STATE OF NEW JERSEY

In the Matter of Andrej Gjorgiev, *et al.*, Police Sergeant, various jurisdictions	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket Nos. 2026-2204, *et al.*	:	Examination Appeal

ISSUED: September 23, 2026

Andrej Gjorgiev and Monica Rigolosi (PM3356G), Garfield; Brian Radomski (PM3367G), Saddle Brook; and Thomas Ratajczak, a make-up candidate for (PM4863F), Woodbridge; appeal the examination for Police Sergeant (various jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

This was a two-part examination, which was administered on February 26, 2026, consisting of a video-based portion, items 1 through 20, and a multiple-choice portion, items 21 through 80. The test was worth 80 percent of the final average and seniority was worth the remaining 20 percent.

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

In the video-based portion of the examination, candidates were presented with a scenario. The instructions for this portion indicated that candidates were to assume the role of a Police Sergeant.

For questions 6 through 10, the directions for this section provided:

> After listening to what has been reported to you, and considering N.J. Attorney General's Use of Force Policy, you need to address the citizen's

> question regarding de-escalation techniques . . . For questions #6-10 ***decide if the action is or is not an acceptable de-escalation technique*** to reduce, stabilize, or eliminate the immediacy of a threat according to the N.J. Attorney General's Use of Force Policy [emphasis added].

Question 7 refers to the statement, "Display a Conducted Energy Device (CED) as a warning." The keyed response is option b, "This action is not an acceptable de-escalation technique." Radomski contends that option a, "This action is an acceptable de-escalation technique," is the best response. Specifically, Radomski argues that "officers may display or point a CED (including spark display) only when they reasonably believe force may become necessary. Constructive authority means a show of authority intended to gain compliance similar to verbal commands. CED spark display is meant as a deterrent to gain compliance without escalating to actual force." In this regard, Radomski refers to "Use of Force Policy Addendum A, Definitions 3.12" which he indicates provides that following definition, "Spark display means a non-contact demonstration of a CED's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody." As indicated in the instructions for this item, as noted above, the focus of the question is regarding **de-escalation techniques**. The Use of Force Policy (Revised September 2025) provides, in pertinent part:

> **2.5 De-escalation.** De-escalation is the action of communicating verbally or non-verbally in an attempt to reduce, stabilize, or eliminate the immediacy of a threat. De-escalation may also be used to create the time needed to allow the situation to resolve itself or to position additional resources to resolve the situation with the least amount of force necessary. Officers should employ de-escalation techniques when feasible, which include, but are not limited to, the following . . . (h) avoiding the unnecessary display of weapons, including firearms, Conducted Energy Devices (CEDs), batons, or OC Spray.

Accordingly, the question is correct as keyed.

Question 25 provides:

> On the evening of December 30, police officers were patrolling a neighborhood known as a high narcotics traffic area. They observed Mark Keller sitting on the front porch of an apartment building, engaged in what they suspected was a drug transaction. When they shined their light onto the porch, Keller attempted to flee, throwing to the ground a clear vial that contained a substance that looked like cocaine. The officers arrested Keller and drove him to the police station. Within minutes of the arrest, a confidential informant advised the arresting

> officers that drugs had been stashed in Keller's car, which was parked within a block of the arrest site, and that other people knew about the arrest and would attempt to remove the drugs from the car. The informant described the car as a red four-door Camry, which would be unlocked and could be started without a key. The officers proceeded immediately to the area indicated by the informant and found a car that matched the informant's description. After confirming that the car belonged to Keller, the officers entered the unlocked car, searched it, and found tinfoil packets of cocaine underneath the dashboard.

The question asks, based on relevant New Jersey case law, for the true statement. The keyed response is option d, The warrantless search of Keller's parked vehicle was "permissible because the officers had probable cause to believe that the vehicle contained criminal contraband such as drugs and had articulable reasons to believe that the evidence may otherwise be lost or destroyed." Radomski, who selected option c, The warrantless search of Keller's parked vehicle was "not permissible because Keller's interests under the Fourth Amendment were violated," argues:

> The automobile exception may apply as the reliable informant tip of drugs in the car establishes probable cause. The tip is credible but even if they could search under an exception, officers should have secured the vehicle and obtained a search warrant based on the informant's tip. This process reduces the risk of evidence being thrown out in court and is the safest option legally. Other answers le[d] to the search of the car could be challenged, and evidence suppressed. If the informant[']s tip is weak or unverified, a warrant is especially important.

