



STATE OF NEW JERSEY

In the Matter of Brian Turner, *et al.*,
Police Captain (Various Jurisdictions)

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

CSC Docket Nos. 2026-1246, *et al.*

Examination Appeals

ISSUED: March 18, 2026

Brian Turner (PM2740G), Elizabeth; Joshua Clark (PM2766G), Ocean City; George Tsimpedes (PM2768G), Parsippany-Troy Hills; Abdelmonim Hamdeh (PM2769G), Paterson; and William Kilcomons (PM2781G), Sayreville; appeal the examination for Police Captain (Various Jurisdictions). These appeals have been consolidated due to common issues presented by the appellants.

The subject examination consists of two parts: a multiple-choice portion and an oral portion. The multiple-choice (written) portion was administered on October 14, 2025, and consisted of 70 questions.

Tsimpedes contends that at the review, his ability to take notes on examination items was curtailed and he was not permitted to review his answer sheet. As such, he requests that any appealed item in which he selected the correct response be disregarded and that if he misidentified an item number in his appeal, his arguments be addressed. It is noted that the review procedure is not designed to facilitate perfection of a candidate's test score, but rather to facilitate perfection of the scoring key. To that end, knowledge of what choice a particular appellant made is not required to properly evaluate the correctness of the official scoring key. Appeals of questions for which the appellant selected the correct answer are not improvident if the question or keyed answer is flawed. With respect to misidentified items, to the extent that it is possible to identify the items in question, they are reviewed. It is noted that it is the responsibility of the appellant to accurately describe appealed items.

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

Question 9 indicates that you inform your subordinates that the level of resistance that an officer encounters is a key factor in determining the appropriate amount of force that may be used in response. Candidates were presented with the following individuals: I. Passive resisters; II. Active resisters; III. Threatening assailants; and IV. Active assailants. The question asks, “according to the New Jersey Attorney General’s Use of Force Policy [(Use of Force Policy)], in general, Conducted Energy Devices (CEDs) may be used against which persons when certain conditions are met?” It is noted that initially, this item was keyed as option b, III and IV only, based on the version of the Use of Force Policy that was available at the time that the subject test was developed, *i.e.*, Attorney General Directive No. 2022-4 (April 2022).¹ However, the Use of Force Policy was subsequently revised on September 17, 2025 to include active resisters (II) in the list of individuals against whom a CED or less-lethal device could be used.² As a result of this update, candidates were informed at test booklet review that this item was to be double-keyed to option b and option c, II, III and IV only. Clark and Tsimpedes maintain that this question should not be

¹ Section 3.7.1 of the Use of Force Policy (**April 2022**) provides:

An officer authorized to use a CED or a less-lethal device pursuant to this Policy may fire, discharge, or utilize drive stun mode of the device during an actual operation, consistent with Addendum A, only against: (a) an active assailant; (b) a threatening assailant who will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force; (c) a person who is attempting to cause death or serious bodily injury to themselves; or (d) a fleeing suspect, if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury.

² Section 3.7.1 of the Use of Force Policy (**September 2025**) provides:

An officer authorized to use a CED or a less-lethal device pursuant to this Policy may fire, discharge, or utilize drive stun mode of the device during an actual operation, consistent with Addendum A, only against: (a) an active assailant; or (b) a threatening assailant; or (c) an ***active resistor*** who will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force; or (d) a person who is threatening to cause or attempting to cause death or serious bodily injury to themselves; or (e) a fleeing suspect, if clear and convincing evidence exists to believe the suspect has committed a crime in which the suspect caused or attempted to cause death or serious bodily injury; or (f) a fleeing suspect who, immediately prior to the flight, satisfies the definition of active assailant, whenever the pursuing law enforcement officer reasonably believes that upon reengagement the suspect will again become an active assailant. This provision is subject to the limitations in Section 6.1(e) of Addendum A on the deployment of a CED against the operator of a moving vehicle [emphasis added].

