



STATE OF NEW JERSEY

In the Matter of W.G.,
Police Officer (M0153D),
Trenton

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

CSC Docket No. 2024-1327

Medical Review Panel Appeal

ISSUED: February 26, 2025 (BS)

W.G., represented by Donald C. Barbati, Esq., appeals his rejection as a Police Officer candidate by Trenton and its request to remove his name from the eligible list for Police Officer (M0153D) 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 May 3, 2024, which rendered its Report and Recommendation on May 3, 2024. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. Dr. Donjae Markey, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as being defensive, guarded, evasive, and dishonest during the interview and testing. The appellant presented with issues relating to emotional/stress regulation, integrity, and ethics. Dr. Markey noted that the appellant sent a text message to a friend which required police intervention in October 2017. Specifically, the appellant stated to his friend that he “wouldn’t hesitate to put a bullet in [his friend’s] head.” The appellant failed to provide complete information and downplayed the incident that it was just an issue between friends. The Robbinsville Police Department sent the appellant for crisis evaluation regarding suicidal or homicidal ideation, which the appellant also downplayed by claiming that the police had misinterpreted the situation. The evaluating physician recommended follow-up anger management counseling for which the appellant failed to act. Dr. Markey noted that the police report clearly

stated that the appellant told the arresting officer that he “often has uncontrollable thoughts of suicide as well as hurting others.” The appellant maintained that the police report was not true even though Dr. Markey found no evidence of “misinterpretation.” Dr. Markey asked the appellant whether there were other issues happening during the time of the threat to which the appellant responded that his girlfriend recently broke up with him. He was also upset with the friend he threatened regarding the “changes” in their friendship once his friend went off to college. The appellant further minimized the incident by stating that he had started an internship with the Robbinsville Police Department that was terminated due to the COVID pandemic and that it also issued him a Firearms Purchaser Identification Card. Of further concern to Dr. Markey was that the appellant never held full-time employment and the only part-time positions he held were at a tennis center and as a cashier at a food store, which demonstrated his maturity level. The testing supported the findings of Dr. Markey in that the appellant’s responses were “overly defensive and minimizing” and suggested an individual who was “generally domineering and tend[ed] to have little tolerance for those who disagree with their plans or actions.” Moreover, Dr. Markey indicated that others tended to view this type of individual as being “self-important, overbearing, and dictatorial.” Dr. Markey opined that these personality traits played a role in the interpersonal issues between the appellant and his girlfriend and friend. Dr. Markey found the appellant to have serious issues not conducive to serving as a Police Officer, such as poor insight, dishonesty, and defensiveness, as well as issues with emotional regulation, stress tolerance, integrity, and ethics. Dr. Markey did not recommend the appellant for employment as a Police Officer.

Dr. Sarah DeMarco, evaluator on behalf of the appellant, carried out a psychological evaluation and opined that the appellant did not present with any current mental health problems or conditions that would affect his ability to perform in a law enforcement position. Dr. DeMarco saw the primary issue as the 2017 incident and accepted the appellant’s explanation that he texted out of anger and that he had no intention to follow through on his threat. The appellant was screened by a crisis center but not admitted, although follow-up counseling was recommended. The appellant did apologize to his friend. Dr. DeMarco, not wanting to minimize the appellant’s behavior, indicated that the conduct must be put into context, in that the text was sent out of anger, appeared to be transient in nature, and was an isolated incident. The appellant immediately apologized. Dr. DeMarco noted that the appellant did not have a patterned history of engaging in physical violence or a history of making threats to others. She further explained the 2017 incident by opining that the appellant was nervous when talking with the police, that he was “literal” and “blatantly honest,” and that his admission was “specific to automatic thoughts that pop into his mind in times of anger,” akin to the thought of someone wanting to “punch someone” out in times of anger. Dr. DeMarco contended that the police were “not equipped to conduct adequate threat assessments” which led to the appellant being taken to the crisis center. She noted that the threat nor the