Radomski further presents the following:

> *Illinois v. Gates* – leading probable cause in warrant applications. Ruling a judge determines probable cause using a 'totality of the circumstances' . . . *Arizona v. Gant* – search incident to arrest does not apply here. Suspect was arrested away from the car and taken to Headquarters. *Maryland v. Dyson* – does not apply as the Officer obtained probable cause to believe there was contraband in the vehicle, not the informant. *Carroll v. United States* – emphasizes probable cause and practical mobility concerns but the safest would have been to secure the vehicle and apply for a warrant.[1]

[1] It is noted that Radomski did not provide citations for any of the matters he references. However, it appears that he is referring to *Illinois v. Gates*, 462 *U.S.* 213 (1983); *Arizona v. Gant*, 556 *U.S.* 332 (2009); *Maryland v. Dyson*, 527 *U.S.* 465 (1999); and *Carroll v. United States*, 267 *U.S.* 132 (1925).

Ratajczak, who selected option b, The warrantless search of Keller's parked vehicle was "not permissible, even though officers had probable cause, because the exigency normally created by the mobility of an automobile was not present," refers to "*State v. Witt* (2015)."[2] Ratajczak argues that as in *Witt*, *supra*, "there was no exigent circumstance here that made it you needed to search the vehicle right away. The vehicle was secured by officers at scene and could have towed the vehicle pending search warrant application since there was no urgency or risk of evidence loss."

It is noted that this item is based on *State v. Colvin*, 123 *N.J.* 428 (1991).[3] The court in *Colvin*, *supra*, noted:

> The core question is whether there is anything 'in this case to invoke the meaning and purpose of the rule of *Carroll v. United States*': that is, are the circumstances such that 'it is not practicable to secure a warrant'? *Coolidge v. New Hampshire, supra*, 403 *U.S.* [443 (1971)] at 462 . . . In this case, . . . [a]ny element of surprise had been lost; the vehicle contained the 'contraband' drugs; there were 'confederates waiting to move the evidence'; the police would need 'a special police detail to guard the immobilized automobile.' *Ibid.* In such circumstances, 'it would often be unduly burdensome and unreasonably restrictive to require the police to post a guard and repair to the courthouse for a warrant once they have probable cause to search' the car. *United States v. Bradshaw*, 515 *F.*2d 360, 363 (D.C.Cir.1975). *Id.* at 434-35.

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[2] Although Ratajczak does not provide a citation for this matter, it appears that he is referring to *State v. Witt*, 223 *N.J.* 409 (2015). It is noted that in *Witt*, *supra*, the issue before the court was "whether the constitutional standard governing an automobile search in *State v. Pena-Flores*, 198 *N.J.* 6 (2009) is unsound in principle and unworkable in practice." The court noted that in *Pena-Flores*, *supra*, the "Court reaffirmed its departure from the standard for automobile searches set forth in *State v. Alston*, 88 *N.J.* 211 (1981). In *Alston*, we determined that a warrantless search of an automobile was constitutionally permissible, provided the police had probable cause to search the vehicle and that the police action was prompted by the 'unforeseeability and spontaneity of the circumstances giving rise to probable cause.' [citation omitted]." *Id.* at 414. The court in *Witt*, *supra*, determined that the exigent-circumstances test in *Pena-Flores*, *supra*, "no longer applies. We return to the standard set forth in *Alston* for warrantless searches of automobiles based on probable cause. Going forward, searches on the roadway based on probable cause arising from unforeseeable and spontaneous circumstances are permissible. However, when vehicles are towed and impounded, absent some exigency, a warrant must be secured." *Id.* at 450.

[3] By way of background, as noted in *Colvin*, *supra*:

> The Law Division granted defendant's motion to suppress the drugs found in the car. Although the existence of probable cause to believe the car contained drugs was not disputed, the Law Division held that the police should have guarded defendant's car until they obtained a warrant to search the car. The Appellate Division affirmed the decision and reasoning of the Law Division. *Id.* at 430.

