



**OFFICE OF THE COUNTY PROSECUTOR
COUNTY OF MONMOUTH**

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MONMOUTH COUNTY PROSECUTOR

January 18, 2023

Mayor Larry Fox
Business Administrator Meredith DeMarco
Borough of Bradley Beach
701 Main Street
Bradley Beach, NJ 07720

**Re: Chief Leonard Guida
MCP2300480
MCP2300682**

Dear Mayor Fox and Administrator DeMarco:

On August 14, 2023, my office received an anonymous letter alleging misconduct by Bradley Beach Police Chief Leonard Guida. Pursuant to section 5.1.8 of the Attorney General's Internal Affairs Policy & Procedures (IAPP) (revised April 2022), my office superseded the Bradley Beach Police Department's internal affairs function and investigated these allegations. During the course of the above-referenced investigation, additional concerns regarding Chief Guida's conduct were both identified by investigators and reported by members of the Bradley Beach Police Department, to include an incident which occurred on November 9, 2023. This letter addresses the pending complaints against Chief Guida, which are detailed fully below. Accordingly, please accept this letter as our *Summary and Conclusions Report* pursuant to section 9.1.1(b) of the IAPP.

To appropriately frame the issues presented below, it is important to note, at the outset, the Mission Statement of the Bradley Beach Police Department:

It is the mission of the Bradley Beach Police Department to provide the public with safety and services which are designed to efficiently, equitably and effectively prevent crime and safeguard the lives and property of the residents and visitors of the Borough. Our mandate is to do so with integrity and honor, while at all times conducting ourselves with the highest ethical standard to maintain the public's trust and collaboration.

Summary and Conclusions Report

1. July 28, 2022 Incident with Patrolman [REDACTED]

On July 28, 2022, Patrolman [REDACTED] responded to the scene of a motor vehicle accident in which a subject operating a moped was struck by a van on Main Street. He parked his vehicle to block traffic on Main Street to ensure the safety of the accident scene. Chief Guida, who was off-duty, heard the accident from [REDACTED]. After hearing the accident, Chief Guida yelled at Patrolman [REDACTED] over the radio to “get down to that scene.” Patrolman [REDACTED] left his position blocking traffic and moved his vehicle up closer to the accident scene. The operator of the moped was sitting on the curb. He indicated that his knee hurt. Patrolman [REDACTED] began examining the man’s head for any signs of injury.

Chief Guida arrived on scene and demanded to speak to the officer who “sat up on Main Street.” He yelled, “whoever it is I want them right now. I want them right now.” [REDACTED] and [REDACTED] advised Patrolman [REDACTED] who was treating the victim, that the Chief wanted to speak with him “now.” Patrolman [REDACTED] stepped away from examining the victim’s head for signs of injury to speak with the Chief. Chief Guida can be observed on Patrolman [REDACTED] BWC yelling at the officer “you better explain to me what you fucking did there. You better have a good explanation, a damn good explanation, otherwise you got a fucking problem. You better tell me a good explanation.” When Patrolman [REDACTED] tried to explain that he was blocking the road to ensure the safety of the scene, Chief Guida continued to yell at him stating “you were blocking the road before you even got to the victim. . . so you decided to let the victim sit up there, sit down on the ground . . . you didn’t do nothing, you were sitting in the fucking car, get your fucking head out of your ass, I’ve had it with you, the last two weeks have been nothing but bullshit.” Chief Guida then stated, “I will fire your ass right now. No excuse. I want a written report from you explaining it, and when I get this report, I’m going to take action on it.” Patrolman [REDACTED] responded, “yes sir.” According to [REDACTED] Chief Guida stated that he wanted to “fight” Patrolman [REDACTED] however, this is not captured on the BWC footage from that incident. It does appear that [REDACTED] has at least one conversation with the Chief after he turned off his BWC.

Patrolman [REDACTED] stated that he believed the placement of his vehicle was proper as his first duty is to ensure the safety of the scene. He further stated that if the Chief felt this was an issue, it “100%” could have been addressed after Patrolman [REDACTED] assisted the crash victim and finished his accident investigation. [REDACTED] agreed with this assessment. Patrolman [REDACTED] stated that Chief Guida took both himself and [REDACTED] away from their duties to yell at Patrolman [REDACTED] about where he parked his vehicle.

Chief Guida acknowledged “I reamed him” and “he had no problem with it.” He stated “that’s how I am”, “I’m not big on writing up” and that his yelling was done “in lieu of a written reprimand.” Chief Guida stated that this was a “horrific accident” in which the victim was

¹ The investigation into this incident involved a review of BWC footage as well as interviews with Patrolman [REDACTED] and Chief Guida.

bleeding and lying in the street. He also insisted “I did not interrupt anything. I’m sure of that. I spoke to him after the fact.” These statements are contradicted by the BWC footage. Per the video, the accident victim is sitting off to the side on a curb when Patrolman [REDACTED] arrives. He is complaining of knee pain, but he does not appear to be bleeding. Patrolman [REDACTED] was in the process of examining the man’s head for signs of injury when he was informed he had to speak with the Chief “now.” Chief Guida did not recall if he threatened to fire Patrolman [REDACTED] however, he does make this statement on the video.

We herein make *sustained* findings that Chief Guida’s conduct violates the following Bradley Beach Police Department Rules and Regulations:

- **Rule III.B.2, “Supervisors shall exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.”**
- **Rule III.C.2, “The Chief of Police is responsible to establish and maintain the efficient operation of the department.”**
- **Rule IV.A.9, “Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another.”**
- **Rule IV.A.5, “Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department.”**

Chief Guida pulled Patrolman [REDACTED] away from an accident scene, in which he was examining the victim for a head injury, to yell at him about where he parked his vehicle. We have found nothing to indicate that Patrolman [REDACTED] violated policy in parking his vehicle to block traffic. In fact, it seems like a perfectly reasonable explanation, which Chief Guida refused to hear. Thus, we see no basis for Chief Guida to have yelled at Patrolman [REDACTED] at all, let alone to repeatedly curse at him and threaten to fire him over where he parked his vehicle. Certainly, if the Chief had concerns about where the vehicle was parked, he could have addressed this with Patrolman [REDACTED] in a professional way after-the-fact.

2. September 18, 2022 Incident with Patrolman [REDACTED] at the “Latin Festival”²

On September 18, 2022, Patrolman [REDACTED] was on duty and assisting with the set up for a “Latin Festival” in town. According to Patrolman [REDACTED] he smiled at [REDACTED] and wished her a “good day” when she walked past his patrol car. Chief Guida then approached him and said, “what the fuck are you laughing at”, apparently referencing his act of smiling at [REDACTED]. According to Patrolman [REDACTED] Chief Guida proceeded to berate him for approximately 15 minutes, telling him, “I’ll never promote you”, that he was the “worst officer we have”, and that he “never should have been hired.” Patrolman [REDACTED] was 20-30

² The investigation into this incident involved interviews of Chief Guida, Patrolman [REDACTED] and Patrolman [REDACTED]. This incident was not captured on BWC video.

yards away. Even from that distance, he could clearly hear Chief Guida yelling at Patrolman [REDACTED] in public in front of numerous citizens who were there for the Latin Festival. Patrolman [REDACTED] confirmed Patrolman [REDACTED] statement that Chief Guida yelled at him because of his brief greeting to [REDACTED]

Patrolman [REDACTED] wife and two young sons were in the vicinity by the train station, behind where Chief Guida was standing. Mrs. [REDACTED] later told Patrolman [REDACTED] that after Chief Guida yelled at Patrolman [REDACTED] he yelled at the “OEM guy” to “get those fucking cars out of here” and called him a “moron.” Patrolman [REDACTED] later learned that Chief Guida had some type of issue with [REDACTED] and that he got upset when he saw another officer speaking with her in town. Patrolman [REDACTED] later expressed to the Chief that he was upset that Chief Guida yelled at him in front of his children. Chief Guida stated that he was unaware his kids were in the vicinity, but “maybe your kids need to see their dad get yelled at.”

