



**STATE OF NEW JERSEY**

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

In the Matter of William Pinho,  
Deputy Police Chief (PM0508W),  
Elizabeth

Examination Appeal

CSC Docket No. 2019-569

**ISSUED:** September 24, 2018 (RE)

William Pinho appeals his oral score on the promotional examination for Deputy Police Chief (PM0508W), Elizabeth. It is noted that the appellant failed the examination.

The subject promotional examination was held on June 12, 2018. It is noted for the record that this was an oral examination consisting of four questions, relating to Police Administration, Police Management, Criminal Law, and Leadership/Supervision. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called Subject Matter Experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In each question, candidates were presented questions, or with a scenario and had to respond to a series of questions about the scenario.

Performances were recorded and scored by SMEs. Each question, and overall oral communication, was rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. The appellant received a score of 2 for Police Administration, 3 for Police Management, 2 for Criminal Law, 3 for Leadership/Supervision, and a 3 for oral communication.

On appeal, the appellant disagrees with his scores for each technical question.

## CONCLUSION

The Police Administration question pertained to the N.J. Attorney General Law Enforcement Directive No. 2016-1, Automated Deconfliction of Planned Law Enforcement Operations and Investigations. Part A asked for the two types of Deconfliction and what each type ensures. Part B asked candidates to identify a minimum of six investigative/criminal enforcement activities that would be considered “planned operations.” The appellant correctly answered Part C. The assessor indicated that the appellant missed opportunities to identify that event deconfliction ensures that planned operations undertaken by two or more law enforcement agencies do not occur at the same time and location (Part A), mention an undercover operation involving either anticipated contact with a specific target/suspect, whose identity is known before the operation, or a planned or other event that was arranged or otherwise expected to occur at a specific promises or location (Part B); and, a “controlled buy” or similar operation where a confidential informant or other civilian operating under instructions from a law enforcement officer engages in contact that otherwise would constitute a crime and that involves either an anticipated contact with a specific target/suspect, or a planned or other event that was arranged or otherwise expected to occur at a specific promises or location (Part B).

On appeal, the appellant argued that he provided the reasons for Deconfliction, and the types of crimes for which they would use Deconfliction, including a narcotic investigation and the registration of a police informant. He then argues that a controlled by falls within the scope of narcotic investigations and criminal investigations.

In reply, the appellant’s arguments are not germane to the assessor comments. The question did not ask for the reasons for, or the types of crimes for which they would use, the Deconfliction process. The appellant’s discussion of why Deconfliction is used did not respond to any of the parts of the question. Additionally, candidates are told to be specific and that general information will not contribute to their score. After he finished the tangent response regarding the reasons for Deconfliction, the appellant stated, “In regards to Deconfliction, what we we do is we send a notification through a facsimile, or we can also send it through e-mail. Communicate to other outside agencies that the um the person or of interest is, is a target in regards to the ah, the investigation purposes. And and law enforcement ah, will work together where where they would work on a common goal in regards to um, the overall objective. So when it comes to the De... types of Deconfliction, there’s one type of Deconfliction where the officers will work on the um discreet discreet activity in regards to the narcotic activity or in regards to the narcotic process. So the Deconfliction system as itself will ensure that all officers are working together and no one’s duplicating the effort.” The appellant then began responding to Part B. Examinations are not scored based on buzzwords, but words

that are taken in context of the idea being presented. The appellant did not identify both types of Deconfliction, and cannot receive credit for stating what each type would ensure. As such, he clearly did not identify that event deconfliction ensures that planned operations undertaken by two or more law enforcement agencies *do not occur if the same time and location*.

Additionally, the appellant did not identify six investigative criminal enforcement activities that would be considered planned operations. If the appellant meant to identify a “controlled buy” or similar operation, he needed to do so verbally in his presentation. He cannot receive credit for implying this response. In identifying these investigative activities, he mentioned that a detective agency would perform an investigation for homicide or robbery, and will send a Deconfliction notice to officers. This is not a correct response to the question. Subsequently, the appellant stated that he would go back to that part, and he responded to part C. Going back to part B, the appellant indicated he would fill out a suspicious activity report. This was also not a proper response, then the appellant concluded his presentation. The assessor then asked the appellant to go back to part B, and read the question. The appellant responded with a narcotic plan operation, a homicide investigation, a robbery investigation, registering a confidential informant, and suspicious people. Clearly the appellant did not know the proper response to this part, and his arguments on appeal do not indicate that the appellant addressed the specifics of the question in his presentation. His score of 2 for this component is correct.