The court further noted:

> Here, the circumstances overwhelmingly furnished the officers with probable cause. Following the arrest of the suspected drug dealers, a confidential informant had furnished information, corroborated by the officers' on-the-scene investigation, that a 'white four-door Cadillac' containing narcotics 'would be unlocked [and] could be started without a key.' In addition, the necessity to avoid the loss or destruction of evidence further justified the search. Recall that the officers had been told that 'other people' knew of Colvin's arrest and would try to retrieve the narcotics themselves. The necessity to prevent the loss of the evidence evokes many of the concerns that we addressed in *State v. Hutchins*, 116 *N.J.* 457, 561 *A.*2d 1142 (1989), and *State v. Lewis*, 116 *N.J.* 477, 561 *A.*2d 1153 (1989). *Id.* at 435-36.

Thus, the court concluded:

> The justification to conduct a warrantless automobile search **does not turn on whether the vehicle is parked or moving**. The justification turns on the circumstances that make it impracticable to obtain a warrant when the police have probable cause to search the car. When, as here, the police have no advance knowledge of the events to unfold, no warrant is required to search a parked car if the police have probable cause to believe that the car contains criminal contraband and have articulable reasons to search the vehicle immediately to prevent the loss or destruction of the evidence [emphasis added]. *Id.* at 437.

Accordingly, neither option b nor option c is the best response. Furthermore, Radomski does not provide any argument or discussion on how the matters he cites would change the determination in *State v. Colvin*, *supra*. Accordingly, Radomski has failed to meet his burden of proof for this item.

For question 26, since Ratajczak selected the correct response, his appeal of this item is moot.

Question 31 provides:

> At 6:20 p.m., Sergeant Osbourne, along with five other police officers, went to Robert Nolte's apartment to execute a warrant for his arrest. The officers knew that Nolte had a number of prior criminal convictions and they had information that he might be armed with a weapon. Nolte lived in a second-floor apartment with a back porch adjacent to the unit's living room. Apartment access was by a door on the first floor. Three officers positioned themselves behind the building, allowing them to

> observe Nolte's back porch, though they did not have a complete view of the porch. Meanwhile, Sergeant Osbourne and two other officers knocked on the front door. After knocking, the sergeant heard what sounded like a 'commotion' – the movement of something and multiple people inside the apartment. Sergeant Osbourne announced that he had a warrant, and seconds later an officer guarding the rear called out that Nolte had run into the apartment from the back porch. Sergeant Osbourne then banged on the door. A female voice responded, "Hold on." The sergeant stated that he had an arrest warrant for Nolte and that the door would be kicked in unless Nolte answered.
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> Nolte's daughter opened the door and Sergeant Osbourne and one other officer climbed the stairs, which opened into the apartment's living room. There, the officers found Nolte lying on a couch. Nolte was handcuffed and placed under arrest.
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> Sergeant Osbourne then conducted a protective sweep of the bedroom, bathroom, and back porch to ensure that no one could launch a surprise attack against the officers. A sliding glass door separating the living room from the porch was open. When Sergeant Osbourne stepped onto the porch, he observed a camouflage rifle bag on the floor. It was next to a storage bin in which he feared someone might be hiding. Sergeant Osbourne knew that Nolte, based on his prior convictions, was barred from possessing a firearm. He picked up the bag and knew by its weight and feel that a rifle was inside. He opened the bag and found an assault-type rifle, a banana clip, and numerous rounds of ammunition, other magazines, and speed loaders. The rifle and contents of the bag were seized as evidence.

