

AGENDA

City of Grand Prairie POLICE AND FIRE CIVIL SERVICE COMMISSION

When: June 3, 2020

Time: 2:00 PM, CST

Where: City Hall, Council Chambers

Please be advised that Social Distancing will be required and masks are strongly recommended for the health and safety of all involved.

1. Call to Order.
2. Approve the minutes from the Civil Service Commission meetings held on May 8, 2020 and May 15, 2020.
3. Consider appeals to questions 33, 35, 37, 44, 61, 69, and 76 from the Police Sergeant Written Exam which occurred on May 18, 2020.
4. EXECUTIVE SESSION (if necessary in accordance with Chapter 143.053 of the Texas Local Government Code to deliberate; and/or under Sections 551.071 and 551.074 of the Texas Government Code to discuss personnel matters and/or legal issues with City Attorney).
5. Adjourn.

This meeting is held and business conducted in accordance with Chapter 551, Subchapter C of the Texas Government Code, with Chapter 143, applicable sections of the Texas Local Government Code, and with the current Fire Fighters and Police Officers' Local Civil Service Rules and Regulations.

Agenda was prepared and posted this 28th day of May, 2020.



Civil Service Director

It is the policy of the City of Grand Prairie that all City-sponsored public meetings and events are accessible to people with disabilities. If you need assistance in participating in this meeting or event due to a disability as defined under the ADA, please call (972) 237-8192 or e-mail lnorris@gptx.org at least three (3) business days prior to the scheduled meeting or event to request an accommodation.

POLICE AND FIRE CIVIL SERVICE COMMISSION CITY OF GRAND PRAIRIE MINUTES

Meeting Date: 5/8/2020 via Zoom Teleconference, 2:30 p.m. CST;
<https://gptx.zoom.us/j/94667826333?pwd=bm1DNklrR0xTR0dhNWR6TkoxR0ZJZz09> Password: 416028

Due to this being a teleconference due to COVID-19 pandemic and the imminent threat to public health and safety, this meeting was held via teleconference as noted. Commission Chair Oliver Thompson called the meeting to order at approximately 2:35 p.m. with Commissioner Jerry King and Commissioner Reg Crump present. Mr. Thompson clarified expectations of the Commission and to confirm attendance by role call. Additionally he gave direction to attendees that any person wishing to speak must raise their hand in the ZOOM platform or press *9 on their phone to be unmuted and speak. They must state their name each time they speak. Mr. Thompson confirmed that the agenda and public packet were posted on the City's website for viewing by those in attendance. Tiffany Bull served as administrator of the teleconference meeting and had controls. Confirmed in attendance via the teleconference were Lisa Norris, Civil Service Director, Tasha Velasco, Human Resources Manager, Tiffany Bull, Assistant City Attorney, Daniel Scesney, Police Chief, and several police personnel who had taken the written Lieutenant examination. Due to it being teleconference, further specific attendees may have been present but are not noted.

The first item on the agenda was the approval of the minutes from May 30, 2019, August 30, 2019 and January 27, 2020 meetings. The meeting minutes were reviewed by the Commissioners. Commissioner King moved to approve the minutes as written and Commissioner Crump seconded the motion. The motion passed unanimously.

The next items on the agenda were to consider the appeals from the Police Lieutenant Written Examination given on April 27, 2020. Mr. Thompson asked Ms. Norris to present each appeal verbally for the benefit of those in attendance on the teleconference call. Ms. Bull noted that there was a public packet available for all to view, but that the Commission had a private packet due to some of the questions being appealed were from confidential material in the Police Department's Emergency Response Annexes. These items were confidential under the law and therefore only viewable to the Commission. Extensive dialogue on each questioned occurred from appellants as well as attendees from the Lieutenant's test who had not appealed but had a position as to the question. The Commission asked numerous questions of the appellants as well. The Commission asked about impact if a question was thrown out. She indicated rulings could impact any person on the list, not just appellants, depending on how they answered that specific question appealed. Ms. Norris provided a response from the local rules as to how the test scores would be recalculated for point value based on the remaining number of questions to get to 100 points. She indicated she did not know impact at this time until rulings on each appeal were made. Following appealed question outcomes, she would rescore each candidate's test. The Commission also had dialogue around how many answered questions correctly versus incorrectly. Finally, Ms. Norris reminded the Commission as to the Local Rules and how the commission can rule (uphold, deny or throw out a question). After hearing all the discussion concerning the appealed questions 33, 97, and 100, the Commission went into executive session at 3:48 p.m. to seek counsel from Ms. Bull. They reconvened in open session at 4:10 p.m. The questions appealed, appellants for those questions, ruling and motion made/seconded were recorded below.

<u>Q#</u>	<u>Speakers:</u>	<u>Ruling</u>	<u>Motion</u>	<u>2nd</u>	<u>Vote</u>
33	Sgt. David Griesinger	Appeal Upheld, Question eliminated	Jerry King	Reg Crump	Unanimous
97	Sgt Timothy Paulson; Sgt Timothy Sliva	Appeals Denied; Answer key sustained as correct	Jerry King	Reg Crump	Unanimous
100	Sgt Timothy Paulson; Sgt Timothy Sliva	Appeals Denied; Answer key sustained as correct	Jerry King	Reg Crump	Unanimous

The meeting was adjourned at 4:25 p.m.

