

A Unique Review of Rejected Police Candidates: Psychiatric and Psychologic Aspects

IRWIN N. PERR, MD, JD

Screening of applicants for civil service positions, particularly those where public safety is at issue, is a delicate, onerous, and necessary task. On the one hand, extreme concern is directed at the stability of those authorized to use guns and to exercise power or force; on the other, doubts frequently have been raised about arbitrary, dishonest, or manipulated rejection of applicants for government positions. The civil service systems evolved partially to correct the latter abuses.

This article describes a system that has evolved to balance conflicting needs. To my knowledge, it is unique in the United States and therefore may serve as a prototype, if in fact the procedures described are shown to be of merit. Two earlier papers have discussed the initiation of this program in New Jersey.^{1,2} While the attributes of an ideal policeman may be arguable, certain personality traits may be recognized as potentially troublesome in police effectiveness. A variety of publications have dealt with the problems of police effectiveness or particular problems confronting police officers.³⁻¹⁰ Few applicants demonstrate the gross pathology exhibited by psychotic, severely neurotic, brain-damaged or retarded persons; personality disturbances and behavior problems including drug and alcohol abuse are common. More broadly, marked immaturity, poorly controlled aggressiveness, unmodulated hostility, inappropriate biases, and unacceptable behavior problems or defective past functioning, including inadequate function in related paramilitary or military work, are clearly related to potential performance. However, reliance on evaluation of potential adverse traits as a basis for rejection for employment in the public sector has been the source of much conflict. The fact that there is room for legitimate disagreement or differences of opinion also should be stressed.

New Jersey is a state in which numerous public positions on a local level are governed by civil service law. The vast majority of jurisdictions (at least two-thirds) appoint police officers according to such procedures. An even higher proportion of actual appointments (at least 90 percent) is controlled by such law, as all the major cities with their large number of appointments conform to such policies. Those that do not are usually small towns in which appointments are made through whatever system the local authorities wish to adopt.

When a public authority is under civil service law, it may create guidelines for appointment that conform to state rules. Applicants may be rejected for poor work record, fraudulent application, criminal record,

Dr. Perr is Professor of Psychiatry, Professor of Environmental and Community Medicine, Rutgers Medical School-UMDNJ, Piscataway, NJ 08854 (201-463-4439).

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physical disability, lack of residency requirements where applicable, recent addiction to drugs or intoxicating liquors, and so forth. Applicants also may be rejected for mental incapacity to perform effectively the duties of the specific position.

Prior to this determination, initial eligibility is usually determined by a written civil service examination. This examination provides an arbitrary cutoff. While those of limited intelligence, education, or communications skills are less likely to pass, significant numbers do pass who may demonstrate an impairment related to relevant needs—such as communications skills or familiarity in the use of written language. The situation in New Jersey is compounded by the fact that applicants must be hired in the following order—disabled veterans, veterans, nonveterans—regardless of civil service test scores (as long as the minimum score is met).

A particular problem is the ambiguity or confused understanding by hiring authorities, some of whom view "mental impairment" as a basis to reject candidates who have limited virtues or who might not be "desirable" or "optimal" candidates. The law would seem to create a higher standard for rejection, requiring substantial documentation of mental impairment.

At various times, accusations of superficial or inadequate examinations, ethnic bias, conspiracy, keeping out of outsiders by the use of screening, and so forth have been made. Inasmuch as there was no system of checks and balances, there was little control or review of the quality of work done by evaluators.

Prior Procedure of the Civil Service Commission

Prior to 1973, if an applicant was rejected for mental unfitness, the applicant had the option of appealing that decision to the Civil Service Commission of the state. That rejection was usually based on an appraisal on behalf of the hiring authority by a psychiatrist, psychologist, or both. Frequently, the applicant obtained a countering evaluation to submit to the Civil Service Commission, which was faced with interpreting and weighing the various reports and then deciding whether the hiring authority had met its burden of substantial documentation for its act. On occasion, the Commission would order and pay for an "independent" examination, though finding evaluators thought to be reliable and impartial throughout the state was not an easy task. If either party was discontent with the Commission's decision, that decision could be appealed to the courts, a costly and time-consuming operation.

The Current System

In 1973, the Civil Service Commission established a Medical Review Board to review the data and interpret them and to provide recommendations for the Commission. The Board has consisted of a psychiatrist, a psychologist (PhD), and a representative of civil service to deal with procedural matters. Since its inception, I have been the psychiatrist (and

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chairman of the Board). Five psychologists have participated, the last since October 1976. Thus the professional representation has been quite stable.

