

A-3



STATE OF NEW JERSEY

In the Matter of Pamela Estes
City of Newark,
Police Department

:
:
:
:
:
:
:
:
:
:
:
:

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC DKT. NO. 2016-1513
OAL DKT. NO. CSV 19250-15

ISSUED: DECEMBER 8, 2016 BW

The appeal of Pamela Estes, Police Communications Clerk, City of Newark, Police Department, 25 working day suspension, on charges, was heard by Administrative Law Judge Jeffrey A. Gerson, who rendered his initial decision on November 17, 2016. Exceptions were filed on behalf of the appellant.

Having considered the record and the Administrative Law Judge’s initial decision, and having made an independent evaluation of the record, the Civil Service Commission, at its meeting on December 7, 2016, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge’s initial decision.

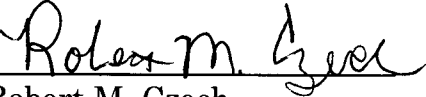
ORDER

The Civil Service Commission finds that the action of the appointing authority in suspending the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Pamela Estes.

Re: Pamela Estes

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
DECEMBER 7, 2016


Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Assistant Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Unit H
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 19250-15

AGENCY DKT NO. 2016-1513

**IN THE MATTER OF PAMELA ESTES,
CITY OF NEWARK POLICE DEPARTMENT.**

John Branigan, Esq., for petitioner Pamela Estes (Law Offices of Oxfeld
Cohen, P.C., attorneys)

Zilka Saunders, Esq., Assistant Corporation Counsel for respondent, City of
Newark Police Department (Willie L. Parker, Corporation Counsel, attorney)

Record Closed: May 17, 2016

Decided: November 17, 2016

BEFORE: **JEFFREY A. GERSON, ALJ:**

STATEMENT OF THE CASE

Pamela Estes, Communications Clerk, with the City of Newark Police Department, was served with the a Preliminary Notice of Disciplinary Action on or about July 27, 2015 charging that she violated Department rules and regulations and was involved in conduct unbecoming a public employee.

A Final Notice of Disciplinary Action was issued on September 15, 2015 finding Estes guilty of unbecoming conduct and suspended her for twenty-five days.

On or about October 15, 2016, Estes appealed the decision and requested a hearing with the Office of Administrative Law.

After several adjournments, the matter was heard to a conclusion on May 17, 2016.

TESTIMONY

Police Officers Paul Geraldes and Sergeant Alston Jackson both testified that on May 13, 2015 they were dispatched to an address which they subsequently learned was that of Pamela Estes to investigate a complaint of domestic violence.

Upon their arrival, after being directed to the residence of Pamela Estes, they spoke with the victim of the domestic violence, Johnny Cofield.

Cofield, Estes' live-in boyfriend, told the Officers that Ms. Estes had stayed out all night and when she arrived home in the early morning, at approximately 7:00 a.m., he attempted to question her about her whereabouts. She apparently was reluctant to get involved in the conversation, got angry, and started punching Mr. Cofield. Cofield indicated that he tried to restrain her and that after the assault she left to take her children to school.

Sergeant Jackson reinvestigated the initial complaint and was advised that the caller had indicated that the victim was hit in the head with a frying pan. Sergeant Jackson re-engaged in conversation with Cofield at which time Cofield indicated that Estes had hit him in the head with a pot. Sergeant Jackson made observations of Cofield's head and saw what he believed to be a multiple bruises and red areas.

Because it was a head injury, Sergeant Jackson summoned EMS to treat Cofield, but Cofield refused treatment.

Officer Geraldles confirmed the above testimony and re-moralized his findings in a supplementary domestic violence offense report marked R-1 in evidence.

As a result of Cofield's complaint an Internal Affairs investigation was initiated and conducted by Sergeant Christine Locke who also testified at the hearing.

Sergeant Locke interviewed Cofield at which time he confirmed that there was an argument between him and Estes which got loud enough to attract the attention of neighbors. Though Cofield confirmed the argument between him and Estes, both in his statement to Locke and subsequently during his testimony at the hearing, he modified his original statement to the police at the scene by indicating that he was not hit in the head with a pot. He did however confirm that he did have minor injuries to his head but explained them away by at first indicating that Estes had pulled his hair by mistake when she was attempting to grab his shirt then modified that contention at the hearing contending that the red marks visible on his head at the time of the incident were as a result of the tightness of the dreadlocks that he recently received from his hairdresser.

