

INTERNAL AFFAIRS SUMMARY REPORT FORM

Agency: West Milford Police

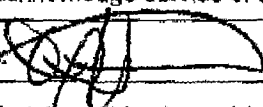
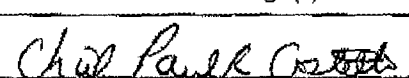
County: Passaic

Reporting Period: 1/1/06 to 12/31/06

Type of Complaint	Cases Pending From Prior Years	Cases Received This Year	Total Cases	Number of Dispositions					Cases Pending End of Year
				Criminal Charge Sustained	Internal Disciplinary Action	Exonerated	Not Sustained	Unfounded	
Excessive Force		1	1						1
Improper Arrest									
Improper Entry									
Improper Search									
Differential Treatment									
Demmeanor		13	13				3	9	1
Other Rule Violation		10	10		2		4	4	
Other Criminal Violation		4	4				1		3
TOTAL		28	28		2		8	13	2

THE TOWNSHIP OF WEST MILFORD POLICE DEPARTMENT
CHARGING FORM

NOTICE OF CHARGE AND HEARING

TO: Captain David Hardin	PIN# 7	DATE: September 22, 2006
TAKE NOTICE that the following charge(s) is (are) preferred against you:		
On three occasions 6/19/06, 7/5/06 and 7/21/06 you...		
See attached charges and specifications appended hereto		
in violation of: West Milford Police G.O. 76.05 Sick Leave and NJAC 4A:2-2.3(a)4,6 and 7 [Statute, Rule and Regulation, Etc.]		
TAKE NOTICE that the following charge(s) is (are) preferred against you:		
On _____, you		
in violation of: _____ [Statute, Rule and Regulation]		
You must enter a plea of guilty or not guilty, on or before: September 27, 2006		
You may request a hearing and if requested, it shall be held on: October 5, 2006, 10:00 AM		
at: West Milford Municipal Building		
By: Richard Kunze, Twp. Administrator		
I hereby acknowledge service of the within charge(s) this 22 day of Sept.		
* Signature: 		
SERVICE of the within charge(s) were made this 22 day of Sept 2006		
By: 		

Charge Form

APPENDIX "A"

CHARGES AND SPECIFICATIONS

TAKE NOTICE that the following charges are preferred against you:

Specifications:

On three (3) occasions 6/19/06, 7/5/06 and 7/21/06 you engaged in a pattern of abuse of sick time by calling in sick and neither notifying the desk officer that you were leaving your residence nor that you were not at home at the time of the call, and taking such sick time knowing you were not entitled to it. Such conduct being contrary to the good working order and discipline of the police department.

Charges:

The above actions constitute violations of the West Milford Police Department G.O. 76.05 – Sick Leave.

Violations of NJ Administrative Code, NJAC 4A:2-2.3(a)4 – Chronic or Excessive Absenteeism or Lateness, (a)6 – Conduct Unbecoming a Public Employee and (a)7 – Neglect of Duty.

Penalty:

Suspension for five (5) days.

Charge Form

Preliminary Notice of Disciplinary Action

DEPARTMENT OF PERSONNEL - STATE OF NEW JERSEY

INSTRUCTIONS: 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 of more than five days at one time; (b) suspensions or fines more than three times or for an aggregate of more than fifteen days in one calendar year; (c) disciplinary demotion from a title in which the employee has permanent status or to which the employee has received a regular appointment; (d) removal; (e) resignation not in good standing. A copy of this preliminary notice must be sent to the Department of Personnel. Subsequent to the day of hearing by the appointing authority, the employee and the Department of Personnel must be served with Form DPF-31 B, Final Notice of Disciplinary Action.

FROM:	JURISDICTION (Local Service) West Milford Township	DEPARTMENT Police		
	DIVISION, INSTITUTION OR AGENCY	STATE PAYROLL NUMBER	ADDRESS 1480 Union Valley Road West Milford, New Jersey	DATE Dec. 8, 2006
TO:	NAME OF EMPLOYEE David Hardin		TITLE Captain	SOCIAL SECURITY NUMBER 143-40-1876
	STREET 1480 Union Valley Road		CITY AND STATE West Milford, New Jersey	

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

CHARGE(S):

* See Attached Schedule A
(6 charges)

SPECIFICATION(S):

* See Attached Schedule B
(6 specifications)

If checked, charges are continued on attached page.

If checked, specifications are continued on attached page 5

You are hereby suspended effective:
(Check box and indicate if employee is suspended pending final disposition of the matter)

2. IF YOU DESIRE A DEPARTMENTAL HEARING ON THE ABOVE CHARGE(S), NOTIFY THIS OFFICE WITHIN

7 DAYS OF RECEIPT OF THIS FORM. IF YOU REQUEST A DEPARTMENTAL HEARING IT WILL BE HELD
ON January 2 2007 at (time) 10:00 am at (place of hearing) West Milford Town Hall
1480 Union Valley Rd.
West Milford, NJ 07480

* Must be minimum of five days.

