



STATE OF NEW JERSEY

In the Matter of Anthony DeMeo and
Edward Esposito, Sheriff's Officer
Captain (PC2602T), Essex County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-4277 and
2016-4323

Examination Appeal

ISSUED: **DEC 07 2016**

(JH)

Anthony DeMeo and Edward Esposito appeal the promotional examination for Sheriff's Officer Captain (PC2602T), Essex County. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 12, 2016 and consisted of 80 multiple choice questions.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 6 indicates that you are required to describe the injuries present on a victim. The question asks for the best way to describe the injuries present on a victim. The keyed response is option c, "The victim displays ballistic trauma to the back, indicating that he was shot from behind." Mr. Esposito argues that option b, "The victim shows signs of blunt instrument trauma wounds to the head likely from the use of a baseball bat," is the best response. However, he maintains that both option b and option c "include the inferences of how the injuries were sustained. All of these are subjective additions to the descriptions rather than 'very general' descriptions" as provided in James E. Guffey, *Report Writing Fundamentals for Police and Correctional Officers* (2005). The item is sourced to Guffey, *supra*, which provides:

You should not try to be too specific about injuries. If you write in our report, for example, that the victim sustained shotgun wounds to the

abdomen because you see several entry wounds, it may turn out that these were multiple wounds from a handgun . . . Some examples of proper descriptions of injuries include:

- The victim sustained gunshot wounds to the chest (abdomen, shoulder, etc.).
- The victim sustained stab wounds to the abdomen (back, etc.).
- The victim sustained slash wounds to the face (neck, back, etc.) .

As such, the keyed response and option b do not express the concept presented in the text.¹ Given this, the Division of Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

Question 29 refers to Operation of Department Vehicle Policy (Policy) presented to candidates in the test booklet. The question provides candidates with four statements and requires candidates to determine for which vehicles are inspections required for weapons and contraband before and after any person is placed in or transported in the vehicle. The keyed response, option c, includes statement I, Prisoner transport van. Mr. Esposito argues that statement I is incorrect since the Policy “did not require it to be searched before and after ‘any person was placed in or transported,’ but only when ‘any prisoner’ was transported. In this regard, ‘any person’ cannot be construed as ‘any prisoner.’ The policy was very specific and limited to any prisoners for the prisoner transport van and more general including any person for the marked and unmarked vehicles.” The Policy provides, under the section titled “Daily Inspection,” that “each officer must also search their assigned marked patrol or unmarked patrol vehicle for contraband weapons before their shift and prior to and after any person is placed in or transported in the vehicle.” Under the section titled, “Special Purpose Vehicles,” the Policy provides, “Prisoner transport van – the primary purpose of the prisoner transport van is to transport prisoners to detention facilities or to court. The van may also be used for special events, crowd control and property transportation . . . The van must be searched for weapons and contraband prior to and after the transport of any prisoners.” As noted above, the prisoner transport van may be used for other purposes which may include the transportation of non-prisoners. The above noted portion of the “Daily Inspection” section read together with the previously cited portion of the “Special Purpose Vehicles” section indicates that these vehicles must be searched prior to and after the transport of any individual. Thus, the question is correct as keyed.

Question 53 refers to *N.J.S.A. 2C:25-19* which provides that “domestic violence” means the occurrence of certain acts inflicted upon a protected person, by

¹ It is noted that none of the remaining answer choices express this concept.

an adult or emancipated minor. The question asks for the act which is not included in this definition. The keyed response is option d, Robbery. *N.J.S.A. 2C:25-19* provides:

- a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor . . .

- | | |
|---|------------|
| (5) Criminal restraint <i>N.J.S.2C:13-2</i> . . . | [option a] |
| (13) Harassment <i>N.J.S.2C:33-4</i> . . . | [option b] |
| (14) Stalking P.L.1992, c.209 (<i>C.2C:12-10</i>) . . . | [option c] |
| (16) Robbery <i>N.J.S.2C:15-1</i> . . . | [option d] |

Given that all of the answer choices provided to candidates are included under the definition of "domestic violence," the Division of Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

For question 56, since Mr. DeMeo selected the keyed response, his appeal of this item is moot.²

CONCLUSION

A thorough review of the appellants' submissions and the test materials reveals that, other than the scoring changes noted above, the appellants' examination scores are amply supported by the record, and the appellants have failed to meet their burdens of proof in this matter.

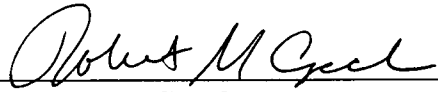
ORDER

Therefore, it is ordered that these appeals be denied.

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

² It is noted that Mr. DeMeo misremembered the question as asking for the act which is "not a violation of the shoplifting statute," rather than asking, "shoplifting includes which acts?"

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION
THE 7TH DAY OF DECEMBER, 2016



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