

**Challenging the Police De-selection Process During the Psychological Interview: How  
Gullibility Spells Hiring Doom for the Unwary**

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*And I wept both night and day,  
And he wip'd my tears away,  
And I wept both day and night,  
And hid from him my heart's delight,*

*So he took his wings and fled;  
Then the morn blushe'd rosy red;  
I dried my tears, & arm'd my fears  
With ten thousand shields and spears.*

William Blake, *Songs of Innocence*

Introduction:

As central parties responsible for selecting prospective police officers and other law enforcement employees to work in municipal or governmental agencies, psychologists are charged with screening out applicants showing instability, bad judgment, addictive tendencies, and other traits incompatible with successful functioning as peace officers. Apart from administering standardized tests and reviewing the applicants' background records, they must employ face-to-face interviews to assess the demeanor, candor, and intelligences of those potential police officers. That portion of the evaluative process—where the applicant provides unexpected or spontaneous revelations during the oral interview—is this paper's principal concern.

Specifically, it will argue that police psychologists—those working on behalf of law enforcement department as evaluators—often use the applicants' revelations of past indiscretions to disqualify them unfairly. In this paper the term “personal information”, “disclosures”, or

“admissions” will refer to adverse data that the candidate had not previously mentioned in his or her written, pre-interview application.

The applicant tends to provide it trustingly in an attempt to be transparent to the police examiner as well as to demonstrate that the behavior(s) in question (e.g., speeding, excessive drinking, shoplifting) no longer play a part in the applicant’s life. Despite this open renunciation of that conduct or lifestyle, the admission in question is still used as the basis for disqualifying the candidate as a police officer. Finally, those kinds of revelations are almost always instigated by the police psychologist’s mode of questioning and the institutional forces operating in the assessment environment, not by the applicant himself or herself. In short, admissions tend to be extracted externally than by free will.

Such confessions, it will be argued, are too quickly incorporated into a “reject” narrative rather than contextualized them in terms of the spirit in which they were made (e.g., “I used to smoke marijuana a lot in high school, but stopped after my first year in college”) because of pre-existing biases favoring a suspicious outlook toward all police applicants. They are seen as stable personality characteristics than reports of transcended difficulties, cured negative habits, or worked-through issues. Almost always admissions never receive credit as instances of honesty or integrity, but as problems cleverly uncovered by the police psychologist. Moreover, those engaged in police hiring evaluations tend to be influenced by the prevailing job culture encouraging the commission of false negative errors over false positive ones (i.e., it is better to be safe than sorry). Thus revelations of impropriety made against one’s own interests are likely to be viewed as “free” evidence for an easy turn-down, not instances of goodwill behavior

As a professional psychologist who is frequently asked to appeal turn-downs, I have noted repeatedly that not only are admissions not accorded the credit they deserve, but also tend

unduly to cancel-out or diminish the applicants other positive accomplishments. The fact that the candidate had secrets or unrevealed information (because, perhaps, it was no longer relevant to his or her ongoing life) serves to detract from the job seeker's positive history. Instead, past misdeeds take center stage as a result of being induced during the oral examination and push-out current accomplishments from meaningful consideration. Once job applicants have put their "foot in it"—admitting to something that should have been kept to themselves—police examiners then tend to hold the job applicant's feet to the fire.

That is often done by forcing candidates into acknowledging more serious misbehaviors than the ones admitted, to the point, in some cases, of extracting false information. Even though the applicants' intent in disclosing that data in the first place (e.g., having smoked marijuana, stolen a small amount of money, been drunk behind the wheel) might have to show a current change in character or behavior by contrasting it to the past, the admission itself now becomes an objects of intense interest, close inspection, and skeptical questioning (e.g., "Are you sure? Tell me when you really stopped? How much had you been consuming? What made you stop?"). As is often the case with people trying to explain their way out of misunderstandings, candidates are then likely to make matters worse by trying to clarify what they believe was misrepresented (e.g., "I meant to say that I no longer smoke marijuana I still have friends who still do.") That sort of reaction sweeps them into an ever deepening whirlpool of disbelief driven by the examiner's confirmation bias [\[1\]](#)—only a guilty individual would act so defensively.

