



STATE OF NEW JERSEY

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

In the Matter of Francis Antonowicz,
et al., County Correction Lieutenant
(PC2616V), Monmouth County

Examination Appeal

CSC Docket No. 2018-3313, *et al.*

ISSUED: AUGUST 3, 2018 (ABR)

Francis Antonowicz, Thomas Campagnolo, Michael Gall, Jonathan Gaul, Stephen Mascio and Raymond Paul appeal the promotional examination for County Correction Lieutenant (PC2616V), Monmouth County. These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 3, 2018 and consisted of 70 multiple choice questions. It is noted that during the test administration, candidates were provided with two booklets, Booklet A (County Correction Lieutenant Supplemental Examination Material) and Booklet B (2018 County Correction Lieutenant Examination). Booklet A contained stimulus material and Booklet B contained the exam questions.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 34 indicates that CO Brooks observed Inmate Witkowski pass a small object to Inmate Sully, who put the object in the waistband of her pants. CO Brooks questioned Inmate Sully, who denied taking anything from Inmate Witkowski. CO Brooks reported her observation to Sergeant Bloom, who has just informed you of the situation. The question asks what should be done first. The keyed response is option b, “[h]ave Sergeant Bloom report to the housing unit to question Inmate Sully.” Antonowicz, Gall, Mascio and Paul argue that that option a, “[o]rder a strip search of both Inmate Witkowski and Inmate Sully,” is the best answer. Antonowicz and Mascio argue that option a is correct because, pursuant to

N.J.A.C. 10A:31-8.4, reasonable suspicion to conduct a strip search exists. Gall maintains that because an officer saw contraband being passed, *N.J.A.C.* 10A:31-8.5(a)2 would authorize a search of both inmates based upon probable cause. Further, Gall contends that a strip search should be conducted immediately because a delay in finding the object could lead to a serious incident, particularly if it is a weapon. Paul argues that sending Sergeant Bloom to the area would be more time-consuming and allow for further passing of the contraband. Paul submits that *N.J.A.C.* 10A:31-8.1, *N.J.A.C.* 10A:31-8.4 and *N.J.A.C.* 10A:31-8.5 would permit the use of a strip search. Here, a review of Question 34 demonstrates that sending Sergeant Bloom, a first-line supervisor, to ask Inmate Sully about the object, promptly addresses the matter and potentially avoids the need for an invasive strip search. By sending a first-line supervisor to question Inmate Sully about the object after an earlier inquiry by a CO, it is made clear to Inmate Sully that custody staff will take any measures necessary to locate the object while giving her a final opportunity to surrender the object without the need for an invasive search. If Inmate Sully still refuses to turn over the object, a strip search could be conducted immediately thereafter. Thus, the question is correct as keyed.

Question 35 indicates that Sergeant Thomas has just informed you about the following situation: While CO Phillips was escorting Inmate Patrick back to Housing Unit North after a legal visit, Inmate Patrick told her that his cellmate, Inmate Dursley, was hiding a razor under his mattress. CO Phillips notified Sergeant Thomas and took Inmate Patrick to a secure location for further questioning. The question asks what you should do first. The keyed response is option c, “[a]ssemble a search team to inspect Inmate Patrick’s and Inmate Dursley’s cell.” It is noted that Paul had selected the keyed response, but has filed an appeal regarding this question. Antonowicz, Gall, Gaul and Mascio argue that option b, “[i]nstruct the officers in Housing Unit North to have all the inmates lock in,” is correct. Antonowicz maintains that locking the unit down first and then searching for the razor is a better first course of action because it would prevent the weapon from being used or moved to a new location. Additionally, Antonowicz submits that the keyed response for a similar question on the 2014 County Correction Sergeant examination was to order the unit to go into lockdown and call for additional officers. Gall argues that because it is unknown whether Inmate Dursley had retrieved the razor blade from his cell, had it on his person or passed it to another inmate, a lockdown should be implemented to isolate the inmates and the razor blade and thereby ensure a safer search. Gaul argues that a lockdown should be the first response because it protects both the inmates and the search team. Mascio makes a similar argument, citing, in support, the requirement in *N.J.A.C.* 10A:31-7.1 that emergencies “be met in a way which will safeguard the welfare of the inmate population, facility staff, and the public at large.” The Subject Matter Experts (SMEs) indicate that because there is a pressing need to locate the razor blade, the best response is to assemble the search team first, so that they can determine the best way to locate the razor blade. The SMEs state that a lockdown

