



**STATE OF NEW JERSEY**

In the Matter of Zsuzsanna Miller  
Mid-State Correctional Facility  
Department of Corrections

CSC DKT. NO. 2019-590  
OAL DKT. NO. CSV 13849-18

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

**ISSUED: MARCH 26, 2021      BW**

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The appeal of Zsuzsanna Miller, Correctional Police Lieutenant, Mid-State Correctional Facility, Department of Corrections, 15 working day suspension, on charges, was heard by Administrative Law Judge Elaine B. Frick, who rendered her initial decision on February 12, 2021. No exceptions were filed.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on March 24, 2021, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

**ORDER**

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Zsuzsanna Miller.

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 24<sup>TH</sup> DAY OF MARCH, 2021

*Deirdre' L. Webster Cobb*

Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

Attachment



**State of New Jersey**  
OFFICE OF ADMINISTRATIVE LAW

**INITIAL DECISION**

OAL DKT. NO. CSV 13849-18

AGENCY DKT. NO. 2019-590

**IN THE MATTER OF ZSUZSANNA MILLER,  
MID-STATE CORRECTIONAL FACILITY,  
DEPARTMENT OF CORRECTIONS.**

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**Kevin Jarvis, Esq.**, for appellant, Zsuzsanna Miller (O'Brien, Belland & Bushinsky, LLC, attorneys)

**Karen Campbell, Esq.**, Legal Specialist, Department of Corrections, Office of Employee Relations for respondent, Mid-State Correctional Facility, Department of Corrections, pursuant to N.J.A.C. 1:1-5.4(b)2.

Record Closed: August 6, 2020

Decided: February 12, 2021

BEFORE ELAINE B. FRICK, ALJ:

**STATEMENT OF THE CASE**

Respondent, Mid-State Correctional Facility, Department of Corrections (the DOC), imposed discipline of a fifteen-day working suspension upon Lieutenant Zsuzsanna Miller (Lt. Miller), for alleged falsification of information in a written report and during an investigatory interview, in violation of N.J.A.C. 4A:2-2.3(a)6 "conduct unbecoming a public employee"; and 4A:2-23(a)12 "other sufficient cause" for violating

Human Resource Bulletin 84-17 as Amended, sections C8. falsification; C11. conduct unbecoming an employee; and E1. violation of a rule, regulation, policy, procedure, order or administrative decision. Lt. Miller appealed, denying the allegations and seeking to vacate the disciplinary action and have lost pay and benefits reinstated.

### PROCEDURAL HISTORY

Respondent issued a Final Notice of Disciplinary Action (FNDA) to appellant on August 20, 2018. The matter was appealed and transmitted to the Office of Administrative Law (OAL) where it was filed on September 24, 2018, for a determination as a contested case. N.J.S.A. 52:14B-1 to 14B-15 and N.J.S.A. 52:14F-1 to 14F-13.

The hearing was conducted at the OAL, with testimony heard on November 26, 2019, and January 14, 2020. The record remained open for the receipt of written summations. Extensions were granted as requested by the parties for the submission of their summations. The summations were submitted. The record closed on August 6, 2020. Executive Orders were entered by the Governor of the State of New Jersey, beginning in March 2020, declaring a public health emergency due to the COVID-19 pandemic and granting the extension of time for the completion of administrative decisions.

### FACTUAL DISCUSSION AND FINDINGS

**Keith Montagne** testified for the DOC. He is a Senior Correctional Police Officer (SCPO) at Mid-State Correctional Facility. He has been employed by the DOC since March 2017. On April 19, 2018, he was assigned to work at center control. He was seated at a desk inside the center. Lt. Miller was the Shift Commander and was seated behind him. They were the only two individuals in center control.

Sometime between 9:00 p.m. to 9:30 p.m., he received an anonymous call from an outside caller. He could not recall the specific time of the call, but knows it occurred around the time of his shift change. His shift ended at 9:30 p.m. (T1 22:23-25.) He was

pre-occupied with his duties, as there is much activity of officers coming and going during the shift change.

The anonymous caller indicated that someone was "beaten really badly" in Housing Unit 2 (Unit 2). He told Lt. Miller about the call and transferred the call over to her. Lt. Miller took immediate action and either radioed or called Sergeant Wehrle (Sgt. Wehrle). SCPO Montagne could not recall if Lt. Miller placed a second call during the approximate fifteen minutes that transpired from when the anonymous call came in, to the time when he left at the end of his shift at approximately 9:30 p.m.

SCO Montagne could not hear the conversation between Lt. Miller and Sgt. Wehrle. He could not recall if Lt. Miller viewed surveillance camera footage of the housing unit at that time. He did not write a report that evening. There was no incident that took place that required him to write a report. He was not ordered by Lt. Miller to author a Special Custody Report (special/report).

On April 24, 2018, he was ordered to write a special by the Special Investigation Department (SID), which he completed on that date. (R-7.) His entire report describes the incident as follows: "On the above date, I was working center control. I received a phone call from an anonymous person stating there was a fight on unit 2. I informed the Center Keeper LT. Miller of the phone call and she contacted Sgt Wehrle. The content of that conversation is unknown. End of Report." (R-7.)

On April 27, 2018, SCPO Montagne was interviewed by SID, at approximately 5:35 a.m. (J-20.) He indicated that his hours were from 9:30 p.m. to 5:30 a.m. (J-20, approximate counter 4:45.) Lt. Miller was working second shift, which was 2:00 p.m. to 10:00 p.m. (J-20, counter 5:15.) He started his shift at 9:30 p.m. and received the anonymous call shortly thereafter, at about 9:40 p.m. (J-20, counter 4:35 – 4:42.) The caller advised that there had been a fight and an inmate was badly beaten in Unit 2. He referred the call to Lt. Miller. She called Sgt. Wehrle. He did not know what transpired between the two of them. He did not hear what was said by Lt. Miller to Sgt. Wehrle. He could not hear the conversation because he was busy with the shift change, handing out equipment and working the gates for officers arriving for the shift change. He was working

the control panel, working the knobs to open and close the gates. His back was to Lt. Miller. He did observe Lt. Miller go to the monitors and rewind the tape to see what was going on, for a short period of time. (J-20, counter 4:04 – 4:28.) He did not have anything further to add during his interview regarding the incident. He was not asked by the interviewer if there was a second call to or from Lt. Miller and Sgt. Wehrle.

**William Whittaker** (Investigator Whittaker) testified for the DOC. He has been employed by the DOC since August 2001. He works at Mid-State Correctional Facility, currently assigned to the U.S. Marshall's Regional Fugitive Task Force. He worked in the facility's SID as of April 19, 2018.

On April 20, 2018, he received a referral from the facility's Administrator to conduct an investigation regarding an incident that occurred on April 19, 2018, in the facility. He reviewed video footage of the incident, which was an inmate being assaulted in Unit 2. (J-22.) He reviewed reports provided by employees about the incident and interviewed employees. He attempted to interview inmates involved in the incident, but they refused to provide a statement without legal representation present. He interviewed the inmate who was assaulted. (R-2.)

Investigator Whittaker authored an administrative investigation report, which he signed on May 16, 2018. (R-2.) He assembles the facts and summarizes them in his written report. (R-2.) He does not render a conclusion or determination as to whether someone should be disciplined after an administrative investigation.

Another investigator, Kevin Koch, was the principal investigator of the matter. Investigator Koch conducted an interview with Lt. Miller in connection with this investigation. (J-23.) That interview was done on May 4, 2018, at the facility SID trailer, with a representative from the New Jersey Superior Officers Association present. Investigator Whittaker reviewed the taped interview of Lt. Miller and utilized that information in his written report. (J-23; R-2.)

During the interview by Investigator Koch, Lt. Miller confirmed she was working on April 19, 2018, as Shift Commander, doing an overtime shift. A phone call came in to the

facility at 2135 [9:35 p.m.], answered by SCO Montagne. He relayed to Lt. Miller that an anonymous female caller had information. Lt. Miller advised SCO Montagne to refer the caller to SID during business hours or ask her what the information is. He got back on the call and the female caller indicated there was a fight that occurred in Unit 2 West, approximately ten minutes prior to her call. Investigator Whittaker's review of the phone log information for incoming and outgoing calls from the facility's control center, has the incoming call time stamped at 21:38 on April 19, 2018, which would be 9:38 p.m. (R-17.)

Investigator Whittaker's report indicates that SCPO Montagne reported that the call came in at approximately 9:33 p.m., although SCPO Montagne's report does not indicate a time when he received the incoming call. (R-2 page 1; R-7.) Investigator Whittaker noted that SCPO Montagne indicated during his interview that the call came in at approximately 9:30 p.m., although SCPO Montagne's video recorded interview has him indicate the call came in at approximately 9:40 p.m. (R-2 page 3; J-20.) Investigator Whittaker stated that the clocks for the phone system may not be in synchronization with a clock in center control, or watches utilized by individuals.

