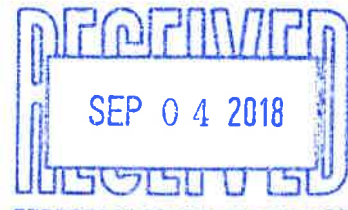




**BAZELON
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August 31, 2018

Christina M. Reger
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Direct Dial: 215-609-3173
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VIA FEDERAL EXPRESS and EMAIL

Kevin Kuchinski
Mayor
Township of Hopewell
201 Washington Crossing
Pennington Road
Titusville, NJ 08560

Julie Blake
Deputy Mayor
Township of Hopewell
201 Washington Crossing
Pennington Road
Titusville, NJ 08560

Steven P. Goodell, Esquire
Township of Hopewell
201 Washington Crossing
Pennington Road
Titusville, NJ 08560

Susan Newman
Human Resource Director
Township of Hopewell
201 Washington Crossing
Pennington Road
Titusville, NJ 08560

Re: Sgt. Michael J. Sherman

Dear Mr. Kuchinski, Ms. Blake, Mr. Goodell, and Ms. Newman:

This letter will served to advise you that Sergeant Michael J. Sherman, a current employee, has retained this firm to prosecute claims for hostile work environment, harassment, and retaliation against the Hopewell Township Police Department and the Township of Hopewell. Based on our preliminary review, we feel that there exists a sufficient legal basis to file formal Charges of Discrimination with the Equal Employment Opportunity Commission and the New Jersey Division of Civil Rights for violations of Title VII and the New Jersey Law Against Discrimination as well as the Conscientious Employee Protection Act.

The purpose of this letter is to afford you the opportunity to discuss these matters with me in an effort to reach a resolution without formal, public legal proceedings. Accordingly, if you wish to schedule such a meeting, please contact our office at your earliest convenience.

If we do not hear from you or your attorney or we are not able to reach an amicable resolution by September 10, 2018, we will file the attached Charge of Discrimination, and may seek to consult with the NAACP and/or ACLU on this matter.

Very truly yours,

Christina M. Reger

CMR/nmk
Enclosure

cc: Ellen M. Horn, Esquire (via first class mail w/enclosure)

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ATTORNEYS AT LAW

EEOC STATEMENT OF PARTICULARS

In re: Michael Sherman vs. Hopewell Township Police Department and the Township of Hopewell

The Complainant, Michael Sherman, alleges that prior to and continuing through the present, the Respondents, Hopewell Township Police Department ("Department") and the Township of Hopewell ("Township"), through their agents, servants and employees, including the actions of Lieutenant Christopher Kascik ("Kascik") and of Chief Lance Maloney ("Maloney" or "the Chief") and Lieutenant William Springer ("Springer") (hereinafter collectively referred to as "Respondents"), subjected Complainant to a hostile work environment through various instances of racial discrimination and retaliation for reporting and opposing unlawful racial discrimination and sexual harassment and employee abuse and intimidation in the workplace. In general, the overt acts of discrimination, abuse and intimidation and other wrongful workplace actions were performed by Kascik. Maloney, Springer and others associated with the Department and the Township failed to take action required to provide redress and prevent reoccurrence, and have actively contributed to the hostile workplace environment in their treatment of Complainant.

The facts in support of these allegations include the following:

1. Complainant, a 41-year old male, whose race is African American and Caucasian, has been employed by Respondents since October 1999 through the present.
2. During his tenure of employment with the Respondents, Complainant has been promoted several times and has most recently held the positions of patrol officer in the Traffic Unit, Detective in the Detective Bureau, and Sergeant in the Patrol Division. He has maintained an excellent job performance rating in said capacities, evidenced by written performance reviews, and promotions within the department as well as commendations for his service.
3. As early as June 2006 or 2007, Complainant recalls that Kascik (who was then a patrol officer) made an inappropriate comment to Complainant, which he believes was directed to him as the only African American male involved in the conversation (and in the Department at the time). Complainant was riding in a car with Kascik and Officer Kevin Zorn during a training session. Kascik made a joke to Complainant about having to make child support payments. Kascik said that Father's Day must be confusing at his (Complainant's) house because he must get ten cards with all of the kids he has. At the time, Complainant had one child and he was paying child support.
4. At this time, Kascik and Sherman were both patrol officers and so their interaction was minimal. In 2009, Complainant was assigned to the Detective's Bureau and had virtually no interaction with Kascik until 2016 when a potential protest required involvement of the entire Department. During that period of time, Complainant reported to other officers until 2017, including Chief (then Lieutenant) Maloney, Lieutenant Puskas and ultimately Springer.

5. Specifically, on or about January 27, 2016, during a discussion about a potential protest involving the NAACP, the ACLU and family members of a juvenile who was shot in Trenton. Kascik had relayed information regarding this potential protest to members of the Department. Later, while in the lunchroom with Complainant, and with Sergeant Francis Tulko ("Tulko") and Detective Louis Vastola present, Kascik stated to Complainant that, "when Al Sharpton and all of the other protesters show up, the only thing they need to do is call all the K9s from the other departments because black people don't like dogs and it'll be like the sixties in the parking lot."
6. Later in 2016, plaintiff suffered a shoulder injury, which ultimately required surgery. As a result, Complainant began spending more time at the station. With increased exposure to Kascik and his erratic and inappropriate comments, in or about 2016, Complainant started documenting incidents with Kascik in contemporaneously dated notes stored in his iPhone. The transcribed notes formed the basis of his April 2018 complaint to the Township, discussed further below.
7. In December 2016 and January 2017, Complainant had two surgeries to repair injuries to his shoulder and bicep. He returned to work on light duty in February 2017. During this time while still on light duty, he began eating lunch in the Department lunchroom more frequently, thereby having more exposure to Kascik who ate lunch in the lunchroom regularly.
8. On or about February 24, 2017, while Complainant was in the lunchroom with Kascik and Detective Maccaquano, Kascik asked Maccaquano how things were at Hopewell Valley Central High School. He was referencing a recent incident in which there was social media outrage over serving chicken as a customary way to honor black history month. It should be noted that Hopewell is a predominantly Caucasian community. Kascik commented that, "there's nothing wrong with the menu because black people love chicken like Chinese people like rice." Kascik then looked directly at Complainant and asked him when he was going over to the high school to get chicken. Kascik then stated that he gave Complainant permission to work half days for the rest of the month, presumably because Complainant is half black.
9. On or about March 1, 2017, while Complainant was in the lunchroom with Kascik and Detective Joseph Maccaquano, Kascik was looking at pornographic material on his iPad. He showed Complainant an overweight black woman and stated that "I know this is what Sherman likes" and then said, "never mind, he only likes white girls." Complainant's wife is Caucasian.
10. On or about March 2, 2017, Complainant was in the Detective Bureau and Kascik walked in to use the Keurig machine. A female officer, Patrol Officer Alexis Mirra was present and made a comment to Kascik that his coffee appeared to be hot. Kascik turned around and said "that's what all the girls think about you" to Officer Mirra. Mirra identifies as a lesbian and she is married to a woman. Officer Mirra looked uncomfortable and walked out of the room.

11. On March 13, 2017, Complainant suffered a work-related shoulder injury and was scheduled to go out for surgery in the coming months.
12. On April 3, 2017, Complainant was promoted from Detective to Sergeant. As a Sergeant, Complainant would begin reporting to Kascik. However, since he was scheduled to go out for surgery shortly, he continued to report to Springer. It was intended that upon his return following his surgery, he would report to Kascik once he was cleared for full duty.
13. Two weeks after assuming the role of Sergeant, on or about April 17, 2017, one of Complainant's direct reports – Police Officer Voorhees – approached him to inform him of an incident involving Kascik. Officer Voorhees reported the incident to Complainant as his superior, in accordance with the chain of command policy. Officer Voorhees described how Kascik verbally and then physically attacked him by grabbing him by the arms and throwing him against a wall. The incident was captured on one of the Department security cameras, and Complainant, pursuant to the chain of command, immediately reported the incident to his supervisor, Springer, who is Internal Affairs for the Department. Complainant viewed the videotape with Springer and confirmed Officer Voorhees' account of the incident. After viewing the tape, Springer responded "you got to be f**king kidding me."
14. At Springer's request, Complainant drafted a Memo regarding the incident on April 20, 2017. (Attached hereto as Exhibit A). Before drafting the Memo of the incident, Complainant asked Springer if he should summarize the events on the video in his Memo. Springer responded that he would ask the Chief. Several days later, Springer responded to Complainant to prepare a Memo summarizing what Officer Voorhees had told him, but to omit any discussion of the video in his write-up.
15. Complainant was not aware of any action that was taken in response to his complaint regarding the mistreatment of Officer Voorhees. Complainant was never interviewed in connection with the event. However, Complainant later found out that the Department conducted an investigation (§ 36).
16. On or about April 18, 2017, Complainant was in the lunchroom with Detective Maccaquano and Kascik and a conversation came up about an African American female juvenile victim. Kascik referred to the girl as a "whore" and asked if she was the girl who lived on "Ghetto Street." Complainant believed he was referring to Heritage Village, where the female lived and where a portion of residents are African American and low income. Kascik has referred to Heritage Village and Brandon Farms as "the projects" when talking about assignments in these neighborhoods.
17. On or about April 26, 2017, while Complainant was in the lunchroom with Detective Maccaquano, Police Officer Grey, Patrol Officer Hoffman and Kascik, Kascik was looking at a magazine that notifies police agencies about extremist groups and sovereign citizens within the United States. Kascik commented that, "I was at a meeting with half

of these guys last week. I'm a card carrying member. They gave me a lifetime achievement award for all of the work I do."