Civil Service Commissioner

Civil Service Commissioner

Civil Service Commissioner

Civil Service Director

POLICE AND FIRE CIVIL SERVICE COMMISSION CITY OF GRAND PRAIRIE MINUTES

Meeting Date: 5/15/2020 via Zoom Teleconference, 3:00 p.m. CST;
<https://gptx.zoom.us/j/93500299437?pwd=aFgvc3pLQ0YrUC9tdzdwUTF3SUJGZz09>; Password:
 609902

Due to the COVID-19 pandemic and the imminent threat to public health and safety, this meeting was held via teleconference as noted. Commission Chair Oliver Thompson called the meeting to order at approximately 3:04 p.m. with Commissioner Jerry King and Commissioner Reg Crump present. Mr. Thompson clarified expectations of the Commission and to confirm attendance by role call. Additionally he gave direction to attendees that any person wishing to speak must raise their hand in the ZOOM platform or press *9 on their phone to be unmuted and speak. They must state their name each time they speak. Mr. Thompson confirmed that the agenda and public packet were posted on the City's website for viewing by those in attendance. Tiffany Bull served as administrator of the teleconference meeting and had controls. Confirmed in attendance via the teleconference were Lisa Norris, Civil Service Director, Tasha Velasco, Human Resources Manager, Tiffany Bull, Assistant City Attorney, Daniel Scesney, Police Chief, and several police personnel who had taken the written Lieutenant examination. Due to it being teleconference, further specific attendees may have been present but are not noted as many only had phone numbers showing, not names.

The first item on the agenda was approve the Police Lieutenant Eligibility list from the Alternate Promotional System that was administered beginning on April 27, 2020 with a written examination and concluding on May 13, 2020 with an Assessment Panel. Commissioner King asked who was impacted by Question 33 being thrown out from the prior meeting on May 8, 2020. Ms. Norris indicated that Demoine Clark and Cesar Guerra were negatively impacted by that appeal. Ms. Norris reminded the Commission of all of the pieces in the Alternate Promotional System. Ms. King moved to approve the list as presented. Commissioner Reg Crump seconded the motion. Ms. Bull asked Mr. Thompson to open the floor to any further questions by those in attendance prior to the vote. No further comments were made. The motion passed unanimously.

The meeting was adjourned at 3:15 p.m.

Civil Service Commissioner

Civil Service Commissioner

Civil Service Commissioner

Civil Service Director

REVIEW AND APPEAL OF EXAMINATION RESULTS

- 10.34 Upon request, each fire or police promotional candidate may examine the source materials used for the examination, his/her written examination and the answers. If dissatisfied, the applicant may appeal any test question within five (5) business days to the Commission in accordance with Chapter 143. The appeal period shall begin at 8:00 a.m. the next business day after the date of the examination and end at 5:00 p.m. on the fifth day.
- 10.35 The promotional candidates may not remove or copy any question used in the examination.
- 10.36 The review of the examination results shall be done in the presence of a staff member appointed by the Civil Service Director.
- 10.37 The Civil Service Director shall make appropriate arrangements for the Commission to hear and determine all such appeals concerning the examination.
- 10.38 **Appeal Guidelines:** In reviewing appeals concerning the correctness or incorrectness of an answer to a question on the examination, the Commission shall use the following guidelines to make a determination:
- a. Appeals shall be **upheld** in the following instances:
 - 1) the keyed answer is clearly incorrect;
 - 2) other answers are equally correct; and/or
 - 3) a typographical error occurred in the question or answer which significantly alters the meaning of the question.
 - b. Appeals shall be **denied** in the following instances:
 - 1) evidence is produced that other sources may support a different answer;
 - 2) the answer indicated by the examination publisher as correct remains the best available answer;
 - 3) the reference page number which corresponds to the page in the text is incorrect.
- 10.39 When the Civil Service Commission upholds an appeal that results in a question or questions being thrown out, the score shall be computed by using a formula so that the remaining number of questions shall total a maximum of 100 points in accordance with Section 143.033.
- 10.40 A promotional examination question appealed to the Commission shall be sustained, overruled, or eliminated by a Ruling issued by the Commission.
- a. **Sustain the answer key** (test scores shall remain as reported)
A Ruling which rejects the appeal presented to the Commission shall require the Director to accept the answer as given on the answer key, while grading the promotional examinations of all eligible candidates.
 - b. **Overrule the answer key** (the Commission shall designate another answer(s) to be accepted)
A Ruling which sustains the appeal of a promotional examination question shall require the Director to accept two or more answers, as directed in the Ruling, while grading the promotional examination of all eligible candidates.
 - c. **Eliminate the test question** (the test question shall not be included)
A Ruling which rejects the test question related to the appeal of a promotional examination question shall require the Director to disregard the question and its answer while grading the promotional examination of all eligible candidates.

d. **Formula for calculating scores after appeals**

The formula for calculating the promotional test scores shall be as follows:

$(100) / (\text{total number of test questions used}) = \text{point value of each question}$

$(\# \text{ of total test questions}) - (\# \text{ of wrong questions}) = \# \text{ of correct questions}$

$(\# \text{ of correct questions}) \times (\text{value of each question}) = \text{score}$

