit.

As a result, **I CONCLUDE** such that a sixteen-day suspension which constitutes a “major” penalty on his record was excessive under the circumstances, given certain factors at play here, which the City did not consider, the most important of which was the lack of an order from any of the supervisors or “higher ups” who were listening in throughout the entire pursuit.

I THEREFORE CONCLUDE, that while some degree of penalty is appropriate for driving down a one-way street in the opposite direction at a high rate of speed in a local neighborhood, circumstances warrant that the original sixteen-day major penalty should be reduced to a **four day** “minor” penalty.

Similar to its review of the underlying charges, the Commission’s review of the penalty is *de novo*. In addition to its consideration of the seriousness of the underlying incident in determining the proper penalty, the Commission also utilizes, when appropriate, the concept of progressive discipline. *West New York v. Bock*, 38 N.J. 500 (1962). In determining the propriety of the penalty, several factors must be considered, including the nature of the appellant’s offense, the concept of progressive discipline, and the employee’s prior record. *George v. North Princeton Developmental Center*, 96 N.J.A.R. 2d (CSV) 463. However, it is well established that where the underlying conduct is of an egregious nature, the imposition of a penalty up to and including removal is appropriate, regardless of an individual’s disciplinary history. *See Henry v. Rahway State Prison*, 81 N.J. 571 (1980). It is settled that the theory of progressive discipline is not a “fixed and immutable rule to be followed without question.” Moreover, the Commission emphasizes that a Police Officer is held to a higher standard than a civilian public employee. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990).

In this regard, notwithstanding the appointing authority’s arguments to the contrary, the Commission finds the ALJ’s reasoning for reducing the penalty appropriate, especially given that several of the other originally proffered charges were not sustained and the Commission has found the appointing authority’s exceptions in that regard unavailing. Moreover, the fact that another officer involved

in the incident received and accepted a major discipline is of no moment. That officer apparently did not challenge that action via appeal to the Commission, so it has no ability to determine whether that penalty was appropriate. Regardless, the Commission is charged with imposing the proper penalty on the appellant based on his actions. As indicated above, the Commission agrees with the ALJ in that regard and finds that the recommended four working day suspension is sufficient for the upheld misconduct. However, the Commission also notes its concerns with the appellant's misconduct. In this regard, along with the imposed suspension, it orders that the appellant receive further training on the appropriate Attorney General Guidelines on vehicle pursuits.

Since the suspension has been modified, the appellant is entitled to 12 working days of back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10*. However, he is not entitled to counsel fees. *N.J.A.C. 4A:2-2.12(a)* provides for the award of counsel fees only where an employee has prevailed on all or substantially all of the primary issues in an appeal of a major disciplinary action. The primary issue in the disciplinary appeal is the merits of the charges. See *Johnny Walcott v. City of Plainfield*, 282 *N.J. Super.* 121,128 (App. Div. 1995); *In the Matter of Robert Dean* (MSB, decided January 12, 1993); *In the Matter of Ralph Cozzino* (MSB, decided September 21, 1989). In the case at hand, although some charges were dismissed, charges were upheld and was imposed. Consequently, as the appellant has failed to meet the standard set forth in *N.J.A.C. 4A:2-2.12*, counsel fees must be denied.

ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. However, it modifies the suspension to a four working day suspension. The Commission further orders that the appellant be granted 12 working days of back pay, benefits, and seniority. The amount of back pay awarded is to be reduced as provided for in *N.J.A.C. 4A:2-2.10(d)3*. Proof of income earned shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision. The Commission also orders that the appellant receive further training on the appropriate Attorney General Guidelines on vehicle pursuits.

Counsel fees are denied.

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 19TH DAY OF MARCH, 2025

A handwritten signature in cursive script that reads "Allison Chris Myers".

Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 06871-23

AGENCY REF. NO. 2024-167

MIKAEL DIAZ,

Petitioner,

v.

