



STATE OF NEW JERSEY

In the Matter of Brian Rosas,
Police Lieutenant (PM3923F),
Wallington

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

CSC Docket No. 2025-2563

Request for Reconsideration

ISSUED: August 13, 2025

Brian Rosas requests reconsideration of the final administrative determination in *In the Matter of James Cullen, et al., Police Lieutenant, various jurisdictions* (CSC, decided April 9, 2025).

As provided in the original decision, the subject examination was administered on October 8, 2024 and consisted of 80 multiple choice questions.

Question 6 indicated that Officer Nolan is equipped with a body worn camera (BWC) and asks for guidance regarding its use when transporting an arrestee. The question asked for the true statement according to the N.J. Attorney General's Body Worn Camera Policy. The keyed response was option c, If an officer activates his BWC for the transport of an arrestee to the police station, it shall remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room.¹ The petitioner argued that "[t]he

¹ Specifically, Standards Governing the Activation of BWCs provides:

5.2 Circumstances When BWC Activation is Generally Required. Except as otherwise expressly provided in Section 7 or any other provision in this Policy, or by law, an officer equipped with a BWC shall be required to activate the device whenever the officer is responding to a call for service or at the initiation of any other law enforcement or investigative encounter between an officer and a member of the public, to include any of the following circumstances unless there exists an immediate threat to the officer's life or safety that makes such activation impossible or dangerous; in such situations, the officer must activate the camera at the first reasonable

current answer implies that activating a [BWC] is conditional (‘if’) when making an arrest, which is inconsistent with Section 5.2. According to Section 5.2, officers **shall** activate a BWC during arrests, making the hospital transport option² the correct choice. The officer is required – not given discretion – to activate the BWC when making an arrest. Therefore, the phrasing of the answer should reflect this mandatory requirement.” The Civil Service Commission (Commission) determined that the emphasis the petitioner placed on the use of “If” in option c was misplaced as Section 5.2 includes the following conditional language: “*Except as otherwise expressly provided in Section 7 or any other provision in this Policy, or by law, an officer equipped with a BWC shall be required to activate the device . . .*” Option c merely conveyed that should an officer activate his BWC for the transport of an arrestee to the police station, then the BWC is to remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room. This was not a material deviation from the policy from which the question was sourced. Option c also could not reasonably be read to mean that an officer may choose not to follow the policy. Thus, use of “If” in option c did not render the question flawed, and option c remained the best response. Option b was not acceptable because activation of a BWC *is* generally required when an officer is transporting an arrestee to a hospital or other medical care or mental health facility. Accordingly, the question was correct as keyed.

Question 35 referred to Michael Carpenter and Roger Fulton, *Law Enforcement Management: What Works and What Doesn’t* (1st ed. 2010) and indicated that Sergeant Muldoon submitted a report to you this morning when it was due yesterday afternoon. Submitting work late was unusual behavior for him. Later in the day, when you had time in your schedule, you met with Sergeant Muldoon to address the fact that he missed the deadline for submitting the report. While

opportunity to do so and it shall remain activated until the encounter has fully concluded and the officer leaves the scene: . . . (k) the officer is transporting an arrestee to a police station, county jail, or other place of confinement, or a hospital or other medical care or mental health facility.

...

5.3.2 When a BWC is activated pursuant to Section 5.2(k) (transport of arrestee), whether by an officer in uniform or in plain clothes, it shall remain activated at all times while the BWC-equipped officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel. BWCs may be deactivated in a hospital/medical/mental health facility setting. However, consistent with Section 6.8, in situations where an officer reasonably believes that the officer or another person is likely to use force, the BWC shall be re-activated as soon as it is safe and practicable to do so.

² *I.e.*, option b, Activation of a BWC is generally required when an officer is transporting an arrestee to a police station or county jail, but not to a hospital or other medical care or mental health facility.

attempting to criticize him effectively, you said something positive about his overall worth to the department, told him that you were concerned by his tendency to submit work late, and asked if he had an explanation for his behavior. The question asked, based on the text, for the true statement. The keyed response was option a, that you should have been more specific in describing the conduct that you found to be problematic.³ The petitioner argued that the best response was option d, that you correctly followed Carpenter and Fulton’s guidelines for how to criticize someone effectively. The petitioner argued that “[a]fter the employee begins having issues with meeting deadlines, you would address the situation as stated in the question (likely option D, indicating the correct action was taken). However, if the employee continues to miss deadlines, more specific guidance may be needed. The question lacks clarity regarding when the intervention should occur or when the employee has been addressed for this behavior.” The Commission determined that option d was not an acceptable response. The text clearly indicates that a phrase such as, “You are always late with your reports,” is not acceptable. The question clearly indicates that submitting work late was “unusual behavior” for Sergeant Muldoon, yet you told him that you were concerned by his “tendency” to submit work late, which is incorrect. Rather, per the text, you should have been more specific in describing the problematic conduct. Accordingly, the question was correct as keyed.

