



STATE OF NEW JERSEY

In the Matter of Eric Matlock, *et al.*,  
County Correction Captain (various  
jurisdictions)

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2017-3849, *et al.*

Examination Appeal

ISSUED: AUG 21 2017 (JH)

Eric Matlock (PC2061U), Atlantic County; Vera Cornelius (PC2063U), Essex County; Paul Deamicis (PC2065U), Middlesex County; and John Saenger (PC2067U), Union County; appeal the promotional examination for County Correction Captain (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 4, 2017 and consisted of 70 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A (County Correction Captain Supplemental Examination Material) and Booklet B (2017 County Correction Captain Examination). Booklet A contained stimulus material and Booklet B contained the exam questions.

Messrs. Deamicis and Matlock present that they were only provided with 30 minutes for review and their ability to take notes on exam items was severely curtailed. As such, they request that any appealed item in which they selected the correct response be disregarded and that if they misidentified an item number in their appeals, their arguments be addressed.

Regarding review, it is noted that the time allotted for candidates to review is a percentage of the time allotted to take the examination. The review procedure is 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:

For question 15, since Messrs. Deamicis and Saenger selected the keyed response, their appeals of this item is moot.

For question 20, since Mr. Deamicis selected the keyed response, his appeal of this item is moot.

Question 28 indicates that Sergeant Unger calls you over the radio to report an incident happening in the Female Housing Unit. Inmate Conroy, who has a history of mental illness, has been yelling derogatory comments from her cell about officers and other inmates and has refused orders to stop. The question asks for what you should do first. The keyed response is option d, "Assemble a team to remove the inmate from her cell." Ms. Cornelius and Messrs. Matlock and Saenger maintain that option b, "Go and talk to the inmate to see what is wrong," is correct. Specifically, Ms. Cornelius inquires, "why would the most extreme measure be taken first?" In this regard, she presents that it is unclear whether the Sergeant has spoken with the inmate in order to determine why she is yelling. Mr. Matlock adds that cell extraction "is a higher level of force that could have the potential to injure staff and or this female inmate." The Subject Matter Experts (SMEs) indicated that in some situations, extracting the inmate would be appropriate as the inmate's yelling could agitate the other inmates and put the inmate in danger. However, the SMEs further indicated that in other situations, it would be appropriate to speak with the inmate. Given that the question does not provide sufficient information regarding the incident, the Division of Test Development and Analytics has determined to double key this item to option b and option d prior to the lists being issued.

Question 29 indicates that after the facility count, Sergeant Hodgson reports to you that one inmate is unaccounted for from Housing Unit North, Block C. The question asks for what should be done first. The keyed response is option b, "Lieutenant Rodriguez should contact intake." Mr. Deamicis, who selected option c, "Sergeant Hodgson should inform administration," argues that the supplemental

material provides, "discrepancies are usually resolved by reaching out to administration and having them confirm inmates who are out to court or released." Booklet A, under the section, "Counts," provides:

- Any count discrepancies must be resolved immediately. Count discrepancies sometimes occur because some inmates may be out of the facility at court or may have been released from the facility before the computer system updates. These discrepancies are usually resolved by reaching out to administration and having them confirm inmates who are out to court or released.
- Discrepancy resolution should be handled by the chain of command; a CO or sergeant should not reach out to administration to resolve count issues.

Thus, option c is incorrect since a "sergeant should not reach out to administration to resolve count issues."

Question 36 indicates that Inmate Robinson, who lives in Housing Unit South, Block C, is interested in becoming a trustee to decrease his time at the facility. The question asks for the work that Inmate Robinson would be allowed to do. The keyed response is option d, "Inmate Robinson is not allowed to work." Mr. Saenger maintains that option a, "Assist with general facility improvement (e.g. cleaning and painting)," is correct. In this regard, he contends that "because the cell block was just stated as 'C' not north or south and no mention of the inmate status as being maximum status inmate was made, answer 'A' is the correct answer." As noted above, the question states that Inmate Robinson lives in *Housing Unit South, Block C*. As indicated in Booklet A, in the "Facility Floorplan," Housing Unit South, Block C is designated as Maximum Security. Furthermore, as noted under, "General Inmate Information," Maximum Security inmates are placed in Housing Unit South and cannot be granted trustee status. As such, the question is correct as keyed.

Question 41 refers to the following scenario presented in the test booklet:

The inmates from Housing Unit South, Block A were all in the day room area when a verbal altercation started between Inmate Carson and Inmate Herrera. CO Perez ordered the inmates to stop arguing. However, the argument soon turned physical and more inmates jumped into the fight. CO Perez called a Code Brown.