As a cautionary note, I should assert that not all police candidate selections or determinations are inaccurate or wrong. I only challenge the ones which base their determinations primarily on admissions rather than real information derived from the applicants' factual histories. I claim that when police candidate evaluators employ browbeating and mental

coercion to extract disqualifying evidence, the ensuing rejection is questionable. That information becomes doubly suspect not only because it often refers to matters of the distant past (e.g., “five years ago or so I got into a shoving match with my roommate”), but also because it was produced to placate examiner’s expectations. Admissions are never about the here and now, only about recalled conduct.

After exploring this phenomenon further, discussing similarities between its conundrums and the reason for the Fifth Amendment’s presence in the Constitution, I will discuss ethical conflicts associated with advising prospective police candidates about the dangers they encounter by making inadvertent admissions. Finally, I will make recommendations for improving the police selection procedure with respect to the oral interview.

#### The police hiring procedure:

The oral examination is one part within the larger hiring process. While approaches for picking job candidates vary notably among jurisdictions (e.g., some requiring a college degree, others only a few post-high school credits; some demanding paramilitary experience, others none; some administering the MMPI-2, others the Inwald Personality Inventory; see Taylor, et. al., 2006), all demand that applicants submit written applications containing extensive background information, subject themselves to formal psychological testing, and partake in personal interviews with psychological evaluators.

In course of more than 20 years helping rejected police candidates (among other employment cases) appeal their disqualifications, I have noted three ways in which police applicants get rejected: by record, perjury, and/or admission. The first arises from an objective, problematical record characterized by significant misbehaviors or infractions (e.g., moving violations, firings, bankruptcies, dishonorable military discharges, domestic incidents, serious

juvenile misbehaviors). In this instance disqualification is directly proportional to the number of identified problems, severity of the issues concerning those problems, and the vintage of the misconduct in question (i.e., the more recent the problem, the worse its impact upon the candidacy). Needless to say, if all three variables are pointing negatively, the police psychologist's job is made relatively easy and little thinking is involved in making the rejection.

On the other hand, if the fact pattern toward the opposite direction (i.e., the offences are few in number, relatively minor, and distant in time) the candidate's chances for being hired improve notably. When that kind of pattern appears the police psychologist's job becomes harder since it demands more machinations to justify the candidate's rejection. The professional must explain how he or she weighed the examinee's strengths and weaknesses in getting to the disqualification.

For example, the fact pattern involving an applicant who a checkered past (two arrests), the last of which occurred five years ago which is deemed to be of "medium" severity (e.g., a disorderly conduct charge for being with a group of people who were fighting others) and the first for riding in a stolen car as a juvenile (seven years previously), but works responsibly and has had no other legal issues since the last arrest plus is close to graduating from college, would probably challenge the police psychologist's decision making capacity. Since no clear calculus for combining such a group of complex elements exists to justify either a "hire" or a "fire" decision, the police psychologist is left with little more than guessing. However, regardless of how the decision went, at least the situation contains objective evidence. Although the examiner could be accused of being excessive rigid in deciding against the applicant, at least objective information was used in arriving at the determination. The data was transparent and not conjured in the examiner's mind.

Similarly, perjury, the second kind of turn-down is also rooted in hard evidence. As can be imagined, it emerges when the candidate provides information during going against what is contained in the written record. The opposing data could have been come from the written pre-examination, employment questionnaire or because a departmental investigator dug-up background facts not previously known to the police psychologist. In either case the result is that an attempt was made to downplay or omit past bad behavior [2]. The lying, of course, is aimed at burnishing an applicant's job profile, knowing that telling the truth would likely lessen his or her hiring possibilities (e.g., admitting only one juvenile arrest when three was the real number; denying having ever been fired, yet one is uncovered when past employers are questioned during a background check).

The common issue for the police psychologist to consider is whether the inconsistency was willful lying or the product of simple forgetting (the defense which the candidate almost always invokes). Whatever the eventual decision, the facts under consideration are clear to an external reader of the case. As they would be if personality test findings (e.g., MMPI-2, Inwald Personality Inventory, CP) are included to arrive at the final decision (i.e., "Did the applicant also demonstrate propensities toward lying on the objective testing?). While the disqualification might be debated, the outcome emerged from verifiable information.

As has been already suggested, the validity of an admissions rejection is the most problematical. It is centered on what candidates said independent of the objective record. It also can be a product of induction by the very circumstances of the oral interview itself. Since only the candidate himself or herself really knows the facts of the matter—they cannot be confirmed by a third party—there is left only the police examiner's conjectures to determine how much

importance to place upon that disclosure. At work is not only what the applicant has verbalized, but also the police examiners' suspicions, biases, and need to play detective.