Chief Guida admitted that he “did not have a positive interaction” with Patrolman [REDACTED] that day, although he claimed he could not recall why he yelled at Patrolman [REDACTED]. Chief Guida stated that he did not have a “good or bad relationship” with [REDACTED] however, he said she was [REDACTED]. Chief Guida acknowledged making the statement that Patrolman [REDACTED] kids should see him get yelled at, but said he “regretted it”. Chief Guida stated that he “thinks he apologized”; however, Patrolman [REDACTED] never mentioned an apology.

We herein make *sustained* findings that Chief Guida’s conduct violates the following Bradley Beach Police Department Rules and Regulations:

- **Rule IV.A.9, “Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another.”**
- **Rule IV.A.5, “Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department.”**

Chief Guida acknowledged yelling at Patrolman [REDACTED] in public. Chief Guida denied that it had anything to do with him speaking with [REDACTED] however, the fact that he could not provide another explanation for what Patrolman [REDACTED] did that would warrant him being berated in public is telling. Whatever it was, clearly Patrolman [REDACTED] did not engage in the type of conduct that would warrant that type of public shaming. While it is clear that Chief Guida was unaware that Patrolman [REDACTED] wife and kids were in the vicinity, his comment that his kids should see their dad get yelled at was unprofessional and disrespectful, and rightfully upsetting to Patrolman [REDACTED]. This conduct in its entirety violates the above-referenced rules.

3. March 10, 2023 Incident at the Police Department involving [REDACTED]

During his interview, [REDACTED] stated that “within the past six months”, there was an incident where Chief Guida showed up at the police station “hammered” while off-duty and

³ The investigation into this incident involved interviews with [REDACTED] Patrolman [REDACTED] and Chief Guida. This incident was not captured on video.

yelled at him over [REDACTED] stance on the United States providing funding to Ukraine. The date of this incident was later determined to be March 10, 2023, after a going away party for the former Borough Administrator. [REDACTED] and Patrolman [REDACTED] were watching a video on police interrogation techniques when Chief Guida showed up in a suit after the party. It should be noted that multiple officers advised that Chief Guida would frequently stop into the police department at odd hours as he [REDACTED]

Patrolman [REDACTED] said the Chief said “unprofessional” things to [REDACTED] like “don’t be a fucking idiot” and that the Chief was loud and “close to yelling.” He estimated the incident went on for about 20-25 minutes and likened it to being “lectured.” Patrolman [REDACTED] said he did not smell alcohol on the Chief, but that it was “certainly possible” that the Chief had been drinking based on the way he was speaking, his demeanor that night, and the length of time he went on over something “miniscule”. Patrolman [REDACTED] said he may have discussed Chief Guida being intoxicated after the fact with [REDACTED] but that it was several months ago and he could not recall. Patrolman [REDACTED] stated that the conversation later turned into Chief Guida making “jokes about the Italian mafia”, which made him uncomfortable, as his father is an immigrant from Sicily.

We herein make *sustained* findings that Chief Guida’s conduct violates the following Bradley Beach Police Department Rules and Regulations:

- **Rule IV.A.9, “Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another.”**
- **Rule IV.A.5, “Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department.”**

Chief Guida showed up at the Bradley Beach Police Department while off-duty. He then proceeded to “lecture” [REDACTED] about a political issue, and called him a “fucking idiot” over his contrary opinion. Chief Guida then made “jokes about the Italian mafia” in front of Patrolman [REDACTED] which made him uncomfortable, as his father is an immigrant from Sicily. We find these comments to be unprofessional and disrespectful and thus, in violation of the above rules.

Any allegation that Chief Guida consumed alcoholic beverages before reporting to duty in violation of Rule IV.E.1, or that he was under the influence of alcohol while on duty in violation of Rule IV.E.2, is *unfounded*, as, whether or not he was drinking, Chief Guida was not on duty at the time of this incident. He stopped at the police department after a party and the “lecture” on aid to Ukraine was not in any way related to the work of the Bradley Beach Police Department.

4. June 17, 2023 Incident with Special Law Enforcement Officer [REDACTED]

⁴ The investigation into this incident involved interviews with SLEO [REDACTED] and Chief Guida, although multiple other officers interviewed acknowledged being aware of the incident at the Perfect Perk Café. None of these encounters were captured on video.

On June 17, 2023, at the request of Chief Guida, [REDACTED] a Special Law Enforcement (SLEO) II Officer with the Bradley Beach Police Department, attended a “Meet and Greet” event at the Perfect Perk Café. The event was designed to foster relationships between members of the community and Bradley Beach Police Officers. While at the event, [REDACTED] asked SLEO [REDACTED] if he would speak with her nephew, who was in the process of joining the Air Force. As SLEO [REDACTED] was enlisted with the Air Force, he was happy to speak to [REDACTED] and her nephew about his experiences. According to SLEO [REDACTED] the following day, the Chief approached him and said “what the fuck is wrong with you, you looked like a fucking idiot yesterday.” When SLEO [REDACTED] inquired as to what he did wrong, Chief Guida stated, “you were talking to your fucking girlfriend.” SLEO [REDACTED] indicated that the Chief harassed him about speaking to [REDACTED] who the Chief sarcastically referred to as SLEO [REDACTED] “fucking girlfriend” for the next three weeks.

This culminated in an incident during fireworks at the beachfront when Chief Guida approached SLEO [REDACTED] and a group of other SLEOs. SLEO [REDACTED] said that Chief Guida seemed “off” and that he could smell alcohol on his breath. Chief Guida yelled at SLEO [REDACTED] took away his patrol vehicle, and told him to “walk to his girlfriend’s house.” When SLEO [REDACTED] said, “ok no problem”, Chief Guida ordered him into the gazebo where he yelled at him again and ultimately fired him. SLEO [REDACTED] went back to the police department. Chief Guida also came back to the police department. He called SLEO [REDACTED] into the conference room. After yelling at him over his “girlfriend”, Chief Guida told SLEO [REDACTED] that he “has always loved him” and he unfired him.

Chief Guida stated that he recalled SLEO [REDACTED] being “in the bushes” talking to [REDACTED] by D’Arcy’s, a bar next to the Perfect Perk Café. Chief Guida said that he “dressed him down” because he was supposed to be at the event. Chief Guida stated he did not recall calling [REDACTED] SLEO [REDACTED] “girlfriend, yelling at him in the gazebo, or telling him he should “walk to his girlfriend’s house.” Chief Guida admitted that he does not like [REDACTED] and that her [REDACTED] had previously [REDACTED] [REDACTED] Chief Guida denied that he would retaliate against SLEO [REDACTED] for speaking to a [REDACTED] [REDACTED] that he did not like.

