

SCIARRA & CATRAMBONE, L.L.C.
Charles J. Sciarra (#011371996)
csciarr@sciarralaw.com
1130 Clifton Avenue
Clifton, New Jersey 07013
(973) 242-2442
(973) 242-3118 [Facsimile]
Attorneys for Plaintiff Pedro Matos

	:	SUPERIOR COURT OF NEW
PEDRO MATOS,	:	JERSEY
<i>Plaintiff,</i>	:	LAW DIVISION
	:	UNION COUNTY
	:	
-v-	:	DOCKET # UNN-L-_____ -24
	:	
TOWNSHIP OF CLARK,	:	CIVIL ACTION
OFFICE OF THE UNION COUNTY:	:	
PROSECUTOR,	:	
OFFICE OF THE ATTORNEY:	:	
GENERAL FOR THE STATE OF NEW:	:	VERIFIED COMPLAINT
JERSEY,	:	
JOHN DOE(S) 1-10, JANE DOE(S) 1-10,:	:	
and XYZ CORP(S) 1-10,	:	
	:	
<i>Defendants.</i>	:	

Plaintiff Pedro Matos (“Plaintiff”), by way of Verified Complaint against Defendants Township of Clark, Office of the Union County Prosecutor, and Office of the Attorney General for the State of New Jersey (collectively, “Defendants”), with an Order to Show Cause and a Notice of Motion being filed herewith pursuant to Rule 4:67-1 *et seq.* and Plaintiff seeking to have this matter heard in a summary

manner, herein alleges as follows, with Plaintiff verifying to the factual allegations contained herein:

INTRODUCTION & PARTIES

1. This matter is brought under N.J.S.A. 40A:14-147 *et seq.* and as a summary action pursuant to R. 4:67-1 *et seq.*
2. An Order to Show Cause is being filed herewith.
3. Plaintiff Pedro Matos (“Plaintiff”, “Chief Matos”, or “the Chief”) is the Chief of Police for the Township of Clark.
4. Defendant Township of Clark (“the Township”) is the appropriate authority as to the pending disciplinary matter as outlined below, and is Plaintiff’s employer.
5. Defendant Office of the Union County Prosecutor (“the UCPO”) conducted an investigation of Plaintiff based upon allegations of misconduct.
6. Defendant Office of the Attorney General for the State of New Jersey (“the AG’s Office”) superseded the UCPO’s investigation of Plaintiff.
7. John and Jane Doe’s 1-10 and XYZ Corporations 1-10 are fictitious parties.

JURISDICTION

8. This Court has jurisdiction over this matter pursuant to N.J.S.A. 40A:14-147 and Defendants’ violation of that statute.
9. Venue is properly laid in the County of Union.

COUNT ONE
(Violation of the 45-Day Rule
N.J.S.A. 40A:14-147)

10. The subject disciplinary charges against Plaintiff are outlined in the Township's Preliminary Notice of Disciplinary Action ("PNDA") served upon Plaintiff by the UCPO dated November 20, 2023, and an amended PNDA served upon Plaintiff by the Township dated December 1, 2023. (*See Exhibit A* hereto).

11. The original PNDA dated November 20, 2023 was signed by the UCPO's Chief of Detectives, and the amended PNDA dated December 1, 2023 was signed by the Township's Business Administrator. (*Ibid.*).

12. The charges seeking Chief Matos' removal, which appear to be identical in the PNDA and amended PNDA, allege violations of the Clark Police Department IA Policy and the Department's rules and regulations, specifically: [1] failure to conduct IA investigation; [2] failure to self-report violations of policy; [3] derogatory comments; & [4] candor/truthfulness. (*Ibid.*).

13. The specifications in both PNDA's read as follows: [1] "Chief Matos failed to investigate allegations made against Capt. Vincent Concina of the CPD regarding drinking on duty and defrauding the Cranford Public Schools"; & [2] "Chief Matos failed to self-report his use of derogatory racial language including the "N" word, and was not truthful in subsequent statements concerning his use of those terms." (*Ibid.*).

