



STATE OF NEW JERSEY

In the Matter of Marc Metzinger,
Ronald Deloreto and Scott Slekis,
Sheriff's Officer Lieutenant, various
jurisdictions

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket Nos. 2016-4240, *et al.*

Examination Appeal

ISSUED: **OCT 19 2016** (JH)

Marc Metzinger (PC2586T), Bergen County; and Ronald Deloreto and Scott Slekis (PC2591T), Passaic County; appeal the promotional examination for Sheriff's Officer Lieutenant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination was administered on May 12, 2016 and consisted of 70 multiple choice questions.

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

For questions 1 through 10, candidates were instructed that these items "are designed to measure your knowledge of report writing."

Question 1 asks, in general practice, for when it is appropriate to use abbreviations/acronyms. The keyed response is option d, "For note taking purposes." Mr. Metzinger argues that option a, "It is never appropriate," is the best response. In this regard, he refers to "the case law of *People v. Rosario*, 9 NY2d 286 [(1961),] [which] clearly states that notes must be turned over to the defense. Notes are clearly defined as official documents in the prosecution/defense of a court case. Utilizing abbreviations in notes is no different than using them in a formal report, which creates uncertainty or loopholes for defense attorneys." It is noted that the matter before the court in *Rosario, supra*, was whether the trial judge committed reversible error in refusing to provide the entire witness' statements, which were

provided before trial, to defense counsel for the purposes of cross-examination. It is also noted that there is no discussion in this matter regarding law enforcement notes. Thus, his argument based on *Rosario, supra*, is misplaced.¹ James E. Guffey, *Report Writing Fundamentals for Police and Correctional Officers* (2005) provides that a report "provides the official record of an event for purposes of testimony, civil liability, retrieval, and posterity . . . Notes are the 'grist' for your report." Guffey further indicates that while "notes are evidence and subject to subpoena," "abbreviations/acronyms should be used for the purposes of note taking[.] [H]owever, most agency guidelines do not recommend using them for report narratives. This should be your practice." As such, the question is correct as keyed.

Question 27 refers to Operation of Department Vehicle Policy (Policy) presented to candidates in the test booklet. The question provides candidates with four statements and requires them to determine for which vehicles are inspections required for weapons and contraband before and after any person is placed in or transported in the vehicle. The keyed response, option c, includes statement I, Prisoner transport van. Mr. Metzinger argues that "the prisoner transport van does not have to be searched when 'any person' is transported. The [Policy] state[s] that the prisoner transport van must be searched 'when a prisoner is transported.' It also states that the prisoner transport van is used for parades, crowd control and special events, which means people other than prisoners are regularly transported without a required search." The Policy provides, under the section titled "Daily Inspection," that "each officer must also search their assigned marked patrol or unmarked patrol vehicle for contraband weapons before their shift and prior to and after any person is placed in or transported in the vehicle." Under the section titled, "Special Purpose Vehicles," the Policy provides, "Prisoner transport van – the primary purpose of the prisoner transport van is to transport prisoners to detention facilities or to court. The van may also be used for special events, crowd control and property transportation . . . The van must be searched for weapons and contraband prior to and after the transport of any prisoners." As noted above, the prisoner transport van may be used for other purposes which may include the transportation of non-prisoners. The above noted portion of the "Daily Inspection" section read together with the previously cited portion of the "Special Purpose Vehicles" section indicates that these vehicles must be searched prior to and after the transport of any individual. Thus, the question is correct as keyed.

Question 50 refers to *N.J.S.A. 2C:25-19* which provides that "domestic violence" means the occurrence of certain acts inflicted upon a protected person, by an adult or emancipated minor. The question asks for the act which is not included

¹ It is further noted that this matter was heard before the State of New York Court of Appeals. Thus, it is not clear why Mr. Metzinger refers to *Rosario, supra*, as the findings in this matter would not necessarily be applicable in the State of New Jersey.

in this definition. The keyed response is option d, Robbery. *N.J.S.A.* 2C:25-19 provides:

- a. "Domestic violence" means the occurrence of one or more of the following acts inflicted upon a person protected under this act by an adult or an emancipated minor . . .

- | | |
|---|------------|
| (5) Criminal restraint <i>N.J.S.2C:13-2</i> . . . | [option a] |
| (13) Harassment <i>N.J.S.2C:33-4</i> . . . | [option b] |
| (14) Stalking P.L.1992, c.209 (<i>C.2C:12-10</i>) . . . | [option c] |
| (16) Robbery <i>N.J.S.2C:15-1</i> . . . | [option d] |

Given that all of the answer choices provided to candidates are included under the definition of "domestic violence," the Division of Test Development and Analytics determined to omit this item from scoring prior to the lists being issued.

CONCLUSION

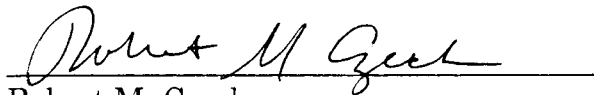
A thorough review of the appellants' submissions and the test materials reveals that, other than the scoring change noted above, the appellants' examination scores are amply supported by the record, and the appellants have failed to meet their burdens of proof in this matter.

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
THE 19TH DAY OF OCTOBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Marc Metzinger (2016-4240)
Ronald Deloreto (2016-4348)
Scott Slekis (2016-4303)
Michael Johnson
Records Center