

PSYCHOLOGICAL EVALUATIONS	Document Number	GO 531
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1. PURPOSE

The purpose of this policy is to establish the guidelines for conducting pre-employment and fitness for duty psychological testing for police personnel.

2. PERSONS AFFECTED

All sworn personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that pre-employment psychological evaluations shall be used to help determine suitability for law enforcement work.

Additionally, a fitness for duty psychological evaluation may be required to determine an employee's ability to carry out duties in accordance with the current departmental rules, regulations, policies, directives, or traditions.

4. RESPONSIBILITIES

4.1. Police Chief – The Police Chief can authorize a mandatory evaluation based on a request from an Administrative Review Board as part of an administrative action or from the employee's division commander.

4.2. Administrative Review Board – An Administrative Review Board may request a psychological evaluation as part of an administrative action for an employee showing behavioral signs of distress or impairment or when mental instability is reasonably suspected. The signs should indicate that the behavior of the employee:

4.2.1. Poses a threat to self and others; or

4.2.2. Produces a significant negative impact on the employee's ability to perform; and/or

4.2.3. Produces a significant negative impact on the operations of the division. For the purposes of this section, *significant negative impact* is defined as actions or conduct that precludes the employee or coworkers from performing their assigned duties, and/or compromises the safety of others.

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4.3. Division Commander – A division commander should solicit the voluntary cooperation of the employee to seek psychological help from internal or external resources. All observations triggering the evaluation and efforts undertaken by the division commander shall be documented.

4.3.1. In the event the division commander is unable to get voluntary compliance, then the commander may request a psychological evaluation for an employee showing behavioral signs of distress or impairment or when mental instability is reasonably suspected. The signs should indicate that the behavior of the employee:

- a. Poses a threat to self and others; or
- b. Produces a significant negative impact on the employee's ability to perform; and/or
- c. Produces a significant negative impact on the operations of the division

4.3.2. The commander in memorandum form to the Police Chief must document incidents of questionable behavior, as well as counseling and/or disciplinary measures.

5. PROCEDURES

5.1. Evaluation Objectives

5.1.1. Pre-employment Evaluations

- a. To evaluate the likelihood of an applicant, if hired, from engaging in behavior harmful to self or others.
- b. To help determine an applicant's suitability for law enforcement work, including carrying and using firearms or other weapons.

5.1.2. Fitness for Duty Evaluations

- a. To reduce the likelihood of an employee from engaging in behavior harmful to self or others.

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- b. To help determine fitness for continued duty when observed performance or behavior raises a reasonable question.
- c. Regarding an employee's psychological fitness for duty.
- d. To help determine an employee's continued fitness for duty, including carrying and using firearms or other weapons and operating departmental and subsidized vehicles.

5.2. Use of Evaluations

- 5.2.1. Psychological reports are to be kept confidential and used only by personnel authorized by the Police Chief. They are only advisory and shall not be the sole basis for administrative decisions.
- 5.2.2. Pre-employment evaluations are intended to provide guidance as to the applicant's inability to carry out duties for which he/she is applying due to psychological factors.
- 5.2.3. Fitness for duty evaluations are intended to provide guidance:
 - a. As to the employee's inability to carry out duties due to psychological factors;
 - b. About the advisability of recommended psychological intervention for an employee whose performance places the operation of the department at risk; and/or
 - c. In administrative proceedings, about the advisability of mandatory psychological interventions, including individual counseling, family violence or substance abuse treatment, anger management, or comprehensive tactical intervention.

5.3. Scheduling of Evaluations

- 5.3.1. For pre-employment psychological evaluations, the Captain of the Administrative Services Section or his designee shall schedule all Police Officer I applicants that have received a conditional offer of employment and have successfully advanced to this phase in the screening process.

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- a. The evaluator shall be a qualified Hawai'i-licensed clinical psychologist, on contract with the department and the fee will be assessed to the department.
 - b. Pre-employment psychological evaluations consist of two phases:
 - The first phase consisting of a battery of written psychological tests administered by trained departmental personnel that normally require a minimum of four hours to complete.
 - The second phase consisting of review of the written test and interview with clinical psychologist that normally requires a minimum of one-half hour to complete.
- 5.3.2. For fitness for duty evaluations, the employee shall be served with an order from the Police Chief to undergo an evaluation. Failure by the employee to report for an evaluation shall result in disciplinary action.
- a. The employee's division commander shall effect service of the Chief's Order and inform the employee about the reason(s) for the evaluation.
 - b. The Assistant Police Chief of the Administrative Bureau shall be responsible for scheduling the evaluation with a qualified Hawai'i-licensed clinical psychologist on contract with the department.
 - The evaluation shall be scheduled as much as possible during the employee's work day.
 - Should the evaluation be scheduled during an employee's off duty time, the employee shall be compensated for his/her time accordingly.