CITY OF LINDEN

POLICE DEPARTMENT,

Respondent.

Peter Paris, Esq., for appellant (Beckett & Paris, L.L.C., attorneys)

Robert Merryman, Esq., for respondent City of Linden Police Department
(Appruzzese, McDermott, Murphy, attorneys)

Record Closed: November 15, 2024

Decided: February 13, 2025

BEFORE **ANDREW M. BARON**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Petitioner, Mikael Diaz (“Officer Diaz or Diaz”), now a Lieutenant with the Essex County Department of Corrections, appeals a Final Notice of Disciplinary Action which assessed a fifteen-day suspension from work, without pay, as a result of an accusation of insubordination, conduct unbecoming, neglect of duty, and violation of State and local

vehicle pursuit rules and regulations in connection with a lengthy pursuit of a suspect who had allegedly engaged in criminal activity.

The matter was transmitted to the Office of Administrative Law (OAL) on August 1, 2023 for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

DISCUSSION

On July 13, 2021, at approximately 6:43 PM, Linden Police Officer Mikael Diaz and his partner David Guzman were involved in a motor vehicle pursuit which commenced following a report of a robbery at a local convenience store.

After asking the suspect operator of a vehicle to turn the car off and exit the vehicle, the suspect accelerated almost causing the vehicle to strike Officer Diaz.

In an effort to apprehend the suspect, a lengthy pursuit of at least twenty-four minutes ensued, taking Officers Diaz and Guzman through several municipalities including Staten Island, ultimately ending on the streets of Newark when Officer Diaz lost sight of the suspect's vehicle.

Throughout the entire time, Officer Diaz's partner Officer Guzman was calling in markers and locations to headquarters which was monitoring the vehicle chase through a dispatcher, and a shift commander.

In addition to the dispatcher and the shift commander, the pursuit was also being monitored the entire time by an on-duty sergeant who was of a higher rank than Officer Diaz.

It is undisputed that at no time did anyone in a position of authority order Officer Diaz to suspend his pursuit of the suspect vehicle, even though the vehicle pursuit continued outside the City of Linden.

Thereafter, the matter was referred to Internal Affairs alleging that Officer Diaz violated certain local and State protocols for the pursuit of a suspect in a vehicle.

Diaz was charged with Failure to Abide by City of Linden Rules and Regulations 3:1.7 Failure to Obey Laws, Ordinances Rules and Written Directives (by specifically violating sections IV(A)(2) and IV (A)(6) of the Police Department Pursuit and Forcible Stop Guidelines.

He was also charged with violations of the New Jersey Administrative Code 4A:2-2.3 (a)(6) Conduct Unbecoming an Employee, 4A:2-2.3(a)(7) Neglect of Duty and 4A:2-2.3(a)(12) Other Sufficient Cause; Violation of Department Policies. Among other things, the investigation determined that the danger to the public outweighed the necessity for immediate apprehension and the pursuit should have been called off when Officer Diaz continued the pursuit on local streets of Newark driving the wrong way on a one-way street.

The Dispatcher, shift commander Nicole Melchionna and Officer Guzman were also charged but did not challenge the infractions they were charged with and accepted the penalties imposed against them.

Officer Diaz strongly felt that he had done nothing wrong and was carrying out his sworn duties in pursuit of an alleged criminal. He also believed that since none of the others who were monitoring the pursuit ordered him to cease and desist, he was acting in accordance with departmental and State policy.

Although the Preliminary Notice of Disciplinary Action against Officer Diaz recommended a ten (10) day suspension, after Officer Diaz exercised his right to a hearing, the hearing officer added six additional days, for a total unpaid suspension of sixteen (16) days.

The within appeal was subsequently filed.

UNDISPUTED FINDINGS OF FACT

Based on the testimony of the witnesses, together with the evidence presented, set forth below, I make the following **FINDINGS OF FACT**.

