



## CONCLUSION

The Police Administration question had three parts, and pertained to New Jersey Attorney General Guidelines (AG guidelines) on the property and evidence function. Part A referred to the purpose of records, Part B asked what the centralized file should contain, and Part C asked what should be included in the policy. For Part A, the assessor stated that the appellant missed the opportunity to include an inventory of items in custody. For Part B, the assessor stated that the appellant missed opportunities to specify an identification number unique to the property, and to indicate the location where each item is stored.

On appeal, for Part A, the appellant states that he covered audits at the end of the question, stating that a proper audit should be done yearly and any time there is a breach in the property vault, or change of Chief, property officer or property officer's supervisor. In reply, for this part, the appellant's appeal is simply misplaced, as the assessor did not refer to an audit. The assessor referred to the inventory. The AG guidelines on the property and evidence function state that one of the purposes of records is to keep an inventory of items in custody. The appellant did not provide this response. Although audits are included in the AG guidelines, any statements regarding an audit have no relationship to this question.

The appellant provides an appeal of Part C. However, the arguments appear to be for Part B. It is noted that the assessor did not provide notes for Part C. On appeal, the appellant states that he said all agencies need an evidence storage facility and departments must consider total space available, volume and type of property, and overall security for the vault; there should be one entrance with a steel door, frame and deadbolt; there should be a safe for cash, jewelry, small items, and a refrigerator for blood; outside temporary storage lockers should be installed; and one property officer should be assigned along with another, preferably his supervisor.

In reply, a review of the presentation indicates that the appellant's response was nonspecific to the questions given. The appellant provided a two-sentence response to Part B that did not provide any items that the centralized file should contain. In response to Part C, the appellant provided the three items listed above for consideration for an evidence storage facility. This was not responsive to Part C, and did not pertain to Part B. The appellant then listed items to be put in the vault, but was not specific regarding the property records as delineated by the AG guideline for the centralized filing system. For example, the appellant said weapons, bikes, computers, perishable items, money and blood, would be stored there, but he did not specify an identification number unique to each, or state that there should be a description of each including particular identifiers such as make and model, or serial number (as applicable). The appellant's response was related to the property storage facility and the property officer sections of the AG guidelines

instead of the property records as asked by the question. The appellant then gave information regarding supervision of his Property Officer and other actions he would take if he was Deputy Police Chief. The appellant missed the actions noted by the assessors, and a review of his response to all three parts indicates that his score of 2 is correct.

The Police Management question referred to a problem officer, and was in two parts. The officer is employed as a bouncer and the candidate received a complaint forwarded from another Police Chief that the officer roughed up patrons while escorting them out of the club. Part A asked for actions to take. The question then stated that the officer requests to speak with the candidate who tells him to wait until another officer is available to be present. The officer then angrily tells the candidate to forget it, that the candidate doesn't care for his officers, and that he is just trying to make money to pay child support, after which he storms out and slams the door. Part B asked for actions to take in response to this irate behavior. For Part A, the assessor stated that the appellant missed opportunities to review the officer's personnel file, the internal affairs file, and the Early Warning System. For Part B, the assessor stated that the appellant missed the opportunity to recommend counseling (*i.e.*, anger management) for the officer.

On appeal of Part A, the appellant states that he commenced an investigation with the Internal Affairs officer regarding the allegations and checked his paperwork. In reply, this was a formal examination setting and candidates were required to state what they meant to say. The appellant received credit for initiating an Internal Affairs investigation and determining if the officer's actions were in violation of policy, and these actions contributed to his score. However, the appellant missed many other actions associated with this question, including those listed by the assessor. The appellant stated, "Check, I'd like to then check and make sure that all the paper was filled out from that officer for his off-duty, ah, for that off-duty work and make sure he was, he was approved to even have that off-duty job." This is not the same as reviewing the officer's personnel file, reviewing the Internal Affairs file, and reviewing the Early Warning System. Again, the appellant did not directly respond to the question. He states in Part A that he would sit down with the officer and get his part of the story. That action makes no sense in light of the fact that the next section describes the angry incident that occurred when the candidate agreed to have a meeting with him with another officer present. The appellant had his own agenda in his responses that did not address the questions.

For Part B, the appellant states that he said he would reach out to his Resiliency Program Officer to make sure he is available for all officers and this officer for assistance, counseling, or contact information. In reply, credit is not given for information that is implied or assumed. The appellant took disciplinary action, and asked himself if the officer was under stress, had a substance abuse or

other problem, or had been charged with a crime. The appellant then provided administrative actions he would take regarding this issue, such as budgeting and manpower, and ethics. He then stated, "Speak to my Resiliency Program Officer. I want to make sure they're making themselves available to all my officers for any assistance, counseling, or any contact information for any support groups that officer may need. As well as I want to make sure my Resiliency Program Officer makes himself available to any officer from any jurisdiction or agency within the State. Reach out and speak to my union representatives as I want to make sure that they have counseling, ah, 24-hour counselling for all my officers as well as any additional employee assistance programs that they may need." Clearly, assuring the availability of the Resiliency Program Officers for all employees is not the same as recommending anger management counseling for this particular officer for this issue. The appellant provided enough specific responses to warrant a score of 3. However, he missed the responses as noted by the assessor and his presentation does not warrant a higher score.

