



STATE OF NEW JERSEY

In the Matter of Darrin DeWitt,
Hackensack, Police Department

CSC Docket No. 2023-2770
OAL Docket No. CSV 05682-23

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

ISSUED: MAY 21, 2025

The appeal of Darrin DeWitt, Police Captain, Hackensack, Police Department, 10 working day suspension, on charges, was heard by Administrative Law Judge Kimberly A. Moss (ALJ), who rendered her initial decision on April 7, 2025. Exceptions were filed on behalf of the appellant 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 evaluation of the record, including a thorough review of the exceptions, the Civil Service Commission (Commission), at its meeting on May 21, 2025, adopted the ALJ's Findings of Facts and Conclusions of Law and her recommendation to uphold the 10 working day suspension.

As indicated above, the Commission has thoroughly reviewed the exceptions and finds them unpersuasive. Of note, the appellant argues that the charges should be dismissed pursuant to *O'Rourke v. City of Lambertville*, 405 N.J. Super. 8 (2008) since the appointing authority did not follow the Attorney General (AG) Guidelines for internal investigations. In her initial decision, the ALJ stated that any irregularities or violations of the AG Guidelines were cured as the Bergen County Prosecutor's Office performed the investigation. In this case, the Commission agrees. Initially, the Commission notes that procedural deficiencies at the departmental level which are not significantly prejudicial to an appellant are deemed cured through the *de novo* hearing received at the Office of Administrative Law. See *Ensslin v. Township of North Bergen*, 275 N.J. Super. 352, 361 (App. Div. 1994), *cert. denied*, 142 N.J. 446 (1995); *In re Darcy*, 114 N.J. Super. 454 (App. Div. 1971). Moreover, the Court in *O'Rourke*, *supra* at 23, stated:

In summary, we are convinced that when a law enforcement agency adopts rules pursuant to N.J.S.A. 40A:14-181 to implement the

Attorney General's Guidelines, the agency has an obligation to comply with those rules. Because it failed to do so, *and because the deficiencies tainted the disciplinary process*, the City's decision to remove plaintiff from his position cannot stand. (emphasis added).

Initially, the Commission notes that the *O'Rourke* matter was decided in a jurisdiction not covered under the Civil Service Act, *i.e.*, Title 11A of the New Jersey Statutes. Regardless, where applicable, the Commission believes it should also be applied to Civil Service jurisdictions. A plain reading of the above holding indicates that in order to find that charges should be dismissed, there must be a showing that the deficiencies also tainted the disciplinary process. In this matter, the ALJ found that the Bergen County Prosecutor's Office investigation was sufficient to defeat any violations of the AG Guidelines. The Commission agrees as it finds nothing in the record or the exceptions to establish that the departmental-level disciplinary process was so tainted as to procedurally dismiss the charges.

The appellant's exceptions also argue for a reduced penalty. The Commission is not persuaded. Similar to its assessment of the 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." Rather, it is recognized that some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. *See Carter v. Bordentown*, 191 N.J. 474 (2007). In this regard, the Commission emphasizes that a law enforcement 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).

Here, it is clear that as a superior-level law enforcement officer, who, per above, is held to a higher standard, the appellant's misconduct was improper and worthy of a significant disciplinary penalty. As such, the Commission finds the penalty of a 10 working day suspension neither disproportionate to the offense nor shocking to the conscious.

ORDER

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

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 21ST DAY OF MAY, 2025



Allison Chris Myers
Chairperson
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 05682-23

AGENCY DKT NO. 2023-2770

**IN THE MATTER OF DARRIN DEWITT,
CITY OF HACKENSACK POLICE
DEPARTMENT,**

Stuart J. Alterman, Esq. for appellant (Alterman & Alterman, LLC, attorneys)

Steven W. Kleinman, Esq for respondent, City of Hackensack Police
Department (Eric M. Bernstein & Associates, LLC attorneys)

Record Closed: March 17, 2025

Decided: April 7, 2025

BEFORE KIMBERLY A. MOSS, ALJ:

Darrin DeWitt (DeWitt or appellant) appeals to the decision of respondent City of Hackensack Police Department (Hackensack) to suspend him for ten days on charges of conduct unbecoming a public employee.

This matter was transmitted to the Office of Administrative Law (OAL) and filed on June 27, 2023. The hearings were held on June 3, 2024, October 11, 2024, and January 8, 2025. Post hearing briefs were submitted on March 17, 2025, on which date the record closed.

FACTUAL DISCUSSION

TESTIMONY

Jonnese Arrington

Jonnese Arrington (Arrington) is a sergeant in the Bergen County Prosecutor's Office (Bergen). She was previously a police detective in the City of East Orange. She has worked in the internal affairs (IA) department of Bergen since August 2020 and has had IA training.

