

[T]he proofs relied upon by respondent to charge Appellant Brown and terminate her employment, at best rests on bare boned conclusions. Other than the scant evidence produced by the investigation and the FBI's determination that the writing samples were not conclusive to identify the author of the writing, no one knows for sure how the letters, dangerous substance and cell phone ended up in Inmate K's jail cell. It is significant that respondent failed to gather a more thorough record[,] in particular[,] full and complete statements from the correction officers with knowledge, and Appellant Brown. Instead [the appointing authority] relied upon an incarcerated inmate who is less than credible and was motivated to provide information so that he could be granted a transfer to a jail near his home, to be the final piece of evidence that caused the charges to be filed.

Specifically, regarding the charges, the ALJ's determinations were based on her assessment of the credibility of the testimonial and documentary evidence in the record and her assessment of the credibility of that evidence. In this regard, the Commission acknowledges that the ALJ, who has the benefit of hearing and seeing the witnesses, is generally in a better position to determine the credibility and veracity of the witnesses. *See Matter of J.W.D.*, 149 N.J. 108 (1997). "[T]rial courts' credibility findings . . . are often influenced by matters such as observations of the character and demeanor of the witnesses and common human experience that are not transmitted by the record." *See also, In re Taylor*, 158 N.J. 644 (1999) (quoting *State v. Locurto*, 157 N.J. 463, 474 (1999)). Additionally, such credibility findings need not be explicitly enunciated if the record as a whole makes the findings clear. *Id.* at 659 (citing *Locurto, supra*). The Commission appropriately gives due deference to such determinations. However, in its *de novo* review of the record, the Commission has the authority to reverse or modify an ALJ's decision if it is not supported by sufficient credible evidence or was otherwise arbitrary. *See N.J.S.A. 52:14B-10(c); Cavalieri u. Public Employees Retirement System*, 368 N.J. Super. 527 (App. Div. 2004). In this matter, the exceptions filed are not persuasive in demonstrating that the ALJ's determinations, or her findings and conclusions based on those determinations, were arbitrary, capricious or unreasonable. As such, the Commission has no reason to question those determinations or the findings and conclusions made therefrom. Therefore, upon its *de novo* review, the Commission finds nothing in the record or the exceptions demonstrating that the ALJ's assessment of the charges, finding that the appointing authority did not sustain its burden of proof, was arbitrary, capricious or unreasonable. Accordingly, the Commission finds that the charges were properly dismissed and the appellant's removal should be reversed.

Since the removal has been reversed, the appellant is entitled to be reinstated with mitigated back pay, benefits, and seniority pursuant to *N.J.A.C. 4A:2-2.10*. Moreover, as the appellant has prevailed, she is entitled to reasonable counsel fees pursuant to *N.J.A.C. 4A:2-2.12*.

This decision resolves the merits of the dispute between the parties concerning the disciplinary charges and the penalty imposed by the appointing authority. However, per the decision of the Superior Court of New Jersey, Appellate Division, in *Dolores Phillips v. Department of Corrections*, Docket No. A-5581-01T2F (App. Div. Feb. 26, 2003), the Commission's decision will not become final until any outstanding issues concerning back pay or counsel fees are finally resolved. In the interim, as the court states in *Phillips, supra*, if it has not already done so, upon receipt of this decision, the appointing authority shall immediately reinstate the appellant to her permanent position.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was not justified. The Commission therefore reverses the removal and grants the appeal of Na'Asha Brown.


The Commission orders that the appellant be granted back pay, benefits, and seniority from the time of her removal to the date of her actual reinstatement. The amount of back pay awarded is to be reduced and mitigated as provided for in *N.J.A.C. 4A:2-2.10*. Proof of income earned, and an affidavit of mitigation shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

Additionally, the Commission orders that counsel fees be awarded to the attorney for the appellant pursuant to *N.J.A.C. 4A:2-2.12*. An affidavit of services in support of reasonable counsel fees shall be submitted by or on behalf of the appellant to the appointing authority within 30 days of issuance of this decision.

Pursuant to *N.J.A.C. 4A:2-2.10* and *N.J.A.C. 4A:2-2.12*, the parties shall make a good faith effort to resolve any dispute as to the amount of back pay or counsel fees. However, under no circumstances should the appellant's reinstatement be delayed pending resolution of any potential back pay or counsel fees dispute.

The parties must inform the Commission, in writing, if there is any dispute as to back pay or counsel fees within 60 days of issuance of this decision. In the absence of such notice, the Commission will assume that all outstanding issues have been amicably resolved by the parties and this decision shall become a final administrative determination pursuant to *R. 2:2-3(a)(2)*. After such time, any further review of this matter shall be pursued in the Superior Court of New Jersey, Appellate Division.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 8TH DAY OF APRIL, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
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Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSR 00101-24

AGENCY DKT. NO. N/A

**IN THE MATTER OF NA'ASHA BROWN,
MERCER COUNTY CORRECTION
CENTER.**

Stuart J. Alterman, Esq., for appellant Na'Asha Brown (Alterman & Associates, LLC, attorneys)

Michael Anthony Amantia, Assistant County Counsel, for respondent Mercer County Correction Center (Paul R. Adezio, County Counsel, attorney)

Record Closed: January 8, 2026

Decided: February 24, 2026

BEFORE **MARY ANN BOGAN**, ALJ:

STATEMENT OF THE CASE

Appellant Na'Asha Brown (Appellant Brown) a county correctional police officer with respondent Mercer County Correction Center (MCCC), appeals from disciplinary charges removing her from employment for allegedly writing romantic letters to an inmate, smuggling a cell phone and drugs into the jail for the inmate, and engaging in financial transactions on the inmate's behalf. Appellant Brown has been charged with violation of N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency, or failure to perform duties; N.J.A.C.

