



STATE OF NEW JERSEY

In the Matter of Lorenzo Shockley,
Jr., County Police Officer (S9999U),
Camden County

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

CSC Docket No. 2018-1648

List Removal Appeal

ISSUED: JUNE 22, 2018 (SLK)

Lorenzo Shockley, Jr. appeals his removal from the eligible list for County Police Officer (S9999U), Camden County on the basis that he possessed an unsatisfactory driving history, employment record, criminal record and background report.

The appellant took the open competitive examination for County Police Officer (S9999U), achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated in its background report that the appellant possessed an unsatisfactory driving history, employment record, criminal record, and background.

On appeal, the appellant asserts that his driving record should not preclude him from being a police officer. He states that it has been over 20 years since he received a driving ticket although he acknowledges that several years ago he did receive a red-light camera ticket. The appellant attaches his five-year driver abstract to show that his driving status is currently in good standing. The appellant presents that he was hired by the Camden County Police Department (CCPD) in March 2013 but was terminated two weeks later on the basis that he failed a psychological test. The appellant emphasizes that he took a supplemental psychological test to show that he was fit for duty, but CCPD did not accept it. Thereafter, he was hired as a Special Class Two Police Officer with the Camden County Sheriff's Department (CCSD). However, several months later he was removed because of an omission in the

application process regarding his employment with CCPD. The appellant claims that there is nothing in his background that should have prevented him from keeping his employment with the CCSD. Further, the appellant explains that he was the victim of unethical behavior while employed by The College of New Jersey Police Department (TCNJ). He submits a letter from TCNJ, CCPD, and the Cape May County Sheriff's Department (employed from 2/6/04 – 8/2/05) which indicate that the appellant did not have any driving infractions while employed for these organizations.

In reply, the appointing authority states that the appellant has an unsatisfactory driving history, criminal history, employment record, and background report. In support, it submits its background report. Specifically, the appointing authority presents that the appellant has an unsatisfactory driving record based on his driver's license being suspended in 1994 for an Uninsured Motorist charge, in 1993 and 1994 for a Driving Under the Influence (DUI) charge and five separate suspensions between 1994 and 1996 for Non-Payment of Insurance. Additionally, on two separate occasions in 2013, the appellant was issued a summons for Failure to Observe Traffic Control Device. Further, the appointing authority represents that the appellant had an unsatisfactory criminal background based on his 1993 DUI, a Simple Assault charge in 2008 and Harassment charges in 2010.¹ The appointing authority asserts that the appellant has an unsatisfactory employment history as he was terminated from CCSD (2/2016 – 8/2016) for failing to indicate on his application that he had previously been employed by CCPD (3/25/13 – 4/5/13) and was separated from employment with CCPD after failing a psychological examination. It also states that while employed by TCNJ (8/5/2006 – 3/23/13), the appellant had poor performance reviews, received a five-day suspension in 2013, had two separate two-day suspensions in 2011, had two written reprimands in 2010, had two verbal reprimands in 2010, one verbal warning in 2011 and a poor attendance history. The appointing authority highlights that the appellant had an incident with TCNJ in 2011 where his gun and police badge were stolen. The report indicates that his daughters were the suspects and the police badge was recovered at a family member's house, but the gun was not found.

The appointing authority also indicates that the appellant's application was filled with false, misleading, missing, inaccurate and/or incomplete statements. Specifically, it claims that the appellant falsified his application by not listing the 2010 Harassment charge, indicated that his license was only suspended one time when it was suspended seven times, did not list a 2013 traffic violation charge, claimed that he was released from his employment in 2016 from the CCSD for failing to list his prior employment with CCPD, failed to mention domestic issues with stepdaughter because he claimed that he did not believe that these issues were

¹ It is noted that the background report indicates that the Simple Assault and Harassment charges appeared to be cross-complaint in nature and involved family members.

