



Risk Management Solutions



Summer 2021

A Quarterly Newsletter of the AMIC/MWCF Loss Control Division

Psychological Evaluations: Another Tool in the Toolbox

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It is rare for any police department to operate at full capacity, with all their sworn officer positions filled. Regardless of their size, location, salary, benefits or other opportunities, most departments are in a continuous recruitment, pre-employment and hiring mode. In Alabama, even departments that previously did not have to recruit and always had a surplus of applicants are struggling to fill their vacancies – many have resorted to advertising on billboards and television.

As a result, the pre-employment process is more important than ever before. With a limited applicant pool, no one wants to simply hire a “warm body” or an individual that is later determined unsuitable for the position. To avoid this scenario, agencies conduct a variety of written tests, interviews, physical ability/agility tests, oral boards, polygraph tests, drug testing and background checks. Almost all agencies perform some, if not all, of these activities in the hopes of finding one (or more) quality candidate.

More than 50 years ago, conducting a psychological evaluation was recommended by the President’s Commission on Law Enforcement and the Administration of Justice (1967), and is considered a best practice by the International Association of Chiefs of Police (IACP). Even so, state laws and agency practices within each state vary. Until recently, the psychological evaluation requirement in Alabama was extremely limited and, subsequently, this screening tool was one of the most under utilized pre-employment practices in law enforcement.

APOSTC Requires Psychological Evaluations for All Applicants

Beginning January 1, 2021, the Alabama Peace Officers’ Standards and Training Commission (APOSTC) requires that “all applicants selected to attend the Law Enforcement Basic, and Lateral/Refresher academies, must undergo a psychological evaluation ... by a Licensed Behavioral Health Professional.” (Review APOSTC Rule 650-X-2-.04 in its entirety at www.apostc.alabama.gov.) Previously APOSTC only required a psychological evaluation for applicants with a misdemeanor conviction involving force, violence or moral turpitude.

While some Alabama agencies conduct psychological evaluations of all applicants as a part of their pre-employment process, most do not. A recent survey of nearly 300 municipal law enforcement agencies in Alabama found that less than 20 percent conducted psychological evaluations for all new hires regardless of certification or prior experience.

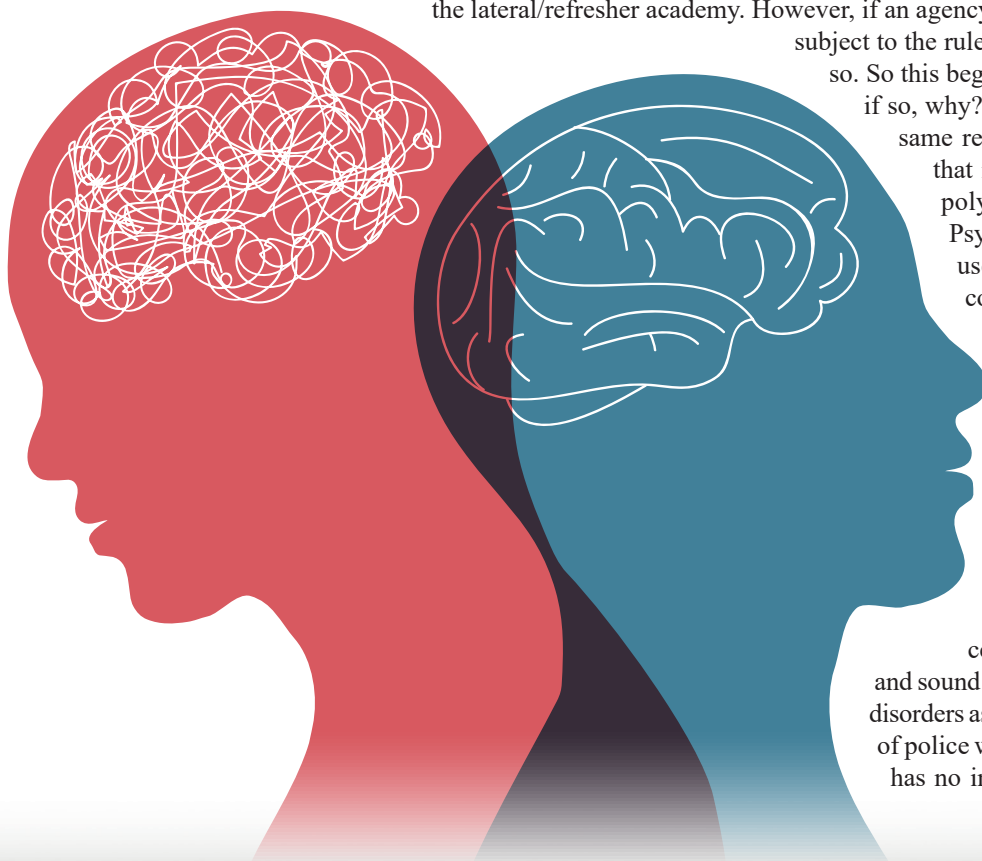
Obviously with the new APOSTC rule, all agencies must conduct psychological evaluations for applicants to either the basic or the lateral/refresher academy. However, if an agency hires a certified officer from another agency those individuals are not subject to the rule requiring a psychological evaluation unless the agency chooses to do so. So this begs the question of whether psychological evaluations are important and if so, why? A simple, straightforward response is yes. They are important for the same reason you conduct any part of your pre-employment process whether that includes a basic abilities test, background investigation, credit check, polygraph exam, physical ability/agility testing or medical screening.