4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause including Administrative Orders C(2)—regarding selling or possession of alcoholic beverages or controlled dangerous substances while on county property, D(4)—improper or unauthorized contact with inmate work details, D(6)—violation of administrative procedures and/or regulations, those involving safety and security, D(14)—engaging in financial transaction between employee, patients, residents, clients, or inmates, and D(16)—intentional abuse or misuse of authority or position.

PROCEDURAL HISTORY

On December 13, 2023, respondent issued a final notice of disciplinary action (FNDA) sustaining the charges and removing appellant. Appellant's appeal was filed at the Office of Administrative Law (OAL) on December 22, 2023. N.J.S.A. 40A:14-202(d). This matter was also referred to the Mercer County Prosecutor's Office (MCPO) to determine if there was corroborating evidence in relation to the allegations of drug- or cell-phone smuggling. On March 7, 2023, the MCPO issued a declination letter. (R-19.) Appellant was immediately suspended.

Following adjournment of two previously scheduled telephone conferences, I held a telephone conference on February 22, 2024, during which the parties agreed to complete the exchange of discovery. During a March 20, 2024, telephone conference hearing dates were scheduled for April 23, 2024, and April 24, 2024. In a letter dated April 3, 2024, Mr. Alterman, on behalf of appellant, waived the 180-day rule as set forth in N.J.A.C. 4A:2-2.13(h).

At a subsequent telephone conference held on April 17, 2024, the parties agreed to adjourn the hearing dates. Respondent required time to confirm an out-of-state witness and appellant's counsel needed additional time for case preparation that was delayed due to difficult and unforeseen internal office issues. An additional conference call was held on May 30, 2024.

The hearing was held on January 30, 2025, April 10, 2025, May 8, 2025, September 16, 2025, and September 18, 2025, after which the parties requested time to submit closing statements. Upon receipt of the closing statements were received parties' submissions, the record closed on January 8, 2026.

FACTUAL DISCUSSION AND FINDINGS

Background

By way of background, inmate S.K. (Inmate K.) had been housed at the Atlantic County Justice Facility (ACJF) after being arrested and charged with first-degree distribution of a controlled dangerous substance and other charges. (R-15.) While at the ACJF, Inmate K. was found to possess a cell phone and drug-related substances during two cell searches. As a result, Inmate K. was indicted for continued distribution of drugs to inmates and the expansion of the drug operation.¹

Following the indictment at ACJF, Inmate K. was removed from the ACJF and transferred to the MCCC. At the MCCC he was assigned to the detention floor, a floor that houses inmates with disciplinary issues and who require prehearing detention. Appellant Brown worked as a correctional officer on the detention floor, as well as on other floors. As part of her duties Appellant Brown knew Inmate K. as a prisoner on the detention floor and described her relationship with him as an "officer-to-inmate relationship."

The investigation that resulted in charges against Appellant Brown occurred as a result of a cell search of Inmate K.'s cell that took place on February 26, 2022. On that date, Inmate K. asked an officer that was working the housing unit, Officer Drew, to pass along a milk crate to another inmate. When Officer Drew picked up the milk crate he found a "green leafy substance" taped to the bottom of the carton. Officer Drew reported to his supervisor, Sergeant Phillips, who informed Lieutenant Friel. After that, Lieutenant Friel and Sergeant Phillips conducted a cell search. During the cell search handwritten

¹ Judicial notice is taken of the arrest and charges as well as other various charges including Inmate K.'s long term prison sentence. N.J. R. E. 201.

letters were found along with a dangerous substance and a cellphone. MCCC found that Appellant Brown was the author of the romantic letters and also charged her with bringing a dangerous substance and a cell phone into the jail to provide to Inmate K.

Melanie Maness is the supervisory document analyst at the Federal Bureau of Investigation (FBI) in the Questioned Documents Unit (QDU). She has worked in this capacity since 2010. Ms. Maness was qualified as an expert in forensic document examination. Ms. Maness conducted the handwriting analysis of the letters found in Inmate K.'s cell.

Ms. Maness explained that all investigations are conducted in compliance with the "Approved Standards for Scientific Testimony and Report Language for Forensic Document Comparison." (R-23.) This document is considered a guidance document that sets forth certain limitations on the report to ensure that forensic examiners do not overstate opinions in their reports or during testimony. As a forensic examiner, Ms. Maness also follows technical procedures. These procedures set forth the manner in which an examiner conducts a handwriting comparison, the equipment used, and the order in which examinations are conducted. (R-24.²) The guidelines were updated and apply to reports dated March 2023. (R-25.) The current procedures for the report issued in 2024 would be R-24.³

The examiner also follows technical procedures on how to conduct examinations for indented writing (R-26) and technical procedure for initial assessments. (R-27.)

Ms. Maness explained that the process for handwriting examinations is based on three principles: 1. no two people write exactly alike with sufficient quantity and quality of writing for us to compare; 2. no one person writes exactly the same way twice—there are natural variations; and 3. no one can surpass their own natural skill level.

² The guidelines were updated beginning with reports dated March 2023. (R-25.)

