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In the Matter of A.V.R., Police Officer
(S9999M), Morristown

CSC Docket No. 2014-1928

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**STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

Medical Review Panel Appeal

ISSUED: MAY 08 2015 (BS)

A.V.R., represented by Joseph J. Bell, Esq., appeals his rejection as a Police Officer candidate by Morristown and its request to remove his 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 December 22, 2014 which rendered the attached report and recommendation on December 22, 2014. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The Panel noted that the negative recommendations that were indicated related to the appellant's integrity, impulsivity, aggression, and antisocial behavior. The appellant has maintained steady employment for the last few years and also served in the U.S. Marine Corps where he reported being promoted to the rank of Sergeant and being awarded several medals. The appellant was also questioned by police in three different instances involving sexual assaults involving underage women. In one case, the appellant was named as someone who was in the room where the alleged sexual assault took place but was not named as one of the participants. Most recently, he was questioned by the Roxbury Township Police for an incident which occurred in Arizona in 2005 for which he had provided a DNA sample. In addition, the appellant has been involved in a number of physical altercations. Although some of these incidents happened when he was a minor, he was also involved in a physical altercation while attending a football game in 2010. In 2011, the appellant was charged with urinating in public and he was also ticketed for

possessing a fake I.D. The appellant admitted to the Panel that his past behavior is indicative of some difficulties but offered that he is "not like that anymore." When the Panel asked the appellant to elaborate, he indicated that he had been "socializing with the wrong crowd" and realized that this crowd of friends was "hurting his reputation" and he needed to change. He self-reported that he has done so successfully.

Additionally, records available to the Panel indicated that the Maricopa County, Arizona District Attorney's Office is considering charges against the appellant based on his alleged participation in a 2005 sexual assault. The Panel questioned the appellant regarding this and he stated he had not heard from the Maricopa Police since he was questioned by them in 2012. However, the Panel noted that Dr. Matthew Guller, the appointing authority's evaluator, had indicated in his report that charges are pending and that a possible DNA match had occurred. The Panel could not confirm this and indicated that this matter would need to be cleared up before the appellant's eligibility could even be considered. The Panel had major concerns over the appellant's behavioral history, opining that the best predictor of future behavior is past behavior, and concluded that the appellant should undergo an independent psychological evaluation. The Panel indicated that it is imperative that the independent psychological evaluator obtain from the appropriate authorities the appellant's status with regard to the investigation concerning the 2005 sexual assault. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, justified sending the appellant for an independent psychological evaluation which should address the concerns raised by the Panel as it impacts on the appellant's psychological suitability for employment as a Police Officer.

CONCLUSION

The Class 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. Although the Medical Review Panel recommended that the appellant be subjected to an independent psychological review, the Commission notes that the appellant was less than forthcoming on his application in which he failed to identify contacts with Police regarding various incidents including misconduct and sexual assault. In this regard, the Commission shares the concerns of the assessment of the appointing authority's evaluator, Dr. Guller, that the appellant has integrity issues. Aside from the integrity issues that concern the Panel, the Commission has further concerns about the nature and number of incidents over which the appellant has had interactions with law enforcement. The fact that the appellant continued to place himself in such situations is indicative of bad judgment which does not bode well for an individual seeking a career as a Police Officer. In this regard, the Commission can find no current circumstance where an independent evaluation will provide it with any further pertinent information regarding the appellant's current psychological suitability for the position in question.

Accordingly, 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 does not accept and adopt the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation. Based on a careful review of the record, the Commission finds the appellant unsuitable for employment as a Police Officer at this time. Further, the Commission notes that as long as the Maricopa County, Arizona matter remains unresolved, the appellant's eligibility for consideration for appointment to a law enforcement position will remain problematic.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that A.V.R. 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 6TH DAY OF MAY, 2015**



**Robert M. Czech
Chairperson
Civil Service Commission**

**Inquiries
and
Correspondence:**

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

Attachment

**c: A.V.R.
Joseph J. Bell, Esq.
Michael F. Rogers
Kenneth Connolly**