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A Review of Rejected Police Candidates

Psychiatric and psychologic screening is pertinent in many areas in our society but currently is most relevant to police work, crucial military operations (atomic weaponry), and other areas which combine potential power with delicate judgment. At the same time, at least for police work, eligibility is open, governed by some uniformity of rules, and in many areas controlled by civil service laws. The civil service laws have the effect of providing fairness at the cost of flexibility and of preventing abuse at the cost of arbitrariness.

The New Jersey laws provide specified grounds for rejection of civil service applicants; namely, an applicant may be excluded from consideration if he or she "is physically or mentally unfit to perform effectively the duties of the position" or "is addicted to the use of drugs, narcotics, or intoxicating beverages." These laws have been reviewed in a previous article [1] which described the types of evaluations being done to conform with this law. The extent of examination, tests utilized, and quality of reports were scrutinized.

Because of the variable quality of reports, dissatisfaction by rejected candidates, lack of uniformity, and problems of interpretation, the Civil Service Commission was confronted with numerous appeals and protests. The Commission sought the help of the College of Medicine and Dentistry of New Jersey through its two medical schools, Rutgers Medical School and the New Jersey School of Medicine. A Civil Service Medical Review Board, consisting generally of one psychiatrist, one psychologist, and one civil service staff member, was established to review appeals by rejected candidates. The earlier report described the type of material reviewed; this paper deals with the actions and effects of the Review Board. The Board has felt that one of its purposes has been educational. Recommendations to the Civil Service Commission are sent to both the hiring authority and the rejected candidate. The Board not only provides a recommended course of action but summarizes the data base and the reasons for its conclusion. If the prime reason for overturning the hiring authority is related to the quality of the evaluation and report, then the hiring authority (Police Department) can review the report with its consultants. Hopefully, clarification of defects in screening would result in a higher quality or more appropriate screening procedure and ultimately lessen the work of the Review Board. At the suggestion of the Medical Review Board, the Civil Service Commission sponsored a statewide meeting in August 1974 on psychiatric screening of police officers and invited public officials, police officers, psychiatrists, and psychologists. Approximately 300 attended this meeting.

By January 1975 the Board had been in existence for 1½ years and had reviewed 106

Presented at the 27th Annual Meeting of the American Academy of Forensic Sciences, Chicago, Ill., 20 Feb. 1975. Received for publication 14 Feb. 1975; accepted for publication 8 March 1975.

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appeals by applicants who had been rejected for reasons of mental unfitness (excluding those reviews not yet transmitted to the Civil Service Commission). Several appeals had not yet been processed by the Commission. Of the 98 appeals heard and decided, the Civil Service Commission had acted in accord with the recommendation of Medical Review Board in 97, with one to be reconsidered by the Commission for other reasons. Accordingly, the recommendation by the Board is thus far tantamount to the final decision of the Civil Service Commission (CSC). No cases thus far have been subjected to successful judicial review challenging the ruling of the CSC.

Of 36 cases reviewed by the Board from 6 Sept. 1973 to 5 March 1974, the Board reversed the act of the hiring authority in 27. Thus, in 75% of the cases reviewed during that period, the Board ruled that the hiring authority had not provided adequate or substantial documentation for a finding of mental unfitness or that the reports filed on behalf of the applicant seemed more compelling than that of the examiner for the police. From 19 March 1974 to 5 Sept. 1974, the Board reviewed 29 cases. The hiring authority was upheld in only 5. Thus, the reversal rate was 82%. From 19 Sept. 1974 to 31 Dec. 1974, 33 cases were reviewed, with the hiring authority being upheld in 20. Thus, the Board reversed the hiring authority in only 40% of the appeals during this period.

The Medical Review Board thus upheld the appointing authority in 35% of the appeals and the applicant in 65% of the cases. In the last period mentioned, the appellant was successful in only 40% of the appeals. Several factors may be involved in this change. Examiners were asked to transmit their data or psychologic test protocols so that the Board could more clearly relate the conclusions to the data on which they were based. Secondly, many of the examiners around the state were now alerted to the likelihood of reversal and had begun to transmit more detailed reports, spelling out the extent and type of examination and the data relied upon, and relating conclusions to significant observations. Increasing knowledge of the appeals system by applicants may also affect the type of appeals in ways not now measurable.