³ Ms. Maness further stated that for a report dated March 2023 the procedure to follow is set forth in R-25. Procedures for the initial-assessment portion of the examination are in R-27. Also, for the report dated October 6, 2022, the guidance set forth in R-28 would be utilized laboratory wide; for March 2023 the guidance is set forth in R-29.

Ms. Maness explained that when conducting a handwriting comparison, the FBI uses the ACEV methodology—Analysis, Comparison, Evaluation, and Verification.

The analysis stage is the initial look at the items of evidence to determine if the sample is suitable for an examination and comparison. A comparison requires a side-by-side comparison for similar characteristics between the questioned document and exemplars provided. During the evaluation stage, the examiner determines whether there are more characteristics that indicate that this is the same writer, or characteristics that indicate that this may not be the same writer. Next, the examiner creates an opinion and writes the report. In the verification stage, another qualified examiner conducts a technical review. This examiner ensures that there is proper supporting documentation for the opinions rendered in the report, that all of the examinations requested were conducted, and that the examinations were consistent with the quality documents.

Ms. Maness explained that since every character is not the same, analysts do not use terms of certainty, and therefore Ms. Maness does not say her opinion is “within a reasonable degree of certainty.”

Ms. Maness was assigned the case in March 2022, when Chief Britton contacted the FBI’s Questioned Documents Unit and requested a handwriting comparison. Chief Britton provided four letters that were obtained from Inmate K.’s cell, and handwriting samples obtained from a logbook containing entries made by Appellant Brown while at work. (R-8 at 1.) The letters were labeled 1–4 for review and clarity. (R-8.) Chief Britton did not make a request for fingerprint examination or DNA testing.

Ms. Maness explained the five different conclusions that could be reached when conducting a handwriting comparison. (R-8 at 6–7.)

Source identification is the examiner’s conclusion that two or more bodies of writing were prepared by the same writer. This conclusion is an examiner’s opinion that (1) The observed quality and quantity of similar characteristics are such that the examiner would not expect to see that same combination of characteristics repeated in a body of writing prepared by another writer; (2) There are no significant dissimilarities to

conclude that the bodies of writing were not prepared by the same writer; and (3) There are no significant limitations with the items examined or the circumstances considered

The basis for a “source identification” conclusion is an examiner’s opinion that the observed similar characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by the same writer and extremely limited or no support for the proposition that the writings were prepared by different writers.

A “source identification” is the statement of an examiner’s opinion (an inductive inference) that the probability that a different writer prepared the questioned body of writing is so small that it is negligible.

Support for Common Source

“Support for common source” is an examiner’s conclusion that two or more bodies of writing may have been prepared by the same writer. . . . The degree of “support for common source” may range from limited to strong.

The basis for “support for a common source” conclusion is an examiner’s opinion that the observed similar characteristics provide limited to strong support for the proposition that the bodies of writing may have been prepared by the same writer and insufficient support for the proposition that the writings may have been prepared by different writers.

Inconclusive:

“Inconclusive” is an examiner’s opinion that no determination can be reached as to whether two or more bodies of writing were prepared by the same writer or by different writers.

The basis for an “inconclusive” conclusion is an examiner’s opinion that the bodies of writing have limitations that prevent the examiner from providing any conclusion regarding probable authorship.

Support for Different Sources

“Support for different sources” is an examiner’s conclusion that two or more bodies of writing may not have been prepared by the same writer. The degree of “support to different sources” may range from limited to strong.

The basis for a “support for different sources” conclusion is an examiner’s opinion that the observed dissimilar characteristics provide limited to strong support for the proposition that the bodies of writing may have been

prepared by different writers and insufficient support for the proposition that the writings may have been prepared by the same writer.

Source Exclusion

“Source exclusion” is an examiner’s conclusion that two or more bodies of writing were not prepared by the same writer. This conclusion is an examiner’s opinion that the bodies of writing exhibit different handwriting characteristics and there are no significant limitations with the items examined or the circumstances considered

The basis for the a “source exclusion” conclusion is an examiner’s opinion that the observed different characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by different writers and extremely limited or no support for the proposition that the writings were prepared by the same writer.

[Ex. R-8 at 6–8.]

Ms. Maness’s initial report found that a “source identification could not be reached due to the presence of unexplained characteristics and the limited quantity and comparability of the known writing submitted for comparison.” Ms. Maness also reported that the first set of exemplars contained “limited characteristics in common,” which indicates that Appellant Brown “may have prepared the questioned writing on a portion of Item 1 beginning with “Hey I missed” and ending “I can’t wait until it’s over.” (R-8 at 2; R-41.) She requested additional known writing samples to examine the limited characteristics found in the documents she examined. Ms. Maness also found it to be inconclusive that Appellant Brown in Item 5 prepared the questioned writing in the remaining portions “due to limited quantity and comparability of the known writing submitted for comparison and unexplained characteristics.” In addition, Ms. Maness found that support for different sources could not be achieved due to the presence of unexplained characteristics and the limited quantity and comparability of the known writing submitted for comparison. She also found limited inconsistencies that indicate that Appellant Brown in Item 5 may not have prepared the questioned writing on Item 3 and Item 4. (R-41.)

