



STATE OF NEW JERSEY

In the Matter of A.E.B.,
Police Officer (S9999A),
City of Long Branch

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

CSC Docket No. 2022-335

Medical Review Panel Appeal

ISSUED: December 21, 2022 (BS)

A.E.B., represented by Vincent Giblin, Esq., appeals his rejection as a Police Officer candidate by the City of Long Branch and its request to remove his name from the eligible list for Police Officer (S9999A) 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 February 10, 2022, which rendered its Report and Recommendation on February 26, 2022. No exceptions or cross exceptions were filed by the parties.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Krista Dettle, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as being slow and anxious to respond. The appellant presented with concerns regarding stress tolerance, emotional dysregulation, social competence, and substance misuse. The appellant reported that he had been written up while working as a substitute teacher and arrested on a disorderly persons offense following an altercation with bouncers at a bar. The appellant also reported that he used marijuana twice a week from 2010 to 2018, stating that he preferred this drug to alcohol, and that it improved his mood and helped him sleep. He stated that he was “uncertain” whether or not he disclosed this information on a previous psychological evaluation. Further, Dr. Dettle noted that the appellant was referred to counseling by his cardiologist, for what he initially described as high blood pressure, but which he eventually explained as stress. The appellant did not believe that the counseling had changed the way he felt. The test

data supported Dr. Dettle's findings in that the appellant showed an elevated risk of substance abuse and his responses to personality testing, to which his responses were defensive and minimizing, did not rule out counterproductive traits and characteristics. Dr. Dettle found the appellant's test profile and self-appraisal so implausible that it was indeterminate and no objective finding regarding psychopathology pathology could be rendered. As a result, Dr. Dettle did not find the appellant psychologically suitable for employment as a Police Officer.

The Panel's report also indicates that Dr. Gary Glass, evaluator on behalf of the appellant, carried out a psychiatric evaluation. Dr. Glass stated that the appellant's clinical profile was within normal limits. Dr. Glass characterized the appellant as having average intelligence, and that his life experiences were reasonable and acceptable for an individual pursuing a career in law enforcement. The appellant had a good academic record through high school and his college academic record was average. Moreover, Dr. Glass indicated that the appellant had normal adolescent issues, such as a school suspension and an arrest for a minor charge that was dismissed without incident. The appellant was never terminated from a job. Dr. Glass noted that the appellant passed a prior psychological evaluation conducted by Dr. Robert Kanen and that Dr. Kanen had recommended the appellant for employment with the Sea Bright Police Department. Dr. Glass found nothing in his review of the appellant's psychological evaluation, such as character flaws, impulsive behavior, antisocial behavior, or psychopathology which would prevent the appellant from effectively performing the duties of a law enforcement officer. Dr. Glass opined that the appellant was a "worker, reliable, dedicated, and a team player." Dr. Glass concluded that the appellant was psychologically suitable to serve as a Police Officer.¹

As set forth in the Panel's report, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The concerns of the appointing authority's evaluator centered on the appellant's presentation during the interview, an incident while working as a substitute teacher, the arrest on a disorderly persons offense, and his reported twice a week marijuana use. The appellant's evaluator did not express any of these concerns and found the appellant's marijuana use "benign,"² he did not find the arrest to be significant, and he made note of the appellant's positive accomplishments. Upon its review, the Panel noted that the appellant had previously been employed as a Class II Special Law Enforcement Officer in Sea Bright and had recently returned to his position. The appellant had no employment-related issues other than an incident as a substitute

¹ Dr. Glass submitted a January 21, 2022 supplemental letter prior to the February 10, 2022 Panel meeting in which he stated that he discussed the appellant's work as a Class II Special Law Enforcement Officer with Sea Bright Police Chief Brett Friedman who stated that the appellant was an "outstanding officer" and he could not understand why he was turned down by the City of Long Branch. Chief Friedman indicated that he "was eager to accept him back when his application with Long Branch was declined."

² In his report, Dr. Glass specifically stated that "[t]he alcohol and drug situation is benign."

teacher for which he was neither formally disciplined nor terminated. Moreover, the Panel noted that the appellant had a significant history of working in bars and there were no complaints or other fights as an adult with the exception of his 2019 arrest for a disorderly persons offense, for which the charges were dismissed. However, as set forth in its report, the Panel was concerned about the appellant's inconsistent reporting of his substance use history and what the Panel viewed as substantial use of marijuana in the relatively recent past. 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, indicated that the appellant was psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list.

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 legitimate concerns were raised by the appointing authority's evaluator, as well as the Panel concerning the appellant's substance misuse. Specifically, the Panel raised concerns about the appellant's inconsistent reporting of his substance use history and substantial use of marijuana in the relatively recent past. As a result, the Panel failed to recommend the appellant for appointment.

Initially, the Commission notes that, prior to making its Report and Recommendation, the Panel conducts an independent review of all 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 and, as such, are not subjective. The Panel's observations regarding the appellant's behavioral record, responses to the various assessment tools, and 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 applicants. The Commission finds that the record, when viewed in its entirety, supports the findings of the Panel. Thus, the Commission agrees with the Panel and defers to its expert opinion.

The Commission also comments that the appellant's use of marijuana was prior to the regulation and legalization of cannabis in this State and that a Police Officer is a law enforcement employee who must enforce and promote adherence to the law. The appellant's behavior in that regard is unacceptable for an individual seeking a position as a Police Officer. Police Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and an image of utmost confidence and trust. It must be recognized that a municipal Police Officer is a special kind of public employee:

His primary duty is to enforce and uphold the law. He carries a service revolver on his person and is constantly called upon to exercise tact, restraint and good judgment in his relationship with the public. He represents law and order to the citizenry and must present an image of personal integrity and dependability in order to have the respect of the public . . . See *Moorestown v. Armstrong*, 89 *N.J. Super.* 560, 566 (App. Div. 1965), *cert. denied*, 47 *N.J.* 80 (1966). See also *In re Phillips*, 117 *N.J.* 567 (1990).

Accordingly, the Commission cannot ratify the appellant's psychological fitness to serve as a Police Officer at this time.

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 conclusion as contained in the Panel's Report and Recommendation and denies the appellant's appeal.

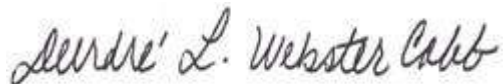
ORDER

The Commission finds that the appointing authority has met its burden of proof that A.E.B. 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 21st DAY OF DECEMBER, 2022



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