



**Special Report of the Consent Decree Monitor
For the New Orleans Police Department Consent Decree on
NOPD Officer Selection Practices
August 12, 2015**

Office of the Consent Decree Monitor
New Orleans, Louisiana
Sheppard Mullin Richter & Hampton, LLP
Appointed By Order Of The U.S. District Court For The Eastern District Of Louisiana

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WHAT'S IN THIS REPORT?



**Office of the
Consent Decree
Monitor**

August 2015

OVERVIEW

- The selection of qualified recruits is a core function of an effective police department. The Monitoring Team reviewed each element of the NOPD recruit selection process and found some progress but also several shortcomings in NOPD's current practices.

FINDINGS

- The City has made progress in refining its recruit selection process, including moving its applications online, expanding its advertising, and engaging additional Human Resources professionals to support its interview process.
- Several components of NOPD's selection process are outdated and ineffective, and some are capable of introducing bias into the selection process. Additionally, the selection process takes a long time.
- The psychological testing appears to be of the type done by most police departments, but NOPD has not reviewed its procedures to determine whether they meet applicable guidelines. Nor has NOPD evaluated its testing procedures to determine whether the procedures are effective.
- NOPD and Civil Service have shown themselves to be committed to refining/enhancing the selection process, and willing to work with the Monitoring Team to ensure the process is fair, effective, non-discriminatory, and compliant with the Consent Decree.

RECOMMENDATIONS

- The current NOPD application should be reviewed to ensure all questions are relevant.
- The current Multiple Choice Test is outdated and should be scrapped, and a new test should be developed and implemented.
- The current Written Exam should be updated and, along with the Multiple Choice Test, should be used to provide the candidate interviewer with areas requiring additional questioning.
- The current physical ability test should be reviewed and updated.
- The current "Structured Interview Process" should be revised to permit interviewers to deviate from the script to ask follow-up questions, probe for additional information, and otherwise make the process more substantively meaningful.
- The psychological testing component of the hiring process should be reviewed to determine its coherence with applicable guidelines and its predictive value in determining suitability of police recruits.
- NOPD should look for ways to shorten the selection process.

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I. CONSENT DECREE AUTHORITY

“The Monitor shall file with the Court quarterly written, public reports covering the reporting period that shall include:

- a) A description of the work conducted by the Monitoring Team during the reporting period;
- b) A listing of each [Consent Decree] requirement indicating which requirements have been: (1) incorporated into implemented policy; (2) the subject of sufficient training for all relevant NOPD officers and employees; (3) reviewed or audited by the Monitoring Team in determining whether they have been fully implemented in actual practice, including the date of the review or audit; and (4) found by the Monitoring Team to have been fully implemented in practice;
- c) The methodology and specific findings for each audit or review conducted, redacted as necessary for privacy concerns. An unredacted version shall be filed under seal with the Court and provided to the Parties. The underlying data for each audit or review shall not be publicly available but shall be retained by the Monitoring Team and provided to either or both Parties upon request;
- d) For any requirements that were reviewed or audited and found not to have been fully implemented in practice, the Monitor’s recommendations regarding necessary steps to achieve compliance;
- e) The methodology and specific findings for each outcome assessment conducted; and
- f) A projection of the work to be completed during the upcoming reporting period and any anticipated challenges or concerns related to implementation of the [Consent Decree].”

Consent Decree Paragraph 457

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II. NOTES

“The Monitor shall be subject to the supervision and orders of the [United States District Court for the Eastern District of Louisiana], consistent with [the Consent Decree]. The Monitoring Team shall only have the duties, responsibilities, and authority conferred by [the Consent Decree]. The Monitoring Team shall not, and is not intended to, replace or assume the role and duties of the City and NOPD, including the Superintendent.”

Consent Decree Paragraph 455

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IV. GLOSSARY OF ACRONYMS

"ASU"	Administrative Services Unit
"AUSA"	Assistant United States Attorney
"AVL"	Automatic Vehicle Locator
"BWC"	Body Worn Cameras
"CCMS"	Criminal Case Management System
"CD"	Consent Decree
"CIT"	Crisis Intervention Team
"CODIS"	Combined DNA Index System
"ComStat"	Computer Statistics
"CPI"	California Psychological Inventory
"CSC"	Civil Service Commission
"CUC"	Citizens United for Change
"DA"	District Attorney
"DI-1"	Disciplinary Investigation Form
"DOJ"	Department of Justice
"DVU"	Domestic Violence Unit
"ECW"	Electronic Control Weapon
"EWS"	Early Warning System
"FBI"	Federal Bureau of Investigation
"FIT"	Force Investigation Team
"FOB"	Field Operations Bureau
"FTO"	Field Training Officer
"IACP"	International Association of Chiefs of Police
"ICO"	Integrity Control Officers
"IPM"	Independent Police Monitor
"KSA"	Knowledge, Skill and Ability
"LEP"	Limited English Proficiency
"LGBT"	Lesbian, Gay, Bi-sexual, and Transgender
"MMPT"	Minnesota Multiphasic Personality Inventory
"MOU"	Memorandum of Understanding
"NNDDA"	National Narcotics Detection Dog Association
"NOFJC"	New Orleans Family Justice Center
"NOPD"	New Orleans Police Department

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"NPCA"	National Police Canine Association
"OCDM"	Office of Consent Decree Monitor
"OIG"	Office of Inspector General
"OPSE"	Office of Public Secondary Employment
"PIB"	Public Integrity Bureau
"POST"	Police Officer Standards Training Counsel
"PsyQ"	Psychological History Questionnaire
"RFP"	Request for Proposal
"SART"	Sexual Assault Response Team
"SOD"	Special Operations Division
"SRC"	Survey Research Center
"SUNO"	Southern University of New Orleans
"SVS"	Special Victims Section
"UNO"	University of New Orleans
"USAO"	United States Attorney's Office for the Eastern District of New Orleans
"VAW"	Violence Against Women

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V. INTRODUCTION TO SPECIAL REPORT

Section XI of the Consent Decree requires NOPD and the City, working with the Civil Service, “to develop and implement a comprehensive recruitment program that successfully *attracts and hires a diverse group of highly qualified and ethical individuals to be NOPD police officers.*” (CD 234, emphasis added) In the context of this Consent Decree requirement, the Monitoring Team has been evaluating NOPD’s police officer recruitment and hiring efforts for the past several months and, as indicated in our most recent Quarterly Report, has identified some progress in this area.¹ Among other things, the City has:

- Brought its applications online,
- Removed a residency requirement from its recruit process that was reducing the candidate pool,
- Increased major media and targeted online advertising,
- Streamlined the length of the pre-employment process, and
- Outsourced background investigations to a professional firm.

We previously applauded these improvements, most of which are related to recruiting. We noted, however, less progress in the area of developing *a selection process* that is smartly tailored to meet the requirements of the Consent Decree. In fact, the Monitoring Team identified several shortcomings in the NOPD’s selection process, the consequences of which, unfortunately, may take years to manifest themselves.

This Special Report provides a “deeper dive” into the shortcomings identified in our prior Quarterly Report. As with our focus on NOPD’s policies, procedures, infrastructure, and training, the Monitoring Team’s focus on NOPD’s recruiting and hiring practices is intended to look closely and broadly at one of the most foundational elements of the NOPD – that is, the process by which the Department determines who should be handed a badge and a gun, and given the task of serving and protecting the public. Few things are more critical to an effort to reform a police department than the process by which it selects its members.

At a recent public meeting held by the Consent Decree Monitoring Team at the Ashe Cultural Center to field questions and take suggestions from citizens, one gentleman passionately emphasized the importance of “pulling out the weeds” from the department (*i.e.*, getting rid of bad cops) to make room for healthy growth. The Monitoring Team appreciates and readily adopts this apt gardening allusion because it ties directly to one of our core tasks – promoting constitutional policing by ensuring NOPD establishes a solid foundation (good soil, if you will)

¹ This report focuses on the recruiting and selection of police officer recruits. It does not focus on the recruiting or selection of civilian or lateral employees.

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that increases the likelihood the coming months and years will be filled with healthy growth, with as few weeds as possible, and will stay that way.

In his highly regarded study of what separates good businesses from great businesses, *Good to Great*, professor and author Jim Collins places “hiring practices” near the top of the list. Professor Collins writes “People are not [an organization’s] most important asset. *The right people are.*” The Monitoring Team believes the same principle holds true in the public sector.

As noted above, to achieve the goal of bringing the “right people” into the NOPD (and, by extension, keeping the wrong people out of the NOPD), the Consent Decree requires NOPD to “develop and implement a comprehensive recruitment program that successfully attracts and hires a diverse group of highly qualified and ethical individuals to be NOPD police officers.” (CD XI) The Consent Decree goes on to explain what it means to be a “highly qualified and ethical individual.” Specifically, the Consent Decree directs NOPD to seek “applicants with strategic thinking and problem-solving skills, interpersonal skills, emotional maturity, capacity to use technology, fluency in Spanish and Vietnamese (because these languages are spoken by a significant segment of the New Orleans Community), and the ability to collaborate with a diverse cross-section of the community.” (CD 234)

To determine whether NOPD’s selection practices are rationally tailored to achieving the Consent Decree’s requirements, the Monitoring Team took a close look at each element of the Department’s hiring program, from the application process through the multi-stage testing process. Unfortunately, several elements of the current process came up short. It is the Monitoring Team’s view NOPD and the City so far have moved too slowly to remedy these shortcomings, including implementing fixes that even they agree are necessary. More recently, however, we have seen NOPD and the City paying more attention to this important matter.

The Monitoring Team presented its preliminary findings to various members of the City, the Civil Service Commission, and the NOPD, and found agreement with most of our findings. Recognizing shortcomings in a process, however, is not the same as fixing them. In other areas, however, NOPD and the City remain entrenched in their traditional practices, and continue to argue against change. The most notable of these disagreements relates to the City’s current practice of precluding interviewers from explaining interview questions, probing areas warranting further discussion, and/or asking follow-up questions. It is the Monitoring Team’s view that such an inflexibly rigid interview process renders the interviews far less informative than they should be, and, for the reasons discussed in greater detail below, introduces an easily

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avoidable bias into the interview process (i.e., a bias in favor of candidates who know how to be interviewed, but who may not be the best officer available).²

Notwithstanding the Monitoring Team's identification of shortcomings in the Department's current hiring practices – and even notwithstanding the Department's substantive disagreement with one of the Monitoring Team's proposed solutions – we do not question the current NOPD administration's commitment to effective hiring. Obviously, NOPD recognizes the importance of "hiring the right people." We do question, however, whether NOPD has fully thought through all aspects of its current hiring approach and whether it has taken adequate steps to develop a holistic recruiting and hiring plan that meets the requirements of the Consent Decree. We also question whether the Department's current goal to hire more officers (a goal we do not criticize) may be clouding the Department's view of the quality of some of its current selection practices; unwittingly fostering a willingness to accept a hiring process that is "good enough" rather than one that is tailored to achieving the ends of the Consent Decree and giving the citizens of New Orleans the best police officers possible.

As we said in our most recent Quarterly Report, only time will tell whether NOPD's current interview process is right or wrong. The members of the Monitoring Team, however, like the citizens of New Orleans, are unwilling to wait that long. Accordingly, we offer this Special Report in an effort to highlight the shortcomings in NOPD's current processes, suggest tested "best practices" to remedy those shortcomings, and emphasize the need for increased attention and speed to make the necessary changes. As most of our recommendations in this Special Report already have been embraced by the Department, we believe NOPD should incorporate all of the recommendations herein into a holistic plan and begin implementing it right away.

²

To be clear, the Monitoring Team does not object to a "structured interview." Indeed, a structured interview is a best practice among many departments. The Monitoring Team objects to the inability of the interviewers flexibly to follow-up on and respond to a given candidate's responses.

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VI. BACKGROUND

The NOPD recruitment function encompasses several primary tasks: Identifying, recruiting, vetting, and hiring qualified police officers into the Academy and, ultimately, onto the force. The ultimate goal of recruitment, obviously, is to locate, evaluate, and hire individuals with the requisite abilities to learn policing skills in the Academy and during field training, and then continue their career as a successful NOPD officer serving the citizens of and visitors to New Orleans.

Individuals selected to attend the New Orleans Police Academy begin their NOPD career as a “police recruit.” According to the official NOPD job announcement, being a police recruit involves trainee-level police work under close supervision involving the protection of life and property and the enforcement of federal, state, and municipal laws and ordinances; and related work as required. The first assignment for a police recruit, not surprisingly, is to attend the Police Academy where they receive specialized training in all phases of police work. Upon completion of all phases of Police Recruit training, candidates are promoted to the class of Police Officer I.

Selecting the best and brightest police recruit candidates requires fair, validated, and effective screening tools. An effective recruit evaluation tool, however, needs not only to be effective in screening out the unqualified candidates, it must be equally effective at screening in the best candidates. And it must do so in an unbiased and non-discriminatory manner. The same tools that can help an organization select qualified candidates also can violate federal anti-discrimination laws if the employer does not use them properly. A variety of federal laws, of course, prohibit the use of discriminatory employment selection procedures. *See, e.g.*, Title VII of the Civil Rights Act of 1964 (Title VII), the Americans with Disabilities Act of 1990 (ADA), and the Age Discrimination in Employment Act of 1967 (ADEA). These statutes prohibit a police department (and any other employer) from discriminating against candidates based on race, color, sex, national origin, religion, disability, or age (40 or older), and prohibit the use of tests that disproportionately exclude people in these groups.³

According to the Commission on Accreditation of Law Enforcement Agencies, the nation’s premier police accreditation organization:

A job related, useful, and non-discriminatory selection process is dependent upon a number of professionally and legally accepted administrative practices and procedures which include informing the candidates of all parts of the selection process at the time of formal application; maintaining written procedures governing

³ See Appendix X.D for a more detailed discussion of U.S. anti-discrimination laws.



lateral entry and reapplication of unsuccessful candidates; and ensuring timely notification of candidates about their status at all critical points in the process. These procedures and practices significantly contribute to a more efficient, effective and fair selection process.⁴

The U.S. Equal Employment Opportunity Commission (“EEOC”) identifies a number of different types of employee selection tools that, if used properly, are thought to be effective and non-discriminatory. These tools include the following:

- Cognitive tests that assess reasoning, memory, perceptual speed and accuracy, and skills in arithmetic and reading comprehension, as well as knowledge of a particular function or job
- Physical ability tests that measure the physical ability to perform a particular task or the strength of specific muscle groups, as well as strength and stamina in general
- Sample job tasks (*e.g.*, performance tests, simulations, work samples, and realistic job previews) that assess performance and aptitude on particular tasks
- Medical inquiries and physical examinations, including psychological tests, that assess physical or mental health
- Personality tests and integrity tests assess the degree to which a person has certain traits or dispositions (*e.g.*, dependability, cooperativeness, safety) or aim to predict the likelihood that a person will engage in certain conduct (*e.g.*, theft, absenteeism)
- Criminal background checks provide information on arrest and conviction history
- Credit checks provide information on credit and financial history
- Performance appraisals reflect a supervisor’s assessment of an individual’s performance
- English proficiency tests

These tools are equally useful to police departments as they are to the business community.

Like most police departments, NOPD employs a variety of tools throughout the screening phase, including cognitive tests, personality tests, psychological evaluations, medical

⁴ Commission on Accreditation of Law Enforcement Agencies, “The Standards Manual of the Law Enforcement Agency Accreditation Program,” 4th ed. (1999) 32.1.