We herein make *sustained* findings that Chief Guida’s conduct violates the following Bradley Beach Police Department Rules and Regulations:

- **Rule IV.A.9, “Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another.”**
- **Rule IV.A.5, “Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department.”**

Chief Guida admittedly does not like [REDACTED] His explanation that he “dressed down” SLEO [REDACTED] because he was speaking to a resident in the “bushes” adjacent to

the Perfect Perk Café and not inside the establishment makes no sense. What would it matter if SLEO [REDACTED] ran into a resident on his way into the café and stopped to have a conversation with her? This was about *who* SLEO [REDACTED] was speaking to, not where he was speaking with her. SLEO [REDACTED] memory of what occurred and the specific things that Chief Guida said to him is very clear. Chief Guida claimed he had no recollection of these events. Chief Guida's persistent comments to SLEO [REDACTED] about his "fucking girlfriend" and his firing him over speaking to a [REDACTED] that he does not like were, unprofessional, disrespectful, and retaliatory.

With respect to the allegation that Chief Guida was intoxicated at the beachfront when he yelled at SLEO [REDACTED] we do *not sustain* that allegation. This is not to say that we do not believe SLEO [REDACTED] account of Chief Guida seeming "off" and smelling of alcohol, just that with no additional corroboration such as other witnesses or video, we cannot prove or disprove this allegation.

5. July 6, 2023 Incident involving Patrolman [REDACTED]

On the afternoon of July 6, 2023, Patrolman [REDACTED] who just reported for work, was dispatched to meet the Chief near the "north end lot" by the boardwalk. Patrolman [REDACTED] grabbed his patrol bag and his keys and went outside to his vehicle. He noticed that there was no [REDACTED] or [REDACTED] in his vehicle. Shortly before this call, officers were reminded that department policy requires them to have a [REDACTED] or [REDACTED] in their vehicle while on patrol or they may face discipline. Patrolman [REDACTED] was concerned about the Chief "spot checking" for the [REDACTED]. He grabbed a [REDACTED] out of another vehicle and headed for the boardwalk. Traffic was relatively heavy due to it being a holiday weekend. When he arrived, the Chief, who was in plainclothes, said something to the effect of "what the fuck are you doing". Chief Guida termed his response time "unsatisfactory". Chief Guida asked Patrolman [REDACTED] for an explanation; however, he did not allow him to actually provide an explanation. Chief Guida directed Patrolman [REDACTED] to see a resident who purportedly had information about a burglary in town. The resident then told Patrolman [REDACTED] that his vehicle was left unlocked overnight and it was burglarized (change stolen) *two weeks prior*. The resident speculated that a black male he observed in the area the morning of July 6th was responsible for the burglary because he ran off when he saw the resident. Chief Guida later expressed an interest in writing up Patrolman [REDACTED] [REDACTED] apparently told Chief Guida that he would not write up Patrolman [REDACTED] because he did not do anything wrong. Patrolman [REDACTED] was never disciplined.

Chief Guida stated that the average response time for a Bradley Beach officer was "61 seconds" and that it took Patrolman [REDACTED] too long to respond to this call. When asked if he gave Patrolman [REDACTED] an opportunity to explain what caused the delay, Chief Guida said that's "not the point." He stated that the fact that the call was not "urgent" was "not a good enough reason" for a response time of several minutes. Chief Guida stated that the policy regarding

⁵ The investigation into this incident involved interviews with Patrolman [REDACTED] and Chief Guida, as well as a review of BWC footage of Patrolman [REDACTED] speaking to the resident whose vehicle was burglarized. There is no BWC video of Patrolman [REDACTED] interaction with Chief Guida.

having a [REDACTED] in the vehicle is not as important as Patrolman [REDACTED] responding to the call within a minute.

We do *not sustain* any findings against Chief Guida with respect to this incident with Patrolman [REDACTED]. It does not appear that Patrolman [REDACTED] did anything wrong in this situation. He was in a catch-22---comply with the agency's rule about the [REDACTED] or get to the scene more quickly. Nothing about the call indicated it was an emergency and in fact, it was not, so the decision to grab the [REDACTED] was reasonable. While it seems inappropriate and unnecessary for Chief Guida to reprimand Patrolman [REDACTED] for his response time under these circumstances, this incident is not on video, there are no other witnesses, and as described, the incident was brief and isolated. It frankly does not seem as egregious as some of the other incidents. Accordingly, we contemplated whether the Chief violated Rule IV.A.9, regarding treating department employees with respect; however, under these limited facts, we do *not sustain* a violation in this instance.

6. August 1, 2023 Incident involving "Suspicious Person" Stop and Detention⁶

The first allegation in the anonymous letter was that Chief Guida berated and improperly suspended [REDACTED] during his response to a suspicious person call on August 1, 2023, following Bradley Beach's National Night Out event. In viewing the BWC footage, it became clear that the stop itself also needed to be investigated as the individual stopped alleged that he was racially profiled.

The investigation revealed at approximately 9:00PM on August 1, 2023, Chief Guida requested over the police radio that units be sent to the area of Main Street and Lake Terrace by The Tire Place for a "black male individual walking around the back on the side, on the southside [or possibly "outside"] of the building. Have him checked please."⁷ [REDACTED] and Patrolman [REDACTED] were dispatched to the area. Chief Guida stopped the subject, later identified as [REDACTED]. It is unclear exactly how long [REDACTED] was detained, or what Chief Guida said to him, prior to the other officers arriving (although it could not have been more than a few minutes). Patrolman [REDACTED] arrived and began speaking with [REDACTED], who can be seen on BWC holding out his identification. [REDACTED] stated, "I'm a black man walking the street. What did I do wrong?" Patrolman [REDACTED] stated, "That's my Chief and he told me to come here." [REDACTED] explained that he just got off work at [REDACTED] in Point Pleasant, that he took the train to Bradley Beach, and that he was walking to his home in Ocean Grove. [REDACTED] was wearing a hat and t-shirt with the [REDACTED] logo on it. [REDACTED] stated that he takes this route

⁶ This investigation involved a review of BWC footage from the scene and interviews with [REDACTED] Patrolman [REDACTED] and the two SLEOs on scene, as well as a review of the radio transmissions and documentation generated during the stop. It should be noted that Chief Guida, who made the initial stop, was not wearing a BWC. Chiefs of Police are generally not equipped with BWCs; however, if a Chief is going to be stopping people on the street, he should wear a BWC as one of the purposes of equipping officers with these devices is to accurately capture police-citizen encounters.

⁷ According to Bradley Beach officers interviewed during this investigation, it was not uncommon for Chief Guida, while off-duty, to ask units to respond to "suspicious persons" or "suspicious vehicles" that he observed in town.

home every day, to which Patrolman [REDACTED] responded, 'I've definitely seen you before.' The route was consistent with [REDACTED] statement that he was walking from the train station to Ocean Grove.

While Patrolman [REDACTED] was initially speaking with [REDACTED] Chief Guida left the scene of the stop to approach [REDACTED]. This interaction was captured on [REDACTED] BWC. [REDACTED] responded to the Chief's suspicious person call; however, he was unable to locate the subject. [REDACTED] then saw the Chief's vehicle and pulled up behind it. Chief Guida walked over to [REDACTED] cursing and yelling in [REDACTED] face, "What the fuck is wrong with you?" and "You've got a real problem? You go over there and back up them! Now! Now means now!" [REDACTED] responded, "ok." Chief Guida ordered two SLEOs who [REDACTED] was driving back from National Night Out, to get out of the car and walk back to headquarters. Chief Guida then opened [REDACTED] car door, grabbed his arm, and guided him into the vehicle stating multiple times "Go the fuck home". Chief Guida told [REDACTED] that he was "suspended." It should be noted one of the SLEOs interviewed specifically emphasized that [REDACTED] was actively trying to locate the subject and that he would have looked in the same place given the Chief's instructions. Even this young officer viewed Chief Guida's conduct towards [REDACTED] as "unprofessional and unnecessary."

