

Settle says disciplinary charges were retaliation from police chief

By Chris Sykes
Staff Writer

Last year, when the East Orange Police Department — led by police Chief William Robinson — initially brought disciplinary charges against veteran Police Officer Elaine Settle for allegedly violating the rules and regulations of the department's Intake Desk Unit, there were many both inside and outside the department who wondered why it was happening.

Settle, the president of the East Orange Police Department Policemen's Benevolent Association Local 16, said Jan. 5 that she believes the departmental disciplinary charges brought against her were in direct retaliation for an embarrassing situation involving Robinson and \$280 that he owed the PBA union.

According to the case marked with Docket No. SC-974-14 in Essex County Superior Court, Settle and PBA Local 16 won a court-mandated settlement against Robinson on Monday, Dec. 22. Settle said she believes the case motivated Robinson to charge her with neglect of duty and violating performance-of-duty rules, charges the New Jersey Public Employees Relations Commission dismissed Monday, Dec. 15.

"In 2013, (Robinson) went to the PBA convention in Las Vegas, but when he came back from Las Vegas, he stopped paying his dues," said Settle on Monday, Jan. 5. "So when we asked him about it, he said that he can't belong. But the union bylaw says that, as long as your dues are paid, you are entitled to every benefit of the PBA — lawyers, trips, courtesy cards; whatever the PBA does, you're a part of it, as long as you pay your dues."

Settle said the union "sent him a letter advising him that he owed us \$280 that would have taken him out to the end of the year of 2013." But she said "He wrote us a check for \$140 to only cover the month that he went to the convention."

"I brought it back to the membership and the membership was not happy," said Settle. "They put a motion on the floor and it was seconded and passed by everybody in attendance at the meeting in March of that year that we sue him. At that time, they didn't want to sue him for the \$280; they wanted to sue him for the \$1,774 that we paid for him to take the trip to Las Vegas."

Settle said the issue among her fellow PBA Local 16 members was, "that if he wasn't a part of the union, then he wasn't entitled to go to the convention in Las Vegas in 2013, so they wanted the whole \$1,774, instead of just the \$280."

"We went to court in April of 2014, but he didn't show up, so they entered judgment against him; we had to do a default judgment," said Settle. "He fought that and the court asked us if we wanted to go mediation and Lt. Bart Haverty, the SOA vice president, accompanied me to court and at that time he felt it would be best to just let him pay the \$280. (Robinson) has 30 days from Dec. 22, 2014, which would be Jan. 21



Photo by Chris Sykes

Sgt. Roland Smith, seated top, responds to a question from attorney Timothy Smith, seated top left, on Wednesday Jan. 8, at the disciplinary for Police Officer Elaine Settle, not pictured, as, from left, Deputy Chief Thomas Koundry and Sgt. Hosia Reynolds look on.

of this year, to pay us. If he does not pay, the judgment will be entered for the full amount."

As previously reported in this newspaper, Settle was facing a suspension for signing DCA James Moss's signature on a departmental form that released Moss's niece, Brielle Concepcion, from the custody of Irvington police July 18, 2013. The Police Department asserted that Settle was not permitted to sign Moss's signature, as it violated the municipal, county and state rules for prisoner release.

Lucille Alfano, the arbitrator for the Public Employees Relations Commission who was assigned to independently review Settle's five-day suspension resulting from the department's charges, ruled in favor of repealing Settle's suspension. Alfano made reference to the charges against Settle by Robinson and the East Orange Police Department in her ruling Monday, Dec. 15.

"Statements and admissions were made during the disciplinary hearing by the three sergeants — Reginald Hudson, Roland Smith and Robert Conleton — of their knowledge and utilization of DCA Moss's name without prior contact," Alfano said. "No one other than Officer Elaine Settle was disciplined. It is clear that the charges

applied to Officer Settle were not applied to others. It remains suspect as to why Officer Elaine Settle is the sole East Orange Police Department member to be disciplined. This arbitrator does not find it necessary to explore this reason for discipline, since the city of East Orange did not meet its burden of proof by way of its investigation, substance of evidence related to authorization given by DCA Moss and the fair application of discipline."

Alfano noted that a sergeant who testified at Settle's disciplinary hearing Jan. 8, 2014, in her favor — Sgt. Reginald M. Hudson, the ranking officer on duty in the East Orange Police Department Intake Unit on Thursday, July 18, 2013, when the events for which she was charged for took place — was never interviewed by the department when it was building its case against Settle.

Alfano said Hudson had written a letter to the East Orange Police Department stating that Settle was only following the department's standard operating procedures, when she released Brielle Concepcion, who turned out to be Moss's niece by marriage.

Alfano said, "Sgt. Hudson testified that, for a number of years, including July 18, 2013, the general procedure to obtaining

bails or R.O.R.s was to call the court to speak to a judge or court administrator for the bail and 'for R.O.R., we would do the same, if not depending on the amount of the R.O.R. from whatever it was the distance for that person to be picked up, the R.O.R. would be issued from the desk,' without obtaining authorization from anyone."

Alfano even noted, "Sgt. Hudson further testified that a desk sergeant could issue a R.O.R. He stated he had permission to use DCA Moss's name."

"When asked if DCA Moss specifically informed him if it was OK to do things that way, Hudson responded, 'He never denied it.'" Alfano wrote in her ruling on Monday, Dec. 15. "Sgt. Hudson testified that it was Officer Settle's job to complete the paperwork in the manner that she did. He reviewed it and had no problem at all with it, including whether or not she spoke directly with DCA Moss."

"An investigation was conducted by Detective Sgt. Hosia Reynolds of the Professional Standards Unit, whose duties and responsibilities are to investigate misconduct of the agency employees," noted Alfano in her ruling.

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"It should be noted that, in regard to the prepared statement submitted by Sgt. Reginald Hudson, Investigator Detective Sgt. Hosia Reynolds testified on Sgt. Hudson or included in the investigation report that portion of Sgt. Hudson's statement concerning Sgt. Hudson's knowledge of court administrators giving permission to use their names on forms to release prisoners being held at other jurisdictions. Detective Sgt. Reynolds did not include this information, based on his personal interpretation of the document, to mean permission was granted after

speaking with a court administrator." Alfano said, "Detective Sgt. Reynolds did not ask Sgt. Hudson for his interpretation."

Settle's lawyer, attorney Tim R. Smith of the Caruso, Smith, Picini law firm of Fairfield, said there was clearly a reason Reynolds chose to ignore evidence from Hudson that was exculpatory for his client.

"It seems clear that the charges were in retaliation for her activities as the PBA union president," Smith said Monday, Jan. 12. "It shows that the departmental proceedings were clearly rigged. They're a kangaroo court. And

a dog-and-pony show was orchestrated by the charging officer."

Robinson could not be reached for comment about the Public Employees Relations Commission ruling of Settle and Smith's speculative remarks by press time this week. The East Orange Police Department falls under the purview of the executive branch of city government, therefore Robinson ultimately reports to Mayor Lester Taylor.

The administration did not reply to a request for comment about the Newark Superior Court-ordered \$280 PBA Local 16 union dues case by press time this week.