may not be needed under this fact pattern. Specifically, since there is information about the specific location of the razor blade and there is no mention of a plan by Inmate Dursley to give it to someone else, there is no basis to assume he would move it and there's a reasonable likelihood that the razor blade could be located through a search of that specific cell. Further, because the search team can be assembled in less than 15 seconds, if a lockdown is necessary, the search team can quickly and easily initiate one after assembling. Thus, the question is correct as keyed. Finally, since Paul selected the keyed response, his appeal is considered moot.

Question 36 indicates that officers have reported tension and fighting between inmates at your facility and the warden has asked staff to take all necessary actions to prevent acts of aggression by inmates. The question asks which items among the following list "in general...can be sources of inmate aggression":

- I. Influence of gangs
- II. Limited availability of medical care
- III. Culture of the facility
- IV. Unsatisfactory facility conditions

The keyed response is option d, "I, II, III, and IV." Gall argues that option a, "I and III only" is the correct response because regulations exist which govern medical care and facility conditions. Specifically, Gall claims that because *N.J.A.C.* 10A:31-13.1, *et seq.*, mandates around-the-clock emergency medical and dental care, weekly physician visits and regular sick calls, limited availability of medical care is not a valid answer. Gall contends that the facility conditions are not an issue because Department of Corrections, Department of County Services' (DOC-DCS) oversight and the grievance process available to inmates promptly address these issues before they can be a source of inmate aggression. Specifically, Gall notes that DOC-DCS requires any issues with facility conditions or inmate care services identified during its annual inspections be promptly remedied, while inmate grievance forms are reviewed by facility administrators and answered in a timely fashion. Conversely, Gall maintains that the influence of gangs and facility culture are more likely to contribute to inmate aggression because they are more complex issues that cannot be resolved as quickly as the other factors noted in the prompt. Gaul argues that option c, "I, III, and IV only" is the correct response based upon the current issues in the Exeter County Correctional Facility (ECCF) described in Booklet A. In this regard, Gall proffers that the influence of gangs, broken inmate equipment and issues with facility culture in the form of tension between racial groups are all stated to be current issues in the facility and there is no indication in Booklet A that limited availability of medical care is an ongoing problem. The Commission notes that Question 36 asks about *general* sources of inmate aggression, rather than phrasing the prompt in terms of current contributing factors in the ECCF or the

State of New Jersey. It is clear that for an inmate population in any location, the four items noted above could contribute to aggression. Moreover, even when laws or regulations are promulgated to address an issue like medical care, such a framework does not guarantee that the covered issue will be entirely eliminated as a potential source of inmate aggression. Thus, the question is correct as keyed.

Question 38 indicates that Sergeant Thomas has just informed you that several inmates in Housing Unit South Block C complained that commissary items they had in their cells went missing. Sergeant Thomas states that he confirmed the items were missing by checking the inmates' commissary receipts. The question asks what should be done first. The keyed response is option a, "[o]rder a search of the block for the missing commissary items." Antonowicz, Mascio and Paul argue that option b, "[i]nstruct Sergeant Thomas to document the inmates' complaints," is the proper response. Antonowicz contends that documenting the complaints is a better course of action because more information is needed. Specifically, Antonowicz maintains that there is a need to confirm that the items in question were actually stolen, as the prompt does not make it clear that they were delivered to the complainants. Mascio argues that documenting the complaint is a better course of action because of the tension between African American and Latino inmate groups noted in Booklet A. Specifically, he contends that doing so will help put custody staff on notice about an issue that could give rise to a violent confrontation between the two groups. Paul contends that the complaint should be documented in order to properly identify the specific items that are missing and to ensure that the search team has a list of those items. The SMEs submit that a search of the block should occur first, as Sergeant Thomas has enough information to tell a search team what items to look for, meaning that documenting the complaint wouldn't immediately help with the recovery of the items. The SMEs indicate that a list of the missing items would have been compiled when the inmates initially raised their complaints and they proffer that Sergeant Thomas would clearly be aware of what items are missing after reviewing the inmates' receipts. Accordingly, Sergeant Thomas could tell the search team what to look for or provide them with a list before formally documenting the inmates' complaints. The SMEs state that Sergeant Thomas' review of the receipts would confirm that the items were delivered to the inmates, as commissary contractors go through each commissary bag in the presence of the inmate at the time of delivery in order to confirm that each item was delivered. The Commission agrees with the SMEs' rationale and finds that Question 38 is correct as keyed.