Chief Guida then walked back towards Patrolman [REDACTED] and [REDACTED] [REDACTED] had also arrived on scene. [REDACTED] again asked why he was stopped. Chief Guida responded "you were walking in the middle of the street." [REDACTED] said he's being "boxed in by three police cars." Chief Guida told him that he "was not being boxed in by anybody." It is clear from the BWC footage that [REDACTED] is boxed in by police cars. [REDACTED] responded, "I can't go, I don't want to talk right now. I want to go home." Notably, Chief Guida *does not tell* [REDACTED] that he is free to leave.

Patrolman [REDACTED] asked for [REDACTED] name and identification, which he provided. Patrolman [REDACTED] asked dispatch to run a warrant check on [REDACTED]. Chief Guida can be heard putting his hand up and saying "no problem", although it's unclear what he was referring to. [REDACTED] began to walk away (this was approximately 4 minutes into the encounter) and [REDACTED] stopped him. [REDACTED] stated that since Chief Guida stopped [REDACTED] and wanted him "checked out", he ([REDACTED]) was not in a position to question the validity of the stop and thus, he did not let [REDACTED] leave. [REDACTED] claimed that he was being "racially profiled." [REDACTED] expressed concern that his [REDACTED] would be notified that he got stopped and that he would have to miss work as a result. [REDACTED] expressed to [REDACTED] that they were here because the Chief called the stop in. [REDACTED] explained in his interview that he was unaware as to why the Chief stopped [REDACTED] but you "did not question" the Chief. At 9:16PM, dispatch advised that [REDACTED] had no warrants and he was allowed to leave. In total, [REDACTED] was detained for approximately 15 minutes. When interviewed, [REDACTED] stated that he walked that route every day, that Bradley Beach police vehicles routinely drive past him, and that this was the first time he was stopped. [REDACTED] believed he was stopped by Chief Guida due to his race.

Chief Guida left the scene when the warrant check was being conducted and went to police headquarters. When he got there, Chief Guida cursed at [REDACTED] again, demanded his badge, and told him he was being removed from the [REDACTED] bureau and from the [REDACTED]. Chief Guida then realized that [REDACTED]

██████████ was supposed to cover the overnight dispatch shift, and he “unsuspended” ██████████ ██████████ was never disciplined over this incident.

It should be noted that when Detective Sergeant Ryu Washburne called Chief Guida to advise him that he was the target of an internal investigation and advise him of the need to serve him with an official notice, Chief Guida yelled at Sgt. Washburne over the phone and became combative about accepting his notice. Monmouth County Prosecutor’s Office Chief of Detectives John McCabe contacted Chief Guida to discuss with him the need to conduct himself appropriately when detectives formally served him with his administrative notice. He was ultimately served without incident.

During his interview, Chief Guida stated he first observed ██████████ walking along The Tire Shop building; that he made a left at the rear of the building; and that ██████████ then walked near a vehicle parked in the street and that his hand was “on the [door] handle.” Chief Guida later backtracked on this explanation, stating that he could not say for certain that ██████████ grabbed the door handle. He instead said that he “perceived” that ██████████ arm was “falling” or “coming down” near the parked vehicle. Chief Guida stated that there have been thefts in that area in the past and that he wanted to identify ██████████ in case other thefts were reported. Chief Guida acknowledged that the door handle information was pertinent; however, as evidenced by BWC videos and witness statements, he never told the responding officers (or ██████████ when he inquired) that he made any observations consistent with ██████████ trying to break into a vehicle. This explanation for the stop came up for the first time during Chief Guida’s administrative interview and was inconsistent with what he said both over the radio and on the BWC footage. Chief Guida insisted that he did not stop ██████████ based on his race and that he would have stopped him if he was “purple.”

Chief Guida stated that ██████████ legally could have refused to identify himself and walked away at any time during the stop. When confronted with the fact that ██████████ tried to walk away from the scene at one point and that he was prevented from doing so by ██████████ Chief Guida stated that at that point, his subordinate officers have “taken over”, that he was not present at that time, that he did not know what his subordinates were doing, and that if ██████████ “was unlawfully detained, it’s their fault.” Contrary to Chief Guida’s claims, it is clear on the BWC footage that Chief Guida was present when ██████████ tried to leave and ██████████ stopped him. Chief Guida is visible standing only feet from ██████████ watching as ██████████ stopped ██████████ from walking away.

Chief Guida stated that he was “fuming” at ██████████ and that he “suspended” him for his “unsatisfactory” performance in not locating the subject. He acknowledged “unsuspending” him so he could work the overnight dispatch desk. Chief Guida claimed that ██████████ has had various workplace deficiencies; however, he acknowledged that none of these alleged deficiencies were documented, stating “I’d rather yell” than write up an officer.

We hereby make *sustained* findings that Chief Guida’s conduct with respect to the stop and detention of ██████████ violated the following Bradley Beach Police Department Rules and Regulations

- **Rule IV.A.3, “Employees shall obey all laws, ordinances, rules, policies and procedures and directives of the Department.”**
- **Rule III.B.3, “Supervisors shall exercise necessary control over their subordinates to accomplish the objectives of the department.”**
- **Rule III.C.2(h), “The Chief of Police is responsible to maintain a constructive relationship with the public”**
- **Rule III.A.2, “Police officers shall support and defend individual protections, rights and privileges guaranteed by the Constitution of the United States and New Jersey.”**

With respect to Chief Guida’s detention of [REDACTED] we find that detention to be in violation of the Fourth Amendment of the United States Constitution and Article I, section 7 of the New Jersey Constitution, which protect individuals against unreasonable searches and seizures. Accordingly, the detention correspondingly violates the aforementioned rules.

Chief Guida stated that he stopped [REDACTED] so that he could ascertain his name in case motor vehicle thefts were reported in the area. Chief Guida specifically stated that [REDACTED] was free to not give his name and to leave the stop. It is clear that [REDACTED] was not free to leave the stop. He was boxed in by three police cars. He repeatedly said he wanted to “go home.” When he tried to leave, he was prevented from doing so.

This was not, as Chief Guida claims, a field inquiry (where a police officer approaches an individual, who is free to leave, and asks him if he is willing to answer questions or provide his identification). It was an investigatory stop that must be justified by reasonable, articulable suspicion. Chief Guida gave four different reasons for why he stopped [REDACTED] (1) he was walking behind the tire shop; (2) he was walking in the middle of the street; (3) he was pulling on the door handle of a parked car; and (4) he was not pulling on a door handle, but his arm was “falling down” while he walked past a parked car. The only one that would give rise to reasonable articulable suspicion, assuming this was an area where vehicle burglaries have occurred in the past, is explanation #3, which Chief Guida retracted in his interview. Even if Chief Guida had proper, legal grounds to stop [REDACTED] the stop should have ended once officers confirmed that [REDACTED] was coming from work and Patrolman [REDACTED] noted that he had seen [REDACTED] walking this route before. Instead, [REDACTED] was further detained as a warrant check was completed. Accordingly, there is no version of events by which the stop and detention of [REDACTED] was proper.

