



STATE OF NEW JERSEY

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| : | FINAL ADMINISTRATIVE ACTION |
| : | OF THE |
| : | CIVIL SERVICE COMMISSION |
| In the Matter of M.R.S., Police Officer | : |
| (S9999U), City Paterson | : |
| : | Medical Review Panel Appeal |
| CSC Docket No. 2020-761 | : |
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ISSUED: FEBRUARY 23, 2021 (BS)

M.R.S., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the City of Paterson 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 August 26, 2020, which rendered its Report and Recommendation on August 29, 2020. Exceptions were filed on behalf of the appellant and cross exceptions were filed on behalf of the appointing authority.

The report by the Panel discusses all submitted evaluations. Dr. Krista Dettle, evaluator on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as evidencing “significant problems with judgment, immaturity, and stress tolerance.” The appellant “presented as nonchalant,” “overly casual,” and somewhat unkept (messy hair and shirt untucked). Since graduating from college two years prior to Dr. Dettle’s evaluation, the appellant had not maintained steady employment. Additionally, the appellant’s driving record revealed he had been issued over 30 motor vehicle summonses, four license suspensions and, although he only had one point on his license currently, he had 15 previously. The record also revealed that the appellant had been arrested for removing a boot from his car, which had been placed there due to an excessive amount of unpaid tickets. Dr. Dettle noted that the appellant failed to complete portions of his Biographical Summary Form and failed to follow directions. His responses contained multiple spelling, grammar, and syntax errors, as well as

illegible handwriting. Dr. Dettle further noted that although the appellant attempted to present himself in an overly favorable light on some of the testing, he scored high on the Antisocial Activities scale and endorsed items which reflected a bias toward women. On the Personality Assessment Inventory (PAI), the appellant “produced notable elevations on the inconsistency and infrequency scales” and Dr. Dettle found that these elevations suggested that the appellant “did not attend consistently or appropriately to the content and likely answered in a random manner.” As a result, the test results were invalid and Dr. Dettle could offer no clinical interpretation. Dr. Dettle did not recommend the appellant for appointment.

Dr. Chester Sigafoos, evaluator on behalf of the appellant, conducted a psychological evaluation, including several tests, and characterized the appellant as presenting himself “in an extremely positive light by denying an extraordinarily large number of minor faults and shortcomings most people acknowledge.” Dr. Sigafoos opined that “the assertion that he answered questions to appear in a highly favorable light was wrong. Consistent with other officer candidate evaluations, he may have minimized some aspects of his history, but not to the extreme that this one test indicated.” Dr. Sigafoos noted that testing demonstrated that the appellant is “cautious in his interpersonal relationships,” “shows less interest in people than would normally be expected,” and that “such a limited personal interest constitutes a personality liability.” Regarding the appellant’s legal issues, the most serious was his arrest for removing the boot, which occurred seven years ago. There was no evidence of adverse interactions with law enforcement since. Dr. Sigafoos found no evidence that the appellant was biased toward women. Dr. Sigafoos’ interpretation of the test data was that there were “no indications of clinically significant somatic, cognitive, emotional, thought, or behavioral dysfunction.” Dr. Sigafoos concluded that no significant psychopathological were identified and that the appellant was psychologically suitable to be employed as a Police Officer.

The Panel concluded that the record found support in Dr. Dettle’s concerns about the appellant’s judgment, immaturity, stress tolerance, presentation in the interview, work history, motor vehicle issues, legal history, and the results of the psychological testing. Dr. Sigafoos did not share these concerns about the appellant’s behavioral history and determined that there were no significant psychopathological issues which would preclude him from serving in the position sought. The Panel was of the opinion that, although the appellant’s motor vehicle issues were in the past, during the meeting, the appellant minimized these issues by stating there were a “few,” although he had a substantial number of violations. Moreover, despite that there were not any negative incidents in his employment history, the Panel was troubled that the appellant had not demonstrated that he had the ability to maturely maintain stable employment. Furthermore, although the testing may not have risen to any overt psychopathology, the Panel was troubled about the testing which indicated the potential for interpersonal problems.

Of particular concern was the appellant's lack of attention to detail. Therefore, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, it determined that the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant asserts that the appointing authority has not met its burden of proof in this matter nor has the Panel sustained it. He notes that the Panel was of the opinion that the appellant's motor vehicle infractions were "in the past." He estimated 30 to 35 violations, but the actual number was 48. The appellant does not dispute these numbers but argues that he has not had any violations in the intervening years. The appellant contends that the sole criminal charge, removing the boot from his vehicle, also occurred eight years previously and was related to his prior "immature" behavior. The appellant indicates that he has recognized his youthful mistakes, has learned from them, and has not incurred any violations into adulthood. The appellant asserts that, although he has not maintained steady employment, this was due to health issues relating to two surgeries he underwent. The appellant states that he supported himself through "day trading" and has an excellent credit rating. With regard to the findings of the appellant's alleged lack of detail, the appellant maintains that he clarified his written responses to certain test items when questioned about them by the evaluators and the Panel. The appellant indicates that he is a college graduate with a 3.34 cumulative grade point average, which is indicative that he has demonstrated sufficient attention to detail to perform in a college setting. The appellant further argues that as English is not his first language, the fact that he may have misunderstood some of the questions does not establish that he is psychologically unsuitable to serve as a Police Officer. Accordingly, the appellant respectfully submits that the Panel was in error and requests his restoration to the subject eligible list.