The Bergen IA department investigates between five to ten cases of supervising officers of municipalities per year. Ray Guidetti filed a complaint against DeWitt. Guidetti is the Police Director for Hackensack. The complaint of Guidetti stated that Michael Mordaga had told him about things DeWitt said at roll call. Arrington was the lead investigator in the DeWitt matter. Mordaga was also a complainant. Mordaga was a former investigator for Bergen. At the time of the complaint, Mordaga was not in law enforcement. Mordaga wrote a letter to Guidetti regarding DeWitt's comments at roll call on August 16, 2022.

Arrington contacted Mordaga requesting that he make a statement. On August 30, 2022, Mordaga came to Bergen to give a statement. Sergeant Leighton was present when Arrington interviewed Mordaga. In the interview, Mordaga stated that he was contacted by officers who were present at a roll call on August 16, 2022, where DeWitt stated that he was upset at not being named police chief and stated that Mordaga was a corrupt former cop who had connections to organized crime, and was responsible for three murders. DeWitt also said City Manager Caruso was corrupt and when Caruso was a police officer put a gun into a person's mouth and was involved in a prostitution ring in the 1990's. Mordaga did not state the names of the officers who told him about the roll call incident. Mordaga was asked to provide the names but declined, stating that the officers feared retaliation. After the interview with Mordaga, Arrington attempted to get video of the roll call to see who was present. She received the video, but it did not contain audio.

Arrington next interviewed Lieutenant Benny Marino (Marino). Marino was contacted by Mordaga on the day of the incident. Marino stated that he left Hackensack at 2:00 a.m. on August 16, 2022. He received a call from Mordaga on August 16, 2022, regarding DeWitt's roll call. Marino called officers who had been present at the roll call. The officers told Marino that DeWitt was upset and possibly crying during the roll call which lasted thirty minutes. Moreno checked with officers and contacted Mordaga back. Bergen did not investigate why Marino was reporting this information to a civilian. Marino stated that he spoke to a few officers that were more senior. Marino did not investigate the veracity of DeWitt's statements.

Arrington determined that the supervisors for Hackensack at the time of the roll call were Sergeant Matthew Swetits and Sergeant Sean Briggs (Briggs). Briggs was interviewed on September 1, 2022. Briggs stated that he received a call from DeWitt stating that he wanted all the officers at roll call. At the roll call DeWitt was visibly upset. He spoke about City Manager Caruso and Guidetti's ties to Mordaga and spoke of allegations against Mordaga. DeWitt said Mordaga had bodies under his belt. Briggs understood this to mean that Mordaga was involved in criminal activity. Briggs indicated that he did not know how Guidetti received the position of Police Director. Briggs said that DeWitt could have conveyed the information in a different way. Briggs stated that he was surprised by what DeWitt said during roll call. Briggs did not complain about the roll call.

Swetits was interviewed on September 1, 2022. In the interview, Swetits stated that on August 16, 2022, he received a call from DeWitt that he wanted to address the day and night shift. Swetits was at the roll call. He stated that DeWitt said that Caruso was arrested when he worked in Lodi. He also mentioned organized crime. DeWitt made statements about Mordaga that the older officers knew about. He also made comments about Caruso and Guidetti.

Arrington did not interview any additional witnesses. She received the rules and regulations of Hackensack. Her Lieutenant signed off on the Internal Affairs (IA)

complaint. DeWitt was sent a notice that he was the subject of an investigation and Bergen wanted to speak to him on an administrative matter. The notice informed DeWitt that he was entitled to counsel.

DeWitt was interviewed with counsel present on September 22, 2022. He stated that once he took the position of Officer In Charge (OIC) he was told that he would be made Chief in 2022. On August 15, 2022, DeWitt was informed that he would not be the new Chief by the City Manager. DeWitt felt that he was being retaliated against. Caruso told DeWitt that there would be a new police director, but DeWitt could still be the OIC. DeWitt refused. DeWitt was told that Guidetti would be the new Police Director, he had no relationship with Guidetti.

DeWitt believes that everyone who spoke against Mordaga had difficulty. Mordaga, as the former Police Director, read over police reports and gave investigations to officers. Supervisors who reported Mordaga received retribution.

An audit of Hackensack was done and there were rumors that people would be fired.

It was not common for DeWitt to be at the roll call. Supervisors and thirteen officers were present on the August 16, 2022 roll call. DeWitt spoke about his meeting with the City Manager. He spoke about people's past histories and of people's alleged mob connections. He stated that Caruso never spoke to him about why overtime was high. He stated that the audit was a dirty report that was slanted against him. DeWitt stated that Guidetti was a friend of Mordaga. He spoke about allegations that Mordaga was connected to organized crime. He stated that Caruso allegedly put a gun into the mouth of a massage parlor owner and was arrested.

DeWitt spoke because he believed that Hackensack needed a Chief. He also stated that officers that get charged can get exonerated.

DeWitt did not say that Mordaga was the most corrupt cop. He never said that Mordaga factually killed anyone. He made no comment that Mordaga was investigated by the FBI. DeWitt spoke at roll call on August 16, 2022, from 5:58 p.m. to 6:16 p.m. DeWitt did not make any disparaging remarks about Guidetti, but did comment that Guidetti had a relationship with Mordaga. DeWitt alleged that Mordaga overstepped his authority in stopping a DPW investigation.

