



STATE OF NEW JERSEY

In the Matter of Christina Bell,  
County Correctional Police Captain  
(PC5691D), Essex County

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2023-2897

Examination Appeal

ISSUED: February 7, 2024

Christina Bell appeals various items on the examination for County Correctional Police Captain (PC5691D), Essex County.

The subject examination was administered on May 25, 2023 and consisted of 70 multiple-choice items. The test was worth 80 percent of the final average and seniority was worth the remaining 20 percent.

All items are designed to have the candidate answer as if they were a County Correctional Police Captain (Captain). An independent review of the issues presented under appeal has resulted in the following findings:

Question 33 indicates that during one of your mandatory tours, you discover that the door to the response closet, which contains items used in tactical operation, was left open. While checking to ensure everything is accounted for, you discover that one baton is missing and you immediately secure the response closet door. The question asks for the action that you should take next. The keyed response is option c, "Order an immediate lockdown of the facility." The appellant, who selected option b, "Assemble a team of custody staff to search for the missing baton," argues that the question "did not say that there was a fact[-]finding investigation undertaken to determine if a custody staff member may have been in possession of the baton, and subsequently failed to secure the closet. Further, because the search team can easily be assembled, the search team can quickly and easily initiate a lockdown if necessary after assembling . . . No extreme circumstances were presented in this scenario to warrant a facility wide lockdown, which would disrupt official services." It is noted that the Division of Test Development, Analytics and Administration (TDAA)

contacted Subject Matter Experts (SMEs) regarding this matter who indicated that an immediate lockdown of the facility is absolutely necessary under the circumstances provided. In this regard, the SMEs explained that once the baton was not accounted for, locking the facility down would be paramount for security and for the safety of not only staff but the inmate population. They further explained that the Captain would want to first stop all movement in the facility in the event that an inmate may have the baton. An investigation, which would include determining whether a staff member is in possession of the missing baton, and a search can commence once the facility is secured. As such, the question is correct as keyed.

Question 35 indicates that County Correctional Police Officer (CPO) Mitchell, who is assigned to a medium-security housing unit, received a note from Inmate Novak 30 minutes prior to shift change. CPO Mitchell informs County Correctional Police Sergeant (Sergeant) Ferrero of the note, which states that Inmate Lawrence has marijuana and a shank in his cell and is selling the marijuana to other inmates. In addition, Inmate Lawrence is threatening other inmates in the area not to tell the CPOs about his contraband. Inmate Novak had given two notes to custody staff in the past about inmates in possession of contraband but these notes and their claims were proven to be unfounded. The question asks, based on the information provided, for the best way for Sergeant Ferrero to handle this situation. The keyed response is option a, "Order a search of the whole housing area and inmates immediately starting with Inmate Lawrence." The appellant maintains that option d, "Talk to Inmate Novak to determine whether or not the information he provided is credible," is the best response. In this regard, the appellant contends that given that the two prior incidents reported by the inmate were proven to be unfounded, "the first step should be to speak with the inmate to determine the credibility of this statement before immediately authorizing an immediate search. Once the supervisor has gathered the alleged facts and determined if any of them are verifiable[,] [t]he supervisor can now move forward with the search of the inmate's cell and now forms a basis that the search is based on reasonable suspicion based on articulable facts. Lastly, after speaking with the inmate, the supervisor can then proceed with the search of the inmate's cell." It is noted that TDAA contacted SMEs regarding this matter who indicated that even though Inmate Novak has provided two previous notes that were unfounded, every claim of contraband, especially weapons and narcotics, should be thoroughly vetted through a search to ensure the unit is safe and secure. The SMEs noted that a housing unit has a lot of movement and hand-to-hand exchanges between the inmate population and thus, a search of the whole housing unit would be necessary. The SMEs determined that once a search has been conducted, Inmate Novak should be interviewed. Given this, option d is not the best response.

