STATE OF NEW JERSEY

DECISION OF THE
CIVIL SERVICE COMMISSION

In the Matter of Eric Warren,
Burlington County

CSC Docket No. 2018-1234
OAL Docket No. CSR 16796-17

ISSUED: May 4, 2018 (SLD)

The appeal of Eric Warren, a County Correction Officer with Burlington County, of his removal effective October 16, 2017, on charges, was before Administrative Law Judge Joseph A. Ascione (ALJ), who rendered his initial decision on February 28, 2018. Exceptions were filed on behalf of the appellant and a reply to the exceptions was filed on behalf of the appointing authority.

Having considered the record and the attached ALJ's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting on April 18, 2018 ordered that this matter be remanded to the Office of Administrative Law (OAL).

DISCUSSION

The appointing authority presented the appellant with a Final Notice of Disciplinary Action (FNDA), dated October 19, 2017 which charged him with incompetency, inefficiency or failure to perform duties; inability to perform duties; neglect of duty; conduct unbecoming a public employee; and other sufficient cause and removed him from employment, effective October 16, 2017. Specifically, the appointing authority asserted that on July 2 and 3, 2017, the appellant neglected to conduct required security tours. It also asserted that the appellant had entered false and misleading entries into the official logbook by documenting 10 security tours that he did not actually conduct. Upon the appellant's appeal, the matter was transmitted to the OAL for a hearing as contested case.

In his initial decision, the ALJ found that the appellant did not dispute that he violated departmental policies. The ALJ noted that although the appellant did not testify, one witness confirmed that a County Correction Sergeant "may have acted similarly" in misreporting security checks, but had not been disciplined. Specifically, the appointing authority indicated that it was too late to discipline that County Correction Sergeant, but that six individuals, including the appellant, had been identified as having committed similar violations. The appointing authority further noted that none of the six identified employees were currently employed by the appointing authority. As the appellant essentially admitted to the infractions, the ALJ upheld the charges.

With regard to the issue of the penalty, the ALJ noted that the appellant's disciplinary history was not made part of the record, as "such history reflected attendance or lateness issues, which would be of slight values to either positively or negatively affect the determination of the issue of penalty" in the instant matter. The ALJ found that the appellant had failed to establish that the charges against him were the result of disparate treatment, as the exercise of some selectivity in enforcement is not an issue unless it was based on an improper reason. The ALJ found that the appellant's failure to perform security checks and his falsification of records was egregious misconduct and warranted removal.

In his exceptions, the appellant argues that the Supreme Court and Appellate Court's decisions in *In the Matter of John E. Warren and Gerald Sowa*, 117 *N.J.* 295 (1989), *In the Matter of Nolan Cox,* Docket No. A-2471-14T4 (App. Div. Dec. 7, 2016) and *In the Matter of Ramona Carter,* Docket No. A-3105-14T4 (App. Div. March 7, 2017) establish that the removal is an excessive penalty for the charges alleged. In this regard, he maintains that although his conduct was negligent, it did not warrant removal.

In its reply to the exceptions, the appointing authority argues that the appellant's actions were particularly egregious as he knew he was required to perform a security check every 30 minutes, he failed to perform 10 of those required checks and that 10 of his 15 logbook entries corresponding to the security checks were knowingly false. Moreover, it argues that the decisions cited by the appellant do not support his assertion that removal is not an appropriate penalty. Furthermore, it notes that the appellant was a sworn law enforcement officer that knowingly and willfully made false entries into an official logbook to cover up his misconduct in not completing the required security tours.