Arrington stated that her report was not influenced by Mordaga, Bergen Chief Anzilotti or Guidetti. She did not investigate the statement that DeWitt made about other individuals. Mordaga was frustrated about what DeWitt said about him. On August 19, 2022, Mordaga wrote a letter to Guidetti which Arrington reviewed. In the letter Mordaga stated that DeWitt said that Mordaga was responsible for three murders. Arrington did not confirm that DeWitt said that Mordaga had been responsible for three murders. She did not receive any confirmation that DeWitt said that Mordaga was the most corrupt cop. There was no indication that DeWitt said that Mordaga was part of organized crime, took money from developers or that Mordaga was being investigated by the FBI.

Arrington reviewed the interviews and the Hackensack rules and regulations and wrote her report. Arrington found DeWitt violated the rule regarding conduct unbecoming a public employee. She found this because DeWitt was the highest-ranking member of Hackensack, and he vented his frustration at not being made Chief to his subordinates. Bergen sent the case back to Hackensack with a finding of conduct unbecoming a public employee and a ten-day suspension.

Anzilotti was the Captain when Arrington came to Bergen. IA investigations must be thorough and complete. The investigation is confidential. Arrington concluded that DeWitt's conduct at the roll call was conduct unbecoming a public official because he was the highest-ranking officer and discussed his frustration with not being promoted with his subordinates and made remarks about Mordaga, Caruso and Guidetti.

At roll call daily assignments are discussed. If Mordaga gave Arrington the names of the officers who told him about the roll call, she would have interviewed the officers. It is unusual for a civilian's name to be brought up during roll call. There is consistency in the statements that Arrington took. DeWitt wanted to associate Guidetti with Mordaga. It was not the appropriate time or place for DeWitt's statements. No officers were on the road when DeWitt spoke at roll call.

Benny Marino

Marino is a Lieutenant with Hackensack. He has been employed by Hackensack for twenty-three years. He has been a lieutenant for eight years. He was the tour commander of the patrol division. His hours were 4:30 p.m. to 3:30 a.m. Marino knew Mordaga, who was the prior police director. Marino had a good working relationship with Mordaga. He would run into Mordaga outside of headquarters occasionally. He would see Mordaga a few times a year. They were professional acquaintances. Marino had previously worked with Mordaga when Mordaga was the Police Director.

On August 16, 2022, Marino finished his shift at 3:30 a.m. He was home by 6:00 a.m., when the roll call occurred. Roll calls occur every day at approximately 6:00 a.m. A Tour Commander or a Sergeant usually discusses what will be done that day. DeWitt rarely addresses the roll call. Mordaga called Marino stating that DeWitt started rumors about Mordaga at the roll call on the morning of August 16, 2022. Mordaga told Marino that DeWitt had an emotional roll call, stating that the new Director had ties to Mordaga and Mordaga had three bodies on him and that Mordaga got kickbacks from developers. Marino did not ask Mordaga where the information about the roll call came from.

Marino called a few officers that were present during the August 16, 2022 roll call who were under his command. The officers that he spoke to about the incident were: Frank Cavallo, Frank Campeliello, Matt Debonis, John Tanucilli and Ed Menses. These officers stated that they were uncomfortable with DeWitt's statements. The officers confirmed what DeWitt had said. Marino called Mordaga back on either August 16,

2022 or August 17, 2022, and told him that the rumors about what DeWitt said at roll call had been confirmed. He saw no reason not to contact Mordaga. Mordaga told Marino that he was going to make a complaint to Bergen regarding DeWitt's comments. At the time of the call Mordaga was not affiliated with the police department. Marino does not believe that Mordaga was affiliated with Bergen at that time.

Marino found out about the new Police Director by text. He told his tour that a new Police Director was coming and to be professional. On the day in question, DeWitt was the OIC. He summoned the staff to a roll call. Marino heard that DeWitt was emotional during the roll call and made disparaging statements regarding the former City Manager and Mordaga had mob ties. Marino did not report Mordaga's complaint to internal affairs. He knows the Attorney General internal affairs guidelines.

Marino spoke to approximately four officers regarding the roll call. He did not remember exactly what each officer said. Marino did not memorialize his conversations with his subordinates or his conversation with Mordaga.

During his interview by Bergen, Marino stated that his subordinates did not say too much about the roll call. He remembers being told by his subordinates that at the roll call DeWitt commented about mob ties and that Caruso had put a gun in someone's mouth and Guidetti was buddy-buddy with Mordaga and Caruso. Marino did not believe that the initial call that he received from Mordaga was a police complaint. Marino believed that any disciplinary action against DeWitt would be decided by Bergen. When there is a complaint about an officer, it is investigated by the city manager or Bergen. In this matter, the only appropriate entity to investigate was Bergen. Complaints about superior officers must be memorialized. The process when a complaint is received is to write a report. Marino believes that Mordaga was asking him questions, not making a complaint.

