



Assessing Bias and Intolerance in the Preemployment Psychological Screening Process

The goal of hiring applicants for police positions who are “culturally competent” is worthwhile, especially in view of the significant demographic changes in the area. However, implementing that goal may present both legal and practice challenges.

As you know, it is the responsibility of the psychological screener to select applicants who are free from serious emotional problems (stability standard) and who possess personal traits and characteristics that match the values of the organization and possess the mature capacity to serve the community in a safe and effective manner (suitability standard).

We do have psychological tests, questionnaires and interview protocols that help us meet the traditional goals of stability and suitability determination. The standard of care for psychologists is to identify any test-based concerns, then search for corroboration of testing concerns in the applicant’s background investigation results, the polygraph report and what the applicant admits to the psychologist during the face-to-face interview. A consensus of screening psychologists would agree that psychologically failing an applicant based solely on testing indicators of negative traits or characteristics is not appropriate. That is, except in extreme cases an applicant’s traits and characteristics are only sufficient to justify a rejection if those traits/characteristics can be linked to problem performance of essential job requirements, and that usually requires evidence that the negative traits have been manifest in the applicant’s previous behavior. Simply having test indicators of a trait like “abrasiveness” or “irresponsibility” – unless it can be confirmed in their work or personal history, or the psychological interview – would be regarded as insufficient cause for rejection.

We are presenting this review of our practice standard to provide a context for the discussion about strategies for what many people desire: “screening out candidates with significant bias towards various types of people – specifically because of race, gender, religion, identity, socio-economic status and/or other protected category.”

To be clear, we believe most admissions of discriminatory behavior are linked to essential job dimensions and we think we are justified in making a negative employment decision in these cases. However, failing applicants based on psychological grounds for attitudes or beliefs that have not been manifest in an applicant’s behavior toward others is a slippery slope. At the present time, if we identify applicants who admit to attitudes that we regard as intolerant/prejudiced (e.g, using ethnic or sexist comments, or making ethnic jokes, not at work), but they have not acted on those attitudes, we present our concern to the agency in the narrative psychological report but defer to the employer to make the hiring determination. We recommend consulting with the agency’s legal team to decide whether acting more aggressively in the case of suspected intolerant/racist attitudes is defensible.

Current Methods/Procedures to Identify Intolerance in Job Applicants



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Long before the concept of “cultural competence” was introduced our firm employed questions and test measures designed to identify job applicants who have engaged in behavior that we regard as discriminatory (see attached examples from the Psychological History Questions (PsyQ). Many management concerns are focused on the issues addressed in our PsyQ questions.

In addition, one of the two principal tests we use to screen job applicants (the CPI) contains a scale measuring Tolerance, which was originally designed to measure anti-Semitism. In fact, the behavioral anchors of the Tolerance construct are just as relevant to today’s concern about intolerance of other people based on race, language, religion, gender or sexual orientation. Our firm has conducted research establishing the relevance of Tolerance and the related CPI scale Empathy, with the goal of selecting police officers who do not have a pattern of intolerant behavior toward citizens, suspects and other officers (Roberts, R., et. al., 2017; Roberts, R., 2016). We advise psychologists that use our CPI Selection Report to apply cutoffs on the Tolerance and Empathy scale to identify which applicants should be questioned carefully regarding attitudes and behaviors that could be regarded as implicitly or explicitly biased toward other people based on their being in a protected class

Our firm will continue to try and address the issues of concern by using testing, questionnaires and interview inquiries that are legal, and that have demonstrated a correlation with job relevant dimensions, or are capable of being validated as required by our professional standards.

An interim, alternative approach to addressing the issues raised by some administrators would be to direct the department’s polygraph operators add the questions identified to the set of polygraph inquiries. If bias questions are asked and answered under polygraph conditions (when connected to the instrument) applicants do provide a wealth of information that can be considered by management prior to extending the applicant a COE and referring them to the psychological.

The Challenge of Employing Bias Indicators as Employment Selection Criteria

It may seem reasonable to use a purported indicator of bias as part of a preemployment psychological screening battery, such as the frequently referenced Implicit Association Test (IAT), but there is considerable evidence that this instrument lacks both validity and reliability in a research context (see attached article), and there is no evidence that the IAT or any other “bias” indicator has been validated as a predictor of negative job outcomes in police officers.

It is important to note that all research efforts need information about the individuals being studied that can be determined legally, and that are verifiable. This constraint presents a challenge for all researchers, particularly in the public safety context. Any research addressing the issues raised by Ms. Jelks would require information about the applicants/officers that would serve as predictor variables in the study (are they white, black, bilingual, LGBT or straight, Catholic or Muslim, etc.), but those inquiries may be prohibited by federal law and/or union policy. For example, to investigate religious bias, you would need to ask applicants/officers about religion, and that’s illegal. The same goes for asking about LGBT status. Even if you have the data about the applicants/officers in the study, research in this area faces a major challenge because the most obvious criterion to examine doesn’t exist. That is, police agencies routinely terminate officers for sexual misconduct, excessive use of force, stealing or other integrity issues - but they never



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document biased behavior directed toward gays, homeless, bilinguals, religious minorities, on any other target population. This lack of a robust “bias” criterion has limited current and past psychological screening validity research relevant to the negative job outcomes listed above. The good news is that some agencies are starting to track police-citizen incidents in terms of bias, such as the project underway in the New York City Police Department. If other agencies are willing to provide that kind of outcome data that can be used as research criteria, we will be able to make progress in achieving our goal of selecting applicants who are not a high risk of becoming biased police officers.

In summary, we assure you that our firm is committed to ensuring that we develop evidence-based psychological tests and questionnaires to address these concerns.

Thanks for the opportunity to address these important issues,

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