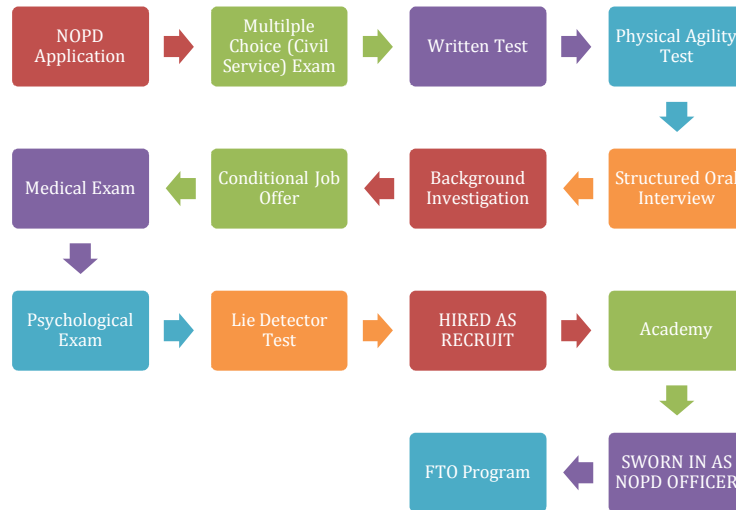
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examinations, credit checks, and criminal background checks.⁵ The following graphic summarizes the evaluation process currently used by NOPD:



These evaluation tools are administered by a combination of stakeholders in the NOPD selection process, including the NOPD Recruitment Department, the Police Academy, and the New Orleans Civil Service Department.⁶

The Monitoring Team closely examined the various components NOPD and Civil Service employ in selecting recruits for police academy classes. The following discussion identifies significant observations and recommendations within each testing area.

⁵ According to one expert, Dr. Cassi Fields, well versed in police hiring practices, “there is no defining work or study that demonstrates that there is one combined police recruitment and selection program that is a better predictor of police officer success than any other. However, psychological research has shown that a combined assessment that includes cognitive ability, biographical data, a structured panel interview, and a measure of [conscientiousness] results in a high prediction of job performance.” Fields, Cassi, *Recruiting And Selecting Law Enforcement Personnel Best Practices* (July 2015) (hereafter, “Fields Report”).

⁶ The Monitoring Team met with Civil Service on May 14, 2015 to discuss the NOPD applicant selection process. We requested multiple documents to facilitate our review, including the validity report on the physical agility test, psychological exam reports that depicted a “passing” applicant and another of an applicant who “failed” the psychological exam. We also requested a redacted background investigation report. Civil Service provided all documents except the background investigation report, which NOPD has confirmed it will provide. The Civil Service Director and Staff have been extremely helpful in the Monitoring Team’s analysis of NOPD’s evaluation practices.



VII. EVALUATION OF THE NOPD RECRUIT SELECTION PROCESS

A. Candidate Qualifications

1. Current State

Applicants for current NOPD police recruit positions must be at least 20 years old and be a high school graduate or possess a state approved G.E.D. They must be licensed to drive, have a good driving record, no DWI or DUI convictions, and be in good physical and psychological health. Applicants must not have been convicted of any felonies, crimes against persons, civil rights violations, or sex crimes. They cannot have used marijuana within two years prior to applying or any other illegal drug within ten years of applying; sold, distributed, transported or manufactured any illegal drug; used any prescription drug or legally obtainable substance in a manner for which it was not intended within two years of application or dishonorably discharged from the military. Further, applicants cannot have been terminated or forced to resign from any law enforcement agency for disciplinary reasons. Other factors involving moral and ethical behavior also are considered when determining whether a candidate is unsuitable for a police recruit position. Applicants also are disqualified for refusing to submit to a polygraph or voice stress examination.

2. Monitoring Team Evaluation

NOPD always has required its officer candidates to meet certain criteria. Among other things, potential officers have had to pass background and criminal history checks and, since 2010, have at least some college credits (60 hours) or military service. On January 6, 2015, however, the Monitoring Team discovered (not from NOPD) that the Department planned to eliminate the 60-hour college credit requirement in an effort to increase the number of applicants.⁷ While the Consent Decree does not mandate any minimum college credit hours for officer candidates, the Monitoring Team expressed concern over this change in the absence of another mechanism to secure officers “with strategic thinking and problem-solving skills, interpersonal skills, emotional maturity, capacity to use technology, fluency in Spanish and Vietnamese . . . , and the ability to collaborate with a diverse cross-section of the community.”

To be clear, it is not the view of the Monitoring Team that college credits necessarily make someone a great police officer. Nor is it our view that everyone without college credit will be a poor police officer. It is our view, however, that some college course work gives officers, especially new officers, a better perspective in the increasingly complicated world of policing; and that removal of the 60-hour college credit requirement for a police recruit is contrary to

⁷ Upon learning of the change, the Monitoring Team immediately requested additional information regarding the increased rigor NOPD planned to implement to ensure no diminution in officer quality.

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current thinking in modern police departments.⁸ While removing the college credit requirement may attract more applicants, are they the ones who will be successful officers in NOPD in the absence of an alternative mechanism to ensure candidates have the perspective and skills that are necessary to do the job?⁹ Unless the removal of the college credit requirement is tied to a robust and holistic recruiting and hiring strategy, we are not convinced the candidates will be. As is obvious from its actions and its statements, NOPD management disagrees with the Monitoring Team in this regard.

3. Recommendation

The Monitoring Team recommends NOPD restore some component of college credit to the selection process, or, at least, incorporate a “soft” college credit requirement that can be overcome by other life experiences, much like NOPD has allowed military service to make up for the absence of college credit in the past. NOPD could do the same thing for work, community service, and life experiences generally. Rather than reducing qualifications to gain a larger pool of candidates, police agencies country-wide are focusing on expanding their recruitment efforts, focusing on colleges and universities for applicants, identifying candidates with good and successful work habits, and raising pay to attract candidates they think will succeed.¹⁰

Alternatively, the Department formally could make college credit a “preferred” factor in the selection process. According to industrial psychologist Dr. Cassi Fields, “many police departments categorize the bachelor’s degree as a ‘preferred’ qualification. This means that they

⁸ See Louis Mayo, College Education and Policing, 113th Annual IACP Conference, available at http://www.police-association.org/library/articles/iacp_aug06_college-ed-policing2.pdf.

⁹ NOPD eliminated college hours as a minimum education requirement on February 10, 2015. According to Civil Service, the number of applications surged in February and March 2015, declined in April, and are projected in May to return to pre-education standard reduction levels. While there may be a correlation between the elimination of the educational criterion, there is no indication it is a causal relationship. Recruiting candidates for the recruit position is a complex task that involves recruitment strategies at colleges and universities, targeted recruitment involving experienced workers, and even long-term involvement of high-school students who may be interested in a law enforcement career. A successful marketing strategy is a lengthy and expensive process that requires a creative approach to attract and keep interested qualified applicants. Civil Service advised the Monitoring Team that since the lowering of education criteria, they have observed significant reductions in both the number of qualified out-of-state applicants and the passing rate of candidates. Their longer-term analyses project smaller applicant pools that will consist of a smaller percentage of qualified applicants than before education standards were changed.

¹⁰ Rostker, Bernard D.; Hix, William M.; Wilson, Jeremy M.; See e.g., RAND Gulf States Policy Institute, *Recruitment and Retention: Lessons for the New Orleans Police Department*. Law Enforcement Recruitment Toolkit, COPS/IACP Leadership Project, June 2009. http://www.rand.org/content/dam/rand/pubs/monographs/2007/RAND_MG585.pdf

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will recruit and hire applicants who possess a bachelor's degree before those who do not. . . . Utilizing college credits as a preferred qualification is a best practice because it allows police departments to consider more applicants, and if a sufficient number who apply have college credits, they will recruit a highly educated set of recruits who will likely pass recruit school. On the other hand, if there are applicants who demonstrate they would be good officers, but do not have those college hours, they can still be hired and offered the opportunity to obtain their bachelor's degree when employed. This method creates the potential for a more diverse workforce since many minorities and those from low income households are not afforded the opportunity to attend college before hire.”¹¹

If NOPD is intent, however, on maintaining its current practice of requiring only a GED (in addition to the other criteria discussed above) to apply to become a police officer, and if the Court finds that practice consistent with the terms of the Consent Decree, then the Monitoring Team recommends the Department focus more attention on the robustness of its other evaluation tools. As detailed below, the shortcomings of the current multiple-choice test, written exam, and structured interview process take on even greater criticality in the context of a process that is likely to bring in a higher percentage of unqualified candidates, as NOPD's own data demonstrate.

B. The Application

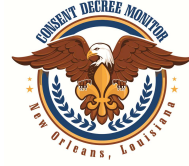
1. Current State

The application is the first step in the selection process. The application is a rather simple form downloadable from the NOPD web site. *See* Appendix X.A for a copy of the current application form. It requests basic information about the applicant, basic biographic information, and information about veteran status in order to determine if additional “points” will be awarded to the applicant because of military veteran special status. A longer “recruit application packet” also is available online and includes, among other things, the following materials:

- Civil Service Application for Exam
- Civil Service Personal History

¹¹ *See* Fields Report. Superintendent Harrison described one of the reasons for the elimination of the 60-hour college credit requirement as an effort to eliminate a barrier to entry for minority applicants. According to the Times Picayune, New Orleans' police associations supported the elimination for the same reason. *See Federal Monitor Questions NOPD Recruiting Plan, Standards*, Nola.com (4/29/15). To be clear, the Monitoring Team fully supports eliminating unfair barriers to entry into the police department and eliminating requirements that disproportionately impact the minority community. But, as noted above, the Monitoring Team does want to ensure NOPD replaces the college credit requirement with something meaningful and effective.

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- NOPD Recruit Application Packet
- Info Booklet, and
- Job announcements for the Police Recruit and the Police Officer 1 positions.

A copy of the full application packet can be found at <http://www.nola.gov/civil-service/jobs/police-recruiting/apply/>.

2. Monitoring Team Evaluation

While most of the application package is sensible and wholly unobjectionable, it also includes some questions that are less obviously directly job-related. For example, the package asks the candidate whether his/her spouse has ever been arrested and whether any member of his/her family has been arrested in the past ten years. These questions, while arguably relevant for law enforcement informational purposes, could disparately impact certain segments of the New Orleans community.¹²

3. Recommendation

The Monitoring Team recommends NOPD review its application package with an eye toward ensuring all questions are relevant, tailored to the needs of the Department, and non-discriminatory. Questions that do not measure up – if any – should be eliminated.

C. The Multiple Choice Exam

1. Current State

The first part of the actual testing process for a new recruit is a written multiple-choice exam. Applicants read a series of questions and record responses on “scantron” bubble sheets (*i.e.*, the tests where you fill in the correct circle with a Number Two pencil). The current test was an outgrowth of an earlier 1987 Consent Decree, which focused on the Department’s hiring and promotions practices. The test apparently was developed by several psychologists, but was validated only by a 2002 Master’s thesis that focused only on the impact of the writing exercise. A sample NOPD multiple-choice examine is included as an attachment to this report. *See* Appendix X.B.

According to the NOPD, the multiple-choice exam is designed to assess a candidate’s knowledge, skills, and abilities in the following areas:

¹² According to NOPD, these questions are asked in order to provide a complete picture of the applicant. NOPD maintains information about family arrest history is useful to help assess an applicant’s character and judgement, as well as to evaluate his or her knowledge of criminal activity.

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1. Written Communication
2. Form Completion
3. Knowledge of Grammar, Spelling, and Punctuation
4. Oral Comprehension
5. Reading Comprehension
6. Observation Ability
7. Memory
8. Inductive Reasoning
9. Deductive Reasoning
10. Exercising Judgment
11. Social Judgment/Interpersonal Skills
12. Selective Attention
13. Perceptual Accuracy
14. Recognizing Transformed Objects or Persons.

NOPD states “each of these knowledge, skills, and abilities is necessary to perform the job of a Police Officer. For example, Written Communication, Form Completion, and Knowledge of Grammar, Spelling, and Punctuation are all necessary for the paperwork and reports that officers must complete on the job. Reading Comprehension and Oral Comprehension are necessary to successfully complete the training that recruits receive at the academy. Social Judgment and Interpersonal Skills are necessary for dealing with the public.”¹³

2. Monitoring Team Evaluation

While the Monitoring Team agrees with NOPD’s identification of the abilities one would hope to find in a capable police recruit, our review of the multiple-choice test currently in use showed it to be a poor tool to ferret out such recruits. The test is outdated and ineffective, and should be scrapped. Notably, as discussed below, the Civil Service staff agrees with our recommendation and already has initiated an expedited effort to reform the entire test. NOPD can look to other cities for entry-level testing models that are valid and effective selection tools.

Additionally, we note the Monitoring Team had trouble obtaining a copy of the Civil Service exam from the Civil Service. To our surprise, many within NOPD management did not have access to the exam. Without Department involvement in the testing process, we find it difficult to understand how the test truly can be viewed as a core component of NOPD’s strategic recruitment plan.

Beyond our concerns regarding the quality and usefulness of the test questions themselves, our review also suggests the current test may be disparately impacting minority

¹³ <http://www.joinnopd.org>

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candidates. A quality multiple-choice exam should be designed to select candidates who have the capability of succeeding at the Police Academy, not necessarily candidates who already know how to be police officers. While hiring recruits who already possess some police knowledge may confer added benefit, screening for that experience at the recruit level presents the very real risk of screening out individuals who nevertheless possess the qualifications necessary to perform the duties of an NOPD officer and the unintentional result of discriminating against certain classes of candidates who may have less familiarity with police skills.

NOPD's own data suggests a potential disparate impact of the current multiple-choice test. NOPD analyzed applicant data from January through May 2014. These data show white applicants as a group had a passing rate of 90.22% (for the multiple-choice test) and 85.37% (for the written exam). African American applicants passed these two exams at a rate of 61.82% and 64.18%, respectively. Females had a multiple-choice exam passing rate of 68% compared to the male passing rate of 79.76%.¹⁴

According to the National Center for Women in Policing, "entry-level tests should not test for knowledge, skills, or abilities that will be taught in the law enforcement academy. Entry level testing should only identify knowledge, skills, and abilities that will enable a person to become a successful community-policing officer after appropriate training."¹⁵ The Monitoring Team agrees with this assessment. "Tests that include technical policing questions or seek to measure knowledge of specific statutes or laws should not be used because these concepts are taught in training."¹⁶

Contrary to these standards, NOPD's multiple-choice exam makes extensive use of task-based questions that could bias the multiple-choice test in favor of candidates with previous police training and experience. This is significant because historically and nationally, police officers tend to be white and male. Selection tools that favor that pool of candidates would conversely adversely impact minority and women candidates. Indeed, NOPD's own internal data set analyses indicate this was indeed the case.¹⁷ The Monitoring Team has concerns about other sections of the multiple-choice test as well.

¹⁴ Civil Service performed a separate adverse impact analysis of the multiple-choice portion of the Police Recruit examinations from December 2013 through October 2014. In conducting the 4/5th analysis, Civil Service compared the passing rate for the protected group (African-Americans = 68/186 = 37%) to the passing rates of Whites (83/176 = 47%). The ratio of the two pass rates = .78, below .80, indicating adverse impact from the test against protected groups. Civil Service "believes that things have not changed that dramatically from when the original 'cut' score was set."