double keyed. In this regard, Clark presents that when the test was announced on June 1, 2025, the correct response was option b. However, when the test was administered, the correct response became option c based on the revised Use of Force Policy. Clark argues that since “the question was posed in the present tense,” option c should be the keyed response. Tsimpedes refers to the 2025 Police Captain Orientation Guide (Orientation Guide) which lists, under the section, “Potential Source Material,” the New Jersey Attorney General Guidelines and Directives. Tsimpedes emphasizes that the Orientation Guide states, “When preparing for the exam, it is the candidates’ responsibility to ensure that they identify, access, and are familiar with the most up-to-date version of all Guidelines and Directives that are currently in effect.” In this regard, Tsimpedes argues:

It is fundamentally unfair to disregard a change that was clearly issued by the [A]ttorney [G]eneral [and] published on their official website . . . It is the responsibility of each Captain’s test applicant to remain informed and up to date on such significant policy changes particularly those that directly affect daily supervisory responsibilities in law enforcement . . . Ignoring [what is stated, as noted above, in the Orientation Guide] would undermine the integrity and fairness of the process. Lastly, had the change been implemented on or immediately before the date of the exam, the situation might reasonably warrant a different approach. However, given the ample notice and the importance of the policy, the keyed response should be [option] c, which properly reflects the updated standard.

It is noted that the 2025 Police Captain Orientation Guide, under the section, “Potential Source Material,” listed the New Jersey Attorney General Guidelines and Directives. The Orientation Guide further informed candidates:

Please note that the N.J. Office of the Attorney General has recently created a new set of websites where Guidelines (<https://www.njoag.gov/resources/ag-guidelines/>) and Directives (<https://www.njoag.gov/resources/ag-directives/>) can be found. When preparing for the exam, ***it is the candidates’ responsibility to ensure that they identify, access, and are familiar with the most up-to-date version of all Guidelines and Directives that are currently in effect*** [emphasis added].

Given that the revised Use of Force policy was available almost a month prior to the test administration date,³ candidates should have been aware of this change. In addition, given that candidates were explicitly informed in the Orientation Guide

³ It is noted that the N.J. Office of the Attorney General was contacted regarding this matter and confirmed that the revised Use of Force Policy was posted on its website on September 17, 2025.

that it was their responsibility to be aware of the most up-to-date versions of all Guidelines and Directives, this item should be rekeyed to option c.

Questions 20 provides:

On a weekday morning, while walking to school, a 14-year-old female was offered a ride by a male family friend, Andrew Dugan. Instead of taking her to school, Dugan drove her in his gray car to 111 Kerri Street, where he lured her into a second-floor apartment and then sexually molested her. Thereafter, the female left the apartment, reported the matter to the police, and gave them a description of Dugan and the precise location of the apartment. She further told police that while she was inside the apartment, a young boy named Billy was there. Accompanied by the female, three police officers proceeded to 111 Kerri Street, which was a short distance away. Upon their arrival, the officers rang the bell to the second-floor apartment. They heard, in response, an adult-sounding male voice yell from inside the apartment, "Who is it?" The officers replied that it was the police. Moments later, 12-year-old Billy, who was wearing pajamas, opened the door. As the officers followed Billy up the stairs toward the second-floor apartment, they asked him if he was home alone. Billy answered, "No, nobody's at home" and he seemed a little nervous. This answer struck the officers as inconsistent with the adult male voice they heard earlier coming from the apartment. At the top of the stairs, with Billy inside the apartment and the officers on the landing outside the doorway, the conversation continued. When asked where his mother was, Billy answered that she was at work or at the store. At the time, Billy appeared uneasy and the officers thought he might be in danger and that his answers might have been coaxed from someone within the apartment. They also feared that other juveniles might be inside.

Shortly after the officers began conversing with Billy, Sergeant Combs from the Juvenile Detective Division arrived at the scene. Also, at about the same time, a landline telephone rang in the kitchen, which was located immediately inside the apartment. Billy picked up the receiver and told the officers that his father was on the phone. Standing outside of the apartment, Sergeant Combs asked Billy if he could speak with his parent and Billy replied, "Certainly." Sergeant Combs then walked a few steps into the apartment and was handed the receiver by Billy. While on the telephone, inside the kitchen area, Sergeant Combs was able to see into a bedroom where Dugan was lying on the bottom level of a bunk bed. Dugan fit the description given provided earlier by the female. Sergeant Combs motioned for the two officers to enter the apartment, which they did, and quickly entered the bedroom where they

found the man lying on the bed. Sergeant Combs read the man the *Miranda* warnings. A short time later, after further questioning, the man was identified as Andrew Dugan. After a criminal history check revealed multiple outstanding arrest warrants, Dugan was handcuffed and taken into custody.