Chief Britton sent a letter to Ms. Maness with additional handwriting samples. (R-11; R-12; R-41.) After reviewing the additional handwriting samples, Ms. Maness re-examined the documents in which she had opined contained elements that were inconclusive in part and support for a common source in part. concluded that a “source identification could not be reached due to the presence of unexplained characteristic and the limited comparability of the known writing submitted for examination.” She prepared a March 2023 report and found “characteristics in common” were observed, which indicate that Appellant Brown “may have” prepared the questioned writing on previously submitted Item 1.” (R-12; R-41.) Support for common source, 1) indicates the bodies of writing exhibit a prevalence of similar characteristics to indicate they may have prepared by the same writer; 2) there are insufficient dissimilar characteristics to indicate that the bodies of writing may not have been prepared by the same writer; and 3) the bodies of writing have limitations that prevent the examiner from providing a ‘source identification conclusion.’

Ms. Maness also stated, “if future examinations are desired, dictated and additional undictated known writing from [Officer Brown] . . . should be submitted.” Ms. Maness did not receive additional exemplars to analyze and compare. (R-12.)

Chief Gary Britton is the chief of the investigative unit at Mercer County Correction Center. When Chief Britton began his appointment as chief of this unit, he was trained in the Attorney General Guidelines compliance for Internal Affairs investigations. This was Chief Britton’s first training in conducting internal investigations. As part of his training Chief Britton attended a number of classes within a short period of time.

Chief Britton conducted the investigation and produced and issued the investigation report to Warden Charles Ellis. (R-3.) Chief Britton testified that his report accurately documented all of his efforts and steps that he took to investigate this matter. Chief Britton first learned about the incident over the weekend when he received a call from Lieutenant Friel. Chief Britton reviewed reports prepared and submitted by Lieutenant Friel, Officer Drew, and eventually Sergeant Phillips, who submitted her report about one year later. Sergeant Phillips’ report was not written at the time of the incident

because shortly after the incident she went out on medical leave. Chief Britton acknowledged that personnel are required to issue a report before the end of their shift.

In his report, Chief Britton sets forth the content of the letters collected.

When describing the scope of his investigation, Chief Britton explained that the investigation focused on the recovery of handwritten letters and did not focus on the allegation that Appellant Brown smuggled a cell phone and drugs into the jail on behalf of Inmate K. Chief Britton acknowledged that the green leafy substance was not confirmed to be a drug because it was not sent to the State laboratory for an analysis, and Inmate K. was not charged with possession of marijuana.

Almost one year after the cell search took place, Inmate K. requested to be interviewed by Chief Britton. Inmate K. wanted to speak with Chief Britton about the cell search. Inmate K. also wanted to be transferred to a facility closer to his home. (R-13.) The interview took place on February 8, 2023. (R-14.) During the interview, Chief Britton told Inmate K. that any transfer requests would need to be approved by the ACJF. Chief Britton stated that Inmate K. told him he “would explain how the letters came into the cell last year in exchange for a transfer closer to his residence.” Chief Britton testified that he informed Inmate K. that if he provided truthful information regarding the letters in his cell he would speak with both Warden Ellis and the ACJF about the possibility of having him transferred to a facility closer to his home.⁴ (R-3.) Chief Britton did not interview Appellant Brown or any other correctional officer on the detention floor who may have had knowledge about the incident, nor did he interview other inmates. Chief Britton also did not interview other officers like Sergeant DePalma, Lieutenant Friel, Officer Drew, and Sergeant Phillips, who were all involved. Chief Britton stated he did not interview Lieutenant Friel because he found his report to be sufficient.

Chief Britton did not record the interview or videotape the interview with Inmate K. because Inmate K. objected to audio or video recording. Chief Britton also acknowledged that he did not document Inmate K.'s objection to the recording in his report. Instead,

⁴ Mr. Alterman objected, stating that the investigation interview with Inmate K. was not performed within the Internal Affairs guidelines, was not recorded and is unsubstantiated.

Chief Britton mostly created a transcript of the interview by typing the questions and answers into the computer. The transcript indicates that when Chief Britton asked him if the letters recovered were written by Officer Brown, Inmate K. answered yes. Inmate K. reported that Appellant Brown smuggled a cell phone into the facility. (R-3.) Inmate K. also asserted that after Appellant Brown smuggled suboxone into the facility and delivered it to him, Appellant Brown was paid \$8,000 by a third party for providing these services. (R-14.) Chief Britton testified that he asked about the identity of the third party, and after Inmate K. responded that he “wasn’t going to get into that” no further questions regarding the identity of the third party were asked. Chief Britton explained that even though smuggling drugs and cellphones into a jail are criminal, he focused on the fraternization with the letters and did not investigate the drug smuggling and cellphones into the jail.

Chief Britton candidly acknowledged that he “must have made a mistake” when he did not record this question in the transcript. Chief Britton also admitted that he forgot to include a question and answer relating to the identify of a third party. Furthermore, Chief Britton testified that he provided a single photograph of Officer Brown to Inmate K. and did not provide Inmate K. with a photo array as required.

Based on the FBI report issued by Ms. Maness, and the interview with Inmate K., Chief Britton concluded that Appellant Brown violated provisions of the Standard Operating Procedures (SOP):

SOP 004, 1.02.9

Officers/Correction Employees shall not . . . engage . . . in any activities of personal nature or personal business which would cause them to neglect or be inattentive to their duties.”

SOP 004, 1.02.12

Officers/correctional employees shall immediately report to a superior officer any action by work or gesture that would indicate any illegal conduct by inmates, staff or others that would be contrary to the laws of the State of New Jersey, the

government of the United states or the regulations within the Mercer County and/or the Department of Public Safety⁵.”

