



not designed to allow candidates to retake the examination, but rather to allow candidates to recognize flawed questions. First, it is presumed that most of the questions are not flawed and would not require more than a cursory reading. Second, the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, knowledge of what choice a particular appellant made is not required to properly evaluate the correctness of the official scoring key. Appeals of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed.

With respect to misidentified items, to the extent that it is possible to identify the items in question, they are reviewed. It is noted that it is the responsibility of the appellant to accurately describe appealed items.

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

Question 12 indicates that a sentenced inmate has just been transferred to your facility from another institution. The question requires candidates to complete the following sentence, "According to the specific language found in *N.J.A.C.* 10A:31-22.4 (Initial classification), initial classification of sentenced inmates shall be completed within . . ." <sup>1</sup> The Division of Test Development and Analytics indicated that during candidate review, it discovered that this item had been miskeyed as option b, "48 hours after admission." Subsequently, the Division of Test Development and Analytics corrected the key to option c, "two weeks after admission," prior to the lists being issued.

Question 17 indicates that Inmate Lowell is concerned about his privacy and wants to know to whom adult inmate records may be made available. Candidates are presented with four statements and requires candidates to complete the following sentence, "According to *N.J.A.C.* 10A:31-6.8 (Availability of information to non-institutional persons or outside agencies), adult inmate records may be made

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<sup>1</sup> *N.J.A.C.* 10A:31-22.4 (Initial classification) provides, in pertinent part, that initial classification of sentenced inmates shall be completed within two weeks after admission from court or transfer from another institution, except where there are clear and convincing reasons to do otherwise.

available to . . .”<sup>2</sup> The keyed response, option c, does not include IV, the Internal Revenue Service. Given that *N.J.A.C.* 10A:31-6.8 indicates that inmate records may be made available to government agencies and does not specifically exclude the Internal Revenue Service, the Division of Test Development and Analytics determined to omit this item from scoring, prior to the lists being issued.

Question 22 requires candidates to complete the following sentence, “According to the specific language in *N.J.A.C.* 10A:31-17.8 Recreation (Disciplinary Detention), unless security or safety considerations dictate otherwise, the facility shall provide inmates in Disciplinary Detention with recreation outside the cells for at **LEAST** . . .”<sup>3</sup> The keyed response is option b, “five hours per week.” Mr. Riker argues that “no where [*sic*] in 10A:31-17.8 does it state inmates in disciplinary detention . . . It does not state anywhere in the Code inmates in disciplinary detention . . . The question can not [*sic*] emphasize inmates in disciplinary detention when the Code does not state that verbatim.” It is noted that the question specifically refers to *N.J.A.C.* 10A:31-17.8. In this regard, the section in which this code provision appears, subchapter 17, is titled, “Disciplinary Detention.” As such, Mr. Riker’s argument is misplaced.

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<sup>2</sup> *N.J.A.C.* 10A:31-6.8 (Availability of information to non-institutional persons or outside agencies) provides:

- (a) Information from adult inmate records shall be provided to law enforcement agencies or persons, who request it in the performance of their public duties.
- (b) Adult inmate records may be made available to the following agencies or persons:
  1. Courts of competent jurisdiction;
  2. The Attorney General;
  3. A county prosecutor;
  4. The State Parole Board;
  5. A county probation department; and
  6. Police departments.
- (c) Upon advice of the County Counsel, selected records of adult inmates shall be made available to government agencies or other authorized persons upon request. These agencies and persons include, but are not limited to, the following:
  1. The Social Security Administration;
  2. The Veterans Administration;
  3. Attorneys of record in pending cases, or investigating claims;
  4. Law enforcement agencies other than those in (b) above; or
  5. Medical or psychiatric doctors.

<sup>3</sup> *N.J.A.C.* 10A:31-17.8 (Recreation) provides that the facility shall provide inmate recreation outside the cells for at least five hours per week, unless security or safety considerations dictate otherwise.

Question 24 indicates that an inmate violated facility rules and you are reviewing the resulting disciplinary report submitted by your subordinate. The report contains the following information:

- The specific rule that was violated
- The inmate's unusual behavior
- The names of staff and/or inmate witnesses
- The disposition of physical evidence
- The immediate action that was taken
- The reporting member's signature
- The name of the staff person who delivered the disciplinary report to the inmate
- The date and time the disciplinary report was delivered to the inmate

The question asks for the required information that is missing pursuant to *N.J.A.C. 10A:31-16.3* (Disciplinary report).<sup>4</sup> The keyed response is option d, "facts supporting the charge as well as the date and time the report was prepared." Mr. Storcks misremembered the question as asking, "what was the ONLY thing missing from the list."<sup>5</sup> As such, his appeal of this item is misplaced.

Question 26 indicates that while on a security tour of the facility, you overheard a verbal argument between CO Ludlam and CO Allen in Housing Unit North. While speaking to CO Ludlam in the moat, CO Allen exited the control pod to speak with you. This resulted in the control pod being left unattended. The

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<sup>4</sup> *N.J.A.C. 10A:31-16.3* (Disciplinary report) provides:

- (a) Employees shall prepare a disciplinary report when the employees have reasonable belief that an inmate has committed a violation of the adult county correctional facility rules.
- (b) The disciplinary report shall include the following information:
  1. The specific rule violated;
  2. Facts supporting the charge;
  3. Unusual inmate behavior;
  4. Staff or inmate witnesses;
  5. The disposition of any physical evidence;
  6. Any immediate action taken, including the use of force;
  7. The reporting staff member's signature;
  8. The date and time the report is prepared; and
  9. The date, time and name of staff person who delivers the disciplinary report to the inmate.