18. In or about April or May 2017, Complainant complained initially to Springer and ultimately to Maloney about Kascik's ongoing racist comments detailed above, as well as some of Kascik's other erratic and inappropriate behavior including:
 - a. Kascik's repeated references to a mentally ill citizen known to the Department. Kascik stated that he wanted to have "a shootout with" this individual and wanted to, "slit his throat, gut him like a deer and wear his blood as war paint;"
 - b. Kascik speaking to other officers about currently growing marijuana in his new house;
 - c. Kascik carrying around a baseball bat in the Department and saying he was Crazy Joe from the movie Lean on Me, which Complainant felt was meant to intimidate others in the police department not to challenge his authority.
19. Although Complainant is not aware of what actions Springer took, he was not informed of and did not see any changes to Kascik's behavior. Therefore, Complainant again reported the above racist and sexist comments and inappropriate behavior (§§ 14-18) to Maloney during a meeting in the Chief's office. Complainant told the Chief he wanted the behavior to stop. Chief Maloney said he would need to seek advice from a third party. The Chief also said he would address all personnel issues in a blanket statement to the whole department. The Chief then provided Complainant with two options: 1) the Chief would speak with Kascik alone; or 2) Kascik, Chief Maloney and Complainant would speak as a group and the Chief would monitor Kascik's behavior following the group meeting.
20. Complainant did not feel either of these options would cure the behavior and given Kascik's erratic behavior and biased opinions, he feared retaliation from Kascik, particularly since Kascik would be his supervisor once he returned to full duty (following his surgery).
21. During these discussions with Chief Maloney about Kascik, the Chief cautioned Complainant to make sure he does everything "by the numbers" and to dot all of his "I's" and cross all of his "T's" so Kascik had nothing to scrutinize once he became aware of Complainant's complaints to the Chief. Complainant felt this cautioning statement was to warn Complainant not to complain, and if he did, he was on notice that Kascik might retaliate against Complainant and Complainant was (or would be) singled-out for scrutiny because he had complained about Kascik.
22. On May 16, 2017 at the Department staff meeting, the Chief made the bland announcement that:

Employees should refrain from using inappropriate language or making inappropriate comments among co-workers, citizens, outside companies/agencies, while at work or representing the

police department. Employees should be professional in their conduct and speech.

23. At the May 26, 2017 staff meeting, it was reiterated that inappropriate language should not be used when dealing with co-workers.
24. Complainant believes, and therefore avers, that the Chief made Kascik aware of his complaints, thereby triggering he subsequent retaliation and intimidation tactics by Kascik directed toward Complainant set forth below.
25. In or about April/May 2017, after Complainant had made the above complaints, Kascik scolded Complainant in a staff meeting for sitting at the head of the table, where he (Complainant) had sat during the last meeting and where the Sergeant he had replaced had always sat. Complainant felt Kascik was publically admonishing him and singling him out and putting him "in his place" in retaliation for the complaints he had made against Kascik.
26. Thereafter, Complainant went out on disability for his shoulder on June 16, 2017 and had shoulder surgery in September 2017. He returned to work on light duty on February 18, 2018. So following the above-described incidents in April and May 2017, Complainant has no contact with Kascik for the next nine months.
27. In February 2018, Complainant received his annual review, which should have been performed by his new supervisor, Kascik. However, his review was given to him by the Chief – who typically only does reviews of only two individuals – Lieutenant Kascik and Lieutenant Springer. In his review, the Chief noted that, "Sgt Sherman is trustworthy and displays conduct that reflects well upon the Hopewell Twp Police Department."
28. Complainant believes and therefore avers that his review was completed by the Chief because the Chief may have had concerns of Kascik's potential bias against Complainant for his prior complaint. Notwithstanding the Chief's concerns or suspicion of bias against Complainant by Kascik, Complainant was slated to report to Kascik only one month later.
29. On March 22, 2018, one of Complainant's direct reports – Police Officer Klesney – filed a report about an incident. As his superior, Complainant reviewed the report and noted several errors. Complainant spoke to Kascik about the errors, and Kascik stated that Officer Klesney would have to come in and correct the report, even though he was out on sick time. Complainant informed Officer Klesney of Kascik's decision. Officer Klesney came in to the Department for 38 minutes to correct the report. Officer Klesney then called Kascik to complain about having to use sick time to correct the report. When Complainant learned that Officer Klesney had called Kascik, he confronted him and reminded him that he must follow the chain of command and report any issues directly to Complainant. Complainant later found out that Kascik had put in an overtime slip for Officer Klesney for 2 hours (contrary to Kascik's prior instructions to Complainant that Officer Klesney would be docked sick time).

30. Later that day, Complainant asked Kascik if he could talk to him about an issue regarding reports for Complainant's squad. Complainant wished to inquire if Kascik could send reports to Complainant for any necessary corrections before submission of the reports to the completed bin. Complainant said to Kascik that he 'knew he had to tread lightly' and he was referencing the prior report involving Police Officer Klesney. Kascik, looking agitated, asked Complainant why he thought he had to tread lightly. Complainant responded, "never mind." Kascik's face got red and he stepped toward the squad room door and locked it, locking himself and Complainant in the squad room. Kascik said, "I have been meaning to talk to you about this," while gritting his teeth. Kascik walked close to Complainant and yelled "did you fucking tell Klesney he could not come to my office?" At this point, Complainant was fearful due to Kascik's history of aggression so he stood up, thinking he might have to defend himself, and he asked Kascik what he was talking about. Kascik told him to "sit the fuck down" and yelled repeatedly "who the fuck do you think you are?" to Complainant while pointing at Complainant 2 feet from his face. Kascik told Complainant he was being insubordinate for not answering his questions and he continued to use vulgarities and curse at Complainant. He ordered Complainant to give him an answer about what Complainant told Klesney or he would write him up for insubordination.
31. At this point, Complainant felt this was no longer a personnel matter and he felt Kascik was using this opportunity to harass and intimidate him due to his prior complaints against Kascik to both Springer and the Chief (§ 18-19) and most significantly his report to Lieutenant Springer of the Officer Voorhees incident (§ 13). However, he answered Kascik and said he had told Officer Klesney to follow the chain of command and speak to him (Complainant) before going to Kascik about any issues. Kascik became more agitated and shouted at Complainant, "I'm the fucking boss and I make the fucking decisions on who can come to my office," while also continuing to tell Complainant to "sit the fuck down."
32. Complainant then said he wanted to go to the Chief's office to discuss the matter. Kascik responded by saying, "you're going to fucking answer me or be written up for insubordination." Complainant continued to say he wanted to talk to the Chief and Kascik stood between Complainant and the door imprisoning Complainant in the squad room. By this time, the Chief had overheard the yelling and was jiggling the door and knocking loudly on the window pane to get into the squad room. Kascik finally opened the door and the Chief escorted Kascik out of the squad room once Kascik became aware that the Chief was at the door.
33. Later that day, the Chief sat down with Complainant and Kascik. Although Complainant requested a witness, the Chief explained that Springer (the only other Lieutenant in the Department) would not be in the office until later in the day. Kascik and Complainant both gave their accounts of the incident, during which time Kascik interrupted Complainant and said, "I'm the Lieutenant, you're the Sergeant, so let me speak." Kascik then told Complainant, "that's your problem, you don't know when to stop talking, and you think you're more than you are."