¹⁵ National Center for Women and Policing, "Recruiting and Retaining Women: A Self-Assessment Guide (2003), 65.

¹⁶ *Id.* at 69.

¹⁷ PoliceRecruitstat February 4, 2015, page 5.

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The law requires the employer who uses a test that has such an adverse impact test to demonstrate that the test is both “job-related to the position in question” and “consistent with business necessity.” These studies must demonstrate both that the characteristic being tested is important to the job, and that the cutoff score being used on the test is appropriate. The cutoff score measures the minimum amount of the characteristic that is necessary for successful performance on the job. If the test is to be used on a rank-ordered basis, there must be substantial empirical evidence to demonstrate that higher scores on the test predict better performance on the job. Additionally, if there is another test that has less adverse impact but will also serve the employer’s interest in selecting qualified law enforcement officers, the law requires the employer to adopt this test.¹⁸

Finally, police entry-level tests need to draw out applicants’ possible cultural/racial biases. The Civil Service multiple-choice test not only does not do this, it actually appears to introduce cultural/racial biases. For example, the section that is based on the “Wanted Bulletins” displays multiple potential suspects who mostly appear to be minorities. *See e.g.*, Police Recruit Exam Section #2 at 5).

3. Recommendation

The Monitoring Team recommends NOPD scrap the current multiple-choice test and start from scratch. As noted above, when we brought our concerns to the attention of the Civil Service staff, they readily agreed with our assessment. Civil Service Director, Lisa Hudson called the Multiple-Choice Exam “outdated,” and agreed it needed to be removed and re-built as a modern battery of tests that reflect the current tasks and responsibilities of New Orleans police officers.

A modern, effective, and legal police exam must conform to all legal and professional standards for validation and be predictive of on the job performance. Some departments elect to develop a quality test on their own, some engage an experienced expert to guide them (or even do it for them), and some purchase one of many validated off-the-shelf tests offered by a multitude of vendors. Several federal agencies, for example, have developed “a custom exam that combines measures of cognitive ability and psychological ability (or personality) to assist in the vetting process of potential law enforcement applicants.”¹⁹ However, according to industrial psychologists, there is little, if any, published literature on the comparative effectiveness of self-designed exams versus off-the-shelf exams.²⁰ In any case, templates do exist in many

¹⁸ National Center for Women and Policing, “Recruiting and Retaining Women: A Self-Assessment Guide (2003), 67.

¹⁹ Fields Report. *See also* Appendix X.J, which provides one consultants view of the process by which a department may develop a custom exam.

²⁰ Fields Report.

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departments from which NOPD can benefit. The Monitoring Team is familiar with well-regarded tests being used in Portland, Oregon²¹ and Newport News, Virginia.²² There certainly are others.²³ Additionally, several examples of off-the-shelf test offerings are provided in Appendix X.G hereto.²⁴

During the preparation of this Special Report, Civil Service informed the Monitoring Team it will be engaging the Industrial/ Organizational Psychology Program at Louisiana Tech to conduct a task analysis, review best practices in police recruiting and selection, and develop a new battery of tests. The Monitoring Team supports this decision. While, as noted above, there are tests that can be purchased for use from a variety of vendors, and those should be reviewed and assessed, the Monitoring Team believes this opportunity presented by Louisiana Tech University is worth exploring.

Whatever approach NOPD, Civil Service, and Louisiana Tech take, the Monitoring Team recommends NOPD and its partners ensure the new test is robust enough to assess a wide range of cognitive factors, and includes scenario-based elements. The benefits of such testing methods are recognized throughout the Consent Decree (*see, e.g.*, CD 64, 109, 117, 269, etc.), and are no less applicable to the selection process. Moreover, there is some evidence that a cognitive test that incorporates interactive scenarios is more predictive of success and less subject to “faking.” According to Dr. Fields, quoted above:

a written, multiple-choice exam that measures these skills is subject to faking. This means that applicants can select the answer that they believe to be the best answer, but it is not actually the behavior or action they would take. Some test publishers have created more interactive exams that show applicants video scenarios they may encounter and ask them to indicate how they

²¹ The Portland, Oregon Police Department contracts with the National Testing Network (NTN) to administer its written exam. The NTN utilizes a product created by the vendor Ergometrics for entry level testing. Ergometrics entry level testing is a dimension based, content and criterion validated, video based, job simulation testing product.

²² The Newport News, VA Police Department (“NNPD”) uses a written exam purchased from Morris and McDaniel, Inc., and relies on vendor validation of the testing product.

²³ The Arlington, Texas Police Department, in contrast to the examples above, does not administer an entry-level written exam. The APD requires applicants to have a Bachelor’s Degree from an accredited college or university. The agency reports this degree requirement establishes the baseline for basic reading comprehension and writing skills.

²⁴ According to Dr. Cassi Fields, “there are several off-the-shelf police officer cognitive ability tests. Many have been challenged as discriminatory toward certain population subgroups (Dayton Ohio; Chesapeake, Virginia), and as a result, the authors/publishers have been required to lower pass scores and/or discontinue use.” Fields Report.

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would respond. When the instructions ask applicants to indicate the best and worst response to each scenario, there is some evidence that the ability to fake responses may be reduced.²⁵

The Monitoring Team agrees with this assessment.

Finally, and obviously, if NOPD elects to “outsource” the creation of a new test, care must be taken to make sure validity evidence obtained can be suitably “transported” to NOPD’s particular situation.²⁶ The Uniform Guidelines, the Standards, and the SIOP Principles state that evidence of transportability is required. Criteria by which tests should be evaluated for appropriate transportability include:

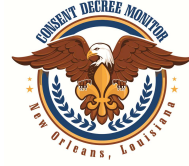
- Validity evidence. The validation procedures used in the studies must be consistent with accepted standards.
- Job similarity. A job analysis should be performed to verify that your job and the original job are substantially similar in terms of ability requirements and work behavior.
- Fairness evidence. Reports of test fairness from outside studies must be considered for each protected group that is part of your labor market. Where this information is not available for an otherwise qualified test, an internal study of test fairness should be conducted, if feasible.
- Other significant variables. These include the type of performance measures and standards used, the essential work activities performed, the similarity of your target group to the reference samples, as well as all other situational factors that might affect the applicability of the outside test for your use.²⁷

The NOPD, including especially its clinical psychologist, and Civil Service should work closely with the Louisiana Tech researchers to determine these various criteria are met for whatever new test NOPD implements. At the Court’s direction, the Monitoring Team will closely track this process.

²⁵ Fields Report (citations removed).

²⁶ Society for Industrial and Organizational Psychology, Inc., “*Principles for the Validation and Use of Personnel Selection Procedures*, 4th ed. (2003) 27. <http://www.siop.org/Principles/principles.pdf>

²⁷ U.S. Department of Labor Employment and Training Administration, “*Testing and Assessment: An Employer’s Guide*” (1999) 3-9. <http://wdr.doleta.gov/opr/FULLTEXT/99-testassess.pdf>



D. The Writing Exercise

1. Current State

The second part of the testing process is the writing exercise. The writing exercise is administered immediately following the multiple-choice test. For the writing exercise, the candidate takes notes while listening to two police-related incidents. The candidates then use their notes to write a narrative report describing the incidents. The exam is graded on grammar, spelling, capitalization, and other writing components, and scored at a later time by a team of trained evaluators.

The current “Writing Exercise” was developed by the Civil Service Department in 1994 as a result of the poor quality of written reports submitted by New Orleans Police Officers. (*See* Appendix C for a sample of the current writing exercise). Like the Multiple-Choice Test, the written test is scored pass/fail.

2. Monitoring Team Evaluation

Here again, the Monitoring Team found flaws and shortcomings in this selection tool.

As an initial matter, it should be noted the Monitoring Team has been commenting on weaknesses in NOPD written work for some time. We have identified the Department’s Use of Force reports, for example, as illustrating such weaknesses, but the Use of Force reports are not the only illustrations. At a recent hearing before U.S. District Court Judge Morgan, NOPD pointed to its efforts to update its written exam several years ago. The ongoing weaknesses identified by the Monitoring Team, however, continue to pervade NOPD’s work product even under its current written exam. While we concede such weaknesses may be more reflective of an Academy problem than a recruiting problem, we nonetheless believe poor written work product highlights the importance of a more robust written exam at the outset.

The shortcomings of the current written test are observable even without looking at the outcome (i.e., the work product of NOPD officers). Like the multiple-choice exam, the current job-relatedness of the writing exercise has not been validated, and the Monitoring Team is concerned that some otherwise qualified applicants will be screened out at this point due to “selection bias” that favors experienced police officers who already have learned and mastered report writing techniques. Since report writing is taught at the NOPD Academy, however, screening out skilled writers who simply lack experience writing police reports would be counterproductive and unfair.²⁸

²⁸ According to one expert, “the ability to write is a skill that police officer job applicants need to bring to the job. The style of writing along with the types of reports that must be written must be trained after hire.” Fields Report.

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Similarly, as with the multiple-choice exam, the writing exercise also uses police scenarios. Candidates should not be tested on their ability to maneuver through police exercises that will be trained in the Academy. The primary requirement should be to ascertain their capability for successful completion of the Academy and acuity for the regimens of police work.

More broadly, the Monitoring Team views the current test structure as a squandered opportunity to dig deeper into a candidate's strengths and weaknesses. It would be extremely useful, for example, to allow the test evaluator to relay his/her comments and questions to the interviewer down the line so he/she could tailor interview questions to the specific candidate.²⁹ This doesn't happen here because (a) no test information is shared with any evaluator other than whether the candidate passed or failed and (b) as discussed below, NOPD's interviewers are not permitted to deviate from their interview scripts.

Finally, and again as with the Multiple Choice test, the Monitoring Team found evidence of potential disparate treatment. NOPD's own statistics suggest the current written exam may be having an adverse impact on certain demographic groups, most notably women and minorities.

3. Recommendation

The Monitoring Team recommends NOPD reassess its current written exam from the perspectives of effectiveness, necessity, and fairness. Validated written exams exist in other departments and in the commercial marketplace. The Des Moines, Iowa Police Department, for example, has had success using a vendor-generated and validated testing product from a vendor called Stanard and Associates. While the Monitoring Team does not endorse any given vendor or vendor product, the Stanard test is illustrative of a host of options available to NOPD. NOPD need not reinvent the wheel here.

We recommend this reassessment of the current written exam be incorporated into the project currently being undertaken with Louisiana Tech focusing on the multiple-choice exam. NOPD and Louisiana Tech should seriously consider reviewing samples of a variety of NOPD written product (*e.g.*, Use of Force Reports, PIB investigations, Field Investigation Cards, etc.) to identify the nature of the Department's current writing gaps. Such an assessment probably would be best conducted in conjunction with the NOPD Academy since that institution will benefit equally from the findings.

²⁹ The Monitoring Team recognizes that the results of the test are shared with the NOPD psychologist and are used as a part of her evaluation of potential candidates.



E. The Physical Agility Exam

1. Current State

Candidates who successfully complete the multiple-choice and writing exercise next move on to the physical agility test. This test consists of the following elements:

- Sit-ups - 14 repetitions in one minute
- Push-ups - 10 repetitions (untimed)
- 1 1/2 mile run – completed in a maximum of 19 minutes and 50 seconds
- 300 meter run – completed in a maximum of 2 minutes

These particular exercises were developed, validated, and standardized for first responders and law enforcement by the Cooper Institute in Dallas, Texas. Candidates either pass or fail the tests. While these tests are used in many police departments throughout the country, the Monitoring Team views them as not well tailored to modern policing. The Monitoring Team recommends NOPD reassess the current physical tests and consider incorporating new exercises more tailored to the tasks performed on the job, including lifting, dragging, and other activities needed on the job.

2. Monitoring Team Evaluation

An important consideration for any law enforcement agency in reviewing its entry-level physical abilities test is whether officers who are currently performing the job can satisfactorily pass the test. By establishing a standard of physical performance for entry-level candidates, NOPD is saying a particular level of performance is necessary to do the job of a law enforcement officer. However, if current law enforcement officers do not maintain that level of physical ability and they are still effective as officers, then the requirements of the physical abilities test obviously are not necessary to perform police officer tasks.³⁰ The Monitoring Team recommends NOPD consider this truism in evaluating its current physical test to ensure the exercises are as robust as they need to be, but not more robust than they should be.³¹

³⁰ National Center for Women and Policing, “Recruiting and Retaining Women: A Self-Assessment Guide (2003), 66. <https://www.ncjrs.gov/pdffiles1/bja/185235.pdf>

³¹ In *Lanning v. South Eastern Pennsylvania Transit Authority*, the United States Court of Appeals for the Third Circuit held that employers who use a task-based physical test that has an adverse impact must show not only that the quality or characteristic being measured by the test is important to the job, but that the passing point of the test is set to measure the minimum amount of that characteristic necessary to perform the job successfully. In other words, if current employees who cannot pass the test are still able to perform the job safely, then the cutoff score is unlawful and may not be used. *Lanning v. Southeastern Pennsylvania Transportation Authority* “Septa,” 308 F. 3d 286 (2002).

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In developing new, tailored physical testing, NOPD should be cautious that many current police entry-level physical ability tests used around the country today are outdated, not job-related, and test for physical requirements not needed to perform the job of a modern law enforcement officer. They often put unnecessary emphasis on upper body strength and rely on methods of testing that eliminate large numbers of women who are, in fact, well qualified for the job.

The Monitoring Team recognizes there are two schools of thought about physical ability testing – general fitness and job task-based. Under the general fitness approach, candidates are given tests that measure their general physical fitness through activities such as running, sit-and-reach, and similar activities. The tests are usually gender-and age-normed. This means that the candidate's level of performance is measured by standards relative to gender and age. Fitness tests do not have adverse impact on women and do not purport to be job-related. Instead, they provide some measure of assurance that candidates who pass are more likely successfully to complete training and less likely to experience on-the-job injuries. Under this approach, job-related physical abilities are taught and assessed after hire during academy training.

Task-based tests, on the other hand, simulate duties performed by law enforcement officers and measure the candidate's ability to perform those tasks within established time parameters. Examples of these tests are a dummy drag, fence climbing, tire changing, and other similar activities. However, it may be problematic to demonstrate that these types of tests measure abilities that are required for the job. Moreover, these tests can have an adverse impact on women³² and therefore must be documented to be job-related and consistent with business necessity in order to minimize adverse impact to the greatest extent possible.

A third type of physical testing contains events such as a 300-meter run, a vertical jump, sit-ups, push-ups, and a 1.5-mile run. Because this test is validated using a task-based physical test, it may have the same problems associated with those tests. In addition, with the third type of test, there may be significant problems with the way the connection is drawn between the test events and the physical tasks actually required on the job. This third type of test best describes the NOPD physical agility exam.³³

³² National Center for Women and Policing, "Recruiting and Retaining Women: A Self-Assessment Guide (2003), 65.

³³ *Id.* at 66. NOPD reports that 97% of applicants pass its current physical fitness test. This pass rate seems high to the Monitoring Team. According to NOPD, the passage rate for the agility test decreased to 93% in 2005. In addition to the recommendations set forth in this section, NOPD would be well served by comparing its pass rate to the pass rate of other jurisdictions. The police department in Prince George's County, Maryland, for example saw between 34%- 40% of its applicants fail its "applicant physical recruitment test." The Louisville-Metro Police Department saw 10% of its applicants fail its physical abilities test.