<sup>5</sup> Mr. Storcks also misremembered option a as "facts supporting the charge." It is noted that option a states, "only the facts supporting the charge."

question asks for what you should have done first in this situation. The keyed response is option c, “Order CO Allen back to his post.” Mr. Hudak maintains that “hav[ing] the officer relieved by the roamer officer is the better answer in this situation.”<sup>6</sup> He notes that the policy indicates that there are three roamers in each Housing Unit and “if the supervisor reli[e]ved the officer first with the roamer officer then there wouldn’t have been an opportunity for the control pod to be left unmanned.” Booklet A, under the section, “General Facility Information,” provides:

Each of the four housing units contains four secure blocks and one central control pod (pod). The pods are manned at all times by a correctional officer (CO) who controls the doors for entrance to the housing unit and each of the four blocks. The area between the pod and the housing blocks is called the moat. Access to the pods is locked at all times, and control pod officers can only allow access into the pod when there are no inmates present in the moat.

The SMEs indicated that your *first* action is to secure the pod as they must be manned at all times. The SMEs noted that after the pod is secured, you can then order a roaming officer to relieve CO Allen. As such, the question is correct as keyed.

Question 27 indicates that Inmate Sellers told CO Rogers that Inmate Franks appears to be having a heart attack. CO Rogers called a Code Blue and you are heading to the scene now. The inmate population from Housing Unit North, Block A, including Inmates Sellers and Franks, are currently in the indoor recreation area. The question asks what your first priority should be when you arrive. The keyed response is option b, “Secure the inmates.” Ms. Gallo and Mr. Monaco argue that option a, “Administer first aid to Inmate Franks,” is the best response. Specifically, Ms. Gallo presents that the question indicates that a Code Blue has been called which means that the probe team “comes in to clear out no[n -]affected inmates and locks them in. Had that not been specifically stated the next best step would be to secure the inmates. However, even then I don’t believe securing the inmates would be a task of the responding supervisor. The supervisor responding would order the line officer to secure inmates. The probe team responding allows for the [Sergeant] to handle other issues and take the next step such as tending to the inmate who is having a medical emergency and administer first aid.” Mr. Monaco asserts that “your subordinate officer can easily secure the inmates in the day room. This is a medical emergency” and “the very FIRST action here needs to be to administer CPR.” Mr. Monaco maintains that “if I saw an inmate that needed CPR and failed to provide that in order to secure inmates in their cells, I would face severe disciplinary action and possibly worse . . .” The SMEs noted that you, as the Sergeant, are overseeing the scene in this situation. The SMEs determined that as the supervisor overseeing the probe team handling the Code Blue, you should first direct the officers to secure

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<sup>6</sup> Mr. Hudak appears to be referring to option b, “Order a roaming officer to relieve CO Allen,” which he misidentified as option c.

the inmates before doing anything else. In this regard, the SMEs noted that clearing out the non-affected inmates is important to ensure that the medical emergency is not a ploy and it also allows first aid to be properly administered to the affected inmate. As such, the question is correct as keyed.

Question 29 indicates that while conducting roll call, you notice that CO Cruz, who is usually very neat and well-groomed, has arrived to roll call unshaven with his uniform wrinkled. The question asks, as his supervisor, for the best way to handle this situation. The keyed response is option a, "After roll call, pull CO Cruz aside and ask if he is okay since he usually has a neat appearance." Ms. Gallo and Mr. Hudak contend that option d, "Order CO Cruz to write a report and go home to fix his appearance," is the best response. Specifically, they argue that pulling CO Cruz aside and asking if he is okay does not address the issue and does not remedy his appearance. The SMEs determined that you should first ask why CO Cruz has a messy appearance before taking further action, especially since he is usually very neat and well-groomed. The SMEs indicated that option d is incorrect because sending him home is not necessary. As such, the question is correct as keyed.

Question 30 indicates that CO Kim received a tip from Inmate Paulson that a weapon is hidden someplace in Housing Unit South, Block B. Inmate Paulson was vague since there were other inmates around. CO Kim asks you what she should do. The question asks for what should be done first. The keyed response is option b, "Request that Inmate Paulson be called to the medical unit and discreetly bring him to a secure area to talk more freely about the whereabouts of the weapon." Ms. Gallo and Mr. Storcks maintain that option a, "Instruct the officers in Housing Unit South to complete a search of the entire housing unit for the weapon," is the best response. They refer to *In the Matter of Stephanie Grant, et al.* (CSC, decided November 19, 2014) that in which "a similar question" was presented. It is noted that *In the Matter of Stephanie Grant, supra*, provided:

Question 59 indicates that Correction Officer Nivens approaches you and explains that Inmate Baker has told her there is a weapon in the housing unit. Inmate Baker is currently waiting in his cell. The question asks for the action you should take at this point. The keyed response is option a, "Order the housing unit to go on lockdown and call for additional officers." Mr. Storcks asserts that option c, "Go to Inmate Baker's cell and question him about the weapons," is the best response. He argues that you would be locking down the unit based on the hearsay of an inmate. He presents that "prior to locking the unit in, the officer or supervisor should conduct an investigation to gather more information. To do this, you would have to go to the inmate[]s cell and question him for more information." If the Sergeant questions Inmate Baker in his cell, the Sergeant may alert other inmates that Inmate Baker is an informer which may create a dangerous situation for Inmate

Baker and jeopardize a source of information. Furthermore, the SME indicated that when there is even a suggestion that a weapon is present, the area should be searched immediately. As such, the question is correct as keyed.<sup>7</sup>

It is noted that the Division of Test Development and Analytics determined to double key question 30 to option a and option b, prior to the lists being issued.