14. Plaintiff denies these allegations in their entirety, has demanded discovery, and has requested a hearing on all charges.

15. A copy of the original IA notification form served upon Plaintiff on July 23, 2020, advising that the “complaint involves allegations that you made a racist comment on or about March 6, 2019”, is attached hereto as *Exhibit B*.

16. Copies of relevant subsequent correspondence between Chief Matos’ counsel and Union County Assistant Prosecutor David Hummel are attached hereto in chronological order as *Exhibit C*.

17. First, On July 28, 2020, Plaintiff’s counsel wrote to AP Hummel confirming that his office was conducting an administrative investigation only, with AP Hummel responding by way of letter dated August 3, 2020 that the investigation was continuing, that he would contact the undersigned to schedule an interview, that a new target notification would be served if the Prosecutor was going to seek to expand the scope of the interview, and that he would provide clarification in writing if the interview would cover criminal or administrative matters. (Ibid.).

18. Over eighteen (18) months later, Plaintiff’s counsel wrote to AP Hummel on February 25, 2022 in response to his inquiry regarding the scheduling of an interview of the Chief. (Ibid.).

19. Plaintiff’s counsel advised that Chief Matos would be invoking his Fifth Amendment rights and *Garrity* protections as is his right. (Ibid.).

20. Subsequently, Plaintiff's counsel by way of letter dated March 7, 2022 to AP Hummel forwarded an executed IA complaint notification form for Plaintiff. (Ibid.).

21. The notification again cites a complaint of an alleged "derogatory racial comment" on March 6, 2019. (Ibid.).

22. The notification also states, "Between the dates of August 21, 2015 and July 23, 2020, this complaint involves allegations of failure to conduct Internal Affairs investigations, biased based policing and hiring practices and failure to self-report allegations of misconduct to the Union County Prosecutor's Office. On the dates of December 2, 2019 and January 19, 2020 through March 10, 2020, this complaint involves allegations of tampering with Lt. Antonio Manata's attendance records." (Ibid.).

23. As indicated in the forms attached hereto as *Exhibit D*, including the advisement of constitutional rights, use immunity, and *Weingarten* forms, the Union County Prosecutor's Office interviewed Chief Matos on March 10, 2022.

24. According to two reports dated November 19, 2023 prepared by the Attorney General's "Office of Public Integrity and Accountability" ("OPIA"), in or about May of 2022, the Defendant AG's Office superseded the Defendant UCPO in the investigation of Plaintiff.¹

¹ In order to address any concerns regarding confidentiality the report is not attached hereto; Plaintiff can make same available for the Court's review upon request.

25. Also according to the reports, the UCPO completed its investigation of Plaintiff in or about April of 2022.

26. Specifically, according to the OPIA report, by way of this Court's Order dated April 22, 2022, the AG's Office was granted access to the investigative material acquired by the UCPO at that time.

27. None of the Defendants have obtained or uncovered any new information regarding the investigation of Plaintiff since April 2022.

28. The AG's OPIA report, captioned as "Investigation Conclusions and Findings", reveals no new information uncovered by the AG or the UCPO that was not already in their possession as of April 2022.

29. Nonetheless, Defendants did not serve Plaintiff with any disciplinary charges until the PNDA issued by the UCPO on November 20, 2023, approximately nineteen (19) months later. (*See supra*, Ex. A hereto).

30. Defendants thus violated the "45-Day Rule", as provided by N.J.S.A. 40A:14-147 as follows:

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 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a law enforcement officer for a violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that officer for a violation of the criminal laws of this State. The 45-

day limit shall begin on the day after the disposition of the criminal investigation...

... 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. (emphasis added).

31. Based upon Defendants' violation of the 45-Day Rule, and the extraordinarily long 19-month delay in filing the initial PNDA, all subject disciplinary charges against Plaintiff must be dismissed.

