

AFFIDAVIT OF SGT. GERALD T. HATTON

1. I am currently employed by the Union County Department of Corrections as a Corrections Sergeant. I have held the rank of Sergeant for approximately fifteen (15) years.
2. As a Sergeant, I supervise officers employed by the Union County Department of Corrections.
3. On January 8, 2011 I arrived at work at approximately 10:50 p.m. for a scheduled 11 p.m. to 7 a.m. overtime shift. Upon exiting my vehicle, I noticed numerous pieces of 8 ½" x 11" pieces of paper scattered around the first level of the parking garage. It is well known around the Department that I have an assigned parking spot on the first level of the garage as Vice-President of the F.O.P. Additionally, my car is identifiable as it has visible F.O.P. license plates.
4. I retrieved one of the many papers and viewed it. To my dismay and shock, it was a photocopied photograph of me and my spouse at our wedding reception, with pornographic, offensive and gang-related language hand written on it. It appeared that there was at least 100 copies of that sheet scattered around the garage. A copy of the flyer is attached hereto as Exhibit A.
5. I proceeded to the front door of the jail where I was met by Officer William Burkert and Sgt. Kevin Burkert, who were standing at the door, blocking the entrance. I stepped between them and asked "what's up?" Officer William Burkert responded "You're what's up." I then walked inside the door and proceeded to my post. At the time, Officer William Burkert held the position of treasurer of P.B.A. Local 199, the association for

rank and file employees. Sgt. Burkert is a member of P.B.A. Local 199a, the association for supervisors at the jail.

6. Shortly after, I went to the control room to obtain the supervisor's schedule in order to make a correction, which I am authorized to do. The schedule was not in any of the places where it is normally kept, so I approached Sgt. Kevin Burkert and asked where it was. Sgt. Kevin Burkert told me it was in the armory and that I could not have it. I informed Sgt. Kevin Burkert that I was authorized to make the change and that the change did not concern or affect him. At that time, Sgt. Kevin Burkert called me a "pussy" and made disparaging remarks about my weight.
7. Sgt. Burkert then lowered his voice and asked me to come into the armory with him. I perceived this as a physical threat to my well-being. At that point, I called my superior Lt. Garzone and requested that he get the schedule on my behalf. I was eventually given the schedule and made the needed adjustments.
8. As the evening progressed, I got several telephone calls from Sgt. Kevin Burkert accusing me of not doing my job and interrogating me as to my whereabouts. Again, Sgt. Kevin Burkert holds the same rank as me and is not my superior. It is not his responsibility to make such phone calls.
9. I received a telephone call at my post at approximately 1 a.m. from Officer William Burkert. He accused my wife of posting statements about him on a blog written on a public forum, NJ.com. I advised him I was unaware of any such comments.
10. On January 9, 2011 I arrived at the jail to work a scheduled 11 p.m. to 7 a.m. shift. I was advised by Sgt. Smidt that the aforementioned offensive and graphic flyers depicting my wedding photo were also thrown about the floor of the men's and women's officer's

locker room. Certain prisoners are allowed into the men's and women's officer's locker room at night to clean, and would have access to the offensive flyers. Aside from embarrassment and humiliation, this would create a dangerous situation in which my authority over prisoners at the jail would be undermined.

11. On January 10, 2011 Officer Kenneth Burkert approached me about a sticker that was being sold by P.B.A. Local 199 and depicted a character urinating on the letters "F.O.P.," which stands for Fraternal Order of Police. As stated, I am the Vice-President of F.O.P. Lodge 213. Officer Kenneth Burkert is a state delegate for the P.B.A. Officer Kenneth Burkert was apparently upset because of a supposed internet post discouraging the sale of the sticker. Although I told him that I indeed discouraged the sale of the sticker, I informed him that I was not responsible for any internet posting.
12. At approximately 10 a.m. on January 10, 2011, I went home because I felt that I could no longer stand the harassment from Sgt. Kevin Burkert and Officers Kenneth and William Burkert.
13. On January 11, 2011, I went to the jail at approximately 9 a.m. to conduct contract negotiations with the County, in my role as F.O.P vice-president. I was advised by Lt. James Rinaldo that there were additional copies of the offensive flyers mentioned above in the officer's locker room. A copy of a different version of the flyer is attached hereto as Exhibit B.
14. On January 11, 2011, Sgt. Mauko submitted a report to Jail Director Brian Riordan concerning the offensive photocopies.
15. In an attempt to have a professional determination as to who created and distributed the offensive photocopies, the F.O.P. sent copies of the offensive photocopies to an expert in

Nevada for handwriting analysis on January 24, 2011. A document with Officer William Burkert's handwriting was also sent for comparison purposes.

16. On January 31, 2011, the F.O.P. received the results of the expert handwriting analysis which confirmed Officer William Burkert was the individual who wrote on the photocopies of my wedding photograph. This confirmed that Officer William Burkert was openly insubordinate to me, and, more importantly, harassing me, his superior officer by creating the flyers disparaging me. Normally at the jail, open insubordination towards a superior officer is immediately and thoroughly investigated and leads to major discipline if confirmed.
17. On February 7, 2011, I met with Director Riordan regarding the incidents of the photocopy of my wedding photograph with the offensive comments.
18. On February 10, 2011, Director Riordan issued a memo regarding inappropriate postings which was to be read at muster. The memo stated that such conduct would subject an individual to the most severe level of discipline allowable. The memo was issued almost one month after the first report on the photocopies was submitted by Sgt. Mauko.
19. On or around March 16, 2011 Officer Burkert was questioned by Sgt. Steve Polit as part of the investigation into the flyer incident. Officer Burkert admitted at that time to involvement in creating and distributing the offensive flyers which disparaged a superior officer. This interview took place more than two months after the initial report of the photocopies and six weeks after the expert handwriting analysis confirmed that it was Officer William Burkert who wrote the offensive statements on the photocopy of my wedding photo.