Psychological evaluations are just one more tool that many police agencies use to ensure that they hire the best candidate for the job. The more complete the process, the more accurate and detailed the information pertaining to the applicant’s suitability to serve successfully as a law enforcement officer will likely be. In other words, the more you know; the better decision you can make; the better applicant you can select; and the more likely you will avoid making a bad hire.

Psychological Evaluations Can Identify Personality Traits and Significant Disorders

What can the evaluation tell us? We all know and agree that the daily demands placed upon a law enforcement officer can be challenging. While police officer personalities may vary, there are certain traits all officers should ideally share, including honesty, integrity and sound judgment. Psychological evaluations are used to identify any significant disorders as well as personality traits that would not be conducive to the expectations of police work. Someone who does not possess the skills to converse with people, has no interest in solving problems, is unable to see both points of view in a

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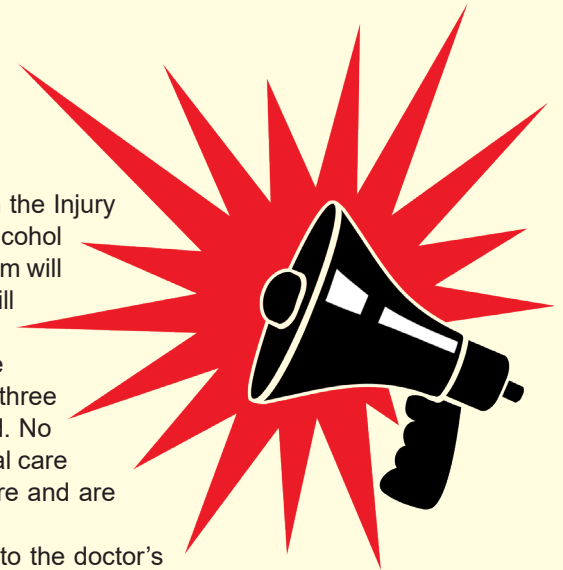
MWCF: Injury Triage Program to Replace Safe Workplace Guidelines

In 2022, MWCF will be discontinuing the “Safe Workplace Guidelines” and replacing it with participation in the Injury Triage Program as one of its three discount programs. The “Medical Protocol” and adoption of a “Drug & Alcohol Testing Program” will continue as before, each carrying a 3% premium discount. Participation in the Triage program will also carry the same 3% premium discount as signing the Safe Workplace Guidelines did in the past. MWCF will also continue to reward members that adopt all three programs with a 10%, rather than a 9%, total premium discount.