It was difficult to reach any conclusions based on the reports of the various jurisdictions. A few of the appeals were from state agencies, rather than local agencies (example, county guard or prison system). The data available indicated the following:

City	Authority Upheld	Applicant Upheld
Newark	3	21
Jersey City	1	5
Camden	6	2
Trenton	7	4
East Orange	1	6
Elizabeth	4	7
Other	13	18

These data are only of limited value and do not necessarily reflect the quality of work done in each jurisdiction. Most importantly, those who appeal are only a small percentage of those rejected so that they cannot be construed as being typical of those rejected. It may well be that those with a great likelihood of success on appeal are the ones who appeal. Secondly, during the procedure some appeals were dropped; in other cases the hiring authority (for example, Camden) decided not to contest the appeal. Some jurisdictions used a number of examiners; others used one individual or one group. Those applicants who were seen by examiners of their own choosing subsequent to the hiring authority's evaluation were able to provide supplemental informational input helpful to

their cause. Others who were seen by their own examiners may not have pursued their appeals if they were advised that they had poor grounds to do so. Therefore, most outside examiners were in support of appellants with rare exceptions. Some examiners on the behalf of appellants wrote vague, cautious recommendations which were in fact quite negative in tone and effect.

The City of Newark is the largest such entity in the state. The examiners for Newark interview all police candidates—about 300 to 400 a year. They divide applicants into three groups: high psychiatric risk, low psychiatric risk, and no psychiatric risk. This differs from the usual yes or no recommendation. About one third of candidates fit into each category—roughly 120 a year in each. While the examiners are not informed as to ultimate action by the hiring authority, most of the high risk group is rejected. The disposition of the low risk or borderline group is not clear, but many are accepted based on need, type of low risk, and other factors. Thus, it would seem that less than 20% of those rejected actually make an appeal. Those more knowledgeable, aggressive, or paranoid would reasonably be expected to appeal more. Though the Board had limited information upon which to base an impression, few applicants seem to merit the appellation “paranoid.”

Many applicants appealed after taking other positions to “clear their names.” Many felt that the rejections were grossly unmerited. A few attacked the qualifications of the examiners (undoubtedly with merit in several cases).

Other patterns were difficult to delineate. For example, despite stories of prejudice, only one applicant, a Puerto Rican (whose rejection was upheld), claimed in his appeal that the decision was based on discrimination. None of the blacks did. It might be added that identifying data were not enclosed in the material submitted. Therefore, any information as to background could be obtained only by name or incidental information noted in the various records. Thus, there seemed to be only three with Spanish surnames, two of whom were upheld in their appeals. The number of blacks was quite small. The only other claim of prejudice or discrimination was that of the only individual in the entire group where psychosis was a factor. This individual, who had a long history of schizophrenia and prolonged hospitalization, sought the help of veterans' groups, claiming that disability related to military service was by law to favor any applicant (in New Jersey, disabled veterans are given an absolute first priority, veterans second priority, and nonveterans third). His rejection was upheld because his severe mental illness related directly to the question of fitness.

Not all of the applicants were for police work; a few were for fire fighting positions, county park guard, corrections officer, etc., but the data discussed here have been lumped together, since almost all were for police positions. The Review Board consciously took a somewhat more liberal stance for fire fighters in considering the relevance of personality problems.

The data were also scrutinized as to age of applicant when available. There was a wide range of ages from 18 to 37, with the median about 25. Though there was considerable spread, the median age of those whose rejection was upheld was 25.5, compared to 24 in those who were successful in their appeals. This does not seem unreasonable in that as applicants became older, there was a longer history of established behavior to correlate with mental status findings.

As noted above, it was not possible to assess accurately racial or minority breakdown. From the data enclosed in the material submitted, roughly slightly more than 10% were black. The probable true percentage would be slightly higher. The rate of upholding of appeals by applicants was somewhat higher in those identified as black, but the numbers were quite small.

The Board in its work has become quite familiar with types of problems, styles of approach, biases, and other factors which may cause a set in an examiner. These general-

izations may be of assistance to those in screening work. Many details in examination and reporting have previously been reported in this journal [1].

There remains no standardized system by which police or other civil service applicants can be screened. Reasonable standards may vary according to location and needs. For example, one New Jersey jurisdiction requires two years of college; generally, a high school diploma or equivalent suffices. The basic civil service test functions somewhat as a screening device for intelligence; however, it seemingly acts as a cutoff at a rather low level. Many applicants with IQ's in the low 90's have been able to pass this screening test. In other parts of the country, a higher level of performance is required. One jurisdiction elsewhere requires a minimum IQ of 105. Certainly in the data and numerous letters reviewed, it is clear that many applicants have only minimal expertise in the use of the English language, so much so that even routine report making would clearly be affected. The Board, however, has not recognized this as a standard for rejection nor do the appeals coming to the Board focus on this issue. In only one case did the Board feel that generally low intellectual performance was a prime factor in rejection, and in this case the hiring authority was upheld.