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3. Recommendation

The Monitoring Team believes NOPD can enhance the validity and utility of its physical agility testing process. Several police departments across the country have spent time focusing on this topic and have come up with enhanced tools. The Sugar Land, Texas Police Department (SLPD), for example, has an outstanding physical ability testing process the Monitoring Team views as a “best practice.” The SLPD utilizes a “fitness evaluation” versus a “job task evaluation” for both entry-level testing and annual officer testing. The Department’s test has been validated in the last ten years and is applied to be entry-level candidates and annually to all sworn officers.

The Portland, Oregon Police Department (PPD) likewise employs an enhanced physical agility test, which it developed and validated through certified Human Resource professionals. The validation process included both current employees and citizen volunteers. The Portland Physical Ability Test (PAT) incorporates the following components:

- Mobility/Agility Run
- 165-lb. dummy drag
- Modified squat thrust and stand using rail vault
- 80-lb. torso bag carry

For the reasons described above, the Monitoring Team believes these components are tailored to the job of a police officer and are smartly incorporated into an effective physical agility test.

Whatever approach NOPD adopts, the Monitoring Team recommends NOPD look closely at the physical requirements imposed upon its *current* personnel. The Consent Decree requires that the Department implement “a department-wide mental *and physical health* and wellness program . . .” (CD 290) Failing to take this step not only violates the Consent Decree, but also casts significant doubt on the validity of the physical exam for recruits. As industrial psychologist Dr. Cassi Fields notes:

A major flaw with the physical ability tests occurs when police departments who use them do not have a police officer physical wellness program for officers and/or they do not hold officers accountable if their physical ability declines after hire. . . .³⁴

The Monitoring Team agrees. Failing to focus on the physical health of current officers (a) increases the risk to those officers, (b) decreases the effectiveness of those officers, and (c) increase the likelihood the standards set for recruits will not pass legal muster.

³⁴ Fields Report.



F. The Structured Interview Process

1. Current State

Those candidates who remain eligible for employment following the physical agility test are set for a Panel Interview. Following the removal of the college credit requirement from the application requirements, NOPD “enhanced” its interview process by adding civilian Human Resource specialists to the interview panel. Additionally, NOPD revised the interview questions. The current interview methodology – called a Structured Interview – was developed by a private vendor who also validated the interview and scoring, which allows neither an opportunity for interviewers to probe the candidate’s answers nor an opportunity for candidates to ask for clarification of questions.

2. Monitoring Team Evaluation

The Monitoring Team has studied the purportedly “enhanced” “structured interview” process, which was put into effect a few months ago. NOPD made positive, strategic moves by inviting private sector Human Resource directors and knowledgeable individuals to participate in the interview process. While the Team was impressed with the Human Resource experts the City had engaged to help implement the new process, we remain troubled by certain aspects of NOPD’s hiring practices.

NOPD should use industry standards and “best practices” to hire the best candidates. Unfortunately, the current process is designed to remove the subjective nature of the interview process and take away the interviewer’s ability to ask targeted questions, follow-up on partial answers, and probe the candidate for more information. This process, because it stresses rigidity and removes subjective decision making, is defensible in a legal challenge (by an unsuccessful candidate), but it is not designed to determine the best candidates: it is more likely to identify a “consensus” candidate. To be clear, the Monitoring Team is not against a “structured interview” process. We recognize such a process is used in many departments. Rather, as discussed below, the Monitoring Team objects to the unwillingness of the NOPD to allow for limited but meaningful probes and follow-up questions.

The interview procedures currently used by NOPD are “standardized” to the point that there is little need for human interaction. There is no interactive process and no role for the interviewers to ask targeted questions, clarify responses, or humanize the candidate. While this process may be appropriate to hire a person to conduct a factory job that does not change or require human interaction, it does not allow the interviewer to assess the candidate beyond an initial response to the “scripts.” In fact, the process prohibits discussion of the candidate’s ability to show how she or he might “negotiate” a situation, to talk a person through a tough time, or other real-world interactions. Candidates may be saying what they think the interviewers want to hear and, without follow-up questions, or examples, there is no way to

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determine whether the candidate truly understands a situation or script. Different candidates may interpret a script or question differently, but there is no method to determine what the person is thinking or exactly what she or he is answering. Answers remain a superficial response to the scripts.

Research shows for a police interview to be effective, the interviewer must be able to explain questions, respond to questions from the applicant, and, most important, probe into areas raised during the questioning.³⁵ Unfortunately, NOPD has instructions they may not deviate at all from the interview script. They may not answer questions, may not explain questions a candidate finds confusing, and may not probe into areas of concern. While we understand the desire to adhere to a script from a litigation-reduction perspective (and from an efficiency perspective), such blind adherence reduces the effectiveness of the interview substantially. The Monitoring Team believes the City's process will not achieve the intended result precisely because the interview is designed more to reduce the City's liability to an unsuccessful candidate than to identify officers most likely to succeed.³⁶

Moreover, the current "structured interview process," without an opportunity to probe answers or allow subjects to ask for clarifications, has unwittingly introduced an element of bias. For example, applicants who are more confident, who have more experience at being interviewed, or who are naturally more verbal will have a much better chance of scoring well in the interview. This may give them an unfair advantage since none of these skills necessarily predict being a better police officer. However, even these applicants are disadvantaged. Without the chance to hear a follow-up question or comment, applicants are left without any feedback on whether the answer they have given impresses the interviewers, or is consistent with a high score. It is more likely than not that follow-up clarification to the question will help the applicant improve an answer by adding further context and detail, and the probing may also help the applicant answer subsequent questions.

An interview, no matter how standardized, is an interaction, and therefore an inherently subjective process, which involves some human judgment as a critical component of the decision-making process for the interviewer. Even in the most standardized interview process, a decision will come down to several people interpreting data to form an opinion about the risks associated with hiring a particular individual. The challenge is how to collect the most meaningful, job-related data in a way that is not discriminatory. As statistician S.E. Feinberg reports, these processes include "errors of the third kind." These "errors" arise from the

³⁵ "Structured Interviews: A Practical Guide," US Office of Personnel Management, September 2008; , <https://www.opm.gov/policy-data-oversight/assessment-and-selection/structured-interviews/guide.pdf> see also, "Interview Techniques for Effective Hiring" By Lauren Simonds, Time Magazine, October 9, 2013. <http://business.time.com/2013/10/09/interview-techniques-for-effective-hiring/>

³⁶ The Monitoring Team recognizes the City's interest in reducing its exposure to liability, and acknowledges the benefits a structured interview process bring in that regard.

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discrepancy between what is of interest to the interviewers and what is actually measured. In any interaction, there are verbal and non-verbal cues, as well as subtle interactions between the interviewers, which impact the subject, and can influence responses. Ways to minimize these errors include the specific wording of the questions (which is done in the Panel Interview), and to put the interviewer in a position to clarify the meaning of a question when necessary (which is not done).

The closed type of interview that is currently in use also raises concerns for the City and the New Orleans Police Department. Rather than allowing the panel the opportunity to ask for clarifications to answers provided by candidates to understand completely what the applicant wants to convey, they are left to “guess” or “interpret” what they think the candidate intended to communicate. Under the current circumstances the interview risks being much less objective and fair than it may seem on the surface, because the panel is asked to make a decision with insufficient and incomplete data. This greatly increases the risk of decisions being influenced by irrelevant factors, such as how the person is dressed, whether the candidate “looks like a police officer” or their overall “likability.” The more information the panel has to make a decision, the more likely it is to make the correct one.

The current process also exposes the City and NOPD to risks associated with hiring the wrong person. As we know, poorly suited applicants can endanger themselves, their colleagues, and the public they are entrusted to protect. The decision to hire the wrong candidate can impact sick leave, workers’ compensation claims, applications of force, and peer and citizen complaints. One hiring mistake can cost millions of dollars, expose the organization to unnecessary risk, and even endanger the lives of others.

Another unintended consequence of an inadequate process can be a civil suit for negligent hiring. If an officer uses excessive force, or somehow injures a citizen who files suit, the process almost certainly will come under scrutiny from a variety of additional fronts.

It is important to note, as stated previously, the Monitoring Team is not suggesting a structured interview is inappropriate. Rather, we acknowledge the benefits of a structured interview. But it is our strongly held view that the process must allow the interviewers to probe the subject’s responses, and to allow subjects to ask and receive clarification to a question that has been asked.³⁷

3. Recommendation

While the Monitoring Team supports the use of a structured interview process, which has been shown to be effective when used properly, we recommend the NOPD’s current process be

³⁷ Ironically, when NOPD management is asked whether they would be willing to rely on an interview script from which they could not deviate in selecting their key deputies, the answer is a uniform “of course not.”

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modified to (a) allow the interviewers to explain questions, (b) provide a mechanism for the interviewers to probe and ask follow-up questions, and (c) develop a mechanism to incorporate additional questions raised in other parts of the selection process into the interview process.

With respect to the third point – incorporating information from other parts of the selection process into the structured interview process – industrial psychologist Dr. Cassi Fields provides such an example here:

Police departments may work with the background investigators more closely and take information provided by the background investigation that is questionable and incorporate it into the structured interview process. For example, if there are some questionable findings during the background investigations about any of the applicants' background, the interview panel discusses that with the investigator and develops additional questions to try to obtain more information about the background findings.³⁸

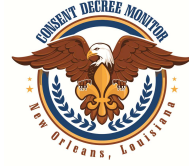
Dr. Fields notes that this process has been an effective strategy for police departments. The Monitoring Team agrees. As stated above, failing to maximize the utility of the interview process is a squandered opportunity.

A variety of examples exist of agencies that do use oral interview panels as effective selection tools. These agencies balance the civil risks inherent in interview processes with the essence of securing the most accurate candidate assessment available so as to make the most informed hiring decisions.

The Arlington, Texas Police Department, for example, employs two separate “structured” interview panels using trained police assessors. The first Preliminary Interview panel conducts a structured interview during initial testing and document submission. Subsequently, a Final Interview panel is conducted following completion of all components of the hiring process. Both panels have the discretion to ask limited probing questions and/or provide clarifying information. Moreover, the Final Interview panel has complete access to all test results, is briefed on each candidate by background investigators, and is allowed to inquire about areas of concern that may need to be resolved before extending a formal offer of employment.

In the end, NOPD already has made progress in moving to a structured interview process. But, unless that process is tailored as noted above, it will not serve as a meaningful selection tool and will not promote lasting change within the Department.

³⁸ Fields Report.



G. The Background Investigation

1. Current State

NOPD's Recruitment and Applicant Division schedules applicants who pass the physical agility test for a background investigation, about half of which, until recently, were conducted by a third party.³⁹ A typical background investigation includes the following elements:

- Voice Stress test
- Written background packet
- Oral taped interview
- Fingerprinting
- Urinalysis
- Employment record check
- Credit record check
- NCIC check
- Reference check

According to NOPD, approximately 50% of candidates successfully complete the background investigation and are tendered a conditional job offer. Those accepting the conditional offer are scheduled for medical and psychological exams.

2. Monitoring Team Evaluation

The background investigation is designed to determine the candidate's background, experiences, and competencies. While the Monitoring Team has not identified shortcomings in the elements of the current background investigation process, we have identified a problem with the efficiency of the process. Even with a recent decline in the number of applicants, there does not appear to be a sufficient number of investigators to conduct thorough and timely investigations. The lack of staff has created a serious backlog of candidates who are waiting to be assessed.⁴⁰

In the view of one expert with significant experience in helping police departments develop effective selection processes, "departments generally employ and/or contract an insufficient number of background investigators, but the number of background investigators directly determines the speed of the hiring process."⁴¹ This experience appears to be shared by

³⁹ According to NOPD, in 2015, all background investigations have been conducted by the third party vendor.

⁴⁰ According to NOPD, the Department recently doubled its background investigations staff from 4 to 8 individuals.

⁴¹ Fields Report.

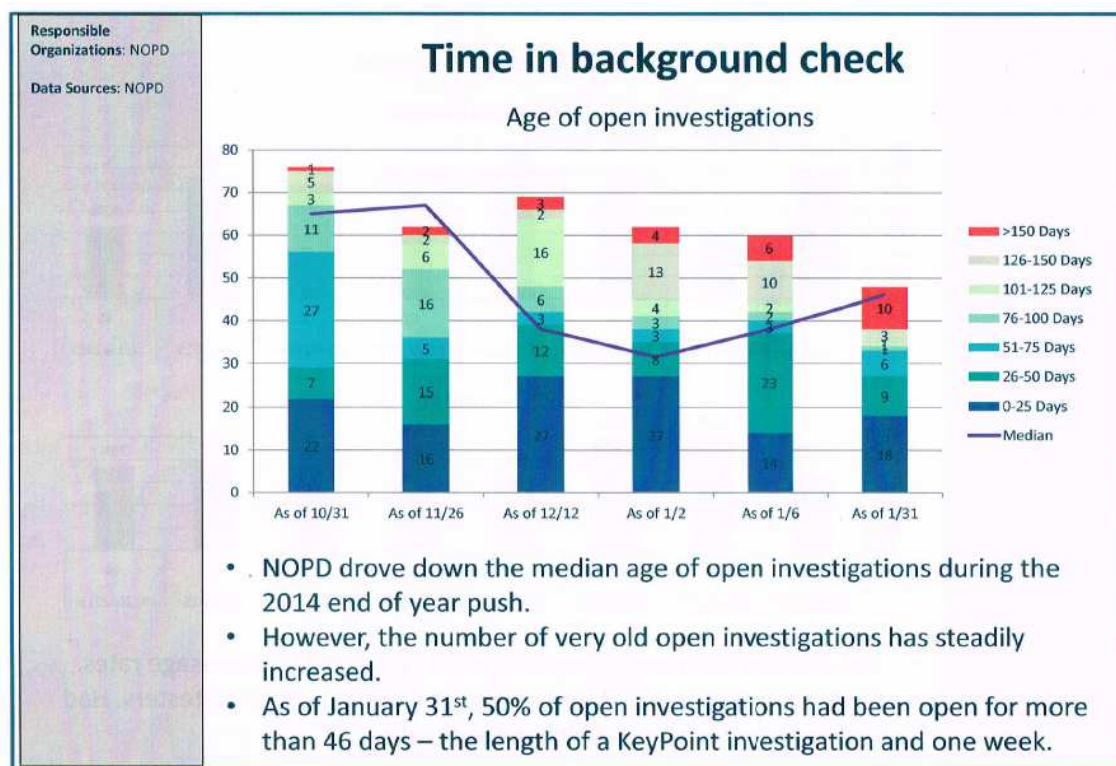
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NOPD. According to NOPD, the number of “very old” open investigations has steadily increased since 2014. The graphic below, taken from NOPD’s February 4, 2015 Recruitstat report, highlights the disturbing trend.



PoliceRecruitSTAT February 4, 2015 9

One additional full-time investigator reportedly was added in early 2015. Three additional contract background investigators were added in May, but it is not yet evident that they are reducing latencies in applicant processing.⁴² This lengthy waiting period is frustrating to the candidates and many are likely to accept other positions while they wait to be processed.

The number of “files” in background investigations has decreased over the past six months. Most recently, however, more new background investigations have opened than closed, indicating the backlog and delays may once again be building.

⁴²

According to NOPD, the Department has cured the prior delays since the submission of the foregoing data to the Monitoring Team. The Monitoring Team will follow-up on this representation. Additionally, the NOPD will have the opportunity to present updated data at the public court hearing focusing on Hiring and Recruiting currently scheduled for September.