Upon its *de novo* review of the record, the Commission agrees with the ALJ's findings to uphold the charges. However, with regard to the issue of the penalty, the Commission finds it necessary to remand this matter to the OAL. In this regard, the Commission notes that although the ALJ references a disciplinary history, he decided not to admit that history into the record. However, the

Commission notes that even when there is no dispute as to the charges, and an ALJ has determined that the claimed behavior was egregious, the disciplinary history must be admitted into the record to allow the Commission to have a complete record so that it may make its decision. In this regard, it cannot be assumed that the Commission, which has *de novo* review of both the underlying charges and the penalty imposed, will automatically agree with an ALJ's conclusions as to the severity of the misconduct or the penalty determination. Thus, an appellant's prior disciplinary history may provide the Commission with a more complete record for it to determine the appropriate penalty. Further, while the ALJ noted that the appellant's prior disciplinary history was apparently for dissimilar conduct, that, in and of itself, does not mean that such a history cannot be considered in determining the proper penalty.[1] The Commission notes that the inclusion of an appellant's disciplinary history is **essential**, even in matters where the Commission ultimately agrees with an ALJ's assessment of the severity of the misconduct or determines that the alleged misconduct is so egregious that the penalty imposed is appropriate even without regard for that history. This is the case, since, if the Commission does not agree, it is left without a critical piece of information in the record which will hamper its ability to impose a proper penalty. Moreover, notwithstanding the appellant's admission of the conduct, one witness did give testimony. However, the ALJ failed to summarize that witness' testimony. Therefore, the Commission remands the matter to the OAL so that the appellant's disciplinary record may be entered into the record, the witness' testimony may be summarized and a new initial decision may be issued.

ORDER

The Commission orders that this matter be remanded to the Office of Administrative Law for further proceedings as set forth above.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 18TH DAY OF APRIL, 2018

Deirdré L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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[1] Of course, the Commission agrees with the ALJ that any disciplinary history may be ignored when the misconduct is of such an egregious nature that removal may be imposed regardless of an employee's history. However, it does not agree that the history should, therefore, not be included as part of the underlying record.

Inquiries
and
Correspondence

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State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION
OAL DKT. NO. CSR 16796-17
AGENCY REF. NO. 2018-1254

IN THE MATTER OF ERIC WARREN,
BURLINGTON COUNTY JAIL.

Daniel M. Rosenberg, Esq., for appellant Eric Warren (Daniel M. Rosenberg & Associates, LLC, attorneys)

Andrew C. Rimol, Esq., for respondent Burlington County Jail (Capehart Scatchard, P.A., attorneys)

Record Closed: January 31, 2018 Decided: February 28, 2018

BEFORE **JOSEPH A. ASCIONE**, ALJ:

STATEMENT OF THE CASE AND PROCEDURAL HISTORY

Eric Warren (appellant) appeals from the decision of the Burlington County Jail (BCJ) to remove him from his position as a correction officer at the BCJ on charges of violation of N.J.A.C. 4A:2-2.3(a)(1), (3), (6), (7), and (12), incompetency, inefficiency or failure to perform duties, inability to perform duties, conduct unbecoming a public employee, neglect of duty, and other sufficient cause, relating to the failure to conduct ten required general security checks during his shift commencing at 18:00 hours on July 2, 2017, and terminating at 06:00 hours on July 3, 2017, and the improper entry in the

logbook of ten security tours during that shift. Additional charges include violation of Policy & Procedure Manual Sections 1007, 1023, 1030, 1031, 1038, 1065, 1066, 1172, 1190, and 1250. Appellant does not deny the charges. Appellant asserts that removal is not the appropriate sanction.

On September 7, 2017, a Preliminary Notice of Disciplinary Action was filed seeking appellant's removal. The appellant requested a departmental hearing, which was held on September 21, 2017. On October 19, 2017, a Final Notice of Disciplinary Action was issued, sustaining the disciplinary charges and removing appellant from his position with the BCJ effective October 16, 2017. Appellant appealed that removal action under cover letter dated October 31, 2017. The matter was filed simultaneously with the Civil Service Commission and the Office of Administrative Law (OAL), under the expedited procedures of P.L. 2009, c. 16, N.J.S.A. 40A:14-202(d), where it was stamped received on November 2, 2017, for hearing as a contested case pursuant to N.J.S.A. 52:14B-1 to -15 and N.J.S.A. 52:14F-1 to -13.