Marino does not recall discussing the roll call with Guidetti or Caruso. He did not speak to Guidetti regarding who would replace DeWitt as the new OIC. Marino became

the aide to Guidetti on September 1, 2022. He gave a statement to the Prosecutor's Office regarding the roll call on August 31, 2022. He was an aide to Guidetti for approximately eight months.

There were many rumors going around Hackensack. Mordaga never told Marino that he wanted Marino to file a complaint regarding the roll call. Marino never went out for drinks or dinner with Mordaga. He has been at political functions that included dinner where Mordaga was also present.

Sean Briggs

Sean Briggs began working as a police officer in the Hackensack in 2011. He became a Sergeant in July 2019. He was the Road Sergeant on August 16, 2022. He supervised the patrol division. His hours that day were 5:30 a.m. to 6:30 p.m. The day and night shifts were twelve hours. There is a benefit to having a police car on the road if something occurs. Briggs does not know DeWitt's schedule.

On August 16, 2022, Briggs shift began at 5:30 a.m. He did not communicate with DeWitt until the roll call. Briggs became aware that DeWitt wanted to address the call. Roll calls are usually done by a Sergeant or Lieutenant. The roll call can last from thirty seconds to five minutes. Assignments, posts and cars are given at the roll call. A shift can be held over for a roll call.

Briggs sent text messages to the squad to be on time for the call because DeWitt wanted to address them. DeWitt wanted to convey the state of the police department. He wanted to tell the newer officers what had happened and what would happen. DeWitt made a statement about Mordaga, he said to goggle Mordaga and that Mordaga was possibly connected to organized crime and had three bodies. DeWitt stated that when Mordaga was the Police Director, he asked DeWitt to do an investigation, which he failed to do and was demoted. DeWitt was trying to connect Mordaga to Caruso.

DeWitt said at the roll call that Caruso was involved in an incident while he was a police officer in Lodi that could be looked up on Google. He does not remember how Mordaga and Guidetti were tied together by DeWitt. The roll call lasted fifteen to twenty minutes. Briggs explained that DeWitt was passionate during the roll call and close to tears. DeWitt said that if an officer gets demoted or suspended, they are not dirty cops. DeWitt believed that something was going to happen. After the roll call, Briggs did not google Mordaga or Caruso.

Briggs believed that no one cared about Mordaga's past. It did not cross his mind that DeWitt's comments should be reported to anyone. Briggs believes that DeWitt would be an excellent Police Chief and that DeWitt's comments were part of the public record and not disrespectful. He did not tell Bergen that he believed that DeWitt was trying to attach Guidetti to the past acts of Mordaga and Caruso. Briggs did not tell Bergen that DeWitt told the roll call to make their own assumptions about Guidetti. DeWitt cares about the job and wants people to do the job correctly. Briggs respects DeWitt.

Matthew Swetits

Swetits began with Hackensack in 2010. He became a Sergeant in 2019. He became a Lieutenant in 2023. On August 16, 2022, Swetits worked the 5:30 a.m. to 4:30 p.m. shift. He was the Patrol Sergeant. There were six to twelve officers under his command at that time. He also does roll call, which lasts five to ten minutes. On this date the shift was held over for DeWitt to address roll call which rarely occurs. The night shift was over. They were entitled to overtime. No one on the night shift applied for overtime for being held over. DeWitt called the front desk and stated that he wanted to address the night crew at roll call and to hold over the night crew. Briggs was the other supervisor at the time of the roll call.

At the roll call, DeWitt discussed his history with Mordaga and that Mordaga wanted him to do things that were illegal, when he refused, he was transferred out of the detective unit. DeWitt said that Mordaga knew people connected to organized crime

and homicides. It was public knowledge, according to the news, that Mordaga was involved with organized crime. DeWitt linked Mordaga, Caruso and Guidetti together. Swetits does not think the roll call was negative or positive. The things that DeWitt brought up at the roll call were public knowledge. DeWitt was passionate during the roll call. Swetits could tell that DeWitt cared about what he said. DeWitt was not happy with the appointment of the new Police Director. DeWitt looked shaken at the roll call.

Swetits recalled that at the roll call, DeWitt stated that Caruso was arrested when he was a police officer in Lodi and was involved with organized crime. DeWitt said that everyone in the department was good people, and the supervisors were not dirty cops. After the roll call, Swetits dismissed the night crew and did the roll call for the day crew. He did not think the comments at roll call were appropriate because the newer officers did not know about the rumors. Many of the younger officers did not know Mordaga. It was inappropriate to spread rumors at roll call.

Swetits did not report the roll call to anyone because he did not believe that it needed to be reported. DeWitt spoke about things that were common knowledge. Swetits knew Mordaga from when Mordaga was the Police Director. If Mordaga had called him complaining about the roll call, Swetits would have memorialized the complaint. He would not report back to Mordaga because it would have been an IA investigation.