Question 39 indicates that Inmate Dally, who is assigned to a single cell in the medical wing, is yelling inappropriate slurs and punching the wall of her cell. Inmate Dally ignored orders from CO Wyatt to stop, and CO Wyatt has now informed Sergeant Bloom of the situation. The question asks examinees to identify the best options for Sergeant Bloom to choose from the following list in order to handle the situation:

- I. Call a Code Blue.
- II. Go speak to Inmate Dally.
- III. Order CO Wyatt to extract Inmate Dally from her cell.
- IV. Have an officer that has a rapport with Inmate Dally speak to her, if available.

The keyed response is option b, "II and IV only." It is noted that Mascio has filed an appeal, but had selected the keyed response on the examination. Paul argues that it should be double keyed with an option to call a Code Blue, as Booklet A states that a Code Blue should be initiated when there is a serious risk to the health of the individual and talking to Inmate Dally will be ineffective because she is currently hurting herself, has already ignored orders to cease her actions and needs medical attention immediately. Here, a review of Question 39 demonstrates that the best way to respond would be to send an officer with whom Inmate Dally has a rapport or Sergeant Bloom, as a superior officer, to speak with her and attempt to get her to stop acting erratically. A Code Blue would be called when an inmate needs to be transported to the Medical Wing because of a serious medical episode. Here, since Inmate Dally is already located in the Medical Wing, a Code Blue would be unnecessary, as Inmate Dally would not need to be transported from her current location. Thus, the question is correct as keyed. Finally, since Mascio selected the keyed response, his appeal is considered moot.

Question 40 indicates that CO Phillips observed an attorney pass what appeared to be a small bag to his client, Inmate Smalls. When CO Phillips asked Inmate Smalls to surrender the bag for inspection, Inmate Smalls swallowed it. The question asks examinees to identify the best options to handle this situation from the following list:

- I. Immediately escort the attorney from the facility.
- II. Detain the attorney until local police arrive.
- III. Place the inmate in Prehearing Detention.
- IV. Place the inmate in a dry cell in medical until the swallowed item passes.

The keyed response is option d, "I and IV only." Campagnolo argues that the question should be eliminated, since the best answer would have been to select IV only, but it was not an option offered on the examination. He maintains that he chose option c, "II and IV only," because he believed that attorney should be detained because he is suspected of providing an inmate with contraband in violation of *N.J.S.A. 2C:29-6b*, not released. However, he submits the facility's Internal Affairs/Investigation Unit would investigate the matter instead of local police. Mascio and Paul argue that option c is the best answer. In this regard, Mascio argues that the inmate should have been placed in a dry cell and the

attorney should have been detained because he violated *N.J.S.A. 2C:29-6a(1)* by bringing contraband into the facility. Paul argues that because the attorney has violated *N.J.S.A. 2C:29-6b*, he should be detained, the local police should be called and he should be prosecuted to the fullest extent of the law. Paul argues that escorting the attorney out of the jail is incorrect because it makes the examinee an accomplice to that crime and it appears that it would be carried out without getting answers from the attorney about what the contraband is, making it harder to determine how the inmate should be treated. A review of Question 40 demonstrates that removing the attorney from the facility is the proper action. Detaining the attorney without first obtaining the contraband would be considered premature, but removing him from the facility ensures that if he has any other contraband, it cannot be passed. Placing the inmate in a dry cell in the Medical Unit until the swallowed item passes is appropriate because it is important to figure out what the inmate swallowed. Thus, the question is correct as keyed.