1. On July 13, 2021, Mikael Diaz was an officer employed by the Linden Police Department.
2. Officer Diaz is respected by his peers, and volunteers for many extra assignments.
3. He has received numerous awards and commendations.
4. Lt. Danny Tristao was the primary witness who testified for the City of Linden.
5. Lt. Tristao previously served for six years as the head of Internal Affairs and in that time handled between 200 and 300 investigations of alleged officer misconduct.
6. From the outset of his testimony, Lt. Tristao testified that Officer Diaz is a good employee and a good officer who takes his duties seriously and works hard. **I FIND** Lt. Tristao was a credible witness.
7. The Office of Internal Affairs reviews about fifteen to twenty police vehicle pursuits a year. Lt. Tristao is trained in standard Operating Procedure for vehicle pursuits, which is required for all members of the Police Department.
8. A "pursuit" is initiated when an individual in a vehicle being pursued takes what is considered to be an evasive action such as increasing speed or such other maneuver to elude police.
9. In this case, the pursuit was initiated in the parking lot of the convenience store within Linden City limits when Officer Diaz ordered the individual in the car in the store parking lot to turn his engine off and exit the vehicle. Instead, the actor, now an alleged crime suspect, ran the engine almost hitting Officer Diaz with the vehicle and sped off onto a nearby highway.
10. As part of his investigation, Lt. Tristao reviewed R-2, the Investigation report, R-5 information regarding the pursuit and R-9 the Primary Use of Force Vehicular Pursuit form. These forms are required every time there is a vehicle pursuit.
11. Also reviewed as part of the investigation was R-3 the CAD report, and R-10 the

video recording of the pursuit.

12. Despite the necessity of driving at a high rate of speed while in pursuit, the video reflects Officer Diaz as a highly skilled driver, able to navigate and traverse roads and highways always aware of his safety and the safety of Officer Guzman and other vehicles.
13. While traveling at a high rate of speed always keeping the other vehicle in front of him, Officer Diaz had the foresight to call in and request a helicopter to assist with the pursuit.
14. A CAD report provides basic information about the incident that was provided to the dispatcher, including but not limited to the location, incident type and the police units involved. During a pursuit, the officer (s) in this case Officer Guzman who was in the passenger seat to the right of officer Diaz periodically calls out to dispatch the location of the police vehicle.
15. It is undisputed that during the entire time of the pursuit in question, in addition to the dispatcher, Lt. Nicole Melchionna was the shift commander in charge at the time and was made aware of what was going on with this pursuit, as was Sgt. Damatta who was Officer Diaz's immediate supervisor.
16. The role of the shift commander is to monitor the pursuit through radio communications and to determine if and when the pursuit should be terminated.
17. It is undisputed that at no time during the entire pursuit did either Lt. Melchionna or Sgt. Damatta issue an order to officer Diaz to stop the pursuit.
18. It is undisputed that though the pursuit was initiated within Linden city limits, most of the pursuit continued and occurred outside the City including roads such as the New Jersey Turnpike, the Goethals Bridge and McCarter Highway in Newark. Again here, though well outside Linden City limits, the others listening to the radio updates never ordered officer Diaz to stop the pursuit.
19. In fact, it was not until after the pursuit was stopped by Officer Diaz and Guzman when they lost sight of the other vehicle that the alleged infraction was written due to Officer Diaz entering a local one way street in Newark in the wrong direction which was a concern to Police officials since such driving is considered a danger to the public.
20. However, the video which was shown at least three times during the hearing clearly shows that Officer Diaz has superior driving skills at a high rate of speed