34. In this meeting with Kascik and the Chief, Kascik said that Complainant should be reporting to him and he was going outside the chain of command by reporting to Springer. Complainant believes the decision was based, in part, upon his prior complaints against Kascik and Kascik's potential for bias toward Complainant. In the meeting, Kascik ordered Complainant to discuss anything that the Complainant wanted to address in staff meetings with him first. Even the Chief acknowledged (in the meeting) that this is not protocol and no other sergeant has ever been told to follow such a direction. Kascik also complained that Complainant had been out for 9 months on workers' compensation and he was unable to speak to him during his leave. The Chief took no further action regarding the event or Kascik's ongoing racial slurs directed toward Complainant but only commented that everyone needs to get along.
35. Following the incident, Complainant met with Chief Maloney (without Kascik) and told him he was considering filing a complaint against Kascik with Human Resources and/or the Township Administrator in accordance with the Department Policies and Procedures regarding Kascik's ongoing harassment and most recent false imprisonment of Complainant. During the discussion, Complainant stated that he believed Kascik's comments, actions and escalating harassment were in response to Complainant's reporting of the Voorhees event the year prior.
36. The Chief responded that the Voorhees matter had been investigated and he believed was "appropriately addressed" by Internal Affairs. It was at this point that Complainant first learned that the Voorhees matter had been investigated – further validating and substantiating his belief that Kascik's actions, harassment, and false imprisonment of Complainant were in retaliation to Complainant reporting the Voorhees incident. Upon learning of the investigation, his requests for information about the outcome of the investigation were denied.
37. Rather than acknowledge and attempt to address and resolve the ongoing issues and Complainant's expressed concerns that Kascik was retaliating against him (§§ 16-19, 29-33), Chief Maloney simply responded that filing a complaint was "within your rights." However, he cautioned Complainant not to discuss or even reference the Voorhees incident in his complaint, notwithstanding Complainant's belief that this event was the primary trigger source of the retaliation.
38. After the incident, Complainant took time off from March 30 through April 6, 2018, to avoid contact with Lieutenant Kascik.
39. On April 10, 2018, Complainant met with Township Administrator Elaine Borges ("Borges") and Human Resources Representative Sue Newman. They advised him to complete the employee complaint paperwork in order to proceed. In this meeting, after Complainant told them he had told the Chief about the incidents and Kascik's behavior did not stop, Borges said, "that's the Chief's flaw, he is too nice and too honest. He needs

to know when to put his foot down.” She then relayed her own personal story of harassment at a prior employer and stated how she sympathized with Complainant and what he was going through.

40. On April 17, 2018, Complainant filed a formal complaint with the Township Administrator. (Attached hereto as Exhibit B). Per the Chief’s order, Complainant omitted any information regarding the Voorhees incident, even though Complainant believed that his reporting of the Voorhees event was the triggering event of Kascik’s animus and retaliatory conduct toward him.
41. In the Complaint, Complainant requested that Kascik be placed on leave during the course of the investigation for fear of retaliation against him and intimidation of witnesses. Complainant was aware that the Department had taken this action in the past when investigating a complaint within the Department. Kascik was never placed on leave.
42. Complainant requested that he not be placed under the supervision of Kascik due to his history of behavior directed to Complainant, and his pending complaint against Kascik.
43. On April 25, 2018, Complainant met with Administrator Borges and Township attorney Ellen Horn (“Horn”) to review his complaint and answer questions. Complainant mentioned that there was a prior event that he believed was the root cause of the retaliation but that he had been instructed not to discuss it.
44. During a lunch break from that meeting on April 25, 2018, Complainant walked past Kascik’s office and saw that Kascik had his right arm straight out and towards his head as if he was about to wave or salute. Complainant was disturbed by his behavior and perceived this to be an act of taunting by Kascik, as it was obviously meant for Complainant since no one else was nearby.
45. When Complainant returned to the interview with Borges and Horn, his hands were shaking as he reported Kascik’s actions to Borges and Horn. He told them he felt Kascik was attempting to intimidate or harass him because of the complaint. Complainant, again, requested an accommodation be made so his contact would be limited with Kascik, such as putting Kascik on paid leave or switching Complainant to nights until the complaint was resolved.
46. Complainant advised Borges and Horn that Kascik’s harassing behaviors, such as grunting, getting a red face, and saluting when he sees Complainant, was giving Complainant anxiety every time he walked through the Department. His anxiety would become heightened when he heard footsteps in the squad room and his sleeping had been affected due to the anxiety.
47. In response, Borges simply gave Complainant a phone number for Employee Assistance Services (“EAS”). Before giving Complainant the card, Borges made the comment, with Horn present, that the Complainant should really talk to someone; she stated that she

could tell it was affecting him. Complainant contacted EAS and had a meeting with an EAS representative.

48. No changes were made to Complainant's schedule and Kascik was not placed on leave, thus exposing Complainant to Kascik on a daily basis.
49. Rather than address the underlying issues or discipline Kascik for his actions, Chief Maloney's only solution was to instruct Kascik and Complainant to avoid speaking with each other, even on work-related matters. Complainant explained to the Chief that performing his duties without contact with Kascik, particularly on matters where he would be responding to calls or at the scene with Kascik as the superior officer was very difficult and compromising. Chief Maloney did not respond and exited the room.
50. On May 1, 2018, the Chief asked to speak to Complainant and advised him about a follow-up meeting that he (Complainant) was to have with Borges and Horn on May 3, 2018. Complainant asked again if he could speak about the April 17, 2017 incident with Borges and Horn, as he had not previously discussed it with them as instructed. The Chief stated that he wrote a letter to Borges and Horn regarding the April 2017 incident, so Complainant would be permitted to talk about it. Complainant requested a copy of the letter but was not given a copy and has no information about how the Chief's letter portrayed the Voorhees incident.
51. On May 2, 2018, Complainant responded to a call involving a man with a gun at a hospital. Kascik arrived after Complainant, walked by Complainant without acknowledging him, but simply glared at him, then walked into the hospital. As the scene commander, Kascik failed to engage with Complainant or provide any direction, which Complainant felt was clearly in retaliation for Complainant's complaints. Complainant feels he cannot trust Kascik to "have his back" in critical situations and Complainant fears for his safety.
52. On May 3, 2018, Complainant met with Borges and Horn again and discussed follow-up questions related to the Voorhees incident. Complainant confirmed that they had been given the videotape of the incident and that Attorney Horn had viewed it.
53. During that meeting, Complainant raised concerns about the accuracy of their investigation, particularly since any witness that was interviewed was required to walk past Kascik's office and look him in the eye before and after their interview. Complainant had also witnessed several of the witnesses – with whom Kascik never previously interacted – leaving Kascik's office following a closed door meeting, close in time to when the witnesses were interviewed.
54. Borges and Horn advised Complainant that "they had done their best" to keep Complainant and Kascik apart. However, Complainant still would see Kascik several times daily and each time Kascik saw Complainant, Kascik's face would get very red and he seemed angrier. Complainant also informed Borges and Horn that personal items had gone missing from his police mailbox on or around April 21, 2018, including two gold pens and a flash drive, as well as papers in his mailbox being rummaged and moved

to another mailbox. In the 19 years prior to these events, Complainant never had any of his personal items taken. Despite a complaint about this incident, no formal investigation was conducted and the items were never recovered.

55. In the meeting on May 3, 2018, Complainant advised that he feared for his safety and was afraid Kascik would cause him physical harm. Complainant again asked that Kascik be placed on paid leave pending the investigation. Complainant advised he was considering taking leave to avoid having contact with Kascik.
56. On May 7, 2018, Complainant contacted Horn and Borges to supplement his prior report by phone. When he completed the call, Kascik walked into the room and began reviewing reports in the squad room. Kascik had never reviewed reports in the squad room before and Complainant felt he was making his presence known to Complainant as a form of intimidation.
57. Since the filing of the April 2018 complaint, Chief Maloney and Lieutenant Springer have completely altered their demeanor with Complainant. They were previously cordial and caring colleagues and friends with a great personal relationship. However, since Complainant filed the complaint, the Chief and Springer are cold and off-putting, making Complainant feel as if he did something wrong by filing his complaint. He has been completely ostracized and shunned by his fellow officers in the Department. Lieutenant Springer specifically told Complainant that he will only talk to him about work-related things, but personal relationships are over, despite their 19-year friendship.
58. On May 13, 2018, Complainant witnessed a triple fatality while off-duty. He went to the scene, identified himself as a police officer, and assisted the injured persons, one of whom died in Complainant's arms. The Hopewell Township Rules and Regulations 3:1.6 state that: "While off-duty, police officers shall take appropriate actions as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department written-directive. While off-duty, police officers who take any police related action or any other action which may touch upon or reflect upon their position with the Hopewell Township Police Department shall notify the highest ranking officer on duty as soon as possible and shall submit a written report to the Chief of Police as soon as practical." This policy demonstrates that this matter was work-related.
59. On May 14, 2018, Complainant was cleared by his physicians for full duty. Chief Maloney advised Complainant that he would continue to report to Lieutenant Springer due to the ongoing investigation of the Complaint against Kascik.
60. On July 17, 2018, Complainant's doctor issued a note keeping Complainant out of work for 3 weeks due to work-related stress. The reasons for this work related stress included the anxiety caused by interactions with Kascik with his intimidation and retaliation tactics, as well as witnessing the triple fatality.
61. Complainant was advised that the Township was going to review his leave as a potential workers' compensation case. He was later advised that the workers' compensation claim was denied. (See attached denial letter, attached hereto as Exhibit C). Complainant

questioned why his work related stress and anxiety would be denied, when other police officers have gone out on leave for work related stress and anxiety, including another officer during this same time who was immediately placed on 6 months leave without an investigation into his request for leave. The workers' compensation representative responded by saying that, "after thorough investigation, his claim does not meet the requirements."