Indeed, it is not unusual for police psychologists to even provoke examinees into repudiating or revising sanguine versions of the past because they are deemed unconvincing or questionable, encouraging instead what is believed to be more "realistic" (i.e., negative) account of the occurrence. For example, the examiner might remark, "It would not be unusual for a young man in this day and age to have used marijuana on more than one occasion. Was that the case for you?" or "You indicate never having received any moving violation yet you've been driving for five years. Didn't you ever drive recklessly without being caught?" The result would be that an examinee would provide self-damning data, believing that everyone else going through the hiring process is doing the same thing. Such is the power of suggestion that I have even known candidates who have made up examples of misconduct just to avoid seeming "fake" by the interviewing psychologist. In short, they did not want to disappoint the examiner's explicitly stated assumption that "boys will be boys".

On the other hand, police psychologists tend not to delve as deeply into applicants' positive accomplishments (e.g., that he or she won an academic excellence award, was approved for advanced military training while in the Marine Corps) as they do the problematical material. The unacknowledged reason is that police psychologists tend see their primary job to be keep-out "bad apples" rather than acquiring good one. As one once told me, a rejected candidate will never threaten a department, but a hired one can always disappoint.

From the trusting view point of the applicant, the selection process is believed to be fair, professionally administered, and open minded. Therefore, they think that the open-hearted (i.e., sincere) nature of their revelations of will be sensitively understood as being a closed episode of

their life. They also think they will be given due credit for having voluntarily shared disavowed episodes of fighting, drinking, speeding, and experimental drug use.

More often than not those admissions are about youthful misconduct (e.g. “I had several fights during my first semester in college”, “I was part of fraternity drinking contest and won”, “My girlfriends and I raced other cars when we first got our licenses”) or one-time personal problems (“When graduated from high school I visited a therapist at my mother’s request because I didn’t feel like doing much”, “After breaking up with my boyfriend I was prescribed Elavil for my depression”) that they believe has been transcended. The statements are not intended as being reflective of ongoing adjustment issues (e.g., “I have just separated from my wife”, “Although I didn’t want to declare bankruptcy, I just did because of my many pressing debts.”) Thus, had the applicants kept such data to themselves (i.e., not taken the bait to confess), and based on their otherwise acceptable backgrounds, they would have probably been hired. At the same time, they want to show their honest side. Thus, admissions are often provided as symbols of good faith—to indicate that the candidate has nothing to hide from the department and can be trusted to “fess-up” if he or she makes mistakes. They are advertisements for sincerity.

Yet applicants do not get the expected for such truthfulness. Instead is cynically received by examiner with silent gratitude (i.e., “Thanks, you’ve just made my job easier.”) Now the police psychologist is able to write a fairly straight-forward rejection (e.g. “The candidate admitted to....getting drunk at several college parties...stealing clothes from the shopping mall 5 years ago...driving while intoxicated two weeks after getting her driver’s license.”) On the other hand, upon learning of the consequences that their candor created (i.e., rejection from the sough-

for job), candidates lament with the typical statement, “Boy! Was I stupid to have trusted the doctor!”

They see themselves as having been fools, thinking that had they been clearer in what they acknowledged the rejection could have been averted. Yet had known at the time that their words were being interpreted in an opposite manner than intended (which does not normally happen because the police psychologists are experts at hiding their real opinions during hiring interviews), any attempts to revise those those misspoken words (e.g., “I now only drink on very few occasions”, “I had financial problems two years ago, but now I am almost paid-off on my debts.”) would still have been met by objections and disapproval. Then the candidates would have been described in the rejection report as being “uncooperative”, “defensive”, “argumentative.”

#### Fifth Amendment parallels

The impulse toward sincerity and candor in an effort to show good moral character through self-transparency and un-tempered self-disclosure, but which causes later legal difficulties, is exactly why the Fifth Amendment was included into the Constitution. It provides the right of silence to governmentally detained individuals so as to avoid self-incrimination. The drafters knew all too-well that State powers are much greater than the citizen’s ability to defend against imprisonment. Moreover, they were also aware that, without external restraints, government would likely resort to force, coercion, or deception to acquire sought-for confessions.

Although criminal interrogations and employment interviews are conducted for very different purposes (i.e., to determine criminal culpability versus job fitness), what is of relevance for this paper are the similar psychological dynamics driving both which explain why examinees admit more negative information than is necessary. There are at least four.