- and at no time was any member of the public in danger.
21. Throughout most of the pursuit as depicted in the video, officer Diaz was driving the police vehicle at a rate of speed between 70 to 93 miles per hour.
 22. Nonetheless, Lt. Tristao testified that despite the quality of Officer Diaz's driving, standard Operating Procedure was violated when the pursuit continued the wrong way down local one-way streets in Newark at excessive rates of speed in a residential area. Where potentially there is more pedestrian traffic.
 23. In Lt. Tristao's view, Officer Diaz's conduct created a risk of harm to the public.
 24. Until Officer Diaz entered Newark city limits, Lt. Tristao had no problem with the manner in which Diaz and Guzman handled the pursuit.
 25. As the pursuit continued into Newark on local streets, Linden officials were not notified by Diaz or Guzman that they were traveling the wrong way down one-way streets.
 26. R-15, the Department's Vehicle Pursuit Policy includes such things as: nature of the area, population density, environmental factors, road conditions, and termination of pursuit.
 27. The policy includes language to the effect that "a pursuing officer shall terminate a pursuit when the officer believes that the danger to the officer or the general public outweighs the necessity for immediate apprehension of the suspect."
 28. The Attorney General Guidelines, issued in December 2020 which were also considered expressly prohibit pursuit down a one-way street. (J-1)

LEGAL ANALYSIS AND CONCLUSIONS

N.J.S.A. 11A:1-1 through 12-6, the Civil Service Act," established the Civil Service Commission in the Department of Labor and Workforce Development in the Executive Branch of the New Jersey State government. The Commission establishes the general causes that constitute grounds for disciplinary action, and the kinds of disciplinary action that may be taken by appointing authorities against permanent career service employees. N.J.S.A. 11A:2-20. N.J.S.A. 11A:2-6 vests the Commission with the power, after a hearing, to render the final administrative decision on appeals concerning removal, suspension or fine, disciplinary demotion, and termination at the end of the working test

period., for permanent career service employees.

In this type of proceeding, the appointing authority, (City of Linden) has the burden of proving the charges by a preponderance of the evidence. N.J.A.C. 4A:2-1.4 (a). See also: In re Michelle Adams, Camden Vicinage Judiciary, 2019 CSC LEXIS 216. Appeals before the Civil Service Commission are de novo hearings. N.J.S.A. 11A:2-13. See also: West New York v. Brock, 38 N.J. 500 (1962). Though they have partially met that burden that some form of discipline was appropriate only for Officer Diaz's actions towards the end of the pursuit when he entered local streets in the City of Newark, **I CONCLUDE** the burden was not met as to the excessive "major" sixteen day penalty that was imposed, given the other factors that were not considered, including but not limited to the undisputed fact that the shift commander, the Sergeant in charge and the dispatcher, all of whom could have directed Diaz to stop the pursuit, never did so, leading Diaz to believe that his continued actions in pursuing a criminal suspect who was evading police was entirely appropriate.

From the outset, **I CONCLUDE** the City has failed to meet its burden by a preponderance of the evidence on three of the four charges.

In order to be found liable for a violation of N.J.A.C. 4A:4-2.3 (a)(6), Conduct Unbecoming an Officer, a government entity must establish that an employee committed "conduct which adversely impacted the morale or efficiency of the entity, or committed conduct which has a tendency to destroy public respect for employees." See: City of Asbury Park v. Dept. of Civil Service, 17 NJ 419 (1955).

Similarly, the term "Neglect of Duty" has been found when an "employee has neglected to perform an act required of their job title or was negligent in its discharge." Or violated a department's and the Attorney General pursuit policies: See: In re Kerlin, 151 N.J. Super 179 (App, Div. 1977) See also: In the Matter of Kevin Norton, Borough of Wanage, OAL Dkt. No. CSV 06232-22,2024 WL 218471, initial decision (February 7, 2024) aff'd Civil Service Commission (February 28, 2024).

Again here, given the unique facts before me that at least three other Police

Department officials, two of whom held a higher rank than Officer Diaz, did not see fit to issue an order to stop the pursuit, **I AM UNABLE TO CONCLUDE** that Officer Diaz is guilty of neglect of duty.