Roll calls are held in the hall of the police department. Things said at roll call are confidential in Swetits' opinion.

Raymond Guidetti

Guidetti is the Police Director of Hackensack. He has held that position since August 16, 2022. He has over twenty-five years' experience as a State Trooper. In 2018, then Hackensack City Manager. Ted Ehernberg reached out to Guidetti regarding the position of Police Director. They had conversations but there was no resolution. In 2022, Mordaga contacted Guidetti informing him that Hackensack was looking for a

Police Director. He met with Caruso and was told that there was interest in him for the Police Director Position. Guidetti became the Police Director for Hackensack on August 16, 2022.

Guidetti knew Mordaga through law enforcement. They developed a personal relationship. Mordaga had been accused of being involved with organized crime in online and newspaper reports. He had not met DeWitt prior to becoming the Police Director. He knew that Caruso had been a police chief in Lodi, but did not meet him until 2022. Guidetti was told that Hackensack has finished a public assessment to restore leadership and accountability.

Guidetti met with DeWitt on August 16, 2022. The meeting lasted two hours. DeWitt gave Guidetti the historical understanding of the Hackensack. DeWitt also stated that he had been told that he would be made Chief and that he no longer wanted to be OIC, but he would support Guidetti.

At the time of this meeting, Guidetti did not know of the roll call incident. Guidetti became aware of the roll call incident a few days after it occurred. He was informed by Mordaga. Mordaga was upset about the comments DeWitt made at the roll call. Mordaga objected to DeWitt's comments. Guidetti did not take Mordaga's comments as a complaint. He did not write a report about this conversation. He took it as a rumor, not a complaint. He believed that Mordaga called him to vent. Guidetti was not concerned that someone from Hackensack gave information to Mordaga. Guidetti did not know if it was rumor or innuendo. He did not take action at that time. The incident sounded unusual, but he was not aware of how Hackensack conducted its roll calls.

One week later, Guidetti was informed that Mordaga had left a sealed envelope for him. The letter describes what occurred at the roll call. It states that DeWitt spoke about corruption, organized crime and murder regarding Mordaga, and organized crime regarding Caruso. There were also comments that DeWitt made about Guidetti. Guidetti understood the letter to be a complaint. He reported the complaint to Jason

Love of Bergen. Since DeWitt at that time was the OIC, the complaint was sent to Bergen for investigation. Guidetti wrote a report and sent the letter and report to Bergen. Guidetti did not interview anyone who was at the roll call. He was not interviewed by Bergen.

Guidetti has read the Attorney General guidelines and has been trained in the guidelines. Guidetti did not file the complaint with Hackensack IA department. He is aware that IA complaints should be filed with the IA department. He did not notify IA because DeWitt was the OIC, and the investigation would be done by Bergen. Guidetti read the Bergen report and was shocked at the allegations made by DeWitt. He believed that the comments by DeWitt at the roll call undermined his credibility and authority with the officers.

Guidetti believes that DeWitt acted unprofessionally. Bergen recommended a ten-day suspension for DeWitt. He accepted the recommendation but was surprised that the discipline recommendation was only ten days. He does not know where Mordaga received the information that was in his letter. Guidetti did not suppliant or substantiate Mordaga's complaint. Guidetti was not aware that DeWitt used the word allegedly when speaking about the rumors regarding Mordaga and Carouso. He was not aware that the Attorney General was investigating Mordaga. He did not read articles in the New York Post regarding Mordaga. He does recall reading an online article regarding Mordaga's house. Guidetti was not aware of who was present at the roll call. He became aware that Briggs and Swetits were in the roll call. Guidetti has no problem with what Marino did regarding this incident. Mordaga had no official position with Hackensack at the time of the roll call.

In September 2022, Guidetti and DeWitt meet again, and DeWitt apologized to Guidetti but did not say what he was apologizing for. If rumors are circulating around, it is the leader's job to quash the rumors. When Mordaga called him, Guidetti did not have a full understanding of what occurred at the roll call. Upon reading Mordaga's letter, he realized what occurred.

Darrin DeWitt

Darrin DeWitt has been employed by Hackensack for over twenty years. He is currently a captain. He became OIC in June 2021. The OIC duties include overseeing the day-to-day operations of Hackensack. The OIC has the powers of a Chief of Police. OIC is a liaison with the city manager.

DeWitt met with Ehrenberg in February 2021. Ehrenberg asked him to be OIC. He originally did not want to be the OIC. Ehrenberg, told DeWitt that if he became OIC, he would be Police Chief by January 2022. DeWitt became the OIC but did not become the Chief in January 2022. In January 2022 Caruso indicated that he wanted an outside company to do a six-month assessment of Hackensack.

DeWitt was involved in a motor vehicle accident on Christmas 2006 where he was at fault. He received a one-day suspension. DeWitt meet with Caruso on August 15, 2022, and was told that Hackensack was going to have a Police Director and not a Chief. He was told that the assessment was troubling.