Lt. Miller stated during the interview with Investigator Koch that she immediately called Sgt. Wehrle and asked him to get two GAs [general assignment COs] and conduct a hand and body check of Unit 2 West. She "specifically told him that we just had received a phone call and he is to look for, according to the caller's words, a badly injured inmate." (J-23; statement transcribed during video review, T1 40:6-9<sup>1</sup>.) Lt. Miller asserted she told Sgt. Wehrle to conduct both a hand and body check and to walk down the unit to look for an injured inmate. She denied that she told Sgt. Wehrle to "grab a GA [general assignment officer] and to take a walk down Unit Two West to look for anything out the ordinary", as he wrote in his report the next day. She denied during the SID interview that she told Sgt. Wehrle she does not put much into such calls. (J-23, approximately 9:26 on counter.)<sup>2</sup>

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<sup>1</sup> The transcript from the OAL hearing on November 26, 2019, is referred to as T1. The transcript from the OAL hearing on January 14, 2020, will be referred to as T2. Citation to the transcript will include page number:line(s).

<sup>2</sup> The transcript of the OAL hearing does not accurately document the video's audio transmission, as it was played during the testimony of Investigator Koch. The transcriber did note that some of the testimony being transcribed from the video playback was "out of microphone range." An incorrect response is transcribed as Lt. Miller's answer to investigator Koch's question if Lt. Miller stated to Sgt. Wehrle on the phone, as

After dispatching Sgt. Wehrle, she pulled up the video from approximately ten minutes prior to the incoming phone call. Everything appeared normal on the video. Lt. Miller called Sgt. Wehrle at approximately 9:45 p.m. to check on the status of his investigation. She had not heard from him after calling him to do the hand and body check and to walk the unit to look for any signs of a fight. She denied that Sgt. Wehrle placed a call to her to ask if he had to do a hand and body check. Investigator Whittaker confirmed there is no log or system to document inter-facility calls.

When Lt. Miller called Sgt. Wehrle at approximately 9:45 p.m., he reported that everything was normal and nothing was amiss on the unit. He did not find an injured inmate. She did not know Sergeant Baldizzone (Sgt. Baldizzone) was involved until "after the fact." (J-23; T1 42:15.) She had not ordered Sgt. Wehrle to take Sgt. Baldizzone with him for the investigation of Unit 2. Lt. Miller did not direct Sgt. Wehrle to author a report because there was no incident at the time. There were no reports completed by anyone at the facility on April 19, 2018, because it appeared there was no incident that night.

Lt. Miller returned to work the following day, April 20, 2018, and completed a "double check" of herself, which she asserted she has done on multiple occasions, whether or not an incident had occurred. She reviewed video from April 19, 2018, and saw the incident. As soon as she saw evidence of a fight, she relayed the information to her superior. She then had Lieutenant P. Miller (Lt. P. Miller) assist her to identify the inmates in the video who were involved in the incident.

During her interview with Investigator Koch, Lt. Miller indicated that she did not observe Sgt. Wehrle on the video conducting a hand and body check. She characterized his actions as taking a stroll down the unit and stroll back. She believed he committed an error by not following her order. Had he done the hand and body check, the inmate would have been found that evening, with no delay for the inmate's medical treatment.

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Wehrle reported "I don't put much into these calls so grab a GA and take a walk down the tier and let me know if you see anything[.]" In the video of Lt. Miller's SID interview she states "No sir" indicating she did not make that statement to Sgt. Wehrle. In the transcript, it incorrectly indicates Lt. Miller responded "That's right." (T1 45:19-23.)



She denied any knowledge of a policy or procedure or instructions as to what to do when such anonymous calls come in. This was a routine call, which often occurs with an anonymous tip. Lt. Miller's personal procedure is to review the tape, send a supervisor to do a hand and body check, and if there is an incident, they will document it. "Non-incidents do not get reported." (J-23; T1 48:11-12.) She denied there being any type of policy for the reporting of a non-incident.

Investigator Whittaker confirmed that Mid-State does not have a policy on hand and body checks. He is unaware of any institution in New Jersey having a written policy on how or when to conduct a hand and body check. He affirmed that in conducting hand and body checks, one learns through on-the-job training in their institution, and a supervisor has the discretion whether to order same. He has conducted hand and body checks during his employment with the DOC. He could not specify how many individuals should be assigned to do a hand and body check. Each facility has a different style of housing unit and depending upon the situation, the location, and the manpower available, that will dictate how many individuals would be involved in conducting a hand and body check.

Investigator Whittaker reviewed the video tape when Sgt. Wehrle walked the unit. Sgt. Wehrle did not conduct a hand and body search, and was viewed to briefly walk through the unit.

**Christopher Wehrle** testified for the DOC. He is a Sergeant at Mid-State Correctional facility. He has been employed by the DOC since 2002.

On April 19, 2018, he was working the second shift, from 2:00 p.m. to 10:00 p.m. At 9:30 p.m., he was called via radio by Lt. Miller. She requested that he call her at Center Control of the facility. He went to the nearest inter-facility phone and called her extension. She advised him to "grab a GA and take a walk down Unit Two West." (T1 69:4-6.) She told him that she received an outside phone call from a civilian that there was a possible fight in Unit 2 West. He hung up the phone and as he proceeded towards the area, he saw Officer Aucott and told him "Come take a walk with me." (T1 69:17.) They proceeded

through a control gate and went to the supervisor's office. Sgt. Baldizzone was seated in the office and Sgt. Wehrle asked if he felt "like taking a walk with me?" and Sgt. Baldizzone responded that he would. (T1 69:21-22.) Sgt. Wehrle explained to the two others that Lt. Miller had received the outside call and that they were going to walk down the unit because there had potentially been a fight. Sgt. Baldizzone asked him if they were going to do a hand and body check. Sgt. Wehrle responded "No, I was not instructed to do one." (T1 70:3.)

Sgt. Wehrle wanted to call Lt. Miller to make sure she did not want a hand and body check done. He picked up the phone in the supervisor's office, dialed Lt. Miller's extension again, and she answered. He asked her if they were supposed to be conducting a hand and body check or just taking a GA to walk down the unit. She responded that she does not put much into such calls and they usually amount to be nothing. She then said to him "You know what? Don't worry about it." (T1 70:14-15.) She had watched the camera footage and she did not find anything. He suggested to her that he would just take a walk down the unit and if he saw anything out of the ordinary, he would let her know. She responded "okay." (T1 70:17-20.)

He proceeded to Unit 2 West and saw Officer Anello, who was the unit officer at the time. Sgt. Wehrle asked him if he heard any commotion such as a fight and Officer Anello responded "no." (T1 70:22-24.) Sgt. Wehrle explained to Officer Anello that he, Officer Aucott, and Sgt. Baldizzone were going to walk down the unit to see if anything was out of the ordinary.

They walked down the unit, walked back, and did not see anything. He did not stop during the stroll through the unit, to individually examine any inmate. The unit area where he walked had inmate bunk beds lined up on both sides. (J-22.) Sgt. Wehrle decided to go to the east unit, thinking the reported west side was incorrect. They went down the east side and did not find anything. As he was walking off the unit, Lt. Miller called him via radio and asked him if he found anything. He responded that he did not find anything, thinking he may have said something like "so far, so good." He estimated it took approximately one minute to walk each unit.

Sgt. Wehrle has been involved in approximately a dozen hand and body checks during his employment with the DOC. He prefers to have approximately five officers to conduct such a check. If there had been a fight, the inmates would be jumpy and you do not know what could happen. He explained that if a victim is found, two officers must escort the victim off and if a suspect is found, then the suspect must be escorted off by another two officers. Two senior officers should be present as well, which would be a sergeant and the area lieutenant.

On April 19, 2018, Sgt. Wehrle believed the area lieutenant was Lieutenant Rodgers (Lt. Rodgers). Sgt. Wehrle did not contact the area lieutenant that a hand and body check was going to be done because he had not been ordered to do so by Lt. Miller. Had a hand and body check been done, Sgt. Wehrle would have been required to do a report. He did not author a report on April 19, 2018. Sgt. Wehrle was not aware of a policy regarding hand and body checks, but there was a memorandum issued by Major Alexander, which came out after the incident in question, regarding hand and body checks. He did not believe that he had authority on the date in question to initiate a hand and body check himself, without having been ordered to do so by a lieutenant. He has never taken it upon himself to do a hand and body check.

Sgt. Wehrle believes that if he had been ordered to do the hand and body check, he would have discovered that there was an injured inmate. In past instances when there is a report that a fight might have occurred, a hand and body check was always ordered. He did not question Lt. Miller when she first instructed him to grab a GA and take a walk down the unit. He does not question a superior's order to him. He would only question it if it were an unlawful order and he has never been given an unlawful order. He did concede that by calling her back from the supervisor's office and asking her if she wanted him to do a hand and body check, he was questioning her. He asserted he did so in case she had changed her mind from when she first called him.

Sgt. Wehrle did have a GA with him, Officer Aucott, when he stopped by the supervisor's office and asked Sgt. Baldizzone to take a walk with him. He acknowledged that if the only order from Lt. Miller was to grab a GA and take a walk down the unit, he had the GA with him and had not been ordered to have a sergeant accompany him. Sgt.

Wehrle figured why not have another pair of eyes to walk down the unit, even though he asserted he was instructed to just grab one GA.

There were approximately thirty-six inmates in Unit 2. A hand and body check would take approximately ten to fifteen minutes. If the victim or any suspects had been located, the process would have taken longer, approximately forty five minutes, if he had to accompany any inmates out of the unit. He acknowledged that if he had done a hand and body check and then had to write a report, he would have had to stay overtime, beyond the end of his shift.