On November 30, 2017, the matter was assigned to me. On December 6, 2017, I convened a telephonic case-management conference to discuss discovery requirements and schedule the evidentiary hearing. The hearing was scheduled for January 26 and January 31, 2018. Appellant requested an adjournment of the January 26, 2018, hearing date. On January 31, 2018, the hearing was held. At the hearing, appellant waived his right to reinstitute pay under N.J.S.A. 40A:14-201 et seq., until April 2, 2018. A separate Order regarding salary is being issued simultaneously with this Initial Decision. At the close of the plenary hearing, counsel for both sides presented written closing statements and briefs. The record closed on January 31, 2018.

FACTUAL DISCUSSION

Based upon due consideration of the testimonial and documentary evidence presented at the hearing, and having had the opportunity to observe the demeanor of the witnesses and assess their credibility, I **FIND** the following **FACTS**:

Up until his removal on these disciplinary charges, appellant had been a correction officer with the BCJ for seven to eight years. At the time of the incident he worked I-Wing, shift Squad B. Inmates of I-Wing could be pre-detention inmates with unknown emotional or health issues.

Due to an outside prosecutorial investigation, the BCJ became aware of improprieties in the conduct of security checks.

The BCJ charged and proved violations of N.J.A.C. 4A:2-2.3(a)(1), (3), (6), (7), and (12).

The BCJ charged and proved violations of Policies and Procedures Sections 1007, 1023, 1030, 1031, 1038, 1065, 1066, 1172, 1190, and 1250.

The more serious violations appear at 1172, 1190, 1250(A)(15), 1065, and 1066. These regulations address the general security checks; the timing of the checks, that is, at some time during every thirty-minute period; and the purposes of the checks as both security and head count. Policies and Procedures Section 1172(A)(4) advises the employee that violations are subject to disciplinary action and/or criminal charges.

"Security" means not only the physical security of the facility, but the safety and welfare of the inmates. (See J-6 1007(3).)

Appellant knew of the policies. (See J-12.)

Appellant does not dispute that the policies were violated.

Appellant did not testify at the hearing. Rather, by cross-examination of the administrative personnel of the BCJ, appellant confirmed that one sergeant may have acted similarly in misreporting security checks, but had not been disciplined.

The BCJ responded that the forty-five-day period for taking action against the sergeant referred to by appellant had expired.[1] Six individuals had been identified, including appellant herein, as having committed similar violations; none of them are presently employed with the BCJ. Some of those individuals took a resignation in good standing, and two were removed pursuant to the disciplinary process.

The BCJ did not conduct an extensive review of every wing's security footage against log entries. The BCJ explained the process and time involved to conduct such an extensive review. Conducting such an extensive review is not reasonable.

ANALYSIS AND CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6, governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is liberally construed toward attainment of merit appointments and broad tenure protection. Essex Council No. 1, N.J. Civil Serv. Ass'n v. Gibson, 114 N.J. Super. 576 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972); Mastrobattista v. Essex DOC Park Comm'n, 46 N.J. 138, 147 (1965). Governmental employers also have delineated rights and obligations. The Act sets forth that it is State policy to provide appropriate appointment, supervisory, and other personnel authority to public officials so they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b).

"There is no constitutional or statutory right to a government job." State-Operated Sch. Dist. of Newark v. Gaines, 309 N.J. Super. 327, 334 (App. Div. 1998). A civil service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2; N.J.A.C. 4A:2-2.3. The issues to be determined at the de novo hearing are whether the appellant is guilty of the charges brought against him and, if so, the appropriate penalty, if any, that should be imposed. See Henry v. Rahway State

[1] While the forty-five-day rule may prevent a civil service proceeding against this sergeant, if there is proof of the violation either the BCJ or appellant can inform the county prosecutor of the factual circumstances discovered. This tribunal does not have sufficient information regarding the sergeant's activities to determine whether he committed a violation.

Prison, 81 N.J. 571 (1980); W. New York v. Bock, 38 N.J. 500 (1962).