WHEREFORE, Plaintiff seeks judgment against Defendants from this Court as follows:

a. Ordering that all subject disciplinary charges against Plaintiff, as outlined in [1] the Preliminary Notice of Disciplinary Action ("PNDA") served upon Plaintiff by the UCPO dated November 20, 2023, and [2] the amended PNDA served upon Plaintiff by the Township dated December 1, 2023, are dismissed in their entirety with prejudice;

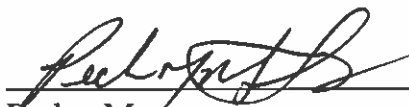
b. Ordering an award of attorneys' fees to Plaintiff pursuant to N.J.S.A. 40A:14-155;

c. Granting such other relief as the Court deems equitable and just.

VERIFICATION

Pedro Matos, of full age, Plaintiff in this matter, hereby swears and/or affirms that the allegations of this Verified Complaint are true to the best of my knowledge and based upon the information available to me.

Dated: 2/8/2024


Pedro Matos

DESIGNATION OF TRIAL COUNSEL

Please take notice that Charles J. Sciarra (#011371996), Esq. is hereby designated as trial counsel for Plaintiff in this matter, pursuant to Rule 4:25-4.

Respectfully submitted,
Sciarra & Catrambone, LLC
Attorneys for Plaintiff
By: /s/ Charles J. Sciarra (#011371996)

Dated: February 8, 2024

CERTIFICATION PURSUANT TO RULE 4:5-1

Following my initial review of this matter, it appears that there are no other persons who should be joined as parties. Further, this matter is not the subject of any other court or administrative proceedings other than those indicated herein, including the pending departmental disciplinary matter. The above statements are true and correct to the best of my knowledge, information and belief.

Dated: February 8, 2024

By: /s/ Charles J. Sciarra

Exhibit A



UNION COUNTY PROSECUTOR'S OFFICE
ANDREW K. RUOTOLO JR. JUSTICE CENTER
32 RAHWAY AVENUE
ELIZABETH, NEW JERSEY 07202-2155
(908) 527-4500 FAX: (908) 289-1267
UCPO@ucnj.org

WILLIAM A. DANIEL
Prosecutor of Union County

JAMES O. TANSEY
First Assistant Prosecutor

DAVID C. HUMMEL
Deputy First Assistant Prosecutor

November 21, 2023

Charles J. Sciarra, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Ave.
Clifton, New Jersey 07013

Re: Clark Police Department Chief Pedro Matos
Preliminary Notice of Disciplinary Action

Dear Mr. Sciarra:

The Union County Prosecutor's Office is in receipt of your letter dated November 21, 2023, requesting a disciplinary hearing and discovery in this matter. I have enclosed the Preliminary Notice of Disciplinary Action for your client for your review.

Please be advised that Robert Merryman, Esq., of Apruzzese, McDermott, Mastro and Murphy, LLC is handling this matter on behalf of the Township of Clark. By copy of this letter, I am requesting that you kindly direct any further requests to him.

If I can be of assistance, please call me at (908) 527-4553.

Very truly yours,

WILLIAM A. DANIEL
Prosecutor of Union County

A handwritten signature in black ink, appearing to read "Julie A. Peterman".

By: Julie A. Peterman
Assistant Prosecutor/ Legal Chief of the Investigative Division

C: Robert Merryman, Esq.
Deputy Attorney General Richard Burke, Counsel to the Director, Division of Criminal Justice,
Office of Public Integrity and Accountability

Preliminary Notice of Disciplinary Action (31-A)
Civil Service Commission - State of New Jersey

Instructions for employer: This notice must be served on a permanent employee or an employee serving a working test period in the career service against whom one of the following types of disciplinary action is contemplated: (a) suspension or fine for more than five working days at any one time; (b) suspension or fine for five working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more; (c) the last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year; (d) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (e) removal; or (f) resignation not in good standing. A copy of this notice must be sent to the Civil Service Commission. Subsequent to the hearing by the appointing authority, the employee and the Civil Service Commission must be served with the Final Notice of Disciplinary Action.