Question 44 indicates that “[a]n officer observed that a trustee attempted to transfer money from his commissary account to his mother. The officer found that the account had more than \$1,000 with deposits from multiple people who did not appear to have a connection with the inmate” and the question asks what should be done first. The keyed response is option a, “[r]eport the matter to administration for investigation.” Mascio argues that option b, “allow the trustee to complete the money transfer,” is the best choice because “no rules were broken and the[re] was nothing stated otherwise” in Booklet A. However, a review of Question 44 reveals the circumstances are suspicious enough to warrant an investigation and the funds should not be released until it is determined that there is no violation. As to the lack of a specific reference to such a policy in Booklet A, it is noted that the Introduction section in Booklet A advises examinees that “[t]he material is not intended to be comprehensive or exhaustive, nor is it the sole source of answers to the situational judgment questions.” Accordingly, the question is correct as keyed.

Question 49 indicates that Inmate Conway has refused all orders to sign his name during the intake process, claiming that he is a “sovereign citizen of the land.” The question asks for the best way to handle this situation. The keyed response is option a, “[g]ive Inmate Conway a disciplinary charge for refusing to process.” Gall argues that option c, putting the inmate in his cell to calm down and finishing the intake process later, is the best answer because the inmate’s state of mind is unknown and the prompt does not indicate if he had time to review the disciplinary handbook which would have made him aware of his rights, facility rules and disciplinary procedures. However, the Commission notes that the fact pattern does not suggest that Inmate Conway needs to be calmed down. As such, it makes sense that he would be disciplined for refusing to obey an order. Therefore, the question is correct as keyed.

Question 50 indicates that Sergeant Thomas hands you an inmate's written request that is addressed to Captain Phelps which states the inmate's undying love for her. The inmate is a minimum-security inmate serving a 90-day sentence who is due to be released soon. The request contains an invitation for Captain Phelps to meet him for a sexual encounter after his release, describing the encounter in explicit terms. The question asks for the best way to handle the situation. The keyed response is option d, "separate the inmate from the general population, and submit the note to the Deputy Warden for further investigation." Gaul argues that the keyed response is incorrect because Booklet A does not list a Deputy Warden in the Organizational Chart and "[i]t is never appropriate to break the chain of command and report to your supervisor's boss." He maintains that the remaining answers are incorrect because the appropriate response is to forward the information directly to the Investigations Unit. Mascio argues that option c, "[i]nterview the inmate to see if Captain Phelps did anything to invite such a letter," is the best response, because it is important to establish as many facts as possible. Paul contends that the question should be double keyed with option a, "[s]ave the request and give it to Captain Phelps in the morning," because she needs to be made aware of a potentially dangerous situation, particularly since the inmate is due to be released soon. Paul also cites the statement in Booklet A that "Lieutenants forward all compiled logs to their Captain, who reviews them for accuracy and signs off on them," as further evidence that it needs to be reported to Captain Phelps, rather than the Deputy Warden. The Commission notes that Booklet A states that it "is not intended to be comprehensive or exhaustive, nor is it the sole source of answers to the situational judgment questions." Accordingly, while the Organizational Chart in Booklet A does not list a Deputy Warden, that omission does not render the keyed response incorrect. Here, the sensitive nature of the issues involved render it appropriate to report the note directly to the Deputy Warden, rather than to Captain Phelps, even though it means bypassing the examinee's direct supervisor. The scenario evokes both potential wrongdoing by Captain Phelps and a possible threat to her safety. As Captain Phelps' superior, the Deputy Warden need to be apprised about the need to investigate a claim involving one of his or her subordinates, as the Deputy Warden may be required to alter Captain Phelps' assignments due to a possible investigation and/or due to safety concerns. Giving the note to Captain Phelps creates a potential conflict of interest, because if she has had inappropriate contact with the inmate, it could provide her with an opportunity to suppress a note that might serve as evidence against her. Thus, the question is correct as keyed.