62. On July 19, 2018, Complainant received a letter from Hopewell Township's Administrator Elaine Borges indicating that his Complaint had been investigated by an outside law firm. The letter acknowledged that Complainant alleged that Kascik made racially discriminatory remarks, viewed pornographic material in the workplace, and engaged in aggressive, threatening behavior toward Complainant on March 22, 2018. The Administrator's letter advised that only the claim about Lieutenant Kascik viewing pornographic material was substantiated. They found there was insufficient evidence to support the rest of the allegations. The letter never mentions the prior event with Office Voorhees, notwithstanding Complainant's discussion with attorney Horn about the Voorhees incident and his confirming with her that she viewed the videotape evidence. (See letter, attached hereto as Exhibit D). Notably, there was no mention of the Voorhees incident in the letter.
63. On July 20, 2018, following his receipt of the letter, Complainant told Administrator Borges that he feared for his life due to potential retaliation from Kascik, given Kascik's prior comments.
64. On July 24, 2018, Complainant was advised that he would be reporting to Kascik moving forward. Complainant challenged that determination and asked for reconsideration on the decision to have him report to Kascik. He was told that the decision would not be reconsidered and he would report to Kascik moving forward. (See letter to Chief and Chief's response, attached hereto as Exhibit E).
65. Complainant submitted an Open Public Records Act ("OPRA") request to obtain the video of the April 2017 incident and all of the documents surrounding the investigation of Complainant's April 2018 complaint, as well as the investigation guidelines. This OPRA request was denied in its entirety. (See Denial, attached as Exhibit F).
66. Complainant believes and avers that he has been retaliated against due to his complaints against Kascik both in April 2017, leading to the March 22, 2018 event, as well as following his April 17, 2018 formal complaint.
67. Township Policy 3.130 prohibits workplace violence and endorses a "Zero Tolerance Policy for workplace violence."

"Acts or threats of physical violence including intimidation, harassment, and/or coercion which involve or affect the Township or which occur on Township property will not be tolerated."

Threats or Acts of Violence are defined to include “conduct against a person or property that is sufficiently severe, offensive, or intimidating to alter the employment conditions at the Township, or to create a hostile, abusive or intimidating work environment for one or more Township employees.”

Examples of prohibited conduct include: “aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person, or subjects another person to emotional distress;” “committing acts motivated by, or related to, harassment based on a protected class, including sexual harassment, or domestic violence;” “Unauthorized possession or inappropriate use of firearms, weapons, or other dangerous devices on Township property.”

The policy describes some of the warning signs as “physical signs of hard breathing, reddening of complexion, menacing stare, loudness, fast or profane speech;” acting out either verbally or physically;” disgruntled employee . . . who is excessively bitter;” “intense anger, lack of empathy;” “If an employee exhibits such behavior, the employee should be monitored and such behavior should be documented.”

68. Township Policy 3.150 prohibits harassment in the workplace stating it is “committed to providing a work environment that is free of discrimination. The Township will not tolerate harassment of or by Township employees toward anyone.” “The purpose of the policy is to ensure all Township employees a work environment free from any type of discrimination based upon a protected group status.” “Township employees are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Township prohibits any form of harassment or discrimination related to an employee’s actual or perceived protected group status, including race . . .” Stated examples of harassment include, “treating an individual less favorably based on a person’s protected group status,” “using derogatory or demeaning slurs to refer to a person’s protected group status;” . . . telling ethnic jokes that harass an employee or create a hostile work environment,” “using derogatory references regarding a protected group status.”
69. Although the Township has policies in place, as well as a chain of command and reporting and investigation procedure for complaints, Complainant believes and avers that the policies and procedures were not followed. His complaints and requests for help were dismissed, mishandled and not properly investigated beginning with his own superiors. His repeated pleas for protection from retaliation and intimidation have been minimized or ignored. Respondents have done nothing more than pay lip-service to their own policies responding by announcing generically in a staff meeting that everyone should get along and be nice to each other. In fact, Respondents have completely disregarded Complainant’s complaints and are attempting to force Complainant to report to Kascik, although other reasonable alternatives are available.

70. Complainant has suffered anxiety, depression and post-traumatic stress disorder, as documented by a licensed psychologist, and he has missed time from work due to this ongoing discrimination and retaliation from Respondents. (See attached letter from Dr. Stefanelli, attached hereto as Exhibit G).
71. Complainant has been shunned and retaliated against by his superiors and co-workers and, as a result, he has been forced to work in a hostile work environment.

WHEREFORE, the Complainant believes and, therefore avers, that the actions of Respondents, specifically Kascik, in discriminating against Complainant, creating a hostile work environment and retaliating against Complainant after he complained about such behavior, as well as the inactions of Maloney, the Department, the Township, and to a lesser extent Springer in subjecting Complainant to an ongoing hostile work environment, and failing to properly investigate and address Complainant's concerns resulted in him being completely ostracized by the Department and suffering anxiety, panic attacks, depression and post-traumatic stress all constituted a violation of the New Jersey Law Against Discrimination ("NJLAD") and Title VII of the Civil Rights Act of 1964 and 1991, as amended ("Title VII").

EXHIBIT A

HOPEWELL TOWNSHIP POLICE DEPARTMENT MEMORANDUM		
From: Sgt. Michael J. Sherman		
To: Lt. William H. Springer Jr.		
Re: P/O Officer Robert Voorhees Incident	Date: April 20, 2017	

On April 18, 2017 at approximately 0900 hours I spoke with P/O Voorhees in regards to C squad officers being in the police station parking lot on this date after 0710 hours. This information was brought to my attention by Lt. Christopher Kascik on April 18, 2017 during the staff meeting at approximately 0730 hours. I explained to Lt. Kascik during the staff meeting that the officers were held in briefing longer than normal by me in order to address daily duties, training issues and concerns.

Prior to fully explaining the situation to P/O Voorhees, he advised me that he was already "spoken to" by Lt. Kascik about the issue. When I asked for clarification, P/O Voorhees stated that he came in to the police station at approximately 0830 hours to get the keys for patrol vehicle (231) to take it to the car wash prior to the blue mass ceremony as directed by me. P/O Voorhees stated that when he entered into the building via the back door, he was "cornered by Kascik". P/O Voorhees stated that Lt. Kascik backed him toward the township bulletin board across from the entrance to the briefing room, grabbed him by the arms and pushed him against the wall. P/O Voorhees stated that Lt. Kascik went "ballistic" on him and began screaming and cursing at him. P/O Voorhees stated that Lt. Kascik began "mother fucking him", yelling at him, and told him that he needs to get out of the parking lot by 0645 hours. P/O Voorhees advised me that he told Lt. Kascik that he was in the parking lot because briefing went longer than expected due to our extended briefing and Lt. Kascik stated that "he didn't know that" and apologized to P/O Voorhees then left.

After being advised of this information, P/O Voorhees stated that he did not think Lt. Kascik meant any harm by it and stated, "You know how he is". When asked what course of action he wanted me to take, P/O Voorhees stated that everything was fine and asked if I was going to tell Lt. Kascik. I advised P/O Voorhees that I was not going to tell Lt. Kascik but that I was going to speak with Lt. Springer to determine what the next course of action was going to be. P/O Voorhees stated that he was not injured as a result of this interaction. P/O Voorhees also asked me a second time if I was going to tell Lt. Kascik about this incident.

On April 19, 2017 at approximately 1557 hours I contacted P/O Voorhees regarding this incident. I advised him that I wanted a memorandum to document this incident.