Question 31 indicates that CO Allen complains to you that he is treated unfairly and receives the most undesirable post assignments. The question asks for the best way to handle this situation. The keyed response is option d, “Explain that although post assignments are based on seniority and merit, there is a possibility for more suitable assignments in the future.” Messrs. Rebnicky and Storcks assert that option a, “Acknowledge CO Allen’s frustrations and explain that you will discuss the issue with Lieutenant Baker to see if anything can be done,” is the best response. In this regard, Mr. Rebnicky argues that option a “acknowledges the situation in its entirety by addressing the officer’s feelings and frustrations.” Mr. Rebnicky maintains that option d only addresses “processes and procedures but [does] not identif[y] why the officer feels he is being treated unfairly, which may subject the department to legal liability.” Mr. Storcks presents that Booklet A “had no policy on how assignments were given out, how often they are updated, who updates them, or how assignments are given or taken. Also[,] what is not included is what a ‘bad assignment’ is . . . I took into account that the words[,] ‘treated unfairly[,]’ was a possible harassment issue occurring . . . The [keyed response] does not acknowledge or investigate any potential further issues, but merely stops Officer Cruz [*sic*] and his complaint without looking further into it. It does not thoroughly handle his ‘mistreatment.’”<sup>8</sup> It is noted that Booklet A indicates that CO Allen has two years of experience and is “relatively new to the facility.” Moreover, it appears that only CO Kim, who has been on the job for six months, has less seniority in the department than CO Allen. This suggests that CO Allen’s dissatisfaction with his assignments is based on his lack of seniority. With respect to option a, given, as argued by Mr. Storcks, that there is no specific policy regarding assignments in Booklet A,<sup>9</sup> it is not clear as to whether the Lieutenant is responsible for or has any involvement in determining assignments. Furthermore, assuming *arguendo* that CO Allen’s claim that he is being “treated unfairly” is a separate and distinct issue from his assignments, you do not have enough information at this point to determine whether

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<sup>7</sup> It is noted that the answer choices presented in question 30 and those presented in question 59 were not identical.

<sup>8</sup> It is noted that Mr. Storcks misremembered the question as indicating that CO Cruz, rather than CO Allen, complains to you.

<sup>9</sup> As noted in the “Introduction” to Booklet A, “the material is not intended to be comprehensive or exhaustive, nor is it the sole source of answers to the situational judgment questions.”

Lieutenant Baker would be the appropriate individual to address the matter. Thus, option a is not the best response.

For question 32, since Mr. Rebnicky selected the keyed response, his appeal of this item is moot.

Question 33 indicates that Inmate Arroyo has been exhibiting bizarre behavior and needs a psychological evaluation. You have been told that the medical unit has been contacted and is awaiting the arrival of the inmate. You, along with CO Golding, speak to the inmate, who tells you that he is not willing to leave his cell. The question asks for the best way to handle this situation. The keyed response is option d, "Keep Inmate Arroyo under observation until a response team arrives to extract Inmate Arroyo from his cell." Ms. Gallo and Messrs. Hudak and Nagy maintain that option b, "Have a mental health clinician go to the cell to perform the psychological evaluation," is the best response. Specifically, Ms. Gallo contends that "having mental health respond would allow for evaluation on site and eliminate any unnecessary use of force that could occur." Mr. Hudak asserts that "in past practice (Question #44 from SGT test given in 2014, see attached)<sup>10</sup> when an inmate was refusing to get dressed to be escorted to a visit, the keyed response was to call medical staff to assist with the inmate." Mr. Nagy argues that having a mental health clinician "come to his cell to evaluation psychological well[-]being is the best choice because it allows the evaluation to continue but yet there is no risk of injury to officers or the inmate." The SMEs determined that you should avoid putting a civilian employee in the housing unit and you should avoid conducting the evaluation in front of other inmates. As such, option b is not the best response.

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<sup>10</sup> It is noted that Mr. Hudak did not provide an attachment for this item. However, it appears that he is referring to *In the Matter of Stephanie Grant, supra.*, which provided, in part:

Question 44 indicates that you and an officer have been assigned to escort Inmate Rodriguez, who is on suicide watch and in protective custody at his own request, to the visiting room. When the officer orders Inmate Rodriguez to get dressed for his visit, the inmate does not respond and just stares at the wall. After being told two more times to get ready for his visit, Inmate Rodriguez slowly begins to get dressed. Inmate Rodriguez stops getting dressed before putting on his pants and socks. The question asks what you should do in this situation. The keyed response is option c, "Call medical staff to assist with Inmate Rodriguez." . . . [The SME] indicated that since the question indicates that the inmate is on suicide watch, it is critical to have medical staff involved. In this regard, the SME noted that because custody staff do not know the circumstances underlying the suicide watch, it would be inappropriate for custody staff to begin a discussion with Inmate Rodriguez given that such a discussion may agitate the inmate to the point of doing himself harm. The SME concluded that it is best for trained medical staff to address this issue. As such, the question is correct as keyed.

Thus, the circumstances presented in question 44 are dissimilar to those presented in question 33. As such, Mr. Hudak's argument is misplaced.



Question 34 indicates that CO Kim assisted in breaking up a physical fight between Inmate Boyle and Inmate Cohen. Inmate Boyle bit CO Kim during the altercation and drew blood. CO Kim put a bandage on her wound and continued working. Her wound became infected and CO Kim had to miss two days of work. The question asks what you should have advised CO Kim to do to prevent her wound from becoming infected. The keyed response is option c, “Go to medical to have the wound cleaned and then go to the hospital for further observation.” Mr. Connell argues that option b, “Complete an incident report and send her home for the day to get her wound looked at,” is the best response. He refers to *N.J.A.C. 10A:31-8.17(f)* (Use of force) which provides, in part, that, “following the use of physical force, written reports shall be prepared and completed before the completion of the tour of duty by the custody staff members involved.” He also refers to *N.J.A.C. 10A:31-8.22* (Reports) which provides, in part, “the custody staff member shall immediately contact the shift commander and shall write a special report when the custody staff member participated in, or witnessed an incident in use of force resulted in death or serious bodily harm”<sup>11</sup> and “the report shall contain a description of the injuries suffered, if any, and medical treatment given.”<sup>12</sup> With respect to option b, the SMEs indicated that although completing an incident report is important, receiving proper medical treatment for the wound is the first priority. In this regard, the SMEs noted that the portion of option b which states, “send her home for the day to get her wound looked at,” is incorrect because the wound should be evaluated by a medical professional as soon as possible, especially before leaving the facility. Accordingly, option b is not the best response.

