

Posted 2/8/21

A RISKY AND INFORMED DECISION

Minneapolis P.D. knew better. Yet it hired an applicant, then kept him on.

	True	False
I like gardening magazines		
I am unhappy with my sex life		
No one understands me		
I would enjoy teaching		
I can sleep through anything		

For *Police Issues* by Julius (Jay) Wachtel. Say you're a...police chief. Your agency, like many others, requires that officer applicants take the [MMPI](#), a popular psychological assessment test that uses several hundred yes/no questions to screen persons for mental problems. Responses are compared against a 2,000-officer national sample. If they're too far from the norm, it's time for second thoughts!

Here's how [prosecutors retrospectively summarized](#) a certain police applicant's results on the MMPI (specifically, the MMPI-II-RF):

...he reported disliking people and being around them...[T]he test results indicate a level of disaffiliativeness that may be incompatible with public safety requirements for good interpersonal functioning. His self-reported disinterest in interacting with other people is very uncommon among other police officer candidates...he is more likely to become impatient with others over minor infractions...He is also more likely...to exhibit difficulties confronting subjects in circumstances in which an officer would normally approach or intervene....

Knowing all this, would you have hired him? Minneapolis did. After interviewing the would-be cop, a psychiatrist told human resources not to worry. While Mohamed Noor's MMPI scores did seem extreme, they didn't jibe ("correlate") with positive information that came from other sources. And there was no indication that the applicant was mentally ill.

Thus reassured, Minneapolis police hired Mr. Noor in 2015. Fast-forward to February 1, 2021. That's when the Minnesota Court of Appeals affirmed his conviction for third-

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degree murder in the death of Justine Rusczyk. Officer Moor shot her dead on July 15, 2017, when he had about two years into the job. [We wrote about this horrific episode](#) soon after the tragedy. Little was then known about the officer's temperament and suitability for policing. Since then, the laborious, revealing process of trial and appeals has bridged that gap. And that's what brings us here.

First, let's briefly recap the incident. While at home, Ms. Rusczyk heard a woman screaming outside. It sounded like a sexual assault, and [she promptly dialed 9-1-1](#). Other citizens had apparently done the same. She then noticed that a police car was parked nearby. (Having seen nothing, its officers were about to drive away.) Ms. Rusczyk approached the vehicle and apparently slapped its trunk to draw attention. That startled its two occupants. Officer Harrity, the driver, drew his gun and supposedly pointed it at the floor. But his partner, Officer Noor, promptly fired, inflicting a fatal wound.

Officer Noor was suspended, then fired. Eight months later [prosecutors charged him](#) with second-degree murder, third-degree murder and second-degree manslaughter. [They accused him](#) of behaving unreasonably and demonstrating "extreme indifference to human life":

The defendant failed to sufficiently investigate a series of 911 calls in the area that night...showed no interest in investigating the circumstances that were potentially dangerous to the subjects of the 911 calls or the public in general...took no time at all to make any inquiry into who approached his squad car and wholly failed to determine whether she actually posed a danger to him or anyone else...rather than try to deescalate the situation or slow it down in any way, the defendant went right to his gun and intentionally shot and killed the 911 caller outside his car.

Those words were part of a request to introduce as evidence Noor's pre-employment psychological test, the commonly-used [MMPI](#) (Minnesota Multiphasic Personality Inventory). While the court denied the motion, [it let two policing experts](#) take the stand. They testified that Noor's performance that evening had been "contrary to generally accepted policing practices" and that his use of lethal force was "objectively unreasonable" and "violated police policy, practices, and training."

But prosecutors weren't satisfied. They were eager to paint a broad picture of Noor's unsuitability as a cop:

The defendant...proved to have trouble confronting subjects in situations where an officer is supposed to intervene, controlling situations, and demonstrating a command presence. The defendant's work history proves that he overreacts,

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escalates benign citizen contacts, does not safely take control of situations, and, in the most egregious situations, uses his firearm too quickly, too recklessly, and in a manner grossly disproportional to the circumstances.

This required they go beyond what happened on one fateful evening. During his brief career Noor had been the subject of [three formal citizen complaints](#). There was also an active lawsuit alleging that he needlessly injured a citizen during a routine call. These episodes were apparently admitted (Noor's lawyer reportedly brought them up first.) But [the court refused](#) to allow a wholesale recounting of the defendant's work history. Here are examples of what *didn't* get in (click [here](#) for a news account):

- During a traffic stop about two months before he shot Ms. Ruszczyk, [Noor pointed his gun at the head of a driver](#) who made a crude gesture at a bicyclist with whom he apparently nearly collided. The driver contested the citation; Noor failed to appear at the hearing and the ticket was dismissed.
- About a year earlier, as Noor finished his probationary period, one of his field training officers (FTO) expressed strong reservations about the rookie's fitness for duty:

He was in the final ten days of training...On the eighth day...the defendant's FTO wrote that the defendant did not want to take calls at times. While police calls were pending, the defendant drove around in circles, ignoring calls when he could have self-assigned to them.