DeWitt knew Mordaga professionally. He had negative interactions with Mordaga in the past when Mordaga asked him to investigate Councilman Battagalia. When he interviewed Battagalia, Battagalia stated that Mordaga told him that the investigation was nothing. He interacted with Mordaga from 2013-2016.

On the August 16, 2022 roll call, DeWitt wanted to address the rumors in Hackensack and let them know that a Police Director was coming. The seasoned officers knew about the rumors regarding Mordaga. He addressed the rumors that Mordaga was involved with people who were involved with organized crime. DeWitt also addressed Caruso allegations regarding putting a gun in someone's mouth and ties to organized crime. DeWitt stated that Caruso had been exonerated of all the charges. He stated that there were no bad cops in Hackensack. There were no dirty cops in

Hackensack. He also stated that good people had been targeted. He stated that there were rumors all the time but to focus on the job. He did not state that any crimes were committed. The allegations were public record.

The roll call was at 6:00 a.m., which included two shifts. There were no questions about the roll call and no complaints. After the roll call, the officers received their assignments. DeWitt went to an FBI Leeda class which included how rumors should be addressed. DeWitt stated that he did not have an opinion about Guidetti and does not believe that he did anything wrong. DeWitt was familiar with online and newspaper reports regarding Mordaga and Caruso.

The roll call was to quash the rumors, tell the officers to do their job and that there were no dirty cops. DeWitt knew that Guidetti was friends with Mordaga because Guidetti went to a wedding of Mordaga's child. He did not link Guidetti to the online articles. DeWitt never made disparaging comments about Mordaga and Caruso. He repeated rumors and stressed that there were allegations, and that Caruso had been cleared. He did not indicate Guidetti was connected to organized crime. DeWitt was disappointed that he had not been made Chief.

DeWitt stated that he had originally met with Guidetti and stated that he no longer wanted to be OIC. He changed his mind and told Guidetti that he would continue as OIC but Guidetti stated it was too late. DeWitt has been present for hundreds of roll calls. It is not common for a Captain or OIC to do the roll call. Roll calls usually lasts ten to fifteen minutes. At roll call, assignments are given and information regarding ongoing investigations. Holding a shift over for a roll call is not the norm. Civilians can be spoken about at roll calls. He does not recall a roll call where a City Manager was discussed. He has conducted two or three roll calls as OIC. DeWitt has never previously held over a shift for a roll call. When a roll call holds over the prior shift, there are less officers on the streets.

The City of Hackensack had abolished the position of Police Chief. An ordinance is required to reestablish the position. On August 15, 2021, DeWitt met with Caruso. He was informed that he would not be the police chief and Guidetti would be the Police Director. He no longer wanted to be OIC. DeWitt did not know Guidetti's background. DeWitt was aware that an assessment of Hackensack was being done by Anizlotti Group. The assessment investigated overtime and extra duty, of which DeWitt was in charge. DeWitt did not know the results of the Anizlotti Group report at the time of the roll call. He was concerned that he could be charged because of the report. Once DeWitt saw the assessment, he had no anticipation that he would be made police chief.

Mordaga left the position of Hackensack Police Director in 2016. At the time of the roll call Mordaga did not hold a position with the Hackensack. DeWitt does not know if Mordaga was charged with any crimes or convicted of any crimes. DeWitt did not like Mordaga and clashed with him when Mordaga was the Police Director of Hackensack. DeWitt felt obligated to address rumors going around in the NPD. Younger officers can be impressionable and look up to the OIC.

At the roll call DeWitt had no facts about the wrongdoing of superior officers. Mordaga had a role in Caruso and Guidetti being appointed. He has no knowledge as to whether Mordaga is connected to organized crime. DeWitt stated things that were alleged but never factually stated that Mordaga was responsible for anything. Although DeWitt referred to bodies being related to Mordaga, he has no firsthand knowledge of that. DeWitt felt it necessary to state that the allegations were unfounded and the charges against Caruso had been dismissed. It was not his purpose for the officers to see Mordaga as dirty. The officers knew about the allegations and came to him to discuss Mordaga.

DeWitt believes that his conduct at the roll call complied with the Hackensack code of ethics. He has no remorse regarding what he said at roll call. He believes that he was quashing the rumors about Caruso. DeWitt would not have a problem if subordinates discussed these matters. He was not trying to get the officers to pick a

team. He was not trying to suggest that Guidetti was guilty by association or by being friends with Mordaga. DeWitt believes that what he said at roll call was beneficial to Hackensack. He addressed the rumors because there was a change in leadership which would affect morale. DeWitt apologized to Guidetti for getting off on the wrong foot.

DeWitt has one prior discipline from December 2006 because of a motor vehicle accident which resulted in a one-day suspension.

FACTUAL DISCUSSION

DeWitt has been employed by Hackensack for over twenty years. Mordaga was the Hackensack Police Director from 2013-2016. DeWitt had negative interactions with Mordaga when Mordaga was the Police Director.