The Police Management question involved the discovery of the decedent on a public nature trail by two officers, and one took a photo of himself with the decedent, a “selfie,” which he sent to his friends and which appeared on social media. This caused the public to be concerned for their safety, upset the deceased’s wife, and overwhelmed the dispatchers with complaints. Candidates were asked for actions to be taken, or ensure are being taken, to address the situation. The assessors indicated that the appellant missed opportunities to consider putting the officer on modified duty or suspension pending the outcome of the investigation, or to immediately issue a press statement to calm concerns about safety and assure the public that a swift internal investigation would be undertaken. On appeal, the appellant provides the actions he took in his presentation, including notifying internal affairs and meeting with the family of the decedent. He argues that a suspension is not appropriate since the investigation was in its infancy and a fact-finding effort was still being undertaken.

In reply, the actions that the appellant took in his presentation contributed to his score of 3. Further, meeting with the family or notifying internal affairs are separate actions from issuing a press statement. The appellant does not indicate that he considered putting the officer on modified duty or suspension pending the outcome of the investigation, but rather, argues that this should not be a possible

course of action as the investigation has just begun. The SMEs disagree, and the appellant's argument is self-serving and not persuasive. The appellant missed the actions noted by the assessor and his presentation was correctly scored.

The Criminal Law question regarded activating an Amber Alert. Part B asked for specific circumstances that the law enforcement officials should consider when making an Amber Alert activation determination in cases of family abductions. The assessor indicated that the appellant missed the opportunity to indicate that specific circumstances include whether the abductor had a past history of violence or weapons offenses; whether the abductor is believed to be armed; or whether the abductor is believed to be under the influence of alcohol or drugs. On appeal, the appellant indicated that he did not want to overuse the Amber Alert, and be cognizant of whether a crime had been committed or the child is in danger.

In reply, the question asked for *specific circumstances* to be considered for Amber Alert activations in cases of family abductions. The appellant's comments do not address the assessor comments, as it appears that he would like credit for those actions by saying that there is a need to know if a crime has been committed. This is a specious argument that is not specific to the question. A law enforcement officer at the Deputy Police Chief level should be able to discern the difference between "if a crime has been committed," and whether the abductor had a past history of violence or weapons offenses, is armed, or is under the influence of alcohol or drugs. The appellant missed many proper responses for this question, and his score of 2 for this component is correct.

The Leadership/Supervision question pertained to a poor or nonexistent relationship between the department and the community. The Mayor has made improving relations between the department and the community focus of the administration, and the candidate is tasked with repairing their relationship and developing partnerships with community. This question asked for actions to be taken, or ensured are taken, to address the situation. The assessor indicated that the appellant missed opportunities to reach out to professional organizations for advice, and to review the Mission Statement and Core Values and update them if necessary. On appeal, the appellant again provides the actions he took in his presentation, and argues that his response was the same as reaching out to professional organizations for advice.

In reply, actions can be attributed to each component, which are sufficiently distinguishable to warrant a unique score. Thus, each action must be mentioned, and it cannot be assumed that a candidate knows an action based on other actions that he mentions. Correct responses to each scenario are expected, and the candidate that mentions more of those responses obtains a higher score. Holding meetings, developing crime mapping strategies, instituting 21<sup>st</sup> Century policing, and building public trust while reducing crime, are all actions that the appellant

would like to believe are the same as reaching out to professional organizations for advice. Simply stated, they are not. He is mistaken in this belief. He did not take the actions listed by the assessor and his score for this component will not be changed.

A thorough review of appellant's submissions and the test materials indicates that the appellant's test score is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 20<sup>th</sup> DAY OF SEPTEMBER, 2018



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: William Pinho  
Joseph Denardo  
Michael Johnson  
Records Center