STATE OF NEW JERSEY

In the Matter of Kevin M. Reading, Jr., Police Chief (PM1978G), Lawrence	:	**FINAL ADMINISTRATIVE ACTION OF THE CIVIL SERVICE COMMISSION**
CSC Docket No. 2026-461	:	Examination Appeal

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

Kevin M. Reading, Jr., 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 2 for the first question; 3 for the second question; 2 for the third question; 3 for the fourth question; and a score of 4 for oral communication. On appeal, the appellant appeals his score for each question and for oral communication.

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no current, comprehensive job analysis was conducted prior to test development; that the test appears to be based on outdated or generic police materials rather than actual municipal Police Chief responsibilities in New Jersey; that critical leadership, management, and administrative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 and oral communication 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 2. The assessor noted that, for Part A, the appellant missed the opportunity to indicate when relevant to and in furtherance of an internal affairs investigation; 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 to

conduct an audit to ensure compliance with the BWC Policy and a department's policy, standing operating procedure, directive, or order promulgated pursuant to the BWC Policy.

On appeal, the appellant states that he clearly mentioned the case of "an investigation" and should have received additional credit.

In reply, a review of the appellant's test video indicates that he did not specifically mention an "Internal Affairs" investigation. His score of 2 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 3. The assessor noted that the appellant missed the opportunity to indicate: ensuring Lieutenant Smith is suspended/placed on administrative leave and securing any video footage (*e.g.*, BWC, street camera, *etc.*).

On appeal, the appellant argues that there was no mention of street camera video being available in the scenario – that is an "assumption." The Police Chief's responsibility in such a situation is not to physically secure evidence; rather, it is to ensure that the matter is fully investigated. The question indicated that cell phones were out, "which causes you to think that the altercation was recorded." The appellant argues that he clearly "identified the issue" by explaining that if video footage was even available, obtaining it would depend upon victim/witness cooperation. The appellant further argues that he stated that Smith "may well be suspended for his part in the incident."

In reply, the appellant's argument that it is an "assumption" that street camera video was available because none was mentioned in the scenario is not

persuasive. In this regard, the stimulus provided a number of facts that should prompt in the reader a reasonable belief that video footage, such as that from a body worn or street camera, could be available: the fight occurred in the parking lot at headquarters, which is located in the middle of a busy intersection, and other officers in the department ran outside to deescalate the situation and directly engaged the two fighting officers. Thus, while the stimulus may not have definitively stated that the said video footage was available, the missed opportunity, as noted by the assessor, was merely to secure *any* video footage, such as that from a body worn or street camera. In addition, the appellant's argument that the Police Chief's responsibility in this situation is not to physically secure 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 incident. While the appellant argues that he identified the issue of cell phone-recorded video, the action of attempting to obtain *phone* camera evidence is separate from the action of securing any video footage, such as that from a *body worn* or *street* camera. The appellant did receive credit for attempting to obtain phone camera evidence.

However, a review of the appellant's video reflects that he was considering suspensions for both officers and scheduling adjustments and should have received credit accordingly. A reasonable view of the appellant's presentation indicates that his score for this component should be raised from 3 to 4.

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 between his dwelling or place of business and place where firearms are repaired, for the purpose of repair 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, the appellant missed the opportunity to indicate purchasing fuel.

On appeal, the appellant argues that he specifically mentioned transporting to a firearm retailer or dealer (which could be to buy, sell, or repair); mentioned motor

vehicle or mechanical issues like a flat tire (or fuel); and mentioned transporting to a residence (the equivalent of a "dwelling"). He also mentioned that Permit to Carry in New Jersey is a current factor which needs to be taken into account in transporting firearms, which apparently was not taken into account in evaluating his answer, raising the question as to whether this question's scoring is out of date. Based on the foregoing, the appellant argues that the only item he missed was the issue of transporting for hunting or fishing. Accordingly, he should have received additional credit.

