



**STATE OF NEW JERSEY**

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

In the Matter of Chrishawn Lewis,  
Correction Officer Recruit (S9988R),  
Department of Corrections

CSC Docket No. 2016-2078

List Removal Appeal

**ISSUED: DEC 28 2017 (CSM)**

Chrishawn Lewis appeals the removal of her name from the eligible list for Correction Officer Recruit (S9988R), on the basis of an unsatisfactory background report.

The appellant took the open competitive Correction Officer Recruit (S9988R), achieved a passing score, and was ranked on the subsequent eligible list. In disposing of the certification, the appointing authority requested the removal of the appellant's name, contending that she had an unsatisfactory background report. Specifically, the appointing authority's background investigation found that she was arrested and charged with aggravated assault with a weapon after a domestic violence incident in which she used a pair of scissors to stab/cut her boyfriend in 2007. The appellant was also charged with two counts of harassment in 2009, as well as making communications in an alarming/annoying manner and criminal mischief in 2001. All of these charges were dismissed. Additionally, the appointing authority found that the appellant disclosed that she visited and communicated with six individuals who have been or are currently incarcerated (five of which were for Controlled Dangerous Substance offenses) and that she has been involved in multiple domestic violence incidents.

On appeal to the Civil Service Commission (Commission), the appellant states that her arrest in 2007 was purely self-defense in a domestic violence matter and she was advised by the police that she had to be arrested because she had a past dating relationship with the victim. Further, she explains that she was harassed by her ex-boyfriend's child and that the individual who was harassing her pressed false harassment charges against her as payback. The appellant states

that the charges of making communications in an alarming manner and criminal mischief were the result of various arguments that she had with her son's father and that the judge dismissed the charges against her. Regarding her visiting incarcerated individuals, the appellant states that she cannot control who she knows and that this should not be a factor if she gets a job in a prison or not. The appellant notes that she only visited one of the individuals because she had a son with him and that she knew another individual that she visited from the neighborhood. Additionally, she states that she met several of the individuals after they were released from jail. The appellant emphasizes that she is a good person who has made mistakes in the past but since that time has been consistently employed and earned a college degree. In support of her appeal, the appellant provides a letter of recommendation from the Manager, Human Resources, Department of Law and Public Safety, Division of Criminal Justice. Therefore, the appellant requests to be reinstated to the subject list.

In response, the appointing authority states that the appellant has been charged with numerous offenses since 2001 and admitted to cutting her boyfriend with a pair of scissors in 2007. It argues that the appellant has been involved in multiple domestic incidents as both the plaintiff and defendant and that she admitted to visiting numerous individuals while they were incarcerated. As such, the appointing authority maintains that the appellant has demonstrated a history of behavior that is inconsistent with the standards expected of a law enforcement positions.

### CONCLUSION

*N.J.A.C.* 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)9, allows the removal of an eligible's name from an eligible list for other sufficient reasons. Removal for other sufficient reasons includes, but is not limited to, a consideration that based on a candidate's background and recognizing the nature of the position at issue, a person should not be eligible for appointment.

*N.J.S.A.* 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an eligible list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

The presentation to an appointing authority of a pardon or expungement shall prohibit an appointing authority from rejecting an eligible based on such criminal conviction, except for law enforcement, firefighter or correction officer and other titles as determined by the Commission. It is noted that the Appellate Division of the Superior Court remanded the matter of a candidate's removal from a Police Officer eligible list to consider whether the candidate's arrest adversely related to the employment sought based on the criteria enumerated in *N.J.S.A. 11A:4-11*. See *Tharpe v. City of Newark Police Department*, 261 *N.J. Super.* 401 (App. Div. 1992).

Although it is clear that the appellant was never convicted of a crime, she has been arrested on several occasions, and, by her own admission, stabbed her ex-boyfriend with a pair of scissors during a domestic dispute in 2007. While an arrest is not an admission of guilt, it may warrant removal of an eligible's name where the arrest adversely relates to the employment sought. See *In the Matter of Tracey Shimonis*, Docket No. A-3963-01T3 (App. Div. October 9, 2003). In the matter at hand, the record evidences that the appellant has been arrested or has had adverse contacts with law enforcement as an adult from 2001 to 2009 for aggravated assault with a weapon, harassment, making communications in an alarming/annoying manner and criminal mischief. Although the appellant attempts to minimize these matters, it cannot be ignored that the appointing authority has documented a pattern of behavior that is inconsistent with a law enforcement position. Further, the fact that she has visited multiple individuals who are or have been incarcerated could seriously undermine the security of the facility. While the appellant argues that these contacts should not preclude her from being considered for a position in prison, in conjunction with her prior adverse encounters with law enforcement, such associates are indicative of the appellant's exercise of poor judgment, which is not conducive to the performance of duties of a Correction Officer Recruit. The Commission notes that Correction Officer Recruits are law enforcement employees who hold highly visible and sensitive positions within the community, and the standard for an applicant includes good character and an image of utmost confidence and trust. See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). The public expects Correction Officer Recruits to present a personal background that exhibits respect for the law and the rules. Accordingly, given the totality of the circumstances, the appointing authority has presented sufficient cause to remove the appellant's name from the subject eligible list.

### 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 21<sup>ST</sup> DAY OF DECEMBER, 2016



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Director  
Division of Appeals  
& Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c:     Chrishawn Lewis  
       Veronica Tingle  
       Kelly Glenn