Just like the Medical Protocol and adopting a Drug & Alcohol Testing Program, joining the Injury Triage Program does NOT need renewing each year like the Safe Workplace Guidelines did. So, if you adopt all three discount programs, the full 10% will automatically be applied to your MWCF renewal each year moving forward. No further action needed! Whenever an employee is hurt on the job, obtaining the best and most appropriate medical care as soon as possible is always the top priority. Fortunately, most on-the-job injuries do not need emergency care and are not life threatening.

MWCF has partnered with an Alabama-based company, to provide an alternative to some employee trips to the doctor’s office. The Triage Program provided through MWCF gives a better way to handle these very minor injuries via “self-care” directed by a medical provider without a trip to the doctor. When an employee reports a minor workplace injury, the employer and supervisor can immediately call the Triage Hotline and speak DIRECTLY with a Registered Nurse trained and experienced in occupational triage. Unlike a clinic or doctor’s office, the Triage Hotline is staffed 24 hours a day, 7 days a week, 365 days a year. The foremost goal of the triage call is to determine the appropriate level of care. Based on occupational triage experience and established protocols, the Triage Nurse will gather specific information, which may require texted or emailed photographs of the injury, to determine whether first-aid/self-care is appropriate or if a referral to a locally designated doctor or clinic – or a specialist or even transport to an emergency care facility – is needed. The Triage Nurse does NOT make a diagnosis. The Triage Nurse provides recommendations for referral to an approved provider if medical attention is needed or gives detailed instructions on self-care steps the employee can take without a medical referral. Please note that if the employee wants to see the doctor in person, the Triage Nurse will not refuse that request and will arrange for the referral immediately. At the end of the triage call, the Triage Nurse will forward a detailed Triage Report to the designated person with the municipality, the claims adjuster and, if a referral was made, directly to that facility before the employee even arrives. Except for large deductible members, all of this is at ZERO COST to your municipality! MWCF will pay for the triage call and, unless follow up medical care is needed, the incident never appears on your claims history.

NOTE: The Triage Program is NOT designed for medical emergencies or life-threatening injuries. To learn more about the Injury Triage Program, including how to enroll, please contact Kendra Harrington at 1-205-730-2868. ■



Psychological Evaluations

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conflict, or exhibits indicators of rigidity, overconfidence, or an authoritarian personality, could all be considered undesirable in law enforcement.

Pre-employment psychological screening evaluates several personality traits to help identify if an applicant would be a good choice, including: General intelligence, judgment, dependability, honesty, integrity, personal bias or lack of bias, impulse control, stress/worry/anxiety, aggressiveness/anger, antisocial behavior, ability to perform boring/tedious tasks, ability to deal with supervision, appropriate attitudes towards sexuality and substance abuse.

These traits and others represent areas that have been determined over time to be important when evaluating a law enforcement applicant. Police officers are held to high standards, and these evaluations can help to identify applicants who may be unacceptable or undesirable.

The Ideal Evaluation

The ideal evaluation should include several elements including a pretest self-interview, a multiple-choice test, followed by an in-person interview with a Licensed Behavioral Health Professional that has experience working with law enforcement professionals. The evaluation itself might vary depending upon the evaluator; the specific assessment test used; and the interview style and questions used during the in-person interview.

The Minnesota Multiphasic Personality Inventory-2 (MMPI-2) Police Candidate Interpretive Report (PCIR) is one of the most commonly administered tests and is designed specifically for pre-employment psychological evaluation of a law enforcement applicant. Other frequently used tests include the PAI (Personality Assessment Inventory), IPI2 (the Inwald Personality Inventory 2), COPS-R (the Candidate and Officer Personnel Survey Revised) and M-PULSE (Matrix-Predictive Uniform Law Enforcement Selection Evaluation Inventory).

Once complete, the acquired information is used to determine an applicant’s suitability for the law enforcement profession. The results are usually expressed in one of three ways: (1) Recommend for employment; (2) Recommend with caution *(list concerns and recommendations); and (3) Not recommended for employment.

