



STATE OF NEW JERSEY

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

In the Matter of K.M.D.,
Police Officer (S9999R), Jersey City

CSC Docket No. 2016-3102

Medical Review Panel Appeal

ISSUED: October 19, 2018 (BS)

K.M.D., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the Township of Verona and its request to remove his name from the eligible list for Police Officer (S9999R), Verona 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 in a decision rendered March 27, 2018, which is attached. The appellant was evaluated by Dr. Robert Kanen, who rendered the attached Psychological Evaluation and Report on April 30, 2018. Exceptions were filed on behalf of the appellant.

The Psychological Evaluation and Report by Dr. Robert Kanen, the Civil Service Commission's (Commission) independent evaluator, 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, Inwald Personality Inventory, Behavioral History Questionnaire, Shipley Institute Scale of Living, the Rorschach Ink Blot Method, and the Public Safety Application form. Dr. Kanen characterized the appellant as being guarded and defensive and Dr. Kanen was concerned about the appellant's ability to control emotions. Dr. Kanen noted that testing revealed that the appellant was in the high-risk range for integrity problems, anger management, substance abuse proclivity, and probability of being rated for a poorly suited candidate for employment in law enforcement. In fact, Dr. Kanen noted that

data showed him to almost be in the high-risk category for performance related problems. One item on the Behavioral History Questionnaire that he endorsed as a true statement is that when he was a law enforcement officer, he would not tolerate anyone questioning his authority. Dr. Kanen found that this raised concerns about the appellant's rigidity and inflexibility in problem solving. Although the appellant has been working as an Essex County Correction Officer, Dr. Kanen indicated that County Corrections Officer and Police Officer are two distinct and different jobs. Dr. Kanen concluded that the appellant was not psychologically suitable for employment as a Police Officer.

In his exceptions, the appellant, argues that, although there was no mental illness or cognitive limitations indicated, Dr. Kanen relied primarily on behavioral incidents which occurred 15 years prior while ignoring other evidence of satisfactory behavior in the employment context. Additionally, although the appellant acknowledges the duties of a Police Officer are different from those of a County Correction Officer, nothing has been presented to illustrate that the psychological profile of candidates for each position are significantly different. Dr. Kanen relied on the conclusions and test results of IFP, ignoring the more recent findings of Dr. Chece, and ignoring the fact the Medical Review Panel, relying on the same information, had found that the appointing authority failed to satisfy its burden of proof in this matter. Accordingly, the appellant respectfully requests that the Commission not accept and adopt the report and recommendation of Dr. Kanen and restore him appellant to the list.

CONCLUSION

The Job Specification for the title, 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 find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, 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.

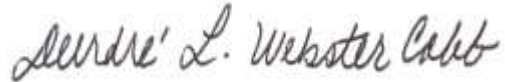
The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. Specifically, the Commission shares the concerns of Dr. Kanen that the appellant's integrity problems, anger management, substance abuse proclivity, and probability of being rated for a poorly suited candidate for employment in law enforcement. The Commission is not persuaded by the appellant's exceptions which imply that the appointing authority has failed to demonstrate that there are significant differences in the psychological standards for a County Correction Officer and a Police Officer or that his successful performance of the duties of a County Correction Officer would carry over to his performance as a Police Officer. The Commission notes that the corrections environment is very structured and regimented while a Police Officer in the community acts with a relative degree of independence and flexibility and good judgment is essential. The Commission notes that, in addition to his own evaluation and testing, Dr. Kanen conducted an independent review of the Medical Review Panel's Report and Recommendation and the raw data, recommendations and conclusions drawn by all of the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on his expertise in the field of psychology and his experience in evaluating the psychological suitability of hundreds of applicants for employment in law enforcement and public safety positions. Accordingly, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached report and recommendation of the independent evaluator.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that K.M.D. 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 17TH DAY OF OCTOBER, 2018



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