On April 20, 2017 I received a memorandum from P/O Voorhees at approximately 0715 hours. The memorandum provided was much less descriptive than the account provided on Tuesday, April 18, 2017. After reviewing the memorandum, I spoke with P/O Voorhees in private (while he was in the gym at the police station). When asked why all of the details were not put into the memorandum, P/O Voorhees stated that he did not want any trouble. I explained to P/O Voorhees that this was not a matter of getting anyone in trouble but in fact it was a matter of documenting a concern that was brought to my attention. I advised him that this was an official document and wanted to make sure what was written was his recollection of the incident. P/O Voorhees advised me that he wanted to leave the letter the same and if it became an internal affairs matter, he would "tell what happened".

On April 20, 2017 at approximately 0830 hours, I advised Lt. Springer about this incident and advised him that P/O Voorhees provided me with a memorandum regarding the incident. I was advised to also write a memorandum regarding the incident and how it was explained to me on April 18, 2017.

See attached memorandum submitted to me on April 20, 2017 by P/O Voorhees.

There is no further information at this time

Respectfully Submitted,

Sgt. Michael J. Sherman

EXHIBIT B

EMPLOYEE COMPLAINT FORM

NAME: Michael J. Sherman
LOCATION: 201 Washington Crossing Pennington Road, Titusville NJ 08560
JOB TITLE: Police Sergeant
SUPERVISOR: Lt. William H. Springer Jr.
TIME PERIOD COVERED BY COMPLAINT: 2015-2018

INDIVIDUALS WHO ALLEGEDLY COMMITTED THE COMPLAINED OF CONDUCT:

	<u>NAME</u>	<u>JOB TITLE</u>	<u>DEPARTMENT</u>
1.	Christopher Kascik	Lieutenant	Police

DESCRIBE THE DATES AND THE NATURE OF THE ACTS ALLEGEDLY COMMITTED BY EACH IDENTIFIED INDIVIDUAL (ATTACH ADDITIONAL SHEETS AS NEEDED):

In 2006 or 2007, Christopher Kascik, Kevin Zorn and I were riding in a car together to a training session and were joking around and having a normal conversation. The conversation later turned into Lt. Kascik (whom at the time was a patrol officer) making a comment regarding me having to make child support payments. Lt. Kascik stated that "father's day is a confusing day at my house because I must get ten cards with all of the kids I have". This comment was peculiar to me because up to this point in my career I had never really worked with him on a patrol squad nor had I ever reported to him directly. After the comment was made, I remembered that it was inappropriate but I remembered thinking that I needed to take note if anything else was said in the future. In 2009 I was moved into the detective bureau and had limited contact with Kascik and reported to Lt. Maloney (at the time), Lt. Puskas, and then lastly reported to Lt. Springer until I was promoted to sergeant in April 2017. Even after my promotion I continued to report to Lt. Springer due to an on duty injury until I was placed on injured on duty (IOD) leave status in June 2017 prior to my third and final surgery.

Prior to being injured, I would typically workout during my lunch hour (as a detective) or would go out to lunch with a coworker(s). Thus, my interaction with Lt. Kascik was limited to an occasional passing in the hallway throughout the day or him coming into the detective bureau to get a cup of coffee in the morning. In December 2016 and January 2017, I had two surgeries to repair shoulder/bicep injuries. In February 2017 I returned to work on light duty and was then injured on duty (March 13, 2017). At that time, I began eating lunch in the police department lunch room with other detectives and my interactions with Lt. Kascik became more frequent. Often, Lt. Kascik began joining us at the lunch table and that was when the below listed acts of improper behavior began and continued:

There have been occasions where I have witnessed acts not in conformity with the Standard Operating Procedures, Rules and Regulations, and Employee Standards of Conduct for Hopewell Township to which employees are held.

Lt. Kascik on several occasions has sat at the lunch room in front of subordinates and spoke about his days in high school when he would do "eight balls of coke". Lt. Kascik has also spoken about how he just recently bought a new house with a lot of land and a pond and commented that it will be a great spot to grow his "pot" for when he retires. Lt. Kascik specifically said it is a great spot because it "has a watering source to cultivate the crop". This comment was made in the lunch room in March 2018 in the presence of Det. Maccaquano and I.

Lt. Kascik has also been seen walking around the police department (primarily at times when the chief is out of his office or off for the day) carrying a wooden baseball bat. Lt. Kascik has been heard reciting the famous lines from the movie Lean on Me featuring Morgan Freeman, "Ms. Laviyas, get those chains off the doors", and "They used to call me crazy Joe, now they call me batman". Lt. Kascik would often tap the bat on his hand while walking around reciting the lines and saying people are going to listen to me. As in the movie, Morgan Freeman's character used the bat as a symbol to represent he was in charge and as a way for people to respect his authority. It was my perception that Lt. Kascik used his position and the baseball bat as an intimidation factor as to not be challenged by anyone. This was reported to Chief Maloney and Lt. Springer and has subsequently stopped. I have witnessed this personally, and I believe Lt. Springer, Sgt. Tulko and administrative assistant Christine Virok have witnessed this personally as well.

On January 27, 2016 there were rumors that individuals from NAACP, ACLU and family members of a juvenile who was shot in Trenton NJ the year before were going to come to Hopewell Township Municipal building to protest. Lt. Kascik relayed this information to superiors, patrol officers and detectives as well. While in the lunchroom with Francis Tulko and Louis Vastola present, Lt. Kascik stated to me that, "when Al Sharpton and all the other protesters show up, the only thing they need to do is call all the K9's from other departments because black people don't like dogs and it'll be like the 60's in the parking lot.

On February 24, 2017 Det. Maccaquano and I were in the lunch room at approximately 1200 hours when Lt. Kascik walked in. Lt. Kascik asked how things at the school (Hopewell Valley Central High School) were with Det. Maccaquano. This was in response to a recent incident which sparked some social media outrage and was talked about on 101.5 radio station regarding chicken being served as a customary way to honor black history month. After a brief (normal) conversation about the topic, Lt. Kascik then stated, "there's nothing wrong with the menu because black people love chicken like Chinese people like rice". Lt. Kascik then looked directly at me and asked, "what time are you going to the school for chicken". Lt. Kascik then stated he gave me permission to work a half day for the rest of the month, presumably because it was black history month and I am mixed race.

On March 1, 2017 at approximately 1153 hours, Lt. Kascik, Det. Maccaquano and I were in the lunchroom and Lt. Kascik had his ipad/tablet propped up on the table. As I walked around the table to sit down I could see that the pictures were of partially nude women. As we began eating lunch, Lt. Kascik turned the tablet around, showing Det. Maccaquano and I an overweight

African American female on the screen, and said out loud, "I know this is what Sherman likes", and then said, "never mind, he only likes white girls". Lt. Kascik said that the sight he was on was "tumbler". Lt. Kascik also stated that "youporn is the sight to go to" to find anything you want..

On March 2, 2017 I was in the detective bureau completing paperwork and Lt. Kascik walked in and began to use the Keurig machine to make coffee. P/O Mirra (at the time) was in the office looking for an iphone charger and made a comment to Lt. Kascik that his coffee "looked hot". Lt. Kascik turned around and looked at Mirra and said, "that's what all the girls think about you" to P/O Mirra. I noticed that Mirra looked uncomfortable and she did not reply to Lt. Kascik and then walked out of the room. Lt. Springer was in the adjacent office in close proximity to Lt. Kascik but I do not know if Lt. Springer heard the conversation.

On April 18, 2017 Lt. Kascik was in the lunchroom with Det. Maccaquano and I and the conversation came up about a case involving a female juvenile victim (who was African American) involving a case of endangering the welfare of a child. Lt. Kascik asked about the case and referred to the juvenile female as a "whore" and asked if she was "the girl that lives on Ghetto Street". My perception of this was refereeing to Heritage Village (where the girl lives) and a large portion of the tenants are low income and some of African American descent. It should be noted that Lt. Kascik has referred to Heritage Village and Brandon Farms as "the projects" when referring to reports and talking about assignments in these areas of town.

On April 26, 2017 while in the lunchroom with Det. Maccaquano, P/O Grey, and I, Lt. Kascik looked at a magazine which is sent to the agency by an organization which notifies police agencies about extremist groups and Sovereign citizens within the United States (I believe it is published by the Southern Poverty Law center). Lt. Kascik looked through the magazine and said, "I was at a meeting with half of these guys last week, I'm a card carrying member. They gave me a lifetime achievement award for all the work I do".