The question asks, "The **REACTION** team should be made up of officers from which part of the facility?" The keyed response is option c, East. Ms. Cornelius presents, "why would the reaction team come from the East when the code was on the West side? The policy only stated where the 'location' (far side housing unit) of the response closets are which is on the far side housing units East & West. The answer should

have been 'West' side, which would have been closer for a quicker response." Booklet A, under the section, "General Standard Operating Procedures (SOPs)," provides:

- During a Code Brown, two teams assemble near the action area.
- An initial probe team made up of three officers from the neighboring housing unit (north or south) assembles outside of the affected area ready to assist the CO who initiated the code.
- A reaction team made up of five officers from the far side housing unit (east or west) assembles near the response closet and equips themselves with riot shields, helmets, pepper spray, and batons in order to assist the probe team if necessary.

The SOPs clearly indicate that the reaction team consists of officers from the far side housing unit (east or west). The far side means the side where the incident is not taking place. The question indicates that the incident occurs in Housing Unit South, Block A. As indicated in Booklet A, in the "Facility Floorplan," Housing Unit South, Block A is located on the West side. Pursuant to the SOPs, the reaction team should be drawn from the East side. Thus, the question is correct as keyed.

Questions 43 and 44 refer to the work schedule for CO Vance presented to candidates in the test booklet. Upon review during the appeal process, the Division of Test Development and Analytics determined that the information necessary to answer these items was not included in Booklet A. As such, the Division of Test Development and Analytics has determined to omit these items from scoring prior to the lists being issued.

For question 47, since Mr. Deamicis selected the keyed response, his appeal of this item is moot.

Question 49 indicates that you have called the Medical Wing to obtain the status of Inmate Tyler and the physician tells you that while Tyler is doing fine, Inmate Duggan, who is in Medical with a headache, is "yelling and cursing at the staff and other inmates in the Medical Wing. It is becoming a hostile environment down here." The question asks how you should handle this situation. The keyed response is option c, "Have Sergeant Walters report to the Medical Wing to investigate the situation." Mr. Saenger asserts that option a, "Call a Code Blue," is the best response. In this regard, he contends that "a code blue should be initiated if there is serious risk to the health of an individual . . ." and that the inmate's headache "could be more than a normal headache." He adds that "during a Code Blue, the probe team responds and assists with clearing out non[-]affected inmates and locking them into their cells. Thus by calling a code blue you initiate a response team and the Sgt to the area more able to deal with a hostile inmate as stated also in the question." As noted in Booklet A, "a Code Blue should be initiated if there is a serious risk to the health of an individual (e.g. difficulty breathing, fainting, chest pain,

uncontrolled bleeding, sudden weakness, etc.).” The question clearly indicates that Inmate Duggan is in Medical with a headache under the care of the physician. Furthermore, the end result of a Code Blue is to move the inmate to Medical. As such, the necessity for a Code Blue does not exist. Thus, option a is not the best response.

For question 53, since Mr. Deamicis selected the keyed response, his appeal of this item is moot.

Question 54 indicates that upon reaching the Female Housing Unit while on tour, Sergeant Walters tells you that an incident is just now unfolding where Inmate Carsten is threatening to hang herself with tissue paper tied around her neck. Sergeant Walters says that Inmate Carsten has a history of requesting to go to the Medical Wing without presenting symptoms, and that the tissue paper around her neck is too flimsy to be a threat to her safety. The question asks how you should handle this situation. The keyed response is option b, “Have Sergeant Walters secure and escort Inmate Carsten to medical with any available staff he has on hand.” Mr. Deamicis contends that option a, “Tell Sergeant Walters to instruct an officer to closely monitor Inmate Carsten’s behavior to ensure that she does not harm herself using other means,” is the best response. He argues that “giving in to her manipulation is not the correct answer as her behavior will just continue to disrupt the orderly running of the facility . . . Since she is obviously unable to cause harm trying to hang herself with toilet tissue there is no immediate need to transport her to Medical. If an officer is closely monitoring her, any attempt to inflict self-harm would be stopped and at that point she would be taken to Medical for mental evaluation.” The SMEs indicated that an officer is responsible for watching the entire unit and would not be able to solely focus on monitoring Inmate Carsten’s behavior. The SMEs further indicated that Inmate Carsten should be taken to medical in case she attempts to harm herself using more effective means than tissue paper. As such, the question is correct as keyed.

## CONCLUSION

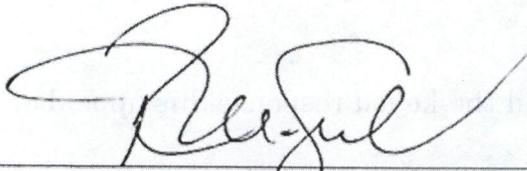
A thorough review of the appellants’ submissions and the test materials reveals that, other than the scoring changes noted above, the appellants’ examination scores are amply supported by the record, and the appellants have failed to meet their burdens of proof in this matter.

## 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.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION  
THE 16TH DAY OF AUGUST, 2017



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