The Board was initiated with the assistance of the President of the University of Medicine and Dentistry of New Jersey who recommended the representatives from the two medical schools in New Jersey (the first four psychologists were faculty members of the New Jersey Medical School). Since 1976, the psychologist, as well as the psychiatrist, has been a faculty member of Rutgers Medical School.

Procedures

According to the need based on the ever-changing rate of appeals, hearing dates are set for a meeting at the Rutgers Medical School, which is located roughly in the middle of the state (about one-third of the distance from the northern border with at least two thirds of the population). It is readily accessible from major north-south highways. The Board members are provided with the relevant data. This will always include psychiatric or psychologic reports from the hiring authority, material from the applicant, correspondence, and so forth. It may include a number of evaluations, police investigation reports (rarely done), letters of reference, military records, and hospital records.

Generally a half day is set aside for four hearings scheduled at half-hour intervals. The applicant has the option of attending, as do representatives of the hiring authority. Attendance varies; sometimes the parties bring their examiners. Either party may present a statement summarizing its position; additional written material may be submitted at this time. The applicant is not examined, but clearly the Board is able to observe behavior and occasionally these observations are significant in its determination. The hearings are informal; no verbatim transcripts are kept; and legal rules of evidence are irrelevant. Lawyers are urged to direct procedural criticisms to the Commission or to deal with them on subsequent legal proceedings. Individual hearings may be brief or they may be as long as two and one-half hours. After the hearing, the Board decides on the recommendation; the psychiatrist and the psychologist alternate the writing of the reports.

Recommendations are submitted within three weeks to the Commission with copies to the interested parties. Either party may take exception to these prior to the hearing of the Commission, which is held within a relatively brief period and at which time the Commission issues its determination; its review is based on the submitted materials, including the Board's recommendation, with no oral testimony by any party.

The Civil Service Commission consists of five representatives appointed for five-year terms on a rotating basis by the Governor. The Chairman of the Commission, the only full-time appointee, is selected by the incumbent Governor. The Commission usually adopts the recommendation of the Board—with no more than three or four reversals in nine years. To my knowledge, when the Commission has adopted the Board's recommendation, all further court appeals have been supportive of the Board's recom-

mendation. On occasion, either the Commission or the Board will recommend an independent evaluation. The Board will do this where the hiring authority's evaluations are clearly inadequate as supportive documentation but where associated facts or circumstances indicate a reasonable likelihood of significant mental impairment.

Evaluations

The nature of evaluations varies greatly. They vary in time (as short as five or ten minutes, as long as eight hours—but usually one-half to two hours). Similarly, the extent and depth of reports vary greatly. The psychologists use a wide variety of tests and procedures. Some are more in the nature of a vocational aptitude or interest review; these are rarely accepted as compelling evidence for mental impairment. Initially, excessive and inappropriate use of the MMPI was common. Reports have varied greatly from as short as one line ('I have examined Mr. X, and he is unfit to be a policeman') to multipage reports. Because of the gross inadequacies of many reports, the Board requires (but does not always obtain) a signed and dated report, description of the examination, the time allotted to the interview or examination, and a detailed statement justifying a conclusion of fitness or unfitness. In addition, the names of the tests and copies of all test protocols are requested so the Board can review the actual data on which conclusions are made. An awkward problem for some examiners is the right of the applicant to view all reports used as a basis for rejection; the Commission does have the discretion to refuse access by applicants to the evaluative reports if there is a statement that such review would be injurious to the health of the applicant. This rarely occurs.

Results

This article reports the results of approximately 700 Medical Review Board hearings (for applicants who were rejected and appealed) from June 1973 until March 1982. A number of cases were deferred or were re-reviews for various reasons. Thus the data reviewed include the results of 674 actual hearings that resulted in definitive recommendations.

The largest number of hearings were for rejected police officers (539) followed by firefighters (80), county correction officers (40), and others (22). The latter group consisted of county park police (5), campus police officer (3), state prison guard (3), state police (2), housing guard (2), and county clerk, institutional cook, park ranger, girls' supervisor, librarian, traffic violations officer, emergency medical technician (one each). Those related to police or security work were 597 (of 681, or 87.7 percent). In one jurisdiction (not included in the police group), firefighters have full police authority. Fifty-seven had a current position in one of the groups noted while applying for a different job. For example, 22 were currently policemen at the time of the hearing—either as a temporary policeman seeking permanent appointment (such as a CETA program participant) or a duly appointed policeman in one jurisdiction seeking appointment in another town.

Overall Results

From the period of June 1973 until March 1982, 674 hearings for those allegedly mentally unfit to perform the duties of a position applied for resulted in a definitive recommendation. Rather startlingly, during this period, 319 applicants (47.3 percent) were upheld in the appeals and recommended for reinstatement to the eligibility list; in 355 cases (52.7 percent), the hiring authority was upheld. These numbers reflect examinations that were inadequate, inappropriate, or even bizarre; many reflected simply a lack of substantial documentation on which to base a rejection.