It is important to note that the Americans with Disabilities Act (ADA) imposes strict limits on an employer’s ability to require medical examinations of job applicants. An examination is medical if it seeks information about an individual’s physical or mental impairments or health. Subsequently, a pre-employment psychological evaluation, as with drug testing or a physical medical examination, should only occur after successful completion of all other (non-medical) portions of the pre-employment process and a conditional offer of employment has been made.

In addition, the ADA has several other requirements that apply to all job applicants. One of particular interest states that “all job candidates applying for the same job category are required to take the examination, not just those suspected of or with a history of having a medical condition.” Any agency that is conducting psychological evaluations only on specific applicants may need to discuss this issue with its Human Resources Office, Legal Department or Employment Law Attorney.

Conclusion

The bottom line is that psychological evaluations are another tool in your pre-employment toolbox. The evaluation results, in conjunction with the other tools can assist you in finding the most qualified and best suited individual for your agency. In today’s environment, agencies should strongly consider conducting this valuable assessment on all law enforcement applicants regardless of prior experience, certification or any other factors. ■

Resource List:

- Alabama Peace Officers’ Standards and Training Commission: www.apostc.alabama.gov
- American with Disabilities Act: www.ada.gov
- International Association of Chiefs of Police: www.theiacp.org
- MMPI-2-PCIR: www.pearsonassessments.com/content/dam/school/global/clinical/us/assets/MMPI-2-RF/mmpi-2-rf-pcir-user-guide.pdf

SAFETY FIRST! Recreational Environments Require Standards of Care

Stephanie Southerland • Loss Control Representative • AMIC/MWCF

Recreational activities and equipment generally come with an innate and acceptable element of risk to the user when they are properly designed, installed and maintained. However, when the equipment or surrounding area contains unforeseen or unexpected hazards, the city may be liable for injury claims.

Since January 2016, the Alabama Municipal Insurance Corporation (AMIC) has received 56 general liability claims related to recreational activities and playground equipment at a cost to the insurance program of over \$995,000. Three individual claims cost over \$595,000.

Your recreational equipment must be inspected and maintained in accordance with national consensus standards, the equipment manufacturers and as part of your general duty of care. Failure to do so can result in claims against your organization.

National consensus standards regarding public playgrounds have been established by the Consumer Products Safety Commission (CPSC) and the American Society for Testing and Materials (ASTM). The CPSC has published the “Handbook for Public Playground Safety” to provide reference guidelines for the design and management of public playgrounds. Although the handbook is considered a guide, legal precedence has been established that allows this reference to be admissible when it is offered to demonstrate an applicable standard of care. Compliance with these standards, as a baseline approach, should be incorporated into your municipal risk management plan for public playgrounds.

Most public agencies are facing a real dilemma in attempting to meet current playground safety standards, avoid potential legal liabilities from noncompliance, balance budgets and still provide a reasonably safe and enjoyable playground environment. So, what can your municipality do to control these losses?



- Identify equipment that has caused a reported injury because of poor maintenance, lack of repairs or bad design.
- Treat these risks by correcting the hazards that caused the loss or avoid the risk by eliminating bad equipment.
- Remove any existing equipment that is not recommended by CPSC, including heavy animal swings, rope swings, swinging exercise/trapeze bars, multiple occupancy swings and swinging gates.
- Conduct and document a comprehensive playground safety audit.
- Conduct weekly inspections with documentation of all playground equipment to identify and correct potential hazards that arise from usage of the equipment.
- Attend the National Parks and Recreation Society’s Certified Playground Safety Inspector course to increase hazard awareness.
- Since 80% of all playground injuries are due to falls to the surface, ensure the proper type and amount of surfacing material is used in all fall zones around the equipment. This should be included in the budget each year. In general, at least nine (9) inches of the material should be used.
- Conspicuously post playground rules that include the age group for which the equipment was designed, playground hours, supervision required by parent/guardian and a disclaimer that your agency is not responsible for accidents or injuries resulting from use of the equipment.
- Formalize a playground maintenance program by establishing written policies and procedures.
- Establish a long-term action plan to upgrade sites based on budget and goals.