DeWitt met with former city manager Ehernberg in February 2021. DeWitt was offered the position of OIC. The OIC duties include overseeing the day-to-day operations of Hackensack. DeWitt was advised that if he accepted the position that he would become the Police Chief in January 2022. However, in January 2022, DeWitt did not become the Police Chief. City Manager Caruso wanted an outside company to do a six-month assessment of Hackensack.

Guidetti had twenty-five years of experience as a state trooper. He has a personal relationship with Mordaga. In 2022, Mordaga told him that Hackensack was looking for a Police Director. He met with Caruso regarding the position. Guidetti became the Police Director of Hackensack on August 16, 2022.

DeWitt met with Caruso on August 15, 2022. He was informed by Caruso that the assessment of Hackensack was disappointing, and that Hackensack would have a Police Director and not a Police Chief going forward.

On August 15, 2022, DeWitt addressed the Hackensack officers at roll call. He had the officers from both shifts present. Swetitis and Briggs were Tour Commanders at that time. The roll call began at 6:00 a.m. During the roll call DeWitt made the statement that Mordaga was possibly connected to organized crime and had three bodies. He also stated that there had been charges against Caruso while he was a police officer in Lodi for putting his gun in someone's mouth. DeWitt mentioned that Mordaga and Guidetti were connected. DeWitt told the roll call that they could google the information regarding Mordaga and Caruso.

DeWitt further stated that when Mordaga was the Police Director, Mordaga asked him to do illegal acts, which he refused. As a result of the refusal DeWitt was transferred out of the detective unit.

DeWitt was emotional at the roll call. He emphasized that they were all good people, and the supervisors were not dirty cops. It was uncommon for DeWitt to do the roll call. He had previously only done roll call once or twice.

The cops who had been with Hackensack for a while knew about the allegations against Mordaga and the history of Caruso.

After the roll call DeWitt met with Guidetti. DeWitt gave Guidetti the historical understanding of Hackensack. DeWitt told Guidetti that he no longer wanted to be the OIC. Guidetti did not know about the roll call earlier that morning.

Undisclosed officers that were at the roll call contacted Mordaga to inform him about what DeWitt said at that roll call. Mordaga called Marino, a Lieutenant with Hackensack, asking him if he had heard anything regarding the roll call on August 16, 2022. Mordaga told Marino that DeWitt was emotional at the roll call and DeWitt stated that Mordaga had ties to Guidetti, Mordaga had three bodies and Mordaga got kickbacks from developers. Marino had a good working relationship with Mordaga.

Marino spoke to officers Frank Cavallo, Frank Campeliello, Matt Deboni, John Tanucilli and Ed Menses regarding what was said by DeWitt at roll call on August 16, 2022. Marino contacted Mordaga and told him that he had spoken to the above officers who had been at the roll call that corroborated what Mordaga had heard.

Guidetti was informed of the roll call incident by Mordaga. Guidetti did not take Mordaga's comments as a complaint. One week later, Guidetti was informed that Mordaga had left a sealed envelope for him. The letter describes the incident at the roll call. The letter states that during the roll call DeWitt spoke about organized crime, corruption and murder regarding Mordaga and Caruso. Guidetti understood this to be a complaint. He reported the complaint to Bergen. Arrington of Bergen investigated the complaint.

LEGAL ANALYSIS AND CONCLUSION

Based on the foregoing facts and the applicable law, I **CONCLUDE** that the charges of conduct unbecoming a public employee and other sufficient cause are **SUSTAINED**.

The purpose of the Civil Service Act is to remove public employment from political control, partisanship, and personal favoritism, as well as to maintain stability and continuity. Connors v. Bayonne, 36 N.J. Super. 390 (App. Div.), certif. denied, 19 N.J. 362 (1955). The appointing authority has the burden of proof in major disciplinary actions. N.J.A.C. 4A:2-1.4. The standard is by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143 (1962). Major discipline includes removal or fine or suspension for more than five working days. N.J.A.C. 4A:2-2.2. Employees may be disciplined for insubordination, neglect of duty, conduct unbecoming a public employee, and other sufficient cause, among other things. N.J.A.C. 4A:2-2.3. An employee may be removed for egregious conduct without regard to progressive discipline. In re Carter, 191 N.J. 474 (2007). Otherwise, progressive discipline would apply. W. New York v. Bock, 38 N.J. 500 (1962).

Hearings at the OAL are de novo. Ensslin v. Twp. of N. Bergen, 275 N.J. Super. 352 (App. Div. 1994), certif. denied, 142 N.J. 446 (1995).

"Unbecoming conduct" is broadly defined as any conduct which adversely affects the morale or efficiency of the governmental unit, or which has a tendency to destroy public respect and confidences in the delivery of governmental services. The conduct need not 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. In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960).