Question 51 indicates that a female being committed to your facility at 1830 hours tells your booking staff that she was sexually assaulted by the transporting Police Officer, a male, en route to the jail. The question asks for the best way to handle the situation. The keyed response is option c, "[a]ccept the female and immediately report the incident to the proper investigative authority." Gall argues that the correct response is option a, "[r]efuse acceptance of the female and inform

the supervisor of the transporting officer.” Gall cites Monmouth County’s policy in support of his claim. He states that their policy is to have arresting/transporting officers take a detainee to the nearest hospital when he or she requires medical attention. Gall submits that when a female inmate arrived at his facility and claimed to have been sexually assaulted by the transporting officer, his facility did not accept her. Rather, they called the officer’s superior, who came to the jail with another officer and an investigator. Gall states that the superior and the investigator transported her to the hospital and investigated the incident. A review of Question 51 demonstrates that the best response is to accept the inmate and treat her as a female already admitted to the facility. Prison Rape Elimination Act guidelines require facilities to provide victims with timely emergency medical care, including sending them to the hospital if appropriate and have a policy in place to ensure that allegations of sexual misconduct or sexual harassment are referred to an agency with the legal authority to conduct criminal investigations. *See* 28 C.F.R. §§ 115.22 and 115.82. It would be inappropriate to refuse acceptance of the inmate, as doing so would turn her over to the entities accused of a crime. Thus, the question is correct as keyed.

Question 53 indicates that Sergeant Bloom is known to be strict regarding allowing his officers to trade shifts. Before the start of her shift, CO Holst tells you that Sergeant Bloom denied her request to trade a shift with another available CO to attend a family function. She has never traded shifts while working under Sergeant Bloom. She claims that other Sergeants are flexible with their officers’ schedules and that Sergeant Bloom is being unreasonable. The question asks what you should tell CO Holst in response. The keyed response is option c, “this staffing decision is at the discretion of Sergeant Bloom, and he may have good reason for denying her shift trade.” Campagnolo, Gall and Mascio argue that option b, “you will speak with Sergeant Bloom about the situation as soon as possible,” is the best response. Campagnolo complains that neither the prompt nor Booklet A states that CO Holst falls under Sergeant Bloom’s chain of command. Campagnolo and Gall argue that since Booklet A states that Sergeant Bloom “sometimes makes minor mistakes which require corrective action,” it is necessary to speak with him in order to confirm that he did not make a mistake such as mismarking CO Holst’s request as denied or misreading the shift schedule. Further, Gall believes that since CO Holst has never asked for a shift change, the circumstances warrant a conversation with his subordinate, particularly since denying shift trades could lower officer morale, especially for an officer who does not abuse the policy. Similarly, Mascio argues that it is appropriate to ask Sergeant Bloom about his strictness regarding the policy, given that shift changes are permissible, as noted in Booklet A. Mascio maintains that such action is proper, as it does not override Sergeant Bloom’s authority. Instead, it provides clarity regarding Sergeant Bloom’s rationale for his position on the matter. However, a review of Question 53 shows that because the discretion rests with Sergeant Bloom, offering to talk with him, rather than expressing support for his decision, somewhat undercuts his authority. Supporting

Sergeant Bloom's decision, while explaining the immediate rationale, addresses the situation promptly without undermining him. Finally, it is noted that page 5 in Booklet A lists Holst as a County Correction Officer under Sergeant Bloom's command. Thus, the question is correct as keyed.

Question 54 indicates that a Code Brown was issued after two inmates in Housing Unit North Block C began fighting with one another. After the fight was broken up by the probe team, a Code Grey was issued for the incident and the reaction team put their items back into the response closet, leaving the probe team in Housing Unit North Block C. Another Code Brown was then issued for Housing Unit South Block A. The question asks how you should handle this situation. The keyed response is option b, "[o]rder Sergeant Bloom to send additional officers from the East side to assist with the Code Brown." Mascio contends that option a, "[a]llow Sergeant Thomas to handle coordinating his necessary resources," is the best answer. In this regard, he maintains that Booklet A does not say anything about a shift commander getting involved with a Code Brown. Here, a review of Question 54 demonstrates that there is no need to have staff report from the far side of the facility, as the reaction team is already at the response closet. However, because the scenario involves staff in your unit that Sergeant Thomas does not have authority over, it would be inappropriate to have Sergeant Thomas confer with Sergeant Bloom about using his resources. As such, the question is correct as keyed.