ACTIVE MILITARY DUTY – PROMOTIONAL EXAMS

- 10.41 Employees who are called to active military duty shall be required to sign an affidavit prior to being deployed stating whether or not they intend to take any promotional examination administered during their active duty.
- 10.42 Employees indicating intent to test shall affirm that he/she shall not engage in any form of communications with any other employee, regarding the promotional exam or any portion of the testing process, at any time prior to the determination and/or posting of their final scores.
- 10.43 If the employee signifies intent to take promotional exams, he/she shall provide the Civil Service Director with a valid e-mail address, fax number or contact method during active duty, and shall notify the Director of any changes in his/her contact information in order to be notified of scheduled exams.
- 10.44 Employees shall be notified of scheduled promotional exams via the current contact information provided by the employee. The employee shall fax or e-mail confirmation to take the test within 10 days of receipt of the Notice of Exam. If military operations prevents an employee from meeting this deadline, the employee shall submit written confirmation as soon as possible, to take the test along with a statement from his/her commanding officer verifying military operations prevented a response during the 10-day period.
- 10.45 The employee shall make arrangements with a *military exam coordinator*, his/her JAG (military attorney), or if unavailable, the commanding officer - to proctor the promotional exam and shall provide the name of that individual and contact information along with a valid fax number, if available, to the Civil Service Director/designee. Once designated, the same person shall be used throughout the examination process as noted herein.
- 10.46 The Civil Service Director/designee shall coordinate the administration and scoring of the exam with the employee's military exam coordinator.
- 10.47 Test packets containing the written examination, answer sheet, answer key, an affidavit and test instructions shall be provided to the military exam coordinator at least twenty-four (24) hours prior to the scheduled exam date. If possible, the written examination for the active duty personnel should be administered on, or as close to, the same day and time as the scheduled exam at the City.
- 10.48 All exam materials (exam, answer sheet and answer key) shall be returned to the Director immediately following the scoring of the exam.
- 10.49 The candidates for Fire promotional examinations shall be provided their score and placement on the eligibility list via fax, e-mail or other method as available.
- 10.50 Additional Requirements for employees taking promotional exams in the Police Department who are subject to the Alternate Promotional System:
- a. In addition to the items described in Section 10.47, there shall be a separate packet included containing a ballot with a list of names in the Grand Prairie Police Department who are eligible to participate as assessors in the Alternate Promotional Process. Also contained in

Question 35

Which Supreme Court case recognized that, upon a defense request, the prosecution violates the defendant's right to due process when it withholds evidence that is favorable to the defense and material to the defendant's guilt or punishment?

- A. *Jencks v. United States* (1957)
- B. *Mapp v. Ohio* (1961)
- C. *Brady v. Maryland* (1963)
- D. *Strickler v. Greene* (1999)**

CH09; 9.12 A, Page 473 (Constitutional Law for Criminal Justice)

Answer Distribution:

A – 1 B – 0 C – 7 **D – 0**

Appeal Summary:

This question has been appealed by Officers Greg Parker, Marcos Ferreira, Christopher Dearing, Calvin Brown, and Lena Aguyao. Each appellant has alleged the keyed answer is not correct and "C" is the correct answer. They would like the Commission to uphold the appeal and overrule the answer key to reflect "C" as the correct answer.

Consultant Response:

MISKEYED – Award credit for option C

Name: Gmery Parker

Date: 5/19/20

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 35 Source: Criminal/Law Page #: 473

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is C.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

The test & answer key list question #35 as being from Pg 473. It corresponds to Ch 9.12 section A. Test question #35 reads "which Supreme Court case recognized that, upon a defense request, the prosecution violates the defendant's right to due process when it withholds evidence that is favorable to the defense ~~and material~~ and material to the defendant's guilt or punishment?"

Page 473, under section A ~~copy~~ reads verbatim as above. It also lists the Supreme Court case as being ~~Strickler v. Greene~~ "Brady v. Maryland."

The answer key lists answer "d" as the correct answer which is in fact, incorrect. Answer "d," "Strickler v. Greene" is only mentioned on page 474, by reference only.

Continue on back of this form if needed.

APPEAL – Promotional Examination Question

Name: MARCOS FERREIRADate: 05/19/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: **Sergeant** Question #: 35 Source: CONSTITUTIONAL LAW FOR CRIM. JUSTICE Page #: 473

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed **instead**.
My answer is C.
- ☐ Another answer, _____, is also correct, **in addition to** the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be **eliminated**.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

THE SUPREME COURT'S CASE THAT RECOGNIZED THE PERSECUTION'S VIOLATION OF A DEFENDANT'S RIGHT BY WITHHOLDING EVIDENCE FAVORABLE TO THE DEFENSE AND MATERIAL TO THE DEFENDANT'S GUILT OR PUNISHMENT IS ANSWER C - "BRADY V. MARYLAND" AS REFERRED TO ON PAGE 473 OF THE ABOVE MENTIONED BOOK. NOWHERE ON THE BOOK'S PAGE THE CASE "STRICKLER V. GREENE" IS MENTIONED (ANSWER D).

Continue on back of this form if needed.

Name: DEARING, CHRISTOPHERDate: 5/20/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 35 Source: LAW ^{CONSTITUTIONAL} Page #: 473

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is _____.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

THE QUESTION IS VERBATIM FROM THE TEXT AND THE
ANSWER IS BRADY VS MARYLAND. THE ANSWER
KEY STATES THE ANSWER IS (D) STRICKLER V GREENE

THE ANSWER SHOULD BE (C) BRADY V MARYLAND

IN THE TEXT ON THAT PAGE BRADY V MARYLAND
WAS THE ONLY CASE MENTIONED

Continue on back of this form if needed.

APPEAL – Promotional Examination Question

Name: Calvin BrownDate: 05/20/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 35 Source: Constitutional Law for Criminal Justice Page #: 473

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed **instead**.
My answer is C.
- ☐ Another answer, _____, is also correct, **in addition to** the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be **eliminated**.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

The Supreme Court case Brady v. Maryland is worded the same
as the question and is the correct answer.

Continue on back of this form if needed.

Name: Lena AguayoDate: 5/24/20.

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 35 Source: Constitutional Law Page #: 473

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is C.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

The correct answer is Brady vs. Maryland.
2nd to the last paragraph down
says "In Brady vs Maryland, the
Supreme Court recognized that
upon a defense request, the prosecution
violates the defendants right to
due process when it withholds
evidence that is favorable to the
defense and material to the
defendants guilt or punishment.

Continue on back of this form if needed.

§ 9.12 —Preservation and Disclosure of Evidence Favorable to the Defense

The prosecutor occupies a unique position in our adversarial system of criminal justice. Several decades ago, the Supreme Court observed:

The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one.¹⁷⁸

This observation marked the beginning of a line of cases that eventually developed into two constitutional duties imposed on the prosecution and, indirectly, the police. The first duty is to disclose to the accused any evidence within the government's possession or knowledge that is favorable to the accused and material to guilt or punishment. The second duty is to preserve evidence that might be expected to play a significant role in the defense. Both obligations are grounded on the fundamental fairness implicit in due process, rather than on specific language found in the Constitution.