No diagnostic breakdown is possible. Most reports described the candidate in functional terms, rather than in formal psychiatric appellations. Practically all rejections were based on personality disorders and behavior problems. The one psychotic individual alluded to previously had applied for a type of civil service position other than police officer. A few candidates demonstrated significant neurotic problems including depression, anxiety, and psychosomatic preoccupations and difficulties. In two cases the anxiety was accompanied by stuttering, which interfered in communication.

The problem of personality disorder remains a vexing one, to be judged by degree as well as quality. Thus, the better and more specifically described the alleged deficit in functioning, the easier it was for the Board to support the conclusions of the examiner. Information from other sources was most helpful. Many cities conduct a routine police investigation; others conduct none at all. The police reports were most helpful and often confirmatory of conclusions in the original evaluations. In one case the allegations of paranoid trends, poorly controlled hostility, and explosive acting out were confirmed by numerous reports of the neighbors, who described in detail the applicant's behavior in his own neighborhood. Employer records, school reports, military records, etc. were all most helpful. For example, one applicant judged clinically to be of dull intelligence was on a dean's list at college with an almost straight A average.

As is now our practice, the Board is quite cautious in accepting results of psychological tests. Many tests do not seem well correlated to the type of evaluation or judgment being made. Vocational aptitude tests, temperament assays, and often the Minnesota Multi-phasic Personality Inventory (MMPI) provide only limited information. Some examiners have constructed idiosyncratic test batteries or systems of interpretation which, by our judgment, do not have an accepted scientific base. When IQ tests are used, examiners frequently use only a few subtests and prorate the results. This is acceptable procedure unless the examiner infers that a whole test battery has been completed or unless his interpretations of the findings do not seem appropriate to the actual test scores.

Periodically, very harsh judgmental or moralistic attitudes are encountered. We note that one examiner frequently finds applicants to be hypocritical, immature, self-centered, with dubious motivation. Another examiner seems to reject candidates who violate his sense of decorum through sexual activity, particularly if the applicant has had children out of wedlock or has lived with a nonmarital partner. This is a sin that subsequent clerical sanction cannot remedy.

In screening procedures some degree of evasiveness and caution is a common event. Yet some examiners make much of this behavior, which is quite appropriate to the circumstances. This is one of the most common distortions in evaluation, often

complicated by a machine-prepared MMPI which records a similar conclusion. Unfortunately the machine does not know that the person is being screened for a job, but the examiners do and should take this into account in their evaluation.

Most importantly, the Board is concerned about an adequate description of personality characteristics which would interfere with or be inappropriate to the functioning of a police officer. If past behavioral functioning is reflective of adverse personality traits, this must be spelled out. If the attitudes or the verbal contents expressed in the examining room reflect judgmental defect, these must be spelled out.

The Board is aware that it has reinstated many borderline candidates to the eligibility list. The law requires more than clinical impression; it requires substantial documentation. Such a requirement is reasonable to protect reasonably the rights of applicants and to avoid possible abuses which may otherwise arise.

Summary

This paper reviews the activities of a Civil Service Medical Review Board which has reviewed the appeals of civil service applicants, particularly for police work, who have been rejected for psychiatric reasons by the hiring authority on the grounds of "mental unfitness." In a 1½-year period, 98 cases have been reviewed. The Board has upheld the applicant in 65% of the cases and the hiring authority in 35% of the cases.

Some of the factors resulting in the reversal of the decision of the hiring authority have been discussed. These include insufficient and superficial examination, inappropriate use of test material, attitudinal biases by the examiner, and inadequate reports which do not provide the adequate documentation required by law.

It has been the hope of the Board that this review of professional judgment will ultimately impress both hiring authorities and examiners with the defects of the procedures utilized and will encourage them to provide higher quality screening which will be upheld on appeal. To a degree this has been accomplished. Hiring authorities were upheld in only 25% of the cases from September 1973 to March 1974 and 18% from March 1974 to September 1974. This changed radically in the September 1974 to December 1974 period, when hiring authorities were upheld in 60% of the appeals.

As has been pointed out, such screening primarily involves review of personality disorders which, by their nature, require thoroughness of knowledge and delicacy of judgment for the formulation of a reasonable conclusion. It is hoped that these lessons will ultimately result in the selection of police officers likely to be successful at their tasks, without arbitrary rejection of those who reasonably merit a trial at work so essential to our society.

Reference

- [1] Perr, I. N., "Psychiatric Screening of Civil Service Candidates with Particular Reference to Police Candidates," *Journal of Forensic Sciences*, JFSCA, Vol. 20, No. 1, Jan. 1975, pp. 175-180.

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