Question 41 indicates that County Correctional Police Lieutenant (Lieutenant) Mulroy, the area lieutenant, is called to a housing unit in which an inmate in his cell is irate, refusing to handcuff up, appears to be under the influence of an intoxicant, and in need of medical attention. Lieutenant Mulroy arrives on scene and begins to

communicate with the inmate, but he continues to refuse to comply with orders and threatens to hurt anyone who comes into his cell. The question asks for what Lieutenant Mulroy should do next. The keyed response is option d, Lieutenant Mulroy should call “the shift commander.” The appellant argues that option a, Lieutenant Mulroy should call “a medical code,” is the best response. The appellant presents that “the inmate presents no immediate threat to the custody staff or himself, or the orderly operation of the facility, otherwise, immediate force would have been necessary. The inmate is secured inside of his cell. Once medical arrives on the scene, the inmate can be assessed immediately . . . Also, they will be of assistance in guiding the supervisor in regard to the appropriateness of using force by reviewing the inmate’s medical file to determine if a particular type of force may exacerbate his current medical state.” Despite the appellant’s contention, the question specifically indicates that the inmate is irate, refusing to comply with orders and threatens to hurt anyone who comes into his cell. Also, the question does not indicate that the inmate is secured. It is noted that TDAA contacted SMEs regarding this matter who emphasized that the Captain would have the cell door opened and attempt to provide medical care, especially given that the question does not indicate that emergent medical care is needed, to a non-compliant, irate inmate who has threatened to hurt anyone that comes into his cell without the inmate first being properly secured. Thus, the SMEs determined that calling a medical code under these circumstances would not be the best next action. The SMEs further noted that Lieutenant Mulroy has attempted to de-escalate the situation to gain compliance which has failed at this time. The SMEs determined that Lieutenant Mulroy should then contact the shift commander to inform them of the situation and await further instructions on what actions to take. Therefore, the question is correct as keyed.

Question 44 indicates that while having a one-on-one meeting with Lieutenant Cariso, Sergeant Baird said that he thinks everyone has become too relaxed with appearance standards and officers are looking “sloppy.” Lieutenant Cariso decided to send a memo out to custody staff explaining that uniforms should be neat and clean. Later that day, Lieutenant Cariso overheard officers complaining how unnecessary the memo was and that supervisory staff just enjoy putting their subordinates down. The question asks, based on the information provided, for what Lieutenant Cariso did not do that could have prevented this situation. The keyed response is option c, “Assessed the situation himself to see if appearance standards are a problem.” The appellant, who selected option a, “Asked Sergeant Baird to document his observations,” maintains that “the Captain should have ordered the supervisor to document his noted violations of the uniform policy. The Captain needs to know specifically who, what, when and where, the specific violations occurred to initiate an investigation . . . In reporting any incident/noncompliance issue, the first step is to document the incident . . . [I]f incidents are not documented, then they are deemed not have occurred. Also, if the supervisor writes a written report identifying the violators, then progressive disciplinary action can be taken if the same officer continues to commit the same infractions.” It is noted that TDAA contacted SMEs

regarding this matter who indicated that Lieutenant Cariso should assess the situation for himself since “officers are less likely to complain if the Lieutenant sees for himself.” Therefore, the question is correct as keyed.

Questions 46 through 60 refer to Michael Carpenter and Roger Fulton, *A Practical Career Guide for Criminal Justice Professionals* (2007).

Question 50 indicates that Sergeant Solomon assists you with creating officer schedules. A few weeks ago, he made a mistake and scheduled an officer that had an approved leave request which resulted in a shift being understaffed. You documented the incident and gave Sergeant Solomon a verbal warning. This past week, Sergeant Solomon made the same mistake with a different officer. You told Sergeant Solomon to not let it happen again. The question asks, based on the information provided by Carpenter and Fulton on correcting performance, why would your approach in this case not be helpful? The keyed response is option d, “You were not consistent in your response to the mistakes and did not follow the chain of progressive discipline.” The appellant, who selected option b, “Your responses to the first mistake and second mistake should have been reversed,” refers to the text which provides:

[U]nder positive discipline, #4 Maintaining Uniformity in Correcting Behavior[:] ‘We like to use the hot stove example. Every time you touch a hot stove, it burns and everyone gets burned the same when they touch the hot stove. The result burning is immediate, consistent, and fair for everyone.’ [The authors are] asserting that the disciplinary process should be consistent for all employees to be effective and fair for all. It is not suggested that the supervisor should be consistent in response to correcting mistakes. Also, the book states that discipline should be used as a last resort after coaching, counseling, and training have been used. Reversing the discipline will show that it was done progressively and fairly. Now, if another officer was to commit the same infraction, then discipline should be imposed identically to how it was used against the first officer supporting Carpenter’s perspective.