A. *The Requirements for Disclosure of Exculpatory Information*

The prosecution's constitutional duty to disclose exculpatory evidence to the accused evolved from cases in which the prosecutor had either knowingly used false testimony¹⁷⁹ or allowed false testimony to go uncorrected.¹⁸⁰ When this happened, the Supreme Court had little trouble concluding that use of perjured testimony denied the defendant due process. However, in *Brady v. Maryland*,¹⁸¹ the Supreme Court recognized that, upon a defense request, the prosecution violates the defendant's right to due process when it withholds evidence that is favorable to the defense and material to the defendant's guilt or punishment. In effect, the prosecution has a broad duty to disclose such information to the defendant in the interests of justice.

In *Brady*, the prosecutor failed to disclose that one of Brady's accomplices had confessed to the killing for which Brady was charged, even though his attorney made a formal request for any such statements. Brady was sentenced to death, but the Supreme Court reversed, announcing what has become known as the *Brady* rule:

(T)he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution. The

Question 37

The Supreme Court has explained that government employees generally have a diminished expectation of privacy in the workplace and requiring probable cause and a search warrant would be unduly burdensome. Which court case established the framework for analyzing workplace searches?

- A. *O'Connor v. Ortega* (1993)
- B. *Gossmeier v. McDonald* (1997)
- C. *United States v. Simons* (2000)**
- D. *United States v. Gonzalez-Lopez* (2006)

CH10; 10.3 A, Page 511 (Constitutional Law for Criminal Justice)

Answer Distribution:

A – 6 B – 0 C – 2 D - 0

Appeal Summary:

This question is being appealed by Officers Calvin Brown, Greg Parker, Marcos Ferreira, and Lena Aguayo. Each appellant has alleged the keyed answer is not correct and “A” is the correct answer. They would like the Commission to uphold the appeal and overrule the answer key to reflect “A” as the correct answer.

Should the Commission determine “A” as well as the keyed answer are correct, the Commission may wish to uphold the appeal and overrule the answer key to reflect both “A” and “C” as correct answers.

Consultant Response:

MISKEYED – Award credit for option A

APPEAL – Promotional Examination Question

Name: Calvin BrownDate: 05/20/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 37 Source: Constitutional law for Criminal Justice Page #: 511

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is A.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

The supreme court case O'Connor v. Ortega is worded the same as the question. United States v. Simons is not on the page either.

Continue on back of this form if needed.

Name: Grey ParkerDate: 5/14

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 37 Source: Criminal Law Page #: 511

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is A.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

Question #37 reads: "The Supreme Court has explained that government employees generally have a diminished expectation of privacy in the workplace and requiring probable cause and a search warrant would be unduly burdensome. Which court case established the framework for analyzing workplace searches?" - The exam lists the question coming from page 591, Ch 10.3A.

Pg 511, Ch 10.3A reads thus: "The fourth amendment framework for analyzing government workplace searches was established in 'O'Connor v. Ortega'"

The exam key lists the correct answer as "C- United States v. Simons." ~~The~~ Answer option "A- O'Connor v. Ortega" matches the question exactly.

The Court case "United States v. Simons" is not mentioned by name on page ~~511~~ 511.

Continue on back of this form if needed.

APPEAL – Promotional Examination Question

Name: MARLOS FERREIRADate: 05/19/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 37 Source: CONSTITUTIONAL LAW FOR CRIM. JUSTICE Page #: 511

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is A.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

THE SUPREME COURT'S CASE RELATED TO DIMINISHED EXPECTATION OF PRIVACY IN THE WORKPLACE MENTIONED ON PAGE 511 OF THE BOOK IS "BROO'CONNOR V. ORTEGA" (ANSWER A OF THE QUESTION 37). THE MATERIAL DOES NOT MENTION ANSWER C "UNITED STATES V. SIMONS", WHICH IS UNRELATED TO EMPLOYEE'S PRIVACY RIGHTS.

Continue on back of this form if needed.

Name: Lena Aguayo.Date: 5/21/20

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 37 Source: Constitutional Law Page #: 511

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is A.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

"2nd paragraph states "The Fourteenth Amendment framework for analyzing government workplace searches was established in O'Connor v. Ortega.""

Continue on back of this form if needed.

loyalty and shared ideological beliefs an appropriate requirement for the public position.⁴²

§ 10.3 Fourth Amendment Protection Against Workplace Searches

When the police department acts as a criminal investigator gathering evidence for use in a trial, the Fourth Amendment requires probable cause and usually a search warrant.⁴³ However, neither requirement applies when the police department, acting as an employer, conducts a workplace search. The Supreme Court has explained that government employees generally have a diminished expectation of privacy in the workplace, and that requiring probable cause and a search warrant would be unduly burdensome.⁴⁴

A. *Constitutionality of Searching Desks, Lockers, File Cabinets, Computers, and Squad Cars for a Work-Related Purpose*

The Fourth Amendment framework for analyzing government workplace searches was established in *O'Connor v. Ortega*.⁴⁵ Application of the Fourth Amendment requires the Court to answer two questions: (1) Did the officer have a reasonable expectation of privacy in the subject of the search? (2) If so, was the police department's work-related intrusion into the officer's privacy justified? Unless the answer to the first question is "yes" and the second "no," the officer has no Fourth Amendment protection.

