STATE OF NEW JERSEY

In the Matter of Richard J. Laird III, Police Chief (PM1978G), Lawrence	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2026-460	:	Examination Appeal

ISSUED: September 23, 2026 **(HS)**

Richard J. Laird III, represented by Michael L. Prigoff, Esq., appeals the validity of the test and his score on the examination for Police Chief (PM1978G), Lawrence. It is noted that the appellant failed the examination.

This was an oral examination consisting of four questions. The examination content was based on a comprehensive job analysis. Senior command personnel from police departments, called subject matter experts (SMEs), helped determine acceptable responses based upon the stimulus material presented to the candidates, and they scored the performances. In each question, candidates were presented with a scenario and had to respond to a series of questions about the scenario. Each question, and overall oral communication, was rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response.

The appellant received a score of 3 for the first question; 2 for the second question; 2 for the third question; 2 for the fourth question; and a score of 5 for oral communication. On appeal, the appellant appeals his score for each question. He received the maximum possible oral communication score and does not appeal said score.

It is also noted that, on appeal, the appellant questions the validity of the test content; seeks discovery of various examination materials, including the test questions; and suggests that this appeal be transmitted to the Office of Administrative Law for a hearing. Concerning validity, the appellant contends that no current, comprehensive job analysis was conducted prior to test development; that the test appears to be based on outdated or generic police materials rather than actual municipal Police Chief responsibilities in New Jersey; that critical leadership, management, and administrative functions were inadequately represented; and that the test over-weighted technical policing knowledge. In reply, the examination content was based on a comprehensive job analysis, conducted in 2016 with the support of various jurisdictions throughout New Jersey. Job analyses are typically performed every 10 years. Although the knowledge, skills, and abilities may be reviewed, updated, and revised as needed, test plans generally remain stable and consistent over time with some slight variations in the weighting of test content areas. Moreover, technical SMEs were consulted and employed to lend their knowledge to ensure the overall appropriateness of the test content. As such, the appellant has not substantively challenged the validity of the test content. Concerning discovery, in *James T. Brady v. Department of Personnel*, 149 N.J. 244 (1997), the Supreme Court found that the Civil Service Commission's (Commission) controlling rules and policies represent a reasonable balance between security and test taker interests. As such, the Commission declines the appellant's request for discovery. Further, hearings are granted only in those limited instances where the Commission determines that a material and controlling dispute of fact exists which can only be resolved through a hearing. *See N.J.A.C.* 4A:2-1.1(d). No material issue of disputed fact has been presented which would require a hearing. *See Belleville v. Department of Civil Service*, 155 *N.J. Super.* 517 (App. Div. 1978).

Next, the scoring of specific test items are addressed below.

Question 1 pertained to Police Administration. This item referred to the New Jersey Attorney General's Body Worn Camera (BWC) Policy. Part A indicated that no law enforcement officer or civilian employee of a law enforcement agency shall access, view, copy, disseminate, or otherwise use a BWC recording except for an official purpose. It then asked for the circumstances under which officers or civilian employees are permitted to access and use a stored BWC recording. Part B asked for the circumstances under which a law enforcement officer shall not be permitted to review or receive an accounting of a BWC recording prior to creating any required substantive initial reports, providing a statement, or submitting to an interview regarding the recorded event.

The appellant received a score of 3. The assessor noted that, for Part A, he missed the opportunity to indicate showing to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the

complaint, and, for Part B, he missed the opportunity to indicate when the incident involves the death of a person while in law enforcement custody.

On appeal, the appellant argues that he clearly mentioned the circumstance of the use of deadly force and should have received additional credit.

In reply, the appellant should have received credit for stating that "[o]fficers cannot access their bodycam video without the approval of the County Prosecutor or Attorney General's Office if the incident touches upon the use of deadly force." However, this does not warrant changing his score of 3 for this question in that the appellant should not have received credit for indicating an incident involving the use of force by the officer, where the officer knows or should know that the use of force resulted in significant or serious bodily injury or death. His score of 3 is correct.

Question 2 presented that you are the Chief of the Brimfield Township Police Department. Captain Jones, while in his office getting ready to leave for the day, hears a commotion outside of his office window. His office window has a view of the parking lot and as he looks out, he witnesses uniformed Lieutenant Smith and Sergeant Monaghan shouting at each other. The shouting gets increasingly louder, and he witnesses Lieutenant Smith push Sergeant Monaghan to the ground. Sergeant Monaghan gets up off the ground and lunges toward Lieutenant Smith. Both officers start punching each other and a fist fight ensues. At this point, the other officers in your department run outside to deescalate the situation. Captain Jones immediately leaves his office; informs you of the situation; and goes outside. In that time, your officers were able to separate Lieutenant Smith and Sergeant Monaghan. This situation has caused a scene as headquarters is located in the middle of a busy intersection and several citizens have witnessed the incident. Two of the bystanders have their cell phones out, which causes you to think that the altercation was recorded. The County Prosecutor was notified, and they declined to investigate. The question asked, as the Police Chief, what actions should you take, or ensure are being taken, in response to this incident.

The appellant received a score of 2. The assessor noted that he missed the opportunity to indicate: notifying the Appropriate Authority; interviewing responding officers; and securing any video footage (*e.g.*, BWC, street camera, *etc.*).

On appeal, the appellant argues that "it is not clear from the scenario that there was video." Nevertheless, he argues that he mentioned releasing video and stated that he would refer to criminal court or discipline for a rule violation.