The question asks, based on relevant New Jersey case law, for the true statement. The keyed response is option d, "A protective sweep incident to an in-home arrest does not require reasonable suspicion when it is of spaces immediately adjoining the place of arrest from which an attack could be immediately launched." Radomski and Ratajczak argue that option c, "The seizure of the rifle bag and its contents was unlawful because it did not meet the plain-view exception to the warrant requirement," is the best response. Specifically, Radomski presents the following:

> *Payton v. New York* – police may enter a suspect's own home with an arrest warrant if they reasonably believe he is inside[;] *Steagald v. United States* – an arrest warrant does not authorize entry into a third party's home to search for the suspect. Police need a search warrant for that home or another exception. If the home belongs to someone else, entering and searching it based only on the arrest warrant is generally unconstitutional[;] Arrest inside the third party home due to hot pursuit

> is valid under exigent circumstances but *Chimel v. California* limits searches to the arrestee's reach.[4] A search incident to arrest only allows searching the immediate area, grab area, around the suspect and not the whole house[;] *Maryland v. Buie* allows a limited protective sweep for officer safety, but only quick and limited for people only, not evidence. The evidence of the rifle bag is a search of the home and would likely require a search warrant. If the rifle bag was found during an unlawful search, it will likely be suppressed under the exclusionary rule *Mapp v. Ohio*. Even in plain view, as it was not in the actor's immediate reach, a search warrant should have been applied for.[5]

Ratajczak asserts:

> The search of [the] bag was illegal due to the protective sweep of the porch was not legal. Officer[s] had view of the porch the entire time and as per the question's wording. The sweep was conducted and the bag was not accessible to anyone thus the search of the bag is illegal. As per in *Maryland v. Buie*[,][6] which is applied under NJ Constitution, once it is seen no attack can be launched, the sweep is completed for that porch. Search of [the] bag was illegal because sweep was merely used to search for evidence.

It is noted that this item is based on *State v. Cope*, 224 *N.J.* 530 (2016). The court in *Cope*, *supra*, determined that:

> [T]he porch was in such close proximity to the place of arrest – indeed, immediately adjoining it – that a protective sweep of that area was permissible even without probable cause or reasonable suspicion. [citations omitted]. Even so, given all of the information available to [the Sergeant], he would have been justified entering the porch based on the reasonable-and-articulable-suspicion standard. [citation omitted]. Under the circumstances, [the Sergeant] did not have to wager his safety and the lives of his fellow officers by erring on the side of excessive caution. Second, the sweep was limited to a brief visual inspection of an

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[4] It is not clear why Radomski refers to a third party's home as the question clearly indicates that the officers "went to Robert Nolte's apartment to execute a warrant for his arrest."

[5] It is noted that Radomski did not provide citations for any of the matters he references. However, it appears that he is referring to *Payton v. New York*, 445 *U.S.* 573 (1980); *Steagald v. United States* 451 *U.S.* 204 (1981); *Chimel v. California*, 395 *U.S.* 752 (1969); *Maryland v. Buie*, 494 *U.S.* 325 (1990); and *Mapp v. Ohio*, *367* U.S. 643 (1961).

[6] It is noted that Ratajczak did not provide a citation for this matter. However, it appears that he is referring to *Maryland v. Buie*, *supra*.

> area from which a person might have emerged to surprise and threaten the officers. *See* [*Maryland v.*] *Buie*, *supra*, 494 *U.S.* [325 (1990)] at 327 . . . . The officers on the perimeter detail did not have a complete view of the porch or the storage bin. The search was in direct proportion to the risk. Third, the sweep was swiftly conducted and did not exceed the time 'necessary to dispel the reasonable suspicion of danger.' See [*State v.*] *Davila*, *supra*, 203 *N.J.* [97 (2010)] at 115 . . . (quoting *Buie*, *supra*, 494 *U.S.* at 335-36 . . .). Last, the seizure of the rifle bag and its contents met the plain-view exception to the warrant requirement. *See State v. Bruzzese*, 94 *N.J.* 210, 236 (1983) . . . . [The Sergeant] was lawfully on the porch when he first saw the rifle bag; his discovery of the bag was inadvertent, that is, he did not know in advance that a rifle would be located on the porch; and it was immediately apparent to him that the bag and its contents were evidence of a crime. [citations omitted]. *Id.* at 549 to 550.

As such, option c is not the best response.

