

## Police exams need to test the right stuff

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A group of African-American and Hispanic police officers is challenging the fairness and validity of the state promotional exam for police sergeants in a civil rights case that opened Monday in U.S. District Court in Boston.

Worcester Police Officer Spencer Tatum, who passed the exam in 1992 but was never promoted, is among the plaintiffs. In addition to Worcester, Boston, Springfield, Lawrence, Methuen and the Massachusetts Bay Transportation Authority are defendants.

The contested exam, created by the Massachusetts Human Resources Division, comes in two parts, an education and experience component, which accounts for about 20 percent of the overall score, and a written test of about 80 multiple-choice questions.

The latter section is being challenged by the plaintiffs' lawyer, Harold L. Lichten of Boston, who argues that the test, "which measures little more than an applicant's ability to memorize facts from textbooks," has a "disparate impact" on minority candidates, that is, minority candidates consistently perform worse on the exam.

Since promotions are made from among candidates who score the highest on the test, minority officers are seldom promoted, according to Mr. Lichten.

He noted, for example, that of the 37 promotions the Boston Police Department has made using results of its 2008 test, only two were minorities. In Lawrence, where minorities make up about 74 percent of the population, only 1 of the city's 17 police sergeants is a minority.

Methuen has no minority police supervisors (sergeant and above) in its department, and Springfield has only two.

Worcester has four minority officers in supervisory roles, but has only promoted one to sergeant since 2001, Mr. Lichten said.

Judging from Monday's cross-examination of one of the plaintiffs, Worcester and the other defendants will try to make the case that due diligence in studying and preparing for the exams are most likely the better predictors of success on the exams.

Indeed, the city of Worcester has one of its own minority police officers who passed the exam and was promoted to sergeant ready to testify to that end.

Nevertheless, the courts have shown a willingness to rule in favor of plaintiffs challenging such exams.

The Supreme Judicial Court in 2006, for example, upheld the MBTA's use of a separate promotion list for black police sergeants, given that no black applicants would otherwise be promoted because of their low ranking on the regular list.

Also in 2006, U.S. District Court Judge Patti B. Saris ruled that the state of Massachusetts discriminated against black and Hispanic applicants for firefighter jobs by using exams that were unfair to minorities.

I think it is wrong and counterproductive to create separate promotional lists based on race and ethnicity, or to use race and ethnicity as reasons to promote individuals over others who have scored higher on qualifying exams.

There is, however, nothing wrong or counterproductive about ensuring that current promotional exams are not inhibitors to police and fire departments supporting and promoting the best leaders among their ranks.

If you are not fit to be a leader, you shouldn't be promoted, no matter how high you score on a test, or what color you may be.

There is nothing wrong in making sure such tests are valid measurements of the skills and leadership qualities requisite of

supervisory officers.

Thomas Nolan, a former Boston police officer, sergeant and lieutenant, said in court Monday, for example, that four of the six books on which the examination is based had nothing to do with work he performed as a police sergeant.

If this lawsuit is about remedying issues such as that, then it is worth the fight.

But if this is just about the test being discriminatory because minority candidates don't do well on them, it should be thrown out forthwith.