On May 30, 2017 I was in the lunchroom with Lt. Kascik, P/O Hoffman, and Det. Maccaquano talking about a case with a local resident whom we have had many dealings with due to erratic behavior as a result of mental health disabilities. While speaking of a recent interaction with the individual, Det. Maccaquano was talking about how the individual needs a mental health evaluation. Lt. Kascik then made the comment that he "can't wait until the day we have to go there and have a shootout with him". Lt. Kascik stated that he's going to run up to him, slit his throat, and then gut him like a deer. Lt. Kascik said that he was also going to paint his face in the individual's blood and wear it like war paint. Lt. Kascik also said he will be a war hero and should get a medal of valor for doing it.

The most recent incident involving workplace harassment took place on March 22, 2018 at approximately 0800 hours. I was in the squad room of Hopewell Township Police Department reviewing reports when Lt. Kascik walked into the room to gather the reports from the previous day. We greeted one another and as Lt. Kascik went to walk out of the room, I asked Lt. Kascik if he "had a second". My intent was to see if he could forward certain reports to me from my squad for corrections. After Lt. Kascik replied "yeah", I made a comment, "I know I need to tread lightly", referencing a previous report involving an officer (P/O Klesney) whom did not

like how he was going to receive sick time reimbursement instead of getting comp time or annual leave time. I was seated at the sergeant's desk facing the shredder and copying machine and Lt. Kascik was standing in front of the sergeant's desk closest to the door. Lt. Kascik asked why "I had to tread lightly?", to which I stuttered to try to gather my thoughts and said never mind because I could see that Lt. Kascik now looked agitated. I noticed that Lt. Kascik's face turned red and he immediately took several steps to his left toward the door and said, "I've been meaning to talk to you about this" very loudly and gritting his teeth. Lt. Kascik then pushed the door shut (with his left hand on the door handle) and used his thumb to lock the door utilizing the push button. My initial reaction to this was, why was he locking the door behind him, and why did he respond so loudly and look angry when I said never mind?

Once the door was shut and locked by Lt. Kascik, he walked toward the end of the table closer to me and began yelling, "Did you fucking tell Klesney that he could not come to my office?". As he began walking toward the end of the table yelling this, and knowing that he locked the door, I was concerned based on another reported incident of aggression and improper acts/remarks toward another HTPD employee which was reported in April 2017. Based on this, I was concerned at what might happen next. I immediately stood up out of my chair (fearing at some point that I may have to defend myself) and asked him what he was talking about. Lt. Kascik immediately told me to "sit the fuck down" repeatedly and asked me "who the fuck do you think you are" in a loud, aggressive manner while pointing in my face and gritting his teeth. Lt. Kascik got to the point where he was only approximately two feet from my face with nothing separating the two of us. Lt. Kascik then told me that I was being insubordinate for not answering his questions as he continued to use vulgarities and curse at me. After him yelling several times, asking "what I told P/O Klesney", he ordered me to give him an answer or he was "writing me up for insubordination". I felt as though this was no longer a personnel matter nor lawful order by Lt. Kascik, and felt as though his harassment and previous knowledge of complaints against him had led to this being his opportunity to retaliate against me. However, I answered and said that I did tell Klesney he could not go into his office with the intention to tell him unless he followed the chain of command. This made Lt. Kascik even more agitated and aggressive and I felt that his actions were becoming more unpredictable and volatile. I noticed that Lt. Kascik began screaming and cursing louder saying, "I'm the fucking boss and you're a sergeant, I make the fucking decisions of who can come to my office", and told me on several more occasions to "sit the fuck down". Believing that this was not a lawful order or something that I felt comfortable doing, I told him that I wanted to go to the Chief's office to discuss this. Lt. Kascik again started yelling, "You're going to fucking answer me or be written up for insubordination". I attempted to talk louder over Lt. Kascik to tell him that I wanted to talk directly to the chief (based on Lt. Kascik's erratic behavior) and he continued to yell obscenities. Lt. Kascik's back/side was to the door and he could not see that Chief Maloney was now at the door knocking on the glass trying to get Lt. Kascik's attention. I noticed that the chief had knocked for approximately ten to fifteen seconds as Lt. Kascik continued to yell and point from approximately two feet from my face. I again repeated that I wanted to go talk to the chief and Lt. Kascik continued to stand between me and the door with his back/side bladed toward the door yelling. The chief then began jiggling the door handle for approximately ten to fifteen seconds until I yelled for Lt. Kascik to open the door and pointed out that the chief was at the door. It was evident that due to Lt. Kascik's yelling and verbal tirade that he had no idea that the

chief was at the door (or did not care that he was at the door) nor did he stop his verbal tirade as the chief tried to enter the room.

Once Lt. Kascik opened the door, the chief escorted him out of the room and even placed his hand on Lt. Kascik's back in an escorting manner. As they were walking out of the room I yelled in their direction, "I'm done, either he goes or I go. I'm done". It should be noted that Chief Maloney was in the building, as well as Det. Vastola and administrative assistant Christine Virok.

After several minutes, Chief Maloney walked back into the squad room telling me to calm down very softly and motioning his hands as to calm down the situation. After several minutes, Chief Maloney then asked me to come into his office. While in the office, I briefly explained to Chief Maloney how Lt. Kascik was acting and asked if he heard or saw what took place. Chief Maloney stated that he heard yelling but could not tell who it was coming from or what was being said. Chief Maloney then asked what needed to be done to rectify the situation. Chief Maloney then asked if sitting both Lt. Kascik and I down in his office to talk about this would help. I advised Chief Maloney that I wanted another witness in the office and asked if we could wait until Lt. Springer came in to work. Chief Maloney advised me that Lt. Springer was not coming in until approximately 1000 hours because his children had a two hour delay due to snow the night before. I told the chief that I would speak with him and give my side of the story and agreed to speak with Lt. Kascik in the room as well. Upon Lt. Kascik walking into the room I could see that his face was still red and he seemed agitated.

Chief Maloney allowed Lt. Kascik to give his account of the incident which inaccurately portrayed the details of our interaction. Lt. Kascik stated that he asked me if I told P/O Klesney that he could not come into his office at any time. I began to correct Lt. Kascik's statement at which time he interrupted me and told me this was his turn to speak and stated, "I'm the Lieutenant, you're the sergeant, so let me speak" in a loud manner. Lt. Kascik again seemed agitated and specifically stated, "That's your problem, you don't know when to stop talking, you think you're more than what you are", presumably speaking of my rank. Chief Maloney then intervened and asked that I allow the Lieutenant to give his account and then I would be allowed to speak. The Lieutenant gave his account and I gave mine as well. However, at the end of the conversation, I felt as though this situation was not going to get any better and in fact, it was my belief that it would get worse for me in the future.

My perception of the above listed incident was that this was Lt. Kascik's opportunity to retaliate against me for an incident from April 2017, when a subordinate complained to me about an incident involving him and Lt. Kascik. I later reported the incident through internal affairs and it later turned into an internal investigation with an unknown outcome. Based on my limited contact with Lt. Kascik on a daily basis, and because I do not report to Lt. Kascik, his opportunity to address me prior to this was limited.

IDENTIFY ALL EMPLOYEES OR OTHERS WITH KNOWLEDGE OF THE COMPLAINED OF CONDUCT:

Chief Lance Maloney, Lt. William H. Springer Jr., Sgt. Francis Tulko, P/O Mandy Grey, P/O James Hoffman, Det. Louis Vastola, Det. Alexis Mirra, Det. Joseph Maccaquano, P/O Robert Voorhees and administrative assistance Christine Virok.

ARE THERE ANY DOCUMENTS OR OTHER EVIDENCE WHICH CONTAIN INFORMATION SUPPORTING THE OCCURRENCES DESCRIBED ABOVE, IF SO, PLEASE DESCRIBE: Yes

1. Internal affairs documentation and a video recording pertaining to an April 18, 2017 incident involving Lt. Christopher Kascik. There are two memorandums (one written by me to Lt. Springer dated April 20, 2017 and one from my subordinate written to me and also dated April 20, 2017). This incident was reported to me by a subordinate, which I immediately reported to Lt. William H. Springer Jr. and was handled as an internal affairs investigation with an unknown outcome. This case is what I believe has led to retaliation against me and more particularly relates to the March 22, 2018 harassment/hostile workplace incident that has led to this paperwork being filed.
2. Photographs of the squad room where the March 22, 2018 harassment took place.
3. Notes taken by me on various dates documenting ongoing improper behavior by Lt. Kascik over an extended period of time.
4. Powerdms entries acknowledging training and confirming Chief Maloney speaking with supervisors about workplace harassment and the appropriate way to handle ourselves on numerous occasions from May 16, 2017, August 8, 2017, November 17, 2017 and November 30, 2017.
5. Hopewell Township Standards of Conduct, discrimination policy, rules and regulations and Standard Operating Procedures.