When Chief Guida was confronted with the propriety of [REDACTED] detention, particular at the point where [REDACTED] tried to leave, he blamed his subordinates. Chief Guida stated that he was not present at that time and that he did not know what his subordinates were doing. This is not accurate. Per the BWC footage, Chief Guida is clearly present when [REDACTED] attempts to walk away from the stop. At no point does Chief Guida tell [REDACTED] that [REDACTED] is free to leave. Patrolman [REDACTED] and [REDACTED] were only doing what the Chief ordered them to do, stop [REDACTED] and have him “checked out.”

Chief Guida initially detained [REDACTED] he ordered his subordinates to stop him and “check him out”; and he was the highest-ranking officer on scene. The person responsible for the violation of [REDACTED] constitutional rights is Chief Guida. Not only did his conduct violate [REDACTED] constitutional right against unreasonable seizure, it also violated his duty to maintain a constructive relationship with the public.

We hereby *do not sustain* an allegation that Chief Guida violated Rule III.J.3, “Impartiality,” which states that “Employees shall not exhibit bias or favoritism toward any person because of race [or other protected characteristics].” To be frank, this stop is troublesome. [REDACTED] allegation that he was stopped due to his race cannot be discounted. That said, we cannot prove or disprove Chief Guida’s actual motivations in this stop and thus, this allegation is *not sustained*. Although Chief Guida was known to have his officers stop “suspicious persons” in town, to conduct an analysis of these stops to ascertain if there is a pattern based on race would be impossible because although Chief Guida calls in the stops, on paper, his subordinates would be listed as the involved officers.⁸

With respect to Chief Guida’s conduct towards [REDACTED] we *sustain* findings that Chief Guida violated the following Bradley Beach Police Department Rules and Regulations and section of the Attorney General’s Internal Affairs Policy & Procedures (IAPP) (revised November 2022):

- **Rule IV.A.9, “Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another.”**
- **Rule IV.A.5, “Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department.”**
- **Rule III.B.6, “When using discipline, Supervisors must comply strictly with the provisions of the department disciplinary process.”**
- **IAPP, section 5.2, “Immediate Suspension Pending Investigation and Disposition” which provides that an agency may need to suspend an officer for “serious cases of misconduct” pending the outcome of an internal affairs or criminal investigation and states that to suspend an officer, certain conditions *must* be met, specifically that (1) the officer is unfit for duty; (2) the officer is a hazard to any person if permitted to remain on the job; (3) an immediate suspension is necessary to maintain safety, health, order or effective direction of public services; (4) the officer has been formally**

⁸ We do not find sufficient proof to say that this is an “intentional improper seizure” which would implicate the public reporting provisions of IAPP section 9.11.2(h). As stated above, the exact reason for the stop is unclear. Stopping people in Bradley Beach that he finds to be “suspicious” seems to be the way that Chief Guida has always done things, without a real understanding of or regard for the applicable legal standards.

charged with a first, second or third degree crime; or (5) the officer has formally been charged with a crime or disorderly persons offense committed while on duty or which touches upon his employment.

Chief Guida cursed and berated [REDACTED] in public, and in front of two SLEOs, because he was unable to locate a suspicious person that the Chief detained. Even if [REDACTED] performance was deficient in this respect, which we cannot say on this record that it was, Chief Guida could have addressed this issue with [REDACTED] in a more appropriate way, and in a more appropriate place. His conduct again was unprofessional, disrespectful and unnecessary. Additionally, he suspended [REDACTED] without sufficient cause and in violation of IAPP section 5.2. [REDACTED] did not engage in any of the types of “serious misconduct” that would warrant an immediate suspension. The IAPP, and the agency’s own disciplinary procedures, outlined in section VI of the Rules and Regulations, provide a process by which disciplinary action is taken. Chief Guida did not follow that process. The fact that Chief Guida “unsuspended” [REDACTED] that same night only illustrates the inadequacy of the initial suspension in the first place.

7. August 14, 2023 Incident in Police Conference Room with [REDACTED]

On August 14, 2023, Chief Guida, who was off-duty, came into police headquarters at approximately 9:00PM. According to officers, it was not uncommon for Chief Guida, who lived [REDACTED] to stop by while he was off-duty. On this date, [REDACTED] who was working a 3:00PM-11:00PM shift, was sitting in the dispatch area where Fox News was playing on a television. At that time, Chief Guida initiated a discussion about politics with [REDACTED] and [REDACTED]. [REDACTED] could smell an odor of alcohol on Chief Guida’s breath during this discussion. Chief Guida was displeased with some of [REDACTED] comments (pertaining to whether Hillary Clinton should have been indicted over her emails). Chief Guida ordered [REDACTED] into a conference room by stating, “Get the fuck in the conference room.” The conference room is video-recorded (but not audio-recorded).

Once in the conference room, Chief Guida pointed at a chair, directing [REDACTED] to sit. [REDACTED] sat down in a chair, facing Chief Guida, with his back up against the wall of the conference room. Chief Guida then yelled and cursed at [REDACTED] for approximately an hour. At times, Chief Guida stood over [REDACTED] who was seated in a chair and yelled at him. Chief Guida’s face was only inches from [REDACTED] face while Chief Guida yelled at him. Chief Guida was so worked up that he spit on [REDACTED] as he chastised him. Chief Guida made physical contact with [REDACTED] several times during this incident, including most importantly, pushing [REDACTED] back in his chair, approximately 11 minutes and 21 seconds into the encounter. Chief Guida pushed [REDACTED] back again in his chair approximately 15 seconds later. According to [REDACTED] he asked Chief Guida to calm down in the conference room, to which Chief Guida responded, “fuck you, I’m the Chief. I’m going to handle things the way I want to handle things.” [REDACTED] continued to smell the odor of alcohol on Chief Guida’s

⁹ The investigation into this incident involved interviews with [REDACTED] and Chief Guida, as well as a review of video from the conference room at the Bradley Beach Police Department.

breath in the conference room. After approximately an hour, [REDACTED] got up, shook Chief Guida's hand, gave him a semi-hug, and they exited the conference room.

Despite the fact that the conference room door was closed, [REDACTED] could hear Chief Guida screaming from her post in the [REDACTED]. She could hear Chief Guida using "lots of F-bombs" and described him as "very angry." [REDACTED] noted that two civilians came into the police station while Chief Guida was yelling at [REDACTED] in the conference room. [REDACTED] turned on the video feed from the conference room. She indicated she was afraid that there would be a physical fight between Chief Guida and [REDACTED] whom she described as "calm" during this incident. At one point, she observed Chief Guida push [REDACTED] back in his chair. [REDACTED] continued to observe what was going on in the conference room in case she needed to call for assistance. She described watching the conference room video live as the "longest hour of my life." [REDACTED] stated that she believed she smelled alcohol coming from Chief Guida that night, and felt he was intoxicated based on how he was acting; however, she said she could not confirm it. She indicated that [REDACTED] was "shaken" after the incident, and that she told him that she admired his restraint.