In reply, a review of the appellant's test video indicates that he stated that his goal is to hold the officers accountable; that he wants it to be investigated to see if there are criminal allegations and, if so, he will proceed through the criminal courts; and that if it remains a policy or rule violation, he is going to do that as well. It is

worth noting here that the Appropriate Authority is typically a mayor, business administrator, or other administrative figure. *See, e.g., N.J.S.A.* 40A:14-118. The appellant's response did not reflect notification to the Appropriate Authority with the requisite specificity. Therefore, he missed the opportunity to notify the Appropriate Authority, as the assessor noted.

However, a review of the appellant's video indicates that he should receive credit for stating that "there may be video recording that may be able to be released to the public" as releasing video presupposes that it was secured. A reasonable view of the appellant's presentation indicates that his score for this component should be raised from 2 to 3.

Question 3 pertained to Criminal Law, specifically the transportation of firearms according to the information found in *N.J.S.A.* 2C:39-5 and the New Jersey Attorney General Guideline regarding Reasonably Necessary Deviations in the Course of Travel Exception for Transporting Firearms Pursuant to *N.J.S.A.* 2C:39-6g. The question noted that *N.J.S.A.* 2C:39-6g authorizes the transportation of firearms while traveling between two locations at which New Jersey law expressly permits the possession of a firearm. Part A asked how shall a firearm be transported while traveling between two permitted locations. Part B asked for the circumstances in which a firearm may be transported between two permitted locations, according to *N.J.S.A.* 2C:39-6g. Part C asked what are the purposes specifically listed in the Guideline for stops or detours in the course of travel to or between two locations that would qualify as reasonably necessary.

The appellant received a score of 2. The assessor noted that, for Part B, he missed the opportunity to indicate that a person may transport a firearm from the place of purchase to his residence or place of business and that a person may transport a firearm when traveling directly to or from any place for the purpose of hunting or fishing. The assessor noted that, for Part C, he missed the opportunity to indicate purchasing food or beverage.

On appeal, the appellant argues that he specifically mentioned transporting "to house from gun shop on purchase."

In reply, a review of the appellant's video indicates that he stated that you may be transporting your firearm home from the gun shop after purchase, and he should receive credit for this response. A reasonable view of the appellant's presentation indicates that his score for this component should be raised from 2 to 3.

Question 4 was a Leadership/Supervision question pertaining to a social media incident. You are the Chief of the Lumon Police Department. This morning, you are in your office when you receive a phone call from Lumon resident Irving Bailiff. Bailiff informs you that one of your captains, Captain Milchick, posted racist content

on his personal social media account over the past eight hours and that Sergeant Cobel "liked" the posts and commented in agreement with the racist content. Bailiff is deeply offended by the content and has copies of the posts. He has already contacted the media about this and demands that the Lumon Police Department take action against this racist behavior. After you hang up with Bailiff, you confirm that both Captain Milchick and Sergeant Cobel are on vacation. You do a cursory review of Captain Milchick's public social media account and find that the posts are still on his page and that they appear inappropriate and racist in nature. You also find that Sergeant Cobel did comment on and "like" the posts. The question asks, as the Police Chief, what actions should you take, or ensure are being taken, in response to this situation.

The appellant received a score of 2. The assessor noted that he missed the opportunity to preserve the social media posts; notify the County Prosecutor's Office of the allegations; and update Irving Bailiff on the outcome of the investigation.

On appeal, the appellant argues that he specifically identified the potential criminal violation, which would have required communicating with the Prosecutor, and stated that he would make public the findings of the investigation. Thus, he should have received additional credit. The appellant also questions the deduction for not preserving the social media posts, contending that is not the Police Chief's function in such a situation. Rather, the Police Chief's responsibility is to ensure that Internal Affairs conducts the investigation, which would include preserving all evidence.

In reply, a review of the appellant's video indicates that he stated, "I also need this to be investigated for any potential criminal aspects. Is this a case of bias intimidation or is this First Amendment right of free speech?" This information is not specific enough as to reflect notification to the County Prosecutor's Office of the allegations. Additionally, the video indicates that the appellant stated he would use his bonds with the community to "assure the public that we take allegations of this extremely seriously. This will be investigated, this will be looked into, and the findings of it will be made public, as appropriate." Again, this information is not specific enough as to reflect updating *Bailiff* on the investigation's outcome. The appellant's contentions that it is not the Police Chief's function in the situation to preserve the social media posts and that it is the Police Chief's responsibility to ensure that Internal Affairs conducts the investigation, which would include preserving all evidence is not persuasive. The question asked, as the Police Chief, what actions should you take, *or ensure are being taken*, in response to this situation. In the specific scenario presented, the Police Chief has reviewed Captain Milchick's public social media account and found that the posts are still on his page and that they appear inappropriate and racist in nature. The Police Chief has also found that Sergeant Cobel did comment on and "like" the posts. As such, ensuring that the social

media posts are preserved is an appropriate action, which, as the assessor noted, the appellant did not indicate.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for questions 2 and 3, his test score is amply supported by the record, and he has failed to meet his burden of proof in this matter.

ORDER

Therefore, it is ordered that Richard Laird III's appeal be granted in part. His score for question 2 should be raised from 2 to 3, and his score for question 3 should be raised from 2 to 3. The remainder of his appeal is 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



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Shannon L. Dalton
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Richard J. Laird III
Michael L. Prigoff, Esq.
Kevin Nerwinski
Records Center
Division of Test Development, Analytics, and Administration