Psychological Screening for Law Enforcement Licensees
Workshop Goals

• Attendees will:

> be aware of proposed changes in the Texas Commission on Law Enforcement (TCOLE) rules for conducting pre-employment psychological evaluations for peace officers in Texas

> become familiar with best practices for conducting pre-employment psychological evaluations for peace officers, including standards for evaluation instruments and methodology

> understand the difference between law enforcement pre-employment evaluation and other specialized evaluations that may be requested by law enforcement agencies
Psychological Screening Committee

- Dr. Frances Douglas
- Dr. Brandy Miller
- Dr. Cary Conaway
- Dr. Lisa Garmezy
- Dr. Stephen Tate
- Dr. Tim Branaman
- Mr. Darrel Spinks
- Mr. Scott Merchant
How we got here......

- Anonymous complaint in Harris County
- Criminal convictions for falsifying L3 forms
- >3000 officers affected
Psychologists “Appointment” Process

Timeline:
• Process began over a year ago......
• 1st Reading of 2nd Opinion Rule – Dec 2016
• 2nd Reading of 2nd Opinion Rule – Mar 2017
• Grandfather Period from Mar – Dec, 2017
• January 1, 2018 Full Implementation
• ONLY “Appointed” Psychologist will conduct screenings
Psychologists “Appointment” Process

Psychologists creates account using TCOLE Online Services Tab
www.tcole.texas.gov
Psychologists “Appointment” Process

Psychologists enters credentialing information
- Contact / License Information
- Experience
- Law Enforcement agencies worked with last 3 years
- Education / Training
- Type Instruments Used
- Past Legal Issues / Litigation
Law Enforcement Licensee Screening Manual

Psychologists downloads “Law Enforcement Licensee Screening Manual” from TCOLE website
www.tcole.texas.gov
Psychologists checks box on their account to indicate they will read and adhere to manual guidelines
Provider Contract

Psychologists downloads, signs and uploads Contract.
Psychologists “Appointment” Process

Psychologists receives Personal Identification Number (PID) and account in TCLEDDS
Psychologists “Appointment” Process

- CPE reporting to TCOLE is by agency
- Reporting CPE hours should be negotiated as part of agency contract
Dr. Frances Douglas
Goals and Philosophy
Legal, Regulatory and Professional Requirements
Selection and Training of Screening Psychologists
TCOLE Rule 217.1
Psychological Evaluation Requirements

- “Examination conducted pursuant to professionally recognized standards and methods”
- Review job description for the position sought
- Review personal history statements
- Review background documents
- 2 measures: psychopathology & personality traits
- Face to face interview after testing instruments are scored
Changes to Evaluation Process

- TCOLE "appoints" qualified psychologist who sign a Psychological Provider Contract agreeing to follow guidelines of *Law Enforcement Licensee Screening Manual*

- Psychological and Emotional Health Declaration (P/EHD) evaluation results reported electronically

- 2nd opinion process defined (TCOLE Proposed Rule 217.2)

- At least 3 hours of CPE yearly must relate to law enforcement psychological screening to maintain “appointed” status
Qualifications of Screening Psychologists

• Full licensure with TSBEP or Texas Medical Board
• Completed graduate or post-graduate coursework in the use of psycho diagnostic and personality assessment instruments useful in making employment selection decisions
• 3 years’ experience following full licensure with TSBEP
• Ten (10) police screening examinations conducted under the supervision of a TCOLE appointed law enforcement licensee screening provider
Why is This Evaluation Different?

• "Occupationally-mandated psychological evaluations (OMPEs) pose significant legal, financial, and safety consequences for examinees, employers, coworkers, the public, and the psychologists who conduct them" APA Draft Guidelines for OMPEs

• Examination must adhere to State and Federal Law and Regulation not relevant to clinical evaluations
  ➢ TCOLE
  ➢ ADA
The Screening Examination

• "An assessment of the influence of personality traits – both normal and abnormal - on job-relevant behaviors as described by the law enforcement licensee psychological screening dimensions"

• Not diagnostic

• Not treatment oriented
Additional Concerns of PEPE's

• Who is the client? LE Agency or Applicant
• Who is paying?
• “Walk-Ins”
Law Enforcement Evaluations & Interventions

