

Racially Gerrymandered Police Tests

By LINDA S. GOTTFREDSON

While President Clinton tries to take credit for putting 100,000 cops on the streets, his Justice Department is quietly pressing for policies that will drastically lower the quality of police throughout the nation. Under Assistant Attorney General Deval Patrick, Justice's Civil Rights Division is trying to force state and local governments to adopt a new police entrance examination that allows nearly equal percentages of black and white applicants to pass—and that achieves this result by stripping the test of crucially important reading, reasoning and judgment skills.

The new test arose out of a 1990 consent decree in which the Justice Department and the Nassau County, N.Y., Police Department agreed jointly to "design, develop and validate" a new test for would-be officers that "either does not have adverse impact upon blacks, Hispanics and females, or has been validated"—shown to be job-related. Four years and millions of dollars later, the county administered its new test. While the proportion of blacks who passed was nearly the same as for whites, the results make clear that the new examination had been created to *avoid* testing for job-related skills.

Many exceptionally well-qualified candidates received very low or failing scores. Some had years of experience as probation officers or as cops in other jurisdictions; others had or were pursuing graduate degrees in law or criminal justice. A look at those who *passed* the test is even more disturbing. According to close observers, a

high proportion of top scorers not only have poor academic records, but also have outstanding arrest warrants, are unable to account for years of their work history or refuse to take a drug test.

To understand how this happened, you have to wade through a nearly impenetrable five-inch-thick July 1995 report in which the technical consultants hired by the Justice Department and the county describe how they developed and validated the test. The consultants were well aware that they faced a virtually impossible task: developing a test that measures important job skills but also produces proportional hiring despite big gaps in such skills between blacks and whites when they leave school. How these experts set about this task is a case study in racially gerrymandering the content of a test.

The report begins by explaining that experienced county cops rated "reasoning, judgment and inferential thinking" as crucial for good police work. It concludes by recommending a set of tests that measures none of these skills. Of the 25 tests the county administered in its day-long 1994 battery, the consultants decided that the scores from only eight of them—all personality tests—should be used in ranking candidates. These measured such qualities as "responsibility," "nondelinquency" and "openness to experience." The actual test questions are secret, but the report gives the following two examples:

1. *When you were in high school, you were a member of a sports team.*

- A. Yes
- B. No

2. *Which of the two statements is most like you—A or B?*

A. *I'm always in a hurry at work to get things done.*

B. *At work, I think of myself as part of a smooth running machine.*

The final test battery—the subset of the 1994 test that was actually used to determine who was eligible to be hired—replaced scores on a reading test with a pass/fail grade: Candidates merely had to read as well as the *worst* readers—the bottom 1%—among incumbent police officers.

The consultants' first step in denuding the test had been to exclude from consideration all traditional cognitive tests, despite their superior value in predicting job performance. Instead, they created their own "innovative" tests of judgment and reading comprehension. Mostly administered by video, these substitute tests seemed designed to reduce demand for skills. For example, the reading test used passages that applicants had available for study up to 30 days before the exam.

The consultants' second step was to test their exams for "disparate impact"—racial discrepancies in scores—*before* testing their ability to predict job performance. Normally, a test battery is first tried on a sample of experienced officers to determine which of its component tests best predict performance. Then, those that are most predictive are administered to applicants, at which point disparate impact can be assessed. In this case, the consultants threw out all the tests with substantial disparate impact—purportedly because they failed to predict job performance. Among those thrown out were all the "innovative" substitutes for traditional cognitive tests.

The consultants concealed the standard statistics that would have disclosed what they were doing. The most important data they kept secret were "zero-order validities," the raw correlations between test performance and job performance, which are required by federal guidelines and professional standards. Instead, they used improper correlations and gave them a patina of authority by making up a similar name—"simple validities." The consultants then committed a series of statistical errors that inflated the final battery's apparent value by over 100%, boosting it into the acceptable range for police exams.

Given the lack of appropriate data in the report, there is no way to know whether the Nassau County test works any better at selecting qualified police officers than simply flipping a coin. Yet John M. Gadzichowski, a Justice Department lawyer who oversaw the test's development, has testified, "I think it's beyond question that the exam . . . is valid. It predicts job success."

