



STATE OF NEW JERSEY

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

In the Matter of Terrence Covert,
Police Captain (PM0848A),
Brick

Examination Appeal

CSC Docket No. 2022-1038

ISSUED: APRIL 11, 2022

Terrence Covert appeals his score for the technical portion of the oral examination for Police Captain (PM0848A), Brick. It is noted that the appellant passed the examination with a final average of 89.200 and ranks second on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion. 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 the oral portion of the examination, candidates were presented with a scenario, and were given time to read the scenario and the examination questions and to decide how to answer. In the examination room, candidates were read the questions relating to the scenario, and then they were given up to fifteen minutes to give their response to all questions. Four candidates appear on the eligible list, which has been certified once, and one appointment has been made.

Performances were audio and video recorded and scored by SMEs. Candidates were rated on a five-point scale, with 5 as the optimal response. The appellant scored a 4 for the technical component, and he scored a 5 for the oral communication component.

CONCLUSION

The scenario involved three situations occurring during the day. First thing in the morning, the candidate's subordinate calls to say that his unmarked car was stolen and inside were his identification cards and badge. Question 1 asked for actions to be taken in response to this information. Later in the morning, another subordinate shows the candidate a social media post from a resident stating she was pulled over by an unmarked car and the officer stated that they could work something out if she didn't want a ticket. This was clearly an impersonator; however, many public remarks were made that the police could not be trusted and a complaint would be ignored. Question 2 asked for actions that the candidate would personally take in response to the incident with the resident and police impersonator. The next morning, an officer finds the stolen vehicle with the suspect inside. All items were recovered, the suspect was identified, arrested, charged and processed. The incident was concluded and the candidate issued a press release notifying the public. The candidate reflects on the public comments that it was useless to file an Internal Affairs (IA) complaint for misconduct, and that the process was overly complicated. The candidate decides to issue a statement about the IA process, and question 3 asked for specific IA complaint process information to be included in the public statement.

After reviewing his test materials, the appellant disagrees with his score for the technical component. The assessor noted that the appellant missed the opportunity to attempt to locate the car via electronic means (e.g., ALPRs, GPS, cell phone, radio, EZPass, etc.) for question 1. On appeal, the appellant argues that he entered information into NCIC, notified the County Prosecutor, the State Police, and NJROIC, had a Detective Bureau Sergeant respond to the scene, put out a BOLO, notified the public via a social media website, and held a press conference.

In reply, this is a formal examination setting, and the appellant cannot receive credit for an action he did not take. Candidates were required to state their knowledge and cannot receive credit for actions that are implied or assumed. Each action is separate, and presentations are not scored on stated "buzzwords" or semantics. Rather, actions are credited when the meaning of the statements in a presentation is considered. Entering information regarding stolen cars or items into NCIC, notifying other agencies, and the other actions listed by the appellant, are separate actions from locating the car via electronic means, and these actions contributed to his score of 4. However, using electronic means to take these other actions does not explain that the appellant would locate the car via electronic means. The examples (ALPRs, GPS, cell phone, radio, EZPass, etc.) clarify the meaning of this action, and a review of the appellant's presentation indicates that he did not take this action. The appellant responded to each of the three questions appropriately, however, he missed the action noted by the assessor, as well as other

actions, which would have enhanced his score. Viewed holistically, his score of 4 is correct and will not be changed.

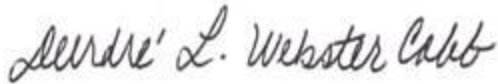
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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 6TH DAY OF APRIL 2022



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