

Guidelines for Police Officer Psychological Exams

June 2022



**Municipal Police
Training Council**

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

www.criminaljustice.ny.gov



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The Guidelines for Police Officer Psychological Exams is intended to allow for the individual needs of each of the police departments in New York State regardless of size or resource limitations. Law Enforcement are encouraged to customize these protocols to meet their regional needs, while being mindful of the intent of the guidelines and regulatory requirements for conducting police officer psychological exams. As with all best practices guidelines adopted by the Municipal Police Training Council (MPTC), these guidelines are non-binding upon agencies, outside of any statutory or regulatory requirements, within New York State. The guidelines are meant to serve as a guide to be used when conducting police officer psychological exams.

The MPTC approved recent revisions to the guidelines at their June 2022 meeting.

Acknowledgments

The creation of the original 2009 Guidelines for the Use of a Public Safety Psychological Examinations and subsequent update to the guidelines in 2022 was a time-consuming project requiring research on best methods of conducting pre-employment psychological screening of public safety candidates. This task could not have been accomplished without the cooperation and efforts of the following professionals who have contributed to this guide.

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Agencies:

International Association Chiefs of Police (IACP)
New York City Police Department
New York State Association of Chiefs of Police
State of California Commission on Police Officer Standards and Training (POST)
State of Michigan Commission Law Enforcement Standards (MCOLES)
State of New York Department of Civil Service
State of New York Department of Correctional Services
State of New York Division of State Police

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Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

I. Background

On April 19, 2021, the “New York State Professional Policing Act (PPA) of 2021” was signed into law effectuating revisions and updates to numerous statutes in relation to the policing profession. Among several statutory changes, the PPA includes amendments to Executive Law §840(2) directing the Municipal Police Training Council (MPTC) to establish psychological minimum hiring standards for all new police officer hired by agencies defined in paragraphs (b), (c), (d), (e), (f), (j), (k), (l), (o), (p), (s) and (u) of Criminal Procedure Law (CPL) §1.20(34). As a result, changes to Part 6000 of Title 9 of the Compilation of Codes, Rules, and Regulations of the State of New York (NYCRR), codify requirements for police employers related to psychological standards under 9 NYCRR §6000.11.

Pursuant to these new regulations, a psychological assessment is required as a screening tool in determining if a candidate can perform the essential functions of a police officer. The assessment will provide agencies with additional information for determining selection or non-selection of police officer candidates.

II. Purpose

- A. It is vital agencies select candidates who are emotionally stable and psychologically fit to serve as law enforcement officers. To meet that goal and pursuant to the MPTC hiring regulations, a psychological assessment must be conducted on a police officer candidate to screen out those who may not be able to carry out the essential functions of a police officer or endure the uniquely stressful working conditions, or to screen out those who are not emotionally stable.

- B. The following guidelines are designed to serve as a resource regarding the considerations involved with psychological screening of police officer candidates appointed full-time or part-time and in competitive or non-competitive class positions, and consistent with the requirements prescribed by the MPTC under Part 6000 of 9 NYCRR.¹ Although these guidelines contain discussion of laws and their impact on pre-employment psychological screening and civil service, the information should not be treated as legal advice.

¹ 9 NYCRR §6000.2(c)

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

- C. Law enforcement agencies are encouraged to conduct the careful reading of Civil Service Law, Municipal Civil Service Rules and related laws, case law, and seek advice from legal counsel as necessary.

III. Definitions

- A. **Conditional Offer of Employment** – an offer of employment that is contingent upon the candidate meeting/passing certain additional requirements, such as a medical examination or psychological assessment.
- B. **Curriculum Vitae (CV, Vitae, or Vita)** – a detailed listing of an individual’s educational achievements, publications, presentations, professional activities and honors.
- C. **Informed Consent** – an agreement to do something or to allow something to happen made with complete knowledge of all relevant facts, such as the risks involved or any available alternatives.
- D. **Job Task Analysis** – systematic identification of the fundamental elements of a job, and examination of knowledge and skills required for the job’s performance.
- E. **Municipal Civil Service Agency** – positions in local government fall under the jurisdiction of a Municipal Civil Service Commission or a qualified Personnel Officer, who are responsible for administering the merit system in local government. Each county is responsible for administering civil service for the county and its civil divisions within the county including towns, villages, school districts, BOCES, special districts and cities, except in certain cities or suburban towns, which have elected to administer civil service.