It is noted that TDAA contacted SMEs regarding this matter who indicated that progressive discipline should always move forward. In this regard, the SMEs noted that when the Sergeant made the first mistake, he was given a verbal warning. Thus, the SMEs determined that the second incident warrants the next level of discipline. Accordingly, the question is correct as keyed.

Question 51 indicates that Sergeant Morton, a newly promoted supervisor, goes to Lieutenant Butler for advice regarding a situation with CPO Carlisle who has been making minor mistakes, but overall is a high-performing and reliable officer. Sergeant Morton is debating whether or not he should address the mistakes that CPO Carlisle has been making because he doesn’t want CPO Carlisle to think he’s only

focusing on minor issues. The question asks, based on the information provided by Carpenter and Fulton on employee coaching, how Lieutenant Butler should respond to Sergeant Morton. The keyed response is option d, "I hear what you're saying. Providing constructive feedback is part of our jobs, and providing feedback shows officers you respect them. You can both correct performance issues and tell your officers how valuable they are. This, in turn, will lead your officers to respect you." The appellant, who selected option c, "We can't allow CPO Carlisle to continue making mistakes, even though they are minor, just because he is overall a good officer. He deserves to know what he is doing wrong, and it is your responsibility to correct his performance," refers to the text which provides "under Positive Discipline #5, 'Eliminate causes that lead to misconduct - do you contribute to discipline problems as a boss? Do you under-supervise? By ignoring the early warning signs on minor infractions, you might be encouraging this and more serious behavior. Therefore, although the officer is normally a good officer that does not mean that minor violations should not be addressed immediately to deter them from committing subsequent infractions in the future.'" It is noted that TDAA contacted SMEs regarding this matter who indicated that constructive feedback is the foundation of molding new staff the proper way. The SMEs noted that "just because you correct the actions of an officer, it does not mean that you devalue them." The SMEs further indicated that "you should be just as quick to tell an officer what they did wrong just as fast as when you tell them they did right." The SMEs further indicated that "you are doing the officer an injustice if you continue to let them make the same mistakes and you see them and do nothing about them. You should also tell them they are a reliable officer and not just have the conversation on negatives only." Therefore, option c is not the best response.

Question 59 indicates that while in your office, you overhear a social worker speaking with Sergeant Neary expressing her frustration about a facility policy that she thinks is harmful to the mental health of inmates. While Sergeant Neary is listening to the social worker and being respectful, he is not really addressing the social worker's concerns. The question asks, based on the information provided by Carpenter and Fulton on supervisory responses, for the best way for you to handle this situation. The keyed response is option d, "Calmly approach the social worker and Sergeant Neary, get any necessary information needed from the social worker about the issue, and tell her that you and Sergeant Neary will look into the policy." The appellant argues that option c, "Allow Sergeant Neary to handle the situation, talk to him after the fact about he could have handled the situation better, and address the situation yourself regarding the social worker's concerns," is equally correct. The appellant refers to the text and maintains that "if you are in the position of a supervisor, you should be prepared by knowing the law and your policies and procedures, not just for the exam. The supervisor and Captain should have been able to immediately address the civilian's concerns if they are well prepared in knowing the policy. There would be no need to review the policy and get back to her . . . Once you arrive on the scene, you are supposed to exhibit your knowledge and

appropriately take charge and resolve any issues.” It is noted that the issue presented in the question is not the Sergeant’s and/or Captain’s lack of knowledge regarding policy provisions. Rather, the social worker appears to have an issue with the policy itself. In addition, TDAA contacted SMEs regarding this matter who indicated that as a Captain, you would want to assist your Sergeant given that he is not addressing the social worker’s concerns. The SMEs indicated that you want to let the social worker know that the department is going to listen to the social worker’s concerns regarding the policy and have them addressed. The Captain would also want to make sure the Sergeant is aware of how the policy affects the mental health of inmates, so that they can make recommendations to change the policy, if necessary. Therefore, the SMEs determined that it would be best to look into the issue rather than try to immediately respond and not address the social worker’s concerns. As such, the question is correct as keyed.

For question 61, since the appellant selected the keyed response, her appeal of this item is moot.

### CONCLUSION

A thorough review of appellant’s submissions and the test materials reveals that the appellant’s examination score is amply supported by the record, and the appellant has failed to meet her 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 7<sup>TH</sup> DAY OF FEBRUARY, 2024



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