Lt. Miller had access to the video camera in the housing unit. She could have seen whether he had done a hand and body check. If he did not do so, and she had ordered him to do it, he would have been written up for insubordination. He was never counseled nor written up by Lt. Miller for failing to follow a direct order.

On April 20, 2018, Sgt. Wehrle reported to work for his shift. He learned at the start of his shift that there had been a fight the prior night in Unit 2. He was then ordered to write a special report, which he did, regarding the circumstances the prior night on April 19, 2018. (R-3.)

**William Baldizzone** testified for the DOC. He is a Sergeant at the facility. He has been employed by the DOC since 2010.

Sgt Baldizzone was working second shift on April 19, 2018. Towards the end of the shift, at approximately 9:30 p.m., he was seated in the supervisors' office working at the computer. Sgt. Wehrle came into the office and asked him if he would take a walk with him to Unit 2 West, as requested by Lt. Miller, due to a possible fight having occurred. He told Sgt. Wehrle he would go with him and asked if they were doing a hand and body check. Sgt. Wehrle said that "he was not told to do one, but he would find out if we were doing one." (T1 122:2-4.)

Sgt. Wehrle walked over to the office phone and said he was calling the shift commander, Lt. Miller. Sgt. Baldizzone could not hear the conversation from the other

end of the call, but understood it to be Lt. Miller speaking to Sgt. Wehrle. He did hear Sgt. Wehrle ask if they were doing a hand and body check and then stated that he would take a walk down the unit.

Sgt. Baldizzone walked down Unit 2 West with Sgt. Wehrle and Officer Aucott. The walk took approximately a little more than a minute. He was looking for something out of the ordinary. He checked the showers and bathroom area, looking for signs that there had been an altercation or something discarded there related to an incident. He did not see anything out of the ordinary. He did not personally look at any inmates. He did not walk down the unit/bunk area with Sgt. Wehrle and Officer Aucott. He went into the bathroom facilities, which was to his immediate left when walking into the unit area. He also went into the east unit with Sgt. Wehrle and Officer Aucott and did not see anything there. That took approximately one to one and a half minutes. He recalls having returned to the supervisor's office and leaving at the regular time at the end of his shift, which ended at 10:00 p.m. He did not speak to Lt. Miller that evening.

Sgt. Baldizzone authored a report about the events of April 19, 2018, on April 26, 2018. (R-3.) He stated that he did not include all the details in his report, which he testified to during this proceeding. He was asked to write the report approximately one week after the incident, while he was in the middle of working. He did it quickly.

Sgt. Baldizzone's report indicates that Sgt. Wehrle entered the supervisor's office and asked him to take a walk with him to Unit 2 West, and that Sgt. Wehrle was advised by Lt. Miller, the shift commander, that there could have been a fight in that housing unit. Sgt. Wehrle told him he was going to take a walk down Unit 2 West and Sgt. Baldizzone asked if they were doing a hand and body check. Sgt. Wehrle responded he was not instructed to do so, but would call the shift commander to see if she wanted one done. Sgt. Baldizzone's report indicates "Sgt. Wehrle then made a phone call and asked if we were doing a hand and body check via telephone from the supervisor's office. He replied that he would take a walk down the tier and look for anything out of the ordinary during the conversation." (R-4.)

Sgt. Baldizzone did not describe in his report that Sgt. Wehrle walked over to the

phone immediately after Sgt. Baldizzone asked if they were to do a hand and body check. Sgt. Wehrle dialed a number, asked if a hand and body check needed to be done, and then heard him say he would take a walk down the unit. Sgt. Baldizzone did not see the number that Sgt. Wehrle dialed. He could not hear the voice on the other end of the line.

His report concludes that they proceeded to Unit 2 West, performed a check for anything out of the ordinary, and did not find anything. They also performed a check of Unit 2 East, again with negative results. (R-4.)

Sgt. Baldizzone is familiar with hand and body checks, having done approximately 100 during his career, particularly in a youth facility where he previously worked for DOC. He described that he would normally receive a call from a lieutenant or superior and get told what to do. He acknowledged that had he discovered something out of the ordinary, he would contact the area lieutenant to request permission to conduct a hand and body check. The lieutenant would give the ultimate order whether to perform the hand and body check. If he was going to conduct a hand and body check, Sgt. Baldizzone would assemble the manpower needed, indicating he would not do such a check without at least five people, due to safety concerns. After a hand and body check occurs, it is mandatory to complete a written report, even if nothing is revealed after the check. It is required to be documented as to why and how such a check was done.

He confirmed there was no internal management policy at Mid-State regarding how or when to conduct hand and body checks. He was aware a report had to be completed after such a check because there are reporting procedures for certain things that occur when there are incidents with inmates, such as fights. He confirmed that his first question to Sgt. Wehrle when he asked him to take a walk in the unit due to a suspected fight, was whether they were doing a hand and body check. He asked the question because "sometimes under those situations, it is something that we would do" . . . but was not always expected nor done, depending upon the circumstances. (T1 133:4-14.) He confirmed that had a hand and body check been completed, and they found something, they would have to write reports and the process could take approximately one to two hours.

**Andrew Aucott** testified for the DOC. He has been employed by the DOC for eight years. He is a CPO at Mid-State. He was on general assignment (GA) at the facility on April 19, 2018, working second shift. Towards the end of his shift, while he was in control center one, Sgt. Wehrle approached him and said they had to "take a walk on Unit Two West, looking for anything outside the ordinary." (T1 161:5-8.) He just assumed someone had gotten beat up. That is not an uncommon thing to occur in the facility.

They went to the supervisor's office and Sgt. Wehrle told Sgt. Baldizzone, who was in the office, what was going on. Sgt. Baldizzone asked Sgt. Wehrle "Are you sure she doesn't want a hand and body check? Do we have to do a hand and body?" (T1 161:12-13.) Sgt. Wehrle responded "no," but he would double check. Sgt. Wehrle picked up the phone and when he hung it up, he stated that "She said, 'No'." (T1 161:14-16.) He could not see the number Sgt. Wehrle dialed on the phone. He did not know who the other person on the end of the line was. He could not hear the other person. He imagined Sgt. Wehrle had called Lt. Miller, because he stated he was going to call her.

CPO Aucott acknowledged Sgt. Wehrle noted in his report that CPO Aucott left the office at some point. He asserted he was present in the supervisor's office during the entire phone call, and may have left the office first before they walked Unit 2.

They proceeded to walk Unit 2 West. It was a brief walk, approximately a minute, and he did not notice anything out of the ordinary. He did not recall if anyone placed any calls or radioed Lt. Miller during the tour or right after the tour. He believes he returned to control center one immediately thereafter. He did not recall being held up from leaving at the end of his shift, at 10:00 p.m.

He authored a special report on April 20, 2018. (R-5.) The entire description handwritten in the report is: "On April 19, 2018 at approximately 2130 hours Sgt. Wehrle instructed me to assist him in touring Unit 2 to look for anything out of the ordinary. I did not notice anything out of the ordinary at that time." (R-5.) CPO Aucott was taught to write in a special report what you have done regarding an incident, and not to write every dialogue that was spoken.

CPO Aucott has previously conducted hand and body checks during his employment with the DOC. The number of officers involved varies, anywhere from approximately five to ten, typically eight officers is the average. He has never done a hand and body check with two sergeants and one officer.

**Michael Anello** testified for respondent. He has been a CPO at Mid-State for four years. On April 19, 2019, he was assigned to the podium in the center section area of the housing units between Unit 2 West and 2 East. At approximately 9:30 p.m. Sgt. Wehrle came to the unit with Sgt. Baldizzone and CPO Aucott, and told him that he had to tour the west side of the unit because of an altercation that took place on the west side, and they were looking for anything out of the ordinary. He had not received a call over the radio, prior to their arrival at Unit 2, that a hand and body check had been ordered.

On April 23, 2018, CPO Anello was ordered to write a special report about the incident, which he did on that date. (R-6.) The entire description of the incident of April 19, 2018, was typed in the special as "On the above date while working Unit 2 Sgt Wehrle came to my unit with Officer Aucott, Sgt Wehrle informed me of a possible fight on my unit. At that time, he said he was going to tour and look for any signs of a fight or inmates hurt. There were no discrepancies found at that time. End of Report." (R-6.) He did not write a special on the night of April 19, 2018. He did not do the tour of the unit. The sergeants and officer did the tour, found no discrepancies, so there was no need for a report to be written.

CPO Anello has conducted hand and body checks during his employment. Approximately two weeks prior to his testimony, he had been ordered by the shift commander to complete a hand and body check. All available officers were ordered to do so. He estimated approximately five to ten officers were in the unit at the time to conduct the hand and body check. He has never done such a check with two sergeants and one officer.

He is unaware of any policy regarding hand and body checks at the facility. He asserted that in normal practice, if a hand and body check is done, a report is required to be completed, whether anything out of the ordinary is discovered or not. He



acknowledged he is unaware of any policy that requires a report to be completed if a hand and body check reveals negative results.