- Pre-Employment Psychological Evaluations
- Law Enforcement Psychological “Fit for Duty” Evaluations
- Psychological Evaluations for Law Enforcement Special Positions
- Personal Protection Officer Screening
- Officer Involved Shooting/Critical Incident Intervention
Law Enforcement Licensee Psychological Screening Manual

Adapted from "Peace Officers Psychological Screening Manual", California Police Officer Standards and Training

Authors: Dave Corey, Ph.D. and Shelley Spielberg, Ph.D.
Law Enforcement Licensee Psychological Screening Manual

• Assist law enforcement and psychological evaluators in identifying applicants for law enforcement jobs who are in satisfactory emotional and psychological health to carry out the duties of a law enforcement licensee

• Focus on role of psychologist to assemble a complex set of data to assist the agency to make an informed hiring decision

• Establish consistency in the conduct and criteria used by psychologists and agencies in hiring decisions

• Set realistic expectations for the role of psychological evaluations
Professional Standards & Guidelines

• APA Ethical Standards and Code of Conduct especially relevant to LESE
  ✓ Resolve Ethical Issues
  ✓ Competence
  ✓ Human relations
  ✓ Confidentiality
  ✓ Record Keeping
  ✓ Research and Publication
  ✓ Assessment
Professional Standards & Guidelines

• IACP-PPSS Pre-Employment Psychological Evaluation Guidelines
• Standards for Educational and Psychological Testing (AERA, APA, NCME)
• Principles for the Validation and Use of Personnel Selection Procedures (SIOP and Division 14, APA)
Psychological Evaluator Competencies

- Assessment
- Clinical
- Communication
- Jurisprudence
- Occupational
- Procedural
- Psychometric
- Standards
Specialty Training & Professional Associations

- PPSS-IACP
- Society for Police and Criminal Psychology
- APA, Div. 18, Police and Public safety Section
- American Board of Police and Public safety Psychology
- American academy of Forensic Psychology
Psychologist / Agency Integration

• Orientation to Agency
• Inclusion in information network
• Special Job Demands and Work Conditions
• Desired Bases for Disqualifications/Risk Management
• Feedback
  ✓ Failure Rates
  ✓ Disqualifications Overturned
  ✓ Disqualifications as a function of protected class
  ✓ Post-hire outcomes of incumbents
Screening Dimensions
Evaluation Process and Procedures
Written Psychological Tests
What Skills Are We Looking For?
Demands Of The Job...

- Split second, high-stakes decisions
- Resilience to mental, emotional, physical fatigue
- Initiative AND adherence to orders
- Appropriate use of force
- Cooperation with colleagues & community
- Careful, organized behavior
- Remaining calm/minimizing risks to self and others
- High ethical standards
10 Licensee Psych. Screening Dimensions:

1. SOCIAL COMPETENCE (getting cooperation)

2. TEAMWORK (collegial relationships, accepting supervision)

3. ADAPTABILITY/FLEXIBILITY (initiative & obedience)
4. CONSCIENTIOUSNESS / DEPENDABILITY (Careful, organized behavior)

5. IMPULSE CONTROL (Use of force & other scenarios)
6. INTEGRITY/ETHICS

7. EMOTIONAL REGULATION/
STRESS TOLERANCE (resilience)

8. DECISION-MAKING/JUDGMENT
(stressful conditions & high stakes)
9. ASSERTIVENESS/PERSUASIVENESS (command presence)

10. AVOIDANCE OF SUBSTANCE ABUSE & OTHER RISK-TAKING BEHAVIOR
THE EVALUATION
All Agencies Are Not Alike - Conduct A Job Analysis.

Explore the needs and concerns of your employer.

• Review Screening Dimensions together.

Discuss the agency’s unique characteristics or work demands.