HAVE YOU MISSED ANY WORK TIME OR INCURRED ANY UNREIMBURSED MEDICAL EXPENSES AS A RESULT OF THE ALLEGED BEHAVIOR? IF "YES," PLEASE IDENTIFY THE MISSED WORK TIME AND DESCRIBE THE EXPENSES INCURRED:

Yes. After the March 22, 2018 interaction involving Lt. Kascik, I took off Friday, March 30, 2018 and the following week of April 2 through April 6, 2018. Although the April 2 through April 6, 2018 time off was scheduled for my kid's spring break, the spring break was cut short due to snow days. However, I decided to keep the A/L days in order to avoid contact with Lt. Kascik and out of fear of retaliation.

IF YOU PREVIOUSLY COMPLAINED ABOUT THIS OR RELATED ACTS TO A HOPEWELL TOWNSHIP SUPERVISOR, PLEASE IDENTIFY THE INDIVIDUAL TO WHOM YOU COMPLAINED, THE DATE OF THE COMPLAINT, AND THE RESOLUTION OF YOUR COMPLAINT:

In April 2017, after reporting the incident involving Lt. Kascik and my subordinate, I continued to be exposed to unwanted comments regarding race by Lt. Kascik. In April/May 2017 I spoke with Lt. William H. Springer Jr. and advised him of the comments and sometime deranged comments made by Lt. Kascik as well as the baseball bat incidents. I advised Lt. Springer that I wanted to speak with Chief Maloney regarding my concerns and wanted Lt. Kascik's actions to stop. In April/May 2017, I spoke with Chief Maloney in his office and advised him of my encounter(s) with Lt. Kascik. I advised Chief Maloney of Lt. Kascik's racial remarks, his sexual innuendos, erratic behavior (including the baseball bat) and comments Lt. Kascik made to a female employee (regarding "other women thinking she was hot like the coffee") on March 2, 2017.

After advising Chief Maloney of my complaints, I was advised by Chief Maloney that he was going to seek advice from a third party (he was going to "make a phone call") to cover his basis. Chief Maloney did ask how I wanted the issue resolved and I explained that I wanted Lt. Kascik's actions to stop. Chief Maloney did advise me that he would address all personnel through the staff meeting and Powerdms system as a "blanket statement", advising everyone to conduct themselves in a proper manner. The options that were spoken about involved;

1. Chief Maloney speaking with Lt. Kascik in private
2. Chief Maloney, Lt. Kascik and I having a sit down meeting, or
3. Monitoring the situation to see if any other acts arise and the Chief addressing the department as a whole regarding improper behavior.

At that time, I was dealing with a workplace injury and knew that my contact with Lt. Kascik was going to be limited for an extended period of time. I decided that I did not want to sit down with Chief Maloney and Lt. Kascik believing that this would lead to more problems in the future knowing that at some point he would be my Lieutenant upon returning to patrol. I also did not want Chief Maloney to have a private sit down meeting with Lt. Kascik because I know that Lt. Kascik would not admit in private to the acts that I have been subjected to and subsequently reported. I also believed that the private meeting between Chief Maloney and Lt. Kascik would lead to retaliation against me in the future once I return to patrol as a patrol sergeant. Lastly, I decided that I would monitor the situation upon coming back to work and hoped that it would rectify itself to some degree.

As a result of the last incident on March 22, 2018 I did sit down with Chief Maloney on several occasions to discuss the problem again. First, on March 22, 2018 not long after the incident and again on several occasions during the same week. I advised Chief Maloney that I felt the actions of Lt. Kascik (specifically the last one in the squad room) constituted harassment if committed by someone outside of the police department and stated that I was thinking of filing a complaint

against him for his actions. I also stated that I would go to Human resources or the Township Administrator to discuss this case if necessary. Chief Maloney did ask that if I did decide to file a formal complaint that I allow him to first speak with the township administrator to "give her a heads up". Chief Maloney did reiterate that it was my right to report the incident directly to human resources or the Administrator directly and I know it was in good faith that he did not want anyone to be blindsided by the above listed allegations. Chief Maloney also contacted Doris Galuchie from the Mercer County Prosecutors Office at some point after speaking with me.

On April 5, 2018 I received an email from First Assistant Galuchie stating that "Chief Maloney advised me of an incident involving you and Lt. Kascik. Are you available to meet with me on Wednesday or Friday of next week to discuss the situation?". After a response email to First AP Galuchie, she and I had a conversation regarding the incident on the phone. I advised her that this situation was a personnel matter and no longer a criminal matter which I needed to handle with human resources and within the department.

On Wednesday, April 10, 2018 I did sit down with Hopewell Township Administrator Borges and Human Resources representative Sue Newman. At that time I showed them documentation regarding my complaint and spoke with them in some detail about what led to my belief that the above listed actions were inappropriate and perceived as retaliation and created a hostile workplace/harassment. I was advised to complete the employee complaint paperwork and submit it to them as soon as possible to determine the next course of action.

ARE YOU AFRAID THAT SOMEONE MAY RETALIATE AGAINST YOU BECAUSE YOU FILED THIS COMPLAINT? IF SO, PLEASE IDENTIFY THE PERSON(S) AND INDICATE THE REASONS WHY YOU FEEL THE PERSON(S) MAY RETALIATE AGAINST YOU.

I am concerned that Lt. Christopher Kascik will retaliate against me once he is notified of this complaint. As of the time of this filing, I am afraid of what Lt. Kascik might say or do regarding any interactions I may have with him. Over the past weeks I have seen Lt. Kascik on occasions, some in the squad room while he is retrieving reports, and have been very uncomfortable knowing that he is unpredictable based on one of my last interactions with him. I have greeted him in passing as a sign of respect as I would anyone else, and he will not acknowledge my presence. Chief Maloney has changed the reporting structure so if I need anything that might involve Lt. Kascik, I have to report to Lt. Springer, who will then go to Lt. Kascik and Lt. Springer will then address the topic back with me.

WHAT IS YOUR REQUESTED REMEDY IN THIS COMPLAINT?

My temporary requested remedy is to not have any contact with Lt. Kascik, including but not limited to reporting to him as his subordinate. This is based on my belief that once Lt. Kascik becomes aware of this complaint he will retaliate against not only me, but others that are above listed as witnesses in this matter. I believe Hopewell Township would be best served if Lt. Kascik has a separation from the department (possibly paid leave) pending this investigation to ensure that Lt. Kascik does continue his retaliatory means against me or other possible witnesses.

I also believe that during this investigation that witnesses be allowed immunity to report any past incidents that might have gone unreported for fear of retaliation by Lt. Kascik.

Lt. Kascik will have served Hopewell Township for twenty five years this upcoming January/February 2019 and has been recently outspoken about retiring when eligible. My permanent remedy to this complaint is for the inappropriate actions of Lt. Kascik to immediately stop. I ultimately believe that Lt. Kascik will not be able to objectively supervise any of the parties that might be witnesses to this investigation without judgement. Based on this, I believe that it might be in the best interest of Hopewell Township to allow Lt. Kascik to use his annual leave, sick time, comp time or paid leave until his date of retirement and not have involvement in daily operations of Hopewell Township Police Department again. Or, an internal agreement where Lt. Kascik is placed on long term (paid) leave until his date of retirement.

ACKNOWLEDGMENT

THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

BY: Michael J. Sherman

DATE: April 17, 2018

TO INVESTIGATE YOUR COMPLAINT, IT WILL BE NECESSARY TO INTERVIEW YOU, THE ACCUSED, AND ANY WITNESSES WITH KNOWLEDGE OF THE ALLEGATIONS OR DEFENSES.

HOPEWELL TOWNSHIP WILL STRIVE TO MAINTAIN CONFIDENTIALITY TO THE EXTENT POSSIBLE. HOPEWELL TOWNSHIP HAS A COMPELLING INTEREST IN PROTECTING THE INTEGRITY OF ITS INVESTIGATIONS. IN EVERY INVESTIGATION, HOPEWELL TOWNSHIP HAS A STRONG DESIRE TO PROTECT WITNESSES FROM HARASSMENT, INTIMIDATION AND RETALIATION, TO KEEP EVIDENCE FROM BEING DESTROYED, TO ENSURE THAT TESTIMONY IS NOT FABRICATED, AND TO PREVENT A COVER-UP. HOPEWELL TOWNSHIP MAY DECIDE IN SOME CIRCUMSTANCES THAT TO ACHIEVE THESE OBJECTIVES, EMPLOYEES MUST MAINTAIN THE INVESTIGATION AND THEIR ROLE IN IT IN STRICT CONFIDENCE. IF HOPEWELL TOWNSHIP REASONABLY IMPOSES SUCH A REQUIREMENT AND AN EMPLOYEE DOES NOT MAINTAIN SUCH CONFIDENTIALITY, THE EMPLOYEE MAY BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE TERMINATION.

