



**STATE OF NEW JERSEY**

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

In the Matter of Daniel Bendas,  
Police Captain (PM0880A),  
Parsippany Troy Hills

CSC Docket No. 2022-961

Examination Appeal

**ISSUED: APRIL 11, 2022**

Daniel Bendas appeals his score for the technical portion of the oral examination for Police Captain (PM0880A), Parsippany Troy Hills. It is noted that the appellant passed the examination with a final average of 90.270 and ranks second on the resultant eligible list.

This was a two-part examination consisting of a multiple-choice portion and an oral portion. 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 the oral portion of the examination, candidates were presented with a scenario, and were given time to read the scenario and the examination questions and to decide how to answer. In the examination room, candidates were read the questions relating to the scenario, and then they were given up to fifteen minutes to give their response to all questions. Four candidates appear on the eligible list, (which was issued in June 2020 but has not yet been certified).

Performances were audio and video recorded and scored by SMEs. Candidates were rated on a five-point scale, with 5 as the optimal response. The appellant scored a 4 for the technical component, and he scored a 5 for the oral communication component.

## CONCLUSION

The scenario involved three situations occurring during the day. First thing in the morning, the candidate's subordinate calls to say that his unmarked car was stolen and inside were his identification cards and badge. Question 1 asked for actions to be taken in response to this information. Later in the morning, another subordinate shows the candidate a social media post from a resident stating she was pulled over by an unmarked car and the officer stated that they could work something out if she didn't want a ticket. This was clearly an impersonator, however, many public remarks were made that the police could not be trusted and a complaint would be ignored. Question 2 asked for actions that the candidate would personally take in response to the incident with the resident and police impersonator. The next morning, an officer finds the stolen vehicle with the suspect inside. All items were recovered, the suspect was identified, arrested, charged and processed. The incident was concluded and the candidate issued a press release notifying the public. The candidate reflects on the public comments that it was useless to file an Internal Affairs (IA) complaint for misconduct, and that the process was overly complicated. The candidate decides to issue a statement about the IA process, and question 3 asked for specific IA complaint process information to be included in the public statement.

After reviewing his test materials, the appellant disagrees with his score for the technical component. The assessor noted that the appellant missed the opportunity to notify the public that an unmarked police vehicle has been stolen, in response to question 1. On appeal, the appellant states that he ensured that the information was made to the New Jersey Regional Operational Intelligence Center (NJROIC) to update agencies throughout the State, notified the governing body, directed the Public Information Officer (PIO) to schedule a media briefing, included the County Prosecutors Office and State Law Enforcement Officers in the briefing, released all information related to the incident, had the PIO give citizens a description of the police impersonator, and had the PIO update social media accounts and set up a hotline.

In reply, review of the recording and related examination material indicates that the appellant's score of 4 is correct. The appellant's arguments are separate actions, some of which he received credit for in question 1, and others of which he received credit for in question 2. These actions contributed to his score. However, the appellant cannot receive credit for an action he did not take. The question asked the candidate for actions he would take personally, or *ensure are being taken*, in response to the incident. The SMEs determined that it was appropriate for the candidate to notify the public that an unmarked police vehicle has been stolen in response to question 1. None of the actions given on appeal indicates that the appellant notified the public, nor that he ensured that the members of the public were informed that an unmarked police vehicle has been stolen. He argues that he

relies on other agencies to notify their constituents or members of the governing body to relay the information to the public. Candidates were required to state their knowledge and did not receive credit for actions that were implied or assumed. Candidates are told to not be general and instead be specific in their actions. The appellant received credit for notifying the NJROIC and the governing body, which were separate actions from directly informing the public about the stolen unmarked police vehicle.

When responding to question 2, the appellant stated that after becoming aware of the social media post that he would have a public media briefing where the PIO releases information. Specifically, he said, "At this time, our PIO will inform our citizens of the police impersonator, a description as we know it, and a full description of the vehicle that was taken. Also, our Public Information Officer is updating our, our social media accounts to include our website, Facebook page, Twitter, and Nixle to provide this information." The appellant received credit for releasing this information to the public **at this time** (*i.e.*, once they realized someone was impersonating their officer in the stolen vehicle). Nonetheless, he did not take this action in response to question 1, upon being informed that the unmarked vehicle had been stolen from a residence. It would be appropriate and important to inform the public about this car theft at this initial point in the scenario so that they could be aware that someone might unlawfully be in possession of a police vehicle and has the means to impersonate a sworn officer. The public could then be on guard against anyone acting suspicious or trying to pull them over. Two and a half hours passed between questions 1 and 2 and while it was correct to hold a press conference after they had learned of one victim of the police impersonator and had that person's description to now broadcast to the public, this is not the same thing as informing the public initially upon learning of the stolen police vehicle. The public should have been initially informed of the stolen police vehicle and then updated the public once they had information that came from the social media poster's encounter with the police impersonator. Viewed holistically, the appellant's presentation warrants a score of 4, but he missed further actions to enhance his score.

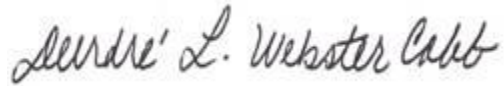
A thorough review of appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and appellant has failed to meet his burden of proof in this matter.

### **ORDER**

Therefore, it is ordered that this appeal 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 6<sup>TH</sup> DAY OF APRIL 2022



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