

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 opportunities to get a description of the actor or car from the social media poster/utilize a sketch artist and to ascertain the exact location of the incident from the social media poster in response to question 2. On appeal, the appellant states that he personally interviewed the social media poster. Additionally, he states that he met with his subordinate to gather additional facts; sent investigation personnel to the subordinate's residence; located witnesses and video surveillance; entered the vehicle and other documents into the NCIC; utilized social media to inform the public; put an alert on SPEN; checked with fleet management to ascertain if keys were reported missing from the stolen vehicle; and kept the chief informed. These were actions associated with question 1. For question 2, the appellant states that he personally met with the social media poster to interview her, explain how the IA process works, encourage her to report police misconduct, and provide her rights as a crime victim. For question 3, he held community meetings to educate the public; stated that officers of the highest integrity and interview skills are assigned to IA; alerted the public that complaints are accepted and any time from any person; explained the early warning system; and met with the chief and mayor to follow-up.

In reply, review of the recording and related examination material indicates that the appellant's score of 3 is correct. While the appellant covered the material he indicates for question 1, his response to question 2 was sparse, and he missed the actions noted by the SME. The appellant claims his presentation warrants a higher

score based on the actions he lists on appeal, which contributed to his score of 3. Nonetheless, the appellant missed many other actions, including those listed by the assessor, which would have enhanced his presentation. There were two incidents in this scenario, which involved two scenes. One was the at the subordinate's house where the car was stolen, and the other was on the road where the resident had been pulled over by the impersonator. Fundamentally, he did not provide many actions he would take, or ensure are being taken, in response to the interaction of the social media poster and the police imposter. The appellant took a statement from the social media poster, and stated that he would meet with her to give her victim's rights and to explain the IA process. He spent two minutes responding to this question, missing important actions that should have been taken.

Question 3 asked for information *about the IA process* to be included in a public statement. The appellant talked in detail about the Early Warning System, which is a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance. The candidate should be responding to the public perception that it is useless to file an IA complaint and that the process is overly complicated. While the Early Warning System is used as a management tool by IA, it is not pertinent to the public about the IA complaint process. It is, as the appellant stated, a performance indicator designed to detect future improper behavior. While this information is related, it does not directly respond to the question as there was no connection of this information to the public's input, or reasoning as to why this should encourage the public to report police misconduct. The appellant concluded with providing actions he would take to enhance the public's image of IA, the police and law enforcement in general. Again, this information was not responsive to the question. For example, the appellant stated he would hold a public meeting to educate the public on the IA process. This was information given in the scenario, and the question asked what specific information he would include in the public statement. The appellant did not provide that information, but then reviewed the policy, reviewed training, and had an after-action report. As the appellant's presentation did not substantially respond to questions 2 and 3, his score of 3 is correct.

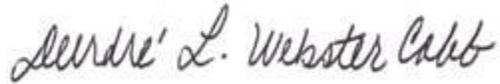
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

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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