I AM WILLING TO COOPERATE FULLY IN THE INVESTIGATION OF MY COMPLAINT AND TO PROVIDE WHATEVER EVIDENCE HOPEWELL TOWNSHIP DEEMS RELEVANT.

BY: Michael J. Sherman

DATE: April 17, 2018

EXHIBIT C



August 2, 2018

Mr. Michael Sherman
22 Goldspire Lane
Burlington, NJ 08016

Insured: Hopewell Township
Claimant: Michael Sherman
Date of Loss: 7/17/2018
Claim Number: 2019148109

Dear Mr. Sherman:

As you are aware, Qual-Lynx is the Workers Compensation Administrator for your employer and we have been assigned the handling of your claim.

After a thorough investigation we regret to inform you that it has been determined this claim will be denied. It does not meet the criteria of a workers compensation claim. We will be denying the above referenced claim and closing this file. All costs incurred for this injury will need to go through your own insurance.

If you have any questions, please contact me.

Thank you,

Nikki Lane
Workers Compensation Claims Analysis
609-833-9254

cc: Susan Newman

100 Decadon Drive
Egg Harbor Township, NJ 08234
p 609-653-8400
f 609-926-9270

www.qual-lynx.com

EXHIBIT D



TOWNSHIP OF HOPEWELL MERCER COUNTY

201 Washington Crossing Pennington Road
Titusville, New Jersey 08560-1410

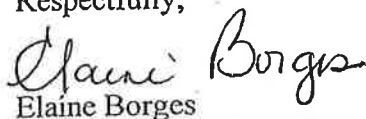
To: Sergeant Michael Sherman
From: Elaine Borges, Administrator
Re: Sergeant Michael Sherman Complaint against Lieutenant Christopher Kascik
Date: July 19, 2018

Upon receipt of your complaint against Lieutenant Christopher Kascik alleging that he, among other things, made racially discriminatory remarks, viewed pornographic material in the workplace and engaged aggressive, threatening behavior toward you on or about March 22, 2018, the Township of Hopewell (the "Township") asked Ruderman, Horn & Esmerado, P.C. to assist it in conducting a thorough investigation into the allegations you raised. Ellen M. Horn, Esq., an attorney with extensive experience in labor and employment law, conducted the investigation on behalf of Ruderman, Horn & Esmerado. The investigation included interviews with the relevant witnesses and the accused and an examination of relevant documentation and other evidence.

The investigation concluded that your allegations were substantiated in part and unsubstantiated in part. Specifically, the investigation found that your allegations alleging that Lieutenant Kascik viewed and shared risqué photographs at work were sustained. The Township is committed to eliminating wrongful conduct in the workplace when it is found to exist. As a result, the Township has taken proper action to prevent the behavior from reoccurring. There was insufficient evidence to support your remaining allegations against Lieutenant Kascik.

As you know, the Township prohibits retaliation against anyone for filing a workplace complaint or for participating in the investigation process. If any concerns arise, please do not hesitate to bring these concerns directly to my attention, so that I can address them promptly.

Respectfully,



Elaine Borges
Hopewell Township Administrator/CFO

EXHIBIT E



HOPEWELL TOWNSHIP POLICE
MERCER COUNTY

201 Washington Crossing – Pennington Rd
Titusville, NJ 08560-1410

Lance D. Maloney
Chief of Police

To: Chief Lance Maloney

From: Sgt. Michael J. Sherman

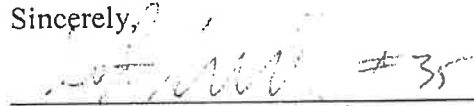
Date: 7/27/2018

Chief Maloney,

Please except this letter as a request for a reasonable accommodation regarding my reporting structure going forward. Now that the township investigation has concluded and has been deemed closed, I have concerns regarding retaliation which may adversely affect my career/safety. I would ask that you consider me reporting to Lt. Springer going forward to limit my exposure to any retaliation going forward.

Thank you in advance.

Sincerely,


Sgt. Michael J. Sherman
Hopewell Township Police Department

201 Washington Crossing – Pennington Road
Titusville, New Jersey 08560-1410

Telephone (609) 737-3100

FAX (609) 737-1775



TOWNSHIP OF HOPEWELL

Police Department

MERCER COUNTY

201 Washington Crossing Pennington Road
Titusville, New Jersey 08560-1410

Chief Lance D. Maloney

To: Sgt. Michael Sherman
From: Chief Lance Maloney
Date: July 27, 2018

Sgt. Sherman,

This is in response to your memorandum dated July 27, 2018. As per Hopewell Township Police Department Standard Operating Procedure Organization and Administration, all personnel assigned to their respective area of assignment shall report to their supervisor through the chain of command. As a patrol sergeant, you will continue to report to the Operations Lieutenant.

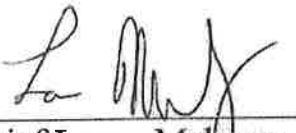

Chief Lance Maloney

EXHIBIT F



TOWNSHIP of HOPEWELL
MERCER COUNTY

OFFICE OF THE MUNICIPAL CLERK

LAURIE E. GOMPF, RMC
Township Clerk

August 2, 2018

Michael J. Sherman
22 Goldspire Lane
Burlington, New Jersey 08016

Dear Mr. Sherman:

The Township of Hopewell received your Open Public Records Act (OPRA) request on July 27, 2018. The official Records Custodian, Laurie E. Gompf, received your OPRA request on July 27, 2018. As such, the seven (7) business day deadline to respond to your request is August 7, 2018. This response to your request is being provided to you on the 4th business day after the custodian's receipt of said request.

The information below identifies the records that are being denied as well as the legal basis for each denial, as is required by N.J.S.A. 47:1A-6.

Your OPRA request sought access to the following:

1. Hallway video recording from April 18, 2017 involving an interaction between Lt. Christopher Kascik and P/O Robert Voorhees between the hours of 07:00 to 09:00 hours.

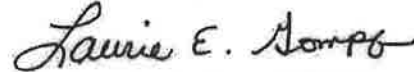
Response: Your request is denied. Your request seeks a video that falls within OPRA's security and surveillance exemptions. The security and surveillance exceptions preserve the confidentiality of: emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein; [and] security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software[.] N.J.S.A. § 47:1A-1.1; Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016). Moreover, your request is denied because it seeks a video that is a part of a law enforcement unit's confidential internal affairs file. See New Jersey Attorney General Guidelines on Internal Affairs mandating the confidentiality of internal affairs files.

2. Final investigative findings for investigation summary of inquiry filed by Sgt. Michael Sherman which was officially deemed closed on July 19, 2018.

Response: Your request is denied. Your request fails to identify with reasonable clarity the specific government records sought. To the extent that you seek part of an internal investigation report, your request is denied because it requests a document that constitutes a personnel record and because the document is confidential. See N.J.S.A. §§ 47:1A-10; 47:1A-9. Moreover, your request is denied because it requests a document protected by the attorney-client privilege. N.J.S.A. § 47:1A-1.1. Finally, your request is denied to the extent it requests a document that was generated by or on behalf of the Township of Hopewell in connection with a grievance filed by or against an individual. N.J.S.A. § 47:1A-1.1.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Township of Hopewell to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Laurie E. Gompf, RMC
Municipal Clerk

EXHIBIT G

New Jersey State
Policemen's Benevolent Association, Inc.

158 Main Street, Woodbridge, New Jersey 07095
732-636-8860 • Fax 732-636-0172 • 1-888-4NJSPBA • 1-888-465-7722

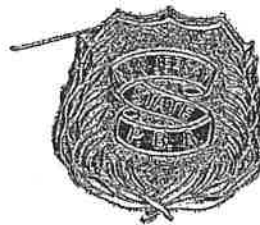
EUGENE M. STEFANELLI, Ed.S., Ph.D

7-17-18

Dear Chief Maloney,
Sgt. Michael Sherman
is presently a client
of mine. He will be out
of work for the next
three weeks due to work
related stress.

Sincerely,


E.M.S.



ORGANIZED 1896
158 Main Street
Woodbridge, NJ 07095

New Jersey State
Policemen's Benevolent
Association

Eugene M. Stefanelli, Ed.S., Ph.D.
Clinical Services Coordinator
Board Certified Diplomate in
Clinical Psychotherapy

24-Hour Hotline 732-609-3554
Office 732-636-8860
Fax 732-636-0246
Email: estef@njspba.com