Meanwhile, the test provides the Justice Department with a new tool for coercing police departments into proportional hiring. The New Jersey State Police and the Suffolk County, N.Y., Police Department were among the first to feel the heat this year. The former has been sued by the NAACP and the latter subjected to a heavy-handed "compliance review" by the Justice Department. The alleged disparate impact of their exams is a focus of complaint in both cases, and both departments have been told that they might end their new legal troubles by adopting the Nassau County test.

The Nassau County test destroys what it purports to embody—merit hiring. In the name of fairness, it removes competence as an advantage, denying job opportunities to talented individuals of all races. Thus the quality of policing can be expected to fall. This new form of racial preferences poses a clear and present danger to public safety.

Ms. Gottfredson is a professor of educational studies at the University of Delaware.

Police Test Is Fair To All Who Take It

In an Oct. 24 editorial-page article, "Racially Gerrymandered Police Tests," Linda Gottfredson offers an inflammatory and faulty assessment of a new police entrance examination developed jointly by Nassau County, N.Y., and the Department of Justice. Nationally respected experts developed the test to replace an outdated discriminatory one and to improve the police department. Ms. Gottfredson, who analyzed the test at the behest of a company that markets its own police exam, makes several inaccurate statements.

First, she claims that the exam—which resulted from a 1990 consent decree reached under the Bush administration—does not test for job-related skills. Not true. The test was also given to seasoned officers, and was indeed found to predict who will be more successful on the job. And a federal court agreed the test was job-related.

Second, she suggests that the new exam gives preferences to blacks. That is also wrong. In fact, whites still score higher than blacks on the new exam. However, because it is job-related, and minimizes adverse impact on all groups, it is a lawful test.

Finally, Ms. Gottfredson implies that the exam fails to test reading skills. But the exam does test reading comprehension, and the minimum score is higher than the score achieved by officers already on the police force who are performing successfully. She also neglects to mention that the county requires new hires to have completed two years of college.

While predicting for performance is not an exact science, it is wrong to insinuate that a test must be flawed if black applicants can do as well as whites. If a test is flawed, no police department should use it. Nor would we suggest that they do.

DEVAL L. PATRICK
Assistant Attorney General for
Civil Rights
Department of Justice

Washington

Letters to the Editor

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New Police Test Will Be a Disaster

Assistant Attorney General Deval Patrick's defense (Letters, Nov. 13) is as weak and misleading as the police test he tries to defend. If the new Nassau County police entrance exam does indeed "predict who will be more successful on the job," why won't the Justice Department and its consulting team release the evidence necessary to support that claim?

Mr. Patrick asserts that the test will "improve the police department." But his defense of its reading component shows just the opposite. He defends the test's rock-bottom reading standard on the grounds that some officers who failed to meet it "are performing successfully" on the job. Yet the technical report's only evidence that these officers are performing successfully is that they are still on the job. Mr. Patrick's standard, which does not distinguish between barely tolerable and excellent performance, is no standard at all.

Mr. Patrick also falsely claims that the county requires its hires to have two years of college. In fact, the Justice Department forced the county to abandon this standard 15 years ago in a consent decree specifying, moreover, that a one-year requirement would be lawful, but only if it "does not have an adverse impact on blacks, Hispanics and females."

Finally, Mr. Patrick accuses me of acting "at the behest of" a company that markets a rival police exam. His insinuation is untrue, unfair and uncalled for.

LINDA S. GOTTFREDSON
Professor
Dept. of Educational Studies
University of Delaware

Newark, Del.

I have evaluated the study, and it does not support Mr. Patrick's conclusions. It is intellectually dishonest. Eighty years of research shows that general intelligence is the best indicator of both performance in training (acquiring necessary job knowledge and skills) and performance later on the job. Not only is this known for jobs in general, it has specifically shown to be true for the job of police officer. The only component reflective of intelligence in the Nassau County test is the requirement that one not be below the bottom 1% of current officers in reading skills. Thus, this test comes close to totally disregarding the critical mental skills needed in police work.

What are the implications? This test is going to be a disaster wherever it is used. We know from past experience that the rate of failure in the police academy will shoot up. Unless the content of the academy is "dumbed down" dramatically, few candidates will succeed in graduating. If academy demands are dumbed down—as occurred in the case of the Washington, D.C., police force, then police performance on the street will deteriorate dramatically (as it did in D.C.), and public safety will be endangered. In the end, the consequences will be so intolerable that public outrage will cause the test to be discontinued. But that will take a long time. In the meantime much harm will be done.

FRANK SCHMIDT
Professor of Human Resources
University of Iowa

Iowa City, Iowa