



STATE OF NEW JERSEY

In the Matter of Donald Kilpatrick,
Department of Corrections

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

CSC Docket No. 2025-869

Minor Discipline

ISSUED: July 22, 2026 (EG)

Donald Kilpatrick, a Correctional Police Sergeant with the Department of Corrections (DOC), New Jersey State Prison, represented by John S. Furlong, Esq., appeals a five working day suspension issued by the appointing authority.

By way of background, on May 7, 2024, the appointing authority served the appellant with a Preliminary Notice of Disciplinary Action (PNDA) which proposed a five working day suspension based upon charges of conduct unbecoming a public employee and violation of a DOC Human Resources Bulletin regarding conduct unbecoming an employee. Specifically, the appointing authority alleged that on February 11, 2024, the appellant was stopped by the Mount Laurel Police Department in connection with an ongoing domestic violence matter, wherein the appellant matched the description of the suspect. The appellant was out for a walk for exercise and did not have his ID on him. His conduct when interacting with the officers interfered with their investigation. Upon his wife arriving with his ID, he turned his ID over to the officers and stated, "Now, does that look like I'm Rodrick"? When they responded "No," the appellant snatched his ID out of their hands and said "Alright, then get the f*** out of my face." Further, when the Mount Laurel Police Officers asked the appellant what law enforcement agency he worked for, he stated, "Have a nice f***** day." The appellant requested a departmental hearing which was held on August 30, 2024. Thereafter, a Final Notice of Disciplinary Action (FNDA) was issued on September 18, 2024, indicating a penalty of a five-day suspension.

On appeal, the appellant argues that the charges against him were predicated on retaliation. He maintains that the officers who detained him were obviously racially profiling him. He acknowledges that he expressed some frustration to the supervisor but later apologized to that officer. Additionally, the appellant contends that the Body Worn Camera footage was the only evidence of alleged wrongdoing by appellant at the departmental hearing. He claims that the hearing officer did not consider, except in a passing reference, the extraordinary and improper detention of an African American citizen in civilian clothes by two Mount Laurel police officers on the lookout for an 18-year-old domestic violence suspect. The appellant argues that he did not fit that description as he was nearly 50 years old at the time of the incident. He had to remain at that site until his wife showed up with his ID. He claims that when he was finally released from the detention, the Mount Laurel Police Sergeants excused the improper conduct of the two patrol officers because they were “rookies.”

Further, the appellant claims that he retained an attorney to evaluate a possible civil rights redress for the improper stop. He argues that upon the attorney contacting the police department to obtain the body cam footage, one or more senior officers contacted his supervisors at his Northern State Prison.¹ He alleges that this was done to chill the exercise of the appellant’s right to seek civil or administrative redress for his wrongful arrest and detention. In this regard, the appellant asserts that the present disciplinary action ensued and had the desired result as his lawyer did not file the tort claim. The appellant questions why the appointing authority felt the need to bring the action in the first place. Further, he contends that the hearing officer did not review the unedited camera footage which omitted the entire stop and detention, particularly the conduct of the two patrol officers prior to their Police Sergeant’s arrival on scene.

The appellant argues that if the suspension is permitted to stand, it will have a corrosive effect on all future disciplinary matters, as this case appears to be a textbook example of retaliatory action and the appointing authority should have to prove otherwise. If indeed the disciplinary charge was motivated by a desire to spike a prospective lawsuit, that motivation would strike at the heart of the disciplinary process throughout the appointing authority. In addition, the appellant seeks a documentary review of the facts, including a review of the entire body-worn camera footage, and if appropriate, a remand to the hearing officer to permit discovery of any communications between the appointing authority and the Mount Laurel Police Department. Upon remand, the appellant contends that the hearing officer, pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968), could be disabused of the notion that the stop by the Mount Laurel Police Officers was lawful.

¹ Agency records indicate that the appellant is employed by New Jersey State Prison and not Northern State Prison.

In response, the appointing authority presents that a Mount Laurel Police Sergeant had contacted the DOC Internal Affairs Division to file an Internal Affairs complaint against the appellant. Body-Worn Camera footage of the incident was forwarded to Internal Affairs by the Mount Laurel Police Department for review. It argues that no evidence exists to prove that its decision to review and subsequently discipline the appellant was malicious, retaliatory or discriminatory. Additionally, it claims that there is no evidence that the disciplinary proceeding was brought at the request of a Mount Laurel Police official. After Internal Affairs reviewed the footage, a decision was made to discipline the appellant for violating the DOC Law Enforcement Personnel Rules and Regulations, which strictly states that “No officer shall act or behave, either in an official or private capacity, to the officer’s discredit or the discredit of the department. Officers are public servants twenty-four hours a day and will be held to the law enforcement higher standard both on and off duty”. He was charged with conduct unbecoming a public employee pursuant to *N.J.A.C. 4A:2-2.3(a)6* and violating Human Resource Bulletin (HRB) 84-17. In this regard, the appointing authority maintains that conduct unbecoming is defined as conduct that adversely affects morale or the operational efficiency of an organization, or negative behavior outside of work which touches upon employment. It adds that it is important to note that Correctional Police Officers, by nature of their position within law enforcement, are held to a higher standard of conduct than other employees in the public or private sector. Further, it notes that the Courts have held that a conduct unbecoming charge does not require the violation of a specific rule or regulation but may be based merely on a breach of the implicit standard of good behavior generally considered appropriate to any given situation. The appointing authority alleges that the appellant was rude and behaved in an egregious manner towards law enforcement officers who were asking him for identification as they were in pursuit of a suspect for which the appellant fit the description.