1. Did the Employee Have a Reasonable Expectation of Privacy in the Location Searched?

Police officers generally fare poorly on the first question, making consideration of the second one unnecessary. No constitutionally protected privacy interest generally exists in a police officer's workstation, desk, locker, file cabinets, squad car, or other departmental property issued for use on the job unless the property has been given over to the officer's exclusive use and no one else has a right of access.⁴⁶ If the officer's workstation is located in an unenclosed space accessible to co-workers or members of the public, no Fourth Amendment protection exists in documents on top of the desk, or even documents inside, if others have keys and regularly enter the desk to retrieve correspondence, files, and reports.⁴⁷ The same holds true for an officer's locker; no Fourth Amendment protection exists if the officer's supervisor has a master key or a copy of the combination and routinely enters to remove work-related materials.⁴⁸ Police officers do not have an expectation of privacy in a common area used by various police officers where all telephone calls are known to be recorded, even where

Question 33

Which point in the criminal justice process marks the start of the period in which the right to a speedy trial attaches and begins to run?

- A. Start date of an investigation
- B. Date crime was committed
- C. Arraignment
- D. Arrest**

CH09; 9.6, Page 456 (Constitutional Law for Criminal Justice)

Answer Distribution:

A – 0

B – 0

C – 6

D - 2

Appeal Summary:

This question is being appealed by Officer Lena Aguayo. She alleges the question is faulty and there is no correct answer. She is asking the Commission to uphold the appeal and eliminate the test question.

Consultant Response:

The question asks candidates to identify the event at which the right to a speedy trial “attaches and begins to run.” The source states that the right to a speedy trial “commences upon an arrest, indictment, or the filing of an information, whichever occurs first (p. 456).” From the options listed, only option D (arrest) would cause the right to a speedy trial to attach.

Name: Lena Aguayo.Date: 5/21/20.

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 33 Source: Constitutional Law Page #: 456.

General reason for objection: (Check one of the following and explain fully below)

- ☐ The keyed answer is not correct. Another answer is correct and should be allowed **instead**.
My answer is _____.
- ☐ Another answer, _____, is also correct, **in addition to** the keyed answer. Both answers should be allowed.
- ☒ The question is faulty – there is no correct answer. The question should be **eliminated**.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

The question asks at which point does it start the period in which the right to a speedy trial attaches and begins to run, in the first paragraph (10th line down), the answer says "whichever occurs first". This should be eliminated.

Continue on back of this form if needed.

A. Attachment of the Right to a Speedy Trial

Criminal trials represent the culmination of a process that begins with the commission of a crime and then proceeds through discovery of the crime, investigation, the defendant's arrest, indictment, arraignment, and beyond. Since the right to a speedy trial involves a time calculation, it is necessary to select a point to mark the start of the period in which the right to a speedy trial attaches and begins to run. In *United States v. Marion*,⁶⁸ the Supreme Court ruled that the Sixth Amendment guarantee of a speedy trial starts to run only after the prosecutorial phase commences. As the *Marion* Court noted, "it is either a formal indictment or information or else the actual restraints imposed by arrest and holding to answer a criminal charge that engage the particular protections of the speedy trial provision of the Sixth Amendment."⁶⁹ In other words, the right to a speedy trial commences upon an arrest, indictment, or the filing of an information, whichever occurs first. By conferring the right to a speedy trial on an "accused," the drafters manifested an intent to exclude pre-accusatory delays from consideration in determining whether the right to a speedy trial has been denied. Delays before a suspect has been arrested or charged with a crime are not taken into account in determining whether a speedy trial has been denied.

Postponing the time of attachment serves the interests of both the public and the accused. The prosecution benefits because it will not lose the right to prosecute if it is slow to learn of the crime or to develop the case. Likewise, the would-be defendant benefits because the prosecution will conduct a more thorough examination before lodging formal charges, making it less likely that innocent persons will be accused. Moreover, criminal defendants already have other legal protection against delays in charging them. First, for most crimes there are **statutes of limitation** that require that criminal charges be made within a fixed number of years after the crime has been committed. If the delay exceeds the period of limitation, prosecution will be barred. Second, the due process clause provides a further basis for relief in cases in which the prosecution deliberately delays filing charges in order to obtain a tactical advantage over the defendant or does so with knowledge of an appreciable risk that the delay will cripple the defendant's ability to put forth an adequate defense.⁷⁰

Even though the right to a speedy trial has attached, the prosecution⁷¹ or defense⁷² can stop the clock by having the charges dismissed. If the prosecution subsequently reinstates the charges, the period in between will be excluded from Sixth Amendment computation. Only the period during which a defendant bears the status of an accused is taken into account in determining whether a speedy trial has been denied.

B. Determining Whether the Right Has Been Denied

There is no set period in which a trial must take place after prosecution has begun. Rather, in determining whether the right to a speedy trial has been denied, the Supreme Court balances four factors:⁷³ (1) the length of the delay; (2) the reasons for the delay; (3) whether the defendant asserted his or her right to a speedy trial or sat idly by; and (4) whether the delay prejudiced the defendant's case.

Question 44

Which is an example of transactional policing?

- A. Offering a reward for information from a witness or tipster
- B. Speaking to the community at a town hall meeting
- C. Providing police service outside of normal duty at a special event (e.g., parade, marathon, concert)
- D. Issuing a verbal or written warning instead of a citation during a traffic stop

CH02; Page 31 (Start with Why)

Answer Distribution:

A – 6 B – 1 C – 0 D - 1

Appeal Summary:

This question is being appealed by Officer Marcos Ferreira. He alleges the question is faulty and there is no correct answer. He is asking the Commission to uphold the appeal and eliminate the test question.

Consultant Response:

The emphasis of the section from which the question originates (Manipulations Lead to Transactions, Not Loyalty, p. 29) is that using manipulations (vs. inspiration) to influence human behavior is effective "...for behavior that is only required once or on rare occasions (p. 30)." As noted by the author, manipulations are effective drivers of single transactions, but they will not help establish a loyal, long lasting relationship. In the context of police work, manipulations—such as offering a monetary reward for tips—are effective when police are "not looking to nurture a relationship with the witness or tipster (p. 31)." The question asks for an example of transactional policing and the correct option is the same example used in the book.