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3. Recommendation

NOPD should work to shorten the background investigation process and make it more accommodating to applicants. Adding more background investigators and contracting more out to a qualified third-party provider should reduce the average amount of time that files stay in background investigations. That reduction, along with the efforts of in-house investigators to maintain regular contact with applicants to advise their status, should result in lower attrition during the background investigation phase.

H. Psychological and Medical Exams

1. Current State

A conditional offer of employment may be made to applicants who pass the background investigation and are recommended for hire by the NOPD Interview Board. Applicants then will be scheduled to take a medical examination and undergo psychological screening. The medical examination is used to determine whether the applicant is in good enough physical condition to perform the essential functions of the job. These essential functions include:

- Patrolling a specified beat or district by walking, by motorcycle or by car;
- Operating a vehicle;
- Pursuing and apprehending fleeing suspects, i.e., running after suspects, jumping ditches, climbing through windows, climbing fences and walls, and running several blocks; and
- Escorting prisoners.

The medical exam will include a physical examination, a lumbar-spine X-ray, a chest X-ray, and an EKG stress test. Applicants also are given psychological tests to help determine their suitability as police officers.⁴³ These tests include traditional written exams and multiple-choice tests and an interview designed to determine who should not be asked to perform a specific role, in this case, that of a police officer. The tests identify the candidates who have the most psychological risks. If their scores allow them to continue the process of becoming a recruit,

⁴³ “It is generally acknowledged that psychological screening, or profiling, as a personnel selection process for [police departments] is a viable means of assessing candidates for employment. Job-person fit is particularly important in a public safety position. Use of profiling for selection in the police industry is well established, particularly in the USA. . . .” Jonathan Lough Kathryn Von Treuer (2013) “A critical review of psychological instruments used in police officer selection,” Policing: An International Journal of Police Strategies & Management, Vol 36. <http://www.emeraldinsight.com/journal/pijpsm>.

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then they are interviewed by a licensed psychologist who looks for evidence to determine their suitability to go to the Academy.⁴⁴

The psychologist serving this function for NOPD informed the Monitoring Team she receives all the relevant background information on the candidate to develop clinical interview questions, including the personal history form, background investigation, scores from multiple-choice tests, written tests, and any other information available. Based on the information, she conducts her clinical interview – apparently without the input of any other individual – and determines if the candidate is suitable to attend the Academy, and provides her opinion to NOPD. The tests employed by the psychologist are the same tests used by a wide range of police departments across the United States.⁴⁵

Processing through the medical and psychological exams took approximately 28 days. According to Civil Service, the passing rate for the medical exam in 2013 and 2014 was 100%. The passing rate so far in 2015 is 98%. According to NOPD, the passing rate for the psychological exam alone was 87% in 2012, 91% in 2013, and 92% in 2014.⁴⁶

2. Monitoring Team Evaluation

The Monitoring Team did not identify any problems with the medical evaluation process, but believes NOPD should reassess the current psychological testing process and also evaluate whether there is any adverse impact associated with the process. Like many police departments across the country, NOPD has been relying on the same approach to psychological testing for many years. Over those years, however, experts have identified potential shortcomings in the historic approaches as well as potential new practices to mitigate some of those shortcomings.

The Monitoring Team acknowledges the current dearth of irrefutable academic literature regarding the effectiveness and validity of psychological tests. According to one recent study, no

⁴⁴ An experienced, local psychologist scores the tests and on another day conducts a one-on-one clinical interview.

⁴⁵ The NOPD tests include standard psychometric instruments, including the Psychological History Questionnaire (PsyQ), the Minnesota Multiphasic Personality Inventory (MMPI II), and California Psychological Inventory (CPI). The MMPI was originally developed in 1940. It was revised in 1989 and reissued as the MMPI-2, which is the version employed by NOPD. The MMPI is probably the most studied of all police selection tools. The CPI shared much with the MMPI, but is focused more on common personality factors. See Jonathan Lough Kathryn Von Treuer (2013) “A critical review of psychological instruments used in police officer selection,” *Policing: An International Journal of Police Strategies & Management*, Vol 36.

⁴⁶ See Appendix X.H (psychological) and Appendix X.I (medical) for additional detail regarding the NOPD pass rate.

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current test “possesses unequivocal research support.”⁴⁷ This particular study goes on to find “most formal research into the validity of the instrument lacks appropriate experimental structure and is therefore less powerful as ‘evidence’ of the utility of the instrument(s).” Thus, while NOPD appears to be “in the main” with respect to its psychological evaluation tools, that does not necessarily mean it is utilizing the most effective tools available. As outlined below, the Monitoring Team believes it is important that NOPD carefully reanalyze and reevaluate its current approach to psychological testing.

3. Recommendation

The Monitoring Team recommends NOPD continue reviewing, evaluating, and improving its current tests – and exploring new tests – based upon the outcome those tests appear to be achieving. There are alternative psychological tests to those currently used by NOPD that show promise. According to one recent study, “the AIFP test battery appears to be a sound option.” The AIFP test battery has been used with success since the early 1990s. The test consists of six separate psychological tests, with 540 items that are a mixture of “true or false items, forced choice items, and Likert scale items.” According to at least one group of experts, the AIFP test battery shows promise as a potentially more effective screening tool.⁴⁸ To be clear, the Monitoring Team is not recommending that NOPD necessarily adopt this or any other test. But the Monitoring Team is recommending NOPD closely evaluate the effectiveness of its current tests and consider whether better assessment tools have become available over the years.⁴⁹

In that context, the Monitoring Team recommends NOPD initiate an effort to evaluate the effectiveness of its current psychological process by reviewing the testing results of those officers who had disciplinary and/or performance problems while on the job to see whether those problems were (or should have been) revealed in the testing process.

NOPD also should consider recent guidance published by the IACP Police Psychological Services Section. In 2014, the IACP developed and ratified “Preemployment Psychological Services Guidelines” for use by public safety agencies, agency executives, and psychologists as

⁴⁷ “[I]t is apparent that no best practice instrument for the selection of police officers exists at this time.” Jonathan Lough Kathryn Von Treuer (2013) “A critical review of psychological instruments used in police officer selection,” *Policing: An International Journal of Police Strategies & Management*, Vol 36 at 737-51.

⁴⁸ Jonathan Lough Kathryn Von Treuer (2013) “A critical review of psychological instruments used in police officer selection,” *Policing: An International Journal of Police Strategies & Management*, Vol 36.

⁴⁹ In addition to alternative testing tools, some departments are experimenting with alternative evaluation approaches. The Louisville Metropolitan Police Department, for example, does not use a pass/fail designation for its Psychological exam. Instead, the LMPD psychologist gives a final recommendation of Recommended, Provisionally Recommended, or Not Recommended. The recommendation then is considered by the LMPD along with the other available selection data in making a final hiring decision.

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well as other professionals who are charged with the responsibility of conducting, overseeing, and managing defensible Preemployment Psychological Evaluation (PPE) programs.⁵⁰ The Guidelines establish recommended standards for definitions, examiner qualifications, job analysis, disclosure, testing, interviews, technology, background information, reports, use of the evaluation, follow-ups, appeals and second opinions.⁵¹

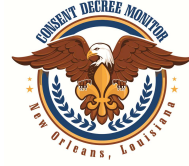
While most of the NOPD psychologist's work appear to be consistent with these IACP guidelines, NOPD has not yet carefully reviewed its procedures to determine the extent to which they comport with the Guidelines. It also is not clear whether NOPD has evaluated its testing procedures to determine whether they have been validated based on performance of police officers. The Monitoring Team recommends NOPD perform such a review and establish a written policy that documents NOPD PPE requirements consistent with the IACP guidelines, recognizing these are floor level or minimum guidelines on which agencies should build and improve.

Finally, the Monitoring Team recommends NOPD consider engaging multiple psychologists rather than a single psychologist in the psychological evaluation process. No psychological testing is completely objective. All require some interpretation by a psychologist. Specific segments of current tests are designed to assist the psychologist determine if a candidate is "faking" responses to improve his or her score. In some cases, the testing and the interview reach different results (e.g., the testing suggests the candidate is appropriate, but the interviewer concludes the person is not a good candidate). When that occurs, psychological professionals should be able to confer on the meaning and interpretation of the various tests and make a collective decision. To facilitate such discussions, some experts believe the psychological professional should have another trained professional available to discuss a given candidate's scores and the results of interviews when there is a concern about the person's suitability as a candidate.

⁵⁰ "Preemployment Psychological Evaluation Guidelines," The International Association of Chiefs of Police (2014), page 1, available at <http://www.theiacp.org/portals/0/documents/pdfs/Psych-PreemploymentPsychEval.pdf>.

⁵¹ IACP staff recently initiated an inquiry to member agencies regarding psychological examinations for entry-level employees. Responding agencies serving populations of more than 200,000 who adhere to IACP guidelines for conducting entry-level psychological exams include the Colorado Springs, Colorado, Honolulu, Hawaii and Nashville, Tennessee Police Departments and the Washington State Patrol.

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VIII. THE ORDER OF OPERATIONS

In addition to the substance of the various components of the selection process, NOPD also would be wise to consider the order of those various components and how the result of each component may be utilized to inform the next. To some extent, NOPD already has started thinking along these lines. In conjunction with its elimination of the college credit requirement, for example, NOPD reordered the various section tests so that the structured interview would occur earlier in the process. While the Monitoring Team certainly has no objection to this change, we recommend NOPD go further and consider how the result of each component bears upon the next component in the selection timeline.

Industrial psychologist Dr. Cassi Fields notes that one way to structure a selection system to maximize benefit is to group candidates into broader categories (i.e., exemplary, good, etc.) at each stage of the process rather than using each step as a pass/fail standard. She describes the view this way:

Police departments that utilize an inflexible, multiple hurdle selection strategy that requires each applicant to pass each hurdle before proceeding to the next in the process reduce the quality and diversity of their applicant pool. Police departments that recruit a diverse applicant population, thoroughly vet those applicants in a multi-stage selection process, and categorize applicants into broader qualitative categories at each stage of the process are much more likely to hire a diverse and highly qualified group of police recruits.⁵²

For example, Dr. Fields suggests “combining the physical ability exam scores with the background questionnaire responses to categorize applicants into exceptionally qualified, highly qualified, qualified and not qualified applicants,” and then “inviting as many applicants as feasible from the exceptionally qualified, highly qualified, and qualified categories to take a valid cognitive ability exam that has utility in reducing the size of the applicant pool.”

The Monitoring Team sees the potential advantage in Dr. Fields’ approach, and recommends the NOPD consider the advantages such an approach might have for its multi-step selection process.

⁵² Fields Report.



IX. CONCLUSION

We opened this Special Report with a quote from a New Orleans citizen who likened the task of reforming the NOPD to that of tending a garden. Years ago, famed horticulturalist Liberty Hyde Bailey offered the rather simple observation that “a garden requires patient labor and attention.” “Plants do not grow,” he said, “merely to satisfy ambitions or to fulfill good intentions. They thrive because someone expended effort on them.” The same is true of the men and women for the New Orleans Police Department – and, importantly for our purposes here, for the men and women who seek to become part of the New Orleans Police Department.

The Monitoring Team’s focus on NOPD’s recruit selection process is designed to help NOPD cultivate a professional, dedicated, and diverse police force. With a recruitment, selection, and hiring foundation (good soil), the NOPD will be much better situated to attract, evaluate, and hire those best suited to serve and protect the citizens of New Orleans.

NOPD clearly is expending effort on its recruitment program. Until recently, however, equal effort had not been spent on its selection process. As a result:

- The multiple-choice exam is outdated and ineffective.
- The written exam is in need of modernization and should be better incorporated into the overall evaluation process so information gleaned from the exam can be used by subsequent interviewers to make the personal interviews more meaningful.
- The interview process, while recently updated by NOPD, is structured so that it merely screens out terrible candidates, but does little to identify great candidates.
- The physical ability test is outdated and its effectiveness should be reviewed.
- The psychological test, while used by many departments across the country, would benefit from a serious review to determine its predictive value in determining the suitability of police recruits.
- The process takes too long.

Additionally, as described earlier in this report, several elements of NOPD’s selection process are susceptible of discriminatory impact.

Clearly, a valid, transparent, and reliable selection process is necessary for NOPD to establish and retain legitimacy among recruits (actual and potential), current members of the NOPD, and the citizens of New Orleans. The need for such legitimacy has never been more

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palpable than it is now as the Department struggles to rebuild its reputation following years of mistrust – mistrust that the Monitoring Team’s recent Community Survey confirmed still exists.

As we said in our introduction to this Special Report, over the course of the last eight months or so, the Monitoring Team has seen a change in the attitude of NOPD leadership. Rather than resisting change, NOPD now (in most cases at least) is embracing change. While this progressive view always has been held by some within NOPD, we finally are seeing the institutionalization of that view. We are hopeful the recommendations set forth in this Special Report meet with the same receptivity we lately have come to expect from the Department.

We are confident that paying close attention to NOPD’s selection process now will help ensure a healthy harvest for generations to come.

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X. APPENDICES

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A. Appendix: NOPD Application

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Home » Civil Service Commission » Jobs » Police Recruiting » Apply

Application for Police Recruit

To apply, you must:

- Be at least 20 years of age at the time of application.
- Be licensed to drive with a good driving record and driving experience.
- Be in good physical and psychological condition to perform the essential functions of the job of Police Officer.
- Possess a state approved G.E.D./high school diploma.

You will be automatically disqualified for any of the following:

1. Been convicted of, pled guilty or nolo contendere to any Felony.
2. Been convicted of, pled guilty or nolo contendere to any Misdemeanor involving any crimes against person or sexual offenses.
3. Been convicted of, pled guilty or nolo contendere to, any offenses involving violations of the civil rights of any person under the constitution or laws of the United States or any state or territory.
4. Used any illegal drug, other than marijuana, within the ten years prior to application.
5. Recruits: Used marijuana within the two years prior to application. Laterals: Used marijuana within the three years prior to application.
6. Recruits: Used any prescription drug or legally obtainable substance in a manner for which it was not intended within the two years prior to application. Laterals: Used any prescription drug or legally obtainable substance in a manner for which it was not intended within the three years prior to application.
7. Been dishonorably discharged from any military service and/or arrested for any violations of the Uniform Code of Military Justice that would constitute a Felony or disqualifying Misdemeanor in the State of Louisiana.
8. Been terminated or forced to resign from any law enforcement agency for disciplinary reasons; resigned a position within a law enforcement agency to avoid potential or proposed adverse disciplinary action or termination; or received a disability retirement from any law enforcement agency.
9. Refused to submit to a polygraph examination and/or voice stress examination.
10. An unacceptable driving record within five years of application, as evidenced by, three or more negligent collisions; suspension for moving violations; revocation, or operating after suspension/revocation of driving licenses; DWI or DUI convictions.

Be sure to submit a copy of your driver's license and proof of your GED/high school diploma. You will not be scheduled for testing until you submit these documents. You can submit your documents as an attachment to your application or by mail to 1340 Poydras Street, Suite 900, New Orleans, LA 70112.

Application

Fields marked with * are required.

☐ Check here to certify that you are qualified to apply and that you will submit to a lie detection exam.

Applicant Information

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Civil Service - Jobs - Police Recruiting - Apply - City of New Orleans

Which position(s) are you applying for?