Paragraph 1.03.7—Officers/correctional employees “shall not indulge in undue familiarity with inmates or permit inmates to be unduly familiar to them.”

Paragraph 1.03.8 All trading and bartering between Officers/Correctional Employee and inmates is prohibited.

Paragraph 1.03.9—Officers/correctional employees “must not give or receive from any inmate or any inmate’s relative, friend or representative anything in the nature of a gift or a promise of a gift or favor however trivial.”

Paragraph 1.03.10—“No personal services shall be rendered by an inmate to officers/correctional employees and vice versa except as provided by regulations approved by the director of the Department of Public Safety.”

Paragraph 1.03.11—“No officers/correctional employees with the exception of those required to do so in the performance of their duties shall correspond with inmates or ex inmates or with persons outside the institution about affairs of the institution or inmates, nor shall they assist in any manner in conducting such correspondence except as directed by proper institutional authority.”

Paragraph SOP 1.03 12 Officers/Correctional Employees may not convey, either to or from any inmate, and message, written or oral, or any article except as is necessary in the transaction of official business for the institution.

[R-35.]

SOP S-005

B4—“Employees are prohibited from engaging in any form of undue familiarity with any inmate while he, she is incarcerated. This will include giving them any item of value.”

B5—“Employees are also prohibited from engaging in any form of personal contact or establishing a personal relationship with an inmate, ex-inmate or their immediate

⁵ The Department of Public Safety is now referred to as the Correction Center.

families until the inmate has completed all terms of supervision.”

[R-36.]

Appellant Brown was provided with the SOPs and trained in the operation of the SOPs at the beginning of her employment.

Sergeant Juawana Phillips is employed by the County as a correctional police officer and issued a report on March 3, 2023, one year after the cell search. (R-6.) Although she could not recall much about the day, she testified that Chief Britton told her to “just write what you remember.”

I . . . participated in a cell search . . . under the direction of Lt. Friel. During the search, several letter[s] were removed from the cell. I then checked the handwriting on the letters to see if there were any similarities to any writing in the logbook. As I looked, I notified Lt. Friel that there was an area in the logbook that contained similar writing on a date and time in which Ofc. N. Brown was working.

[R-6.]

Sergeant Phillips testified that her injury referred to as the reason her report was issued later occurred later in the year, and not at the time of the cell search.

Na’Asha Brown, appellant, began working for the department in 2014 and was trained at the Camden County Training Academy. Appellant Brown prefers to work the 11:00-p.m.-to-7:00-a.m. shift because that shift meets her needs as a single parent.

Appellant Brown denied writing any kind of letters to Inmate K., denied speaking to anyone associated with Inmate K., and denied that anyone spoke to her on behalf of Inmate K. regarding bringing drugs into the building. Appellant Brown also denied discussing or engaging in activities that rendered a payment for services.

Appellant Brown was never interviewed by Internal Affairs or by an investigator associated with the prosecutor’s office or any other law-enforcement agency.

Appellant Brown acknowledged that she was trained in the SOPs and understands that officers were never to have familiarity with inmates. She also received a flash drive containing all of the SOPs as part of her training.

Findings

It is my obligation and responsibility to weigh the credibility of the witnesses in order to make a determination. Credibility is the value that a factfinder gives to a witness' testimony. The word contemplates an overall assessment of a witness' story in light of its rationality, internal consistency, and manner in which it "hangs together" with other evidence. Carbo v. United States, 314 F.2d 718, 749 (9th Cir. 1963). Credible testimony has been defined as testimony that must not only proceed from the mouth of a credible witness but must be credible in itself and must be such as the common experience and observation of mankind can accept as probable under the circumstances. State v. Taylor, 38 N.J. Super. 6, 24 (App. Div. 1955) (quoting In re Perrone's Estate, 5 N.J. 514, 522 (1950)). In assessing credibility, the interests, motives, or bias of a witness is relevant, and a factfinder is expected to base decisions of credibility on his or her common sense, intuition, or experience. Barnes v. United States, 412 U.S. 837 (1973). Credibility does not depend on the number of witnesses, and the finder of fact is not bound to believe the testimony of any witness. In re Perrone's Estate, 5 N.J. 514.

Melanie Maness, who holds a supervisory position at the FBI's Questioned Documents Unit, testified with credibility. Ms. Maness conducted the handwriting analysis of the known writings found in Inmate K.'s cell in compliance with the "Approved Standards for Scientific Testimony and Report Language for Forensic Document Comparison. She detailed the process she undertook to examine the known writings and questioned writing to investigate whether or not it could be determined that it was Appellant Brown who wrote the letters found in Inmate K.'s cell during a cell search. Ms. Maness determined that the strongest piece of evidence was her conclusion that Appellant Brown "may have" prepared the questioned writing and noted the presence of "unexplained characteristics and the limited comparability of the known writing submitted for examination." Ms. Maness was also unable to provide a range of support. Accordingly,

I **FIND** the writing analysis conducted by the FBI could not draw the conclusion with certainty upon which the charges were later filed, and the findings were inconclusive as to identifying Appellant Brown as the author of the letters found in Inmate K.'s jail cell.