Name: MARLOS FERREIRADate: 05/19/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 44 Source: START WITH WHY Page #: 31

General reason for objection: (Check one of the following and explain fully below)

- ☐ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is _____.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☒ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

IN THE BOOK "START WITH WHY", PART 1, CHAPTER 2 - "CARROTS AND STICKS", THE AUTHOR EXPLAINS THE DIFFERENT TYPES OF SO CALLED "MANIPULATIONS" USED BY COMPANIES TO INFLUENCE CUSTOMER TO CONSUME PRODUCTS. ON PAGE 30 OF THE BOOK, THE AUTHOR BEGINS HIS EXPLANATION BY STATING THAT "MANIPULATIONS LEAD TO TRANSACTIONS, NOT LOYALTY" AND CONTINUES ON LISTING A NUMBER OF ILLUSTRATIONS TO BASE HIS THEORY. ON PAGE 31, THE AUTHOR EMPHASIZES THAT "TRANSACTIONS THAT OCCUR AN AVERAGE OF ONCE "CARROTS AND STICKS" ARE THE BEST WAY TO ELICIT THE DESIRED BEHAVIOR"; THE AUTHOR USES THE POLICE REWARD EXAMPLE (ANSWER A) TO ILLUSTRATE HIS "CARROTS AND STICKS" THEORY. NOWHERE IN THE BOOK "TRANSACTIONAL POLICING" IS DESCRIBED; MOREOVER, "TRANSACTIONAL POLICING" (NOT DEFINED BY THE AUTHOR) COULD BE INTERPRETED TO INCLUDE ANY OF THE PROPOSED ANSWERS TO QUESTION # 44 DEPENDING (THEREFORE) ON THE TEST TAKER'S OPINION. THE RIGHT ANSWER TO QUESTION # 44 SHOULD BE "CARROTS & STICKS" OR "MANIPULATIONS".

Continue on back of this form if needed.

their service “better than similar offers,” and instead settled with good. Given that most people were not going to become repeat customers, there weren’t going to be any head-to-head comparisons made to the other services. All they needed to do was drive a purchase decision and offer a pleasant enough experience that people would recommend it to a friend. Any more was unnecessary. Once the owners of mygoldenvelope.com realized they didn’t need to invest in the things that build loyalty if all they wanted to do was drive transactions, their business became vastly more efficient and more profitable.

For transactions that occur an average of once, carrots and sticks are the best way to elicit the desired behavior. When the police offer a reward they are not looking to nurture a relationship with the witness or tipster; it is just a single transaction. When you lose your kitten and offer a reward to get it back, you don’t need to have a lasting relationship with the person returning it; you just want your cat back.

Manipulations are a perfectly valid strategy for driving a transaction, or for any behavior that is only required once or on rare occasions. The rewards the police use are designed to incentivize witnesses to come forward to provide tips or evidence that may lead to an arrest. And, like any promotion, the manipulation will work if the incentive feels high enough to mitigate the risk.

In any circumstance in which a person or organization wants more than a single transaction, however, if there is a hope for a loyal, lasting relationship, manipulations do not help. Does a politician want your vote, for example, or does he or she want a lifetime of support and loyalty from you? (Judging by how elections are run these days, it seems all they want is to win elections. Ads discrediting opponents, a focus on single issues, and an uncomfortable reliance on fear or aspirational desires are all indicators. Those tactics win elections, but they do not seed loyalties among the voters.)

The American car industry learned the hard way the high cost of relying on manipulations to build a business when loyalty was what they really needed to nurture. While manipulations may be a

Question 61

The first step for a supervisor to gain the respect of his subordinates is to:

- A. Develop a personal working relationship with each of them.
- B. Exemplify the standards of personal conduct demanded of the subordinates.**
- C. Explicitly communicate the performance standards expected from the subordinates.
- D. Prove his qualifications to supervise by demonstrating job-related knowledge and abilities.

CH01; Page 2 (Supervision of Police Personnel)

Answer Distribution:

A – 4 B – 2 C – 1 D - 1

Appeal Summary:

This question is being appealed by Officer Calvin Brown. He alleges the keyed answer is not correct and “A” is the correct answer. He would like the Commission to uphold the appeal and overrule the answer key to reflect “A” as the correct answer.

Should the Commission determine “A” as well as the keyed answer are correct, the Commission may wish to uphold the appeal and overrule the answer key to reflect both “A” and “B” as correct answers.

Consultant Response:

The correct answer is sourced to a section on supervisory position, which specifically states, “The first step in gaining this confidence and respect is taken when the supervisor *exemplifies by his personal conduct* that which he demands from his subordinates (p. 2, emphasis added).” It appears that the appellant may be referring to a different source in his supporting statements.

Name: Calvin BrownDate: 05/20/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 61 Source: Start With Why Page #: 2

General reason for objection: (Check one of the following and explain fully below)

- ☒ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is _____.
- ☐ Another answer, _____, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

I chose answer @ because in the text it states; Not a single person on the team had an advanced degree or even a college education, not even Wilbur or Orville. But the team banded together in a humble bicycle shop and made their vision real.

Because the second sentence stated that the "team banded together in a humble bicycle shop and made their vision real" I believe that the answer @ of "develop a personal working relationship with each of them" is the correct answer.

Continue on back of this form if needed.

2 CHAPTER ONE THE SUPERVISOR'S ROLE

Supervisory Position

People are responsible for production. The supervisor is responsible for people. He accomplishes the objectives of the organization by getting things done through them. He must be an expert in handling them to be a successful leader. To this end, he must develop the art of influencing others, coordinating their efforts, and directing them to proper goals in such a way as to obtain their obedience, confidence, respect, and loyal cooperation.