In its cross exceptions, the appointing authority, represented by Marlin G. Townes, III, Esq., asserts that it has shown through a preponderance of the evidence that the appellant's removal from the subject eligible list was appropriate. In fact, contrary to the appellant's conclusions, the appointing authority underscores that the test results of the appellant's own evaluator demonstrate that he is unfit to serve as a Police Officer. Initially, the appointing authority highlights that, on the Wonderlic Personnel Test administered by Dr. Dettle, which measures verbal, mathematical, and conceptual skills, the appellant scored in the 31st percentile, which was below the average for Police Officer candidates. On other test instruments, "Dr. Dettle also observed that the appellant barely answered any questions on his application, had trouble spelling, had trouble following directions, and had illegible handwriting." On the PAI, the appellant "produced notable

elevations on the Inconsistency and Infrequency scales.” The appellant scored high on the Desirable Responding scale, attempting to present himself in an overly favorable light. Moreover, the appointing authority indicated that the testing also demonstrated that the appellant has a bias against women and is not able to trust people. In addition, the appointing authority noted the appellant’s motor vehicle history and arrest record as further demonstration of his unsuitability. In addition, the appointing authority emphasizes that Dr. Sigafoos’ report and test results identified several risk factors demonstrating the appellant’s unfitness for duty as well, which included “the possibility of distorting less obvious aspects of reality or choosing to see the world in unconventional ways;” “his apparent endorsement of conventionality constitutes lip service rather than a firm commitment to conduct himself as others do;” having “a somewhat rigid preoccupation with avoiding carelessness or mistakes;” having “fewer resources available than most for coping with ordinary ideational and emotional demands of everyday living;” and lacking good social skills and may consequently have particular difficulty interacting comfortably in interpersonal situations involving unfamiliar people and unfamiliar surroundings,” to name a few. Dr. Sigafoos’ test data also indicated that the appellant had a tendency to become angry or agitated when criticized and that he may not necessarily be in touch with his emotions. In spite of these and other contraindicators in the report, Dr. Sigafoos still found the appellant suitable for the position. The appointing authority contends that all of the appellant’s evaluators identified negative traits which renders the appellant unsuitable for employment as a Police Officer. Accordingly, the appointing authority submits that the Panel’s recommendation to remove the appellant from the subject eligible list should be affirmed by the Commission.

In reply, the appellant argues that, unlike the examples cited in the appointing authority’s cross exceptions, where legal problems that existed in the candidates’ youth persisted into adulthood, the appellant’s sole criminal charge was an isolated event at age 19 and not repeated. Likewise, his parking and motor vehicle violations occurred exclusively in his youth. Additionally, the appellant asserts that the appointing authority’s citations from Dr. Sigafoos’ report are a “boiler plate” interpretation and ignores the process the evaluator used in verifying the test results. The appellant emphasizes that Dr. Sigafoos found no significant psychopathology which would prevent him from serving as a Police Officer.

CONCLUSION

The Job Specification for the title of 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 (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. The Commission is not persuaded by the appellant's exceptions to the Panel's Report and Recommendation. 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 prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented to it and its experience reviewing thousands of applicants.

With regard to the appellant's assertion that his numerous motor vehicle offences and sole criminal charge were committed in the past and not repeated into adulthood, the Commission finds that the appellant still minimized these offenses during the appointing authority's evaluation and at his appearance before the Panel, in an attempt to present himself in a more positive light which is consistent with the test results in both Drs. Dettle and Sigafoos' evaluation. The Commission is mindful that the public expects candidates for positions in law enforcement to be held to a higher standard of personal accountability and any adverse interaction with the legal system can be considered when evaluating a candidate's psychological suitability for law enforcement positions. The Commission finds that any prolonged or sustained level of maturity exhibited by the appellant after committing his 48 motor vehicle violations, when coupled with other contraindicators in his evaluations, does not evidence that the appellant is psychologically suitable for employment as a Police Officer.

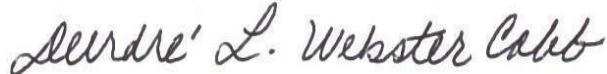
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation.

ORDER

The Commission finds that the appointing authority has met its burden of proof that M.R.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 FEBRUARY, 2021



Deirdrè L. Webster Cobb
Chairperson
Civil Service Commission

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c: M.R.S.
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