Also significant has been the change over the years in the percentage of hiring authority rejections upheld by the Board. This change is reflected in Table 1.

Thus the percentage of hiring authority actions upheld has risen from 39.7 percent in 1973-76 to 68 percent in 1980-82. Inasmuch as the Board has remained relatively constant and inasmuch as the type of candidate does not seem to have changed, the Board believes this change reflects a greater thoroughness and better documentation by examiners for the hiring authority. In some cases, hiring authorities have employed new examiners and have used multiple examiners more readily.

Table 1. Outcome of Medical Review Board Reviews During Three Time Periods from June 1973 to March 1982.

Time Period		Outcome			
		Hiring Authority Upheld		Applicant Upheld	
		n	%	n	%
1973-76	total n = 199	79	39.7	120	60.3
1977-79	total n = 228	108	47.4	120	52.6
1980-82	total n = 247	168	68.0	79	32.0

($\chi^2 = 39.34, p < .001$)

Only 7 of the 674 cases involved women applicants (5—police; 1—girls' supervisor; 1—librarian). In 3, the hiring authority was upheld, and in 4 (all for police) the applicant was upheld.

Of the 674, 409 applicants submitted an application on their own behalf; 265 submitted no evaluation. Clearly those applicants who provided an examination were more likely to be upheld by the Board (57.9 percent); however, perhaps even more striking was the fact that 30.9 percent were upheld even without an examination on their behalf and in the face of a negative appraisal by the hiring authority (Table 2). However in the course

Table 2. Effect of Examination for Applicant.

		Hiring Authority Upheld		Applicant Upheld	
		n	%	n	%
With examination	total n = 409	172	42.1	237	57.9
Without examination	total n = 265	183	69.1	82	30.9

($\chi^2 = 46.98, p < .001$)

Table 3. Applicants with No Examination on Their Own Behalf.

		Hiring Authority Upheld		Applicant Upheld	
		n	%	n	%
1973-76	total n = 59	30	50.8	29	49.2
1977-79	total n = 95	65	68.4	30	31.6
1980-82	total n = 111	88	79.3	23	20.7

($\chi^2 = 14.60$, $p < .001$)

of time the likelihood of an applicant without such an examination succeeding in an appeal dropped precipitously (Table 3).

Whether the applicant appeared at the hearing seemed to make no difference. Of the 263 who appeared, 136 were upheld (51.7 percent)—compared with 47.3 percent in the group at large or 44.5 percent in the group who did not come to the hearings ($\chi^2 = 3.31$, $p > .05$).

In addition to the 64.3 percent of applicants who appeared with lawyers and prevailed, there was another group of 18 who were represented by lawyers alone (without attendance by the applicant). In this group, 15 of 18 (83.3 percent) were reinstated; of the total group represented by lawyers, 87 of 130 prevailed (66.9 percent) compared with 42.6 percent of the 544 who did not have an attorney ($\chi^2 = 25.19$, $p < .001$).

Analysis of the examiner groups was based on three categories—psychiatrists, psychologists, or both. In the latter group, there were examinations by at least one of each profession. Where there was more than one examination within a group by members of one of the professions, the examination was listed as one examination. Thus if two psychiatrists saw an applicant, the examiner would be listed as a psychiatrist. If there were two psychologists and a psychiatrist, the examiner would be listed as "both." Hiring authorities tended to rely on psychologists. Some examiners were not identifiable (listed as doctor or with no title). Thus, of 639 examinations for the hiring authority, 83 (13 percent) were done by psychiatrists, 330 (51.6 percent) by psychologists, and 226 (35.4 percent) by both. This contrasted with the evaluations performed on behalf of applicants (388), of which 204 (52.6 percent) were done by psychiatrists, 142 (36.6 percent) by psychologists, and 42 (10.8 percent) by both (Table 4). Hiring authorities relying on both (psychiatrist and psychologist) prevailed 73.9 percent of the time, while applicants relying on both prevailed only 47.6 percent (less than either psychiatrist [59.3 percent] or psychologist [56.3 percent] alone). Thus, whether the applicant employed a psychiatrist, psychologist, or both made little difference (Table 5).

Of the 12 cases referred for independent examination by a Commission appointed examiner (a psychologist), reports were received favoring the hiring authority in 8 and the applicant in 4. The Board followed these recommendations in all 12 cases.