The question asks, based on relevant New Jersey case law, for the true statement. The keyed response is option d, “Sergeant Combs’ entry into the apartment to speak on the telephone with a parent of a child seemingly left unattended on a school day was justified under the police’s community caretaking function.”⁴ Turner, who selected option a, “The officers’ warrantless entry into the apartment violated the Fourth Amendment and Article I, Paragraph 7 of the State Constitution,” argues that in *State v. Vargas*, 213 N.J. 301 (2013), the court held that the community caretaking doctrine only applies to automobiles and cannot justify entry in a home. Further, Turner contends that the United States Supreme Court confirmed this principle in *Caniglia v. Strom*, 593 U.S. 194 (2021). It is noted that the situation presented in *State v. Bogan, supra*, is clearly distinguishable from that in *State v. Vargas, supra*.⁵ In addition, as the court in *State v. Vargas, supra*, specifically noted:

We recognized in *Bogan* that the police have a community-caretaking role to protect the welfare of a child, especially one alone and unattended who might be in danger of imminent harm [citation omitted]. Because the officers’ “carefully modulated response” to “swiftly moving events and uncertain circumstances” was objectively reasonable under the community-caretaking doctrine, we saw no need to address the applicability of the emergency-aid or exigent-circumstances exceptions to the warrant requirement [citation omitted]. *Id.* at 319-320.

Moreover, as the court in *State v. Vargas, supra*, further noted, “Under our state law jurisprudence – outside of the car-impoundment context – warrantless searches justified in the name of the community-caretaking doctrine have involved some form of exigent or emergent circumstances. *See Bogan, supra . . .*” *Id.* at 326. As such, the determination in *State v. Bogan, supra*, is not contradicted by that in *State v. Vargas,*

⁴ It is noted that this item is based on *State v. Bogan*, 200 N.J. 61 (2009).

⁵ As indicated by the court in *State v. Vargas, supra*:

In this case, a landlord called the police because he had not seen or been able to contact a tenant for two weeks. During the two-week period, the tenant’s garbage was not placed curbside, his mail accumulated, his car remained unmoved, and his monthly rent went unpaid. The landlord expressed concern for the tenant’s well-being, and the police entered the home without a warrant and conducted a “welfare check.” The tenant was not at home, but the search uncovered evidence that led to the tenant’s indictment. *Id.* at 305.

supra. With respect to *Caniglia v. Strom, supra*, this matter is also clearly distinguishable from that in *State v. Bogan, supra*.⁶ Further, as noted by the Court in *Caniglia v. Strom, supra*,⁷ “the First Circuit extrapolated a freestanding community-caretaking exception [from *Cady v. Dombrowski*, 413 U.S. 433 (1973)⁸] that applies to both cars and homes [citation omitted]. Accordingly, the First Circuit saw no need to consider whether anyone had consented to [the responding officers’] actions; whether these actions were justified by ‘exigent circumstances’; or whether any state law permitted this kind of mental-health intervention. [citation omitted].” *Id.* at 197. The Court further determined that “the First Circuit’s ‘community caretaking’ rule, however, goes beyond anything this court has recognized . . . Neither the holding nor logic of *Cady* justified that approach.” *Id.* at 198. Thus, Turner’s argument that the Court “confirmed this principle” that “the community caretaking doctrine only applies to automobiles and cannot justify entry in a home,” is erroneous. Rather, the Court, as indicated above, found that the First Circuit’s determination that the responding officers’ actions fell within a “freestanding community-caretaking exception” extrapolated from *Cady v. Dombrowski, supra*, was in error. As such, the question is correct as keyed.

For questions 46 through 53, candidates were instructed that they were to assume the role of a Police Captain in the Warwick Township Police Department. Candidates were further instructed that “your chief has asked you to review or write specific sections of the Warwick Township Police Department Annual Report,” a copy of which was provided to candidates in the test booklet.