FROM	Employing Agency Name Clark Police Department	Address/ Phone Number 315 Westfield Avenue Clark NJ 732-388-3434	Date 11/20/2023
	Attorney representing your agency should this matter be appealed Robert Merryman	Address/Phone number/Email address 25 Independence Blvd Warren NJ 07059 908-580-1776	
TO	Employee Name Pedro Matos	Permanent Civil Service Title Police Chief	Employee Identification Number PDMATO05
	Address/ Phone Number 21 Picton Street Clark NJ 07066	Pension Number 0079483	

You are hereby notified that the following charge(s) have been made against you: *(If necessary, use additional sheets and attach)*

<p>Charges:</p> <p>Failure to conduct IA Investigation - CPD IA Policy V2 Chapter 15(C) and CPD Rules and Regs 3:1.7</p> <p>Failure to self-report violations of policy - CPD IA Policy Section IV (A) (c) and CPD Rules and Regs 3:1.7</p> <p>Derogatory comments - CPD Rules and Regs 3:11-7</p> <p>Candor/Truthfulness - CPD Rules and Regs 3:13.5</p>	<p>Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:</p> <p>Chief Matos failed to investigate allegations made against Capt. Vincent Concina of the CPD regarding drinking on duty and defrauding the Cranford Public Schools.</p> <p>Chief Matos failed to self-report his use of derogatory racial language including the "N" word, and was not truthful in subsequent statements concerning his use of those terms.</p>
<input type="checkbox"/> If checked, charges are continued on attached page.	<input type="checkbox"/> If checked, incidents are continued on attached page.

You are hereby suspended effective _____ *(Check box to indicate if employee is suspended pending final disposition of the matter)*

If you desire a departmental hearing before the appointing authority on the above charge(s), notify it within _____
 5 *days of receipt of this form. If you request a hearing it will be held on _____
 at (time) _____ at (place of hearing) _____
 To Be Determined To Be Determined

*Must be a minimum of five days

The following disciplinary action may be taken against you:

- Suspension for _____ working days, beginning _____ and ending _____
- Indefinite suspension pending criminal charges effective (date) _____
- Removal, effective (date) November 20, 2023
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____ Other Disciplinary Action
- Fine amount which is equal to number (number of working days)

Appointing authority or authorized agent's signature and title.

Signature [Signature] Title Chief

This form must be personally served on the employee or sent by certified or registered mail.

- Certified or Registered Mail Receipt Number _____
- Signature of Server _____ Date of personal service _____

**AMENDED
Preliminary Notice of Disciplinary Action (31-A)
Civil Service Commission - State of New Jersey**

Instructions for employer: This notice must be served on a permanent employee or an employee serving a working test period in the career service against whom one of the following types of disciplinary action is contemplated: (a) suspension or fine for more than five working days at any one time; (b) suspension or fine for five working days or less where the aggregate number of days suspended or fined in any one calendar year is 15 working days or more; (c) the last suspension or fine where an employee receives more than three suspensions or fines of five working days or less in a calendar year; (d) disciplinary demotion from a title in which the employee has permanent status or received a regular appointment; (e) removal; or (f) resignation not in good standing. A copy of this notice must be sent to the Civil Service Commission. Subsequent to the hearing by the appointing authority, the employee and the Civil Service Commission must be served with the Final Notice of Disciplinary Action.

Employing Agency Name Clark Police Department	Address/ Phone Number 315 Westfield Avenue Clark NJ 732-388-3434	Date 12/1/23
Attorney representing your agency should this matter be appealed Robert Morymann		Address/Phone number/Email address 26 Independence Blvd Warren NJ 07069 908-680-1776
Employee Name Pedro Matos	Permanent Civil Service Title Police Chief	Employee Identification Number PDMAT005
Address/ Phone Number 21 Picton Street Clark NJ 07055		Pension Number 0070483

You are hereby notified that the following charge(s) have been made against you: (If necessary, use additional sheets and attach)

Charges:

Failure to conduct IA investigation - CPD IA Policy V2 Chapter 15(C) and CPD Rules and Regs 3:1.7

Failure to self-report violations of policy - CPD IA Policy Section IV (A) (c) and CPD Rules and Regs 3:1.7

Derogatory comments - CPD Rules and Regs 3:11-7

Candor/Truthfulness - CPD Rules and Regs 3:13.5

Incident(s) giving rise to the charge(s) and the date(s) on which it/they occurred:

Chief Matos failed to investigate allegations made against Capt. Vincent Condris of the CPD regarding drinking on duty and defrauding the Cranford Public Schools.