**Kevin Schultheis** testified for the DOC. He has been employed by the DOC for twenty-two years. He has worked at various DOC facilities. He has been employed at Mid-State as the Security Major since August of 2019. The security major is responsible for all physical activity that occurs at the facility such as procedures for inmate counts, the secured perimeter procedures, and other security matters. He is familiar with NJ DOC policies and procedures.

He was not employed by Mid-State as of the date of the incident. His understanding of the circumstances of this matter were obtained from his review of the various reports and investigation conducted by SIU. He understands that Lt. Miller was Shift Commander on second shift when an anonymous phone call was received in central control that there had been an inmate altercation in one of the housing units and there was an inmate in need of medical attention. Lt. Miller instructed Sgt. Wehrle to do a walk through the housing unit to see if anything was wrong. She also did a review of approximately ten minutes worth of video footage with no results indicating that a fight had occurred. The following day she authored a report stating that she had ordered Sgt. Wehrle to conduct a hand and body check on April 19, 2018, which had negative results. She further reported that she performed a lengthier video review the next day, which showed there was evidence of inmates being involved in an altercation.

Mid-State Correctional Facility has its own internal management procedure (IMP) for the position of shift commander. (R-12.) Major Schultheis highlighted that a section of that IMP, entitled "On Call and Other Notifications of Unusual Events" delineates situations when the shift commander is to notify the on-call administrator of unusual incidents, such as when there has been an "incident which could impact the orderly operations of the facility." (R-12 page 10.) The shift commander is required to notify the majors "of any serious incident involving custody matters, security and/or any injury to staff." (R-12 page 10.) In all cases of unusual events, the shift commander "shall send out a notification email to all Administrative Staff, advising of the specifics to an incident as well as follow up email notifications." (*Id.*) The shift commander shall also notify SID of delineated unusual incidents, via phone and email. (R-12 page 10-11.)

Based upon his experience, Major Schultheis would deem this anonymous call as an unusual incident. The on-call administrator and SID were not notified by Lt. Miller. A report should have been generated on April 19, 2018, even if the information from the anonymous call was unsubstantiated. There was nothing noted on the shift commander's log sheet from that shift, regarding the call or any order for a hand and body check. (R-9.) He conceded there is no written policy or IMP indicating an anonymous call falls within the definition of an unusual incident. He acknowledged that anonymous calls do not always check out to be accurate.

Major Schultheis indicated that if a shift commander receives an anonymous call indicating there was an altercation or that an inmate needed medical attention, the area lieutenant and the housing sergeant should be notified. A hand and body check should be ordered in the unit and the on-call administrator and SID should be notified.

Major Schultheis opined that Lt. Miller's ten minute review of the video tape on April 19, 2018, was inadequate, based upon his experience. The video should have been reviewed at least one hour in either direction of the time that was alleged. In this instance, the call was received at approximately 9:30 p.m. so the video going back to 8:30 p.m. should have been reviewed, and since the alleged time of the incident was within ten minutes of the time of the call, it would not have been possible to go forward one hour. Lt. Miller would have been permitted to pass along this information and the task of reviewing the video to the next shift commander, since it was near the end of her shift.

Mid-State has an IMP for the post of housing sergeant. (R-13.) Major Shultheis explained that the IMP requires the housing sergeant to perform specific duties, such as "conduct investigations as directed by the Area Lieutenant or Shift Commander[.]" (R-13 page 5.) If the sergeant was ordered to do a walkthrough of a housing unit, and took it upon themselves to do a hand and body search, that would be improper. That sergeant could be subject to disciplinary action.

Major Schultheis is familiar with a hand and body check. In his career with DOC he has been involved in approximately 130 such checks. The procedure is done in dormitory housing units. It is a systematic check of all inmates to determine if they have been involved in an altercation. An individual conducting such a check is looking for physical signs on the inmate, such as bruising, scraping, bleeding, or cuts and scrapes,

in addition to looking for other evidence on the housing unit such as bloody clothing. The inmates are generally lined up and the officers look at each inmate, check their hands, arms, face and upper torso, having them lift their shirts to look for signs of injury.

The procedure for conducting a hand and body check first requires notifying the area lieutenant to coordinate the action, and notifying the housing sergeant who will be overseeing and supervising the check, which check should be done with at least five officers present. An order for two officers and one sergeant to conduct such a check is not sufficient coverage. At least five officers are needed since two officers would do the actual check of each inmate while at least two other officers stand by and observe the entire body of inmates, for safety and security purposes, and for the potential need to escort any inmate from the unit. He opined that in his experience, if a hand and body check had been done here, the evidence of the altercation and injured inmate would have been discovered that evening.

Major Shultheis confirmed there is no written DOC policy regarding hand and body checks. The statewide DOC facilities are too diverse as to each institution. He affirmed there is no written policy for Mid-State specifying that the area lieutenant and the housing sergeant are to be notified when a hand and body check is ordered, nor is such a policy contained in the DOC regulations or bulletins. There are no statewide DOC policies, IMP's or other DOC rules or regulations specifying the number of officers necessary to conduct a hand and body check. He conceded it is conceivably possible to have a written policy covering hand and body checks, but there are so many variables that could occur within each institution it may not be feasible.

The method and procedure for conducting hand and body checks is obtained by on-the-job training. After a hand and body check is completed, it is required that reports are generated by the officers conducting the checks, the supervisor, the area lieutenant, and other employees of the facility, depending upon what section of the facility the check took place. Even if nothing is found as a result of the check, the reports still need to be completed.

Major Shultheis asserted that if an anonymous call reporting an injured inmate prompted the order of a walkthrough, such an incident should have been noted in the log sheet. He acknowledged that there are no written requirements that an order for a walkthrough of a unit is to be noted in the shift commander's log sheet or that a special report should be completed.

Major Shultheis confirmed that Lt. Miller received copies of the DOC rules and regulations, including Human Resource Bulletin 84-17, as Amended, at the time she was hired. (R-11; R-14; R-15.) He was familiar with the violations for which Lt. Miller was charged, as contained within such documentation. He believed that the disciplinary penalty assessed against Lt. Miller in the FNDA was appropriate.

**Edwin Rogers** testified for the DOC. He has worked 18 years with the DOC. He was the Area Lieutenant for the second shift on April 19, 2018, at Mid-State, under Shift Commander Lt. Miller. He did not receive a call from her that day. He did not hear a call over the radio that officers needed to report to a specific location. He was not noticed by Lt. Miller or Sgt. Wehrle on April 19, 2018, that Lt. Miller ordered Sgt. Wehrle to conduct a hand and body check. He never was advised on that date that a hand and body check was ordered.

Lt. Rogers is familiar with a hand and body check process. It requires at least two sergeants and at least five officers to do an adequate entire dormitory tier hand and body search at Mid-State. In his experience, the shift commander will advise the area lieutenant that a hand and body check needs to be done. The area lieutenant advises the sergeants, and the GA sergeant will gather a minimum of five officers for the hand and body check. They would enter the unit, clear the showers, turn off televisions, and place every inmate at their bunk area. Each inmate is systematically checked. Written reports are completed after the check. If the hand and body check was ordered as the result of an anonymous call reporting a fight had occurred, the on-call administrator should have been notified and SID would be notified thereafter if anything had been found. The area lieutenant would get reports from officers involved in the hand and body check, review the reports, and then send them up to the shift commander.

An anonymous call is considered an unusual incident, as well as ordering a hand and body check. Anything that is out of the norm, that was not scheduled for the day, is considered an unusual incident. Had a hand and body check been ordered by a shift commander, the shift commander would list that in their report at the end of the shift. Lt. Rogers confirmed he is unaware of any written policy regarding hand and body checks.

**Zsuzsanna Miller** testified on her own behalf. She has been employed for almost fifteen years by the DOC. She attained the rank of Lieutenant in 2013. She began working at Mid-State in 2017 as a lieutenant, serving as area lieutenant and shift commander relief. She normally worked the first shift each day, from 6:00 a.m. to 2:00 p.m.

On April 19, 2018, she was working an overtime tour, by working the second shift as the shift commander, which shift began at 2:00 p.m. and ended at 10:00 p.m. She was in the command center with SCPO Montagne. At approximately 9:30 p.m., SCPO Montagne received an outside call, from an anonymous caller, with information about a potential incident that occurred. He transferred the call to her, and she spoke briefly with the unidentified caller. The caller reported that approximately ten minutes prior to calling the facility, an inmate on Unit 2 West had been badly beaten and was injured. She asked the caller if there was any further information they wanted to give and instructed the caller to call SID in the morning if they wanted to speak to someone further about the alleged incident. Lt. Miller hung up the phone and called Sgt. Wehrle via radio, asking him to contact her at the command center. Sgt. Wehrle was the housing sergeant for Unit 2 West.

Lt. Miller ordered Sgt. Wehrle to do a hand and body check of the unit and to take two GA officers with him. She advised him that "there was some information that there may possibly be a badly injured inmate located on Unit 2-West and . . . instructed him to go and conduct a search" and let her know what he discovered." (T2 115:15-19.) She told him to take two officers with him, conduct the search, and call her back if he found anything. She was unaware of any policy or requirement for a specific number of officers needed to conduct a hand and body check. In her experience, the number of officers involved in hand and body checks varied depending upon the circumstances.