And when all else fails, government entities often charge an employee with N.J.A.C. 4A: 4-2.3 (a)(7) Other Sufficient Cause, a charge without specifics often utilized when the burden can't be met on other charges.

Again here, with at least two other supervisors involved in monitoring the vehicle pursuit who never once directed Officer Diaz to 'stand down," **I AM UNABLE TO CONCLUDE** that officer Diaz violated this regulation.

As such, the only charge which seems to make sense against officer Diaz, albeit on a limited scale, is Failure to Abide by Police Department and Attorney General Rules and Regulations addressing vehicle pursuit.

Having viewed the video at least three times during the hearing, which again shows the care and due diligence exercised by Officer Diaz throughout the entire pursuit, one can't help but be impressed by Officer Diaz's driving skills at a high rate of speed in pursuit of a criminal suspect. **I THEREFORE CONCLUDE** that the only part of his pursuit that can be criticized is towards the end of the vehicle chase when he entered Newark on local streets and drove at a high rate of speed in a densely populated area in the wrong direction, which is prohibited by Attorney General guidelines and local Linden Police pursuit policy.

Clearly, the suspect who ultimately evaded Officer Diaz after almost a half hour of driving had something to hide or he would have stopped much sooner.

Thus, it is only the short last part of the pursuit which can be questioned as a violation, and therefore **I FINALLY CONCLUDE** that it only constitutes a **minor infraction** worthy of no more than a **four (4) day suspension**.

The Civil Service Commission may increase or decrease the penalty imposed by

the appointing authority, though removal cannot be substituted for a lesser penalty. N.J.S.A. 11A:2-19. When determining the appropriate penalty, the Commission must utilize the evaluation process set forth in the Brock case, and consider, among other things, the employee's history of promotions, commendations, and the like, as well as formally adjudicated disciplinary actions and instances of adjudicated misconduct.

Insubordination is generally interpreted to mean the refusal to obey an order of a supervisor. In re Williams, 443 N.J. Super. 532 (App. Div. 2016). See N.J.A.C. 12"17-10.5 (a1). a State Unemployment regulation regarding discharge or suspension for insubordination includes where an employee refused without good cause to comply with instructions from the employer, which were lawful, reasonable, and did not require the individual to perform services beyond the scope of his or her customary duties.

Given the oversight of a Lieutenant shift Commander, a Sergeant supervisor and a Dispatcher, all of whom were listening in to the pursuit throughout its entirety, I **CONCLUDE** Diaz did not refuse to obey an order since no such order was ever issued.

Obedience requires knowledge of that which is to be obeyed. Perrine v. Broadway Bank 53 N.J. Eq. 221 (E&A 1895). See also: In the Matter of Sean McGovern, CSC No. 2013-286 (May 7, 2018) (refusal to write a report due to stress.)

As it relates to the case before me, police officers are held to a high standard, similar to police officers who are sworn to maintain peace and enforce laws in a community. Chaparro v. Department of Corrections, OAL Docket No. CSV 4112-10. The importance of maintaining discipline in a correctional facility in light of the inherent danger when order and discipline are disrupted or destroyed is widely recognized. See: Bowden v. Bayside State Prison Dept. of Corr., 268 N.J. Super 301 (App. Div. 1993) (citing Henry v. Rahway State Prison, 81 N.J. 571 (1988).

The question in this case though involves degree of the offense, and whether there were any mitigating circumstances or alternative forms of penalty that the City could have imposed against officer, short of the sixteen-day unpaid suspension. The City says Diaz has no defense to his conduct, which was inexcusable, and in violation of State and local

vehicle pursuit policies and regulations. But this case law itself suggests that the determination of an appropriate disciplinary infraction cannot be decided in a vacuum. See: Moorestown v. Armstrong, 89 N.J. Super 560 (App. Div. 1965) cert. denied 47 N.J. 80 (1966). And see: In re Phillips 117 N.J. Super 567 (1990), cited for the principle that “the position of an individual working in law enforcement requires significant responsibility and calls for individuals in that position to be able to handle conditions of great stress.” If an individual is unable to handle those work conditions, they pose a risk to fellow officers and perhaps should not serve in such a position. In the Matter of John Bell, Dkt. No. A-0596-06T5 (App. Div. June 17, 2008).