Chief Matos failed to self-report his use of derogatory racial language including the "N" word, and was not truthful in subsequent statements concerning his use of those terms.

If checked, charges are continued on attached page.

If checked, incidents are continued on attached page.

You are hereby suspended effective _____

(Check box to indicate if employee is suspended pending final disposition of the matter)

If you desire a departmental hearing before the appointing authority on the above charge(s), notify it within _____ days of receipt of this form. If you request a hearing it will be held on _____ at (time) _____ at (place of hearing) _____

*Must be a minimum of five days

The following disciplinary action may be taken against you:

Suspension for _____ working days, beginning _____ and ending _____

Indefinite suspension pending criminal charges effective (date) _____

- Removal, effective (date) November 20, 2023
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____ Other Disciplinary Action
- Fine 25000 which is equal to number (number of working days)

Appointing authority or authorized person's signature and title.

Signature [Handwritten Signature] Title Business Administrator

This form must be personally served on the employee or sent by certified or registered mail.

- Certified or Registered Mail Receipt Number _____
- Signature of Server _____ Date of personal service _____

Exhibit B



INTERNAL AFFAIRS COMPLAINT NOTIFICATION

CASE NO: EA 2020-07

TO: CLARK POLICE DEPARTMENT CHIEF PEDRO MATOS

You are hereby notified that an Internal Affairs complaint has been made against you. This complaint involves allegations that you made a racist comment on or about March 6, 2019. You will be contacted by the Internal Affairs officer if you will be needed for an interview or to render any other assistance to the investigation.

SIGNATURE: _____

DATE: _____

[Handwritten Signature]
7/23/2020

Exhibit C

Law Offices

SCIARRA & CATRAMBONE, L.L.C.

Charles J. Sciarra*
Jeffrey D. Catrambone*
Matthew R. Curran
Christopher A. Gray#

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2057 Briggs Road, Suite 201
Mount Laurel, NJ 08054
Tel. 856-888-7066

Of Counsel
Deborah Masker Edwards*
Cathie Perselay Seidman*
Alan Serrins+

Associate
Frank C. Cioffi

*Admitted NJ & NY Bars
+ Admitted NY Bar
Admitted NJ & PA Bars

July 28, 2020

Via Email dhummel@ucnj.org

David Hummel
Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202

**Re: Clark Police Department and
Chief Pedro Matos
Our File No.: 20-702**

Dear Assistant Prosecutor Hummel:

Thank you for the opportunity to speak briefly about this matter. I am writing to confirm that you have indicated that your office is conducting an administrative investigation only with regard to job related conduct alleged against my client. Please confirm same in writing so that we can establish the parameters of any investigation moving forward. Also, my client gave unfettered access to his electronic equipment. I would ask that you please confirm that that has been sufficiently reviewed and can be returned or otherwise you can advise that it is not part of this investigation. I look forward to hearing from you with regard hereto

Thank you for your attention and courtesy.

Very truly yours,
Sciarra & Catrambone, L.L.C.

By: Charles J. Sciarra/s/
Charles J. Sciarra, Esq.