Question 51 indicates that you are writing a narrative to be included in the Annual Report. The question asks for the best sentence to include in the Report based on grammar, punctuation, spelling, and/or clarity of expression. The keyed response

⁶ As discussed by the Court in *Caniglia v. Strom, supra*, during an argument with his wife, Caniglia retrieved a handgun from the bedroom and asked his wife to shoot him. The wife declined and left the home for the night. When she was unable to reach her husband by phone the next morning, the wife contacted the police to request a welfare check. The responding officers accompanied the wife to the home where they discovered Caniglia sitting on the porch. The responding officers determined that Caniglia posed a danger to himself and others and Caniglia agreed to go to the hospital for a psychiatric evaluation, but only after officers allegedly promised not to confiscate his firearms. After Caniglia had been taken away by ambulance, the responding officers entered the home and seized two handguns. *See id.* at 196-197.

⁷ By way of background, as indicated by the Court, Caniglia sued, maintaining that the responding officers violated the Fourth Amendment when they entered his home and seized him and the handguns without a warrant. The District Court granted summary judgment to the responding officers, and the First Circuit court “affirmed solely on the ground that the decision to remove [Caniglia] and his firearms from the premises fell within a ‘community caretaking exception’ to the warrant requirement [citation omitted].” *Id.* at 197.

⁸ It is noted that in *Cady v. Dombrowski, supra*, which involved the search of an automobile, the Court introduced the community-caretaking doctrine.

is option a, “The township’s hiring freeze affected the department’s ability to operate at full staffing levels; however, the department still provided the same level of service the public has come to expect. Kilcomons asserts that option d, “The township’s hiring freeze affected the department’s ability to operate staffing levels, however the department still provided the same level of service the public has come to expect,” is equally correct. He argues that the use of a comma or semicolon is acceptable “as a comma may provide a smoother transition of thought where a semicolon is a separation of flow.” When a conjunctive adverb, *e.g.*, however, otherwise or therefore, is used to join two independent clauses in a sentence, a semicolon is used before the adverb.⁹ Further, since “however” also introduces the second independent clause in the subject sentence, it should be followed by a comma.¹⁰ It is noted that option d does not contain a comma after “however.” Given the above, option d is not the best response.

Question 54 through 70 were based on the fictional Warwick Township Police Department’s Sick, Bereavement, and Military Leave Time Policy which was provided to candidates in the test booklet.

Question 56 indicates that Officer Spenser was scheduled to work today but she became too ill to report for duty and notified her immediate supervisor that she would need to use sick leave. The question requires candidates to determine, assuming the policy was followed correctly, for what can be accurately concluded. The keyed response is option c, Officer Spenser “provided her telephone number and address of confinement during the sick leave notification to her immediate supervisor.”¹¹ Hamdeh asserts that option a, Officer Spenser “notified her immediate

⁹ See *e.g.*, <https://www.grammarly.com/blog/parts-of-speech/conjunctive-adverbs/?msockid=2e77dd8e88d361af06c2c87f89bc6060>; https://owl.purdue.edu/owl/general_writing/punctuation/commas/commas_vs_semicolons.html; <https://www.merriam-webster.com/grammar/a-guide-to-using-semicolons>; and <https://www.grammarly.com/blog/punctuation-capitalization/semicolon/?msockid=30ec1e8f15a3687217e60b7c14d1697a#5>.

¹⁰ https://owl.purdue.edu/owl/general_writing/punctuation/commas/extended_rules_for_commas.html

¹¹ Section I, Sick Leave, provides, in pertinent part:

B. Reporting Sick Leave Absences

1. Employees who are too ill to report for duty shall notify their immediate supervisor. Employees who are hospitalized shall have someone make the notification for them if they are unable to make the notification themselves.
 - a. Employees shall make such notification at least two (2) hours before the start of their scheduled shift, if possible.
 - b. Notification for future use of leave, *e.g.*, for scheduled surgery, shall be made as soon as dates are known.

...

supervisor of her sick leave at least two hours before the start of her scheduled shift,” is equally correct. In this regard, Hamdeh refers to Section I.B.1.a. of the policy. As indicated above, Section I.B.1.a. of the policy indicates that employees who are too ill to report for duty shall notify their immediate supervisor at least two hours before the start of their scheduled shift, *if possible*. Therefore, depending on the circumstances, an officer could notify a supervisor less than two hours prior to the start of their shift and still follow the policy correctly. Since the question does not provide any information as to when Officer Spencer’s shift was scheduled to begin and when she notified her immediate supervisor, option a cannot be concluded.

