



STATE OF NEW JERSEY

In the Matter of Christopher
Frizalone and Michael Scank,
Correctional Police Sergeant
(PS0086I), Department of Corrections

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

CSC Docket Nos. 2024-157 and
2024-142

Examination Appeal

ISSUED: January 17, 2024

Christopher Frizalone and Michael Scank appeal the examination for Correctional Police Sergeant (PS0086I), Department of Corrections. These appeals were consolidated due to common issues presented by the appellants.

The subject examination was administered on June 3, 2023 and consisted of 75 multiple-choice items. Candidates were tested in one of two sessions, the morning session or the afternoon session. It is noted that candidates who were tested in the morning session received test booklet A and those who were tested in the afternoon session received test booklet B. Both booklets contained the same questions, but each booklet presented the questions in a different order. It is noted that Frizalone tested in the morning session (booklet A) and Scank tested in the afternoon session (booklet B). Both candidates challenge the correct responses to several questions.

Initially, Frizalone presents that he was only provided with 30 minutes for review and his ability to take notes on exam items was curtailed. As such, he requests that any appealed item in which he selected the correct response be disregarded and that if he misidentified an item number in his appeal, his arguments be addressed.

It is noted that the time allotted for candidates to review is a percentage of the time allotted to take the examination. The review procedure is not designed to allow candidates to retake the examination, but rather to allow candidates to recognize flawed questions. First, it is presumed that most of the questions are not flawed and would not require more than a cursory reading. Second, the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, knowledge of what choice a particular

appellant made is not required to properly evaluate the correctness of the official scoring key. Appeals of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed.

With respect to misidentified items, to the extent that it is possible to identify the items in question, they are reviewed. It is noted that it is the responsibility of the appellant to accurately describe appealed items.

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

For question 16 in booklet A (question 52 in booklet B), since Scank selected the keyed response, his appeal of this item is moot.

Question 18 in booklet A (question 54 in booklet B) indicates that Inmate Stevens is having a contact visit with his girlfriend and via the institutional camera system, an observation is made of the inmate's girlfriend removing something from her blouse and placing the object into Inmate Stevens' mouth. The question further indicates that no contraband has been recovered from Inmate Stevens after a strip search, visual inspection, and finger sweep of the inmate's mouth. Candidates were presented with three statements and required to determine which were the best actions to handle this situation. The keyed response is option a, III only, "Place Inmate Stevens in handcuffs and escort him to the infirmary to be evaluated by medical staff." Scank maintains that statement I, "Place Inmate Stevens in dry cell watch for no less than 48 hours," and statement II, "Request that the SID [Special Investigations Division] interview Inmate Stevens," are actions that also must be taken. He argues that "an orally ingested ibuprofen can take up to 60 minutes to kick in. Therefore just having an individual evaluated and then allowing them to go on with their day could lead to a medical emergency later on." He adds that "have SID interview the individual to see if what they ingested can be identified as well as identify the flaws in security that le[d] to the I/P being able to obtain the contraband." It is noted that the Division of Test Development, Analytics and Administration contacted Subject Matter Experts (SMEs) regarding this matter who indicated, with respect to statement I, that after medical evaluation and review, it would be determined by medical staff if placement in dry cell is medically necessary. In this regard, the SMEs referred to "NJDOC Level 1 Internal Management Policy – Dry Cell Medical Observation." The SMEs noted that a Correctional Police Sergeant would not be responsible for making the decision as to whether to place of Inmate Stevens in dry cell. With respect to statement II, the SMEs referred to *N.J.A.C. 10A:3-6.8(b)*, which provides that if there is reason to believe that a visitor has willfully introduced or was attempting to introduce contraband into the facility, such person shall be detained in the facility and the correctional facility SID shall be notified. The SMEs noted that the question does not indicate that the Sergeant asked Inmate Stevens any questions to determine why the girlfriend placed an object in

Inmate Stevens' mouth or to determine what the object was. The SMEs indicated that Correctional Police Sergeants are responsible for attempting to gain such information initially so that accurate information can be forwarded and reviewed to determine if further action, such as an SID interview, would be required. In other words, while the rule indicates that SID would be contacted under such circumstances, it does not indicate that SID is required to conduct an interview of the inmate. Accordingly, the question is correct as keyed.