CJS/mf
cc: Client



UNION COUNTY PROSECUTOR'S OFFICE
ANDREW K. RUOTOLO JR. JUSTICE CENTER

32 RAHWAY AVENUE
ELIZABETH, NEW JERSEY 07202-2155
(908) 527-4500 FAX: (908) 289-1267
UCPO@ucnj.org

LYNDSAY V. RUOTOLO*
Acting Prosecutor of Union County

* Certified Criminal Attorney

DOREEN A. YANIK
First Assistant Prosecutor

DEREK T. NECECKAS
Deputy First Assistant Prosecutor

August 3, 2020

Via Email csciarra@sciarralaw.com

Charles Sciarra, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Avenue
Clifton, New Jersey 07013

Re: Clark Chief of Police Pedro Matos

Dear Mr. Sciarra:

I am receipt of your letter dated July 28, 2020. At this time the Union County Prosecutor's Office is continuing with its investigation of this matter. I will contact you at a later date to schedule an interview with Chief Matos. Prior to the interview, a new target notification will be served if we are seeking to expand the scope of the interview and I will provide clarification in writing if the interview will cover criminal or administrative matters.

In regards to the electronic equipment of Chief Matos, I was informed that any equipment taken from him is property of the Clark Police Department and will not be returned at this time. If I am mistaken about this not being personal property of the Chief please let me know and I will follow up.

Thank you for your assistance in this and please feel free to contact me at (908) 922-6532 with any concerns.

Very truly yours,

LYNDSAY V. RUOTOLO
Acting Prosecutor of Union County

A handwritten signature in black ink, appearing to read "Lindsay V. Ruotolo".

By: DAVID HUMMEL
Special Deputy Attorney General/
Acting Assistant Prosecutor

Law Offices

SCIARRA & CATRAMBONE, L.L.C.

Charles J. Sciarra*
Jeffrey D. Catrambone*
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Of Counsel
Deborah Masker Edwards*

Associate
Frank C. Cioffi

*Admitted NJ & NY Bars
+ Admitted NY Bar
Admitted NJ & PA Bars

February 25, 2022

Via Email dhummel@ucnj.org

David Hummel
Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202

**Re: Clark Police Department and
Chief Pedro Matos
Our File No.: 20-702**

Dear Assistant Prosecutor Hummel:

I am following up our conversation of earlier in the week wherein you indicated your interest in interviewing my client, Chief Matos. I am just memorializing that it is our intention to plead the Fifth Amendment and that at that juncture you will then advise that he is compelled to answer, thereby triggers *Garrity*. You mentioned potentially the week of March 7, 2022. Please feel free to email me with regard to scheduling or have the appropriate member of your office reach out to me who can set up a time for an interview.

As always, good health to you and your colleagues. Thank you for your attention and courtesy.

Very truly yours,
Sciarra & Catrambone, L.L.C.

By: *Charles J. Sciarra/s/*
Charles J. Sciarra, Esq.

CJS/mf
cc: Client

Law Offices

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Of Counsel
Deborah Masker Edwards*

Associate
Frank C. Cioffi

*Admitted NJ & NY Bars
+ Admitted NY Bar
Admitted NJ & PA Bars

March 7, 2022

Via Email dhummel@ucnj.org

David Hummel
Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202

**Re: Clark Police Department and
Chief Pedro Matos
Our File No.: 20-702**

Dear Assistant Prosecutor Hummel:

Enclosed please find an executed Internal Affairs Complaint Notification confirming only that my client has received same. We will see you at your office on Thursday, March 10, 2022 at 3:00 pm.

Thank you for your attention and courtesy.

Very truly yours,
Sciarra & Catrambone, L.L.C.

By: *Charles J. Sciarra/s/*
Charles J. Sciarra, Esq.

CJS/mf
Enclosure



INTERNAL AFFAIRS COMPLAINT NOTIFICATION

CASE NO: EA 2020-07

TO: CLARK POLICE DEPARTMENT CHIEF PEDRO MATOS

You are hereby notified that an Internal Affairs complaint has been made against you. Between the dates of August 21, 2015 and July 23, 2020, this complaint involves allegations of failure to conduct Internal Affairs investigations, biased based policing and hiring practices and failure to self-report allegations of misconduct to the Union County Prosecutor's Office. On the dates of December 2, 2019 and January 19, 2020 through March 10, 2020, this complaint involves allegations of tampering with Lt. Antonio Manata's attendance records. Lastly on or about March 6, 2019, this complaint involves an allegation of inappropriate standard of conduct for derogatory racial comments. You will be contacted by Internal Affairs if you will be needed for an interview or to render any other assistance to the investigation.