Question 35 indicates that there have been recent policy changes at your facility, which the officers are unhappy about. You overhear CO Golding negatively talking about the changes in policy to CO Cruz and CO Kim. You know that this is not the only negative discussion between members of your staff regarding the policy changes. The question asks for the best way to handle this situation. The keyed response is option a, “Address all officers together to explain why the changes in policy were made.” Mr. Rebnicky maintains that option b, “Meet with CO Golding privately and tell him not to negatively influence the newer officers,” is the best response. He argues:

[C]ustody staff members work 7 a.m. – 7 p.m. or 7 p.m. – 7 a.m. shifts, with alternating days on and off. Administrative Staff members work 8 hours a day, 5 days a week. Based on the materials, I would be assigned the role of a Custody Staff member. Since I am not an Administrative Staff member, I would not have the opportunity to discuss policy changes with all officers at the same time, as shifts would not overlap.

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<sup>11</sup> See *N.J.A.C. 10A:31-8.22(a)2*.

<sup>12</sup> See *N.J.A.C. 10A:31-8.22(b)5*.

In regards to policy changes, Administrative Staff are involved in the creation and change of policy and would be better equipped to communicate why the policy changes were made . . . [B]ecause you directly overheard C/O Go[l]ding speak to Officers Kim and Cruz, and can privately discuss his lapse in jud[g]ment and request that he avoid negatively influencing new officers.

As noted above, the question specifically states, “You know that this is not the only negative discussion between members of *your staff* regarding the policy changes” (emphasis added).<sup>13</sup> Thus, it is not clear why Mr. Rebnicky argues that he would need to address all of the officers in the facility. In addition, option b indicates that you are only speaking with CO Golding. However, the question indicates that you are aware that other negative discussions between members of your staff regarding the policy changes that have occurred. As such, only speaking with CO Golding does not address the issue with respect to the other officers under your command. Accordingly, option b is not the best response.

Question 36 indicates that Inmate Roberts approached CO Cruz with a complaint of feeling ill and requesting to go to the medical unit. CO Cruz contacted the medical unit and was told to send the inmate to the unit. After evaluation by the medical staff, it was found that Inmate Roberts feigned his illness to express a concern he has within his housing unit. Inmate Roberts was placed back in his cell. Later that evening, Inmate Roberts was assaulted by his cell mate and had to go to the hospital for his injuries. The question requires candidates to determine what should have been done first to prevent the assault. The keyed response is option d, “Inmate Roberts should have been brought to a secure area to investigate the situation.” Mr. Santiago asserts that option b, “A disciplinary institutional charge should have been against Inmate Roberts for feigning illness,” is the best response. In this regard, he refers to the Monmouth County Inmate Handbook to support his contention. It is noted that for questions 26 through 60, candidates were instructed to “use the stimulus material in Booklet A to help you answer the questions.” Thus, it is not clear why Mr. Santiago refers to the Monmouth County Inmate Handbook. Furthermore, the question asks candidates to determine what should have been done to prevent the assault. Mr. Santiago does not explain how issuing a disciplinary charge would have prevented the assault. Moreover, the SMEs indicated that disciplining the inmate at this point would not be appropriate since you should first talk to the inmate before determining if disciplinary action is warranted. Thus, the question is correct as keyed.

Question 37 indicates that while on tour of Housing Unit North, Block C, you notice that a piece of paper was placed over the cell window of Inmates Jackson and McKinnon. You knocked on the cell door and opened the door to find Inmate Jackson

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<sup>13</sup> In this regard, Booklet A indicates that “you are a newly-promoted sergeant. You command Alpha Shift, which is made up of nine Correctional Officers (COs) whose shift times are 7 am – 7 pm.”

with a sheet wrapped around her neck. The sheet was tied to the anchors of the top bunk and she was sitting on the top bunk. Before you could do anything, the inmate slid off the top bunk to use her body weight to hang herself. The question requires candidates to determine what should be done first. The keyed response is option c, “Call a Code Blue.” Mr. Monaco argues that option a, “Cut the sheet so the inmate cannot hang herself,” is “the very first priority here, even before calling a code. Every second matters in a life threatening situation . . . Not taking immediate action to cut down the inmate FIRST goes against all training I have had in my facility, at my PTC police academy, and the NJ State Correction Academy . . .” The SMEs indicated that a Code Blue should be called before doing anything else so that back up will arrive to assist with the inmate and securing any other inmates that may be in the area. The SMEs further indicated that you should call the code before trying to cut the sheet or render first aid in the event that you are not successful so that other staff members are aware and are on the way. As such, the question is correct as keyed.

Questions 44 and 45 refer to the work schedule for CO Golding presented to candidates in the test booklet.<sup>14</sup>

Question 44 indicates that the quarter started in April. The question asks, assuming that CO Golding did not have any shift swaps in April, how many more shift swaps he has remaining this quarter. The keyed response is option b, 2. Mr. Gomola argues that “the questions asks if no s[h]ift swaps are taken in April, how many shift swaps are left” and “the correct answer should be 9 shift swaps because 0 shift swaps in April leaves 9 shift swaps left. The question does not specify to include the shift swaps in May when determining the answer.”<sup>15</sup> The instructions for questions 44 and 45 advise candidates, “Questions #44 and #45 are based on the following schedule for CO Golding.” Thus, Mr. Gomola’s argument is misplaced. Mr. Storcks argues that option d, 4, is the best response. Mr. Storcks presents that “a shift switch to me, is when one employee agrees to ‘switch’ shifts, whether it be an

<sup>14</sup> Candidates were provided with the following work schedule for CO Golding in the test booklet:

MAY 2017						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	5/1 7a-7p <b>OFF (ST)</b>	5/2 7a-7p <b>OFF (SS)</b>	5/3 OFF <b>7a-7p(SS)</b>	5/4 OFF <b>OFF</b>	5/5 7a-7p <b>OFF (R/O)</b>	5/6 7a-7p <b>OFF (R/O)</b>
5/7 7a-7p <b>7a-12a (OT)</b>	5/8 OFF <b>OFF</b>	5/9 OFF <b>OFF</b>	5/10 OFF <b>OFF</b>	5/11 7a-7p <b>OFF (SS)</b>	5/12 7a-7p <b>7a-10p (OT)</b>	5/13 OFF <b>OFF</b>
5/14 OFF <b>OFF</b>	5/15 7a-7p <b>7a-7p</b>	5/16 7a-7p <b>7a-7p</b>	5/17 7a-7p <b>7a-7p</b>	5/18 OFF <b>7a-7p (SS)</b>	5/19 OFF <b>7a-7p (SS)</b>	5/20 OFF <b>7a-7p (SS)</b>
5/21 7a-7p <b>7a-7p</b>	5/22 7a-7p <b>7a-7p</b>	5/23 OFF <b>OFF</b>	5/24 OFF <b>OFF</b>	5/25 7a-7p <b>OFF (R/O)</b>	5/26 7a-7p <b>OFF (ST)</b>	5/27 7a-7p <b>OFF (R/O)</b>
5/28 OFF <b>OFF</b>	5/29 OFF <b>7a-7p (SS)</b>	5/30 7a-7p <b>7a-7p</b>	5/31 7a-7p <b>OFF (ST)</b>	6/1	6/2	6/3

RO = Request Off (vacation time)  
OT = Overtime  
SS = Shift Swap w/ another CO  
ST = Sick Time

<sup>15</sup> It is noted that “9” was not provided as an answer choice to candidates.

actual shift, or a shift on a different day. A complete ‘shift switch’ [(SS)] is 1 shift ON and 1 shift OFF.” He argues that using this procedure, “and seeing 5 days worked SS, and 2 days off SS – I feel he only worked 5 SS’s and can work 4 more before the end of the quarter.” Booklet A, under the heading, “General Personnel Information,” provides that “custody staff are allowed to trade shifts with each other at a maximum of nine times per quarter, which is three months.” There is no further information regarding trading shifts in Booklet A. Thus, it is not clear why Mr. Storcks assumed that a shift swap means “1 shift ON and 1 shift OFF.” As such, Mr. Storcks’ argument is misplaced.

Question 45 presents candidates with four statements and requires candidates to complete the following sentence, “CO Golding violated the facility’s scheduling policy by . . .” The keyed response is option b, III, “working too many additional hours in one day,” and IV, “working too many shifts in one week,” only. Mr. Gomola argues that Booklet A “does not state that after working six days in a row that there must be a mandatory day off even on the seventh day if the working starts is the beginning of the following week (which is a new week). This is missing information. Working too many hours should not be a violation for question 45. There is no violation the CO did. Therefore, there is no true correct answer for question 45 since the CO did not violate any policies.” Booklet A, under the heading, “General Personnel Information,” provides, in pertinent part:

- Custody staff work a set 7 a.m.-7 p.m. or 7 p.m.-7 a.m. shift, with an alternating two days on, two days off, three days on, three days off, two days on, etc. Staff cannot work more than six days in a row . . .
- Custody staff can work overtime of up to four additional hours per shift. Under no circumstance may an officer work more than sixteen hours in a given shift.

The policy indicates that that officers cannot work more than six days in a row and does not indicate six days per week, as Mr. Gomola argues. The work schedule indicates that CO Golding worked from May 15 through May 22, or eight days in a row. In addition, the work schedule indicates that CO Golding worked from 7:00 a.m. on May 7 to 12:00 a.m. on May 8, or 17 hours. Thus, he is in violation of the two above noted policy provisions. As such, the question is correct as keyed.

Question 50 indicates that you are counseling CO Prendergast regarding her poor judgment in keeping track of the flow of inmates within her housing unit. She has lost track of inmates who have been sent to court and sometimes gets confused about inmate release procedures. You know that she has been given a verbal warning regarding this issue. When you ask her why she can’t keep track of these details she tells you, “The other housing unit officers aren’t doing their part by keeping me informed of inmate movement.” This is the first time you have heard about any

problems with other housing unit officers in regard to this issue. The question asks for the steps you should take to ensure inmates are properly tracked in your area of responsibility. The keyed response is option b, "Give CO Prendergast a formal written warning and ask why she hasn't reported the problem with the other housing unit officers previously." Mr. Nagy contends that option a, "Speak to your officers about the issue to see what they can do about making things manageable for CO Prendergast," is correct. He argues that the question "already indicates that you are counseling Officer Prendergast for poor judgment, which implies some sort of documentation is already started. The next step . . . would be to a) determine why Officer Prendergast has not reported the issues previously [and] b) ascertain facts about the issue and see what [you can] do as a Supervisor to help correct this problem." With respect to option a, the SMEs indicated that you do not know if CO Prendergast is telling the truth. In addition, the SMEs noted that this would not be an appropriate action to take in this situation. The SMEs determined that since CO Prendergast has been warned about this issue previously and you are not aware of any issues from other areas, a formal write up should be given to CO Prendergast. Thus, the question is correct as keyed.

Question 51 indicates that when briefing Sergeant Sauers on the previous shift's activities, he does not give his usual verbal feedback. When you ask him if he heard you, he replies, "I'm really tired and just need to wake up." His eyes are bloodshot and his hair is not groomed as usual for him, but everything else seems normal. You haven't heard or received any complaints from facility staff regarding Sgt. Sauers' performance. The question asks for the best way to handle this situation. The keyed response is option a, "Ask Sgt. Sauers if he needs any immediate assistance." Mr. Hudak argues that option b, "Reach out to Lieutenant Lawson and tell him about Sgt. Sauers condition," is the best response since "it stated in the question that you already asked him if he was ok.<sup>16</sup> Sgt. Sauers could be experiencing a type of medical episode and not be aware of it. By not informing Lt. Lawson, the oncoming supervisor, of Sgt. Sauers[] condition you would be putting the entire facility at risk if Sgt. Sauers was to become unconscious exposing the security of the jail." The SMEs determined that an officer working the overnight shift may simply be tired and is not cause enough to reach out to a superior officer. As such, the question is correct as keyed.