Chief Britton, who testified for the MCCC, provided testimony as to his investigation and the steps he took to determine the charges to be filed against Appellant Brown. Chief Britton, however, did not specifically demonstrate how the investigation proved that Appellant Brown wrote the letters found in Inmate K.'s cell. It was not that Chief Britton lacked credibility, rather, he relied upon a scant investigation that was deficient and failed to follow the Internal Affairs guidelines, policy, and procedure with regard to internal investigations resulting in proofs that are insufficient beyond a handwriting analysis that did not adequately establish the charges otherwise. Chief Britton acknowledged that during the interview with Inmate K. he did not follow investigation policies, record the interview, and forgot to document certain statements that Inmate K. made. Moreover, Chief Britton's could not explain with clarity why investigative policies were not adhered to. It seems that the MCCC created an incomplete record and issued the charges without interviewing other officers, who also conducted the cell search and officers who were on duty at that same time on the detention floor, and relied upon investigative statements made out of time. Even more, MCCC did not interview Appellant Brown as part of the investigation.

Also, Chief Britton acknowledged that he did not fully investigate the charges related to Appellant Brown smuggling a dangerous substance and cell phone into the jail and payment from a third party that was alleged to have been made to Appellant Brown for doing so. Instead, MCCC muddied the waters and charged Appellant Brown even though it was clear the charges were advanced by an inmate with a long and substantial criminal history, who was transferred to MCCC jail because in his previous placement, there were drugs and a cell phone found in his jail cell that led to a determination that he continued to engage in criminal behavior while incarcerated. Had those charges been investigated properly it may have changed the results of the investigation. Moreover, it is of concern that an inmate was granted a favor in return for a statement of position that contributed to charging Appellant Brown. I **FIND** the investigation incomplete.

Sergeant Juawana Phillips testified briefly that one year after the incident she provided a statement.

Appellant Brown provided limited testimony stating that she was not involved in smuggling a cell phone or drugs into the jail to provide to Inmate K. or received payment for these services. She also denies being the author of the letters. Appellant Brown's was trained in the Department's SOPS, and she understands that her conduct is governed by the policies. Appellant Brown also understands that officers were never to have familiarity with inmates. Furthermore, cross examination did not undermine her denials.

Finally, I further **FIND** the proofs relied upon by respondent to charge Appellant Brown and terminate her employment, at best rests on bare boned conclusions. Other than the scant evidence produced by the investigation and the FBI's determination that the writing samples were not conclusive to identify the author of the writing, no one knows for sure how the letters, dangerous substance and cell phone ended up in Inmate K.'s jail cell. It is significant that respondent failed to gather a more thorough record in particular full and complete statements from the correction officers with knowledge, and Appellant Brown. Instead MCCC relied upon an incarcerated inmate who is less then credible and was motivated to provide information so he could be granted a transfer to a jail near his home, to be the final piece of evidence that caused the charges to be filed.

LEGAL ANALYSIS AND CONCLUSIONS OF LAW

The Civil Service Act, N.J.S.A. 11A:1-1 to -12.6, governs a public employee's rights and duties. The Act is an important inducement to attract qualified personnel to public service and is to be liberally construed toward attainment of merit appointments and broad tenure protection. Mastrobattista v. Essex Cnty. Park Comm'n, 46 N.J. 138, 147 (1965). The Act sets forth that State policy is to provide appropriate appointment, supervisory, and other personnel authority to public officials so they may execute properly their constitutional and statutory responsibilities. N.J.S.A. 11A:1-2(b). However, consistent with public policy and civil-service law, a public entity should not be burdened with an employee who fails to perform his or her duties satisfactorily or who engages in

misconduct related to his or her duties. N.J.S.A. 11A:1-2(a). To carry out this policy, the Act authorizes the discipline (and termination) of public employees. N.J.S.A. 11A:2-6.

A civil-service employee who commits a wrongful act related to his or her duties, or gives other just cause, may be subject to major discipline. N.J.S.A. 11A:2-6; N.J.S.A. 11A:2-20; N.J.A.C. 4A:2-2.2. The general causes for such discipline are set forth in N.J.A.C. 4A:2-2.3(a). In appeals concerning major disciplinary actions, the burden of proof is on the appointing authority. N.J.A.C. 4A:2-1.4(a). The standard of proof in administrative proceedings is a preponderance of the credible evidence. In re Polk License Revocation, 90 N.J. 550 (1982); Atkinson v. Parsekian, 37 N.J. 143 (1962). The preponderance may be described as the greater weight of credible evidence in a case, not necessarily dependent on the number of witnesses, but having the greater convincing power. State v. Lewis, 67 N.J. 47 (1975). Both guilt and penalty are redetermined on appeal from a determination by the appointing authority. Henry v. Rahway State Prison, 81 N.J. 571 (1980); W. New York v. Bock, 38 N.J. 500 (1962).

Appellant Brown is charged with violations of N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty; and N.J.A.C. 4A:2-2.3 (a)(12), other specific cause.

As to the charge of incompetency, inefficiency, or failure to perform duties, in violation of N.J.A.C. 4A:2-2.3(a)(1), In general, incompetence, inefficiency, or failure to perform duties exists where the employee's conduct demonstrates an unwillingness or inability to meet, obtain or produce effects or results necessary for adequate performance. Clark v. New Jersey Dep't of Agric., 1 N.J.A.R. 315 (1980). Incompetence is also defined as a "lack of the ability or qualifications necessary to perform the duties required of an individual," and "[a] consistent failure by an individual to perform his/her prescribed duties in a manner that is minimally acceptable for his/her position." Sotomayer v. Plainfield Police Dep't, 1999 N.J. AGEN LEXIS 738 (December 6, 1999) (citing Steinel v. City of Jersey City, 7 N.J.A.R. 91 (1983); Clark v. New Jersey Dep't of Agric., 1 N.J.A.R. 315 (1980)), adopted, MSB (January 24, 2000), <http://njlaw.rutgers.edu/collections/oal/>. "Inefficiency" has been defined as the "quality of being incapable [of doing] or indisposed