- Another FTO reported that Noor had promised a 9-1-1 caller that he would look for a possible burglar who was knocking on residents' doors. But he didn't:

...instead of doing that [Noor] got back into his car and left the area. The FTO later stated that it mattered to her that the defendant said one thing and did another because police should "do our due diligence on this job, so it's important that you at least try to look around. You never know if that person's in the area." She also said 911 callers tend to believe the police when the police say they are going to look for somebody.

- FTO's also mentioned that Noor exhibited "tunnel vision" and had serious problems managing stress, to the point "that he sometimes missed radio communications from dispatch."

For the jurors it was mostly about that one night. In an [in-depth, post-verdict interview](#), a panelist said that the jury wasn't convinced that Noor wanted to kill. So it

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acquitted Noor of second-degree murder, which requires that specific intent. In fact, until nearly the conclusion of the trial they were also split on the other counts:

Until they put it at the end with their two expert witnesses, I didn't really find the prosecution to be beyond a reasonable doubt. Their two expert witnesses really resonated. Just the fact two police officers, even though they don't work in the Minneapolis Police Department, are testifying against another police officer, I think that resonated pretty well. I don't know if everyone in the jury room had the same opinion, but we definitely felt that there is a blue wall of silence in some sense.

What ultimately sold them? Noor's recklessness in opening fire:

It was unanimously concluded that Harrity [the driver] was dangerously close to being shot as well. Combined with the fact that Noor failed to properly identify a threat lead us to decide that the entire act was so reckless to everyone in that line of the bullet there really wasn't any way to say it wasn't. It's such an egregious use of firearms at such a basic fundamental level that you wouldn't even think of ever doing that except in the case of the most absolute dire circumstances in which you would have no other choice.

Jurors convicted Noor of third-degree murder and second-degree manslaughter on April 30, 2019. One week later [he was sentenced to twelve and one-half years imprisonment](#) (maximum on the murder count is twenty-five years.) As for the appeal, the two prevailing justices let the convictions stand as-is, while the third only affirmed for manslaughter. Noor's case is on appeal to the state Supreme Court, and we'll keep track. But we're not trying to split legal hairs. Considering that MMPI, should Noor have been hired? And considering his performance, should he have been retained?

Ms. Rusczyk's killing generated attention from the mental testing community. Within a few months *American Public Media* [published a comprehensive analysis](#) of MPD's psychological screening process. Its assessment was far from favorable:

There is no way to know whether Noor's psychological makeup played a role in the shooting, or if so, whether any screening could have detected such a tendency. But the screening protocol the city put Noor and 200 other officers through during the past five years is less extensive than the battery of tests used in comparable cities. It's also less rigorous than national best practices and the screenings Minneapolis administered for more than a decade before.

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APM's reviewer objected to the agency's sole use of the MMPI (most agencies employ a battery of tests) and the qualifications of the psychiatrist in charge of the process, who supposedly knew little about policing. His firm, in fact, was soon let go, supposedly because it had consistently disqualified a disproportionate number of minority applicants. But *APM* had little positive to say about his replacement.

Still, as MPD's then-psychiatrist noted, [there was plenty of "positive information"](#) about Mr. Noor. He had a B.A. in business administration and had been gainfully employed for years. What's more, Noor was a Somali immigrant and spoke the language fluently. Minneapolis has a large and vibrant Somali community, and MPD hosts a [Somali-American police officer association](#) that seems well-known throughout law enforcement circles (for news articles about its work click [here](#), [here](#) and [here](#).) So Noor's presumed ability to relate to minority citizens was undoubtedly welcome.



Indeed, the new rookie's arrival at his first post, the Fifth Precinct, was celebrated with a party. Here's Minneapolis Mayor Betsy Hodges' [Facebook post](#) commemorating the occasion. But a brief two years later, the warmly-received cop's downfall

caused great consternation and soul-searching. (For news accounts click [here](#), [here](#) and [here](#).)

Had Noor's promising ethnic background nullified concerns about his MMPI score? Did it push aside misgivings about deficiencies in his attitude and performance? It's possible. Yet attributing poor hiring and retention decisions to ethnicity is a fraught undertaking. Check out one of our very first posts, "[What Should it Take to be Hired?](#)" Skip to "Officer 3." Although as an applicant he conceded having a lousy temper and repeatedly striking his wife, his selection was approved by the department psychologist. Same-o, same-o, "Officer 4." Once they were on the job both became key players in LAPD's notorious "[Rampart](#)" [misconduct scandal](#) of the late nineties. (Most of those cops were White. At the time LAPD used the MMPI and the [California Personality Inventory](#) to screen applicants. For LAPD's report click [here](#).)

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Problem is, some agencies have seemingly granted cops a virtual license to abuse. Grab a look at “[Third, Fourth and Fifth Chances](#)” and related posts. Don’t skip “[Punishment Isn’t a Cop’s Job](#),” our account about another Minneapolis tragedy, the death of George Floyd. His antagonist, nineteen-year MPD veteran Derek Chauvin, started accumulating citizen complaints in 2003, two years into the job. By the time he leaned on Mr. Floyd’s neck [there had been *eighteen*](#). Only two led to discipline, both minor slap-downs for “using demeaning language.” Had MPD’s managers been more attuned to their officers’ conduct, and more willing to impose correctives, Mr. Floyd and Ms. Ruzczyk would still be alive.

And our troubled, deeply polarized land might feel like a different place.