



**STATE OF NEW JERSEY**

In the Matter of D.S.,  
Correctional Police Officer (S9988T),  
Department of Corrections

CSC Docket No. 2019-1507

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

List Removal Appeal

**ISSUED: NOVEMBER 21, 2019 (JET)**

D.S. appeals the removal of her name from the Correctional Police Officer (S9988T), Department of Corrections eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Correctional Police Officer (S9988T), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified to the appointing authority on March 15, 2016. In disposing of the certification, the appointing authority requested the removal of the appellant's name on the basis of an unsatisfactory background report. Specifically, the appointing authority asserted that pictures of the appellant and her friends were found on various social media accounts which displayed affiliation with a street gang known as the United Blood Nation. In support, the appointing authority provides pictures of the appellant displaying purported gang signs.

On appeal, the appellant maintains that her name should be restored to the eligible list. Specifically, the appellant asserts that she does not maintain an affiliation with the street gang United Blood Nation. The appellant contends that she is 26 years old and a life long resident of Newark. The appellant adds that she was an honor roll student and athlete, and she received her college degree and several other accolades. Further, the appellant explains that her father is a retired Correction Officer, her older brother is currently serving as a Correctional Police Officer, and her mother is a counselor. The appellant states that, although she was surrounded by gang affiliated members in school, she did not have any exchanges

with such groups as she was taught to stay away from them. Moreover, the appellant maintains that she is a law-abiding citizen and she maintains her interest in the subject position.

In response, the appointing authority asserts that the background investigation revealed some discrepancies on the appellant's social media sites. Specifically, the appointing authority contends that the appellant is depicted on her social media accounts as making multiple gang hand signs that are identified with the Bloods gang. In addition, the appointing authority explains that a comment appears on the social media page in response to the aforementioned picture, and the comment is affiliated with the vernacular of the Bloods Street Gang. It adds that the Bloods Street Gang is also known as the United Blood Nation, which is recognized as a security threat to the appointing authority, and as such, someone with such an affiliation cannot be appointed as there is potential for violence and contraband to enter the correctional facilities. Moreover, the appointing authority states that it has a zero-tolerance for recruiting gang members, as this would jeopardize the safety of the facility.

## CONCLUSION

*N.J.A.C.* 4A:4-6.3(b), in conjunction with *N.J.A.C.* 4A:4-4.7(d), provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error. Additionally, *N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the Civil Service Commission (Commission) to remove an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment.

In the instant matter, the appointing authority maintains that the pictures posted on the appellant's social media accounts show her depicting herself using hand signs that are associated with the Bloods Street Gang make her an unsuitable candidate for the position of Correctional Police Officer. Although the appellant states that she is a law-abiding citizen, she has failed to provide any substantive evidence in response to the appointing authority's troubling allegations that she does not maintain an affiliation with the Bloods gang, or that the pictures on her social media account are not related to the aforementioned gang. It is noted that the Bloods gang is one of the largest associations of street gangs in the United States. *See in the Matter of Marvin L. Campbell, Jr., Police Officer (S9999H), City of Trenton* (MSB, decided May 7, 2008).

The Commission is ever mindful of the high standards that are placed upon law enforcement candidates and personnel. The public expects Correctional Police

Officers to present a personal background that exhibits respect for the law and rules. In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must promote adherence to the law and maintain the safety of the prison. It must be recognized that Correctional Police Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also, In re Phillips*, 117 N.J. 567 (1990). Furthermore, individuals whose names merely appear on an eligible list do not have a vested right to appointment. *See In re Crowley*, 193 N.J. Super. 197 (App. Div. 1984), *Schroder v. Kiss*, 74 N.J. Super. 229 (App. Div. 1962). The only interest that results from placement on an eligible list is that the candidate will be considered for an applicable position so long as the eligible list remains in force. *See Nunan v. Department of Personnel*, 244 N.J. Super. 494 (App. Div. 1990). Therefore, since the appellant has failed to provide any persuasive arguments or documents to dispute the appointing authority's allegations, and given the position at issue, the appointing authority has presented a sufficient basis to remove the appellant's name from the eligible list for Correctional Police Officer (S9988T), Department of Corrections. Finally, the Commission notes that as the evidence presented in this matter dates back several years, absent more contemporaneous evidence of gang affiliation, such a background would be insufficient for removal from future law enforcement lists.

### ORDER

Therefore, it is ordered that this matter be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 19<sup>TH</sup> DAY OF NOVEMBER, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher Myers  
Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: D.S.  
Veronica Tingle  
Kelly Glenn