- ☐ Police Recruit
☐ Police Officer I (Lateral)
☐ Both

Police Officer I (Lateral) requires POST certification and two years of previous patrol experience.

First name *

Middle or maiden name

Last name *

Social Security Number (last four digits) *

Date of birth *

Sex (for statistical purposes only)

- ☐ Female
☐ Male

Race/Ethnicity (for statistical purposes only)

Street address *

Apartment number (if any)

City *

State *

Zip Code *

Phone *

Alternate phone

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()

Email *

Do you require any accommodations for testing? *

☐ Yes ☐ No

If any, please list the accommodation(s)

How did you hear about the Police Recruit position?

Select

If you were referred by an NOPD employee, please list his/her name

Qualifications

Highest level of education completed *

Select

Do you possess a valid driver's license? *

☐ Yes ☐ No

How many years of full time military experience do you possess? *

Please list the number of years and months.

How many years of part time military service (National Guard or Reserves) do you possess? *

Please list the number of years and months.

Are you currently P.O.S.T. certified or equivalent? *

☐ Yes
☐ No
☐ Previously

How many years of law enforcement experience in patrol and/or investigations (after the completion of a Police Academy and Field Training) do you possess? *

Select one

Attachments

We encourage you to upload copies of the documents that verify your eligibility here in order to receive expedited testing.

If you are unable to upload copies of these documents, please mail or drop copies off to 1340 Poydras Street, Suite

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Civil Service - Jobs - Police Recruiting - Apply - City of New Orleans

900, New Orleans, LA 70112.

You must bring your driver's license and the original or official copies of all documents to your scheduled multiple choice exam or you will not be permitted to take the exam.

Upload Option 1

Upload:

Upload a copy of your driver's license

Upload Option 2

Upload:

Upload a copy of P.O.S.T. certification or equivalent

Upload Option 3

Upload:

Upload a copy of your educational credentials

Upload Option 4

Upload:

Upload a copy of your military credentials

Upload Option 5

Upload:

Upload a copy of your personal history form or résumé

[Personal History Form](#)

☐ The City of New Orleans may share your contact information (name, address, e-mail address and telephone number) with other government agencies seeking job applicants. Please check this box if you do not wish to be referred to other governmental agencies for other positions.

[Apply now](#)

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CS-13
(Rev 1-79, 7-81
5-98, 12-04, 1-13)

APPLICATION FOR EXAMINATION

I am applying for the position of (list below):

DEPARTMENT OF CITY CIVIL SERVICE
1340 POYDRAS STREET, SUITE 900
NEW ORLEANS, LA 70112
PLEASE PRINT

Name: Last First Middle/Maiden Social Security Number

Address: Number & Street Apartment Home Phone/Business Phone

City State Zip Code Birth date

Your Signature Today's Date

Are you currently employed by the City of New Orleans? Yes No

If yes, what is your official class (job) title (list below):

Have you ever applied under another name (maiden, etc.)? ☐ Yes ☐ No

If yes, please write name here

DO NOT WRITE BELOW THIS LINE

Applicants should attach a Personal History, Record (CS-1), or, if they have filed an application previously, and have gained additional experience and/or education, they should attach a Supplementary Personal History (CS-2) and any other documents required for this exam.

Application: Accepted ☐
Rejected ☐ Reason: _____

	RAW SCORE	% EQUIV.	WEIGHT	WTD. SCORE
Written Test				
Oral Test				
Rating of Train/Exp.				
Performance Test				
Agility Test				
Vets Credit				
TOTAL				
RANK				

Critical Score =

VETERAN'S PREFERENCE

Certain veterans and wives, widows, and mothers of veterans are entitled to preference on examinations. See the reverse side of the Examination Announcement and the Veteran Preference Claim form for details.

Voter's Reg. _____
Vet. Status: 5pt. ☐ 10pt. ☐ ineligible ☐
Type of Reg. _____

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B. Appendix: Sample NOPD Multiple Choice Example

9

Police Recruit Practice Exam

Directions: For each question, circle the appropriate answer.

Questions on the following sections will not appear on this practice exam because they require live administration, however, a description of these sections is provided in this practice exam: Associated Memory, Verbal Memory, Selective Attention, Oral Comprehension, Observation Ability, and Written Communication. The answers to the practice exam appear on page 23.

SECTION 1: PERCEPTUAL ACCURACY

EXAMPLE FOR PART 1

Find the number-letter combination that exactly matches the one on the left.

	A	B	C	D
5259B6	5259A6	5289B6	*5259B6	5229B6

Find the number-letter combination that exactly matches the one on the left. You have one minute to complete this section.

	A	B	C	D
1. 4669L74E	4669L47E	4696L74E	4669L7E	4669L74E
2. 814M7158	814M1758	814M7158	814M7518	814M9158
3. 06952J917	06952J197	06952J917	06925J917	06952J717
4. 173N87881	173N87881	173N7881	173N8781	173N87818
5. 128C9269	128C2969	128C9269	128C9629	128C7269
6. 2GV87B9	2GV78B9	2GW87B9	2GV87B9	2GV87B7
7. 9158X17	9158X17	9518X17	9158X71	9128X17
8. E235P4	E235P4	E253P4	E235F4	E285P4
9. 68917293	68971293	68917923	68917293	6897273
10. 72F9SW1	72F9SV1	72FSW1	72F9SW1	72F7SW1

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10

PERCEPTUAL ACCURACY: PART 2

Compare the following pairs of names and addresses. The name and address on the left is correct. There may be errors in the name and address on the right. You are to determine how many errors (if any) there are in the name and address on the right.

Rules for determining what is an error:

Each word, initial, abbreviation, number or number sequence (such as house number or zip code) that is incorrect is to be counted as an error. You have one minute to complete this section.

1. Elmo C. LeConte Elmo E. LeConti
 1224 St. Charles Ave. 1224 St. Charles Ave.
 New Orleans, LA 70112 New Orleans, LA 70112

 A. 0
 B. 1
 C. 2
 D. 3
 E. 4

2. Bobbie Magee Bobi Macgee
 1238 Cleveland Ave. 1288 Cleveland Ave.
 New Orleans, LA 70118 New Orleans, LA 70118

 A. 0
 B. 1
 C. 2
 D. 3
 E. 4

3. Joseph Keith Joseph Kieth
 128 River Road A113 128 River Road A118
 Houma, LA 70358 Houma, LA 70358

 A. 2
 B. 3
 C. 4
 D. 5
 E. 6



PRACTICE EXAM: SECTION 2

ASSOCIATED MEMORY ITEMS

For this portion of the test you will be shown wanted bulletins which include a face, name, crime, and other descriptive information. You will have 45 seconds to look at each bulletin and take notes. Several bulletins will be shown. You will use your notes and memory of the faces on the bulletins to identify the correct individual from drawings of a group of suspects on the exam. Questions might involve the suspect's name, crime, or other information.

VERBAL MEMORY ITEMS

For this section of the exam you will listen to an audio recording of a brief description of an incident. You will not be able to take notes while listening to the audio. After listening to the recording, you will answer questions about the incident based on the information you remember.

SELECTIVE ATTENTION

This section of the exam requires you to listen to an audio recording of a simulated radio dispatch and to review a written report at the same time. You will assume the role of an officer in a certain police car and must listen to information pertaining only to that police car. You may take notes on the information in the audio recording and in the report. Following this, you will use your notes to answer questions about the written report and any information that pertains to the police car to which you were assigned.

ORAL COMPREHENSION

For this section of the exam you will listen to an audio recording of a short lecture on a police-related topic. During this lecture you are encouraged to take notes. After the tape is finished, you will use your notes to answer questions about the information on the audio.

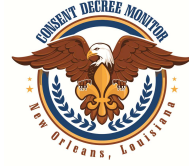
OBSERVATION ABILITY

This section of the exam requires you to examine photographs and answer questions based on the photographs.

WRITTEN COMMUNICATION

This section of the exam requires you to choose the description that best describes particular photographs.

The remaining items on the practice exam are included. Complete the practice exam by circling the appropriate answers, and then compare them to the key on page 23.



DEDUCTIVE REASONING

Answer questions 1 and 2 below after carefully reading the information below. You may refer back to this material if you wish.

NOPD PROCEDURE REGARDING VICTIM AND WITNESS ASSISTANCE

PR336.1 VICTIM AND WITNESS ASSISTANCE

The Victim/Witness Assistance Unit is under the supervision of the Commander of the Bureau of Investigations. The Victim/Witness Assistance Unit Coordinator is required to maintain up-to-date information about the program.

PR336.2 DISTRICT LEVEL RESPONSIBILITIES

During an initial investigation, the reporting officer shall ensure the victim has received the necessary medical attention and issue to him/her a copy of the brochure entitled "Rights of Crime Victims," along with a completed NOPD item number slip (Form #26).

(a) Officers shall verbally advise the victim/witness of the following:

1. As a victim/witness, you may be contacted by a representative of the NOPD or Orleans Parish District Attorney's Office about this matter.
 2. All New Orleans Police and D.A. personnel have clearly marked identification as either "New Orleans Police Department" or Orleans Parish District Attorney's Office."
 3. Examine any ID's, Badges, or other documents carefully.
 4. If there is any doubt, please call the NOPD or the D.A.'s Office to verify identity.
 5. Victims may conduct an inmate query via www.opcs.org
 6. Domestic violence victims have the right to initiate criminal or civil proceedings with the assistance of the Domestic Violence and Family Justice Center.
-
1. If Officer Donahue is on an initial investigation involving a crime victim. She should:
 - A. ensure that the victim has received necessary medical attention.
 - B. give the victim a copy of the "Rights of Crime Victims" brochure.
 - C. provide the victim with a completed item number slip.
 - D. all of the above.
 2. Officer Hammond is arriving on the scene of a domestic violence incident. The victim greets him at the door. The perpetrator has just left the house. Officer Hammond should advise the victim:
 - A. that the victim has the right to "safe haven" provided by NOPD.
 - B. to check on the status of the perpetrator via www.opcs.org
 - C. that the Commander of the Bureau of Investigations will be assisting her.
 - D. the victim has the right to initiate criminal or civil proceedings with the assistance of the Domestic Violence and Family Justice Center.

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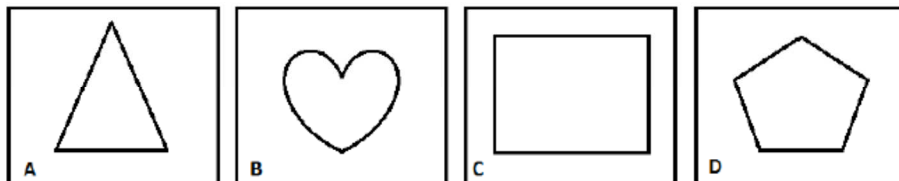


13

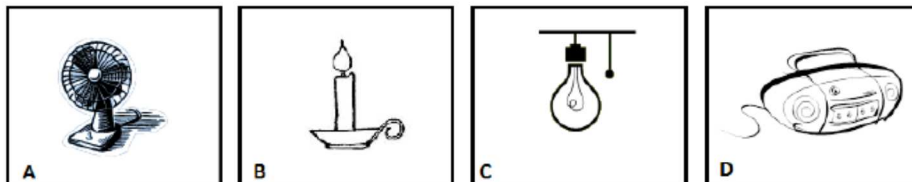
INDUCTIVE REASONING

This part of the test involves the ability to identify similarities and differences in groups of objects. Look at the things or objects in each frame and find the one which does not appear to belong with the others in the group.

3.



4.





READING COMPREHENSION

Answer questions 5 and 6 on the next page after carefully reading the information below. You may refer back to this material if you wish.

I. SEARCH OF VEHICLES

A. Stopping Cars

1. The Police must have reason to stop a car. Although stopping a car is a very limited invasion of the driver's right to privacy, the Police Officer may not lawfully make even this limited invasion of the driver's privacy unless he or she has a reason.
2. Courts have held that if an Officer stops a car for absolutely no reason, a technical arrest has occurred. Thus, any incriminating evidence discovered by the Officer after stopping the car would not be allowable in court. Therefore, the first rule regarding vehicles is:

You must have a reason to stop a car.

II. VEHICLES ARE "EMERGENCIES"

- A. The Supreme Court has specifically declared that the great mobility of motor vehicles makes them, in certain situations, Police emergencies. The courts have recognized that when confronted with a problem concerning an automobile, Police must act immediately or not at all. The Officer who is investigating someone in a car rarely gets a second chance. The Officer's time is limited and the decisions are final. Consequently, investigations focusing on people in mobile cars are extreme situations where Police judgments must come quickly.

III. SEARCHING VEHICLES WITHOUT A WARRANT

- A. Even though the mobile motor vehicle is viewed in certain situations by the courts as a Police emergency, the law is that searches of vehicles without warrants may be made only when Police have probable cause to believe that someone in the car has committed a crime, or that the vehicle contains contraband or the fruits of a crime. Only when the Police have probable cause to make the search, may they make a search of a motor vehicle and then the search should be made immediately.

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5. The first rule for Police Officers in regard to stopping vehicles is:
 - A. vehicles are "emergencies."
 - B. you must have a reason to stop a car.
 - C. the Officer investigating someone in a car rarely gets a second chance.
 - D. stopping a car is a very limited invasion of the driver's right to privacy.
6. Searches of vehicles without warrants may be made by Police only when they have probable cause to believe that:
 - A. someone in the car has committed a crime.
 - B. the vehicle contains contraband.
 - C. the vehicle contains the fruits of a crime.
 - D. Any of the above.

EXERCISING JUDGMENT

A Police Officer is walking a beat. Which of the following situations should he/she respond to first? (Note: The word "respond" means to attend to personally).

7.
 - A. A woman is in the middle of a busy street fixing her flat tire.
 - B. A fender-bender has occurred on the side of a nearby street corner.
 - C. A car is going down the road without a muffler or license plate.
8.
 - A. A 2-year old child is standing near the deep end of a crowded public pool with no supervision.
 - B. A woman is running from a teenager who is carrying a knife.
 - C. A man is pouring a container of waste oil into a sewerage drain.



FILLING OUT FORMS

For this section of the test, you should read the instructions on this page for filling out the "Event Section of a NOPD Incident Form". Questions 9 and 10 on pages 18 and 19 require you to examine a filled in "Event Section" and decide which box, if any, is filled out incorrectly according to the instructions given below. You may refer back to this page.

Instructions for completing the Event Section of a NOPD Incident Form

Box #1 - SIGNAL: Indicate the complaint number as described on the following page "Police Complaint Calls."

Box #2 - INCIDENT: Give a brief, concise description of the incident being investigated.
Example "Armed Robbery", "Natural Death."

Box #3 - DATE/TIME OF OCCURRENCE: The date and time of occurrence as determined by the preliminary investigation (include a.m. or p.m.).

Box #4 - DISTRICT: Enter district where the incident occurred.

Box #5 - LOCATION OF OCCURRENCE: Enter the complete location of the incident including the street address and apartment, if applicable. When no specific address can be connected with the location of occurrence, indicate as: "S/W corner of Canal and Broad", "1-2/10ths miles W. of I-10".

Box #6 - DATE/TIME OF REPORT: Indicate the date and time the officer arrived on the scene to take the report (include a.m. or p.m.).

Box #7 - WEATHER: Indicate the appropriate code number that describes the weather conditions at the time of the incident.

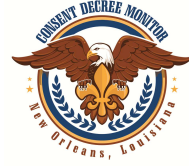
Box #8 - TEMPERATURE: Indicate the estimated temperature in degrees Fahrenheit at the time of the incident.