Questions 52 and 53 refer to the following scenario presented in the test booklet:

Housing Unit East has called a Code Brown and you are assembling at the armory with Officers Rogers, Ludlam, Golding, and Cruz. As officers are putting on their gear, you notice that CO Golding does not fasten the

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<sup>16</sup> As noted above, the question indicates that you ask Sergeant Sauers if he heard you and not whether his is ok.

chin strap on his helmet. CO Cruz points to Golding's chin strap, makes a questioning look, and Golding shakes his head and says, "These little straps are always too tight around my chin so I'm not buckling this thing anymore. Hey sergeant, when is this place gonna get equipment that actually works?"

Question 52 asks for the immediate action you should take. The keyed response is option d, "Order CO Golding to fasten his chin straps." Mr. Rebnicky argues that option a, "Relieve CO Golding from responding to the Code Brown,"<sup>17</sup> is correct. Specifically, Mr. Rebnicky presents that "by disregarding what the officer has stated and ordering him to fasten his chin strap, you may be subjecting him [to] serious risk of injury if it is necessary for the reaction team to assist the probe team." Mr. Roman, who selected option a, refers to *N.J.A.C. 10A:31-9.1* (Determining equipment needs)<sup>18</sup> for the proposition that if equipment is not available, response time may increase, and *N.J.S.A. 34:6A-33* (Responsibilities of employers)<sup>19</sup> for the proposition that if equipment does not fit, it may cause injury. Mr. Santiago maintains that option c, "Answer CO Golding's question as best you can, and allow him to wear his helmet without the straps for now," is correct. Mr. Santiago contends that ordering CO Golding "to fasten the strap that's already too tight doesn't make any sense" and could "potentially injure or choke him." Mr. Santiago also asserts that option c indicates that CO Golding "is going to be checked to see if the strap is too tight or not confirming his allegation." With respect to option a, the SMEs indicated that you would only take this action if CO Golding refused orders to fasten his chin strap, which is not indicated in the question. With respect to option c, the SMEs indicated that you would not have time for such a conversation during a Code Brown, and it would be unsafe to allow CO Golding to wear his helmet without fastening his

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<sup>17</sup>It is noted that Mr. Rebnicky misremembered option a as stating, "Release C/O Goulding and replace him with another officer," which was not provided as an answer choice to candidates.

<sup>18</sup> *N.J.A.C. 10A:31-9.1* provides, "Careful analysis of the physical plant, the inmate population profile, and other relevant factors shall be utilized in determining the equipment an adult correctional facility needs for maintaining effective security and a state of readiness to adequately respond to major disturbances."

<sup>19</sup> It is noted that Mr. Roman cites the "Public Employees' Occupational Safety and Health Act Regulations 36:6A-33." It appears that Mr. Roman is referring to the Public Employees' Occupational Safety and Health Act which was codified under *N.J.S.A. 34:6A-25 et seq.* In this regard, *N.J.S.A. 34:6A-33* provides:

Every employer shall:

- a. Provide each of his employees with employment and a place of employment which are free from recognized hazards which may cause serious injury, physical harm or death to his employees; and
- b. Comply with occupational safety and health standards promulgated under this act.

chin strap. The SMEs determined that for proper safety and security, you should make CO Golding fasten the straps regardless of comfort. As such, the question is correct as keyed.

Question 53 asks for the first action you should take after the Code Brown has been resolved. The keyed response is option c, “Thoroughly inspect the equipment after the code to see if CO Golding’s complaint is justified.” Ms. Gallo asserts that option b, “Issue a verbal warning to CO Golding regarding personal safety and caution against the adverse effect on officer morale caused by lack of confidence in safety gear,” is the best response. In this regard, she argues that “it is important to immediately address the initial refusal to buckle the strap and the fact that he had to be ordered to do so. It also address[es] the issue of complaining in front of other officers about equipment. This could create a doubt about using the equipment and make the officers feel as if no one cares about their safety which brings morale down.” She contends that option c would follow option b. Option b assumes that CO Golding refused to fasten his chin strap. However, as noted previously, question 52 did not indicate that you ordered CO Golding to fasten his chin strap and he refused to do so. As such, option b is not the best response.

Question 55 provides:

You have volunteered to work approved overtime with CO Garvey escorting Inmate Klinefelter to the hospital. After Inmate Klinefelter has been put into his room, you leave CO Garvey to watch the inmate while you speak with medical personnel regarding the inmate’s condition. When you get back to the area ten minutes later, you see CO Garvey speaking with a young woman outside of Klinefelter’s room. As you approach, CO Garvey tells you, ‘This is Klinefelter’s daughter and she would like to go inside and visit her father privately for a few minutes.’ The young woman produces two forms of identification that confirm her relation to Inmate Klinefelter and you recognize her from facility visitations.

