



STATE OF NEW JERSEY

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

In the Matter of D.M.S., Police Officer
(S9999U), Hamilton Township

CSC Docket No. 2019-3090

Medical Review Panel Appeal

ISSUED: JUNE 19, 2020 (BS)

D.M.S., represented by Michael P. DeRose, Esq., appeals his rejection as a Police Officer candidate by the Hamilton Township Police Department 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 on February 26, 2020, which rendered its report and recommendation on March 1, 2020. Exceptions were filed on behalf of the appellant and cross-exceptions were filed on behalf of the appointing authority.

The report by the Medical Review Panel discusses all submitted evaluations. Dr. Raymond Hanbury, evaluator on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as having a DUI in 2010, an arrest as a juvenile for trespassing, and possession of CDS. Dr. Hanbury noted that the appellant was defensive when responding to the Minnesota Multiphasic Personality Inventory (MMPI) and the Personality Assessment Inventory (PAI). Dr. Hanbury found that the appellant failed to demonstrate a clear picture of his emotional or psychological status and thus considered not to pass the psychological examination. Dr. Hanbury did not recommend the appellant for appointment.

Dr. Sandra Morrow, evaluator on behalf of the appellant, conducted a psychological evaluation and characterized the appellant as making a positive impression during the clinical interview. Dr. Morrow's evaluation did not reveal any

psychological imbalance not were any indicated in his standardized test results. Dr. Morrow speculated that, during the previous evaluation, the appellant misunderstood the directions, approached the first testing with an incorrect mindset, and tried too hard to impress. Dr. Morrow found that he corrected his approach and that her evaluation provided normal results. Dr. Morrow indicated that the appellant had many positive attributes including industriousness, outgoingness, athletic ability and mechanical skills. Dr. Morrow concluded with “psychological certainty” that the appellant was a suitable candidate for the Police Officer position.

The Panel concluded that the negative recommendation found support in the appellant’s lack of honest responding on the testing, as opposed to responding in a way which was purely defensive. The Panel also expressed concern about the appellant’s idiosyncratic interpretation of the test questions which resulted in unusual responses. Both the appellant’s lack of honesty and unusual responses were seen as representing risk factors for problematic functioning in a Police Officer. The Panel noted the appellant’s DUI but did not see a pattern of problematic behavior regarding substance use or illegal activity. The Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that appointing authority has not met its burden of proof in this matter. The appellant noted that Dr. Hanbury, the appointing authority’s evaluator, indicted that while there was no evidence of psychopathology evidenced in the test results, Dr. Hanbury could not endorse his candidacy given the test results. The appellant argued that he was re-tested by Dr. Morrow, who found him to be psychologically suitable, even though she agreed with Dr. Hanbury that the latter’s test results were unusual and inconsistent with his clinical presentation. In fact, after Dr. Morrow discussed the findings with Dr. Hanbury, he opined that the appellant “most likely would have passed the first interview if not for his invalid psychological test results.” The appellant contends that the opinion expressed by the Panel did not accurately reflect the explanation given by the appellant for the “unusual and invalid” results of the first evaluation. The appellant claims he relied on what he learned in a Civil Service examination preparation course. The appellant elaborates that his “approach to the Hanbury test was an honest response and demonstrated candor. It therefore should not reflect poorly on his candor or veracity as a Police Officer candidate.” The appellant respectfully requests that the Commission grant his appeal and restore his name to the eligible list or, in the alternative, refer the appellant for an independent psychological evaluation to ascertain his suitability for employment as a Police Officer.

In its cross exceptions, the appointing authority contends that “the well-reasoned decision” of the Panel demonstrates that it has satisfied its burden of proof and that the Panel’s recommendation should be upheld by the Commission. In this regard, the appointing authority argues that the record is replete with the appellant’s lack of honesty toward this entire process. Further, no where in the record has the appellant documented or provided any proof that the Civil Service review class taught candidates to show they are “superior.” Instead of answering the evaluator’s questions honestly, the appellant “set out to try to hoodwink and outsmart the examination. While the Panel did account for some measure of defensive responding, the appointing authority asserts that the appellant far exceeded the boundaries of excessive responding. Additionally, although the May 28, 2000 marijuana charge was dismissed, the appellant was also charged with possession of Ecstasy, which he failed to mention to either evaluator, further evidencing his dishonesty. The appointing authority argues that appellant has demonstrated a lack of honesty that cannot be ignored. The appointing authority asserts that the appellant’s request for an independent psychological evaluation should be denied and that the Commission adopt the report and recommendation of the Panel.

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 Civil Service 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.

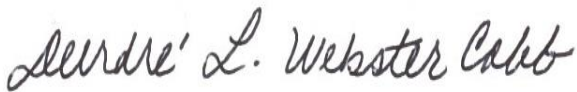
The Commission agrees with the Panel's concerns about the appellant's honesty issues and is alarmed by the appellant's to minimize his previous answers to questions. The Commission was not persuaded by the exceptions filed by the appellant. Regarding the appellant's reliance on "misapplying" what he learned in a civil service study group, the Commission notes that it is not affiliated with any study group for this examination, does not endorse the use of study groups, and is not responsible for any study materials or information supplied in study groups. With regard to the appellant submitting to an independent psychological, the Commission finds the appellant's psychological disqualification is amply supported by the record and finds no compelling reason to refer the appellant to an independent psychological evaluation. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that D.M.S. 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 JUNE, 2020



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