• Do they have more screening criteria?
“The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting, or requiring, genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information . . .”
Steps In The Evaluation

1. Orientation; ID and get consent
   Covers applicant’s genetic tests, tests of family members, or disease/disorder in fam. members

2. Administration of written instruments

3. Review tests & records

4. Consultation as needed
Steps In The Evaluation

5. Psychological Face to Face interview
6. Consultation as needed
7. Integrate data; make a decision
8. Prepare & submit report
9. Deal with appeals/second opinions
10. Obtain & analyze outcome data—revise procedures as needed
Psychological Tests

1 for personality traits

1 for psychopathology
Psychometric Considerations

- Reference group/reading level
- Reliability and validity
- Demonstrated suitability for LE
  - Multiple validation studies
  - Appropriate criteria & samples
- Use of gender-based norms prohibited
Test-taking Approaches

UNDER-REPORTING
Intentional or Unintentional

Overly scrupulous reporting

Real virtue?
## Personal History Research Predictors

<table>
<thead>
<tr>
<th>Previous Behavior</th>
<th>Predicted Behavior</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance Abuse</td>
<td>DP, absenteeism, termination</td>
</tr>
<tr>
<td>Criminal Acts</td>
<td>DP, sustained complaints, forced resignation due to misconduct</td>
</tr>
<tr>
<td>Previous employment problems</td>
<td>DP, dysfunctional job behaviors, termination</td>
</tr>
<tr>
<td>Military disciplinary actions</td>
<td>Departmental complaints, suspensions, inappropriate sexual behaviors</td>
</tr>
<tr>
<td>Illegal drug use or alcohol abuse</td>
<td>Forced resignation or termination</td>
</tr>
<tr>
<td>Shorter job tenure/ # jobs past 5 yrs.</td>
<td>Forced resignation, termination, DP</td>
</tr>
<tr>
<td>Driving record (tickets, accidents)</td>
<td>Forced resignation, termination, DP</td>
</tr>
<tr>
<td>Financial/ Credit history</td>
<td>Poor performance, DP, termination</td>
</tr>
<tr>
<td>Family problems</td>
<td>Supervisory problems</td>
</tr>
<tr>
<td>Inconsistent/Vague/Inaccurate data provided</td>
<td>DP, poor job performance</td>
</tr>
</tbody>
</table>
Aggregation and Inter-correlations

• Inter-correlations among problem behaviors.

• When test results and background predictors agree we have less chance of error.
TCOLE Background / Personal History Statement

• TCOLE Rule: Psychologists are required to review information obtained by the background investigation.
• Agency **OBLIGATED** to share with Psychologist
• Important Points on handling the background:
  • Bias in background
  • Discretion with background information
  • Automatic Disqualifiers
  • Cross-checking background
Legal Restrictions

• GINA : Genetic Information Nondiscrimination Act
• Post-Offer psychological evaluations
• Overly “touchy” subjects
Clinical History Statement

Personal History Statement vs. Clinical History Statement

- Personal History Statement – On TCOLE Website
- Clinical History Statement:
  - Make your own.
  - Buy one.
Examples of CHS’s:

- **Candidate and Officer Personnel Survey** by the Institute of Forensic Psychology
- **Police Candidate Background Self-Report** by Applied Personnel Research
- **Integrity Inventory** by I/O Solutions
- **Psychological History Questionnaire** (includes risk ratings) by Johnson, Roberts & Associates
- **Clinical History Questionnaire** (includes suitability ratings) by LESI
Detecting Deception

- Crosscheck
- Warnings
- Explore Inconsistencies
- Ask questions in a clear manner.
- The polygraph.
## Candidate Admissions Without & With Use of Polygraph

<table>
<thead>
<tr>
<th>Admission</th>
<th>No Poly (N=10,500)</th>
<th>Poly (N=17,314)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ever arrested</td>
<td>12%</td>
<td>28%</td>
</tr>
<tr>
<td>Convicted of misdemeanor</td>
<td>9%</td>
<td>17%</td>
</tr>
<tr>
<td>Has hit spouse or partner</td>
<td>5%</td>
<td>9%</td>
</tr>
<tr>
<td>Ever used marijuana</td>
<td>34%</td>
<td>58%</td>
</tr>
<tr>
<td>Fired from job</td>
<td>14%</td>
<td>22%</td>
</tr>
<tr>
<td>Quit job without notice</td>
<td>9%</td>
<td>15%</td>
</tr>
<tr>
<td>Reprimanded at work</td>
<td>31%</td>
<td>47%</td>
</tr>
<tr>
<td>Has sold drugs</td>
<td>1%</td>
<td>2%</td>
</tr>
<tr>
<td>Failed job probation</td>
<td>4%</td>
<td>8%</td>
</tr>
</tbody>
</table>
Previous Psych History

