

**AFFIDAVIT OF SGT. GERALD T. HATTON**

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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