She denied that she was required to order the hand and body check after having received the anonymous call. She did not contact the area lieutenant, believing there was no need to do so, and wanting to immediately initiate the search in the event something was amiss and it could be found as soon as possible.

Lt. Miller went to the video cameras, re-wound the video approximately ten to fifteen minutes back to the time of the alleged incident, and viewed the video for any signs that something was amiss. There was no need to go back an hour, given the time frame the caller told her; it was nearing the end of the shift; and she considered Sgt. Wehrle to be her “physical eyes on that unit[.]” (T2 118-119;4-5.) She did not see anything on the video during her review of the tape at that time. She did not make any effort to watch Sgt. Wehrle conduct the hand and body check because she was watching the video of the unit from the time the caller indicated the event had occurred.

Lt. Miller denied that Sgt. Wehrle contacted her after she first communicated to him to do the check. She denied that he called her a second time to confirm a hand and body check was to be done, before she reached out to him again. She denied that she told Sgt. Wehrle she did not put much into such anonymous calls. She denied telling him to just take a walk down the tier. She denied that she told him to “grab one GA.” She denied telling him to never mind, and not worry about the situation. (T2 120-121.)

When she completed her review of the video, she had not heard back from Sgt. Wehrle. She contacted him again on the radio and asked him to call her back at center control. He called her and she asked him what the result of his search was. He indicated it was negative, nothing was amiss. There was nothing further to do since this was a non-incident and “nothing happened.” (T2 121:11-13.) She did not note the anonymous call, nor did she note that she ordered a hand and body check in her shift commander’s report. They were not unusual incidents or anything reportable. Although anonymous calls “do not happen regularly, they happen fairly frequently.” (T2 122:13-16.) Had something turned up from the hand and body check she ordered, the matter would have become a reportable incident. She passed on the information to the shift commander coming on for the third shift. She departed the facility at the end of second shift. During cross-examination, she stated that the information she passed along was anything pertaining to the running of the prior shift. That did not include the hand and body check she ordered Sgt. Wehrle to conduct because there was no need for her to report that.

She reported to work the following day for her usual shift. She did what she always would do, which was to double check her work. She reviewed the tape again, rewinding

it back further than what she had originally viewed the night before. That is when she saw the altercation. The injured inmate was identified and taken to the medical unit. The combatants were identified and placed into pre-hearing detention housing. She alerted the on-call major and SID. She saw towards the end of the video she reviewed that Sgt. Wehrle completely disregarded her order and "just took a saunter down the unit and back in less than a minute." (T2 126:18-21.) If she had ordered just a walkthrough of the unit, what she saw Sgt. Wehrle do was insufficient.

Sgt. Wehrle did not follow her order to conduct a hand and body check. When she becomes aware that a subordinate officer has not followed an order, that officer would be subject to discipline. That information may or may not be included in her written report, depending upon the circumstances. She did not include in the report that Sgt. Wehrle failed to follow her order to conduct a hand and body check, nor did she mention to anyone that Sgt. Wehrle failed to follow a direct order. (R-8.) She did not recommend any charges against Sgt. Wehrle for failing to follow a direct order, as she does not normally recommend discipline. That is done by the majors and the administration. She submitted her report for review. It would have been up to the majors and the administration to decide whether to pursue discipline. (T2 143-144.) In hindsight, she acknowledged that it was a significant fact that she did not document in her report that Sgt. Wehrle did not follow her order to do a hand and body check. The purpose in her writing the report was to make sure all inmates involved in the incident were either charged accordingly and/or received medical attention.

Lt. Miller completed a written report on April 20, 2018, after having reviewed the tape and discovered the assault. (R-8.) She asserted she wrote the report, but did not have to do so. (T2 129:10.) She referenced in her report that she had ordered Sgt. Wehrle to conduct a hand and body check the prior day. She never would have included such a detail, had she not ordered it to occur.

She estimated that had Sgt. Wehrle conducted the hand and body check as ordered, the situation would have been discovered. The inmates involved would have been escorted out of the housing unit. He would have been responsible to oversee the check and ensure that all individuals involved, from the officers to nursing staff, completed

reports. The process would have taken at least an hour, without including the time to complete the reports. Sgt. Wehrle would have been required to stay beyond the end of his shift until all reports were compiled and submitted. She would not have been required to stay beyond her shift had Sgt. Wehrle conducted the hand and body check and discovered the injured inmate and the inmates involved in the incident. She would have reported the matter to the on-call administrator and SID and then could pass along the information to her relief for the next shift, and that individual would have collected all reports.

She was not aware of any written directive requiring reports to be completed whenever a hand and body check had been ordered. She was not aware of any written directive requiring reports to be done if the hand and body check had negative results. She asserted that if there had been credible evidence that came down from administration or a major to conduct a hand and body check, then she would have been required to write a report. It is not that reporting is required in that situation, it is something that is done to document that an incident took place, even if it was negative, to document that the check was conducted. She asserted that "There is no such thing as a hand and body check. A hand and body check is a visual inspection, anybody can conduct a visual inspection of anybody - - of any inmate at any time." (T2 145:13-16.) There is no written procedure for a hand and body check because it is 'just a term that we use for a visual inspection of the inmates.'" (T2 153: 18-19.)

Lt. Miller acknowledged that there was a prior instance on October 16, 2017, when she ordered a hand and body check, with negative results, and she reported the matter via email. (P-5.) She asserted that in that instance, a sergeant had witnessed an inmate with a black eye, and a hand and body check was ordered. Since the black eye was tangible physical evidence, she reported that she ordered the hand and body check, even though the check had negative results. (P-5.)

Lt. Miller acknowledged that there is a written policy regarding reporting unusual incidents. (R-12.) Her opinion of an unusual incident is "anything out of the ordinary that occurs during normal running of the tour of duty." (T2 140:14-16.) She opined that an anonymous call without anything else is not an unusual incident because institutions



receive hundreds of calls every day. There is no written policy requiring the shift commander to report every anonymous call.

She denied that she falsified a report, when she wrote in her report of April 20, 2018, that she ordered Sgt. Wehrle to conduct a hand and body check the prior day. She denied falsifying any report, testimony, or the answers she provided in her interview with SID.

### **Credibility**

A fact finder is obligated to weigh the credibility of witnesses. The fact finder must choose to accept or reject whether a witnesses' testimony is credible. Freud v. Davis, 64 N.J. Super. 242, 246 (App. Div. 1960). Credibility is the value given to a witness' testimony. It is best described as that quality of testimony or evidence that makes it worthy of belief. "Testimony to be believed must not only proceed from the mouth of a credible witness but must be credible in itself. It must be such as the common experience and observations of mankind can approve as probable in the circumstances." In re Estate of Perrone, 5 N.J. 514, 522 (1950), (citations omitted).

A credibility determination requires an overall assessment of the witness' story "in light of its rationality or internal consistency and the manner in which it hangs together with other evidence." Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). The fact finder should also consider the witness' interest in the outcome, or any motive or bias. The fact finder may reject testimony because it is inherently incredible, improbable, inconsistent with common experience, contradicted by other testimony, or it is overborne by other testimony. Congleton v. Pura-Tex Stone Corp., 53 N.J. Super. 282, 287 (App. Div. 1958).

SCPO Montagne testified without embellishment, exaggeration, or bias. His demeanor was the same in his videotaped interview with SID. His interview occurred five days after the event, at approximately 5:30 a.m., at the end of his shift. He stated during the taped interview that his shift was from 9:30 to 5:30. He also estimated the anonymous

call coming in at approximately 9:40, which is the closest estimate to the log sheet record that the call came in at 9:38 p.m., rather than his general estimate during his testimony that the call was sometime during 9 to 9:30 p.m., at the end of his shift. He also recalled during his taped interview that Lt. Miller did go to the monitors and reviewed the video tape for a short period of time, which he could not recall if she did so during his testimony at the hearing. I deem the information he gave in his interview to SID to be most reliable, given that it was done a few days after the event.

All of the witnesses on behalf of the DOC, involved firsthand in the events on the night of April 19, 2018, testified in a sincere and frank manner. They all candidly acknowledged when they were estimating, or did not have a specific recollection of details from that evening, due to the time that had transpired from the event to the time of their testimony in the OAL hearing. All of those witnesses, and the investigating and policy witnesses who testified for the DOC, "hung together" with their testimony regarding their understanding as to the procedure for hand and body checks, despite the lack of any written policy or procedure on that topic. There was no bias or demeaning comments or testimony detected towards Lt. Miller. I deem their testimony as credible.

It is recognized that Sgt. Wehrle's testimony could have been motivated by a self-serving basis to deny that he was ordered to conduct a hand and body check, when confronted with video tape that demonstrates he merely walked down and back in the unit. The testimony of other witnesses supports Sgt. Wehrle's assertion, particularly the testimony of Sgt. Baldizzone who questioned whether a hand and body check was ordered and Sgt. Wehrle immediately placed a call from the supervisor's office to confirm what was to be done. He was heard speaking to someone on the phone, purportedly Lt. Miller, and thereafter the three individuals involved in the walk through of the housing unit did just that, walked through the unit. None were asked to author a report. All believed the event to be a non-incident. The reports each authored thereafter were succinct, without mention of a hand and body check having been ordered. Their belief as to what a hand and body check entails, was supported by the SID witness and policy witness. It would have required substantial collaboration between the two sergeants, the officer who accompanied them on the walk through, the officer stationed in the housing unit, and SCPO Montagne from the command center, to devise a plan fabricating the events at the

supervisor's office and explanation as to why they did just a walk through, versus an allegedly ordered hand and body check. The weight of the evidence and totality of the circumstances lends support to the credibility of Sgt. Wehrle's testimony.