• Obtain Authorization

• ADA requirements
Previous Psych History

• Pass rates for those with psych history.
• The problem of minimization.
• Obtaining records can be a challenge.
Disability Issues

• The method for the VA to determine a service-connected disability is the Compensation & Pension Evaluation. Download VA form 10-5345.

Examples of passing and failing candidates
<table>
<thead>
<tr>
<th>Personal History Indicators</th>
<th>Metrics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social Competence</td>
<td>Employment history, altercations, relationship problems</td>
</tr>
<tr>
<td>Teamwork</td>
<td>Military/employment history, personality conflicts at work, performance evaluations</td>
</tr>
<tr>
<td>Adaptability</td>
<td>College performance, employment history, job changes due to supervisor issues, failure to accept responsibility/ blame, mental health history</td>
</tr>
<tr>
<td>Conscientiousness</td>
<td>College performance, attendance, tardiness, collections, unpaid taxes, probation periods at jobs, proper notice when leaving</td>
</tr>
<tr>
<td>Impulse Control</td>
<td>Driving record, legal history, school behavioral problems, inappropriate sexual behavior, DUI, fights</td>
</tr>
<tr>
<td>Integrity</td>
<td>Theft, paid under the table, child support payment issues, omissions and inaccuracies during background, calling in sick when not ill</td>
</tr>
<tr>
<td>Emotional Regulation</td>
<td>Aggressiveness, fights since 18, restraining orders, mental health history, denigration of past supervisors, excessive sick leave, arguments, disciplinary actions</td>
</tr>
<tr>
<td>Judgment/Decision-making</td>
<td>Illegal behaviors, fights, legal problems, arrests, employment history</td>
</tr>
<tr>
<td>Assertiveness</td>
<td>Military, employment, academic, demotions</td>
</tr>
<tr>
<td>Substance Abuse</td>
<td>Drug and ETOH history, DUI, illegal activities, detentions, arrests</td>
</tr>
</tbody>
</table>
Evaluating Factors

In evaluating the relevance of any given behavioral act or admission, there are several factors that may be considered (Corey & Stewart, 2011):

- Seriousness/ extent of conduct?
- Circumstances?
- Frequency and recency?
- Age and maturity?
- Voluntary/ involuntary?
- Behavioral changes?
- Motivation or intent?
- Violation of social norms?
- Likely to happen again?
- Relevance to screening dimensions?
Psychological Interview: Beware of Biases

- First Impression Error
- Halo/ Horns
- Leniency / Stringency
- Central Tendency
- Confirmatory Bias
- Contrast Effect
- Similar To Me Bias
- Attractiveness/ Personal Style
The Psychological Interview:

**Structure**
- Standardized interview format
- Add unstructured “branches”
- Must be job relevant.

**Topics**
- Education / Developmental
- Employment
- Law Enforcement / Military
- Psychological
- Legal
- Driving
- Financial
- Alcohol / drugs
- Interpersonal / Psychosocial / Relationships
- Biases
- Gambling/ Tattoos
Interview Approach & Demeanor

Don’t:

• show strong emotional reactions.
• advocate/ advise/ counsel.
• overly “stress” the candidate.
• touch.
• joke.
• assume.
• reveal.
Detecting Deception in the Interview

• Evasiveness, deflection, avoidance
• Longer response latencies
• Oversimplified stories
• Third person impersonal language
• Denial and minimization

**Research indicates we are not accurate at detecting deception**
Other Interview Considerations

- Cultural competence
- Length of interview
- Note taking
- Electronic recording
Remote Examination Guidelines

- Proctored remote testing with standardized administration
- Review of all data prior to interview
- Identification via usable photo ID
- HIPPA compliant video interfaces
- Exam results reported using standard protocols
Risk Management vs. Risk Assessment

• Our job is to determine whether or not the candidate falls within or outside of the parameters of tolerable risk.