In this matter, DeWitt spoke about Mordaga allegedly being involved in organized crime and responsible for three murders. Mordaga did not work for the Hackensack at the time of the roll call. Mordaga stopped working for Hackensack in 2016. In addition, if the allegations were common knowledge, there was no need to hold over a shift an address Mordaga at a roll call for two shifts. Since the allegations against Caruso had been dismissed, there was no need to address them. There was no need to hold over a shift for the roll call.

Appellant alleges that there was a breach in the Attorney General guidelines by Marino, when Marino received the call from Mordaga about the roll call, contacted a few officers and then relayed the information he received to Mordaga. In addition, Marino did not make a report. Mordaga also contacted Guidetti regarding the roll call. Guidetti did not make a report initially because he thought Mordaga was venting. When Mordaga sent a letter to Guidetti outlining what he believed was said at the roll call, Guidetti sent the matter to Bergen for an investigation. The incident at the roll call was investigated by Bergen. It was based on the written complaint of Mordaga. Any irregularities or violations of the Attorney General guidelines were cured by the Bergen investigation.

I **CONCLUDE** the conduct of DeWitt at the roll call of August 15, 2022, was conduct unbecoming a public employee for the above stated reasons.

When determining the appropriate penalty to be imposed, the appointing authority must consider an employee's past record, including reasonably recent commendations and prior disciplinary actions. West New York v. Bock, 38 N.J. 500, 523 (1962). Depending on the conduct complained of, and the employee's disciplinary history, major discipline may be imposed. *Id.* at 522–24. Major discipline may include removal, disciplinary demotion, suspension or fine no greater than six months. N.J.S.A. 11A:2-6(a); N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.4. 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. 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 the nature, number and proximity of prior disciplinary infractions evaluated by progressively increasing penalties. It underscores the philosophy that an appointing authority has a responsibility to encourage the development of employee potential.

In this matter, DeWitt has been employed by Hackensack for over twenty years. With only a one-day suspension that occurred in 2006.

On August 15, 2022, DeWitt was informed that he would not be the Chief of Police and Guidetti would become the Police Director. The roll call occurred the next day. DeWitt was emotional at the roll call. In light of the above, the ten-day suspension is the appropriate discipline.

ORDER

Based on the foregoing findings of fact and applicable law, it is **ORDERED** that the charges of conduct unbecoming a public employee and other sufficient cause are **SUSTAINED**.

It is further **ORDERED** that the appellant's suspension of ten days be and is hereby **SUSTAINED**.

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.

April 7, 2025

DATE



KIMBERLY A. MOSS, ALJ

Date Received at Agency:

April 7, 2025

Date Mailed to Parties:

April 7, 2025

ljb

WITNESSES

For Appellant

None

For Respondent:

Jonnese Arrington

Benny Marino

Sean Briggs

Matthew Swetits

Raymond Guidetti

EXHIBITS

For Appellant

- A-1 Transcript of the Statement of Sean Briggs, dated September 1, 2022
- A-2 Transcript of the Statement of Darrin DeWitt, dated September 27, 2022
- A-3 Transcript of the Statement of Benny Marino, dated August 31, 2022
- A-4 Transcript of the Statement of Matthew Swetits, dated September 1, 2022
- A-5 Transcript of the Statement of Michael Mordaga, dated August 30, 2022
- A-6 Attorney General Internal Affairs Guidelines
- B1-17 All are Not in Evidence
- C-1 Not in Evidence

For Respondent

- R-1 Final Notice of Disciplinary Action of Darrin DeWitt, dated June 7, 2023
- R-2 Preliminary Notice of Disciplinary Action of Darrin DeWitt, dated January 13, 2023
- R-3 Not in Evidence

- R-4 Not in Evidence
- R-5 Not in Evidence
- R-6 Administrative Investigation Notice to DeWitt, dated September 27, 2022
- R-7 Weingarten Representative Acknowledgement of Stuart Alterman, dated September 27, 2022
- R-8 Not in Evidence
- R-9 Witness Acknowledgement and Advisement Forms for Matthew Swetits, dated September 1, 2022
- R-10 Witness Acknowledgement and Advisement Forms for Sean Briggs, dated September 1, 2022
- R-11 Witness Acknowledgement and Advisement Forms for Benny Marino, dated August 31, 2022
- R-12 Hackensack Police Department Personnel Order 22-020, dated August 29, 2022
- R-13 Not in Evidence
- R-14 Not in Evidence
- R-15 Hackensack Police Department Day Schedule, dated August 16, 2022
- R-16 Hackensack Police Department Personnel Order 21-013, dated June 1, 2021
- R-17 Receipt of Hackensack Police Department Rules and Regulations of Darrin DeWitt, dated January 21, 2019
- R-18 Hackensack Police Department Rules and Regulations, Chapter 5, dated January 17, 2019
- R-19 Minor Disciplinary Action for Darrin DeWitt, dated December 26, 2006
- R-20 Video recordings of interviews of DeWitt, Mordaga, Swetits, Briggs and Marino.
- R-21 Hackensack Police Department Rules and Regulations.