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

F. **Public Safety Psychological Evaluation** – assessment of an individual by a qualified psychologist or psychiatrist. The evaluation consists of the administration of a battery of psychological tests and an individual “face to face” interview of public safety candidates.² This interview may be conducted virtually, over a secure, HIPAA-compliant internet platform consistent with guidelines set forth by state licensing entities. The psychological assessment will screen for psychopathological disorders, personality characteristics, and substance abuse problems that are not compatible with those of effective law enforcement officers.

G. **Qualified Psychologist or Psychiatrist³**

1. **Psychologist** – a specialist licensed by the State of New York in the study of the structure and function of the brain and related behaviors or mental processes who has been determined by the appropriate municipal civil service commission to possess the necessary experience and qualifications to administer psychological tests and interpret test results for the selection of public safety candidates, and who has been designated by such commission to administer such tests and interpret of test results. A psychologist may provide psychological evaluation, assessment, testing, and treatment, but may not prescribe medications.

2. **Psychiatrist** – board certified licensed physician (M.D. or D.O.) specializing in the evaluation, diagnosis, and treatment of mental disorders who has been determined by the appropriate municipal civil service commission to possess the necessary experience and qualifications to administer psychological tests and interpret test results for the selection of public safety candidates, and who has been designated by such commission to administer such tests and interpret of test results. The individual’s medical and psychiatric training prepares them to treat adults and children either individually, as part of and involving the family unit, and/or in a group setting. Psychiatrists can prescribe medications, if needed.

² See Section IV, B of the MPTC Guidelines for Psychological Exams

³ 9 NYCRR § 6000.1(g)

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

- H. **Psychometrics** – branch of psychology that deals with the design, administration, and interpretation of the quantitative tests for the measurement of psychological variables such as intelligence, aptitude, and personality traits.

- I. **Psychopathology** - a term which refers to either the study of mental illness or mental distress, or the manifestation of behaviors and experiences which may be indicative of mental illness or psychological impairment, such as abnormal, maladaptive behavior, including substance abuse, or mental activity.

- J. **Semi-Structured Interview**⁴ – interviews that are conducted with an initial set of pre-determined questions asked by the psychologist to the candidate being interviewed. Additional questions are created during the interview allowing the psychologist the flexibility to probe for details or discuss issues with the candidate. Public safety psychologists prefer this method of interviewing candidates to determine if the candidate is able to perform the essential functions of a police officer.

IV. Psychological Assessment Procedure

- A. Psychological assessments will be used as a component of the overall hiring process for police officer candidates in conjunction with other regulatory requirements such as medical screening, background investigations, physical fitness testing, or other methods.

The psychological testing process must conform to the Americans with Disabilities Act of 1990 (ADA). A psychological assessment must be done after a conditional offer of employment (COE)⁵ but before the officer is hired. An employer may choose to exempt an officer that possesses a valid MPTC Basic Course for Police Officer certificate.⁶ It is a recommendation to consult with an attorney prior to conducting psychological testing to ensure compliance with local, state, and federal laws.

⁴ 9 NYCRR § 6000.11(b)

⁵ 9 NYCRR §6000.3

⁶ 9 NYCRR § 6000.11(e)