considered domestic since she was a juvenile², did not disclose a 2008 verbal dispute that turned into physical altercation with his wife and stepdaughter where his wife was arrested, did not list that between 2002 and 2013 that there were 16 domestic incidents, and did not present 2000 and 2010 Temporary Restraining Orders (TRO) that were dismissed. The appointing authority also asserted that the appellant did not disclose 1984 Harassment and 1991 Simple Assault charges in Cape May County, did not list an individual as his daughter, did not disclose an ex-girlfriend as a dating partner where he had to go to court regarding a harassment charge related to that relationship, there were numerous inconsistencies between his current application and his prior CCPD application, he did not disclose all the times he had been fingerprinted in his career, he did not fully explain that he was forced to leave his employment from CCPD because he was found “unfit for duty,” he did not list all of the police departments where he applied for employment, he did not disclose that he was terminated from the Pleasantville Police Department for an error regarding his age which made him ineligible to be in the police pension system and did not accurately disclose his entire disciplinary history with TCNJ.

In reply, the appellant submits a letter from TCNJ in 2008 which indicates that it substantiated his allegations that he was subjected to a pattern of behavior which resulted in disparate treatment. The appellant attaches depositions from a lawsuit that he and others filed against TCNJ and the officers at TCNJ who were found to have discriminated against him. He highlights certain pages from the depositions of these officers to show that these officers attempted to discredit him and belittle his character. The appellant asserts that all his disciplinary issues started after J.C. became the Chief of Police at TCNJ. The appellant explains that he was being treated differently since he started his employment with TCNJ in 2006. Specifically, he was sent to assault calls by himself, he was called racial slurs, and after returning to work from caring for his sick child, his child and he were called derogatory terms. The appellant indicates that after an investigation, it was found that certain officers were guilty of racial discrimination, harassment and a hostile working environment. Thereafter, J.C. was hired as Chief and made those found guilty of the charges his superior officers. Additionally, while seeking employment, he was advised that it looked like TCNJ was blackballing him from employment.

The appellant explains his background and how he always wanted to be a Police Officer. He indicates that after several attempts, he finally was able to secure part-time employment with a police department. However, he laterally transferred to the Pleasantville Police Department to obtain a full-time position while he was still eligible to be a Police Officer. Unfortunately, after less than a year, the appellant was terminated because of his age as he was not eligible to be in the police pension system. Thereafter, he laterally transferred to TCNJ. However, he indicates that he was subjected to discrimination at TCNJ and was written up for exaggerated charges.

² The background report indicated that there were 51 incidents in Gloucester Township where the police were called regarding the appellant’s stepdaughter’s behavior.

Therefore, he is now unable to secure employment as a police officer anywhere in the country.

The appellant explains that he was as honest as possible on his application with CCPD, but he does not have a record of the exact dates of his DUI which occurred over 20 years ago. With respect to his driving record, the appellant indicates that, due to a lack of income, he had difficulty paying off his insurance surcharges. The appellant emphasizes that he did not drive during the time periods that his license was suspended and asserts that he has a great driving record over the past 20 years. In reference to the issue regarding his weapon being misplaced, he indicates that he never stated that this was his duty weapon and therefore asserts that this is another example of his personnel file being falsified. Regarding the domestic issues, the appellant states that he does not have any charges in his file. He emphasizes that most of the domestic incidents were him calling the police to stop the other party from continuing poor behavior. The appellant represents that he did not know anything about the TROs until he went for custody of his two children. He attaches a letter from the court that indicates that the TROs were dismissed.

The appellant submits documents to show that the domestic violence complaints against him were dismissed, his evaluation with TCNJ did not indicate that he was unfit to perform his duties, he was referred to in a derogatory matter by officers while employed at TCNJ, he was evaluated by a licensed psychologist who indicated he was fit for duty as a police officer, he was removed from his position with Pleasantville due to his ineligibility in the pension system, he has been recommended to be a police officer by several individuals, the simple assault and harassment charges against him were dismissed and his criminal history was expunged in December 2013.

CONCLUSION

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, correction officer, juvenile detention officer,

firefighter or judiciary titles and other titles as the Chairperson of the Civil Service Commission (Commission) or designee may determine. 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).