Lt. Miller testified confidently, unwavering, and somewhat robotic and unemotional. The same demeanor was displayed during her taped interview with SID. Her testimony, appearance, and delivery during the hearing appeared credible. What disabled her credibility is the lack of any supporting evidence for her version of the events. No other witness' testimony supported her assertion that she gave the order for a hand and body check. There are no documents or reports to support that she ordered a hand and body check, but for her own report authored the next day. Her prior actions under similar circumstances, and her "double check" of the video the next day, did not support her testimony and reasoning as to why there were no supporting documents or reports regarding her asserted order for a hand and body check.

Based upon the foregoing testimony and a review of the documentary and video evidence, I **FIND as FACTS** the following:

Lt. Miller was working at Mid-State facility on April 19, 2018. She worked her normally scheduled first shift from 6:00 a.m. to 2:00 p.m. She worked an overtime tour, second shift, as the shift commander, from 2:00 p.m. to 10:00 p.m.

She was in the command center, with SCPO Montagne, when an anonymous call from an outside individual came in. Most witness's testimony estimated the call coming in at approximately 9:30 p.m. The call log indicates the call came in at 9:38 p.m. and SCO Montagne estimated in his interview with SID the call came in at approximately 9:40 p.m.

SCO Montagne picked up the call, advised Lt. Miller of the nature of the call, and transferred it to her. She spoke to the anonymous caller, who reported that there had been a fight in housing Unit 2 West and there was a badly injured inmate.

Lt. Miller called on the radio for Sgt. Wehrle, who was the housing sergeant for Unit 2 West, and asked him to call her. He called her back on an inter-facility phone, and

Lt. Miller related that an anonymous call came in reporting an alleged fight and an injured inmate. She alleges she ordered him to take two GA officers and conduct a hand and body check of inmates in Unit 2 West. Sgt. Wehrle alleges he was told by Lt. Miller to "grab a GA" and "take a walk" down the unit to look for anything unusual.

After speaking to Sgt. Wehrle, Lt. Miller reviewed the video tape of the housing unit. She rewound approximately ten minutes prior to the incoming anonymous call and did not see anything amiss.

Immediately after speaking to Lt. Miller, Sgt. Wehrle proceeded to walk towards the housing unit and encountered GA Officer Aucott. Sgt. Wehrle told Officer Aucott to take a walk with him to Unit 2. They stopped by the supervisor's office, where Sgt. Baldizzone was seated. Sgt. Wehrle asked Sgt. Baldizzone if he wanted to take a walk with him as he was requested to do so by Lt. Miller, who received an anonymous call that a fight occurred and there was an injured inmate. Sgt. Baldizzone asked if Lt. Miller wanted a hand and body check done. Sgt. Wehrle indicated he would ask her and made a phone call from the supervisor's office phone. He alleges that he spoke to Lt. Miller, who advised him that she did not "put much" into anonymous calls and told him to "never mind" he did not have to do a check because she reviewed the video tape and did not see anything. Sgt. Wehrle stated he would take a walk down the unit.

Sgt. Wehrle, Sgt. Baldizzone, and Officer Aucott walked to Unit 2. Officer Anello was in the center area of the unit and was advised by Sgt. Wehrle they were there to walk the unit to look for signs of a fight having occurred. Officer Anello indicated he had not heard any commotion.

Sgt. Wehrle and Officer Aucott walked into the unit, through the inmate bunk area and back, which took approximately one minute. They both did not see anything unusual. Sgt. Baldizzone looked in the shower and bathroom area of the unit. He did not find any signs or evidence that an altercation had occurred. Sgt. Wehrle, Sgt. Baldizzone, and CPO Aucott also entered the east housing unit. Sgt. Baldizzone checked the shower and bathroom area and did not find any evidence of an altercation. Sgt. Wehrle and CPO Aucott walked down and back in that housing unit. They both did not see anything

unusual.

Sgt. Wehrle received a call on his radio from Lt. Miller as he concluded his walk in the east unit. He called her back on the inter-facility phone, and reported to her that they did not see anything unusual.

Sgt. Wehrle left as scheduled at the end of his shift. Lt. Miller left as scheduled at the end of her shift. Sgt. Baldizzone and CPO Aucott left as scheduled. Lt. Miller did not write anything in the shift commander's log about the matter. She did not notify any superiors or administration about the events that evening. Lt. Miller did not author a report about the anonymous call; she did not report the hand and body check she allegedly ordered; nor did she report the negative result as relayed by Sgt. Wehrle.

The next day, Lt. Miller reported to the facility for her normally scheduled shift. She reviewed the video tape of the housing unit from the prior evening, going further back, and saw that an altercation had occurred. She identified the inmates involved, with the assistance of another lieutenant. She reported the matter to the on-call major and SID. She authored a report on April 20, 2018, in which she wrote that after receiving the anonymous call she immediately called Sgt. Wehrle and told him "to take 2 GA officers, report to Unit 2W and to conduct a hand and body check of the inmates housed on that unit." She further reported that "Sgt Wehrle called me at approx. 2145 and stated that all appeared to be normal on Unit 2W. At that point, I decided that no further action was required."

Lt. Miller also saw on the video tape that Sgt. Wehrle had not conduct a hand and body check on April 19, 2018, as she alleged she ordered. She saw him saunter down and back in the unit. She did not put this information in her written report on April 20, 2018. She did not advise any superiors that Sgt. Wehrle disregarded her alleged order to conduct a hand and body check.

An investigation of the matter was conducted by the SID unit. During an interview with a SID investigator on May 4, 2018, Lt. Miller stated she ordered Sgt. Wehrle to conduct both a hand and body check and to walk the unit.

A Preliminary Notice of Disciplinary Action (PNDA) was issued on June 1, 2018, charging Lt. Miller with N.J.A.C. 4A:2-2.3(a)6, conduct unbecoming a public employee and (a)12, other sufficient cause, for violating HRB 84-17 as Amended, section C-8 falsification; section C-11, conduct unbecoming an employee; and E-1 violation of a rule, regulation, policy, procedure, order or administrative decision. On August 20, 2018, an FNDA issued against Lt. Miller for sustained charges of: N.J.A.C. 4A:2-2.3, general causes, section (a)6 conduct unbecoming and section (a)12 other sufficient cause, being violations of HRB 84-17, as Amended, sections C8 falsification, being intentional misstatement of material fact in connection with work or employment or in any record, report, investigation or other proceeding; section C11 conduct unbecoming an employee; and section E1 violation or a rule, regulation, policy, procedure, order or administrative decision.

The FNDA specified that the incident giving rise to the sustained charges was that on April 19, 2018, Lt. Miller was involved in an incident in which she became aware of a possible inmate altercation on Unit 2 West. In her written report, dated April 20, 2018, and during the SID investigation on May 4, 2018, she reported that she gave Sgt. Wehrle an order to conduct a hand and body check on the housing unit. It was determined that she did not give such an order, constituting conduct unbecoming an employee for having falsified her written report and that she violated current policy and procedures for failing to accurately report the events of April 19, 2018. The FNDA imposed discipline of a suspension for fifteen working days.

## LEGAL ANALYSIS AND CONCLUSION

A civil service employee's rights and duties are governed by the Civil Service Act and the regulations promulgated thereto. N.J.S.A. 11A:1-1 to 11A:12-6; N.J.A.C. 4A:1-1.1. The Act is crafted to attract qualified individuals to public service positions, and is to be liberally construed towards the attainment of merit appointments and to provide broad tenure protections. Essex Council No. 1, N.J. Civil Service Association v. Gibson, 114 N.J. Super. 576, 581 (Law Div. 1971), rev'd on other grounds, 118 N.J. Super. 583 (App. Div. 1972), citing Mastrobattista v. Essex County Park Commission, 46 N.J. 138, 145, 147 (1965).

A civil service employee who commits a wrongful act related to their employment may be subject to discipline, which may be a reprimand, suspension, or removal from employment, depending upon the incident. N.J.S.A. 11A:1-2; 11A:2-20; N.J.A.C. 4A:2-2. Public entities should not be burdened with an employee who fails to perform their duties satisfactorily or if the employee engages in misconduct related to their duties. N.J.S.A. 11A:1-2(a). Thus, a public entity may impose major discipline upon a civil service employee, including termination/removal from their position. N.J.S.A. 11A:1-2; N.J.A.C. 4A:2-2.2.

The appointing authority employer has the burden of proof to establish the truth of the disciplinary action brought against a civil service employee. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is by a preponderance of the credible evidence. N.J.S.A. 11A:2-21; N.J.A.C. 4A:2-1.4(a); and see, Atkinson v Parsekian, 37 N.J. 143, 149 (1962). Evidence is considered to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consolidated Gas Co., 124 N.J.L. 420, 423 (Sup. Ct. 1940) citation omitted. The evidence must "be such as to lead a reasonably cautious mind to a given conclusion." Bornstein v. Metro Bottling Company, 26 N.J. 263, 275 (1958).