Box #9 - LIGHTING: Indicate the appropriate code letter that describes the lighting conditions at the time of the incident.

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POLICE COMPLAINT CALLS

19 Drunk
 20 Auto Accident
 20-F Fatal Accident
 29 Death
 29-S Suicide
 30 Homicide
 30-C Homicide by Cutting
 30-S Homicide by Shooting
 34 Aggravated Battery
 34-C Cutting
 34-S Shooting
 35 Simple Battery
 37 Aggravated Assault
 38 Simple Assault
 42 Aggravated Rape
 43 Simple Rape
 44 Aggravated Kidnapping
 51 Arson
 52 Fire
 60 Aggravated Burglary
 62-B Business Burglary
 62-C Theft from Interior of Auto
 62-R Residence Burglary
 64 Armed Robbery
 64-G Armed Robbery (Gun)
 64-K Armed Robbery (Knife)
 65-P Purse Snatching
 67 Theft
 67-A Auto Theft
 67-P Pickpocket
 67-S Shoplifting
 69 Possession of Stolen Property
 81 Indecent Behavior
 82 Prostitution
 83 Soliciting for Prostitution
 94 Illegal use of Weapon (Discharging Firearm)
 98 D.W.I.
 99 Reckless Driving
 100 Hit and Run
 103-D Disturbance
 103-M Mental
 106 Obscenity (Exposing person, etc.)
 284 Peeping Tom
 966 Drug Law Violation

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9. An officer responds to a shooting outside an apartment at 2701 Decatur in the Eighth District at 2:00 pm on 6/13/15. The shooting had reportedly taken place 15 minutes earlier. It was a clear, sunny day and the temperature was approximately 97 degrees.

NOPD INCIDENT REPORT

EVENT SECTION

1. Signal	2. Incident	3. Date/Time of Occurrence
34-S	Shooting	6/13/15 1:45 P.M.
4. District	5. Location of Occurrence	6. Date/Time of Report
8 th	2701 Decatur	6/13/15 2:00 P.M.
7. Weather	8. Temperature	9. Lighting
1	97 degrees	P

CODES

Weather	Lighting
1. Clear	G - Good
2. Cloudy	F - Fair
3. Rain	P - Poor
4. Fog	
5. Other	

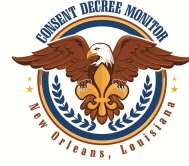
Which box is filled out INCORRECTLY?

- A. Box #1
- B. Box #2
- C. Box #4
- D. Box #9
- E. All of the above have been completed correctly.

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10. An officer pulls over a woman for reckless driving at the corner of Read and Hamilton in the Seventh District at 4:00 pm on 7/21/15. The weather was cloudy and the temperature was 90 degrees. The lighting was fair.

NOPD INCIDENT REPORT

EVENT SECTION

1. Signal	2. Incident	3. Date/Time of Occurrence
99	Reckless Driving	7/21/15 4:00 P.M.
4. District	5. Location of Occurrence	6. Date/Time of Report
7 th	Corner Read @ Hamilton	7/21/15 4:00 P.M.
7. Weather	8. Temperature	9. Lighting
2	90 degrees	F

CODES

Weather	Lighting
1. Clear	G - Good
2. Cloudy	F - Fair
3. Rain	P - Poor
4. Fog	
5. Other	

Which box is filled out INCORRECTLY?

- A. Box #2
- B. Box #3
- C. Box #6
- D. Box #7
- E. All of the above have been completed correctly.

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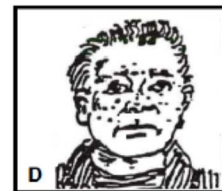
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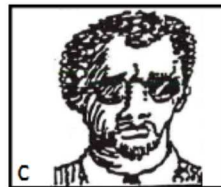
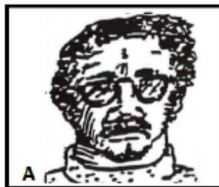
20

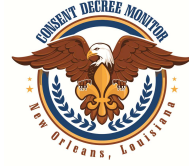
RECOGNIZING TRANSFORMED OBJECTS

11. Below is a picture of Steve Hartley. Steve Hartley is wanted by the Police. Which of the four lettered pictures is Steve Hartley in disguise? Choose "E" if the best response is none of the above.



12. Below is a picture of Mike Jones. Which of the four lettered pictures is Mike Jones in disguise? Choose "E" if the best response is none of the above.





21

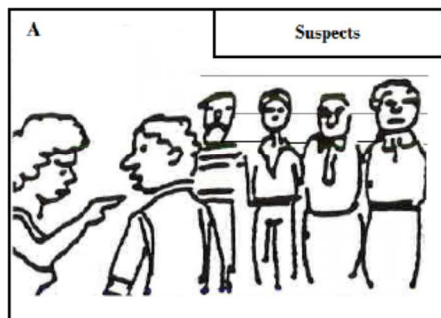
GRAMMAR, SPELLING, & PUNCTUATION

Please read each sentence for grammar, punctuation, and spelling and select the one that is most correct.

- 13.
- A. After they shoots the grocery clerk, they took the money.
 - B. After they shoot the grocery clerk they took the money.
 - C. They took the money after they shot the grocery clerk.
 - D. After shooting the grocery clerk, they tooks the money.
- 14.
- A. The witness stated that three shots were fired from the apartment downstairs.
 - B. The witness stated that three shooting was heard from the downstairs apartment.
 - C. The witness stated that three shots were fired from the downstairs apartment.
 - D. The witness stated that three shots were fired from the downstairs apartment building.

SOCIAL JUDGMENT/INTERPERSONAL SKILLS

15. Put the four pictures below in their proper sequence.
- A. DBAC
 - B. DABC
 - C. CDBA
 - D. BDAC



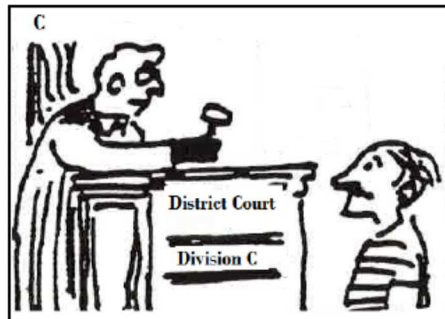
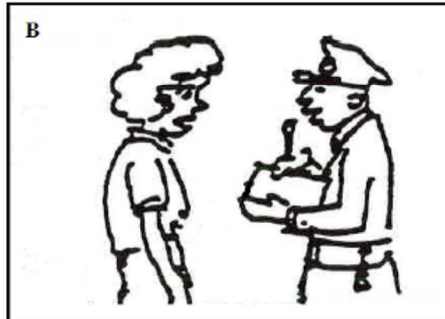
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KEY

Section 1
Part 1

1. D
2. B
3. B
4. A
5. B
6. C
7. A
8. A
9. C
10. C

Section 1
Part 2

1. C
2. E
3. A

Section 2

1. D
2. D
3. B
4. B
5. B
6. D
7. A
8. B
9. D
10. E
11. B
12. C
13. C
14. A
15. A



C. Appendix: Sample NOPD Writing Exercise

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Writing Exercise

The actual test instructions for the writing exercise are provided for you ahead of time so that you can become more familiar with the format of the exercise. Reading through these instructions will let you know what to expect. We recommend that you brush up on your writing skills prior to the testing session.

POLICE RECRUIT Writing Exercise Instructions

Police Officers must be able to accurately record the details of the incidents to which they respond. They must also be able to write a clear, thorough, and organized report of the incident, describing exactly what happened. This writing exercise will require you to listen to a recording of an incident, take detailed notes of what occurred, and write a report of the incident.

In a moment you will listen to two incidents. Each incident depicts an officer responding to a situation and collecting information from the individuals involved. You are to assume the role of the officer's partner. While your partner interviews the victims, you must also take notes so that you can later write a report of the incident.

You will hear each incident only ONCE, thus it is important that you listen closely and make detailed notes. After each incident, you will be given 20 minutes to write a report based on the information in your notes. This report **MUST** include each of the five basic elements of a report that are relevant to the incident. The five basic elements of a report are: who, what, where, when, and why.

1. Who Was Involved -- Identify all persons directly involved in the incident in as much detail as possible.
2. What Happened -- State what happened and who did what to whom, including what was said or done by those involved and a complete description of any materials involved.
3. When It Happened -- Tell the time and date of the incident.
4. Where It Happened -- Identify where the incident took place.
5. Why It Happened -- Explain what caused the incident, if there is a cause.

Note: Sometimes one or more of the five elements will not be relevant or available to include in reports. This is often true with the "why" element.



In addition, your report should include only the facts. Do not include your opinions or assumptions. These facts and details should be written in complete sentences, in narrative form. Finally, your report must be written or printed legibly on the paper provided. If the people scoring your report cannot read what you have written, you will not be given the benefit of the doubt that your information is correct. If you print in all upper case letters, be sure that your punctuation and capitalization are clearly identifiable. For example, you might underline letters that should be capitalized to distinguish them from your other capital letters.

You will receive paper and pencil to prepare and write your report. When writing your report, if more paper is needed, raise your hand to notify the test proctor. The final report must be written or printed on the "Writing Exercise Form." If you use the scrap paper to organize your thoughts, keep in mind that there may not be enough time to write the complete report on the scrap paper and to copy it onto the "Writing Exercise Form." **IT IS ESSENTIAL THAT YOU ALLOW YOURSELF ENOUGH TIME TO WRITE THE FINAL REPORT ON THE "WRITING EXERCISE FORM."** You will be given a warning when five minutes and one minute remain. Also, you must be certain to put your name and social security number on both of the Writing Exercise Forms.

SCORING PROCEDURES

Your report will be scored based on the following two factors:

1. Content. The report must be accurate in the description of the five elements that make up the incident. All applicable elements must be included in complete detail. The report must also be accurate in the description of the statements made by the witnesses.
2. Writing style and mechanics. The information should be included in the report in the order in which it occurred. Correct words should be used. Correct spelling, capitalization, punctuation, grammar, and logical sentence and paragraph structures should also be used.

Summary of Instructions

For each incident:

1. Remember that you are the officer's partner.
2. Remember that the tape will be played only once.
3. Listen to the incident carefully and take detailed notes while your partner is interviewing the victim(s). Remember that you are interested in details related to the five basic elements: who, what, when, where, and why.
4. Take notes with the scrap paper and pencils provided.
5. Refer to your notes to write a report of the incident. This report must include the five basic elements: who, what, when, where, and why. You will be given 20 minutes to write your report. We recommend that you first organize your thoughts on the scrap paper provided before writing your report on the "Writing Exercise Form." If you decide to



organize your report first, remember to allow yourself enough time to write the final report on the "Writing Exercise Form".

6. Be sure to print or write the report on the "Writing Exercise Form." If you print in all uppercase letters, be sure to make your capitalization and punctuation clear.
7. Raise your hand to notify a test monitor if you need any additional paper.
8. Put your name and social security number at the top of your final report on the "Writing Exercise Form."

An example of a well written report and a list of errors that would have caused the report to be scored lower is provided below.

Sample Report

On September 27, 2015, Ms. Joan Blanchard parked her car in the CBD Parking Garage at 3:00 p.m. Ms. Blanchard, who lives at 2638 Memphis Avenue in New Orleans, discovered that two items were missing from the car when she returned at 5:00 p.m. Ms. Blanchard stated that she left the windows of her maroon, 2007, two-door, Nissan Sentra cracked. The items taken from the car were a camera, valued at \$200, and a Samsung cell phone, valued at \$150.

The following are examples of mistakes that would have lowered the score of the above report:

1. Ms. Blanchard lives at 2636 Memphis Avenue. (incorrect address)
2. The items were stolen at 3:00 p.m. (incorrect time, this is when the car was parked)
3. The items taken from the car was a camera and a cell phone. (incorrect verb tense)
4. A samsung cell phone was stolen from the car. (Samsung is a proper noun and should be capitalized)
5. Ms. Blanchard's car was broken into on September 27 2015. (comma missing between 27 and 2015)
6. Ms. Blanchard craked the windows of her car. (cracked is misspelled)
7. In addition, the report would receive a lower score if the information was not presented in a logical order (i.e., chronologically or with similar items grouped together).

Thank you for your interest in becoming a member of the New Orleans Police Department. We hope this booklet helps to ensure your success on test day. Best of luck!



D. Appendix: Overview of Relevant Equal Employment Opportunity Laws

The federal laws that govern applicant selection processes include Title VII of the Civil Rights Act of 1964, Title I of the Americans with Disabilities Act (ADA), and The Age Discrimination in Employment Act (ADEA).

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin. Title VII permits employment tests as long as they are not “designed, intended or used to discriminate because of race, color, religion, sex or national origin.”⁵³ Title VII also imposes restrictions on how to score tests. Employers are not permitted to (1) adjust the scores of, (2) use different cutoff scores for, or (3) otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, or national origin.⁵⁴

Title VII prohibits both “disparate treatment” and “disparate impact” discrimination. Title VII prohibits intentional discrimination based on race, color, religion, sex, or national origin. Title VII also prohibits employers from using neutral tests or selection procedures that have the effect of disproportionately excluding persons based on race, color, religion, sex, or national origin, where the tests or selection procedures are not “job-related and consistent with business necessity.” This is called “disparate impact” discrimination. For example, if an employer requires that all applicants pass a physical agility test, does the test disproportionately screen out women? If a selection procedure has a disparate impact based on race, color, religion, sex, or national origin, the employer must show that the selection procedure is job-related and consistent with business necessity. The challenged policy or practice must be associated with the skills needed to perform the job successfully. In contrast to a general measurement of applicants’ or employees’ skills, the challenged policy or practice must evaluate an individual’s skills as related to the particular job in question.

If the employer shows that the selection procedure is job-related and consistent with business necessity, the person challenging the selection procedure should demonstrate that there is a less discriminatory alternative available. That may be, for example, another test that would be equally effective in predicting job performance but would not disproportionately exclude the protected group.⁵⁵

This method of analysis is consistent with the seminal Supreme Court decision about disparate impact discrimination, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

⁵³ 42 U.S.C. § 2000e-2(h)

⁵⁴ *Id.* at §2000e-2(l)

⁵⁵ 42 U.S.C. § 2000e-2 (k)



The EEOC Uniform Guidelines on Employee Selection Procedures or “UGESP”⁵⁶ provide uniform guidance for employers about how to determine if their tests and selection procedures were lawful for purposes of Title VII disparate impact theory.

UGESP outlines three different ways employers can show that their employment tests and other selection criteria are job-related and consistent with business necessity. These methods of demonstrating job-relatedness are called “test validation.”

