



**STATE OF NEW JERSEY**

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

In the Matter of D.M.,  
Police Officer (S9999U),  
City of Newark

CSC Docket No. 2018-3419

Medical Review Panel

**ISSUED: SEPTEMBER 26, 2019 (DASV)**

D.M., represented by Ricardo Gonzalez, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was referred for independent evaluation by the Civil Service Commission (Commision) in the attached decision rendered on June 12, 2019. The Commission indicated that the evaluation was to include the proper protocol for an in-depth intellectual and cognitive assessment of the appellant for a Police Officer position. The independent evaluation was also to consist of the appropriate test(s) to determine whether the appellant's communication skills and his verbal comprehension are at a level appropriate for a Police Officer. The appellant was evaluated by Dr. Robert Kanen, who rendered a Psychological Evaluation and Report on July 2, 2019. No exceptions were filed by the parties.

The Psychological Evaluation and Report by Dr. Kanen discusses the evaluation procedure and reviews the previous psychological findings relative to the appellant. In addition to reviewing the reports, letters, recommendations and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination, Public Safety Application Form, Wechsler Adult Intelligence Scale (WAIS-IV), and Wide Range Achievement Test. Dr. Kanen indicated that the appellant obtained an IQ score of 79, placing him below 94% of his age group. Additionally, Dr. Kanen found that the appellant demonstrated deficits in verbal comprehension and achieved a borderline range

score in the “Working Memory Index.” As a result, Dr. Kanen opined that the appellant’s “ability to comprehend complex situations is limited.” Moreover, Dr. Kanen found that the appellant’s “academic skills are weak.” Although the appellant showed no evidence of mental illness, Dr. Kanen concluded that the appellant is “at risk for problems communicating and understanding the public. He is at risk for being overwhelmed by complex and fast moving situations requiring reasoning skills and judgment. He lacks the cognitive ability to adequately . . . perform the job of Police Officer.” Therefore, Dr. Kanen concluded that the appellant was psychologically unsuited for employment as a Police Officer.

## CONCLUSION

The job specification for Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to communicate ideas with spoken words; write clear and concise letters, reports, descriptions, or instructions; find general concepts or rules which explain how a given series of individual items are related to each other; logically proceed from individual cases to general principles; apply a broad, general idea, or principle effectively to a particular problem or case; follow rules and procedures; gather, organize, and utilize information; find practical ways of dealing with problems; read with reasonable speed and understanding so as to absorb written information; work fast and accurately in situations where there is pressure or emotional strain; and put up with and handle abuse from a person or group.

Police Officers are responsible for their lives and the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant’s ability to effectively perform the duties of the title. Accordingly, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Psychological Evaluation and Report of the independent evaluator. Therefore, the

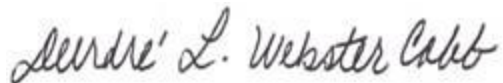
appellant's appeal of his removal from the Police Officer (S9999U), City of Newark, eligible list is denied.

**ORDER**

The Civil Service Commission finds that the appointing authority has met its burden of proof that D.M. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that his name be removed from the subject eligible list.

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 25<sup>TH</sup> DAY OF SEPTEMBER, 2019



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
P.O. Box 312  
Trenton, New Jersey 08625-0312

Attachment

c: D.M.  
Ricardo Gonzalez, Esq.  
France Casseus, Assistant Corporation Counsel  
Kelly Glenn



**STATE OF NEW JERSEY**

**DECISION OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of D.M., Police Officer  
(S9999U), City of Newark

CSC Docket No. 2018-3419

Medical Review Panel

**ISSUED: JUNE 14, 2019 (DASV)**

D.M., represented by Ricardo Gonzalez, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on February 22, 2019, which rendered a report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney, and France Casseus, Assistant Corporation Counsel, and Drs. Nicole Rafanello and Christopher King on behalf of the appointing authority were present at the Panel meeting.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant's history of an assault charge in 2008 and his psychological test results. Although the Panel did not find a pattern of aggression or violence that would psychologically disqualify the appellant from employment, it had concerns with the appellant's comprehension of certain test items. It noted that, during the Panel meeting, the appellant's explanation of his responses to the test items was unclear, as well as his responses about his student loan status and college grade point average. In reply, Dr. Rafanello indicated that, as a part of the testing process, candidates are given an explanation regarding double negatives and an opportunity to obtain clarification of the meaning of words. However, Dr. Rafanello submitted that the appellant had significant difficulty in accurately completing the test items. Based on this information, the Panel determined that the appellant may be

struggling with cognitive and communication limitations which could interfere with the performance of the duties of a Police Officer. Therefore, the Panel concluded that the appellant should undergo an independent evaluation to address the concerns raised with respect to his communication skills and ability to comprehend verbal information at a level expected of a Police Officer. The evaluation should also include an assessment of the appellant's intellectual abilities and whether his ability would meet the intellectual demands of a Police Officer position.

### **CONCLUSION**

The Civil Service Commission (Commission) has reviewed the report and recommendation of the Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist which shall include the proper protocol for an in-depth intellectual and cognitive assessment of the appellant for a Police Officer position. The independent evaluation should also consist of the appropriate test(s) to determine whether the appellant's communication skills and his verbal comprehension are at a level appropriate for a Police Officer.

### **ORDER**

The Commission therefore orders that D.M. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

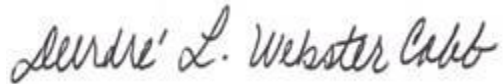
D.M. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. Dr. Kanen's contact information is as follows:

Dr. Robert Kanen

██  
 ██  
 ██  
 ██

If D.M. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 12<sup>TH</sup> DAY OF JUNE, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence:

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

c: D.M.  
Ricardo Gonzalez, Esq.  
Kecia Daniels  
France Casseus, Assistant Corporation Counsel  
Dr. Robert Kanen  
Kelly Glenn  
Annemarie Ragos