to do the things required of an officer” in a timely and satisfactory manner. Glenn v. Twp. of Irvington, OAL Dkt. No. CSV 5051-03, Initial Decision (February 25, 2005), adopted in part, modified in part, MSB (May 23, 2005). Respondent’s evidence as to Appellant Brown’s conduct is conclusionary and did not comply with investigative policies and protocols. Furthermore, respondent did not provide sufficient testimony or evidence to demonstrate by a preponderance of the credible evidence that Appellant Brown engaged in a familiar relationship with Inmate K., smuggled contraband and a cell phone into the jail and was paid for services. Instead MCCC relied upon less than sufficient evidence and the charge is unfounded. Therefore, I **CONCLUDE** that respondent has not met its burden of proof on this charge.

Conduct unbecoming a public employee has been interpreted broadly as conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect for governmental employees and confidence in the delivery of governmental services. Karins v. City of Atl. City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained-of conduct and its attending circumstances “be such as to offend publicly accepted standards of decency.” Karins, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not “be predicated upon the violation of any particular rule or regulation but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct.” Hartmann v. Police Dep’t of Ridgewood, 258 N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep’t of Civil Serv., 17 N.J. 419, 429 (1955)).

Appellant Brown’s status as a corrections officer subjects him to a higher standard of conduct than ordinary public employees since corrections officers, like police, are held to a high standard of professional conduct because when a corrections officer fails in their duties, they may imperil others. Henry v. Rahway State Prison, 81 N.J. 571, 580 (1980). Township of Moorestown v. Armstrong, 89 N.J. Super. 560, 566 (App. Div. 1965). Maintenance of strict discipline is important in military-like settings such as police departments, prisons, and correctional facilities. Rivell v. Civil Serv. Comm’n, 115 N.J. Super. 317 (App. Div. 1967). Strict discipline of corrections officers is necessary for

the safety and security of other corrections officers and the inmates in their charge. Henry, 81 N.J. at 578. As the Appellate Division explained, this higher standard of conduct and behavior is necessary because:

The need for proper control over the conduct of inmates in a correctional facility and the part played by proper relationships between those who are required to maintain order and enforce discipline and the inmates cannot be doubted. We can take judicial notice that such facilities, if not properly operated, have a capacity to become "tinderboxes."

[Bowden v. Bayside State Prison, 268 N.J.Super. 301, 306 (App.Div. 1993), certif. denied, 135 N.J. 469 (1994).]

Appellant challenges the charge of conduct unbecoming. The allegation relating to this charge is that Appellant engaged in a familiar relationship with Inmate K., failed to notify the warden or her superiors that Inmate K. approached her for personal reasons, and that she accepted cash for services, and supplied Inmate K. with a cell phone, controlled dangerous substances, and corresponded with Inmate K. Respondent did not prove that appellant conducted herself in this manner and failed to meet the standard of conduct expected of correction officers. Accordingly, I **CONCLUDE** that the preponderance of the credible evidence demonstrates that respondent has not met its burden of proof on the charge of conduct unbecoming a public employee.

The term "neglect" means a deviation from the normal standards of conduct. In re Kerlin, 151 N.J. Super. 179, 186 (App. Div. 1977). "Duty" means conformance to "the legal standard of reasonable conduct in the light of the apparent risk." Wytupeck v. Camden, 25 N.J. 450, 461 (1957) (citation omitted). Neglect of duty can arise from omitting to perform a required duty as well as from misconduct or misdoing. Cf. State v. Dunphy, 19 N.J. 531, 534 (1955). Neglect of duty does not require an intentional or willful act; however, there must be some evidence that the employee somehow breached a duty owed to the performance of the job. Here, respondent determined that appellant neglected her duty when she failed to maintain the safety and integrity of the institution and instead ignored her obligation to the Correction Center and her fellow officer. Respondent did not provide sufficient testimony or evidence to demonstrate by a preponderance of the credible evidence that appellant's conduct neglected her duty as a

correction officer. Therefore, I **CONCLUDE** that the preponderance of the credible evidence demonstrates that respondent has not met its burden of proof on the charge of neglect of duty.

“Other sufficient cause” specifically charges Administrative Orders C(2)—regarding selling or possession of alcoholic beverages or controlled dangerous substances while on county property, D(4)—improper or unauthorized contact with inmate work details, D(6)—violation of administrative procedures and/or regulations, those involving safety and security, D(14)—engaging in financial transaction between employee, patients, residents, clients, or inmates, and D(16)—intentional abuse or misuse of authority or position. Chief Britton acknowledged that he did not focus the investigation on the cell phone, dangerous substance, or money exchange and that he did not fully investigate those charges and would only rely on the conduct related to what he considered to be appellant’s familiar relationship with Inmate K. Having found that respondent did not fully investigate whether Appellant Brown brought in a controlled dangerous substance (or a cell phone) while on county property, or was paid for providing drugs or a cell phone or that she was the writer of the letters found in Inmate K.’s cell; It was not proven that Appellant Brown’s actions were a clear violation of departmental policy and procedures. As such, I **CONCLUDE** that the preponderance of the credible evidence demonstrates that respondent has not met its burden of proof on this charge.