First, admissions are produced in the context of social pressure. Both the interrogation and the hiring are conducted in private and in the face of powerful others. Like a police interrogation, the selection interview is open to the use of entrapment, manipulation, or enticement to acquire self-incriminating information. Since police examiners tend also to be older than the applicants, they can seem more intimidating when expressing skepticism about the candidate's degree of candor (e.g., "Are you sure that you never got into any fights after turning 18?" "Tell me the truth: how much marijuana have you really smoked?", "Everyone steals. When did you last take something that didn't belong to you?").

Second, those applying for law enforcement work tend to be young, idealistic, and, besides desiring to help others, committed to the rule of law. They also tend to be respectful of authority—why else would they be seeking employment into a paramilitary organization such as a police department? Thus, lacking the cynicism that they are likely to acquire after becoming seasoned officers, applicants typically come into the hiring situation programmed to "tell the truth." Unfortunately this predilection is very compatible with the police psychologist's need to acquire "reject" evidence. It propels the applicant to trust and admit. Without such "honesty impulse" the interviewer would be left with little (assuming there are no skeletons in the closet) to criticize. The police psychologist would be left with the "default" position of hiring the

examinee, not his or her first impulse. As noted earlier they believe it is safer to reject than to hire.

Third, police applicants frequently arrive with the naïve belief that the hiring agency somehow has supernatural powers or uncanny detection capabilities to find out about their personal pasts. Therefore, it would be futile for anyone to lie since it would be detected anyway. Facing the scrutiny of a professional psychologist whom, these young and impressionable applicants likely endow with all-knowing powers, they sense themselves as transparent or otherwise psychologically naked.

Thus, they are vulnerable to altering their statements at the behest of the interviewer, acceding to his or her authority, or shifting positions if it is so suggested (e.g., “The police examiner claimed that, because I had been stopped four years ago because of drunken driving, I had probably drunk more than the five beers I had that night. I went along with that his number since he seemed to know what he was talking about.”)

Lastly, candidates are not just encouraged, but generally ordered to be “honest” during every step of the admission process. They continuously hear that truth telling is the hallmark of a good law enforcement officer (e.g., “honesty is the best policy”, “don’t lie—you will be found out if you do”) and lectured that sincerity is compatible with good recruit behavior. Moreover, they are also encouraged to believe—although not explicitly reassured—that they will receive admiration, respect, or esteem if they courageously divulge unflattering information that had not already been in the pre-interview application. Embodying Lerner’s (1980) famous just-world thesis—that most people believe that bad things tend to happen to the bad while good to the just—police candidates think that freely provided negative revelations will show their good and definable. The candor will protect them from the consequences of what they have disclosed.

Kassin (2005) notes this same thinking guiding the actions of innocent people who, despite awareness of their Fifth Amendment Miranda warnings, still go on to divulge and even confess false information, believing that they will be treated better than if they kept quiet. That travesty occurs because the interrogator fools the suspect into believing that he or she has the suspect's interests in mind (i.e., is a "friend") and can mitigate charges if cooperation is forthcoming. "Cooperation", of course, means providing on-the-record statements or admissions, to which the investigator can cite to the judge as indications of good heartedness. Under the stress of detention the offer is enough to induce the self-damaging revelations (i.e., "look how innocent I am: I didn't hide behind silence"). After all, wouldn't a guilty person remain quiet knowing that otherwise he or she would worsen an already-bad situation? Kassin (*ibid*) explains the dynamics of such behavior in the following way:

"The phenomenology of innocence may be rooted in a generalized and perhaps motivated belief in a just world in which human beings get what they deserve and deserve what they get (Lerner, 1980). It may also stem from of an 'illusion of transparency,' a tendency for people to overestimate the extent to which their true [positive] thoughts, emotions, and other inner states can be seen by others (Gilovich, Savitsky, & Medvec, 1998; Miller & McFarland, 1987)." (Kassin, *op. cit.*, pg. 218)