Question 45 indicates that a 52-year-old woman was at her annual physical with her primary care physician, Dr. Samuels. During the physical, Dr. Samuels came into the room without a nurse and listened to her heart with a stethoscope. After he was done, he placed one hand on her thigh and moved his hand up to inappropriately rub her breast over her clothing. Dr. Samuels became sexually aroused and the woman began to scream for him to get away. Dr. Samuels quickly left the room and the woman immediately got dressed and told the receptionist at the front desk. The police were notified. The question asks, based on *N.J.S.A.* 2C:14, for the most appropriate charge for Dr. Samuels. The keyed response is option b, Criminal Sexual Contact.[7] Radomski and Ratajczak maintain that option d, Aggravated Criminal Sexual Contact,[8] is the best response. Specifically, Radomski

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[7] *N.J.S.A.* 2C:14-3b provides that an actor is guilty of criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section *N.J.S.A.* 2C:14-2c(1) through (5).

N.J.S.A. 2C:14-2c provides, in pertinent part, "(1) the actor commits the act using coercion or without the victim's affirmative and freely-given permission, but the victim does not sustain severe personal injury."

[8] *N.J.S.A.* 2C:14-3a provides that an actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section *N.J.S.A.* 2C:14-2a(2) through (7).

N.J.S.A. 2C:14-2a provides, in pertinent part:

> (2) The victim is at least 13 but less than 16 years old; and
> (a) The actor is related to the victim by blood or affinity to the third degree, or

refers to *State v. Vance*[9] in which "doctor patient sexual contact without consent was elevated to aggravated sexual assault because of professional authority. Any sexual touching without the patient's consent qualifies. Even subtle coercion or exploitation of trust can make it aggravated." Radomski also refers to *State v. Swanson*[10] in which "single inappropriate touch by a healthcare provide was sufficient for felony sexual assault." Ratajczak argues that the "answer can be aggravated criminal sexual contact because it needs sexual touching plus aggravating factor which if victim is treated by a doctor, she can be strapped in for the exam which would make her physically helpless or incapacitated. The aggravating factor can also be coercion based on NJ law 2C:13-5 defining it as 'damaging their reputation, career or safety'."[11]

(b) The actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status, or
(c) The actor is a resource family parent, a guardian, or stands in loco parentis within the household;

(3) The act is committed during the commission, or attempted commission, whether alone or with one or more other persons, of robbery, carjacking, kidnapping, homicide, aggravated assault on the victim or a person other than the victim, burglary, arson, or criminal escape;
(4) The actor is armed with a weapon or any object fashioned in such a manner as to lead the victim to reasonably believe it to be a weapon and threatens by word or gesture to use the weapon or object;
(5) The actor is aided or abetted by one or more other persons and the actor commits the act using coercion or without the victim's affirmative and freely-given permission;
(6) The actor commits the act using coercion or without the victim's affirmative and freely-given permission and severe personal injury is sustained by the victim;
(7) The victim, at the time of sexual penetration, is one whom the actor knew or should have known was:
(a) physically helpless or incapacitated;
(b) intellectually or mentally incapacitated; or
(c) had a mental disease or defect which rendered the victim temporarily or permanently incapable of understanding the distinctively sexual nature of the conduct, including, but not limited to, being incapable of providing consent, or incapable of understanding or exercising the right to refuse to engage in the conduct.

[9] It is noted that Radomski does not provide a citation for this matter. However, it appears that he is referring to *State v. Vance*, 119 *Iowa* 685 (1903).

[10] It is noted that Radomski does not provide a citation for this matter. However, it appears that he is referring to *State v. Swanson*, Docket No. A-23-230 (Neb. App. Div. April 23, 2024).

[11] *N.J.S.A.* 2C:14-1 (Definitions) provides that coercion as used in this chapter shall refer to those acts which are defined as criminal coercion in section *N.J.S.A.* 2C:13-5(1), (2), (3), (4), (6) and (7). *N.J.S.A.* 2C:13-5 provides that a person is guilty of criminal coercion if, with purpose unlawfully to restrict another's freedom of action to engage or refrain from engaging in conduct, he threatens to: (1) Inflict bodily injury on anyone or commit any other offense, regardless of the immediacy of the threat; (2) Accuse anyone of an offense; (3)Expose any secret which would tend to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; (4) Take or withhold action as an official, or cause an official to take or withhold action; . . . (6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or (7) Perform any other act which would not in itself substantially benefit the actor but which is calculated to substantially harm