The Criminal Law question referred to the Terry Frisk. This question asked for examples of factors which support a Terry-type frisk. The assessor stated that the appellant missed opportunities to indicate the hour of the stop, whether it's very late or very early (a nighttime stop), highly erratic driving prior to the stop, and prior knowledge that the driver or occupant is armed. On appeal, the appellant states that he missed three of fifteen responses, which does not warrant a score of 2.

In reply, the assessor notes are examples of missed opportunities to exhibit behavior associated with a question; they may not be the only missed opportunities. The appellant does not argue that he took the actions that the assessor indicated, but only that he thinks he took twelve of fifteen actions, although he does not describe those twelve actions as given in his presentation. This is not how scoring works. The appellant mentioned lying, a bulge in a jacket, lack of eye contact or sudden movements perceived as a threat, occupants outnumbering officers, and a bad area. He then asked for suggestions for improvement, reviewed the policy, updated and got updates from the county prosecutor, spoke to various individuals, held a community meeting, checked his budget and manpower, reached out to the Resiliency Program Officer and union representatives, asked to be notified of complaints and updates, visited the police academy to explain these frisks, held a press conference, made changes to and reviewed a policy, assigned a training captain, distributed copies of the new policy, and disciplined officers who did not follow the policy. It is unclear how the appellant read the question, but the question did not ask for administrative actions regarding the Terry-type frisk. Rather it asked for examples of this frisk. The appellant gave a few examples, and the remaining response is the appellant's own agenda and what he wishes to present. His actions warrant a score of 2.

The Leadership/Supervision question had two parts and concerned an abduction. A child went missing, the crime scene was processed, victim's statements were taken, the candidate is receiving updates, and a press conference is scheduled. Part A asked for additional actions that should be taken during the command staff briefing. Part B indicated that the candidate noticed two Captains in a heated argument in front of officers and civilian employees. One Captain says that the abduction investigation is compromising patrol services and taking manpower and resources from her unit, and both Captains believe there is a lack of cooperation. The candidate orders them to cease their argument. This part also indicates that two days later the child was recovered safely, and the candidate believes the department performed well. However, the candidate wishes to discuss the argument between the Captains, and it asked how a meeting with the Captains should be approached and what should the candidate say. For Part A, the assessor stated that the appellant missed opportunities to gather available video from public and private surveillance cameras, and cell phones, and to ensure that frequent updates are released (i.e., have a PIO officer). For Part B, the assessor stated that the appellant missed the opportunity to set follow-up dates to meet and review progress.

On appeal, for Part A, the appellant argues that the scene was completed, and all reports were completed. He states that he explained how automated license plate readers worked in locating the child. In reply, the description indicated that the crime scene was processed, and victim's statements were taken. It did not state that all reports were completed. Rather, it stated that the candidate was receiving frequent updates through the chain of command. The SMEs developed the scoring criteria for this question, and they felt that gathering available video from public and private surveillance cameras, and cell phones, was an appropriate action to take in response to the incident in the command staff briefing. At that point, the child had not been located. As such, the appellant's arguments are unpersuasive in removing from the scoring criteria the opportunity to gather available video from public and private surveillance cameras, and cell phones, an action which he did not take. He missed the other opportunity as well.

For Part B, the appellant states that he had a meeting with the Captains, showed empathy, and explained the need for assistance, and believes this is the same action as that listed by the assessor, setting follow-up dates to meet and review progress. In reply, again, information cannot be given for implied responses. If the appellant meant to set follow-up dates for meeting regarding progress, he needed to say so verbally. The appellant received credit for attempting to calmly diffuse the differences, and for allowing the Captains to explain their positions. But having the meeting that the question indicated is occurring is not setting a follow up meeting for any purpose. That is, the appellant cannot receive credit for restating information in the question's narrative. After providing a few actions about the meeting, the appellant provided information that was not relevant to the

question. For example, he reviewed departmental policy on Amber Alerts with the permission of the Chief, accepted suggestions for improvements, spoke with supervisors and officers throughout the city, partner-shipped with the County Prosecutor, asked for assistance, contacted Internal Affairs, held a community meeting, checked his budget and manpower, checked training, ensured there were signs, asked for notifications and status', talked to the child's family, held a press conference, changed his Amber Alert policy, trained personnel on new policy and distributed it, reviewed the policy, and disciplined violators. The appellant did not properly answer this part of this question, and much of his response to the first part was a description of the Amber Alert. His score of 2 is correct.

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

### ORDER

Therefore, it is ordered that this appeal be denied.

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

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 6<sup>TH</sup> DAY OF APRIL 2022

*Deirdre' L. Webster Cobb*

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