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

- B. Each candidate must be evaluated by a qualified psychologist or psychiatrist to determine whether the candidate is psychologically fit to perform the essential functions of a police officer.⁷ The psychological assessment must include the following:⁸
1. screening for psychopathological disorders, personality characteristics, and substance abuse problems;
 2. use of at least two objective and validated psychological written tests for public safety personnel;⁹
 3. semi-structured interview process; and
 4. psychological assessment report and recommendation.
- C. Selection of a Qualified Psychologist or Psychiatrist to conduct proper assessments and interviews on law enforcement officers
1. Psychological screening of candidates shall be completed by a New York State licensed psychologist, or a New York State Board certified psychiatrist as further defined in the regulations.¹⁰
 2. Verify the psychologist or psychiatrist is licensed to practice in New York State. The search for a psychologist may be completed using <http://www.op.nysed.gov/opsearches.htm> or <https://www.nydoctorprofile.com/NYPublic/dispatch/> for a psychiatrist.
 3. Determine if the psychologist has any public discipline notices on file with New York State Education Department Office of the Professions. The search may be completed using <http://www.op.nysed.gov/raresearch.htm>.

⁷ 9 NYCRR § 6000.11(a)

⁸ 9 NYCRR § 6000.11(b)(c)

⁹ 9 NYCRR § 6000.11(b). See section IV., E of MPTC Guidelines for Police Officer Psychological Exams

¹⁰ 9 NYCRR §6000.1

Guidelines for Police Officer Psychological Exams

Municipal Police Training Council

A similar search may be conducted for psychiatrists at <https://www.health.ny.gov/professionals/doctors/conduct/>. A notice of discipline may not be disqualifying for the psychologist or psychiatrist. The police agency needs to be aware of the underlying cause and content of the discipline.

- a) Determine the psychologist's or psychiatrist's experience in conducting pre-employment assessments and interviews for police officers.
- b) Determine if the psychologist or psychiatrist has an understanding of the duties of a police officer. The following methods are suggested but are not all inclusive.
 - (1) Prior experience working as a police officer
 - (2) Knowledge of Police Officer Job Task Analysis reports
 - (3) Interviews of police officers
 - (4) Surveys of police officers
 - (5) "Ride-alongs" or job shadowing of police officers
 - (6) Board certification in police and public safety psychology awarded by the American Board of Professional Psychology.
 - (7) Familiarity with police psychology literature regarding pre-employment assessments and interviews of police officer candidates
- c) Determine the psychologist's experience in relevant areas of pre-employment testing of police officers
 - (1) Americans with Disability Act of 1990
 - (2) Health Insurance Portability and Accountability Act of 1996

Guidelines for Police Officer Psychological Exams

Municipal Police Training Council

- (3) Applicable New York State case law concerning the pre-employment screening of police officers
- d) Obtain the following information from the psychologist
 - (1) Curriculum Vitae
 - (2) References from past clients (i.e., police agencies)
 - (3) Continuing education in police officer candidate assessment and selection
 - (4) Memberships in professional organizations. The following organizations are examples of professional organizations which assist psychologists with assessments, interviews and selection of police officers.
 - (a) American Psychological Association Public Service Psychology Division 18
 - (b) Society of Police and Criminal Psychology
 - (c) International Association of Chiefs of Police: Police Psychology Services Section
- e) The psychologist should be prepared to consult with the police agency on the overall benefits and limitations of psychological screening in the police officer screening process. The psychologist understands the job-related criteria the agency is interested in measuring, and how these criteria relate to psychological assessment procedures.
 - (1) The procedures and goals developed between the police agency and the selected psychologist should be reviewed annually and periodically revised to reflect new developments in case law, psychometrics, professional practices, and research.

Guidelines for Police Officer Psychological Exams

Municipal Police Training Council

- (2) The selected psychologist should assist the law enforcement agency in maintaining adverse impact analysis to detect any discriminatory patterns of the psychological testing program in consultation with the agency's Affirmative Action Officer or similar title.

D. Informed Consent

1. Prior to any psychological testing or psychological interviews, the candidate is advised of and signs an informed consent to the conditions of the evaluation.
2. Conditions of the informed consent may include:
 - a) The agency administering the test is the client and the sole recipient of the evaluation results.
 - b) The candidate will not be able to review the test, interview or evaluation results.