As noted above, the question asks for the most appropriate charge for Dr. Samuels **based on *N.J.S.A.* 2C:14**. As noted previously, *N.J.S.A.* 2C:14-3a provides that an actor is guilty of aggravated criminal sexual contact if he commits an act of sexual contact with the victim under any of the circumstances set forth in section *N.J.S.A.* 2C:14-2a(2) through (7). In this regard, neither Radomski nor Rataczak describe how the scenario presented in the question stem meets the criteria pursuant to *N.J.S.A.* 2C:14-2a(2) through (7) to support a charge of aggravated criminal sexual contact. Although Ratajczak refers to coercion, as noted previously, *N.J.S.A.* 2C:14-2a(6) provides, in pertinent part, that the actor commits the act using coercion **and** severe personal injury is sustained by the victim. The question does not indicate that the woman sustained severe personal injury. In addition, it is noted that "damaging their reputation, career or safety" does not appear as an act of coercion pursuant to *N.J.S.A.* 2C:13-5(1), (2), (3), (4), (6) or (7). Further, although Radomski refers to two cases to support his argument, it is noted that holdings from matters in Iowa and Nebraska are not controlling with respect to New Jersey statutes. In this regard, Radomski does not provide any references to New Jersey case law to support option d. As such, Radomski and Ratajczak have failed to meet their burden of proof for this item.

Question 64 indicates that Mary Jones was driving her motor vehicle on the highway when it broke down and became undrivable. Mary's mother was able to safely pick her up and bring her home, leaving her undrivable, plated vehicle on the side of the highway. Mary planned to call a tow service at a later time. The question requires candidates to complete the following sentence, "According to *N.J.S.A.* 39-4-56.5, a vehicle which has remained on or along any highway or other public property or on private property without such consent shall be presumed to be an abandoned motor vehicle if left for a period of more than . . ." The keyed response is option d, "48 hours."[12] Ratajczak, who selected option c, "24 hours," argues that "the question did not give enough information of location. When it initially says highway, it does not state which highways. According to NJ Title 39, the abandonment rules on limited access highways is only 4 hours before a vehicle can be towed thus making this

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another person with respect to his health, safety, business, calling, career, financial condition, reputation or personal relationships.

[12] *N.J.S.A.* 39-4-56.5a provides, in pertinent part:

> It shall be unlawful for any person to abandon a motor vehicle on or along any highway, other than a limited access highway, or other public property or on any private property without the consent of the owner or other person in charge of the private property. A vehicle which has remained on or along any highway or other public property or on private property without such consent for a period of more than 48 hours or for any period without current license plates shall be presumed to be an abandoned motor vehicle.

question not correct with the answer given."[13] The instructions for questions 21 through 80 provide, in pertinent part, "When answering the questions contained in this test booklet, ***you should base your decisions on the information provided***, as well as your knowledge of the subject matter" (emphasis added). In this regard, the question stem does not indicate that Mary Jones was driving on a limited access highway. Moreover, the above noted sentence that candidates were to complete does not indicate that a limited access highway is at issue. Accordingly, the question is correct as keyed.

Question 68 indicates that your department's juvenile officers are confused as to when it is appropriate to conduct a curbside warning. During roll call, you present four scenarios in which none of the juveniles have been issued a previous curbside warning or have a pending formal complaint. The question asks, based on N.J. Attorney General Directive No. 2020-12 (Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform), for the scenario(s) in which an officer, who personally encounters the juvenile(s), may conduct a curbside warning. The keyed response, option b,[14] does not include II, "16-year-old Marcus and Kyle are involved in a physical fight with each other at the local amusement park," and III, "16-year-old Adam and 17-year-old Max are screaming obscenities, which is offending and alarming people walking by on Ocean Pier Boardwalk."[15] Directive No. 2020-12, under section I, "Curbside Warnings," provides, in part:

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[13] *N.J.S.A.* 39-4-56.5b provides, in pertinent part:

> It shall be unlawful for any person to abandon a motor vehicle on or along any limited access highway without the consent of the State Department of Transportation or other entity having jurisdiction over the limited access highway, as the case may be. A vehicle which remains on or along the highway for a period of more than four hours or for any period without current license plates shall be presumed to be an abandoned motor vehicle.