Question 56 indicates that Inmate Fredericks, who arrived at your facility earlier in morning and was assigned to Housing Unit South Block D, refused to lock into his cell for a count. Per facility policy, he was sent to Disciplinary Detention for refusing to lock in for a count. Later that day, Sergeant Thomas speaks with you about the incident, stating that he believes Inmate Fredericks refused to lock in because he was afraid of his cellmate based on video evidence and information he obtained from other officers. After reviewing the evidence, you agree that Inmate Fredericks is afraid of his assigned cellmate. The question asks how you should proceed based upon this information. The keyed response is option c, "[h]ave Inmate Fredericks serve out his appropriate time in Disciplinary Detention and then recommend his placement into Housing Unit South Block C." Paul argues that the best response is option a, which would remove Fredericks from Disciplinary Detention and recommend his placement into Housing Unit South Block C. Paul maintains that Fredericks should not be punished for being afraid to admit the situation to staff, particularly if he was threatened. In this regard, he submits that a review of his Prehearing Detention pursuant to *N.J.A.C.* 10A:31-16.10(b) would warrant a return of Fredericks to his existing status. The Commission notes that the prompt's reference to Fredericks being in Disciplinary Detention indicates that he was found to have violated facility policy and, thus, would be expected to serve out his time there. Thereafter, an effort should be made to place him into a different housing unit. Accordingly, the question is correct as keyed.

Question 57 indicates that Housing Unit South B is undergoing a surprise inspection based upon a tip from Inmate Greyer that a weapon is hidden in Inmate Watkins' cell. The examinee in the housing block observing the inspection with Sergeant Thomas and three officers. After a thorough inspection of all cells failed to yield a weapon, a frustrated CO Cardenas complains, in full view and earshot of inmates in the area, "[w]hen are all of those weeks buddying up to Greyer going to pay off?" Sergeant Thomas immediately silences CO Cardenas by ordering him out of the housing block. The question asks what the most immediate concern is. The keyed response is option d, to remove Inmate Greyer from the area. Antonowicz and Gall argue that option b, finding out what CO Cardenas meant by "buddying up" to Greyer, is the best response. Antonowicz argues that it should occur first because if Cardenas improperly fraternized with inmates, it could pose a threat to the safety and security of the facility. He submits that Greyer should also be removed for his safety and interviewed as part of the investigation of Cardenas. Gall argues that Greyer would not be moved before ascertaining a better understanding regarding what Cardenas meant with his remark, as it may have simply been in jest. In this regard, he contends that the area would be in lockdown for the search, so there would not be an immediate threat to Greyer's safety. A review of Question 56 makes it clear that Cardenas' comment, even if in jest, could put Greyer in jeopardy of being attacked as a reprisal for cooperating with facility staff. By moving Inmate Greyer immediately, the risk of him being harmed would be swiftly reduced. Further, once he is relocated to a safe area, he could be timely interrogated about his relationship with Cardenas. Thus, the question is correct as keyed.

Question 58 is based upon the following information:

Each individual cell contains a small toilet and sink area. While some inmates use the general restroom area for their assigned housing unit, which contains individual stalls with doors, some inmates elect to use their cell toilet when the cellmate is out of the cell. In order to afford more privacy, inmates using their cell toilet will sometimes place a towel or piece of cardboard over the cell door window when using the toilet. Facility policy dictates that windows on the cell doors should not be blocked at any time, but COs have tended to "look the other way" when inmates who are alone in their cell place a towel or piece of cardboard over the window for five to ten minutes to use the cell toilet. The "unwritten rule" has been that COs will allow inmates some measure of privacy for using the toilet, as long as they are certain that inmates are alone in their cell and the window is not covered for more than ten minutes.