The question asks for the best way to handle this situation. The keyed response is option a, “Decline the young woman’s request to see Inmate Klinefelter.” Messrs. Riker and Storcks maintain that option b, “Conduct a search of the visitor and allow the visitor to see Inmate Klinefelter under supervision,” is correct. Specifically, Mr. Riker argues that Booklet A “does not cover hospital visits. You[,] as the Sergeant and highest ranking officer and a designee of the administrator[,] have the authority to approve the visit” and refers to *N.J.A.C. 10A:31-20.8* (Special visits).<sup>20</sup> Mr. Riker

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<sup>20</sup> Mr. Riker states, “as per 10A:20.8, Special Visits . . .” However, it appears that he is referring to *N.J.A.C. 10A:31-20.8* which provides:

contends that “the SME[s]’ opinion of this situation I believe to be incorrect. There is no reason to deny the visit . . . There is no information provided as to why the visit should be denied. There does not seem to be a danger to you, the Sergeant, the Officer, or the inmate. The female was searched, her ID was verified and you are supervising the visit.” Mr. Storcks asserts that “a Sergeant can easily grant a supervised ‘non-contact’ visit to this known visitor. A search of the female visitor would be authorized as you would not be conducting a strip search on her. She can simply empty her pockets and not be allowed to bring any belongings into the room. She could stay at the foot of the bed and be denied contact with her father, the inmate.” The SMEs determined that searching the woman would be inappropriate in this situation. The SMEs also noted that the woman should be denied entry in case she is carrying contraband. Thus, option b is not the best response.

Question 56 provides:

At 1000 hours CO Rogers escorted inmates in Housing Unit North Block A to the outdoor recreation yard. At 1015 hours, just after a meeting with Administration, you decide to check on the outdoor recreation yard. Upon arrival to the outdoor recreation area, CO Rogers is not in the foyer and, from what you can see, not in the outdoor recreation yard. You call CO Rogers on the radio and do not receive a response. The inmates in the recreation yard are participating in various activities and do not seem to be exhibiting any unusual behavior.

The question asks what you should do at this point. The keyed response is option c, “Call additional officers to the area and begin searching for CO Rogers.” Messrs. Gomola and Riker assert that option d, “Call a Code Grey,” is the best response. Mr. Gomola presents that the situation may be under control “but, again CO Rogers may be in some kind of harm, but out of eyesight . . . CO Rogers could be getting a beat down by the inmates in an area out of eyesight.” Mr. Riker argues that the SMEs “are not considering the dangers presented in enter[i]ng the yard without direct

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(a) Prior arrangements should be made for special visits, if possible.

- (b) Special visits may include, but are not limited to:
1. Visits from persons who have come long distances;
  2. Visits to hospitalized inmates;
  3. Visits to inmates in disciplinary status; and
  4. Visits between inmates and:
    - i. Members of the clergy;
    - ii. Social service agency representatives;
    - iii. Prospective employers;
    - iv. Sponsors;
    - v. Parole advisors; and
    - vi. Foreign counsels.



knowledge of the situation at hand. The SME[s] did not consider that the officer[']s radio could be malfunctioning, or worse[,] that the officer could have been taken hostage and the inmates are waiting for an officer response to take more officers hostage and create a bigger disturbance.” Ms. Gallo and Messrs. Connell<sup>21</sup> and Palma maintain that option a, “Notify Lieutenant Baker to recommend a lockdown of the facility,” is the best response. In this regard, Ms. Gallo contends that “you don’t know if C/O Rogers was harmed, taken hostage or if some type of medical emergency has affected him causing him not to answer. Notifying the L[ieutenant] would alert him to a serious issue that is taking place as well as following the chain of command.” Mr. Connell avers that “the Lieutenant needs to be notified of your intent to enter and search an area. Only calling for additional support is not enough.” Mr. Palma presents that “no jail would allow a [S]ergeant to call in a ‘search party’ to look for a missing officer without notifying the next level supervisor (Lieutenant). It is instilled in every correctional officer[']s training to be aware for a potential trap or set ups from inmates.” Mr. Monaco contends that option b, “Enter the outdoor recreation area and begin a search for CO Rogers,” is the best response. Mr. Monaco presents, “why take staff away from other posts to respond when nothing unusual appears to be going on[?] . . . [I]f the officer is in some kind of danger, either medically or under hostage by inmates, the supervisor is already present there and should immediately begin to investigate the area, rather than wait for extra staff to arrive.” With regard to option a, Booklet A indicates that CO Rogers “will leave his post (with permission) for longer than usual periods (e.g., using the rest room) and he is not as conscientious as he used to be.” As such, the SMEs determined that your first priority should be to search for CO Rogers before calling for a lockdown. Regarding option b, the SMEs determined that entering the outdoor recreation area alone is dangerous and could be a set-up. Regarding option d, the SMEs noted that a Code Grey is not appropriate at this point since the situation is technically not under control, *i.e.*, a potential missing officer.<sup>22</sup> Accordingly, the question is correct as keyed.

Question 57 provides:

You receive a call from CO Ludlam asking you to address an issue regarding an inmate in Housing Unit North Block C. When you arrive to North Block C you observe Inmate Arroyo crying on his bunk. CO Ludlam tells you he observed the inmate in a heated telephone conversation about an hour ago and decided to check up on him. When he arrived at the cell he observed Inmate Arroyo crying and started talking with him. Inmate Arroyo explained that his wife wants a divorce and that he can’t live without her. CO Ludlam then called you to take

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<sup>21</sup> It is noted that Mr. Connell selected option d.

<sup>22</sup> Booklet A indicates under the section, “General Standard Operating Procedures (SOPs),” that a Code Grey means “situation still ongoing but under control.”

further action. You confirmed CO Ludlam's information by speaking to Inmate Arroyo.

The question asks what you should do with Inmate Arroyo. The keyed response is option b, "Have Inmate Arroyo escorted to medical for evaluation." Mr. Nagy argues that option c, "Tell CO Ludlam to keep an eye on Inmate Arroyo to see if his condition improves over time," is the best response. He asserts that a Sergeant "should not be completing an escort when it can be delegated to your officers." The SMEs determined that an officer cannot be dedicated to "keep an eye on Inmate Arroyo" to ensure that his condition improves over time and doing nothing may worsen his condition. The SMEs indicated that a medical evaluation can accurately assess Inmate Arroyo's immediate needs. As such, the question is correct as keyed.