In the instant request for reconsideration, the petitioner continues to argue that Question 6 is flawed. Specifically, he continues to fault the use of the phrase, “If an officer activates his BWC,” which, according to him, “improperly implies that activation is discretionary. This directly contradicts the mandatory language of the Directive and may mislead officers into believing they have the option not to activate their BWC, a dangerous misunderstanding for a command-level position.” The petitioner also argues that Question 6 is flawed in the same way as Question 61, which he describes as relating to the community caretaking doctrine. Specifically, Question 61 was omitted “for similar ambiguity in the application of legal doctrine (community caretaking).”⁴

The petitioner also continues to argue that Question 35 is flawed. “The scenario clearly states that this was ‘unusual behavior,’ yet the Lieutenant is

³ The text, under the heading, “Be Specific,” provides:

Be sure that you address specific conduct at the date, time, and place it occurred.

A phrase such as, “You are always late with your reports,” is not acceptable. A better phrase such as, “You missed the April 20th deadline for your report,” is much more acceptable.

⁴ It is not clear which question the petitioner is referring to. Question 61 was based on the text by Carpenter and Fulton and was unrelated to the community caretaking doctrine. It is possible that the petitioner intended to refer to Question 20, which was a caselaw question that did relate to community caretaking. As indicated in the original decision, Questions 20 and 61 were omitted from scoring.

criticized in the keyed answer for referencing a ‘tendency’ to be late. This introduces a factual contradiction within the question, unfairly penalizing candidates who relied on the scenario’s wording.” Continuing, the petitioner states that “the scenario itself characterizes the conduct as isolated, not habitual, which makes the Lieutenant’s statement about a ‘tendency’ factually inaccurate and inconsistent with the management standard the question is supposedly testing.” The petitioner also argues that Question 35 is flawed in the same way as Question 61, which was “removed because the scenario failed to align with the expected legal application.”

CONCLUSION

N.J.A.C. 4A:2-1.6(b) provides that a petition for reconsideration must show the following: (1) the new evidence or additional information not presented at the original proceeding, which would change the outcome and the reasons that such evidence was not presented at the original proceeding; or (2) that a clear material error has occurred. A review of the record reveals that reconsideration is not justified.

Regarding Question 6, the petitioner essentially rehashes the same arguments he presented in his original appeal and which were already rejected in the original decision. Those arguments remain unpersuasive. The use of “if” merely introduces the circumstances of the scenario, *i.e.*, a situation where the officer activates his BWC. The petitioner’s interpretation of option c, the keyed response, effectively adds words that are not there. In other words, he reads the option as if it stated, “If an officer activates his BWC for the transport of an arrestee to the police station, *which is not required and up to the officer’s sole discretion*, it shall remain activated at all times while the officer is in the presence of the arrestee and until the arrestee is secured in the holding cell or processing room.” Such reading is unwarranted as, to reiterate, it reads too much into the simple word “if.” The keyed response was merely phrased as a conditional statement: “If this happens, then this must happen.” In this case, the conditional statement was that if the BWC is activated, then it must remain on until a certain point. The question was correct as keyed.

Regarding Question 35, the petitioner states that “the scenario itself characterizes the conduct as isolated, not habitual, which makes the Lieutenant’s statement about a ‘tendency’ factually inaccurate and inconsistent with the management standard the question is supposedly testing.” The petitioner has unwittingly argued in favor of the *keyed response*. In this regard, the text’s guidance is to “address specific conduct at the date, time, and place it occurred.” The text also states that a phrase such as, “You are always late with your reports,” is unacceptable. In the scenario presented in the question, Sergeant Muldoon submitted a report to you “this morning when it was due yesterday afternoon.” Submitting work late was “unusual behavior for him.” Instead of addressing the specific conduct at issue, you told him that you were concerned by his “tendency” to submit work late. That statement made to the Sergeant, being contrary to the text, makes option a, that you

should have been more specific in describing the conduct that you found to be problematic, the correct answer.

It is noted that the petitioner also attempts to rely on the fact that Question 61 – or perhaps Question 20 – was omitted from scoring. Whether the petitioner is relying on the omission of Question 61, Question 20, or both, such reliance is misplaced. The original decision discussed why it was necessary to omit those items. That reasoning is limited to those items and has no bearing on the validity of Questions 6 and 35.

Accordingly, the petitioner has not met the standard for reconsideration as he has not shown that a clear material error has occurred or presented new information that would change the outcome.

ORDER

Therefore, it is ordered that this request for reconsideration 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 13TH DAY OF AUGUST, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Brian Rosas
Division of Administrative and Employee Services
Division of Test Development, Analytics and Administration
Records Center