In 2 cases, the applicant brought the examiner to the hearing and was upheld on both occasions. The hiring authority brought its examiner to the

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Table 4. Outcome of Review by Medical Review Board with Respect to Status of Professional Submitting Evaluative Report*

Status of Professional	Outcome			
	Hiring Authority Upheld		Applicant Upheld	
	n	%	n	%
Hiring authority relying on				
Psychiatrist	33	39.8	50	60.2
Psychologist	149	45.2	181	54.8
Both	167	73.9	59	26.1
$(\chi^2 = 53.20, p < .001)$				
Applicant relying on				
Psychiatrist	83	40.7	121	59.3
Psychologist	62	43.7	80	56.3
Both	22	52.4	20	47.6
$(\chi^2 = 1.98, p > .05)$				

*Based on professional breakdown where examiners are identifiable

Table 5. Effect of Having Both a Psychiatrist and a Psychologist As Examiners.

	Hiring Authority Upheld		Applicant Upheld	
	n	%	n	%
	Hiring authority relying on both	167	73.9	59
Applicant relying on both	22	52.4	20	47.6
$(\chi^2 = 7.84, p < .01)$				

hearing in 64 cases at which time the examiners explained and clarified the reports. Of these, the hiring authority was upheld by the Board in 33 (51.6 percent) and the applicant in 31 (48.4 percent). Thus, the presence of the examiner did not aid the hiring authority in presenting its case inasmuch as the hiring authority was upheld in 322 of 610 (52.8 percent) and the applicant in 288 (47.2 percent) when the hiring authority did not have the examiner present to testify ($\chi^2 = 0.35, p > .05$).

Conclusions

Rejection of candidates for public positions due to mental unfitness is a controversial issue, particularly where criteria are or cannot be rigidly delineated. On the one hand, the interest of the public is of prime importance, particularly in police selection where potential violence, instability, bias, dishonesty, and unreliability are legitimate concerns. On the other, applicants have a right to a fair and reasonable appraisal and job accessibility. If examiners act in an arbitrary or shoddy fashion, then there must be a reasonable system to oversee the process. The usual system of checks and balances in the United States, albeit slow and costly, acts as a protection to all parties. In this case, the public, the hiring authority, and the applicant all have a relevant interest. To ensure reasonable procedure, New Jersey has

created a Medical Review Board to act as adviser to the Civil Service Commission. Thus at least one level of independent review (at limited cost) exists. While it is true there is no one to evaluate the Board (which in essence evaluates the evaluators), there are practical limitations to any system of checks and balances. Recourse to higher administrative and judicial authorities remains.

The very fact that 47.3 percent of applicants were upheld in a nine-year period indicates serious problems within the valuation system. Hundreds of applicants have been made eligible for positions from which they would have been excluded under the old system. Despite numerous complaints by both hiring authorities and examiners about decisions made in favor of applicants, there has been a marked trend over the years in favor of the actions of the hiring authority. We optimistically view this as a direct result of the scrutiny by the Board and the requirement for adequate documentation. The services of some examiners have been terminated as hiring authorities have sought more reliable assistance in job screening.

An interesting finding was that the applicant's use of an attorney seemed to be helpful in the applicant's appeal process. Whether this was due to the representation or whether more competent and better organized applicants sought legal help is unclear.

New Jersey's unique appeals system seems to act in a moderating fashion and as a protection for all parties. In particular, the danger of uncontrolled application of psychiatric or psychologic "power," often by people of limited qualifications, is considerably diminished. It is hoped this process has resulted in a more fair, honest, and uniform public employment policy covering positions that are of crucial social concern.

References

1. Perr IN. Psychiatric screening of civil service candidates with particular reference to police applicants. *J Forensic Sci* 20:175-80, 1975
2. Perr IN. A review of rejected police candidates. *J Forensic Sci* 20:715-18, 1975
3. Matarazzo UD, Allen BV, Saslow G, Wiens AN. Characteristics of successful policemen and firemen applicants. *J App Psychol* 48:123-33, 1964
4. Fenster CA and Locke B. Neuroticism among policemen: an examination of police personality. *J App Psychol* 57:358-59, 1973
5. Shapiro S. Psychiatric examination of law enforcement candidates over a 10-year period. *Comp Psychiat* 22:312-19, 1981
6. Symonds M. Emotional hazards of police work. *Am J Psychoanal* 30:155-60, 1970
7. Symonds M. Policemen and policework: a psychodynamic understanding. *Am J Psychoanal* 32:163-69, 1972
8. Hogan R. Personality characteristics of highly rated policemen. *Personnel Psychology* 24:679-86, 1971
9. Blum RH, Ed. *Police Selection*. Springfield, IL. Charles C. Thomas, 1964
10. Kuvin SF and Shwed HJ. Police psychiatry: candidate evaluation. *Nat Police J (Winter)*:25-27, 1974

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