Chief Guida was interviewed about the August 14, 2023 conference room incident. Chief Guida stated that [REDACTED] was making political comments without evidence. He stated that his purpose was to impose "unofficial corrective action" so that [REDACTED] political beliefs did not make him a "Brady Giglio officer" because Chief Guida believed that the statements were untrue. Chief Guida acknowledged ordering [REDACTED] to go into the conference room and sit down, being loud with [REDACTED] cursing at him, and wiping spit off of him. Chief Guida specifically recalled telling [REDACTED] to "shut the fuck up." Chief Guida stated that he "does not remember" if he consumed alcohol prior to this but that's it's "very possible." However, he denied being intoxicated. Chief Guida acknowledged putting his hands on [REDACTED] during the encounter and said, "I'm Italian, what do you want me to do?" Chief Guida justified his actions by stating that [REDACTED] "did not object to it" and that he "never said get out of my face." Chief Guida stated this was his way of talking things out and that he "yells at people all of the time".

We herein make *sustained* findings that Chief Guida violated the following Bradley Beach Department Rules and Regulations with respect to the incident with [REDACTED]

- **Rule IV.A.9, "Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another."**
- **Rule IV.A.5, "Employees shall obey all laws, ordinances, rules, policies, procedures and directives of the department."**

Chief Guida admittedly yelled and cursed at [REDACTED] in a conference room for over an hour regarding [REDACTED] views on Hillary Clinton's emails. Chief Guida did not deny consuming alcohol before this incident with [REDACTED]. [REDACTED] was so concerned about Chief Guida's conduct that she observed the conference room video live in case she had to call for assistance. Chief Guida's explanation that [REDACTED] "did not object to it" is

unacceptable. He is the Chief of Police. His subordinates are used to acquiescing to his behavior in fear of making the situation worse or getting on the Chief's bad side. His additional explanation that he was trying to prevent [REDACTED] from having a "Giglio" issue with respect to his personal political beliefs is non-sensical. Chief Guida's conduct in this case was unprofessional and disrespectful, and thus, in violation of agency rules.

Any allegation that Chief Guida consumed alcoholic beverages before reporting to duty in violation of Rule IV.E.1, or that he was under the influence of alcohol while on duty in violation of Rule IV.E.2, is *unfounded*, as, although he admitted that he may have consumed alcohol prior to the incident, Chief Guida was not on duty at the time of this incident. He stopped at the police department and yelled at a subordinate about something that was not related to the work of the Bradley Beach Police Department.

8. November 9, 2023 Incident during DWI Investigation¹⁰

At approximately 10:24PM on November 9, 2023, Bradley Beach police officers heard a loud "bang" from outside of police headquarters. An individual had crashed his vehicle into multiple parked cars near Riley Park. It is apparent from the BWC footage that there was debris all over the road due to this crash. Sgt. William Major (who started his shift at 11PM and had arrived to work early) Patrolman [REDACTED] and [REDACTED] responded to the scene. They observed the driver of the vehicle to be intoxicated and noted open bottles of alcohol in the vehicle. EMS was called to the scene as the driver had a burn from the air bag deployment.

Chief Guida, who was off-duty at the time, arrived on scene. Multiple officers noted that it was common for the Chief, [REDACTED] to show up at scenes. Upon arriving on scene, Chief Guida began arguing with Sgt. Major about the jacket he was wearing because the "police" lettering on the back was faded. Chief Guida can be observed on BWC slurring his words as he is arguing with Sgt. Major about his jacket. Sgt. Major took off his jacket and told Chief Guida, "let me work this DWI, ok." Sgt. Major then walked away from Chief Guida towards the scene of the DWI crash and attempted to continue assisting with the crash investigation. Patrolman [REDACTED] was designated as the lead crash investigator; however, he was a new patrolman, and he needed Sgt. Major's assistance. Chief Guida followed Sgt. Major repeatedly ordering him to "come over here." Sgt. Major told Chief Guida that he needed to investigate the crash and that he did not have time to argue about a jacket. Sgt. Major was trying to de-escalate the situation while Chief Guida kept engaging Sgt. Major. This is apparent from the BWC footage and supported by the statements of Patrolman [REDACTED] and [REDACTED].

Chief Guida grabbed Sgt. Major's arm to pull him away from the DWI scene. Sgt. Major yelled, "don't you fucking touch me" and pushed Chief Guida up on top of the hood of a patrol car which was parked immediately behind where Chief Guida was standing. Sgt. Major told Chief Guida he was obstructing his investigation and yelled, "you grabbed me, now get out of

¹⁰ The investigation into this incident involved interviews with Sergeant Major, [REDACTED], [REDACTED] Patrolman [REDACTED], Patrolman [REDACTED], [REDACTED] and Chief Guida. Additionally, we reviewed the BWC footage the scene, specifically, the BWCs of Sergeant Major, [REDACTED] and Patrolman [REDACTED].

here” and “you’re drunk again”. The incident between Chief Guida and Sgt. Major, which was captured on BWC, happened on a public street, in view of civilians and EMS personnel.

Chief Guida told Patrolman [REDACTED] and [REDACTED] who had separated the two men, to “take him in”, which they interpreted as an order to arrest Sgt. Major. Patrolman [REDACTED] and [REDACTED] did not arrest Sgt. Major because they both felt it was an improper order. Patrolman [REDACTED] specifically stated that he did not comply with the Chief’s order because he believed Chief Guida to be intoxicated based on the smell of alcohol on his breath, his slurred speech and glassy eyes. [REDACTED] also stated that he did not believe this was a proper order given how the incident transpired and Sgt. Major saying that the Chief was “drunk.” [REDACTED] stated that he did not get close enough to Chief Guida to smell alcohol on his breath; however, he believed that Chief Guida was intoxicated based on his slow speech and reactions at the scene.

Chief Guida then told Sgt. Major, “Billy come over here. You’re in trouble now.” Sgt. Major replied, “no, you’re going to be in trouble.” Chief Guida then told Sgt. Major that he was suspended and ordered him to leave the scene and go back to the police station. Sgt. Major argued with Chief Guida about this, but he ultimately left the scene. After Sgt. Major left the scene, [REDACTED] and Patrolman [REDACTED] continued the crash investigation.

Patrolman [REDACTED] ultimately accompanied the subject to the hospital. He obtained consent to draw blood, but the subject withdrew consent prior to the blood draw. The agency was short-staffed, and Patrolman [REDACTED] returned to patrol the town. The suspect eventually fled the hospital. He was later charged with a DWI based on observations at the scene. A telephonic warrant was not obtained that night. Both Sgt. Major and Patrolman [REDACTED] stated that they believed that if Sgt. Major was on duty, they would have obtained a telephonic warrant for the subject’s blood.

Back at the police department, Chief Guida called [REDACTED] and [REDACTED] into work. Prior to their arrival, Chief Guida and Sgt. Major discussed the incident in the conference room. Sgt. Major indicated to the Chief that he has been dealing with some personal issues. According to Sgt. Major, the Chief tried to get him to agree to a 30-day suspension and threatened him with a demotion. Sgt. Major responded that he would take a 4-day suspension. Sgt. Major stated that Chief Guida wanted to resolve the matter that night in the conference room.