Sergeant Bloom is known for being strict regarding the facility policy and not allowing the COs that work in his area to abide by the “unwritten rule.” Inmates have complained verbally and in writing, and you can tell that enforcement of this policy is having a negative effect on facility morale for inmates, because of the lack of privacy. Further complicating the situation is the fact that other supervisors still allow the “unwritten rule” in other parts of the facility and on other shifts. Captain Phelps has asked you to meet with her to discuss the situation.

The question asks for the best way to handle the current situation. The keyed response is option c, mandating that each of your supervisors consistently enforce the existing facility policy. Gall argues the best response is option b, “speak with inmates to gather their opinions on the ‘unwritten rule’ and to reiterate, in detail, the reason for the existing facility policy,” because the inmates would have become accustomed to the “unwritten rule” and holding a dialogue shows that you are listening to their grievances. Gall states that after explaining the policy, he would advise officers and inmates that the facility rule is to be strictly enforced going forward. Gall also maintains that because a supervisor is articulating the directive, it will make it easier for all officers to enforce it, particularly those who had been more lenient. Here, the SMEs indicate that consistent enforcement of the policy is essential because it exists because of concerns about inmate safety, particularly minimizing the risk of inmates committing suicide. Inmate opinions would carry little weight on this matter, because they would not override that safety need. As such, the question is correct as keyed.

Question 60 indicates that during a tour of the response closet on the east side of the facility, you note that some items used by the response team during a recent Code Brown, including vests and pepper spray, were not returned to their correct location. This is the first time such an issue has occurred. A policy exists for the proper storage and handling of response closet equipment and it is reviewed annually during roll-call training. The question asks which of the following actions you should take to address the situation:

- I. Revise the current policy for the proper handling and storage of equipment.
- II. Develop and conduct a new training course on the proper handling and storage of equipment.
- III. Speak with Sergeant Bloom about the proper handling and storage of equipment.
- IV. Speak with Sergeant Thomas about the proper handling and storage of equipment.

The keyed response is option b, III only. Mascio contends that actions I, II and III only would be the correct response. However, he notes that because that was not an option on the examination, he selected option d, actions I, II, III and IV, as the best choice presented on the examination. Paul argues that option c, actions III and IV only, is the best choice because both Sergeant Bloom and Sergeant Thomas have access to the area. In this regard, he notes that Booklet A indicates that all corrections officers holding the rank of Sergeant or higher have access to the closet and the key to each response closet is kept in the north control pods of both the east and west housing units. Accordingly, Paul maintains that because it is possible that Sergeant Thomas may make the same mistake in the future, it is best to remind both Sergeants under your command about the policy. Here, the Commission finds that because this is the first time this issue has arisen, speaking with Sergeant Bloom would be the appropriate response. Since this an isolated incident, there is no indication that the current policy needs to be altered or a new training course needs to be developed. Additionally, because Sergeant Thomas was not involved in the matter, you would not necessarily speak with him about the issue. Accordingly, the question is correct as keyed.

Question 68 was part of a series of questions that tested the examinees' ability to evaluate documents for accuracy. The examinees were provided with a Narrative, a Transfer Order, an Incident Report and Incident Report Summaries from two County Correction Officers for their review. The underlying incident involved Inmate David E. Carlin being found with a razor blade in his cell and culminated in him being extracted from his cell after he refused to relinquish it. The question asks what is inconsistent between the Narrative and Incident Report Summaries. The keyed response is option a, the reason Officer Hall approached Inmate Carlin's cell. Gall's appeal is considered moot because on appeal, he acknowledges that "the reason why Officer Hall approach[e]d Inmate Carlin's cell," was the correct answer but erroneously refers to it as option c. In this regard, it is noted that option C was "[w]here Inmate Carlin hid the razor."

CONCLUSION

A thorough review of the appellants' submissions and the test materials reveals that the appellants' examination scores are amply supported by the record and the appellants have failed to meet their burdens of proof in this matter.

ORDER

Therefore, it is ordered that these appeals 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 1ST DAY OF AUGUST, 2018

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