Thankfully, Alabama has fairly broad recreational immunity laws. The duty of care a property owner owes to persons using his or her property for sporting or recreational purposes is governed by Sections 35-15-1 through 35-15-5, Code of Alabama 1975. Sections 35-15-1 and 35-15-2 state that no owner owes a duty of care to keep his or her premises safe for entry and use by others for any recreational purpose, even if the use is at the invitation of the property owner or occupant. Further, Section 35-15-1 states that, with certain exceptions, there is no duty to warn of dangerous conditions, use of structures or activities.

The exceptions are listed in Section 35-15-3. First, a property owner or occupant is liable for willfully or maliciously failing to warn or guard against a dangerous condition, use, structure or activity. Second, if a property owner or occupant grants permission to use his or her property for hunting, fishing, trapping, camping, hiking or sightseeing for a commercial benefit, the owner is responsible for any injuries which result. Finally, the property owner or occupant is liable to third persons to whom he or she owes a duty if someone using the property – with the owner’s permission – to hunt, fish, trap, camp, hike or sightsee damages the third person’s property.

With the current trend in splash pads, skateboard parks, golf courses and walking trails, the liability risks increase with the addition of each public opportunity for recreation. During the summer months, with children out of school, your role in recreation becomes even more important. Chapter 47 of Title 11 of the Code of Alabama 1975 addresses recreational rules and immunities for municipalities. These are outlined in the article titled “Municipalities and Recreation” in the *Selected Readings for the Municipal Official* (2020 ed.) published by the Alabama League of Municipalities. ■

Defining Moment: Loss Control

“Loss control” can be defined as the function which is directed toward recognizing, evaluating and eliminating (or reducing) the hazards which come from human error (unsafe acts) and from the workplace and its environment (unsafe conditions). Loss control is the prevention of occupational injuries, illnesses and accidental damage caused by these hazards. In other words, loss control is a risk management technique that seeks to reduce the possibility that a loss will occur and reduce the severity of those that do occur. The term “loss control” bridges the gap between traditional “safety” - which is normally associated purely with injuries to people - to also include other types of losses such as property, liability, personnel and net income. A loss control program should help policyholders reduce claims, and insurance companies reduce losses through safety and risk management information and services.

2021 SKIDCAR Schedule

Through an advanced, computer-controlled driver training vehicle known as the SKIDCAR System, trainees learn how to react quickly and safely to a range of hazardous driving conditions. Training is conducted throughout the state at a minimal cost. Visit www.losscontrol.org for more information.



July 19 - 23	Opelika
August 18 - 27	Decatur
Sept. 13 - 17	Ozark
Sept. 29 - Oct. 1	Jacksonville
October 18-22	Pelham

Register and pay online at www.losscontrol.org!



Loss Control Division

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Summer Safety DVDs

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- 5.053 Landscaping Equipment: Maintenance and Safety
- 5.055 Distracted Driving: At What Cost?
- 7.026 The Facts About Ticks and Lyme Disease
- 7.105 Groundskeeping Safety: Dealing With Bugs and Critters
- 7.106 Groundskeeping Safety: Be a Pro!
- 7.108 Protecting Your Feet: Learning Your ABC's
- 7.111 Back Injury Prevention for Public Entities (TML)
- 7.115 First Aid: Prepared to Help
- 7.116 CPR and AED: The Chain of Survival
- 7.117 Hazards of Cell Phone Usage
- 7.118 Safety Procedures for Lawn Mower Operators
- 7.119 Landscape Power Tool Safety
- 7.120 Hedge Trimmer Safety
- 7.121 Video Guide to Chainsaw Safety
- 7.122 String Trimmer Safety
- 7.123 Boating Safety

Video/DVD requests to Sonya McCarley at: 334-262-2566,
smccarley@almonline.org or FAX at 334-262-2809

Need Help Filing Work Comp Claims?

For step-by-step instructions, visit:

www.almwcf.org

Employment Practices Law Hotline

1-800-864-5324

Through a toll-free Employment Practices Law Hotline, members can be in direct contact with an attorney specializing in employment-related issues. When faced with a potential employment situation, the hotline provides a no-cost, 30-minute consultation.

www.losscontrol.org