Question 58 provides:

During his stay at your facility, Inmate Anderson got along well with CO Banks. Inmate Anderson was recently released from your facility and is in a work release program. You heard rumors that CO Banks keeps in touch with Mr. Anderson, but this was confirmed one afternoon when you overheard CO Banks telling CO Carter that she recently got off the phone with Mr. Anderson. Later that day, Lieutenant Baker tells you she wants to meet with you tomorrow morning to discuss the situation. In preparation for the meeting, you know it will help if you are able to identify the key issue with this situation.

The question asks for the most important issue in this situation. The keyed response is option b, "Is CO Banks having an inappropriate relationship with Mr. Anderson?" Ms. Gallo presents that option a, "What is the facility's liability in this situation?," is the best response. Ms. Gallo contends that "there is some kind of relationship established outside of the facility . . . [and] any relationship between [an] officer and an inmate is inappropriate." Ms. Gallo maintains that since Booklet A does not provide a policy regarding fraternization between staff and inmates, "[I,] as the supervisor, would need to know how the jail would be liable . . ." Messrs. Hudak and Rebnicky argue that option c, "Did Mr. Anderson take advantage of his friendship with CO Banks during his time in the facility?," is the best response. In this regard, Mr. Hudak contends that "the keyed response is repetitive to what you have already been made aware of. [Booklet A] does not cover anything regarding staff and inmate fraternization" but "according to past practice with inmate fraternization, you already determined that Officer Banks is having an inappropriate relationship with Mr. Anderson, being that he was recently release[d] from the facility." Mr. Rebnicky maintains that "an inappropriate relationship has already been confirmed when you overhear Officer Banks tell Officer Carter that she just got off the phone with [Mr.] Anderson. Furthermore, any type of communication between an officer and a former inmate on a personal level, would be considered inappropriate/fraternization."

Although the appellants conclude that CO Banks and the inmate are having an inappropriate relationship, it is noted that this is not clear from the information provided in the question stem. In this regard, Messrs. Hudak and Rebnicky do not explain how they determined that since “Inmate Anderson got along well with CO Banks” means that they had a “friendship” as indicated in option c. In addition, although the question indicates that you heard rumors that CO Banks keeps in touch with Mr. Anderson, you do not know what the nature of this contact is. Furthermore, you do not know the content of the phone call you overheard CO Banks mentioning, *e.g.*, Mr. Anderson may have called and CO Banks may have told him that it was inappropriate and hung up. Thus, the SMEs indicated that the nature of the relationship between CO Banks and Mr. Anderson would need to be determined first before exploring any further questions. As such, the question is correct as keyed.

Question 60 indicates that CO Ludlam abused his sick time by using more sick time than was allotted to him within the year. CO Ludlam confides in you that he used the sick time to take care of a family member who is chronically ill, but does not have any documentation from a doctor to prove he was caring for a family member. The question asks for the best way to handle this situation. The keyed response is option a, “Discipline (*e.g.* verbal warning) CO Ludlam and tell him that he must bring documentation in the future.” Since Ms. Gallo selected the keyed response, her appeal of this item is moot. Mr. Hudak argues that option d, “Ensure the incident is documented for his performance evaluation,” is the best response. Mr. Hudak contends that Booklet A indicates that CO Ludlam “has below average performance evaluations. In this instance, it is possible that Officer Ludlam has been verbally warned in the past and the next step of progressive discipline shall be issued.” Mr. Hudak also presents that option d indicates “a written verbal warning” and thus, “it appears as though the warning was not documented. It is important to initiate discipline and document the reason for the discipline for future incidents.” It is not clear how Mr. Hudak arrived at the conclusion that CO Ludlam’s below average performance evaluation equates to discipline. In this regard, it is noted that Booklet A does not provide the disciplinary history for CO Ludlam. Regarding documentation, Mr. Hudak does not explain why he would not document his discussion with CO Ludlam regarding this issue and that a verbal warning was issued. Moreover, the SMEs determined that option d only pushes the issue off to a later time.

For questions 61 through 70, candidates were provided with a “Narrative,” “Bail Bond Application” and “Arrest Warrant” in their test booklets. Candidates were instructed that each of these documents contain inconsistencies with one of the other documents or both documents, which indicates that they were not completed correctly. Candidates were required to determine which statement (a, b, c, or d)<sup>23</sup> best described the inconsistencies in the reports.

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<sup>23</sup> Candidates were provided with the following statements:

Question 70 refers to the date of arrest. The keyed response is option c, “The Narrative, Bail Bond Application and Arrest Warrant are all the same.” Mr. Nagy contends that option d, “The Narrative, Bail Bond Application and Arrest Warrant all differ from one another,” is correct.<sup>24</sup> Specifically, he presents that “although the date may have appeared the same, they were NOT identical.” It is noted that the Narrative indicates that “Robert Lance Hurley . . . was arrested by Officer Brian Richards . . . on March 30, 2017 . . .” The Bail Bond Application indicates, under the section, “Arrest Information,” “Date: 03/30/17.” The Arrest Warrant, under the section providing a description of the offenses and charges, indicates, “The defendant was arrested . . . on March 30, 2017.” Thus, while these documents may not have presented the date of arrest in the same format, they all reflect the same date. In this regard, the information in the documents is consistent. As such, the question is correct as keyed.

### 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.

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(a)	The <b>Narrative</b> differs from the <b>Bail Bond Application</b> only
(b)	The <b>Narrative</b> differs from the <b>Arrest Warrant</b> only
(c)	The Narrative, Bail Bond Application, and Arrest Warrant are <b>all the same</b>
(d)	The Narrative, Bail Bond Application, and Arrest Warrant <b>all differ</b> from one another

<sup>24</sup>It is noted that Mr. Nagy selected option a, “The Narrative differs from the Bail Bond Application only.”

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION  
THE 4TH \_\_\_\_\_ DAY OF OCTOBER \_\_\_\_\_, 2017



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Robert M. Czedz, Chairperson  
Civil Service Commission

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