

Hackensack police chief named in another lawsuit

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Embattled Hackensack Police Chief Ken Zisa has been named in yet another lawsuit, the fourth this year by members of his department, on charges of scheming to extort political contributions and votes, and retaliating against officers who fail to do his bidding.

Three new plaintiffs – Officers Allen Borntrager of Midland Park, Frank Cavallo of Hackensack and Rocco Duardo of Saddle Brook – joined two of the officers who filed complaints last summer – Lt. Vincent Riotto of Hackensack and Sgt. Scott Sybel of River Edge – in the latest suit in U.S. District Court in Newark.

The 22-page complaint, which was filed electronically late Wednesday, mirrors the allegations previously raised against the chief and a cadre of allied officers.

“As long as Zisa and his cronies continue to harass and retaliate against my clients for exercising their First Amendment rights, I will continue to bring lawsuits . . . to defend their rights,” said Mark B. Frost, a Philadelphia attorney who is now representing nine current and former officers in two federal suits against the chief and the city.

The latest complaint alleges that the officers are being harassed and brought up on false charges because of their involvement in or association with plaintiffs in the earlier lawsuits, Frost said today. Thirteen officers are now suing the chief in federal and state court.

Cavallo’s cousin Ralph, and Duardo’s brother, Anthony, were among six plaintiffs, including Sybel and Riotto, who sued the chief, the city and a handful of officers on June 24 alleging civil rights and racketeering violations.

Borntrager, the 100-member department’s lead firearms instructor, claims he was punished for failing to wear his hat – his only instance of discipline in 14 years. That punishment, he alleges, was retaliation for associating with Sybel, his supervisor, and other officers suing the chief and for his unwillingness to donate funds to Zisa and his candidates.

In the two suits filed by Frost and co-counsel John J. Zidziunas of Jersey City, the chief is accused of using his office for financial and political gain by “extorting” money from the ranks of his department to support his candidacy in state Assembly races, as well as candidates for other public and union offices.

Zisa, who was appointed chief in 1995 by his brother, former Mayor Jack Zisa, and served as a state assemblyman from 1994 to 2002, has denied any abuse of office and suggested the allegations were politically motivated attacks by disgruntled officers.

Asked for comment today, Zisa said, “Sounds to me like the same bogus allegations.”

City officials declined to comment, but Stephen Lo Iacono, the city manager, noted the cost of defending any litigation is always a concern.

“Especially in the environment that we are in,” he said. “And again, where these lawsuits are coming from, is an additional concern, and it’s something that we have to deal with.”

The other defendants in the new suit are Captains Thomas Salcedo and Danilo Garcia and Sgt. James Smith. They did not return a message seeking comment.

During the 2008 election for state union delegate, the suit alleges, one captain strode around police headquarters with a sign on his back telegraphing the chief’s favored candidate while a sergeant guarded the ballot box, demanding to see how each officer voted and recording the names of those who refused to divulge their ballot.

Officers were warned that failing to disclose their ballot would be considered a vote against the chief and a show of disloyalty, the suit said.

In other claims, Cavallo said he suffered retaliation from Zisa and Smith after reporting Smith for allegedly making derogatory racial remarks and using excessive force against a Hispanic suspect in an alleged burglary attempt. Cavallo was brought up on charges of using improper tactics, but the allegations were later found to be unwarranted, the suit said.

Duardo claims he was falsely accused of leaving his shift early and subjected to an internal affairs investigation and verbal reprimand by Zisa because of his brother’s participation in the earlier suit. Duardo also alleges he was wrongly brought up on charges of insubordination and lying by Smith.

Riotto and Sybel both cite instances of alleged retaliation in which they were ordered by Salcedo to list medications they use and to provide urine samples, in violation of federal law and state attorney general’s guidelines. The tests came back negative, the suit said.

Sybel also alleges he was wrongly suspended for two days for failing to write up Borntrager for removing his hat when he was sick and had difficulty hearing, according to the suit.

After filing suit in June, Sybel was transferred from patrol to the housing division — “a less desirable position that is used as punishment” — and ordered to work a 3 p.m. to 11 p.m. shift, in a move designed to take time away from his family and other activities, the suit said. He also claims he has been given fewer opportunities to work on special overtime details.

The two-count suit accuses the defendants of violating the officers’ right to free speech and association and alleges city policies and customs encouraged the chief to believe he could violate his officers’ rights with impunity.

The suit seeks an order enjoining the city from continuing such practices as well as unspecified compensatory and punitive damages.