It is well recognized that correctional facilities operate through a rigidly hierarchical, almost "paramilitary," structure. Lockley v. Dep't of Corr., 177 N.J. 413, 425 (2003). At the BCJ, the appellant's duties included maintaining discipline and order while providing supervision of inmates for their safety and welfare in a County correctional facility. The precise requirements of such a position are not mere technicalities, but are established and must be adhered to in order to ensure the utmost security of the facility.

The appellant is charged with violating N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(3), inability to perform duties; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, as well as violations of Policy and Procedure Manual Sections 1007 1023, 1030, 1031, 1038, 1065, 1066, 1172, 1190 and 1250. The appellant does not contest the charges. I **CONCLUDE** that the preponderance of the competent and credible evidence supports the charges against appellant. The only issue to be decided is the appropriate penalty.

A system of progressive discipline has evolved in New Jersey to serve the goals of providing employees with job security and protecting them from arbitrary employment decisions. Progressive discipline is considered to be an appropriate analysis for determining the reasonableness of the penalty. The concept of progressive discipline is related to an employee's "past record," which has been held to encompass "an employee's reasonably recent history of promotions, commendations and the like on the one hand and, on the other, formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated, so to speak, by having been previously called to the attention of and admitted by the employee." Bock, 38 N.J. at 523–24. The use of progressive discipline benefits employees and is strongly encouraged. Depending on the conduct complained of and the employee's disciplinary history, major discipline may be imposed. Id. at 522–24. Major discipline may include removal, disciplinary demotion, or suspension or fine for more than five working days, but not to exceed six months. N.J.S.A. 11A:2-6(a), -20; N.J.A.C. 4A:2-2.2, -2.4.

Ultimately, however, "it is the appraisal of the seriousness of the offense which lies at the heart of the matter." Bowden v. Bayside State Prison, 268 N.J. Super. 301, 305 (App. Div. 1993), certif. denied, 135 N.J. 469 (1994). Some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. In re Carter, 191 N.J. 474, 484 (2007); see also In re Herrmann, 192 N.J. 19, 33 (2007):

> . . . judicial decisions have recognized that progressive discipline is not a necessary consideration when reviewing an agency head's choice of penalty when the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.
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> Thus, progressive discipline has been bypassed when an employee engages in severe misconduct, especially when the employee's position involves public safety and the misconduct causes risk of harm to persons or property.

Appellant's disciplinary history was not made part of the record, as such history reflected attendance or lateness issues, which would be of slight value to either positively or negatively affect the determination of the issue of penalty in a failure-to-perform and falsification-of-performance penalty consideration.

Appellant relies on three cases for the reduction of his penalty from removal, In re Cox, No. A-2471-14T4 (App. Div. Dec. 7, 2016), https://njlaw.rutgers.edu/collections/courts/; In re Warren, 117 N.J. 295 (1989); and In re Carter, Dkt. No. A-3105-14T4 (App. Div. March 7, 2017), https://njlaw.rutgers.edu/collections/courts/, arguing that, in each case, a correction officer falsified records and was not terminated.

All three cases are distinguished from the present case.

In Cox, a Mercer County correction officer failed to perform the majority of his routine security checks during his overnight shift. Like appellant, Officer Cox was

assigned a pod and was mandated to conduct a security check every thirty minutes. During the security check, Cox was required to walk the unit, make visual checks to assure the safety and security of the inmates, and note the completion of these tours in his logbook. Similar to appellant, video footage revealed that Cox had only performed three of the required fifteen security checks, but wrote "all secure" for all fifteen entries in the logbook. Notably, in the Initial Decision, the administrative law judge (ALJ), in reducing the proposed penalty, noted that the correction officer believed he did not make a false record. Unlike the current matter, the appointing authority there sought a forty-five-day suspension, which the Commission and Appellate Division upheld.