When [REDACTED] arrived, Chief Guida asked him to retrieve the agency’s Rules and Regulations to ascertain what Sgt. Major would be charged with. [REDACTED] arrived and observed Chief Guida in the conference room with Sgt. Major discussing “penalties”. [REDACTED] further observed [REDACTED] holding the agency’s rules and other internal affairs paperwork. [REDACTED] and [REDACTED] sat down in the conference room with Chief Guida and Sgt. Major. It should be noted that [REDACTED] is not in internal affairs, and he has never done an internal investigation before. [REDACTED] admittedly had no idea why Chief Guida called him into work that night. He speculated that the Chief wanted his assistance because [REDACTED] was not available. Chief Guida wanted to watch the BWC footage; however, [REDACTED] dissuaded him from doing so. Chief Guida directed [REDACTED] and [REDACTED] to watch the BWC videos. Neither officer smelled alcohol or observed signs of intoxication on Chief Guida that night in the conference room;

however, both [REDACTED] and [REDACTED] stated that when they watched the video, they looked at each other, both acknowledging that Chief Guida appeared to be intoxicated. [REDACTED] indicated that Chief Guida wanted the investigation into Sgt. Major completed that night; however, he convinced Chief Guida that they should contact MCPO about this incident. [REDACTED] corroborated this, stating that [REDACTED] wanted to be sure that a proper investigation was done, and that things were done “the right way.”

Chief Guida suspended and disarmed Sgt. Major. He then “unsuspended” Sgt. Major and told him to just “take some time.” Chief Guida then rearmed Sgt. Major, all in the same night.

Sgt. Major was interviewed during this investigation. In addition to what was observed on the BWC, he added that the Chief is always showing up on scenes, and that “when he shows up, it’s never to help, he fucks with you.” Sgt. Major explained that he was wearing a “hand me down” police jacket that night. He stated that he was not on duty yet. He ran out of the police department after hearing the crash and did not have time to take off the jacket. Sgt. Major stated that Chief Guida “smelled of booze”. Specifically, when the Chief was scolding him about his jacket and addressed him as “Sergeant”, he could smell alcohol on his breath. He stated that he took his jacket off so that the Chief would leave him alone, but he did not. Sgt. Major stated that he tried to de-escalate the situation by walking away. Sgt. Major said that he was “not proud” of how he reacted, but that when the Chief grabbed him, he felt that a drunk person was pulling him in an unsafe manner in the roadway. With respect to his statement to Chief Guida that “you’re drunk again,” Sgt. Major stated that Chief Guida has been coming to work intoxicated in the past 6 months. Sgt. Major also referred to Chief Guida getting “physical” with subordinate officers more recently and his propensity to hinder officers from doing their jobs at accident scenes and other incidents.

When interviewed, Chief Guida stated that the night of the incident, he was asleep on his couch when he heard a crash. He looked outside and saw officers responding. Chief Guida stated he had no intention of going to the scene; however, he heard Sgt. Major call for “OEM” due to a spill. Chief Guida went to the scene to talk with Sgt. Major about calling for OEM assistance.¹¹ Chief Guida acknowledged that calling for OEM assistance was at the discretion of the road supervisor and that Sgt. Major did not violate any rules by calling out OEM in this situation. However, Chief Guida claimed that he was concerned about calling OEM for minor spills that a tow truck driver could clean up.

When he got to the scene, Chief Guida found the lettering on the back of Sgt. Major’s jacket to be “freckled” and “unprofessional.” Chief Guida stated that he told Sgt. Major previously not to wear that jacket. Chief Guida asked Sgt. Major, “what’s up with the jacket?” Sgt. Major took off the jacket, flung it in a vehicle, and walked away. Chief Guida stated that he called Sgt. Major back. He claimed he wanted to discuss the OEM issue with him. Sgt. Major ignored him and said “not now, I’m working the accident.” Chief Guida recalled Sgt. Major saying “you’re drunk again, go home.” Chief Guida put his hand on Sgt. Major’s elbow and Sgt. Major “blew up” and “shoved him onto the hood of a car in front of everyone.” Chief Guida acknowledged suspending Sgt. Major at the scene. They went back to the police station, where Chief Guida discussed discipline with Sgt. Major. When asked why Chief Guida initiated this

¹¹ “OEM” is the Office of Emergency Management. Chief Guida is the Emergency Management Coordinator for Bradley Beach’s OEM.

discussion prior to there even being an internal affairs investigation, he said that he was “looking to help” and “not screw” Sgt. Major. Chief Guida acknowledged later “unsuspending” Sgt. Major as well as disarming, and then rearming him, all in the same night.

Chief Guida acknowledged that when he got to the scene, he was “in command.” Chief Guida denied being intoxicated at the crash scene. He also stated that he did not have any medical condition and did not take any medications that would have affected his behavior and speech that night. Chief Guida stated that his demeanor that night was “clear and concise” and that it was “obvious” that he was not intoxicated. Chief Guida stated that he “de-escalated” the situation with Sgt. Major, as officers are trained to do. When asked why he needed to address his issues with Sgt. Major while he was in the middle of a crash and DWI investigation, Chief Guida stated that they did not need OEM and he wanted to stop them from coming out. When asked if he, as OEM Coordinator, could have called off OEM over the radio, Chief Guida stated that he left his radio at his house.

Chief Guida stated that his subordinates are out to get him. He stated that the officers who provided information in this matter are “not credible”. When asked why they would be out to get him now, when he is forced to retire due to his age as of October of 2024, he said that it is because they “know the clock is ticking” and that there is less time for him (the Chief) to “fight them.”

We herein make *sustained* findings that Chief Guida violated the following Bradley Beach Department Rules and Regulations with respect to the incident with Sgt. Major:

- **Rule III.B.2, “Supervisors shall exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.”**
- **Rule III.C.2, “The Chief of Police is responsible to establish and maintain the efficient operation of the department.”**
- **Rule III.E.2, “Employees shall not report for duty under the influence of any alcoholic beverage.”**
- **Bradley Beach’s Employee Handbook, Personnel and Policy Manual, p. 44, “Alcohol and Drug-Free Work Place”, which provides that “[i]t is a violation of Borough policy for anyone to report to work under the influence of alcohol or drugs.”**
- **Rule III.L.6, “Employees are required to be truthful at all times whether under oath or not.”**
- **IAPP, sections 1.0.9, 4.1.1, 6.0.1, 6.3.4, 6.3.5, 6.3.9, 6.3.11, 7.0.1, 8.4.3, 8.4.4 which collectively set forth procedures which must be followed in internal affairs investigations including formal notice to the accused officer; formal interview of the**

subject officer; the issuance of advisements prior to the subject officer's formal interview; the completion of a thorough, objective and impartial investigation; the completion of an internal affairs report documenting recommended findings and action; and the formal service of charges upon the officer.

- **Rule III.B.6, "When using discipline, Supervisors must comply strictly with the provisions of the department disciplinary process."**
- **MCPO, Early Intervention System (revised June 2021), section IV.A.6, which provides that the MCPO must be notified anytime the officer has been disarmed, regardless of the reason, and that prior to a local agency rearming the officer, the MCPO must be provided with documentation pertaining to the disarming, a written rearming plan, and any corresponding fitness for duty report. "The officer shall not be rearmed by the local agency until the MCPO has the opportunity to review the fitness-for-duty report and written plan and articulate any objections, concerns or recommendations to the local agency."**

We find, by a preponderance of the evidence, that Chief Guida was under the influence of alcohol when he reported to the crash scene. This finding is supported by the observations of Sgt. Major, who smelled alcohol on the Chief's breath; Patrolman [REDACTED] who also smelled alcohol on the Chief's breath; and [REDACTED], who believed Chief Guida to be intoxicated based on his slurred speech and reactions at the scene. It is further supported by Sgt. Major's spontaneous statement, "you're drunk again", as well as prior observations by various officers who indicated that Chief Guida has recently showed up at the police department or at scenes intoxicated. [REDACTED] and SLEO [REDACTED] made these observations, as outlined above. Additionally, [REDACTED] noted that he smelled alcohol on Chief Guida's breath at council meetings, [REDACTED] Patrolman [REDACTED] also stated that the Chief stopped in the police department "visibly intoxicated" one night while off-duty. Further, and importantly, the BWC footage supports this finding, as Chief Guida is visibly slurring his speech and appears to be impaired when he approaches Sgt. Major. Two individuals who know Chief Guida well, [REDACTED] and [REDACTED] both stated when they saw the BWC footage, they looked at each other and acknowledged that Chief Guida appeared to be intoxicated.