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 Commission to remove an eligible's name from an eligible list for having a prior employment history which relates adversely to the title.

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)6*, allows the Commission to remove an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

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 Commission to remove 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.A.C. 4A:4-6.3(b), in conjunction with *N.J.A.C. 4A:4-4.7(d)*, provides that the appellant has the burden of proof to show by a preponderance of the evidence that an appointing authority's decision to remove his or her name from an eligible list was in error.

In the instant matter, even assuming *arguendo* that his employment history from TCNJ is not considered adverse to the position sought, the appellant's background clearly provides a basis for removal from the subject list. A review of the record indicates that the appellant has had continuous negative interactions with law enforcement and the judicial system. Starting in 1993, the appellant was arrested for DUI. Further, his license was suspended on numerous occasions for being an Uninsured Motorist and Non-Payment of Insurance. Additionally, as recently as 2013, on two separate occasions, the appellant was issued a summons for Failure to Observe Traffic Control Device. It is noted that the closing date for the subject examination was August 2016 and therefore his latest driving infractions were only three years prior to the closing date and took place either when he was employed or was seeking employment as a law enforcement officer. Additionally, while the appellant states that he called the police for most of the above mentioned domestic issues and those charges that have been issued against him have been dismissed, it cannot be ignored that the appellant was involved in numerous negative interactions with law enforcement and the judicial system due to domestic issues. Further, while the appellant claims that he has an excellent employment record, the CCSD

confirmed that the appellant was terminated from his employment with it in August 2016 for failing to indicate on his application that he had previously been employed by CCPD and was separated from that employment after failing a psychological examination.

Moreover, as described above, the appellant's current employment application has numerous false, misleading, missing, inaccurate and/or incomplete statements. While the appellant states that he does not have a computer or rolodex and could not remember all the incidents and dates such as a DUI that happened more than 20 years ago, the appellant is accountable for the accuracy of his application. Additionally, there are numerous omissions and inaccuracies which are far more recent than 20 years ago such as his failing to list the 2010 Harassment charge, not listing on his application the 2013 traffic violations, not accurately indicating that he was terminated from CCSD in 2016 for failing to disclose his prior employment with CCPD on his application, only stating that there was one domestic incident between 2002 and 2013 when there were 16, not disclosing an ex-dating partner who filed a harassment charge against him, not disclosing that he was terminated from the Pleasantville Police Department due to the pension issue, not listing all the police departments where he had applied for employment, and not fully disclosing every incident with TCNJ.

Regardless of whether the appellant agreed with these actions taken against him, he is held accountable for the accuracy of the information submitted and any failure to include information was at his peril. *See In the Matter of Harry Hunter* (MSB, decided December 1, 2004). Further, even if there was no intent on the appellant's part to deceive the appointing authority, the Appellate Division of the New Jersey Superior Court, in *In the Matter of Nicholas D'Alessio*, Docket No. A-3901-01T3 (App. Div. September 2, 2003), affirmed the removal of a candidate's name based on his falsification of his employment application and noted that the primary inquiry in such a case is whether the candidate withheld information that was material to the position sought, not whether there was any intent to deceive on the part of the applicant. In this matter, considering the appellant's driving record, numerous negative interactions with law enforcement and the court system, and adverse employment history, his failure to disclose his complete background was material. At minimum, the appointing authority needed this information to have a complete understanding of his background to properly evaluate his candidacy. Therefore, in reviewing the totality of the appellant's background, the Commission finds that it was appropriate for the appointing authority to remove his name from the County Police Officer list as he has an unsatisfactory background report for the position sought. The public expects County Police Officers to present a personal background that exhibits respect for the law and rules. In this regard, the Commission is mindful that a County Police Officer is a law enforcement employee who must help keep order and promote adherence to the law. County Police Officers hold highly visible and sensitive positions within the community and the standard

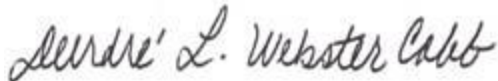
for an applicant includes good character and an image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the County Police Officer (S9999U), Camden County 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 20th DAY OF JUNE, 2018



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