- 20. On or around March 24, 2011 Sgt. Pilot completed his investigation into the flyer incident, and on March 29, 2011 the completed investigation report was submitted to Director Riordan.
- 21. On June 20, 2011, I spoke to Assistant Director George Blaskewicz, who told me that Officer William Burkert was going to be removed from his administration position (as video conference officer) and skipped over for promotion to sergeant (he was next in line for the promotion at that time). I was also told that this was not the only discipline for the incident, and that Officer William Burkert would be receiving further discipline.
- 22. In early July 2011, Officer Burkert was given only a ten (10) day suspension for creating and distributing the offensive photographs disparaging a superior officer in the workplace. Five (5) of the ten (10) days were held in abeyance. Officer Burkert was allowed to use three (3) vacation days and two (2) compensatory days so in effect he never served the suspension and did not lose any wages due to his actions.
- 23. Additionally, Officer William Burkert was shortly thereafter promoted to sergeant.
- 24. Finally, Lt. James Rinaldi was removed from his Administration post for supporting me.

All Administrative posts are now filled by PBA members.

Sgt. Gerald T. Hatton
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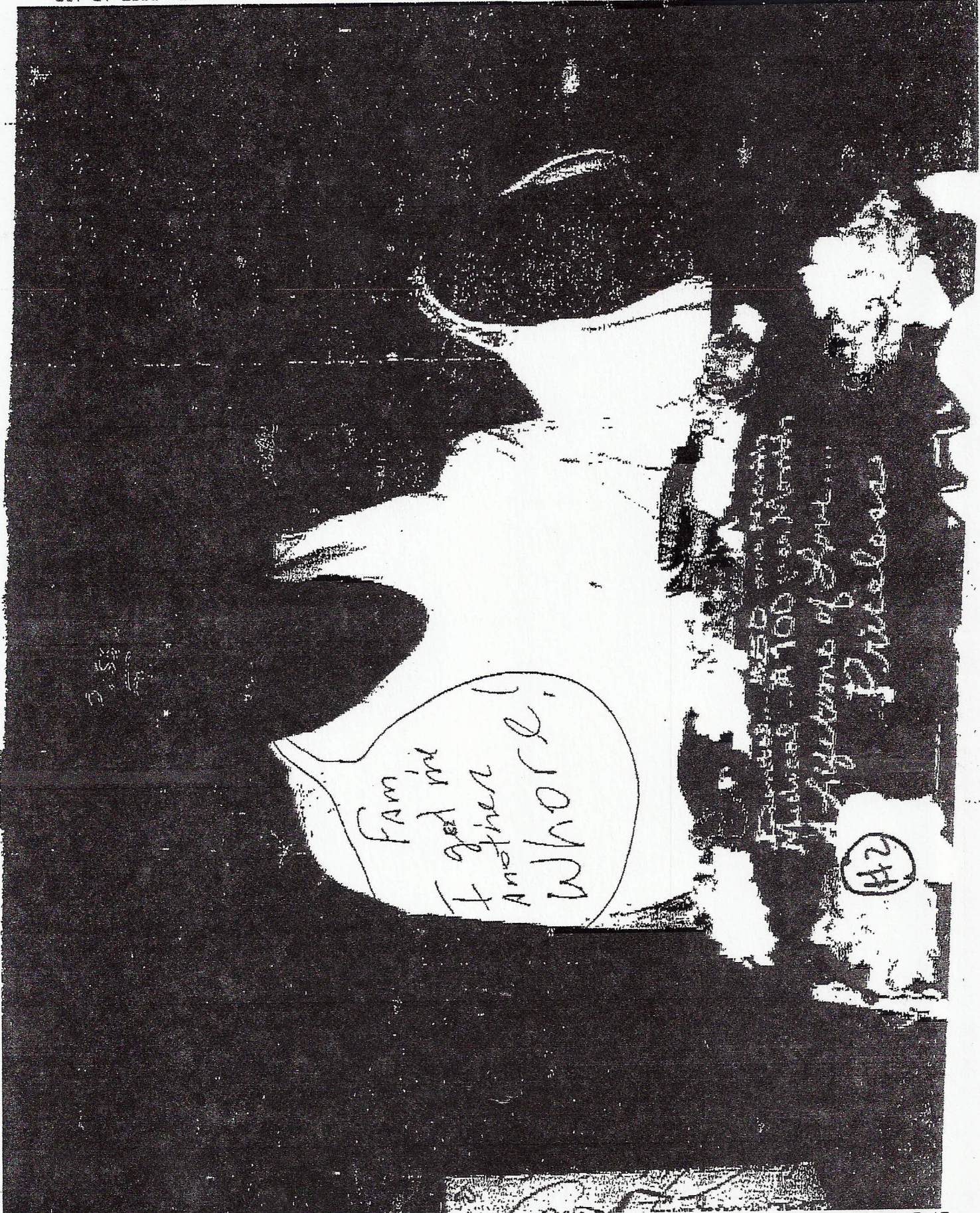
Sworn and subscribed before me this

7th Day of OCTOBER 2011

William P. Hannam
 WILLIAM P. HANNAM, ESQ.
 ATTORNEY-AT-LAW N.J.

EXHIBIT A

EXHIBIT B



FAM
 I got in
 Another
 Whore!

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