I CONCLUDE that while in a perfect world, officer Diaz could have and should have handled himself in a different manner when he approached the local streets of Newark, there were mitigating circumstances including but not limited to the undisputed fact that none of the police officials in higher positions of authority ordered or directed Diaz to stop the pursuit.

As a result, **I CONCLUDE** such that a sixteen-day suspension which constitutes a “major” penalty on his record was excessive under the circumstances, given certain factors at play here, which the City did not consider, the most important of which was the lack of an order from any of the supervisors or “higher ups” who were listening in throughout the entire pursuit.

I THEREFORE CONCLUDE, that while some degree of penalty is appropriate for driving down a one-way street in the opposite direction at a high rate of speed in a local neighborhood, circumstances warrant that the original sixteen-day major penalty should be reduced to a **four day** “minor” penalty.

Though the City questions Diaz’s judgment for continuing the pursuit, **I FIND AND CONCLUDE** that his version of the events of that day is **credible**. Officer Diaz is a decorated officer who decorated an amazing level of skill and care while driving his police vehicle at a high rate of speed for an extended period in pursuit of a criminal suspect who wouldn’t stop.

ORDER

IT IS HEREBY ORDERED that the sixteen-day suspension which constitutes a “major” penalty on Officer Diaz’s record is hereby reduced to a **four day “minor penalty,”** which is more appropriate to acknowledge that Diaz should have ended the pursuit on his own after notifying Police officials he was entering a residential neighborhood in Newark on a one-way street.

IT IS FURTHER ORDERED, that if Officer Diaz was not paid for the other twelve days which is the difference between the original penalty of sixteen days, and the four-day penalty imposed now, he should be reimbursed for those days, and/or if he used vacation, personal and sick time for those twenty-seven days, those days should be restored to his bank of benefits.

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.

February 13, 2025

DATE



ANDREW M. BARON, ALJ

Date Received at Agency:

February 13, 2025

E-Mailed to Parties:

February 13, 2025

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APPENDIX

LIST OF WITNESSES

For Petitioner:

Officer Mikael Diaz

For Respondent:

Lt. Danny Tristao

LIST OF EXHIBITS IN EVIDENCE

Joint Exhibits:

- J-1 Attorney General Guidelines
- J-2 Linden local pursuit rules and policies

Petitioner: (Only P-11 was considered as P-1 to P-10 predate the incident in question)

- P-1 Body cam pursuit 4-1/18
- P-2 Body cam pursuit 4-21-19
- P-3 Car cam video 2-22-20
- P-4 Car cam video 1-17-21
- P-5 Car cam video 5-5-19
- P-6 Body cam pursuit 5-2-19
- P-7 Car cam video 3-25-18
- P-8 Body cam video 3-25-18
- P-9 Car cam video 11-15-19
- P-10 Body cam video 11-15-19:
- P-11 (Also referred to as A-11) Diaz commendations

Respondent:

- R-1 FNDA 7/12/23
- R-2 Internal Affairs Report 4/1/22
- R-3 CAD Report 7/10/21
- R-4 Incident report

- R-5 Police incident report
- R-6 Target letter
- R-7 Administrative advisement form
- R-8 Weingarten advisement
- R-9 Sgt. Damatta
- R-10 Fleet footage video
- R-11 Training records
- R-12 Performance notice
- R-13 Performance notice
- R-14 Misc. paperwork re; investigation
- R-15 Linden standard Operating Procedure Pursuit 2/21/21
- R-16 Linden Police Rules and Regulations 11/1/16
- R-17 Lt. Crawford's disciplinary history