I **CONCLUDE** that respondent failed to carry its burden of proof. The charges should be dismissed, and appellant should not be removed.

ORDER

I **ORDER** that the charges against appellant for violations of N.J.A.C. 4A:2-2.3(a)(1), incompetency, inefficiency or failure to perform duties; N.J.A.C. 4A:2-2.3(a)(6), conduct unbecoming a public employee; N.J.A.C. 4A:2-2.3(a)(7), neglect of duty, and N.J.A.C. 4A:2-2.3(a)(12), other sufficient cause, specifically, Administrative Orders C(2)—regarding selling or possession of alcoholic beverages or controlled dangerous substances while on county property, D(4)—improper or unauthorized contact with inmate work details, D(6)—violation of administrative procedures and/or regulations, those

involving safety and security, D(14)—engaging in financial transaction between employee, patients, residents, clients, or inmates, and D(16)—intentional abuse or misuse of authority or position, are **DISMISSED**.

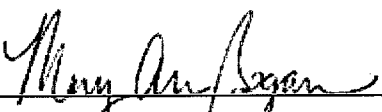
It is further ordered that appellant is entitled to backpay, pension credit, service credit, and all other emoluments. The amount of back pay awarded is to be reduced and mitigated to the extent of any income that was earned or that could have been earned by appellant during this period. Proof of income shall be submitted by or on behalf of appellant to the appointing authority within thirty days of issuance of this decision. Pursuant to N.J.A.C. 4A:2-2.10, the parties shall make a good-faith effort to resolve any dispute as to the amount of backpay.

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. 40A:14-204.

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 24, 2026
DATE


MARY ANN BOGAN, ALJ

Date Received at Agency:

February 24, 2026

Date Mailed to Parties:

February 24, 2026

MAB/nn

APPENDIX

WITNESSES

For appellant:

Na' Asha Brown
Juawona Phillips

For respondent:

Gary Britton
Melanie Maness

EXHIBITS

For appellant:

- P-1 AG Guidelines, November 2022
- P-2 Report of Sgt. J. DePalma
- P-3 Emails between Mercer County and FBI

For respondent:

- R-1 Preliminary Notice of Disciplinary Action dated February 15, 2023, amended April 17, 2023
- R-2 Notice of Decision for Immediate Suspension dated February 15, 2023
- R-3 Mercer County Correction Center Official Internal Affairs Investigation Report, dated February 28, 2022 (initial date)
- R-4 Incident Report, Lieutenant Friel, dated February 26, 2022
- R-5 Incident Report, Officer Drew, dated February 26, 2022
- R-6 Incident Report, Sergeant Phillips, dated March 3, 2023
- R-7 Instruction Sheet from FBI
- R-8 FBI Laboratory Report, October 6, 2022
- R-9 Letter from Chief Britton to FBI Laboratory Division (M. Maness)

- R-10 Logbook, selected pages (listed in Chief Britton's letter)
- R-11 Additional Exemplars Provided to FBI
- R-12 FBI Laboratory Report, March 16, 2023
- R-13 Incident Report, Officer DePalma, dated February 13, 2023
- R-14 Statement of S.K. dated February 10, 2023 (with initial attachments)
- R-15 Email from Bryan Casey (Atlantic County Prosecutor's Office)
- R-16 Correction Officer Bid Form dated December 21 2020
- R-17 Assignment Sheets, various dates, March 2020 to March 2022
- R-18 Na'Asha Brown training records
- R-19 Mercer County Internal Affairs Prosecutor Form–Response dated March 7, 2023
- R-20 FBI Laboratory Division, Supporting Documentation Envelope Cover and contents
- R-21 FBI Laboratory Division, Case Record 2022-00635-2
- R-22 FBI Laboratory Division, Case Record 2022-00635-4
- R-23 FBI Laboratory Division, Approved Standards for Scientific Testimony and Report Language for Forensic Document Comparison
- R-24 FBI Laboratory Division, Handwriting/Hand Printing Exams, issue date: January 14, 2022
- R-25 FBI Laboratory Division, Handwriting/Hand Printing Exams, issue date: December 1, 2022
- R-26 FBI Laboratory Division, Indented Writing Examinations
- R-27 FBI Laboratory Division, Initial Assessment of Documentary Evidence
- R-28 FBI Laboratory Division, Operations Manual, issue date: November 8, 2021
- R-29 FBI Laboratory Division, Operations Manual, issue date: March 6, 2023
- R-30 FBI Laboratory Division, Quality Assurance Manual, Part I
- R-31 FBI Laboratory Division, Quality Assurance Manual, Part II
- R-32 FBI Laboratory Division, Quality Assurance Manual, issue date: November 8, 2021
- R-33 FBI Laboratory Division, Quality Assurance Manual, issue date: March 6, 2023
- R-34 Curriculum Vitae: Melanie Elizabeth Maness

- R-35 Mercer County Corrections Center, Department of Public Safety Standards and Operating Procedures 004: Employee Handbook
- R-36 Mercer County Correction Center, Department of Public Safety Standards and Operating Procedures 005: Familiarity with Inmates and Families
- R-37 Na'Asha Brown disciplinary history
- R-38 Mercer County Public Safety Table of Offenses and Penalties
- R-39 Hearing Officer Decision, dated December 1, 2023
- R-40 Final Notice of Disciplinary Action, dated December 12, 2023
- R-41 Demonstrative aid prepared by FBI document examiner Melanie Elizabeth Maness