Negative admissions (e.g., "Yes, I got into a fist fight during a fraternity initiation", "I did try marijuana in high school"), tend to erase all the good that the examinee has brought to the table, diminishing disproportionately the impact of the applicant's positive accomplishments. Since it is harder to take back what has been said than never to have said it in the first place, the applicant often then find himself or herself in the untenable situation of trying

prove that he or she is not “guilty”. The subsequent turn-down that follows is a robotic, canned, or formulaic action—applied in this instance as it has in many other situations. Typically, it questions applicant’s integrity while implicitly lauding the examiner’s perceptiveness in extracting the negative data (e.g., “The candidate didn’t realize the implications of what he was saying when admitting that he brought a knife to school.”) Without any objective “anchor” to determine the context or seriousness of the information, the police examiner is left relying on his or her word or speculations (e.g., “He told me that the knife was in the pocket because he had forgotten to leave it at home after having used it on a fishing trip; the story didn’t sound credible.”) The examiner then creates a “reject” story or narrative in which the admission is placed.

Spence (1984) has noted in the psychoanalytic therapy situation a propensity for analysts to “smooth” the patient’s account of his or her life, omitting some details and magnifying others, to establish a coherent—but not necessarily correct—account of the past. That transformation is not done against the patient’s will, but in cooperation with it, providing the latter with a “better” account of his or her childhood and background than had previously been the case. However, the result is a “narrative”, not necessarily a “real” truth of what really went on.

#### Aftermath in the police hiring situation

In most cities and jurisdictions rejected police candidates, can appeal their rejections in front of hearing boards or administrative courts. Beyond hiring a lawyer, the appellant (or the appellant’s lawyer) inevitably contracts a private psychologist to provide an opposing professional opinion regarding the candidate’s mental fitness to accomplish the job in question.

Opposing the appeal is not only the police psychologist who made the turn-down, but the lawyers representing the department for which the police psychologist works.

The legal contest is frequently not about statutory or case law matters, but about different psychological theories of the mind (e.g., whether a particular test finding really represents the negative behaviors asserted by the police psychologists). Typically the police psychologist places greater weight on past behavior, not on present conduct. Citation is made to difficulties in such objectively verified spheres of life as the applicant's work history, psychological test outcomes, driving background, academic attainments, finances, as well as inconsistencies between material contained in the applicant's written records and words uttered during aforementioned oral interview.

While the police psychologist's is prone to looking at the past as the best predictor of future behavior, the "defending" psychologist argues that the police psychologist either misunderstood the candidate's background, misheard the interviewee's commentary, provided insufficient attention to the applicant's achievements and/or magnified more than necessary the candidate's past mistakes. He or she will assert that current conduct (e.g., stable employment, community involvement) is indicative of compatibility with desired police character make-up. Although technically both are supposedly neutral experts they are, in reality, quasi-advocates who endow the same facts with distinctly different meanings (e.g., police psychologist: "They candidate has had four different jobs in two and a half years, suggesting instability of character"; private psychologist: "The candidate's four job were in the area of restaurant work where turnovers are quite frequent.") Thus, not unlike Spence's thesis (*ibid*), the two psychologists are involved in a kind of story-telling contest, a narrative construction that portrays the disqualified candidate in opposite ways.

The administrative officer or judge hearing the appeal obviously must decide the version having the greatest persuasive impact (e.g., police psychologist: “The candidate shows mental instability, poor impulse control, deceptive character, untrustworthiness”; the applicant’s psychologist: “The applicant is a worthy hire because he or she meritoriously served in the armed forces, has an honorable history of employment, and serves the community through volunteer work.”) It is not so much the applicant’s objective history that is in dispute (since it cannot be challenged), but material gotten during the police psychologist’s oral interview where the greatest degree of contention between those two psychologists occur.

Regarding that matter the police psychologist is in the more powerful position of the two. He or she has set the mood (e.g., the applicant was highly guarded... flip... hostile”) and storyline (e.g., she admitted to having engaged in two shoplifting incidents, the latest three years ago. That is proof of dishonesty”). The appeal psychologist, on the other hand, to supply a host of credible, counter-explanations to contest the damning evaluation (e.g., “the applicant was apparently reactive to police psychologist’s gruffness...thought that the examiner wanted him or her to answer quickly...experienced himself or herself as disrespected”). If not, what is left uncontested is assumed by the court to be true.