People like to be led by those whom they respect and in whom they have confidence. The first step in gaining this confidence and respect is taken when the supervisor exemplifies by his personal conduct that which he demands from his subordinates. If he then provides them proper leadership, they will respond with the highest performance, with a minimum of conflict and a maximum of satisfaction.

The supervisory officer must be adept at applying the principles of wholesome human relations with common sense so that he can best integrate the needs of employees with the goals of management. He should allow them to participate in decisions that affect them, but he must avoid crippling himself as a supervisor by carrying democratic leadership so far that his subordinates will expect him to "take a vote" before making every decision. Undoubtedly, when those affected by a nonemergent decision are consulted before it is made, the process will take longer but implementation will be much swifter.

To many supervisors, advancement into a position of authority involves a considerable change in lifestyle from being a follower to being a leader and requires a radical change in philosophy and thought processes, especially in the area of human relations. As the supervisor gains experience, he will increasingly appreciate how his actions affect the economic security, advancement, and emotions of his subordinates. He will appreciate the effects of his activities on their general welfare and morale. He will not become lulled into believing that because his morale is high, the morale of his subordinates is also high; he will recognize symptoms indicating that it is low and take corrective action promptly whenever his position permits. He will realize, as David Lieberman explains, that morale cannot be achieved through incentive or policy.² He can influence it, however, if he remembers that people are interested in themselves and in the things that affect them. He should provide them with performance feedback that will give them a sense of their worth within the organization.³ One of their basic needs is a feeling of stability and security in their work. This should be provided for them insofar as possible because people do not perform well when they are exposed to conditions that cause tension and anxiety.

Any leader must accept the fact that his subordinates are all different. They will react in different ways at different times. They will often resist his efforts to do what they know he has to do to make the organization a better place to work. Now and then, some will become incensed at what they consider a trivial criticism if it is not given with

² David J. Lieberman, Ph.D, *Executive Power: Use the Greatest Collection of Psychological Strategies to Create an Automatic Advantage in Any Business Situation* (Hoboken, N.J.: John Wiley & Sons, Inc., 2009), p. 34.

³ Paul Levy, *Industrial Organizational Psychology: Understanding the Workplace* (New York: Worth Publishers, 2011), p. 116.

Question 69

Which is one of the most common faults in presenting instructional materials to employees?

- A. Oversimplification**
- B. Inclusion of irrelevant material
- C. An unorganized sequence of presentation
- D. Exposing the employee to excessive material

CH04; Page 87 (Supervision of Police Personnel)

Answer Distribution:

A – 6 B – 0 C – 1 D - 1

Appeal Summary:

This question is being appealed by Officer Christopher Dearing. He alleges both the keyed answer and “D” are correct answers. He would like the Commission to uphold the appeal and overrule the answer key to reflect both “A” and “D” as correct answers.

Consultant Response:

The correct answer is clearly supported by the source where the author states, “Perhaps one of the most common faults in presenting instructional material arises from *oversimplification* (p. 87, emphasis added).” While exposing the employee to excessive material may lead to oversimplification (e.g., when coupled with time limitations), it is not the same as oversimplification itself.

APPEAL – Promotional Examination Question

Name: DEARING, CHRISTOPHERDate: 5/20/2020

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 69 Source: SUPERVISOR POLICE PERS Page #: 87

General reason for objection: (Check one of the following and explain fully below)

☐ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is _____.

☒ Another answer, D, is also correct, in addition to the keyed answer. Both answers should be allowed.

☐ The question is faulty – there is no correct answer. The question should be eliminated.

☒ Other: _____

Reason(s) supporting your appeal (please be specific):

THE QUESTION USES THE FIRST LINE OF THE PARAGRAPH
AS THE CORRECT ANSWER BUT THE SECOND SENTENCE
OF THE SAME PARAGRAPH STATES THAT TEACHER ARE
PRONE TO INCLUDE TOO MUCH DETAIL IN LESSONS. THE
REMAINDER OF THE PARAGRAPH CONTINUES TO DISCUSS
PROBLEMS ASSOCIATED WITH TOO MUCH INFORMATION
BEING PRESENTED.

AFTER

Continue on back of this form if needed.

must make his own value judgments regarding his method of approaching a particular training situation in the classroom or in the field.

In addition, no method suitable for one instructor is necessarily suitable for others. Uniform training material can be provided to an instructor, but the effectiveness of the specific methods he employs to impart knowledge to his subordinates depends on his individual teaching repertoire and his ability to avoid the pitfalls that contribute to teaching failures. He can be told what methods have been found effective and he can be acquainted with the many and varied techniques of teaching, but unless he diligently, enthusiastically, and imaginatively applies himself to his teaching responsibilities, he will achieve little more than mediocrity in this activity.

Common Causes of Teacher Ineffectiveness

Perhaps one of the most common faults in presenting instructional material arises from oversimplification, leaving to the student the task of drawing a conclusion without adequate facts. The inexperienced teacher is often prone to include too much detail in his lesson because he fails to allow for the basic intelligence of the learner. When he includes too much material for the time available, he will have a tendency to “cover the ground at any cost.” Either too much is attempted—in which case learners retain few of the key points because time limitations make it necessary to gloss over them, the teacher uses the allotted time without completing his objectives, and he fails to complete the steps of instruction—or he improvises at the last moment and proceeds without an organized plan. In any event, the student suffers by having been exposed to too much and having learned little, which is called “overloading.”

Another common weakness contributing to teaching ineffectiveness is aimlessness. Rao observed, “Aimlessness and indifference in teaching are the greatest obstacles in the development of educational skills.”²¹ Aimlessness usually results from a failure to plan and organize teaching material properly. Deficiencies in teaching often result from the inclusion of unnecessary or irrelevant material in the teaching plan. The cause usually can be traced to the failure of the teacher to discriminate between necessary material and trivia that is only nice to know. Once a cluster of information has been accumulated, the teacher often finds it extremely difficult to discard any of it, but he must strip his material to the essentials or risk failure.