Title I of the Americans with Disabilities Act (ADA) prohibits private employers and state and local governments from discriminating against qualified individuals with disabilities on the basis of their disabilities. The ADA specifies when an employer may require an applicant or employee to undergo a medical examination, i.e., a procedure or test that seeks information about an individual’s physical or mental impairments or health. The ADA also specifies when an employer may make “disability-related inquiries,” i.e., inquiries that are likely to elicit information about a disability. When hiring, an employer may not ask questions about a disability or require medical examinations until after it makes a conditional job offer to the applicant,⁵⁷ as long as it does so for all individuals entering the same job category,⁵⁸ and only if doing so is job-related and consistent with business necessity. Thus, for example, an employer could request medical information when it has a reasonable belief, based on objective evidence, that a particular employee will be unable to perform essential job functions or will pose a direct threat because of a medical condition, or when an employer receives a request for a reasonable accommodation and the person’s disability and/or need for accommodation is not obvious.⁵⁹

The ADA also makes it unlawful to use employment tests that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities unless the test, as used by the employer, is shown to be job-related and consistent with business necessity,⁶⁰ fail to select and administer employment tests in the most effective manner to ensure that test results accurately reflect the skills, aptitude or whatever other factor that such test purports to measure, rather than reflecting an applicant’s or employee’s impairment⁶¹ and fail to make reasonable accommodations, including in the administration of tests, to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such accommodation would impose an undue hardship.⁶²

⁵⁶ See 29 C.F.R. Part 1607

⁵⁷ 42 U.S.C. §12112 (d)(2)

⁵⁸ *Id.* at § 12112(d)(3)

⁵⁹ *Id.* at § 12112(d)(4)

⁶⁰ 42 U.S.C. § 12112(b)(6)

⁶¹ *Id.* at § 12112(b)(7)

⁶² *Id.* at § 12112(b)(5)



The Age Discrimination in Employment Act (ADEA) prohibits discrimination based on age (40 and over) with respect to any term, condition, or privilege of employment. Under the ADEA, covered employers may not select individuals for hiring, promotion, or reductions in force in a way that unlawfully discriminates on the basis of age. For example, the ADEA forbids an employer from giving a physical agility test only to applicants over age 50, based on a belief that they are less physically able to perform a particular job, but not testing younger applicants.

The ADEA also prohibits employers from using neutral tests or selection procedures that have a discriminatory impact on persons based on age (40 or older), unless the challenged employment action is based on a reasonable factor other than age.⁶³ Thus, if a test or other selection procedure has a disparate impact based on age, the employer must show that the test or device chosen was a reasonable one.

The EEOC has developed the following “best practices” for testing and selection.

- Employers should administer tests and other selection procedures without regard to race, color, national origin, sex, religion, age (40 or older), or disability.
- Employers should ensure that employment tests and other selection procedures are properly validated for the positions and purposes for which they are used. The test or selection procedure must be job-related and its results appropriate for the employer’s purpose. While a test vendor’s documentation supporting the validity of a test may be helpful, the employer is still responsible for ensuring that its tests are valid under UGESP.
- If a selection procedure screens out a protected group, the employer should determine whether there is an equally effective alternative selection procedure that has less adverse impact and, if so, adopt the alternative procedure. For example, if the selection procedure is a test, the employer should determine whether another test would predict job performance but not disproportionately exclude the protected group.
- To ensure that a test or selection procedure remains predictive of success in a job, employers should keep abreast of changes in job requirements and should update the test specifications or selection procedures accordingly.
- Employers should ensure that managers who know little about these processes do not adopt tests and selection procedures casually. A test or selection procedure can be an effective management tool, but no test or selection procedure should be implemented without an understanding of its effectiveness and limitations for the organization, its appropriateness for a specific job, and whether it can be appropriately administered and scored.

⁶³ *Smith v. City of Jackson*, 544 U.S. 228 (2005)

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E. Appendix: Consent Decree Requirements Regarding Hiring

The Consent Decree has a fair amount to say on the topic of officer recruiting and selection. As a baseline requirement, as noted above, the Consent Decree requires NOPD to “develop and implement a comprehensive recruitment program that successfully attracts and hires a diverse group of *highly qualified and ethical individuals* to be NOPD police officers.” (CD XI, emphasis added) The Consent Decree defines a “highly qualified and ethical individual” as an applicant “with strategic thinking and problem-solving skills, interpersonal skills, emotional maturity, capacity to use technology, fluency in Spanish and Vietnamese (because these languages are spoken by a significant segment of the New Orleans Community), and the ability to collaborate with a diverse cross-section of the community.” (CD 234)

But the Consent Decree incorporates recruitment and selection obligations in other contexts as well, including the following:

- Paragraph 18, for example, requires NOPD to develop and implement policy and procedure manuals for core NOPD functions, including Recruitment.
- Paragraph 189 requires the Department to implement a process for recruiting qualified bilingual personnel to effectively communicate with and provide timely and meaningful access to police services to all members of the community, regardless of their national origin or limited ability to speak, read, write, or understand English.
- Paragraph 225 requires NOPD to integrate community and problem-oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, resource deployment, tactics, and accountability systems.
- Paragraphs 235 and 237 require NOPD to train current and new staff assigned to the Recruitment Unit on recruiting a qualified and diverse workforce, including training on employment law.
- Paragraph 238 requires NOPD to develop and implement a system for psychological screening and assessment of all NOPD recruit candidates, and to set criteria to ensure that only individuals suitable for policing are accepted into NOPD training academy.
- Paragraph 243 requires NOPD and the City agree to work with Civil Service to establish a standardized scoring system to be used by interview panelists and that the scoring system be used to assess recruit applicants immediately following the applicant’s interview.
- Paragraph 244 requires the Recruitment Unit to annually report its recruiting activities and outcomes, including the number of applicants, interviewees, and selectees.

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F. Appendix: Summary of NOPD Self-Analysis of its Selection Process

NOPD tracked the success of its recruitment and selection process over a five-month period from January through May 2014. Applicants during this period were approximately 63% male and 34% female. There was no explanation to account for the other 3% of applicants. Approximately 55% were Black, 30% White, 4% Hispanic and less than 1% Asian. Approximately 75% of applicants were from the state of Louisiana. Many of those from outside Louisiana are experienced police officers.

A disproportionately large segment of the out-of-state group of candidates was “qualified” based on minimum standards. These candidates also tended to have the worst attendance rates of the applicant groups.

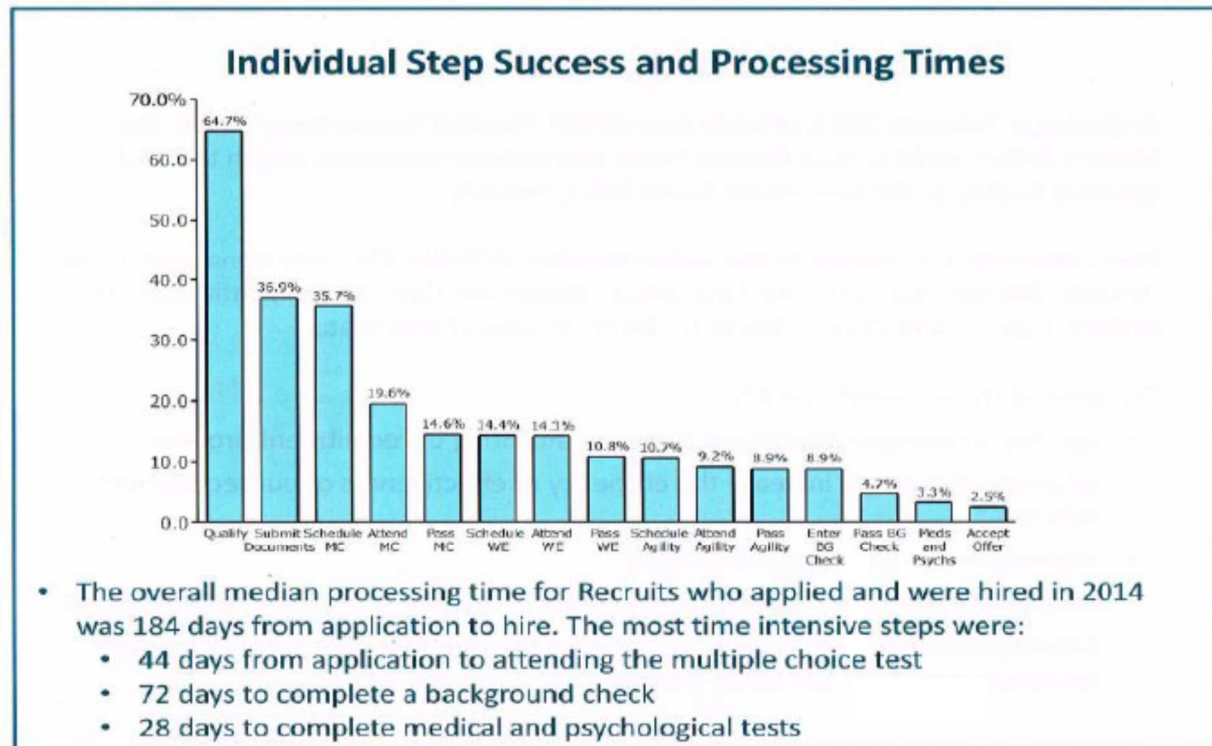
The average total processing time of applicants who were hired was 184 days. Approximately one-third of applicants who applied did not meet minimum qualifications and were immediately disqualified based upon information enclosed in their applications. Some applicants never submitted their required documents. Those applicants whose documents were submitted and otherwise met the requisite qualifications were scheduled to take the Civil Service multiple-choice exam. The median time from application submittal to taking the multiple-choice exam was forty-four days.

Approximately 75% of those applicants who took the multiple-choice exam passed and moved on to the written exam administered on the same day. Roughly three-quarters of those taking the written exam passed it. The overall passing rate on the next test, the physical agility exam, was about 98%. By this time, the applicant has been in the process one to two months. NOPD Recruitment by now typically start to see applicants start accepting other job offers due to the length of time it has taken the process. Those completing the physical agility test are provided an oral board interview then moved into the background investigation phase. The applications typically “sit” for a month and a half between the multiple-choice exam and the scheduled start of the background investigation. The background investigation itself consumed an average of 72 days. For “successful” applicants, the background investigation took approximately 90 days.

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95% of males and 100% of out-of-state applicants attended the physical agility exam. Just under 70% of females attended the physical agility exam. 95% of males passed the exam whereas 82.61% of females passed it. 100% of out-of-state applicants passed the physical agility exam. They had very high passing rates on the agility test and could typically be fast-tracked through the remaining process once they arrived at this point.

The average total processing time of applicants who were hired was 184 days. Approximately one-third of applicants who applied did not meet minimum qualifications and were immediately disqualified based upon information enclosed in their applications. Some applicants never submitted their required documents. Those applicants whose documents were submitted and otherwise met the requisite qualifications were scheduled to take the Civil Service multiple-choice exam. The median time from application submittal to taking the multiple-choice exam was forty-four days.

Approximately 50% of candidates successfully completed the background investigation and were tendered a conditional job offer. Those accepting the conditional offer were scheduled for medical and psychological exams. Processing through the medical and psychological exams took approximately 28 days. The passing rate for the medical and psych exams was 30-40%.

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Step success by demographic characteristic

Percentage of Baseline successful at each step										
Process Step	All Applicants	Race			Gender		Location			
		African American	White	Hispanic	Males	Females	NOLA	GNO (excl NOLA)	LA (excl GNO)	Out of state
Qualified	64.55%	53.45%	79.79%	71.43%	70.22%	53.63%	54.12%	59.65%	64.71%	86.16%
Submit Documents	58.63%	54.67%	60.33%	57.14%	58.48%	57.21%	62.08%	61.35%	58.18%	53.28%
Schedule MC	95.13%	93.47%	97.24%	95.00%	96.30%	94.66%	95.81%	93.70%	90.63%	96.58%
Attend MC	56.19%	61.11%	53.80%	57.89%	55.45%	62.50%	68.59%	62.39%	62.07%	35.07%
Pass MC	75.92%	61.82%	90.22%	81.82%	79.76%	68.00%	71.96%	71.23%	88.89%	87.23%
Pass WE	75.54%	64.18%	85.37%	88.89%	76.52%	72.55%	69.74%	82.35%	62.50%	82.93%
Schedule Agility	98.56%	97.67%	100.00%	100.00%	100.00%	94.59%	96.23%	100.00%	100.00%	100.00%
Attend Agility	88.81%	80.00%	91.43%	100.00%	95.00%	69.70%	84.00%	85.00%	90.00%	100.00%
Pass Agility	96.64%	93.75%	100.00%	100.00%	100.00%	82.61%	92.86%	97.06%	100.00%	100.00%
% Pass to BG	9.76%	4.78%	17.52%	16.33%	12.62%	4.88%	8.32%	10.16%	10.59%	11.25%

- Out of state applicants are significantly more qualified than applicants from NOLA, GNO, or LA.
- Female applicants are significantly less likely to attend and pass agility than males.
- Success rates on multiple choice exam vary significantly by race.

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G. Appendix: Third Party Test Design Services

Stanard and Associates, Inc provide perhaps the most widely used at this time. According to its website, their POST Entry Level test is endorsed by Police Chief's Associations in 25 states. See <http://www.stanard.com/>.

Ergometrics & Applied Personnel Research, Inc. provides entry level testing. It is a dimension based, content and criterion validated, video based product. See <https://www.ergometrics.org/>.

The International Public Management Association for Human Resources (IPMA-HR) provides a cognitive based, validated entry-level test. They provide both written and video based testing services. <http://ipma-hr.org/assessment/tests/police>.

SAFESELECT is an Australian company that appears to show predictive ability for officer performance and risk reduction. <http://www.safeselect.net.au>.

Coleman and Associates Consultants provide "Comprehensive Testing Assessments" (CTA) that include employee screening and selection for entry-level positions and promotions. <http://www.colemanandassociates.com>.

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H. Appendix: Psychological Screening Results

NOPD three-year psychological screening results

(Source: NOPD)

	Pass	% Pass	Fail	% Fail
2015 YTD	34	81%	8	19%
2014	86	92%	7	8%
2013	49	91%	5	9%
2012	34	87%	5	13%

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I. Appendix: Medical Screening Results

NOPD two-year medical screening results

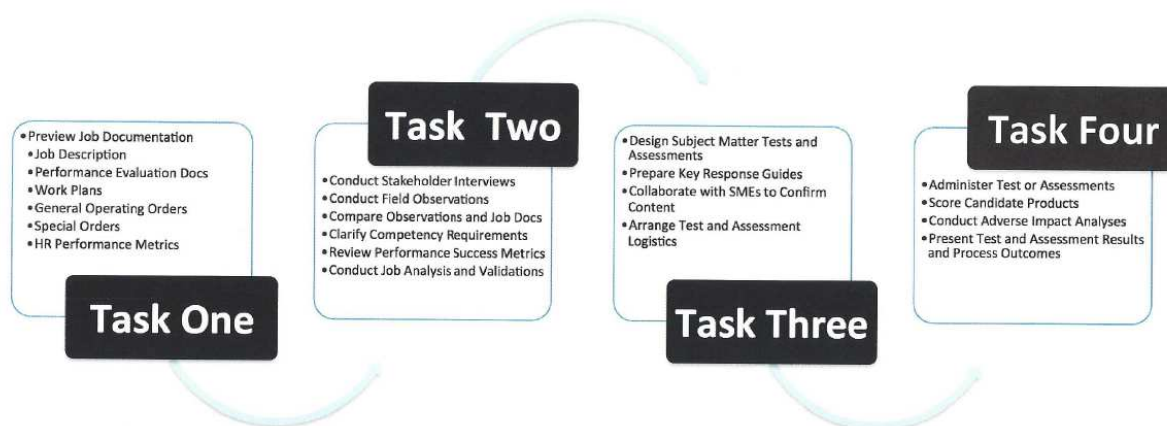
(Source: Civil Service)

	Pass	% Pass	Fail	% Fail
2015 YTD	49	98%	1	2%
2014	96	100%	0	0%
2013	58	100%	0	0%



J. Appendix: Sample Steps to Customization of Exam Processes⁶⁴

Test & Assessment Map



⁶⁴

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