Sergeant Locke also interviewed Estes, who confirmed the argument, but denied any physical contact between the two. Estes' testimony at the hearing reasserted her contention though there was a loud argument between her and Cofield, but there was no physical contact.

Cofield's testimony at the hearing was that although there was an argument that got loud between him and Estes, there was little if any, physical contact and that she did not strike him with a pot.

DISCUSSION

The testimony of the police officers in this matter is credible. The two who testified at the hearing in addition to reports indicating that other officers were present at the scene all confirm that Cofield admitted being hit over the head with a pot by Estes. Though the injuries were not serious, there was nonetheless confirmation by the officers that there were red marks on Cofield's head.

The initial report by the neighbors confirms the fact that the argument must have gotten quite loud because they went to Estes' apartment to investigate. The initial call to the police department indicated that the victim had been struck with a pot, which, standing alone, is not compelling evidence except for the fact that when Cofield was subsequently questioned about that allegation, he did in fact confirm it.

Cofield's testimony, both at the time he subsequently gave an oral statement to Sergeant Locke and at the hearing was not convincing. He modified his story on two occasions, both amounting to pretextual denials, one of which, the contention that the red marks on his head was as a result of his hairdresser pulling his hair to form the dreadlocks bordered on ludicrous. It appears that once the excitement of the event wore off, Cofield decided to become more chivalrous, but the stories he concocted were incredible.

Though Estes' testimony was consistent in that she denied any physical contact, the heat of the argument and the volume of the voices confirmed the serious magnitude of the dispute and that, accompanied by the neighbors observations voiced to the dispatcher, which were subsequently confirmed by Cofield, fully refuted her contentions.

I **FIND** therefore that on May 13, 2015, communications clerk Pamela Estes was involved in a domestic dispute with live-in boyfriend, Johnny Cofield which resulted in her striking him in the head with a pot.

PENALTY

Incidents of domestic violence are serious and require more than minor discipline.

In this matter, Estes has been disciplined on two prior occasions, not involving violence. She received a one day penalty, and a twelve day penalty for rules violations and insubordination.

Considering the serious nature of the violations alleged herein which were established to be true at the hearing, a penalty of twenty-five days is certainly in line with the concept of progressive discipline and though domestic violence is much more serious than minor rule violations and insubordination, the twenty-five day penalty imposed herein is adequate.

ORDER

It is **ORDERED** that Communications Clerk Pamela Estes be suspended for a period of twenty-five days as a result of rules violations of the Newark Police Department and conduct unbecoming.

I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, MERIT SYSTEM PRACTICES AND LABOR RELATIONS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

November 16, 2016



DATE

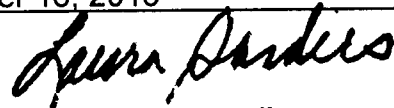
JEFFREY A. GERSON, ALJ

Date Received at Agency:

November 16, 2016

Date Mailed to Parties:
sej

NOV 17 2016



DIRECTOR AND
CHIEF ADMINISTRATIVE LAW JUDGE

APPENDIX

WITNESSES

For Appellant

Pamela Estes

Johnny Cofield

For Respondent

Officer Paul Geraldles

Sergeant Alston Jackson

Sergeant Christine Locke

EXHIBITS:

For Appellant

P-1 Supplementary Domestic Violence Offense Report dated 5/13/15

For Respondent

N-1 Supplementary Domestic Violence Offense Report dated 5/13/15

N-2 Newark Police Department Administrative Submission from Officer Paul Geraldles dated 5/13/15

N-3 Newark Police Department Administrative Submission from Sergeant Austin Jackson dated 6/11/15

N-3(a) Packet

N-4 Photograph

N-5 Photograph

N-6 Photograph

N-7 Photograph

N-8 Investigation Report dated 7/27/15 (20 pgs)

N-9 CD

N-10 Police Department Statement Form dated 5/18/15