In reply, a review of the appellant's video indicates that while he indeed mentioned mechanical issues such as a flat tire, he did not specifically mention fuel. The question concerned those purposes specifically listed in the Guideline, and mechanical issues are not specifically listed. With that said, contending with an emergency situation is a specifically listed purpose, and the appellant did receive credit for mentioning that purpose. No credit was available for stating that Permit to Carry is a factor that needs to be considered. Candidates were not to offer any information regarding firearms law that they believed appropriate but were required to answer specific questions. Here, the question was specific to *N.J.S.A.* 2C:39-5, *N.J.S.A.* 2C:39-6g, and the Attorney General Guideline. A review of the appellant's video indicates that he did state that the firearm "could be brought to a licensed firearm retailer" and that "you could be transporting [the firearm] to your residence," and he should receive credit for these statements as a licensed firearm retailer, reasonably viewed, is a place where firearms may be repaired. Nevertheless, a holistic view of the appellant's presentation indicates that his score of 2 remains correct.

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 3. The assessor noted that he missed the opportunity to preserve the social media posts and notify legal counsel.

On appeal, the appellant argues that he listed and explained all 15 Police Chief responsibilities for bias incidents as per the New Jersey Attorney General Guidelines. That, he contends, in itself "should cover the answer entirely and result in a score of 5." Preserving the social media posts is part of the Internal Affairs investigation and would require a search warrant. The Police Chief is responsible to ensure a thorough and proper investigation by Internal Affairs, which is what the candidate said in his answer. The Police Chief does not conduct or oversee every aspect of an Internal Affairs investigation: his or her responsibility is to see that it is done properly, as the Police Chief will have to decide the appropriate disciplinary action when the investigation is completed. As to notifying legal counsel, the Attorney General Guidelines do not require that on the part of the Police Chief. That is the responsibility of Internal Affairs, who notifies Township counsel to decide on whether departmental charges should be brought against the officer. The Police Chief should not do this as he or she will ultimately be the decider of any resulting recommendation for discipline. The appellant maintains that he appropriately mentioned that the prosecutor would be notified to consider whether criminal charges should be brought.

In reply, the appellant's argument that the Police Chief would not personally preserve the social media posts or notify legal counsel is not persuasive. Again, the question asked, as the Police Chief, what actions should you take, *or ensure are being taken*, in response to this situation. The appellant did mention notifying the County Prosecutor's Office of the allegations, which contributed to his score of 3. As to his argument that his listing and explaining all 15 Police Chief responsibilities for bias incidents as per the Attorney General Guidelines "should cover the answer entirely and result in a score of 5," the question pertained to a "social media incident" and does not specifically state that it is a bias incident or bias crime. The stimulus material provides that "a cursory review" of Captain Milchick's public social media account found that the posts appear "inappropriate and racist in nature." However, there is no indication that action was taken with a purpose to intimidate an individual or group because of race or knowing that it would cause an individual or group to be intimidated because of race. As such, the appellant missed opportunities to address those actions needing to be taken within the department in response to the incident, as noted by the assessors.

On oral communication, the assessors noted that in questions 1 and 2, the appellant displayed weakness in word usage/grammar as evidenced by repeatedly using the words "uh," "um," and "you know" and repeating words or stuttering throughout his response to both questions. The assessors noted that in questions 3 and 4, the appellant displayed weakness in word usage/grammar as evidenced by multiple instances of repeating words or phrases within a sentence. On appeal, the appellant contends that what is clearly apparent from the recording is that he would occasionally pause to collect his thoughts and then would continue with his answer

by repeating the last word to maintain continuity. This, he argues, in no way interfered with his oral communication and rather was a product of having to ensure that all necessary responses were communicated within a limited response time.

In reply, in the scoring criteria for oral communication, a score of 4 indicates at least one weakness that detracts from the communication. One of the factors in oral communication is word usage/grammar, and a weakness in this factor is defined as mispronouncing words; using inappropriate words; repeating words or phrases within a sentence; using sentences that are grammatically incorrect; or using "uh," "um," or "you know" excessively.

A review of the appellant's performance indicates that it displayed weakness in word usage/grammar. The weaknesses identified by the assessors were not occasional or isolated; rather, they pervaded his presentation. The appellant's oral communication did have at least one weakness, and his score for this component will not be changed.

CONCLUSION

A thorough review of the appellant's submissions and the test materials indicates that, except for question 2, 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 Kevin M. Reading, Jr.'s appeal be granted in part. His score for question 2 should be raised from 3 to 4. 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



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