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STATE OF NEW JERSEY

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

In the Matter of Y.D.,
Police Officer (S9999M), Plainfield

CSC Docket No. 2013-2310

Medical Review Panel Appeal

ISSUED: **DEC - 5 2014** (BS)

Y.D, represented by **Ciro Spina, Esq.**, appeals her rejection as a Police Officer candidate by the City of Plainfield and its request to remove her name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on August 27, 2014, which rendered its report and recommendation on August 29, 2014. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that **Dr. Matthew Guller** (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as being in the average range of intellectual functioning. The behavioral history included a simple assault conviction in 2000, and being charged with disorderly conduct and resisting arrest in 2003. The latter charges were dismissed. Also in 2003, the appellant was charged with domestic violence and criminal mischief. **Dr. Guller** cited the appellant's legal history, the difference in her account of the incidents as compared to the police reports, and the interpretation of the psychological testing as concerns. **Dr. Guller** concluded that there were concerns about the appellant's credibility and her ability to "regulate her emotions and deal calmly and effectively with emotionally charged situations." **Dr. Guller** failed to recommend the appellant for employment as a Police Officer.

Dr. Daniel Williams (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant. Dr. Williams characterized the appellant as being within the average range of intellectual functioning and found no indicators of psychopathology. With regards to the appellant's personality, Dr. Williams opined that she "appears to be a rather stable individual, emotionally and her ability to regulate and/or channel her impulses into more socially acceptable forms of expression [*sic*]." Dr. Williams did not indicate what scoring system he used in his interpretation of her responses to the Rorshach nor did he comment on her legal history. Dr. Williams concluded that the appellant did "not exhibit any psycho-pathology of sufficient magnitude that it might preclude her functioning effectively as a Police Officer."

The Panel concluded that the negative recommendation found support in indications related to the appellant's legal history. Although only one of the charges resulted in a conviction, and all were eventually expunged, the concern to the Panel was not about the ultimate legal disposition, but rather whether or not mental factors were present that would render the appellant unfit for the position. The Panel noted that the incidents described in the police reports and the recent recollections of one of the officers were deemed to be reflective of someone who has difficulties with emotional control. 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 her exceptions, the appellant asserts that her last legal incident occurred in 2003, more than 11 years ago. Since then, the appellant was employed by UMDNJ and is currently employed as a Juvenile Detention Officer and has had no incidents, problems, or disciplinary actions at work in either position. She argues that her work with juveniles requires a "softer" approach, which someone who had difficulty with emotional control would not be able to achieve. Accordingly, the appellant argues that the Panel "erred" in arriving at its conclusions.

CONCLUSION

The Class Specification for Police Officer is the official job description for such municipal positions within the merit 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.

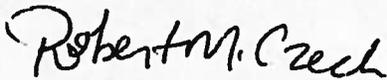
The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission finds that the appellant's recent employment information included in the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the raw data and 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. The Panel's observations regarding the appellant's appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants. There are substantial linkages in the Panel's report and recommendation with Dr. Guller's findings regarding her legal history, credibility, and difficulties with emotional control. While perhaps lacking any specific mental pathology, the appellant's actions during the altercations in the record, even though somewhat remote in time, remain cause for concern. The Commission notes that a Police Officer occupies a far more visible role within the community than a Juvenile Detention Officer, and as such candidates for employment as Police Officers are held to a higher standard of personal accountability. Therefore, based on the totality of the data presented, the Commission finds that the appellant's behavioral history is not conducive to her successfully functioning as a Police Officer at this time. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that Y.D. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that her 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 3RD DAY OF DECEMBER, 2014**



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Chairperson
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Attachments

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