



STATE OF NEW JERSEY

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

In the Matter of F.S., Police Officer
(S9999U), City of Jersey City

CSC Docket No. 2019-1899

Medical Review Panel

ISSUED: May 1, 2020 (DASV)

F.S., represented by Giovanna Giampa, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999U) 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 (Commision) in a decision rendered January 15, 2020, which is attached. The appellant was evaluated by Dr. Robert Kanen, who rendered a Psychological Evaluation and Report on January 27, 2020. Exceptions were filed on behalf of the appellant.

As set forth in the Commission’s initial decision, the appellant was referred for independent evaluation of his cognitive abilities and his anxiety with heights and its impact on his functioning as a Police Officer. Therefore, in addition to reviewing the reports and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination; Wechsler Adult Intelligence Scale, 4th Edition Prorated (nine subtests); Millon Clinical Multiaxial Inventory – III; and a Behavioral History Questionnaire. In his evaluation with Dr. Kanen, the appellant explained that he used to be afraid of heights when he was younger. He has now conquered that fear, exemplified by such actions of driving over bridges and watching a football game at the top of a stadium without any problems. Dr. Kanen found no evidence that the appellant has an anxiety disorder. However, Dr. Kanen was concerned with the appellant’s cognitive abilities. The appellant’s estimated full-scale IQ was in the third percentile, below

97% of the general public and significantly below that of the average law enforcement officer. Dr. Kanen stated that the appellant “is likely to become confused and overwhelmed by moderately complex events. When faced with fast moving and complex situations that require sound reasoning and judgment, he is likely to have significant difficulties understanding the situation and responding appropriately.” Dr. Kanen further indicated that at the appellant’s level of cognitive ability “he is at risk for being a public safety hazard.” Therefore, Dr. Kanen considered the appellant to be psychologically unsuitable for employment as a Police Officer.

In his exceptions, the appellant emphasizes that he has no issues in his background to preclude him from employment as a Police Officer, such as an arrest record, drug or alcohol abuse problems, or a suspension on his driver’s license. The appellant also has not been the subject of a restraining order or has had a driving under the influence charge. He has never taken medication or received counseling for a mental health issue and does not have a history of mental illness or temper problems. The appellant states that he has been gainfully employed in the Parks Department of Hudson County for two years. Regarding the fear of heights, the appellant reiterates that he has conquered that fear and Dr. Kanen did not find that he has an anxiety disorder. Therefore, the appellant maintains that he is a suitable candidate for a Police Officer position.

Despite the opportunity to do so, the appointing authority did not reply to the exceptions.

CONCLUSION

The job specification for 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 and 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 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. While the appellant emphasizes in his exceptions that he does not have an adverse background, the Commission cannot ignore the issue in his cognitive ability. The appellant has not sufficiently challenged Dr. Kanen's evaluation to disturb his conclusion in this matter. In that regard, the Commission emphasizes that, in addition to his own evaluation and testing, Dr. Kanen conducts an independent review of the Panel's Report and Recommendation and the raw data, recommendations and conclusions drawn by the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on his expertise in the field of psychology and his experience in evaluating the psychological suitability of hundreds of applicants for employment in law enforcement and public safety positions.

Therefore, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Psychological Evaluation and Report of the independent evaluator. Accordingly, the appellant's appeal is denied.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that F.S. 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 29TH DAY OF APRIL , 2020



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Attachment

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