• TCOLE, State Law, and the Hiring Agency are tasked with establishing the parameters of acceptable risk.
Our Job: Prediction of Risk

- Collect and use data from multiple sources.
- Analyze the factors known to be empirically associated with counterproductive job behavior.
- Integration of data from a multimodal assessment has the highest degree of reliability and validity.
6 Steps of Systematic Data Review

1. Evaluate test scores for evidence of response inconsistency, over-reporting, and underreporting.
2. Identify and interpret relevant findings.
3. Evaluate relevant personal history information from all sources to determine if information meets agency standards for disqualification.
4. Evaluate relevant clinical observations.
5. Determine if the weight of the collective evidence (convergent, complementary, and divergent findings) supports or refutes the conclusion the candidate meets the selection standards.
6. Obtain feedback.
Narrative Report Considerations

• Decision of hiring authority
• Holiday v. City of Chattanooga, 2000
• Describe basis for concerns to hiring agency. Be specific and “non-jargony.”
• Describe possible accommodations.
• Consider legal defensibility.
• Ethical limits to personal info included.
• Risk ratings.
Records

• A detailed, written agreement is suggested
• Psychologists should maintain copies of reports and supporting docs.
• Must be in a locked file separate from employee’s background file.
• TCOLE record is an administrative document and not subject to ADA rules.
• Schroeder, 1997.
Sgt. Tracy Weems
Reporting Examination Results - PASS

- Exam Result reported w/i 3 days of exam
- PASS allows appointment
Reporting Examination Results - FAIL

- FAIL requires 2 additional exams
- MUST PASS both to appoint
- Re-exam may not occur before 7 days from FAIL
- Examinee or Agency schedules FAIL re-exams
- 2 FAILs disqualifies for 2 years
- Details in new TCOLE Rule / Manual
Reporting Examination Results

Provider Log In

Username: 
Password: 
Examinee PID #: 000000
P/EHD Result: Pass or Fail
Exam Date: 01/01/2018
# Reporting Examination Results

<table>
<thead>
<tr>
<th>Provider Log In</th>
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<tbody>
<tr>
<td><strong>Username:</strong></td>
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<tr>
<td><strong>Password:</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Examinee PID #:</th>
<th>000000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exam P/EHD Result:</td>
<td>Fail</td>
</tr>
<tr>
<td>Exam Date:</td>
<td>01/01/2018</td>
</tr>
<tr>
<td>2nd P/EHD Result:</td>
<td>Fail</td>
</tr>
<tr>
<td>Exam Date:</td>
<td>01/10/2018</td>
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Survey Results

- Survey emailed to almost 4k Licensees
- 90 Responses
- Mid Sept completion date on survey results
## Survey Results

### Screening Experience

<table>
<thead>
<tr>
<th>Experience</th>
<th>Count</th>
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<tbody>
<tr>
<td>Board Cert. for Forensic Practice or Police Psychology</td>
<td>2</td>
</tr>
<tr>
<td>CPE for Police Screenings</td>
<td>33</td>
</tr>
<tr>
<td>Forensic Experience</td>
<td>41</td>
</tr>
<tr>
<td>None of the above</td>
<td>14</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>90</strong></td>
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## Survey Results

<table>
<thead>
<tr>
<th>Years Exp.</th>
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<tbody>
<tr>
<td>1 year to less than 5 years</td>
<td>11</td>
</tr>
<tr>
<td>10 years to less than 20 years</td>
<td>22</td>
</tr>
<tr>
<td>20 years to less than 30 years</td>
<td>27</td>
</tr>
<tr>
<td>30 + years</td>
<td>6</td>
</tr>
<tr>
<td>5 years to less than 10 years</td>
<td>8</td>
</tr>
<tr>
<td>Less than 1 year</td>
<td>16</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>90</strong></td>
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Survey Results

<table>
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<tr>
<th>&gt;10 Exams?</th>
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<tr>
<td>Yes</td>
<td>77</td>
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Survey Results