3. The following disciplinary action may be taken against you:

- Suspension for 30 days, beginning to be determined and ending _____
- Removal, effective (date) _____
- Demotion to position of _____ effective (date) _____
- Resignation not in good standing, effective (date) _____
- Fine \$ _____ which is equal to _____ days pay Other disciplinary action: (explain on attached page)

SIGNATURE Paul C. Smith TITLE Chief of Police
(Appointing Authority or authorized agent)

NOTICE: Your health insurance coverage may be affected by this action; check with your Personnel Office.

Method of Service (Check One)	<input checked="" type="checkbox"/> PERSONAL SERVICE	NAME AND TITLE OF SERVER <u>Paul C. Smith - Chief of Police</u>	DATE SERVED <u>12-8-06</u>
	<input type="checkbox"/> CERTIFIED OR REGISTERED MAIL	Give date of receipt by employee or agent as shown on return receipt postal card and the receipt number:	

DISTRIBUTION: White (Original for Employee), Blue (Employee Copy), Green (Employee representative), Canary (Management), Pink (Management), Goldenrod (Department of Personnel)

**SCHEDULE A
CHARGES**

Charge 1: 4A:2-2.3(a)11 Other Sufficient Cause

Police Department's Modified Duty Policy A-3

4A:2-2.3(a)6 Conduct Unbecoming a Public Employee.

West Milford Police Department Rules and Regulations Article XXIV (m) Conduct Unbecoming an Officer.

Charge 2: 4A:2-2.3(a)2 Insubordination

West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders

Charge 3: 4A:2-2.3(a)2 Insubordination

West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders

4A:2-2.3(a)7 Neglect of Duty

Charge 4: 4A:2-2.3(a)2 Insubordination

West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders

Charge 5: 4A:2-2.3(a)7 Neglect of Duty

West Milford Police Department Rules and Regulations Article XXIV (n) Conduct Subversive to Good Order of the Department

Charge 6: 4A:2-2.3(a)2 Insubordination

West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders

SCHEDULE B

SPECIFICATIONS

Charge 1 Specifications:

On or about October 27, 2006 Captain David Hardin, while on Modified Duty status, scheduled Physical Therapy appointments during work hours, without approval, impacting the operations of the Police Department, in violation of 4A:2-2.3(a)11 Other Sufficient Cause,

(West Milford Police Department's Modified Duty Policy A-3)

4A:2-2.3(a)6 Conduct Unbecoming a Public Employee

(West Milford Police Department Rules and Regulations Article XXIV (m) Conduct Unbecoming an Officer)

Charge 2 Specifications:

On or about October 27, 2006 Chief of Police Paul Costello rescheduled Captain Hardin's Physical Therapy appointments for times when Captain Hardin was off duty, consistent with the Modified Duty Policy A-3. Captain Hardin changed his appointments back to their original times during work hours, contrary to the order of the Chief of Police, in violation of: 4A:2-2.3(a)2 Insubordination

(West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders)

Charge 3 Specifications:

On October 31, 2006 Police Chief Paul Costello asked Captain Hardin why he failed to contact him if there was a problem with the change in his Physical Therapy appointments. Captain Hardin replied, "talk to my attorney". Captain Hardin was subsequently ordered to answer the question, and replied that the Chief of Police had no right to change his appointments. When asked why he failed to attend the staff meeting, Captain Hardin did not respond, in violation of:

4A:2-2.3(a)2 Insubordination

(West Milford Police Department Rules and Regulations Article XXIV (b) Willful Disobedience of Orders) and 4A:2-2.3(a)7 Neglect of Duty.

Charge 4 Specifications:

On October 31, 2006 Captain Hardin failed to attend a Staff Meeting, for which he had prior written notice, in order to attend Physical Therapy on unapproved Sick Leave, in violation of:

4A:2-2.3(a)2 Insubordination

(West Milford Police Department Rules and Regulations

Article XXIV (b) Willful Disobedience of Orders)

4A:2-2.3(a)7 Neglect of Duty.

Charge 5 Specifications:

Between October 27 and November 22, 2006 Captain Hardin, the Police Operations Commander, engaged in conduct that was potentially detrimental to the day-to-day operations of the Police Department by scheduling medical appointments during work hours, thereby taking unapproved time off, in violation of: 4A:2-2.3(a)7 Neglect of Duty

(West Milford Police Department Rules and Regulations

Article XXIV (n) Conduct subversive to good order of the

Department)

Charge 6 Specifications:

On or about November 6 and 22, 2006 Captain Hardin failed to follow a direct written order by Police Chief Paul Costello to request time off according to Department Procedures. In violation of: 4A:2-2.3(a)2 Insubordination

(West Milford Police Department Rules and Regulations

Article XXIV (b) Willful Disobedience of Orders)