



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of J.L., Sheriff's Officer
(S9999R), Passaic County

CSC Docket No. 2016-750

Medical Review Panel Appeal

ISSUED: September 21, 2018 (BS)

J.L. appeals his rejection as a Sheriff's Officer candidate by the County of Passaic and its request to remove his name from the eligible list for Sheriff's Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was referred for independent evaluation by the Civil Service Commission (Commission) in a decision rendered on July 26, 2017, which is attached. The appellant was evaluated by Susan A. Furnari, D.Ed., who rendered the attached Psychological Evaluation and Report on August 28, 2017. No exceptions were filed by the parties.

The Psychological Evaluation and Report by Dr. Furnari, the Commission's independent evaluator, discusses the evaluation procedure and reviews the previous psychological findings relative to the appellant. Dr. Furnari found the appellant to have a concerning personal history. While the appellant grew up in an intact family, the appellant self-reported frequent arguing and a father that "worked all the time." The appellant reports being "bullied" and describes himself in unflattering terms such as "small, big glasses, wore same clothes all the time, and didn't have much money." Dr. Furnari opined that she was not surprised that he chose to enlist in the Marines or that he was seeking a career in law enforcement as there is a sense that he seeks and needs comradery, acceptance, respect, and power. Of equal concern is the appellant's relationship history where there is little to suggest that the appellant operates in a mature, responsible, and prudent manner in this realm.

Dr. Furnari found that the test results were suggestive that the appellant was attempting to present himself in a favorable light and this overshadowed his truthfulness. Dr. Furnari noted that the appellant denied any psychological problems and minimized any personal faults. Dr. Furnari was concerned that this was either due to defensiveness or a lack of psychological insight on the part of the appellant. Although the appellant did not present with any significant clinical concerns, Dr. Furnari noted that he did present with historical unresolved "baggage," instances of poor judgment, a pattern of impulsive personal actions, and a level of guardedness that impacts behavioral prediction. Although there is no doubt that the appellant had been a successful Marine, having attained the rank of Sergeant, Dr. Furnari noted that military experiences are more structured and narrower in scope than those experiences one might encounter in a law enforcement position, particularly one that deals with the public. Consequently, military experience does not necessarily equate with law enforcement success. Taken together with the previous evaluations and assessment results, Dr. Furnari concluded that there are significant areas of concern regarding judgment, integrity, psychological insight, and self-awareness. Dr. Furnari did not recommend the appellant for employment as a Sheriff's Officer.

CONCLUSION

The Job Specification for the Sheriff's Officer is the official job description for such county positions within the civil service system. According to the specification, Officers are involved in maintaining order and security in a courtroom, serving court processes, criminal identification, ballistics and investigation, and the apprehension of criminals. Examples of work include: the field and office work necessary to serve and execute warrants, writs, court orders, summonses, subpoenas, and other documents directed to the Sheriff; making arrangements for the sequestering of juries; guarding and transporting prisoners; testifying in court; collecting monies to satisfy legal debts as ordered by the court; taking fingerprints; analyzing, indexing and classifying according to the F.B.I. version of the Henry System; examining bullets and fragments to determine the make and caliber of weapons involved in crimes; testing fired weapons in evidence and comparing test bullets with those on the crime scene; conducting criminal and other special investigations; locating and apprehending violators of the law; conducting classes related to departmental functions; operating a variety of communication equipment; providing security at public functions and county facilities; and conducting search and rescue operations.

The 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 notes that, in addition to conducting her own psychological evaluation of the appellant, Dr. Furnari conducted an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on the totality of the record presented. The Commission shares Dr. Furnari's concerns with regard to instances of poor judgment, a pattern of impulsive personal actions, integrity, and lack psychological insight and self-awareness. Additionally, the Commission agrees with Dr. Furnari's assessment that military experiences are more structured and narrower in scope than those experiences one might encounter in a law enforcement position, particularly one that deals with the public, and that military experience does not necessarily equate with law enforcement success. Having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of same, the Commission accepted and adopted the findings and conclusions as contained in the attached report and recommendation of the independent evaluator.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that J.L. is psychologically unfit to perform effectively the duties of a Sheriff's 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 20TH DAY OF SEPTEMBER, 2018

Deirdre L. Webster Cobb

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Chairperson, Civil Service Commission

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Attachments

c: J.L.
Richard H. Berdnik, Sheriff
Kelly Glenn