Rejections are generally overturned in one or more of three ways: challenging the accuracy of the police psychologist’s he claims (i.e., he or she was totally or partially mistaken about the facts used to disqualify), noting the lengthy time span between the last misbehavior and the present date (the longer, the better}, and citing laudable conduct contradicting the assertion that the candidate’s is unsuitable for police work (e.g., being honorably discharged from the armed forces, working adequately as a voluntary peace officer, performing praised community service, attaining advanced educational credentials)

It is rare that the rejected candidate has a spotless record. There is always some blemish (if not more) in the background that pushes him or her into the unfit category. The ultimate question for disputation in the appeal process is whether the rejection was based on reasonable assumptions that future work problems would likely arise if the applicant were hired: how much of the decision was driven by the examiner's cognitive recipes or stereotypes, relegating the candidate into the rejection category (e.g., a drunk, liar, hothead), rather than through objective analysis of the facts? Did the evaluator's excessively simplify the applicant's history so that a more complicated truth was obscured by a simple-minded conception?

While dealing with the objective features of the case are difficult enough (e.g., reframing of data, showing evidence of rehabilitation), coping with admissions demands explaining to the court the possibly coercive circumstances in which they were made and the intentions which motivated them in the first place (e.g., an attempt to show candor). It also requires casting into doubt the examiner's manner of drawing out information from the applicant and why certain implications were drawn from the adduced material and not others. A detailed account of that activity is beyond the scope of this paper.

### Ethical Issues

Should candidates be informed of the negative consequences they face by disclosing unflattering information? Must they be warned that the police psychologists are not their friends or that what they put in their pre-interview applications can be used against them in the oral interview? Would it be an implicit encouragement to lie if the consulting psychologist informs a rejected candidate that other jurisdictions would never know that he or she had been rejected by the one in question? What is the consulting psychologist's responsibility to the larger society?

Should he or she give away secrets to the say in which police psychologists disqualify candidates? Should he or she let the “cat out of the bag?”

I know of no academic discussion related to those questions. However, they are the ones commonly posed by law enforcement applicants wanting to know how to increase their chances of being hired. As for me, I believe in transparency. They should know that the evaluation process is laced with traps to induce the unwary applicant into making admissions contrary to his or her interests.

The police psychologist, sometimes appearing warm and personable, will always be on the department’s side, not the applicant’s. By definition, as a forensic expert he or she advocates or works for the institution which pays his or her salary, not the one being assessed. At least that much should be said. At the same time they should not be encouraged to lie. Instead, the law-enforcement job candidates should be educated about the hiring situation into which they will be facing. It is not much different than giving them a Miranda warning.

Example:

Problems arose with this candidate’s application after endorsing two-alcohol related items on a particular police department’s screening questionnaire: #29: “Do you believe social drinking can lead to alcoholism”—False; #31: “Do you ever get drunk?”—True) suggesting a history of excessive imbibing. He did not have to answer in that fashion since no external record existed that he had taken excessive liberties with alcohol. During the subsequent face-to-face the following dialogue ensued between him and the examining psychologist. That information is taken directly from her notes:

*(Number of times drunk in your life?) “..my life!...wow! (approximate?) I don’t...a 100 or 150 somewhere around there ....(number of drinks for you to get drunk?) “beer probably...4...within an hour...4 won’t drive (total number?) ...total...10 beers or so...Cd indicated that the last time that within the last 12 months alone he had been drunk “...20 times maybe.” Mr. Mocuiski allegedly also confessed to drinking “once a week...(each time?) if hanging out maybe a beer...if watching football take a beer, if party with friends coming from college 9-10 beers but I won’t drive.” (He also checked “yes” to the question, “Have you ever abused alcohol?” in the field investigator’s record form.)*

The applicant was then examined by a second psychologist, an expert in drug and alcohol addictions. He reported as follows:

*“The candidate admitted to being drunk 200 times and revealed leading an “alcohol centric [life]; that [meaning] getting drunk is an important activity in his life.” [This candidate] also noted, a discrepancy between the amount of drinking per occasion revealed by the candidate (2-3) in that particular interview and what he earlier stated to the other psychologist (9-10). In line with the preceding admissions, [the candidate] is pronounced to be at risk for alcohol related problems”.*

In later conversation with the candidate gave the following explanation for making those statements:

*Yes, I circled ‘yes’ to the [pre-oral questionnaire asking if I was a binge drinker] because I thought that ‘binge drinking’ meant*