Too frequently, the teacher assumes that the learner knows more about the job than he actually does. This ill-founded assumption often causes the instructor to leave out points that are essential, to gloss over them without sufficient emphasis, or to fail to define unusual terms. The learner thereby fails to grasp the necessary facts; he misunderstands or fails to understand. The result is performance failures and costly errors.

Often, a lack of competency or a failure on the part of the supervisor to prepare himself for his training role is the cause of teaching ineffectiveness. It is highly desirable that he be occupationally competent to perform the task he expects his subordinates to learn about, but having technical proficiency does not ensure that he can impart the knowledge to others. It would be erroneous to assume that just because an individual is an excellent burglary investigator, he could effectively teach others how to catch burglars.

²¹ R. Ranga Rao, *Methods of Teacher Training* (New Delhi: Discovery Publishing, 2006), p. 38.

Question 76

Early symptoms of an individual's drinking problem

- A. Are usually noticed but ignored by friends.
- B. Are readily acknowledged by the problem drinker because he is looking for help.
- C. Are manifested by many minor symptoms and are easily detected by friends.
- D. Often go unnoticed by even his closest associates.**

CH08, Page 167 (Supervision of Police Personnel)

Answer Distribution:

A – 4

B – 0

C – 1

D - 3

Appeal Summary:

This question is being appealed by Officer Lena Aguayo. She alleges both the keyed answer and "C" are correct answers. She would like the Commission to uphold the appeal and overrule the answer key to reflect both "C" and "D" as correct answers.

Consultant Response:

The focus of the question is on "early symptoms" of problem drinking. As stated in the source, "Many of the individual's early symptoms of problem drinking go unnoticed by even his closest associates (p. 167)." The correct option, option D, "often goes unnoticed by even his closest associates," is verbatim from the source. On the other hand, the remaining options contain information specifically refuted by the source. For instance, option C, for which the appellant seeks credit, states that the symptoms are "easily detected by friends."

Name: Lena AguayoDate: 5/21/20

INSTRUCTIONS: Please complete one form per question appealed. Indicate your reason for appeal below specifically and check which item below you are requesting as the "general reason for objection". Type or write legibly. If additional space is needed, go to the back of this page.

Exam Date: 05/18/2020 Rank: Sergeant Question #: 76 Source: Supervision of Police Personnel Page #: 167

General reason for objection: (Check one of the following and explain fully below)

- ☐ The keyed answer is not correct. Another answer is correct and should be allowed instead.
My answer is _____.
- ☒ Another answer, C, is also correct, in addition to the keyed answer. Both answers should be allowed.
- ☐ The question is faulty – there is no correct answer. The question should be eliminated.
- ☐ Other: _____

Reason(s) supporting your appeal (please be specific):

2nd paragraph. "He may manifest minor symptoms such as... symptoms that are readily apparent, especially to police officers, may demand immediate attention by the supervisor."

This answer is also correct.

Continue on back of this form if needed.

addiction. He develops a variety of motives for his conduct—excitement, relaxation, increased social ability, an escape from real or imagined problems, a release from pressure, a sense of euphoria, or a simple feeling of well-being.⁸ His job, home life, and social life gradually become impaired, and he suffers emotional and physical damage. Finally, he loses his ability to consciously control his drinking once he starts, even though he recognizes its harm.⁹ It is then that he is addicted.

Symptoms of the Problem

Problem drinking is exactly what the name implies. In a broad sense, when someone is repeatedly affected adversely by alcohol, he is a problem drinker, regardless how slight or grave the effects are.¹⁰ He may manifest minor symptoms such as a developing tendency toward arguments, tardiness, absenteeism, or frequent hangovers, or he may be involved in more serious breaches such as an arrest for drunken driving or a traffic accident. Typical physical indicators, such as bloodshot eyes, slurred speech, and other symptoms that are readily apparent, especially to peace officers, may demand immediate attention by the supervisor.

Many of the individual's early symptoms of problem drinking go unnoticed by even his closest associates. It is believed by some that the best clue to what is developing is the recurring memory blackout.¹¹ He may have acted normally and may have been fully conscious, but he cannot remember the following day what happened while he was drinking.

When these symptoms begin to appear in an officer, the supervisor should carefully watch for personality changes. Undue tensions, frequent periods of nervousness or irritability, and temperamental outbursts that did not occur before afford clues that all is not well; attempts to avoid his supervisor while working may also indicate that something is wrong. The development of unusual drinking habits off the job should be a cause for concern.

Growing domestic and financial troubles may also signal a drinking problem. The family usually is vitally affected because personal and financial irresponsibility are often associated with a drinking problem. Disharmony and anxiety within the family are also often concomitant problems.

When the drinker's tolerance for alcohol increases or when he needs several drinks to obtain the effect that one drink gave him before, he is developing the pattern of a drinking problem. It is easily recognizable but is a difficult condition to counter because a considerable tolerance for alcohol has become a prestige factor among certain segments of our society.

The deviant drinker often manages to drink more than others by sneaking drinks now and then, by drinking faster than others, or by supplying others with drinks so that he can conceal the quantity of his own drinking. He may not be an uncontrolled drinker at this point but may begin to rely more and more on alcohol to bolster his tolerance for

⁸ *Ibid.*

⁹ Elizabeth Connell Henderson, *Understanding Addiction* (Jackson, Miss.: University Press of Mississippi, 2000), p. 4.

¹⁰ Raymond Goldberg, *Drugs Across the Spectrum* (Belmont, Calif.: Wadsworth, 2010), p. 128.

¹¹ *Ibid.*, p. 128.