<table>
<thead>
<tr>
<th>Last Evaluation conducted?</th>
<th></th>
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<tbody>
<tr>
<td>More than 180 days</td>
<td>28</td>
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<tr>
<td>within the last 180 days</td>
<td>3</td>
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<tr>
<td>within the last 90 days</td>
<td>11</td>
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<tr>
<td>within the last 30 days</td>
<td>18</td>
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<tr>
<td>within the last 7 days</td>
<td>30</td>
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<tr>
<td><strong>Grand Total</strong></td>
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## Survey Results

<table>
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<tr>
<th>Report Type</th>
<th>Count</th>
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<tbody>
<tr>
<td>No report provided</td>
<td>11</td>
</tr>
<tr>
<td>Verbal report all applicants</td>
<td>3</td>
</tr>
<tr>
<td>Verbal report on only failures</td>
<td>4</td>
</tr>
<tr>
<td>Written report on all applicants</td>
<td>68</td>
</tr>
<tr>
<td>Written report on only failures</td>
<td>4</td>
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<tr>
<td>Grand Total</td>
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## Survey Results

<table>
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<tr>
<th>Report Contents</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Detailed Report w/ specific details</td>
<td>29</td>
</tr>
<tr>
<td>Does not apply - No Report provided</td>
<td>1</td>
</tr>
<tr>
<td>Generalized report with a few specific details</td>
<td>23</td>
</tr>
<tr>
<td>Generalized report with no specific details</td>
<td>2</td>
</tr>
<tr>
<td>L3 form only</td>
<td>21</td>
</tr>
<tr>
<td>Report determined by agency / academy</td>
<td>14</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td>90</td>
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### Survey Results

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<tr>
<th>Personality Exams</th>
<th>Count</th>
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<tr>
<td>16PF</td>
<td>23</td>
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<tr>
<td>16PF, FIRO-B</td>
<td>1</td>
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<tr>
<td>16PF, NEO</td>
<td>4</td>
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<tr>
<td>16PF, Other</td>
<td>2</td>
</tr>
<tr>
<td>MBTI</td>
<td>1</td>
</tr>
<tr>
<td>MBTI, 16PF</td>
<td>2</td>
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<tr>
<td>MBTI, 16PF, FIRO-B</td>
<td>1</td>
</tr>
<tr>
<td>MBTI, NEO</td>
<td>1</td>
</tr>
<tr>
<td>MBTI, Other</td>
<td>1</td>
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<tr>
<td>MBTI, PEP-Q, FIRO-B</td>
<td>1</td>
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<tr>
<td>NEO</td>
<td>10</td>
</tr>
<tr>
<td>Other</td>
<td>38</td>
</tr>
<tr>
<td>PEP-Q</td>
<td>2</td>
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<tr>
<td>PEP-Q, 16PF</td>
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<tr>
<td>PEP-Q, Other</td>
<td>1</td>
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<tr>
<td><strong>Grand Total</strong></td>
<td><strong>90</strong></td>
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## Survey Results

<table>
<thead>
<tr>
<th>Psychopathology Test</th>
<th>Count</th>
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<tbody>
<tr>
<td>MMPI-2</td>
<td>15</td>
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<tr>
<td>MMPI-2, CPI</td>
<td>4</td>
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<td>MMPI-2, MMPI-2-RF</td>
<td>5</td>
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<tr>
<td>MMPI-2, MMPI-2-RF, PAI</td>
<td>2</td>
</tr>
<tr>
<td>MMPI-2, MMPI-2-RF, PAI, M-PULSE</td>
<td>1</td>
</tr>
<tr>
<td>MMPI-2, Other</td>
<td>6</td>
</tr>
<tr>
<td>MMPI-2, PAI</td>
<td>13</td>
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<tr>
<td>MMPI-2-RF</td>
<td>9</td>
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<tr>
<td>MMPI-2-RF, CPI</td>
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<tr>
<td>MMPI-2-RF, M-PULSE</td>
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<tr>
<td>MMPI-2-RF, PAI</td>
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<td>MMPI-2-RF, PAI, CPI, Other</td>
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<tr>
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**MMPI-2** | 46

**MMPI-2-RF** | 10

**PAI** | 29