[14] Option b provides, I, "15-year-old Jacob, Sarah, and Alex are loitering in the parking lot of the local fast-food restaurant," and IV, "15-year-old Steve is out past the township's curfew," only.

[15] It is noted that *N.J.S.A.* 2C:33-2 (Disorderly conduct) provides, in pertinent part:

a. Improper behavior . . . a person is guilty of a petty disorderly persons offense, if with purpose to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, the person:
(1) Engages in fighting or threatening, or in violent or tumultuous behavior . . .

b. Offensive language. A person is guilty of a petty disorderly persons offense if, in a public place, and with purpose to offend the sensibilities of a hearer or in reckless disregard of the probability of so doing, he addresses unreasonably loud and offensively coarse or abusive language, given the circumstances of the person present and the setting of the utterance, to any person present.

B. Presumption in favor of curbside warnings for certain minor, non-violent conduct.

1. There shall be a presumption in favor of engaging in a curbside warning – rather than initiating more formal action involving a juvenile – when the officer personally encounters a juvenile who has allegedly engaged in conduct that appears to constitute:

a. An ordinance violation, such as loitering or curfew violations; or
b. Activity that is dangerous or disruptive, but not necessarily unlawful . . .

C. Other Curbside Warnings. For unlawful conduct more serious than described in Section I.B above, such as petty disorderly persons offenses, disorderly persons offenses, and fourth-degree crimes, there is no presumption in favor of a curbside warning, but an officer may nonetheless engage in a curbside warning at the officer's discretion, provided that the conduct did not cause serious or significant bodily injury to another.

Although the scenarios indicated in statements II and III would not meet the presumption for a curbside warning, the question asks, in pertinent part, for the scenario(s) in which an officer, who personally encounters the juvenile(s), ***may conduct*** a curbside warning. Pursuant to subsection C, as noted above, although the juveniles in statements II and III could be charged with petty disorderly persons offenses pursuant to *N.J.S.A.* 2C:33-2, an officer may, at his or her discretion, conduct a curbside warning. Given this, the Division of Test Development, Analytics and Administration (TDAA) determined to rekey this item to option d, I, II, III, and IV, prior to the lists being issued.

Question 74 indicates that you are reviewing with your subordinates the situations in which officers are required to be equipped with body worn cameras (BWCs) when performing their duties. Candidates are presented with four statements and the question asks, based on N.J. Attorney General Directive No. 2022-1 (Body Worn Camera Policy), for the scenario(s) in which the officer would be required to wear a BWC. The keyed response is option a, I, "Officer Jones is assigned to a canine unit" and II, "Officer Binkley is in uniform and on patrol," only.[16] Gjorgiev, Radomski and Rigolosi argue that option d, I, II, and IV, "Officer Jones is providing security and crowd control at an upcoming high school football game," is the best response. In this regard, they refer to Directive 2022-1, Section 3.3 (Officers Not

[16] Directive No. 2022-1, in Section 3.2 (Officers Required to Wear BWCs), provides, in pertinent part, that "the following officers shall be required to be equipped with BWCs and adhere to the provisions of this policy when performing their duties: (a) All uniformed patrol officers while acting in the performance of official duties, as required by *N.J.S.A.* 40A:14-118.3 . . . (d) All officers assigned to canine units."

Required to Wear BWCs) which provides, in pertinent part, that "notwithstanding the provisions of 3.2, the following officers are not required by this policy to be equipped with BWCs . . . (f) Officers assigned to duties within schools or youth facilities as part of the normal daily educational environment, such as School Resource Officers (SROs)and Class III Special Law Enforcement Officers (SLEO IIIs). *Officers assigned to duties at schools or youth facilities working security or crowd-control functions at special events such as athletic competitions, graduations or similar public events* ***shall be equipped with BWCs***" (emphasis added). Given this, TDAA determined to rekey this item to option d prior to the lists being issued.

CONCLUSION

A thorough review of appellants' submissions and the test materials reveals that, other than the scoring changes noted above, the appellants' examination scores are amply supported by the record, and the appellants have failed to meet their burden 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 ON
THE 23RD DAY OF SEPTEMBER, 2026



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Mary Cruz
Acting Chairperson
Civil Service Commission

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