Appellant argues that in Cox, not only was the correction officer not removed for infractions similar to those of appellant, but the Commission had the ability and authority to increase a penalty to 180 days, and elected not to exceed the forty-five-day suspension imposed by the Mercer County Jail. However, while the Commission did not impose the maximum penalty, the Commission's decision to defer to the appointing authority in no way proves that falsifying official government records is not egregious misconduct warranting removal. In fact, the Commission expressly stated, a "County Correction Officer is a law enforcement officer who, by the very nature of his or her job duties, is held to a higher standard of conduct than other public employees." In re Cox, OAL Dkt. No. CSV 9963-12, Final Decision (Dec. 17, 2004) (citing Moorestown v. Armstrong, 89 N.J. Super. 560 (App. Div. 1965)). Further, "the potential public safety implications that could result from the failure to adequately conduct security checks is significant." Ibid.

Further, I note that even if the Commission believed that Cox's misconduct warranted removal, it was prohibited from upgrading the penalty to removal pursuant to N.J.S.A. 11A:2-19 ("[t]he Civil Service Commission may increase or decrease the penalty imposed by the appointing authority, but removal shall not be substituted for a lesser penalty."). Therefore, in relation to the current case, Cox only reveals that the appointing authority has the discretion to impose a penalty to which the Commission may defer.

In In re Warren, 117 N.J. 295 (1989), the Court held that a suspension, and not removal, was the appropriate penalty for a prison guard whose neglect of duty in conducting prisoner counts resulted in the escape of four prisoners under his supervision. As the Court explained,

> the allegations embraced the fact that Warren had at first misrepresented what he observed in the hours before the break and that he had called in to report falsely that he had made a required 10:00 p.m. prisoner count. As to the first count, Warren said that he must have been mistaken about what he had seen, and, as concerning the second count, that he intended immediately to complete the 10:00 p.m. check. But, as noted, Warren's unit had never been informed that at 9:18 p.m. a "Code 99" report of an escape had been sounded in other units of the prison complex.
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> [Warren, 117 N.J. at 298.]

The facts in Warren do not support a finding that the guard intentionally falsified a report, but the Court noted that "[i]n the clearer context of a corrections officer's trial for intentional falsification of a report, there can be no doubt that [such] an offense strik[es] at the heart of discipline within the corrections system," and indicated that, under such circumstances, removal would be appropriate. Id. at 299. Thus, the Court emphasized the seriousness of falsifying a report or failing to conduct proper security checks in the prison context.

In In re Carter, No. A-3105-14T4 (App. Div. March 7, 2017), https://njlaw.rutgers.edu/collections/courts/, a Mercer County correction officer failed to relieve another officer and reported to her post late. The officer was ordered to write a report explaining her failure to relieve her fellow officer, and the report contained factually incorrect statements. The factually correct statement did not involve the conducting of security checks, but rather the excuse for the failure to relieve. The appointing authority employed a progressive-discipline method and sought a twenty-five-day suspension. Ibid. The Commission also utilized a progressive-discipline model. It considered the facts of the matter and the officer's prior disciplinary history, which included three written reprimands, two fines, and two suspensions, and reduced

the twenty-five-day suspension to fifteen days. Ibid. The Appellate Division upheld the decision.

Appellant also argues that he was charged due to disparate treatment. He gave no testimony, but pointed to other officers at the BCJ who may not have been penalized as severely for similar violations.

"Discriminatory enforcement of an otherwise impartial law by state and local officials is unconstitutional. Cox v. Louisiana, 379 U.S. 536, 538–541, 85 S.Ct. 453, 13 L.Ed.2d 471 (1965); Yick Wo v. Hopkins, 118 U.S. 356, 373–4, 6 S.Ct. 1064, 1073, 30 L.Ed. 220 (1986) (holding that law is unconstitutionally enforced 'if it is applied and administered by public authority with an evil eye and an unequal hand')." Twp. of Pennsauken v. Schad, 160 N.J. 156, 183 (1999). In order to establish unconstitutional enforcement of a regulation, "both a discriminatory effect and a motivating discriminatory purpose" must be shown. Id. at 183 (citing Wayte v. United States, 470 U.S. 598, 607 (1985)). The mere assertion that others were not sanctioned is not sufficient to withstand a claim for disparate treatment. "The conscious exercise of some selectivity in enforcement is not a constitutional violation unless the decision to prosecute is based upon an unjustifiable standard such as race, religion, or other arbitrary classification." Ibid. (citing Oyler v. Boles, 368 U.S. 448, 456 (1962)).