We additionally find that Chief Guida was "on duty" at the time of this incident. Chief Guida admittedly took command of the scene. He prevented Sgt. Major from investigating the crash because of the faded lettering on his jacket. Chief Guida then issued orders to Sgt. Major, suspended him, and later discussed disciplinary action with him. While we will consider Sgt. Major's conduct in a separate letter, it is important to note that the confrontation between Sgt. Major and Chief Guida occurred because Chief Guida showed up on scene intoxicated, asserted his control, and argued with Sgt. Major about his jacket while Sgt. Major tried to do his job. Bradley Beach's Employee Handbook, Personnel and Policy Manual, p. 44, "Alcohol and Drug-Free Work Place", states that the Borough's "commitment" to "providing a safe work environment and to fostering the well-being and health of its employees" is "jeopardized" when any employee comes to work under the influence. That is exactly what occurred here.

Sgt. Major, [REDACTED] and Patrolman [REDACTED] all stated that Chief Guida's presence on the scene impeded the DWI investigation. They indicated that prior to Chief Guida's arrival, they had the scene under control and that Sgt. Major was doing a good job supervising the investigation. Afterwards, they had a lack of supervision and suffered from manpower issues as Sgt. Major was pulled from the investigation. The Chief's conduct also led to a situation of public embarrassment for everyone involved and the agency as a whole.

Since we make a finding that Chief Guida was intoxicated, we must make the corresponding finding that Chief Guida was untruthful in his interview with this office when he denied consuming any alcohol prior to the incident with Sgt. Major. Again, the standard is preponderance of the evidence. The overwhelming weight of the evidence as outlined above indicates that Chief Guida had consumed alcohol prior to arriving at the scene of the DWI crash.

Lastly, Chief Guida's conduct in attempting to negotiate Sgt. Major's discipline with him in the conference room immediately after the incident violated numerous provisions of the IAPP. The IAPP requires that a thorough internal affairs investigation be conducted, with proper notice to Sgt. Major, formal witness and target interviews, the completion of an internal affairs report, the service of formal charges, etc. None of this occurred. Instead, Chief Guida sat with Sgt. Major in a conference room and attempted to impose major discipline on him, which Sgt. Major then tried to negotiate down to minor discipline. Sgt. Major was not afforded any of the rights he is entitled to as the target of an internal investigation under the IAPP. In addition, as the alleged "victim" of Sgt. Major's conduct, Chief Guida had a conflict, and should not have been involved in his internal affairs investigation and disciplinary process at all. Further, Chief Guida disarmed and then rearmed Sgt. Major in the same night in violation of the MCPO's Early Intervention System.¹²

9. Allegation that Chief was Ordering Improper Investigations

The August 1, 2023 anonymous letter additionally alleged that Chief Guida used his department to conduct independent investigations into matters that are not police-related. [REDACTED] and [REDACTED] the agency's two investigators were interviewed in this respect. [REDACTED] stated he had no direct knowledge about such investigations but that we should interview [REDACTED] who had been asked to conduct investigations that were non-criminal in nature. [REDACTED] denied any knowledge of being directed to conduct improper investigations. Accordingly, the allegation that the Chief violated agency Rules and Regulations by directing "improper investigations" is *not sustained*.

Conclusion

Please accept the foregoing as our findings and dispositions. It should be noted that during this investigation, officers within the Bradley Beach Police Department raised numerous additional instances involving Chief Guida yelling at, belittling and berating subordinate

¹² It should be noted that Chief Guida was aware that he was already the target of two internal affairs complaints (pertaining to the August 1 and August 24, 2023 incidents) prior to the November 9, 2023 incident. He was interviewed on those complaints on October 26, 2023.

officers.¹³ To continue to investigate each and every one of these instances would be a longstanding task. Accordingly, in the interests of finality and in moving this agency forward in a positive direction, we focused our investigative efforts on the allegations discussed above.

That said, what has become clear during this investigation is that the relationship between Chief Guida and his subordinates is irretrievably broken. Chief Guida's preference to yell at his subordinates as opposed to conducting internal affairs investigations which would document legitimate performance issues is inappropriate and contrary to the IAPP. Chief Guida's management style of yelling at his subordinates, particularly over minor, inconsequential things when they are trying to do their jobs, is not only ineffective, but disruptive to the operations of the agency. It is truly the most counter-productive form of micromanagement. One officer stated that he would not even eat his lunch in the police department because he went out of his way to avoid Chief Guida. Another officer stated that people did not want to work for the Bradley Beach Police Department after hearing stories about how Chief Guida treated his employees. During his interviews with this office, Chief Guida ridiculed his employees, variously calling them "as smart as this table", "not bright", "disgruntled", upset with an axe to grind", and a "follower". As a whole, he called his subordinates who were interviewed by this office, "not credible, not nice, and not capable." The mission of the Bradley Beach Police Department—to provide effective services to the public, and to do so with the highest level of professionalism to ensure the public's trust and confidence, is not being accomplished with Chief Guida at the helm of this agency.

Please be advised that this office's finding of untruthfulness implicates Attorney General Directive 2019-6, the Directive Establishing County Policies to Comply with Brady v. Maryland and Giglio v. United States, and its disclosure requirements, as well as the public posting provisions of IAPP section 9.11.2(f).

Pursuant to section 5.1.8 of the IAPP, this office may make a disciplinary recommendation with respect to the above findings. It is our understanding that Chief Guida is retiring as of March 1, 2024 and that he will be using accumulated leave time through his date of retirement. Given these circumstances, which presuppose that Chief Guida does not return to the Bradley Beach Police Department in any capacity and at any time, we do not make a disciplinary recommendation in this case. However, should those circumstances change, and Chief Guida express an intention to return to duty as Chief, or to not retire as represented, please contact my office as we will wish to provide a disciplinary recommendation to the Borough.

Additionally, it has come to our attention that Chief Guida may seek to retain his title as OEM Coordinator for Bradley Beach after his retirement. The decision as to who to appoint as

¹³ This included allegations of Chief Guida telling a subordinate officer (after the PBA successfully sued the Chief for imposing a policy that would have allowed him to look at their personal cell phone data), to "sue me again motherfucker"; asking a subordinate how his "piece of shit mother in law" was doing; screaming at a subordinate officer regarding whether turkeys could fly; telling an officer who asked if he could do anything to assist in a festival preparation to "go the fuck on patrol"; making fun of a subordinate's weight by saying there was a "baby in his stomach", and other inappropriate comments.

OEM Coordinator is clearly a decision for the Borough; however, given Chief Guida's conduct towards members of the Bradley Beach Police Department as outlined herein, and the fact that the OEM Coordinator must frequently interact and cooperate with Borough police officers in various public safety matters, we recommend against any such appointment.

Very truly yours,

RAYMOND S. SANTIAGO
MONMOUTH COUNTY PROSECUTOR

/s/ Melanie Falco

By: Melanie Falco
Director, Professional Responsibility Unit