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- c. The employee evaluated shall incur no expenses for the evaluation and shall be reimbursed for all personal costs directly associated with the evaluation in accordance with departmental reimbursement guidelines.
- d. An evaluation normally requires a minimum of four hours of appointment time, but more time may be required, necessitating additional appointments.

5.4. Evaluations

- 5.4.1. In pre-employment and fitness for duty psychological evaluations, other individuals, such as legal counsel, may not be present during the evaluation without the express permission of the evaluator.
- 5.4.2. The Police Officer I applicant or employee will be asked to sign a Consent form advising him/her about the purpose of the evaluation and the limits of confidentiality. The evaluated applicant/employee shall be clearly advised by the evaluator that the evaluation is the property of the referring authority, the Police Chief, and that confidentiality does not exist in the context of the applicant's/employee's relationship with the evaluator.
- 5.4.3. If the applicant/employee being evaluated is not reasonably cooperative, it will be reported to the referral source.
 - a. For an applicant this shall be sufficient grounds for disqualification and his/her removal from the Human Resources Certified List of Eligible applicants.
 - b. For employees this shall be treated as failure to obey a lawful order, resulting in disciplinary action.
- 5.4.4. The evaluator shall promote an effective evaluation by using multiple data sources, to include standardized psychological tests, and a thorough structured psychological interview, with notes and behavioral observations. Data sources may also include:
 - a. Interviews with relatives and/or supervisors, as advisable;
 - b. Police records, to include previous evaluations and reports;

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c. Investigator's background reports.

5.4.5. For fitness for duty evaluations, the employee directed to undergo a mandatory evaluation may request a copy of the evaluator's questions and arrange for an evaluation from another source, paid for by the employee. This does not relieve the employee from the duty of undergoing the mandatory evaluation ordered by the department.

5.4.6. For pre-employment evaluations, the Department of Human Resources Rules and Regulations governing the appeal process in obtaining information pertaining to the evaluation shall guide the applicant.

5.4.7. For all evaluations in which a potential disability is indicated, the referring authority shall consult with the Chief and/or legal counsel to determine what steps should be taken to determine whether state or federal law requires a reasonable accommodation or other action.

5.5. Reports and Retention

5.5.1. For pre-employment evaluations, the evaluator's report and recommendations shall be directed to the Captain of the Administrative Services Section to be included with the applicant's pre-employment screening process file.

a. The Captain of the Administrative Services Section shall prepare an administrative summary of the applicant, to include the evaluator's report that will be forwarded to the Police Chief for review.

b. Upon completion of the review, the applicant's pre-employment file shall be retained in a secured file within the Administrative Bureau in accordance with current record retention policies for the County of Hawai'i.

5.5.2. For fitness for duty evaluations, the evaluator's report and recommendations shall be directed to the Police Chief for review.

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- a. Upon completion of the Chief's review, the Assistant Police Chief of the Administrative Services Bureau shall secure the report in a special locked file.
- b. The record will be kept for a period of seven years after the last data entry, after which time basic information will be retained and the report will be destroyed except in the event of pending litigation.
- c. The evaluated employee shall be notified by the Assistant Police Chief of the Administrative Services Bureau when the report is available for optional review in the presence of the evaluator, who will answer the employee's questions about the report. The evaluated employee can waive the right to review the report.

5.5.3. No information pertaining to any evaluation shall be released without the consent of the Police Chief.

5.5.4. Retention and Release of information shall be subject to applicable state and federal law.

5.6. Appeal and Reevaluation

5.6.1. For pre-employment evaluations, the Department of Human Resources Rules and Regulations governing the appeal process shall guide the applicant.

5.6.2. For fitness for duty evaluations:

- a. The evaluated employee may forward to the Police Chief a copy of an independent evaluation obtained from other qualified sources that was conducted at the employee's expense.
- b. In situations where the objectivity of the evaluating psychologist is questioned or if a conflict of interest is apparent, the Police Chief may order a reevaluation by a psychologist not connected with the department at no cost to the employee.

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- c. After completion of therapeutic intervention, the employee may have another departmentally funded post-treatment evaluation to determine fitness for duty.