Appellant has failed to present sufficient evidence that his charges were the result of an unjustifiable standard such as race, religion, or other arbitrary classification. Therefore, appellant has not established a claim for disparate treatment.

The cases surveyed establish that failure to perform security checks and intentionally falsifying records affirming that security checks were performed is egregious misconduct. Although the officers were not terminated in every case, the case law consistently held, whether in holding or dicta, that intentionally falsifying an official government document is a serious offense and is unbecoming of a law-enforcement officer. The misconduct in this case—the repeated failure to conduct security checks and the repeated lies about those failures—is egregious behavior that calls for removal.

The absence of termination in every case does not lead to the conclusion that termination is not the appropriate discipline for this conduct in general, and, specifically, here. Each case is reviewed on the facts presented, not just by this tribunal, but by the appointing authority, and the Civil Service Commission. Notably, in the three cases cited and distinguished, either the County did not seek termination, the Civil Service Commission did not increase the penalty to the maximum it could have under N.J.S.A. 11:2-19, or the facts were not the serious failure to perform security checks.

Public policy must also be considered here. The appellant knew or should have known of the seriousness of properly performing the multi-purpose security checks, especially in pre-detention pods. The inmate's welfare is an important purpose of the security checks. The execution of those security checks may save a life. The failure to perform those checks may expose the County to liability for failure to perform those checks. The failure of a correction officer to properly check each cell is a serious dereliction of duty, which, compounded by the falsification of the log book, warrants appellant's removal. The falsification is a self-serving progression of the failure to perform the security check, and constitutes intentional misfeasance.

Although there may be circumstances that lead to an excusable failure to perform the required number of security checks, the amount of checks not performed should not rise to five or six out of the required fifteen or sixteen. When the security check is not performed, the failure to perform duties should not be compounded by falsely representing that the duty was performed as required.

On balance, and based upon this record, I **CONCLUDE** that removal is the appropriate discipline for the charges of failure to conduct the security checks and the falsification on the log records that those checks were performed.

ORDER

Accordingly, it is **ORDERED** that the disciplinary action entered in the Final Notice of Disciplinary Action against appellant Eric Warren is hereby **AFFIRMED**.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, P.O. Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

February 28, 2018

Joseph A. Ascione

DATE

JOSEPH A. ASCIONE, ALJ

Date Received at Agency: 2/28/18

Mailed to Parties: 2/28/18

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APPENDIX

LIST OF WITNESSES

For Appellant:

None

For Respondent:

Administrative Captain Matthew Leith

LIST OF EXHIBITS IN EVIDENCE

Joint:

- J-1 Preliminary Notice of Disciplinary Action, dated August 4, 2017
- J-2 Amended PNDA, dated September 9, 2017
- J-3 Final Notice of Disciplinary Action, dated October 19, 2017
- J-4 Memo Incident Report, dated July 3, 2017
- J-5 Post Log Book I-Wing 7/2–7/3, 2017
- J-6 Policies and Procedures Section 1007
- J-7 Policies and Procedures Section 1012-1074
- J-8 Policies and Procedures Section 1172
- J-9 Policies and Procedures Section 1190
- J-10 Policies and Procedures Section 1250
- J-11 Video I-Wing 7/2–7/3, 2017
- J-12 Warren acknowledgement of receipt of Standard Operating Policies and Procedures 9/27/12
- J-13 Employee Discipline History (Not Admitted)

For Appellant:

- A-1 Preliminary Notice of Disciplinary Action, Anthony Cesaretti
- A-2 Final Notice of Disciplinary Action, Anthony Cesaretti
- A-3 BCDC Policies and Procedures Section 1005
- A-4 BCDC Policies and Procedures Section 1006

A-5 Transcript of CSR 15059-17 & 15060-17

For Respondent:

None