

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Civil Action No. 77-C-1881
)	FXA
v.)	
)	
NASSAU COUNTY, et al.,)	
)	
Defendants.)	

REQUEST OF PLAINTIFF UNITED STATES FOR THE
ADMISSION OF MATTERS BY THE NASSAU COUNTY DEFENDANTS

TO: NASSAU COUNTY, a municipal corporation organized pursuant to the laws of the State of New York; SAMUEL ROZZI, Commissioner, Nassau County Police Department; GABRIEL S. KOHN, EDWARD S. WITANOWSKI and EDWARD S. SIMMONS, Commissioners, Nassau County Civil Service Commission (hereinafter collectively referred to variously as the "Nassau County defendants," "Nassau County" or the "County").

PLEASE TAKE NOTICE that plaintiff United States, pursuant to Rule 36, F.R.Civ.P., hereby requests that the Nassau County defendants each admit the truth of each of the matters set forth herein within thirty (30) days from the date of service hereof:

REQUEST NO. 1

Appendix 1 attached hereto accurately sets forth the distribution of all scores achieved by all persons who took the

December 10, 1983 Nassau County Police Officer Examination, with numerical breakdowns for whites, blacks and Hispanics.

REQUEST NO. 2

Appendix 2 attached hereto accurately sets forth the total number of persons who took and who passed, respectively, the December 10, 1983 Nassau County Police Officer Examination, with numerical and percentage breakdowns and pass rates for whites, blacks and Hispanics.

REQUEST NO. 3

Appendix 3 attached hereto accurately sets forth the cumulative distribution of scores achieved on the December 10, 1983 Nassau County Police Officer Exam by those persons with scores ≥ 93.33 , ≥ 92.12 , ≥ 90.30 , ≥ 89.09 , ≥ 88.49 , ≥ 87.27 , ≥ 86.06 , ≥ 85.46 and ≥ 84.24 , respectively, with numerical and percentage breakdowns for whites, blacks and Hispanics.

REQUEST NO. 4


The December 10, 1983 Nassau County Police Officer Examination had an adverse impact (as the term "adverse impact" is used in Paragraph 5 of the April 21, 1982 Consent Decree between the parties in the above styled action):

- a. In terms of pass/fail, upon:
 - (1) Blacks; and
 - (2) Hispanics.

b. In terms of rank-ordering of scores; upon:

- (1) Blacks; and
- (2) Hispanics.

Respectfully submitted,


JOHN M. GADZICHOWSKI
MELISSA P. MARSHALL
ROGER A. COLAIZZI
Trial Attorneys
Department of Justice
Civil Rights Division
Post Office Box 23991
L'Enfant Plaza
(202) 633-2188

Counsel for Plaintiff
United States

APPENDIX 1

DISTRIBUTION OF ALL SCORES ACHIEVED BY ALL PERSONS
WHO TOOK THE DECEMBER 10, 1983 NASSAU COUNTY POLICE
OFFICER EXAMINATION, WITH NUMERICAL BREAKDOWNS FOR
WHITES, BLACKS AND HISPANICS -/

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
98.79	1	1		
97.58	1	1		
96.97	3	3		
96.37	3	3		
95.76	8	7	1	
95.15	14	14		
94.55	10	9	1	
93.94	25	25		
93.33	38	37		1
92.73	39	36	1	2
92.12	45	43		2
91.52	66	65	1	
90.91	58	57		1
90.30	87	77	1	9
89.70	126	119	2	5
89.09	153	138	5	10

*/ Sources: Computer printout entitled "Police Exam Analysis" and dated May 20, 1984, and document entitled "Scoring of Police Officer Exam," both of which were provided the United States by Nassau County by cover letter dated July 10, 1984 from William H. Pauley, III, to John M. Gadzichowski.

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
88.49	150	142	4	4
87.88	149	136	3	10
87.27	199	184	2	13
86.67	201	180	9	12
86.06	245	216	10	19
85.46	245	219	13	13
84.85	240	211	13	16
84.24	284	238	17	29
83.64	266	244	11	11
83.03	281	227	17	37
82.43	310	255	23	32
81.82	293	235	33	25
81.21	317	273	24	20
80.61	336	288	23	25
80.00	376	302	35	39
79.39	334	282	19	33
78.79	352	298	21	33
78.18	353	278	37	38
77.58	353	295	29	29
76.97	327	257	29	41
76.36	321	243	39	39
75.76	360	276	46	38

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
75.15	360	250	55	55
74.55	356	277	38	41
73.94	355	259	59	37
73.33	386	279	53	54
72.73	361	249	68	44
72.12	345	243	60	42
71.52	362	254	63	45
70.91	379	259	72	48
70.30	324	212	65	47
69.70	355	238	70	47
69.09	342	220	81	41
68.48	313	202	66	45
67.88	355	226	69	60
67.27	361	220	87	54
66.67	301	186	78	37
66.06	327	184	80	63
65.45	334	197	74	63
64.85	323	172	92	59
64.24	302	167	84	51
63.64	292	164	76	52
63.03	295	167	72	56
62.42	255	149	58	48