Rec'd

SIGNATURE: _____

DATE: _____

3/3/2022

Exhibit D

**UNION COUNTY PROSECUTOR'S OFFICE
ADVISEMENT OF CONSTITUTIONAL RIGHTS**

YOUR RIGHTS

Case No. EA-2022-07

Date: 3/10/22

Time: 3:17pm

BEFORE WE ASK YOU ANY QUESTIONS, YOU MUST UNDERSTAND YOUR RIGHTS.

1. You have the right to remain silent.
Do you understand this? _____
2. Anything you say can and will be used against you in a court of law.
Do you understand this? _____
3. You have the right to talk to a lawyer and have him present while you are being questioned.
Do you understand this? _____
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
Do you understand this? _____
5. You can decide at any time to exercise these rights and not answer any questions or make any statements.
Do you understand this? _____

*Advised Mateo
not providing
statement
invoking
rights*

WAIVER OF RIGHTS

I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and answer questions. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Signature

Advising Officer Signature

Print Name

Witness Signature

Date: _____ Time: _____

APPENDIX N

CASE #

I, Christine Jensen, a bargaining unit representative, do hereby acknowledge my presence at the interview of PERO MARTOS (the Principal). The aforementioned Principal and I have been informed of the subject matter of the interview. To the best of my knowledge, I am not involved in the subject matter of the interview. I agree that all matters discussed in this interview will remain confidential.

I have been afforded the opportunity to consult with the Principal prior to the interview. I understand that I may be present during the interview and I also understand that I shall not be permitted to answer questions for the Principal. I am, however, permitted to help clarify questions and answers and otherwise fulfill the role of a "Weingarten" representative, as long as I do not obstruct the progress of the interview.

At the end of the interview, the Principal may consult with me to clarify the issues, questions, and answers that were raised during the interview.

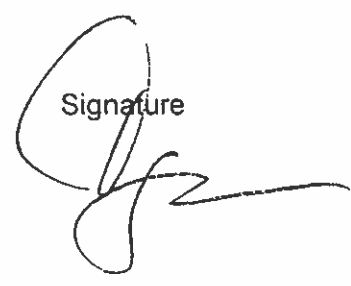
I acknowledge that I am responsible for maintaining the confidentiality of any information I may have regarding this internal investigation. I am not to disclose the existence or contents of this internal investigation, including any questions asked or answers given during this interview. If I am an employee, a breach of these confidentiality provisions may lead to disciplinary action up to and including termination.

*or
du
or
new*

Date: 3.10.2022

Bargaining Unit Representative:

Others Present:

Signature


Appendix H

Sample Use Immunity Grant Advisement Form

"Garrity Warning"

1. I am being questioned as part of an investigation by this agency into potential violations of department rules and regulations, or for my fitness for duty. This investigation concerns allegations of failure to conduct internal affairs investigations, biased based policing and hiring practices, failure to self report allegations of misconduct, use of derogatory comments
2. I have invoked my *Miranda* rights on the grounds that I might incriminate myself in a criminal matter.
3. I have been granted use immunity. No answer given by me, nor evidence derived from the answer, may be used against me in any criminal proceeding, except for perjury or false swearing.
4. I understand that I must now answer questions specifically, directly and narrowly related to the performance of my official duties or my fitness for office.
5. If I refuse to answer, I may be subject to discipline for that refusal which can result in my dismissal from this agency.
6. Anything I say may be used against me in any subsequent departmental charges.
7. I have the right to consult with a representative of my collective bargaining unit, or another representative of my choice, and have him or her present during the interview.

Assistant Prosecutor or

Deputy Attorney General authorizing: Daniel Hummel

Signature: [Signature]

Print name: FEDOR M. MATOS

Date: 3/10/2022

Location: UCPO

Witnessed by: [Signature]

Print Name: Alton [Signature]