Moreover, the appointing authority contends that the argument made by the appellant that a disciplinary proceeding was brought forth to “chill his efforts to vindicate his civil right not to endure racial discrimination for jogging while black” is baseless as such administrative disciplinary procedures do not preclude the appellant from filing a complaint against the Mount Laurel Police Department. There was no evidence provided that the disciplinary action was the reason the attorney did not proceed with the complaint. Additionally, the appellant indicated on appeal that he has a new attorney who is taking on his case against the Mount Laurel Police Department. Moreover, the appointing authority asserts that when it learned of the appellant’s allegations of discrimination, the matter was immediately turned over to the DOC’s Equal Employment Division (EED). The EED sent a packet to the appellant to begin an investigation. However, the appellant did not complete the packet.

The appointing authority argues that the standard by which the Civil Service Commission (Commission) determines whether an appeal of minor discipline will be reviewed is based on whether or not the employee presented issues of general applicability in the interpretation of law, rule, or policy. It contends that the appellant has not met that standard. The appellant's actions were in violation of its rules and provisions and as such it was within its rights to administer discipline. Additionally, it adds that it acted appropriately in light of the appellant's conduct. It also claims that the appellant has not provided any evidence to show that the decision to discipline was an issue of general applicability of law, rule or policy, nor provide any evidence to prove that the discipline of a five-working day suspension was improper. Further, the appellant has not provided any evidence to corroborate his claim that the disciplinary charges were brought forth with discriminatory intent or that it was an issue of general applicability of law, rule, or policy. Finally, the appellant's argument, that his stop was racially biased, concerns the actions of the Mount Laurel Police Department, which the appointing authority argues it has no control over.

CONCLUSION

N.J.A.C. 4A:2-3.7(a) provides that minor discipline may be appealed to the Commission. The rule further provides:

1. The Commission shall review the appeal upon a written record or such other proceeding . . . and determine if the appeal presents issues of general applicability in the interpretation of law, rule or policy. If such issues or evidence are not fully presented, the appeal may be dismissed and the Commission's decision will be a final administrative decision.
2. Where such issues or evidence under (a)1 above are presented, the Commission will render a final administrative decision upon a written record or such other proceeding as the Commission directs.

This standard is in keeping with the established grievance and minor disciplinary procedure that such actions should ordinarily terminate at the departmental level. Moreover, in considering minor discipline actions, the Commission generally defers to the judgment of the appointing authority as the responsibility for the development and implementation of performance standards, policies and procedures is entrusted by statute to the appointing authority. The Commission will also not disturb hearing officer credibility judgments in minor discipline proceedings unless there is substantial credible evidence that such judgments and conclusions were motivated by invidious discrimination considerations such as age, race or gender bias or were in violation of Civil Service rules. *See e.g., In the Matter of Oveston Cox* (CSC, decided February 24, 2010).

A review of the record evidences no showing that either factor to grant review of a minor disciplinary action which would warrant further Commission review is present in this case. In this regard, the appellant alleges that the disciplinary action was brought forth by a desire to “spike a prospective lawsuit.” However, the appellant has failed to provide any evidence to substantiate such a claim. In fact, it is unclear why the appointing authority would be motivated to file charges against the appellant to discourage a potential lawsuit against Mount Laurel. Other than conjecture, no evidence was provided that the appointing authority’s decision to file charges against the appellant was motivated by anything other than its determination that the appellant’s conduct, as indicated in the body cam footage, was conduct unbecoming a public employee. Further, as the appointing authority argued, it cannot be held accountable for whatever motivation another law enforcement agency, or individual, may have had in reporting the appellant’s conduct, which he has not disputed. Rather, the appellant offers his reasons for why his behavior should be excused. Moreover, the appellant has not provided any evidence that the filing of disciplinary charges was the reason he did not file a claim against the Mount Laurel Police Department nor did he explain how the filing of such charges would prevent or discourage the filing of a claim against the Mount Laurel Police Department. In other words, the issue is not whether the Mount Laurel Police Officer’s conduct was warranted. Rather, the issue is whether the appointing authority’s determination was based on unlawful or invidious motivation or otherwise in violation of Civil Service law and rules. However, as there is no evidence that the appointing authority’s motivation was not based solely on the appellant’s conduct, there is no basis to disturb the appointing authority’s imposition of a five working day suspension 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 22ND DAY OF JULY, 2026



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