



STATE OF NEW JERSEY

In the Matter of Jason Sheets, *et al.*,  
Sheriff's Officer Sergeant, various  
jurisdictions

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3140

Examination Appeal

ISSUED: **JUL 16 2015** (JH)

Jason Sheets (PC1568S), Atlantic County; Juan Mendoza (PC1570S), Hudson County; and Nakera Sherman-Belin (PC1574S), Union County; appeal the promotional examination for Sheriff's Officer Sergeant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants. It is noted that the resultant eligible lists for this title have not yet been issued.

The subject examination was administered on May 7, 2015 and consisted of 70 multiple choice questions.

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

Question 14 indicates that both formal and informal communication is used in law enforcement organizations, and each has its own advantages and disadvantages. The question asks, "Which is **NOT** an advantage of using formal communication?" The keyed response is option c, Formal communication "is less time consuming than information communications." Mr. Sheets, who selected option b, Formal communication "establishes a paper trail for purposes of court hearings," argues that "the manner in which the question was phrased was extremely confusing, it was difficult to determine what was being asked for." Harvey Wallace and Cliff Roberson, *Written and Interpersonal Communication Methods for Law Enforcement* (5th ed. 2012) indicate that "excessive or exclusive use of formal communications within a law enforcement agency, however, has several

disadvantages. First, strict adherence to formal channels of communication is a time- and personnel-consuming effort.” They also indicate that “formal channels also prove certain advantages . . . With law enforcement’s emphasis on court hearings and testimony, the need for this type of communication is critical.” As such, the question is correct as keyed.

Question 17 indicates that while conducting your tour of the courthouse, you see a woman walking around the hallway who looks confused. When you approach her to see if she needs assistance, she begins to use sign language to communicate with you because she is deaf. Unfortunately, you do not know sign language and there is nobody else in the hallway. The question asks for the best way to handle the situation. The keyed response is option c, “Take out your notepad and pen to communicate with her in writing.” Ms. Sherman-Belin contends that “individuals who use sign language may lack good English reading and writing skills. What happens when English is not their first language[?] [H]ow will you to communicate with them?” She maintains that option a, “Bring a floor plan over to the woman, so she can use her finger to point to where she would like to go,” is the best response. She asserts that “typically when individuals come to the court house they generally have documentation as to where they need to go.” Option c offers a means of determining whether there is an issue and what that issue may be. Option a assumes that the woman is lost, knows where she wants to go, is able find the location on a floor plan, and that a floor plan is readily available. As such, option a is not the best response.

Question 26 refers to Joseph L. Giacalone, *The Criminal Investigative Function: A Guide for New Investigators* (2d ed. 2013) and indicates that Officer Chen is searching the bedroom of a crime scene and notices that there is blood smeared on the wall near the window. As she approaches the wall, Officer Chen sees fingerprints in the blood with her naked eye. The question requires candidates to complete the following, “According to Giacalone, this type of fingerprints [is] called . . .” The keyed response is option c, “patent prints.” Mr. Mendoza argues that two of the answer choices were correct, “visible and patent.” It is noted that “visible” is not one of the answer choices presented to candidates. As such, his argument is misplaced. Mr. Sheets presents that “after doing extensive research[,] I found it also possible for the correct answer to be plastic. Forensics recognizes fingerprints found in blood, having dried and formed to be categorized as ‘plastic.’”<sup>1</sup> Giacalone indicates that “visible prints, also known as Patent prints, can be seen with the naked eye and require no other process to make them visible. They can be found in blood, paint or any type of thick liquid.” Giacalone also indicates that “plastic prints are also visible to the naked eye and can be formed in clay, tape, gum or glue.” Thus, the question is correct as keyed.

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<sup>1</sup> Mr. Sheets does not provide any documentation to support his claim.

Question 51 indicates that in order to satisfy his own sexual gratification, Mr. Peterson, 22 years-old, walked up to a group of 12 year-old girls, who were waiting for the bus to their middle school, and he exposed his naked genitals to them. The girls screamed and Mr. Peterson ran off into the woods nearby. The girls' parents reported the incident and Mr. Peterson was later apprehended by law enforcement officers. The question asks, according to Title 2C, for the most appropriate charge for Mr. Peterson. The keyed response is option a, Lewdness.<sup>2</sup> Mr. Mendoza argues that option b, Sexual assault, is equally correct. In this regard, he refers to *State v. Ridgeway*, 256 N.J. Super. 202 (1992) and *State v. Zeidell*, 154 N.J. 417 (1998) to support his claim. N.J.S.A. 2C:14-2b provides that an actor is guilty of sexual assault if he commits an act of sexual contact with a victim who is less than 13 years old and the actor is at least four years older than the victim. N.J.S.A. 2C:14-1d defines "sexual contact" as:

an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present.

It is noted that in *Ridgeway, supra*, and in *Zeidell, supra*, the actors had sexual contact with themselves in view of their victims. The question does not indicate that Mr. Peterson had sexual contact with either the victims or himself. As such, the question is correct as keyed.

Question 56 indicates that Officer Niles has just finished responding to a domestic violence call, and she is now completing a domestic violence offense report. The question requires candidates to determine, according to N.J.S.A. 2C:25-24, which is not one of the specifically-cited pieces of information that is required in the domestic violence offense report. The keyed response is option b, "number of witnesses present." Mr. Mendoza maintains that "the answer was witnesses. In a domestic violence call, all information[,] especially witnesses[,] should be included in the report." Mr. Sheets argues that he worked in the domestic violence unit for three years and neither he nor "any of my co-workers utilized this report, let alone seen one." The question specifically refers to N.J.S.A. 2C:25-24. In this regard, N.J.S.A. 2C:25-24 (Domestic violence offense reports) provides:

- a. It shall be the duty of a law enforcement officer who responds to a domestic violence call to complete a domestic violence offense report . . .

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<sup>2</sup> N.J.S.A. 2C:14-4b(1) indicates that a person commits lewdness if he exposes his intimate parts for the purpose of arousing or gratifying the sexual desire of the actor or of any other person under circumstances where the actor knows or reasonably expects he is likely to be observed by a child who is less than 13 years of age where the actor is at least four years older than the child.

- b. The domestic violence offense report shall be on a form prescribed by the supervisor of the State bureau of records and identification which shall include, but not be limited to, the following information:
1. The relationship of the parties;
  2. The sex of the parties;
  3. The time and date of the incident;
  4. The number of domestic violence calls investigated;
  5. Whether children were involved, or whether the alleged act of domestic violence had been committed in the presence of children;
  6. The type and extent of abuse;
  7. The number and type of weapons involved;
  8. The action taken by the law enforcement officer;
  9. The existence of any prior court orders issued pursuant to this act concerning the parties;
  10. The number of domestic violence calls alleging a violation of a domestic violence restraining order;
  11. The number of arrests for a violation of a domestic violence order; and
  12. Any other data that may be necessary for a complete analysis of all circumstances leading to the alleged incident of domestic violence.

The "number of witnesses" is not a specifically-cited piece of information that is required in the domestic violence offense report. Thus, the question is correct as keyed.

### CONCLUSION

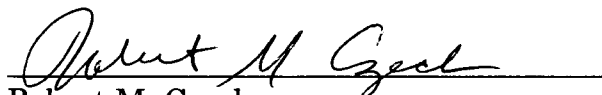
A thorough review of the appellants' submissions and the test materials reveals that the appellants' examination scores are amply supported by the record, and the appellants have failed to meet their burdens of proof in this matter.

### 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  
THE 15TH DAY OF JULY, 2015



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