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
61.82	290	141	94	55
61.21	262	136	74	52
60.61	289	146	90	53
60.00	255	124	88	43
59.39	282	128	104	50
58.79	263	143	80	40
58.18	229	107	84	38
57.58	203	93	70	40
56.97	226	99	88	39
56.36	203	95	68	40
55.76	207	88	76	43
55.15	166	64	63	39
54.54	178	77	61	40
53.94	166	55	60	51
53.33	163	74	60	29
52.73	140	66	54	20
52.12	155	59	66	30
51.51	155	63	63	29
50.91	141	56	65	30
50.30	112	36	57	19
49.70	101	37	38	26
49.09	76	30	30	16

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
48.48	91	34	46	15
47.88	84	35	34	15
47.27	61	25	24	12
46.67	79	26	36	17
46.06	52	17	26	9
45.45	58	17	26	15
44.85	73	24	37	12
44.24	65	25	32	8
43.63	47	12	26	9
43.03	46	15	21	10
42.42	35	12	14	9
41.82	34	11	16	7
41.21	26	10	11	5
40.60	24	6	12	6
40.00	22	9	7	6
39.39	26	10	14	2
38.79	11	2	7	2
38.18	12	5	4	3
37.57	12	3	7	2
36.97	15	7	4	4
36.36	10	3	5	2
35.76	8	4	4	

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
35.15	4	1	3	
34.54	4	3	1	
33.94	5	1	4	
33.33	4	3		1
32.72	4	1	3	
32.12	1			1
31.51	4	2	2	
30.91	3		1	2
29.69	1	1		
29.09	3	2	1	
28.48	1		1	
27.88	3	3		
25.45	1	1		
24.85	1	1		
23.63	1	1		
22.42	1	1		
21.82	2	1	1	
21.21	1	1		
20.60	1	1		
20.00	2	2		
19.39	1	1		

<u>SCORE</u>	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
18.78	5	3	1	1
18.18	3	2		
17.57	8	6	2	
16.97	4	3		1
16.36	3	2		1
15.75	1		1	
14.54	2	2		
13.94	2	2		
12.72	1	1		
10.30	3	1	2	

APPENDIX 2

TOTAL NUMBER OF PERSONS WHO TOOK AND WHO PASSED,
RESPECTIVELY, THE DECEMBER 10, 1983 NASSAU COUNTY
POLICE OFFICER EXAMINATION, WITH NUMERICAL AND
PERCENTAGE BREAKDOWNS AND PASS RATES FOR WHITES,
BLACKS AND HISPANICS -

	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
EXAM TAKERS	19,585	12,964	3,946	2,675
PERCENT OF ALL EXAM TAKERS		66.2%	20.2%	13.7%
EXAM PASSERS	10,197	8,196	1,002	999
PERCENT OF ALL EXAM PASSERS		80.4%	9.8%	9.8%
PASS RATES		63.2%	25.4%	37.4%

*/ Sources: Computer printout entitled "Police Exam Analysis" and dated May 20, 1984, and document entitled "Scoring of Police Officer Exam," both of which were provided the United States by Nassau County by cover letter dated July 10, 1984 from William H. Pauley, III, to John M. Gadzichowski.

APPENDIX 3

CUMULATIVE DISTRIBUTION OF SCORES ACHIEVED ON THE
DECEMBER 10, 1983 NASSAU COUNTY POLICE OFFICER
EXAMINATION BY THOSE PERSONS WITH SCORES ≥ 93.33 ,
 ≥ 92.12 , ≥ 90.30 , ≥ 89.09 , ≥ 88.49 , ≥ 87.27 , ≥ 86.06 , ≥ 85.46
AND ≥ 84.24 , RESPECTIVELY, WITH NUMERICAL AND PERCENTAGE
BREAKDOWNS FOR WHITES, BLACKS AND HISPANICS -

	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
EXAM PASSERS WITH SCORES ≥ 93.33	103	100	2	1
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 93.33	100%	97.1%	1.9%	1.0%
EXAM PASSERS WITH SCORES ≥ 92.12	187	179	3	5
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 92.12	100%	95.7%	1.6%	2.7%
EXAM PASSERS WITH SCORES ≥ 90.30	398	378	5	15
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 90.30	100%	95.0%	1.3%	3.8%

*/ Sources: Computer printout entitled "Police Exam Analysis" and dated May 20, 1984, and document entitled "Scoring of Police Officer Exam," both of which were provided the United States by Nassau County by cover letter dated July 10, 1984 from William H. Pauley, III, to John M. Gadzichowski.

	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
EXAM PASSERS WITH SCORES ≥ 89.09	677	635	12	30
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 89.09	100%	93.8%	1.8%	4.4%
EXAM PASSERS WITH SCORES ≥ 88.49	827	777	16	34
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 88.49	100%	94.0%	1.9%	4.1%
EXAM PASSERS WITH SCORES ≥ 87.27	1,175	1,097	21	57
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 87.27	100%	93.4%	1.8%	4.9%
EXAM PASSERS WITH SCORES ≥ 86.06	1,621	1,493	40	88
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 86.06	100%	92.1%	2.5%	5.4%

	<u>TOTAL</u>	<u>WHITE</u>	<u>BLACK</u>	<u>HISPANIC</u>
EXAM PASSERS WITH SCORES ≥ 85.46	1,866	1,712	53	101
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 85.46	100%	91.8%	2.8%	5.4%
EXAM PASSERS WITH SCORES ≥ 84.24	2,390	2,161	83	146
PERCENT OF ALL EXAM PASSERS WITH SCORES ≥ 84.24	100%	90.4%	3.5%	6.1%