“uncontrollable thought” “did not rise to the level of concern for admission” to the hospital. Moreover, Dr. DeMarco stated that the 2017 incident occurred six years ago when the appellant was 19 years old and that the appellant was able to intern with the Robbinsville Police Department and also obtain a firearms permit “without requiring a firearm-specific risk assessment by a licensed professional.” Dr. DeMarco found that, from a clinical perspective and based on her evaluation, there was no compelling data to suggest that the appellant’s response style was suggestive of any underlying clinical issues. Dr. DeMarco found that the appellant did not present with any other behaviors related to violence or aggression, such as alcohol or substance abuse, interpersonal problems, employment problems, major mental or personality disorders, mood instability, lack of insight, or otherwise violent ideation. In Dr. DeMarco’s opinion, with reasonable psychological certainty, the appellant was “at least minimally psychologically suitable” to serve as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. Dr. Markey raised concerns regarding the appellant’s maturity, integrity, and judgment. The Panel found the appellant’s presentation before it to be consistent with Dr. Markey’s assessment. When questioned about the 2017 texting incident in which the appellant was called into the police station and taken to the crisis center at a local hospital, the appellant was aware of the severity of the situation. Although he was evaluated and discharged the same day, he failed to follow up on the recommended professional mental health counseling. Instead, the appellant claimed that he understood it to be counseling from loved ones and others rather than professional mental health counseling. The Panel also noted that the appellant is an adult but has never worked or maintained a full-time job and has no history of consistent responsibilities. He has been working part-time for seven years, approximately 14 hours per week. The Panel also expressed concerns about the appellant’s failure to respond truthfully when asked during Dr. DeMarco’s evaluation if he had ever consulted with a mental health professional when the record clearly indicated that he had been taken to a crisis center for evaluation. Although this was a significant incident, the appellant claimed that “he did not think of it” when completing the documents. However, the appellant did respond affirmatively when asked if he ever had a psychological or psychiatric evaluation when he listed a July 2023 evaluation for the Camden County Police Academy. The Panel expressed concern for the appellant’s integrity in that regard and opined that integrity is of the “utmost importance” for someone to serve as a Police Officer. Taking into account the evaluations of Drs. Markey and DeMarco, and the appellant’s appearance before the Panel, the Panel concurred with the findings of Dr. Markey and found the appellant not psychologically suitable to serve as a Police Officer and should be removed from the subject eligible list.

In his exceptions, the appellant takes issue with the Panel acknowledging that he knew the severity of the 2017 incident, but it failed to take into account that the

incident occurred more than six years ago,¹ that he has since interned at the Robbinsville Police Department and was subsequently issued a Firearms Purchaser Identification Card, also by the same police department, which investigated the 2017 incident. Moreover, the appellant presents that he recently passed a psychological evaluation for the Alternate Route Program for Camden County and “even attended the academy for several weeks before withdrawing to pursue employment with [the] Trenton Police Department.” He maintains that this “should have been highly determinative” for the Panel and addressed.² The appellant also contends that he has been steadily employed, albeit part-time, for the past seven years and that, during this period, he was “furthering his education during a period of high unemployment.”³ Additionally, the appellant argues that his response regarding a prior “consultation” with a mental health profession “is of no moment.” He submits that he did not view his “evaluation” by the crisis center as responsive to the question on “consultation.” Nonetheless, the appellant indicates that it did not “come to the forefront of his mind” as the incident occurred over six years ago. However, he discussed the incident “openly” when questioned. Further, the appellant argues that Dr. Markey “wrongfully interpreted/scaled” [the appellant’s] approach to the Personality Assessment Inventory (PAI) in accordance with community norms rather than public safety norms, and as such, the Panel’s Report and Recommendation was “skewed” to the appellant’s detriment. Accordingly, the appellant maintains that the Civil Service Commission (Commission) should reject the Panel’s Report and Recommendation and restore his name to 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

¹ Agency records indicate that the closing date for filing applications for the Police Officer (M0153D), City of Trenton, examination was February 28, 2022, less than four and one-half years from the October 2017 incident.

² It is unclear what specific title the appellant was appointed to pursuant to the Alternate Route Program in Camden County as the appointment was not recorded in the County and Municipal Personnel System. Regardless, his psychological suitability in that regard does not have a bearing on the instant matter.

³ Dr. Markey’s report indicates that the appellant attended community college from 2015 through 2016 and attended the College of New Jersey from 2017 through 2020, earning a Bachelor’s degree in criminology.

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 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. In this regard, the Commission notes that 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. The Panel's observations regarding the appellant's behavioral history, 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 appellants for law enforcement positions.

The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel. In that regard, the Commission finds the 2017 incident which required police involvement to be disturbing and disagrees with the contention that this incident was "isolated" or remote in time as it occurred less than four and one-half years of the appellant filing an application for the subject position. Of further concern to the Commission is that the appellant disregarded the crisis center's instructions that he follow up with a mental health professional after the 2017 incident and that he also failed to provide complete information during Dr. Markey's evaluation, which supports the findings of a lack of integrity. With regard to the criteria used by Dr. Markey in assessing the appellant's responses to the PAI, assessing his responses according to community norms rather than public safety norms would be less restrictive. Yet, Dr. Markey still found the appellant psychologically unsuitable for employment as a Police Officer. Moreover, while the Commission acknowledges that the appellant was pursuing a college degree during the time in question, another valid area of concern for the Panel was the appellant's lack of steady full-time employment. As suggested by the Panel, full-time employment demonstrates a level of consistent responsibility. Under these circumstances, the Commission cannot ratify the appellant's psychological suitability for employment as a Police Officer.

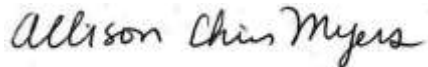
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report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

ORDER

The Commission finds that the appointing authority has met its burden of proof that W.G. 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 26TH DAY OF FEBRUARY, 2025



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