*consuming 3-5 drinks in an hour. I did drink like that while in college, but it lost its appeal. I have not done so in the past six years. I go to the gym to improve my health and also to meet the NYPD academy standards. I have also been mountain biking for about two years which demands great physical stamina. That type of behavior is not consistent with someone who values alcohol more than his wellbeing. My admission was just an attempt to be honest. I had heard on the news that binge drinking was defined as having 3-5 drinks in an hour. I went out every weekend because my friends and I turned 21 around the same time and it was something new and fun to do. But, since we did it almost every weekend, drinking lost its appeal. It is no longer part of my life going out and I am not at all dependent on drinking every time I go out. The only time I drink now is when I watch football on Sundays with my friends. I never claimed to have been drunk 200 times to either police psychologist. Instead, I stated I drank alcohol about 150 to 200 times in my entire life. That means one to three beers in the course of two and a half years. They were all single occasions. I certainly did not get drunk on each occasion or even 'high'. I have never done any type of drugs in my life and I certainly didn't drink every day. During my early undergraduate years I would drink, at most, twice a week and, on rare occasion, three times. Also, I never said that one beer would get me drunk.*

*The [police] psychologist asked me how many drinks I have had in my life not how many times I got drunk. I didn't think the question was a fair one: 'how many drinks have I had in my whole life?' How is someone supposed to know how many drinks they have had in their life? The first also asked me to estimate the amount (as had the second) and I guessed 150 drinks. The psychologist responded with, 'don't you think that's a little low' so I revised the number to 200. It was not what I really believed, but what I thought would satisfy was her request to give a better response. However, I never intended my answer to mean that I was drunk on each occasion that I tasted alcohol."*

Yes, the candidate could have refrained from saying all that he revealed. No one would have been the wiser since there was no contradictory data attesting otherwise. However, the candidate made his own bed by putting his foot in his mouth, believing that to tell all would show forthright of character. Now he has contracted me in an appeal action to overturn the rejection that ensued.

No, I do not believe that he is or was ever was an alcoholic. Instead, it is likely that he over-drank here and there as many young college undergraduates partake. To his credit he graduated with a B.S. in Criminal Justice the requisite four-years, has worked steadily, and is without untoward incident since graduating high school eight years earlier. He also moonlights as an Emergency Medical Technician here in a large metropolitan city. However, those accomplishments were not sufficient to stop the "reject" label from being applied to his job application.

### Concluding Thoughts and Recommendations:

Certainly psychologists working for police departments will do what they must to insure that they hire the most competent applicants. That is why they veer on false negative than false positives side of the decision making spectrum. Yet, for those of us in the business of working with job rejection appeals and pre-application consultations the duty is murkier. To repeat the earlier rhetorical questions, should we encourage silence if particular personal facts cannot be verified? If applicants were criminal suspects and we their lawyers, we would certainly advise them to remain quiet and not confess to anything. As I explain to every pre-application candidate, police departments have no universal seeing “eye” in the sky. They cannot check-up on matters that are not in the public record or in the candidate’s verifiable history (e.g., schooling, work, military conduct, criminal history). If they admit the personal, it is at their own peril.

With regard to appealing rejections that have the strong taint of “foot-in-mouth” disease (the majority of my cases), the task is much harder than mere prevention. Here the job is undoing the storyline now imposed upon the candidate by the rejecting psychologist (e.g., he or she is vulnerable of an emotional breakdown because she admitted to taking Prozac five years earlier, he or she presents the risk of engaging police brutality because he or she admitted being a gang member in his or her early junior high school years). It is “un-smoothing” the narrative, as it were.

That can only be done by pointing out to the appealing authority that the police examiner over-stretched his or her rejection argument. It is also helped by piling on the candidate’s positive accomplishments that are contrary to psychologist’s turn-down. However, the best preventive measure would have been to have said or admitted to nothing.

Finally, with respect to the recommendations for the examining police psychologist, he or she should consider the possibility that departmental or institutional biases are at play in their decision making. I also believe that they do not fully appreciate the idealism and naiveté of those whom they encounter. More often than not, when showing otherwise clean records, they are essentially children who have at times have mis-stepped. They should also acquaint themselves with Freud's old concepts of transference and counter-transference (the reference to which are too numerous to detail). How much is a given disqualification a function of the applicant's shortcomings and limitations? How much of it is a projection of the police psychologist's own unexamined psychology?

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[1] Selective thinking characterized by a tendency to notice and to look for what confirms one's beliefs while ignoring or undervaluing the relevance of what contradicts that viewpoint. (Nickerson, R. S., 1996).

[2] I should note that I have never encountered the opposite: a candidate who depicts a problem worse than it really was.