



STATE OF NEW JERSEY

In the Matter of Sean McIntosh,
Police Officer (M0138D), Sayreville

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

CSC Docket No. 2024-2618

List Removal Appeal

ISSUED: September 25, 2024 (PS)

Sean McIntosh appeals the decision to remove his name from the Police Officer (M0138D), Sayreville, eligible list on the basis of an unsatisfactory background report.

The appellant took the open competitive examination for Police Officer (M0138D), Sayreville, which had a February 28, 2022, closing date, achieved a passing score, and was ranked on the subsequent eligible list. His name was certified (OL230330) and he was ranked as the 8th candidate. In seeking his removal, Sayreville indicated that the appellant had an unsatisfactory background report. Specifically, its investigation revealed that the appellant was previously charged with a simple assault domestic violence incident in Sayreville and due to a plea agreement, he had to attend 12 sessions of anger management with a psychologist. Additionally, it indicated that he showed a pattern of aggressive, disruptive and immature behavior.

On appeal, the appellant explains that he was informed in July 2023 that he would not be selected to move on in the Sayreville Police hiring process, but it was not due to a failed background investigation.¹ Nevertheless, he states that after reviewing the documents sent to him by the Sayreville Police Department it was

¹ The removal code used for the appellant on the certification was for falsification. However, that code appears to have been in error since, as noted by the appellant, his removal from the list was based on an unsatisfactory background.

made clear from the report generated that he would not move forward based on a pattern of aggressive, disruptive and immature behavior and that he was unable to retain a profession for an extended period of time, complete college courses and continued to show his unprofessionalism and immaturity through a public social media platform and at the Camden County Corrections Academy. Additionally, statements made by his neighbors and multiple ex-girlfriends all allegedly reflected his poor ability to control his temper. Additionally, he believes that his background investigation was conducted with heavy bias and no plea agreement was ever made as the criminal case was entirely dismissed. Therefore, he contends that he should not have been removed from the eligible list.

In response, Sayreville attaches the documentation that was submitted to this agency to support its request to remove the appellant from the list. A criminal history check was completed, and the Domestic Violence Registry provided a result of one complaint. It indicates that the appellant was arrested for simple assault in Sayreville where he had been involved in a domestic violence incident with an ex-girlfriend. He retained an attorney who suggested that he attend 12 sessions of anger management classes, and a plea agreement was reached. The plea agreement explained that the victim does not wish to testify, and a restraining order was never filed. Additionally, regarding his Motor Vehicle history, the appellant had four accidents and 10 motor vehicle summonses between 2015 and 2019 including summonses for unsafe operation of a motor vehicle, obstructing the passage of other vehicles, failure to observe a traffic control device, and failure to obey directional signals. Regarding the appellant's education, during his years at Sayreville War Memorial High School he had 16 disciplinary actions against him and was suspended for harassment, intimidation and bullying as well as being suspended for insubordination and profanity and during his seven years in college, he withdrew from 12 classes and failed two. Additionally, in 2021 he was fired from Amazon warehouse for late/unexcused absence. It also argues that another concern is that the appellant had 14 different jobs over the course of nine years, and he has displayed the inability to retain a profession for an extended period of time. Moreover, during the application process, two different neighbors were interviewed, and one neighbor interviewed stated that he would get into loud arguments with his parents on the front lawn of the house. With regard to his social media accounts, a review of his TikTok public account revealed that he has videos of himself recording while driving and ranting and using profanity. While the appellant was in the training academy, he showed disruptive and disrespectful behavior, and he had to have a counseling session to address his behavior. Sayreville believes that the appellant has shown a pattern of aggressive, disruptive and immature behavior that would be a great concern to the Sayreville Police Department.

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 Civil Service Commission (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. Additionally, the Commission at its discretion, has the authority to removal candidates from lists for public safety titles based on their driving records if such a record demonstrates a sufficiently unsatisfactory background.

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 this matter, the appointing authority had a valid reason for removing the appellant's name from the list. Specifically, the appellant's poor driving record from 2015 to 2019 includes four accidents and 10 motor vehicle summonses. Moreover, he was fired from one position and held 14 jobs in a nine-year period. Additionally, during his years in high school he had 16 disciplinary actions against him and was suspended for harassment, intimidation and bullying as well as being suspended for insubordination and profanity. Further, he was previously arrested for simple assault and was required to take courses for anger management. Finally, while the appellant was in the training academy, he showed disruptive behavior and was forced to take a counseling session to address his behavior. These cumulative actions show a level of immaturity and a pattern of disregard for the law, as well as questionable judgment on his part. Such qualities are unacceptable for an individual seeking a position as a Police Officer. In this regard, 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).

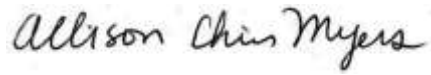
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Police Officer (M0138D).

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 25TH DAY OF SEPTEMBER, 2024



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