



STATE OF NEW JERSEY

In the Matter of Travis Brumfield,
Correctional Police Officer (S9988T),
Department of Corrections

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

CSC Docket No. 2019-959

List Removal Appeal

ISSUED: DECEMBER 21, 2018 (SLK)

Travis Brumfield appeals his removal from the eligible list for Correctional Police Officer (S9988T), Department of Corrections on the basis that he possessed an unsatisfactory criminal record, had an unsatisfactory background and falsified his application.

The appellant took the open competitive examination for State Correctional Police Officer (S9988T), which had an January 8, 2015 closing date, achieved a passing score, and was ranked on the subsequent eligible list. In seeking his removal, the appointing authority indicated that the appellant possessed an unsatisfactory criminal record, had an unsatisfactory background and falsified his application. Specifically, the appellant was charged with shoplifting in 2008 which was disposed of through successful completion of a diversion program, charged with making terroristic threats in 2013, which was downgraded to harassment and was dismissed through prosecutorial motion. Additionally, the appointing authority indicated that he failed to disclose that he was charged with making terroristic threats or the downgrade on his application.

On appeal, the appellant apologizes for failing to include the terroristic threat and harassment charges on his application. He states that he did not intentionally omit this information. The appellant explains that he was under the impression that the terroristic threat charge, along with the harassment charge, were under the same charges of domestic violence, which he disclosed. He did not realize that these

charges were separate and highlights that these charges were dismissed. Further, he asserts that when he was charged with these offenses, he was not thinking to the best of his ability. The appellant explains that he has since matured and emphasizes that he successfully completed an anger management program. The appellant also presents that the juvenile shoplifting charge was disposed of through the successful completion of a diversion program.

In response, the appointing authority submits its background report and reiterates its reasons as stated above as to why it removed the appellant's name from the list. However, concerning the appellant's falsification of his application, it acknowledges that "it should be noted that upon a thorough review of Mr. Brumfield's file in preparation of our response to the appeal, it was discovered that the appellant submitted supplemental court documents which included notations concerning terroristic threats and harassment."

CONCLUSION

N.J.S.A. 11A:4-11 and *N.J.A.C.* 4A:4-4.7(a)4 provide that an eligible's name may be removed from an eligible list when an eligible has a criminal record which includes a conviction for a crime which adversely relates to the employment sought. The following factors may be considered in such determination:

- a. Nature and seriousness of the crime;
- b. Circumstances under which the crime occurred;
- c. Date of the crime and age of the eligible when the crime was committed;
- d. Whether the crime was an isolated event; and
- e. Evidence of rehabilitation.

It is well established that municipal police departments may maintain records pertaining to juvenile arrests, provided that they are available only to other law enforcement and related agencies, because such records are necessary to the proper and effective functioning of a police department. *Dugan v. Police Department, City of Camden*, 112 *N.J. Super.* 482 (App. Div. 1970), *cert. denied*, 58 *N.J.* 436 (1971). Thus, the appellant's juvenile arrest records were properly disclosed to the appointing authority when requested for purposes of making a hiring decision. However, *N.J.S.A.* 2A:4A-48 provides that a conviction for juvenile delinquency does not give rise to any disability or legal disadvantage that a conviction of a "crime" engenders. Accordingly, the disability arising under *N.J.A.C.* 4A:4-4.7(a)4 as a result of having a criminal conviction has no applicability in the instant appeal. However, it is noted that the appellant has been arrested on several occasions. While an arrest is not an admission of guilt, it may warrant removal of an eligible's name where the arrest adversely relates to the employment sought. See *In the Matter of Tracey Shimonis*, Docket No. A-3963-01T3 (App. Div. October 9, 2003).

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C.* 4A:4-6.1(a)6, allows the removal of an eligible's name from an employment list when he or she has made a false statement of any material fact or attempted any deception or fraud in any part of the selection or appointment process.

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 removal of 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.

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.

Initially, it is noted that the appellant did not falsify his application as the appointing authority acknowledges that it discovered during the appeal that the terroristic threats and downgraded harassment charges from a May 2013 incident were indicated as part of his supplemental documentation that he submitted with his application.

However, a review of the record indicates that the appointing authority had valid reasons to remove the appellant's name from the list. Specifically, as a juvenile at age 17 in 2008, the appellant was charged with shoplifting, which was disposed of through the successful completion of a diversion program. Thereafter, at ages 20 and 21, he was charged with simple assault for incidents in 2011 and 2012 that were dismissed, and he received a downgraded charge for harassment, at age 22 for an incident in May 2013, which was dismissed. While the appellant tries to explain these incidents based on immaturity, and highlights that all the charges were either disposed of through a diversion program or dismissed, these incidents shows a pattern of disregard for the law and questionable judgment on the appellant's part. Such qualities are unacceptable for an individual seeking a position as a Correctional Police Officer. In this regard, it is recognized that a Correctional Police Officer is a law enforcement employee who must help keep order in the prisons and promote adherence to the law. Correctional Police Officers, like municipal 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). The public expects Correctional Police Officers to present a personal background that exhibits respect for the law and rules. While the Commission appreciates the appellant's attempts to rehabilitate, as the latest incident took place in May 2013, which was less than two years prior to the

subject examination's January 8, 2015 closing date, there was insufficient time for him to demonstrate rehabilitation.

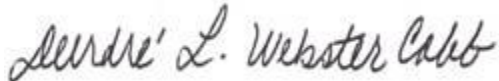
Accordingly, the appellant has not met his burden of proof in this matter and the appointing authority has shown sufficient cause for removing his name from the Correctional Police Officer (S9988T), Department of Corrections.

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 19th DAY OF DECEMBER, 2018



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