Petitioner's status as law enforcement personnel in a correctional facility, subjects them to a higher standard of conduct than an ordinary public employee. In re Phillips, 117 N.J. 567, 576-77 (1990). Law enforcement employees represent "law and order to

the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public.” Township of Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), cert. denied, 47 N.J. 80 (1966). In military-like settings such as police departments and prisons, it is of paramount importance to maintain strict discipline of employees. Rivell v Civil Service Commission, 115 N.J. Super. 64, 72 (App. Div.), cert. denied, 59 N.J. 269 (1971); Newark v Massey, 93 N.J. Super. 317 (App. Div. 1967).

The general causes for which a civil service employee may be subject to major discipline are outlined in N.J.A.C. 4A:2-2.3. In this matter, the FNDA specifies the sustained charges against Lt. Miller warranted the imposition of major discipline of a fifteen day suspension. The charges are addressed as follows:

**N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming**

Lt. Miller is alleged to have violated “conduct unbecoming a public employee” as codified at N.J.A.C. 4A:2-2.3(a)6. The term “unbecoming conduct” has been broadly defined as conduct that adversely affects the morale or efficiency of the government unit, or has the tendency to destroy the public’s respect for public employees, and destroy the public’s confidence in the delivery of government services. Karins v City of Atlantic City, 152 N.J. 532, 554 (1998); In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960).

Respondent alleges that Lt Miller’s unbecoming conduct was her having falsified a written report, indicating that she ordered Sgt. Wehrle to conduct a hand and body check. Lt. Miller challenges the allegation, asserting she did order Sgt. Wehrle to conduct a hand and body check on April 19, 2018.

Sgt. Wehrle asserted that Lt. Miller initially told him to grab a GA and take a walk in Unit 2 to look for signs of a fight having occurred. He encountered GA CPO Aucott, had him accompany him, and stopped by the supervisor’s office. Sgt. Baldizzone was in the supervisor’s office and Sgt. Wehrle asked him if he wanted to take a walk as well. These facts are supported by the testimony of Sgt. Wehrle, Baldizzone, and Aucott.



Sgt. Baldizzone asked if a hand and body check was to be done and Sgt. Wehrle indicated he would check with Lt. Miller if she wanted one done. Sgt. Wehrle made a phone call from the supervisor's office, spoke to someone on the call, was heard to say he would take a walk in the unit, and hung up. He communicated to the others they were taking a walk down the unit. These facts are supported by the testimony of Sgt. Wehrle, Baldizzone, and Aucott. Those three individuals proceeded to the housing unit, advised the unit CPO Anello that they were there to walk through the unit to look for signs of a fight. The three individuals walked into the housing unit, with Sgt. Wehrle and CPO Aucott being seen on the video walking to the end of the unit and back. Sgt. Baldizzone testified he checked the bathroom and shower area. All individuals reported negative results for finding anything unusual as a result of their walk through. These facts are supported by the testimony of these individuals and the video. After walking through the east unit, also with negative results, Sgt. Wehrle was contacted by Lt. Miller. He relayed to her that they did not find anything amiss.

Lt. Miller is the only individual to testify to indicate that she ordered Sgt. Wehrle to conduct a hand and body check. In the command center, SCPO Montagne heard Lt. Miller call Sgt. Wehrle, but could not hear the nature of the conversation, being focused on his duties in the command center. Lt. Miller denies that Sgt. Wehrle called her back to confirm she ordered a hand and body check. There was no notation in the shift commander's log about the anonymous call that came in, nor any notation that Lt. Miller ordered a hand and body check to occur. No one authored a report that evening regarding any of the events. All the individuals involved with the anonymous call and the walk through, asserted this was a non-event, so no special report was required to be completed, nor was anyone ordered to write a report on April 19, 2018.

Despite there being no written policy regarding a hand and body check, all individuals from DOC, other than Lt. Miller, who testified about the hand and body check procedure, asserted that written reports are required to be completed after a hand and body check is done, even if the check yielded negative results. Lt. Miller asserted during her testimony that a report is not required when a hand and body check is ordered because it is simply a visual inspection. When questioned about her having issued an email report to administration and multiple other individuals in October 2017, after having

ordered a hand and body check, which yielded negative results, she asserted that was reported because there was tangible evidence of an inmate with a black eye, which prompted the hand and body check. She asserted although a report was not required, she authored the email about her order for the hand and body check because of the tangible evidence of the black eye.

Lt. Miller testified that that Sgt. Wehrle was insubordinate because he did not follow her order for a hand and body check, when she saw him on the video during her review of the tape the next day, just strolling down and back in the unit. However, she never reported that insubordination. She asserted she does not do discipline and it would have been up to the majors and administration to take disciplinary action against him. This reasoning does not comport with what she authored in her written report, that she ordered Sgt. Wehrle to conduct a hand and body check and that he called her later and stated that all appeared to be normal. She detailed in her report what she viewed in the video footage of Unit 2, regarding the inmates, their identities, and their actions. She never noted in the report that she saw Sgt. Wehrle thereafter stroll up and down the unit and not conduct a hand and body check as she ordered. If it were up to the majors and administration to take action, they had no knowledge what was on the video tape regarding Sgt. Wehrle's stroll down the unit, which occurred approximately twenty-five minutes after the inmate altercation.

I **CONCLUDE** that the weight of the evidence preponderates that Lt. Miller did not order Sgt. Wehrle to conduct a hand and body check on the evening of April 19, 2018. The evidence preponderates that she ordered a walkthrough of the area to look for any signs of an assault having occurred. There is no supporting evidence, except her own testimony, that a hand and body check was ordered. All involved, including Lt. Miller, considered this a non-event, stemming from what was communicated to them starting from Lt. Miller. Nothing is noted in the shift commander's log sheet about the events of the evening. No one completed a written report that evening. This is contrary to Lt. Miller's prior actions when she had ordered a hand and body check in October 2017, which yielded negative results, which she reported in an email to administration and multiple others.

On April 19, 2018, when the anonymous call came in at 9:38 p.m., Lt. Miller was nearing the end of her shift, which ended at 10:00 p.m. That was an overtime shift for her, as she had been at work since 6:00 a.m. that morning. Perhaps she was tired and motivated to consider this a non-incident, so she could go home and address it the following day. She asserted during her testimony that she re-reviewed the video tape the next day, because she always double checks her work. Something prompted concern in her to go back and view a longer portion of the video tape the next day. The asserted reason that she always double checks her work does not sound authentic if the events of the prior evening, from the anonymous call, the alleged order for a hand and body check, the review of the tape revealing nothing, and Sgt. Wehrle reporting to her that nothing was amiss, were all considered by her to be a non-incident and otherwise were not unusual events to report.

Once Lt. Miller discovered the assault and a badly injured inmate on the video, she authored her special report indicating she ordered a hand and body check on April 19, 2018, and that Sgt. Wehrle reported to her that his check rendered negative results. Yet, she had seen on her review of the video the following day that Sgt. Wehrle had not conducted a hand and body check. She made no mention of his insubordination in her report, nor did she otherwise report such information to a major or administrator, for them to decide if discipline should be imposed upon Sgt. Wehrle for insubordination. The logical explanation for her to report that she had ordered a hand and body check, when the evidence purports she communicated an order to conduct a walk through, was to attempt to minimize the fact that she had not reported or documented the anonymous call, nor had she reported or documented any of her actions in response to the call. Reporting that she had ordered a hand and body check and that it was reported to her to have resulted in nothing amiss, further would minimize any criticism that it was later determined that an inmate was badly injured in an assault by other inmates, exactly as had been relayed to her by the anonymous caller. I **CONCLUDE** that Lt. Miller's reporting that she ordered a hand and body check, when that did not occur, undermines the public's confidence in the delivery of government services and the respect for public employees. Public confidence is destroyed where not one officer or employee detected or saw any signs of the assault which caused severe injuries to an inmate, despite Lt. Miller fielding a call from someone on the outside of the institution, reporting exactly what happened

inside the institution where public employees were responsible to oversee the safety of those who were incarcerated. I thus **CONCLUDE** that the charge of N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee, has been **SUSTAINED**.

**N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause**

Lt. Miller was charged with violating N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, which has been described as other conduct, not delineated within the regulation, which would “violate the implicit standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” In re Boyd, Cumberland County Dept of Corrections, CSC Dkt. No. 2019-1198, OAL Dkt. No. CSR 15990-18, Hon. Catherine Tuohy, ALJ; affirmed in final decision, 2019 N.J. CSC Lexis 621.

“Other sufficient cause” is the catchall provision for conduct, otherwise not delineated within the eleven causes listed in N.J.A.C. 4A:2-2.3, as the reason for which an employee may be subject to discipline. Respondent contends that Lt. Miller violated three provisions of HRB 84-17, as Amended, to sustain the charge of “other sufficient cause” pursuant to N.J.A.C. 4A:2-2.3. Each of those three offenses from HRB 84-17, as Amended, is addressed below.