For question 19 in booklet A (question 55 in booklet B), since Scank selected the keyed response, his appeal of this item is moot.

For question 24 in booklet A (question 45 in booklet B), since Scank selected the keyed response, his appeal of this item is moot.

For question 25 in booklet A (question 46 in booklet B), candidates are provided with the following information regarding the fictitious Paterson State Prison:

- There is a total of 1,855 inmates at Paterson State Prison.
- 20% of inmates are committed solely for narcotics offenses.
- 43% of inmates are committed for total terms of 20 years or more.
- 148 inmates are committed solely for public policy offenses.
- 56% of the inmates are committed for violent offenses.
- 501 inmates are between the ages of 21-24 and 477 inmates are between the ages of 25-30. The remaining 877 inmates are between the ages of 31-70.

The question asks for the statement which cannot be determined based on the information provided. The keyed response is option c, "The percentage of inmates who are committed for a total term of 20 years or less." Frizalone, who misremembered option c as providing, "Percentage of inmates serving less than 20 years," argues that "with the information provided, it gives the percentage of inmates serving 20 years or more. With some basic math of taking 100 percent minus the percentage of inmates serving 20 years or more you determine the percentage of inmates 20 years or less."¹ As indicated above, the information presented in the booklet provides, "43% of inmates are committed for total terms of *20 years or more*" and option c provides, "The percentage of inmates who are committed for a total term of *20 years or less*" (emphasis added). As such, it is not possible to determine "the percentage of inmates who are committed for a total term of *20 years or less*" since the question does not provide the percentage of inmates within the "43% of inmates are committed for total terms of *20 years or more*" group who have a ***total term*** of 20 years. Thus, the question is correct as keyed.

¹ It is noted that Frizalone misidentified option c as option b and misidentified option a as option c.

For questions 36 through 45 in booklet A (questions 66 through 75 in booklet B) candidates are instructed to refer to an excerpt from the fictitious Crawford Correctional Facility Inmate Handbook provided in their test booklets.

Question 44 in booklet A (question 69 in booklet B) indicates that Inmate Woods had a scheduled meeting with his attorney during a regular meal time. Inmate Woods was provided a meal at a different time. The question asks for the true statement. The keyed response is option d, “More information is needed to determine whether or not there was a violation of the Crawford Correctional Facility Inmate Handbook.” Frizalone, who misremembered the keyed response as option a, “The Crawford Correctional Facility Inmate Handbook was violated,” argues that option b, “The Crawford Correctional Facility Inmate Handbook was adhered to,” is the best response.² In this regard, Frizalone argues that the policy “clearly states that if an inmate has an attorney visit during meal time, then he is to be given his meal after the visit. If he had his visit with his attorney, then received his meal afterwards, the policy was clearly adhered to.” The Crawford Correctional Facility Inmate Handbook provides, in pertinent part:

Attorney Visitation

1. Legal representatives may visit inmates from 0700 hours-1900 hours seven days a week.
2. Inmates may request to meet with their legal representative during meal hours. If inmates choose to meet at this time, they will be provided a meal tray after their meeting.

Since the question does not indicate when Inmate Woods was provided with a meal, *i.e.*, before or after the meeting with the attorney, it is not possible to determine whether the policy was adhered to. Thus, the question is correct as keyed.

For question 67 in booklet A (question 17 in booklet B), since Scank selected the keyed response, his appeal of this item is moot.

For question 72 in booklet A (question 12 in booklet B), since Scank selected the keyed response, his appeal of this item is moot.

CONCLUSION

A thorough review of 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 burden of proof in this matter.

² It is noted that Frizalone misidentified option a as option c and misremembered option a as providing, “The policy was not adhered to.”