E. Candidate Completes a Written Psychological Exam

1. Test battery must contain at least two objective and validated psychological tests¹¹
 - a) One test should measure psychopathology which includes substance abuse
 - b) The second test should measure normal personality characteristics
2. The instruments shall be norm referenced for use with law enforcement officers

¹¹ 9 NYCRR § 6000.11(b)

Guidelines for Police Officer Psychological Exams

Municipal Police Training Council

3. Written tests should be validated for use with public safety candidates. Validation is an ongoing process. The following guidelines should be considered during the validation of psychological screening instruments:
 - a) Written assessment instruments utilized should have strong validation evidence for use with public safety applicants.
 - b) Tests should have a substantial research base for interpretation with normal range populations in general, and public safety applicants in particular.
 - c) Tests should have clear, established interpretive strategies for use with applicants.
 - d) Tests should have demonstrated validity in predicting personality and mental health problems that are considered detrimental to job performance, including but not limited to impulsive and irresponsible behavior, difficulties in social and interpersonal relationships, and antisocial attitudes and behavior.
 - e) Validation evidence should be consistent with Principles for the Validation and Use of Personnel Selection Procedures established by Society for Industrial and Organizational Psychology Inc. and Division 14 of the American Psychological Association (SIOP/APA).
 - f) New or emerging psychological instruments with no established law enforcement norms that are included in a test battery should have available validation evidence for the testing instrument consistent with Principles for the Validation and Use of Personnel Selection Procedures (SIOP/APA).

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

- I. Qualified psychologist or psychiatrist prepares a written report on the candidate¹⁴
 1. The report needs to evaluate if the candidate can perform the essential functions of a police officer.
 2. Pre-employment reports should not be used for positions or departments not expressly considered by the psychologist at the time of the evaluation.
 3. The report and any ratings or recommendations in compliance with regulatory requirements are valid for a period of one year. After one year, the applicant should be retested and reinterviewed.
 4. The report shall be based on all psychological information relating to the candidate including test material and the personal interview results.
 5. The psychologist's report must explain if the candidate can perform the "essential functions." This section may contain any reservations the psychologist may have regarding the validity or reliability of the test results.
 6. The report shall include a justification for any rating and/or recommendation made by the psychologist. The psychologist's reasoning in arriving at the recommendation should be transparent, based on the data included in the report and understandable by the lay reader at the police agency.
 7. The psychologist should be prepared to defend their procedures, conclusions, recommendations, and ratings.
 8. All written testing instruments will be maintained by the psychologist and kept for a minimum of six years in accordance with New York State Law.¹⁵ The final written psychological report shall be included in the candidate's medical file due to the possibility of the report containing sensitive medical information. An executive summary, devoid of any medical information, shall be placed in the candidate's personnel file.

Guidelines for Police Officer Psychological Exams
Municipal Police Training Council

- I. Appointing authority makes final determination¹⁶
 1. The appointing authority (i.e., police agency), after careful consideration of the available facts, makes a determination whether or not to select the candidate for employment.
 2. If the appointing police agency does not select the candidate, then the candidate and the municipal civil service agency are notified that the conditional offer of employment is withdrawn.
 3. When the psychological evaluation is administered by the appointing authority rather than during testing by civil service, it is always possible the evaluating psychologist might return with a report that the candidate cannot perform the essential functions of a police officer.

Since this is just one part of a background evaluation, candidates are not typically restricted or removed from the eligible list as a result of a determination that a candidate can't perform the essential functions of a police officer. In this scenario, the candidate would be included amongst other reachable candidates. Therefore, the appointing authority must treat the candidate as a non-select, eliminating the candidate from consideration and appointing another equally reachable candidate.

4. If the police agency wishes to “remove” the candidate “from the list” they are now required to follow the standard procedures of the local civil service agency. In technical terms, this means the appointing authority wants to pursue disqualification of the candidate under the criteria in section 50(4) of the Civil Service Law, which must be met and applied. Municipal civil service agencies have a legal obligation to carefully consider the facts before making a decision to disqualify candidates.

¹⁴ 9 NYCRR § 6000.11(c)

¹⁵ New York State Archives Local Government Retention Schedule (LGS-1) Personnel/Civil Service Item #636

¹⁶ 9 NYCRR § 6000.11(d)