**1. HRB 84-17, as Amended, C. Personal Conduct, subsection 8: “Falsification: Intentional misstatement of material fact in connection with work, employment application, attendance, or in any record, report, investigation or other proceeding.”**

Respondent asserts that this charge has been sustained as it was determined in the FNDA that Lt. Miller did not give an order for a hand and body check to be done, which she reported in her special report on April 20, 2018, and during her SID interview on May 4, 2018. I have already concluded that the evidence preponderates to support respondent’s contention that Lt. Miller did not give an order for a hand and body check, and rather what she communicated to Sgt. Wehrle was to conduct a walk through. Her explanation during testimony that a hand and body check is just a visual inspection, and

attempting to down play the importance of a hand and body check, did not comport with the testimony of all other witnesses as to their understanding of a hand and body check and that such checks must be documented in a report, even if the check is negative for anything being amiss. Her prior action in reporting such an event having occurred in October 2017, discredits her explanation.

She did not report that she viewed Sgt. Wehrle strolling down and back in the unit upon her review of the video tape, which would have been insubordination for failing to have conducted a hand and body check as she contends she ordered. For the reasons given above, her reporting that she ordered a hand and body check was to minimize anticipated criticism as to why nothing was documented about the anonymous call which turned out to be spot on, and nothing reported or noted in the log sheet about the events that transpired thereafter. Her actions in re-reviewing the tape the next day should not be lauded as having discovered that there was an injured inmate, as suggested in closing summation. Rather, such review was done to cover her own actions, and when the anonymous call actually panned out as being legitimate, she intentionally reported that she ordered a hand and body check, when at most she requested a walkthrough of the unit to check for signs of anything amiss. I **CONCLUDE** the evidence preponderates that Lt. Miller intentionally misstated a material fact in connection with her work, having reported in writing and during her interview with SID, that she ordered Sgt. Wehrle to conduct a hand and body check. I thus **CONCLUDE** that her actions violated HRB 84-17, as Amended, C8, falsification, which **SUSTAINS** a violation of N.J.A.C. 4A:2-2.3(a)12, other sufficient cause.

**2. HRB 84-17, as Amended, C. Personal Conduct, subsection 11: "Conduct unbecoming an employee."**

I have already concluded that the charge of conduct unbecoming an employee, which is enumerated as one of the general causes in N.J.A.C. 4A:2-2.3(a)6 for an employee to be subject to discipline, was sustained, as to Lt. Miller. It would be redundant to rely upon that conclusion as the reason to sustain discipline under N.J.A.C. 4A:2-2.3(a)12, the catchall provision of "other sufficient cause." Thus, the charge of a violation

of HRB 84-17, as Amended, C11, conduct unbecoming, to demonstrate "other sufficient cause" for discipline, is **DISMISSED**.

**3. HRB 84-17, as Amended, E. General, subsection 1: "Violation of a rule, regulation, policy, procedure, order or administrative decision."**

Respondents assert that Lt. Miller violated several of the Law Enforcement Personnel Rules and Regulations, such as having acted in a way that would violate the public trust in an officer; that she did not devote her full attention to her assignment; and made false statements. (R-14, see Article 1, section 2; Article 2, section 3, 6, and 8.) The personnel rules and regulations referenced by respondents fall within the provisions of unbecoming conduct and falsification from HRB 84-17, as Amended C8. I have determined that Lt. Miller's action in falsely reporting that she ordered a hand and body check sustained the charge of conduct unbecoming and other sufficient cause for discipline to be imposed, pursuant to N.J.A.C. 4A:2-2.3(a)6 and (a)12. Thus, the charge of a violation of HRB 84-17, as Amended, E1, violation of a rule, regulation, or policy is redundant and is **DISMISSED**.

### PENALTY

Progressive discipline is to be considered once a determination has been made that an employee has violated a statute, regulation, or rule regarding their employment. West New York v. Bock, 38 N.J. 500 (1962); In re Stallworth, 208 N.J. 182, 195 (2011). When deciding what disciplinary action is an appropriate penalty, the fact finder shall consider the nature of the charges sustained and the appellant's past record. West New York, 38 N.J. at 523-524. The employee's past record is said to encompass their reasonably recent history of promotions or commendations on the one hand, and on the other hand, any "formally adjudicated disciplinary actions as well as instances of misconduct informally adjudicated . . . by having been previously called to the attention of and admitted by the employee." Id. Consideration as to the timing of the most recently adjudicated disciplinary history should also be given. West New York, 38 N.J. 524.

Sworn law enforcement officers are recognized as a "special" kind of public employee. Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965), cert denied, 47 N.J. 80 (1966). Their primary duty is to enforce and uphold the law, exercise tact, restraint, and good judgment, and represent law and order to the citizenry. Id. Hence, they must present an image of personal integrity and dependability to garner the respect of the public. Id.

Discipline for the sustained charges here ranges from minor discipline to major discipline of removal. A first infraction of HRB 84-17, as Amended, C8 falsification, imposes a range of discipline from official written reprimand to removal. Respondent seeks imposition of the major discipline of suspension for fifteen working days. Respondent's policy witness, Major Shultheis, confirmed that the penalty sought to be assessed here was appropriately within the guidelines of HRB 84-17, as Amended.

It has been submitted that Lt. Miller had no prior major disciplinary charges. She has a prior five day suspension and three letters of counseling, although the nature of those charges has not been submitted. She has received one commendation.

The imposition of major discipline is supported, considering the seriousness of a falsification charge, where a second violation would result in removal. Lt. Miller is held to a higher standard as a sworn law enforcement officer, and particularly given her rank and experience, her actions in having reported that she issued an order, when the evidence preponderates against such an assertion, is a serious infraction and dereliction of her sworn duty. She does not have any prior major discipline and did receive one commendation. This is not enough to offset the gravity of a sustained finding of falsification. I **CONCLUDE** that the imposition of a fifteen working day suspension is appropriate discipline for the sustained charges, to impress upon petitioner the solemnity of her sworn duty and responsibilities she must uphold in her role as a law enforcement officer and public employee.

**ORDER**

It is **ORDERED** that the charges of N.J.A.C. 4A:2-2.3(a)6 conduct unbecoming a public employee, and N.J.A.C. 4A:2-2.3(a)12 other sufficient cause, for having violated HRB 84-17, as Amended, C8 falsification, have been **SUSTAINED**. The other charges in the FNDA of August 20, 2018, are **DISMISSED**.

It is further **ORDERED** that the imposition of discipline of a suspension for fifteen working days is **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, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO 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 12, 2021  
DATE

ELAINE B. FRICK, ALJ

Date Received at Agency:

February 12, 2021

Date Mailed to Parties:

February 12, 2021 (Sent Via E-Mail)

/dm

**APPENDIX**  
**LIST OF WITNESSES**

**For appellant:**

Zsuzsanna Miller

**For respondent:**

Keith Montagne  
William Whittaker  
Christopher Wehrle  
William Baldizzone  
Andrew Aucott  
Michael Anello  
Kevin Schultheis  
Edwin Rogers

**LIST OF EXHIBITS**

**Joint Exhibits:**

- J-1 PNDA and FNDA (3 pages)
- J-2 through J-15 PRE-MARKED, entered as R exhibits as noted below
- J-16 Department of Corrections, Work History Z. Miller
- J-17 Video interview Christopher Wehrle
- J-18 Video interview William Baldizzone
- J-19 Video interview Edwin Rogers
- J-20 Video interview Keith Montagne
- J-21 Video interview I/M Luis Perez
- J-22 Video of Housing Unit 2 West
- J-23 Video interview Zsuzsanna Miller

**For Appellant:**

- P-1 through P-4 PRE-MARKED, not used – duplicative of evidence entered
- P-5 Miller email regarding hand and body check of 10/16/17
- P-6 through P-11 PRE-MARKED, not used-duplicative of evidence entered

**For Respondent:**

- R-1 (ID not used)
- R-2 NJ Dept of Corrections Special Investigations Division Administrative Investigation report by William Whittaker, May 16, 2018 (5 pages)
- R-3 Special Custody Report by Sgt Christopher Wehrle, April 20, 2018
- R-4 Special Custody Report by Sgt William Baldizzone, April 26, 2018
- R-5 Special Custody Report by SCO A. Aucott, April 20, 2018
- R-6 Special Custody Report by CPO Michael Anello, April 23, 2018
- R-7 Special Custody Report by CPO Keith Montagne, April 24, 2018
- R-8 Special Custody Report by Lt. T. Spence, April 20, 2018
- R-9 Shift Commander Report by Lt. Z. Miller, April 19, 2018
- R-10 Pre-Marked, not entered
- R-11 New-Hire Orientation Checklist for Z. (Terrizzi) Miller, April 11, 2005
- R-12 Mid-State Correctional Facility, Level III, Internal Management Procedure #MSCF 201, Shift Commander (43 pages)
- R-13 Mid-State Correctional Facility, Level III, Internal Management Procedure #MSCF 207, Housing Sergeant (18 pages)
- R-14 Law Enforcement Personnel Rules and Regulations (cover + 20 pages)
- R-15 excerpt N.J.A.C. 4A:2-2.3 "General Causes" with DOC HRB 87-17 as Amended
- R-16 PRE-MARKED, entered as J-16
- R-17 Call log, April 19, 2018 (2 pages)