Question 58 indicates that you have been tasked with reviewing your department’s Sick, Bereavement, and Military Leave Time Policy in order to determine if there are any revisions that should be made to it. After completing your review, you plan to suggest to executive management that one of the terms used in the policy be defined or explained, in order to increase the clarity of the policy. The question asks, “the policy would most benefit from being revised to include a definition and/or explanation of which of these terms used in the policy?” The keyed response is option c, “Immediate family member.” On appeal, Kilcomons asserts that all of the answer choices (attendance records, immediate family members, consecutively and calendar year) presented to candidates “each offer opportunities for policy clarification and improvement.”¹² In this regard, he argues that defining option a, “Calendar year,” “could enhance clarity and support improvement and organization of benefit cycles, budgeting, and reporting. Many law enforcement contracts and public sector [*sic*] support that this question can have multiple answers.” It is noted that the question requires candidates to review the terms specifically in the context of the policy that is provided in the test booklet, *i.e.*, Warwick Township Police Department’s Sick, Bereavement, and Military Leave Time Policy. Thus, Kilcomons’ concerns regarding benefit cycles, budgeting and reporting, or law enforcement and public sector contracts are not relevant. Furthermore, a calendar year is defined as a period of 365 days (or 366 days in a leap year) that begins on January 1 and ends on December 31.¹³ Kilcomons has not provided any documentation or evidence showing that this term has multiple definitions and/or how this would affect the Warwick Township Police Department’s Sick, Bereavement, and Military Leave Time Policy.

-
3. When making a sick leave notification, employees shall provide the following information to their immediate supervisor, who will record the information on a Report of Illness Form (WTPD-190):
 - a. Address of confinement (employee’s residence or an alternate location)

¹² It is noted that Kilcomons selected option d, “Consecutively.”

¹³ See *e.g.*, <https://dictionary.cambridge.org/dictionary/english/calendar-year>. In contrast, *e.g.*, a fiscal year is defined as a consecutive period of 12 months, which may or may not begin on January 1. See *e.g.*, <https://www.investopedia.com/terms/f/fiscalyear.asp>.

Question 69 indicates that you become too ill to complete your shift and end up using sick time to leave work a half hour early. Prior to today, you had used two undocumented and three documented sick leave days this calendar year. The question asks, based on the policy, for the true statement regarding the amount of time that will be deducted from your accumulated sick leave for today. The keyed response is option c, “One hour will be deducted from your accumulated sick leave balance.” Kilcomons and Tsimpedes maintain that option b, “One-half hour will be deducted from your accumulated sick leave balance,” is correct. Specifically, Kilcomons asserts that the policy states that “sick time must be used in one-hour increments while also noting that when less than a full tour is used, the number of hours actually utilized should be charged (for example, 30 minutes equals 0.5 hours) is consistent with the policy’s language and intent.” Tsimpedes argues that the policy indicates that the deduction from accrued sick leave should reflect the actual amount of sick time used, *i.e.*, one-half hour. Tsimpedes argues that option c “would contradict the plain language of the policy. There is no indication that time should be rounded up to the next whole hour or that a minimum deduction standard applies.” It is noted that Section I.A.2. of the policy provides that sick leave must be used in one-hour increments. Further, Section I.B.2.c. indicates that when less than a full tour of duty of sick leave is taken, the employee’s accumulated sick leave balance in the payroll system will be charged the actual ***number of hours*** utilized, and ***not*** the actual time, *i.e.*, any time less than an hour. Thus, these two sections both indicate that leave is deducted on an **hourly basis**. Accordingly, the question is correct as keyed.

CONCLUSION

N.J.A.C. 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

A thorough review of the appellants’ submissions and the test materials reveal that, other than the scoring change 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 18TH DAY OF MARCH, 2026



Mary Cruz
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Dulce A. Sulit-Villamor
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 Turner (2026-1246)
Joshua Clark (2026-1031)
George Tsimpedes (2026-1250)
Abdelmonim Hamdeh (2026-1268)
William Kilcomons (2026-1207)
Division of Administrative and Employee Services
Division of Test Development, Analytics, and Administration
Records Center