

The City of New York Department of Investigation

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DOI INVESTIGATES DCAS'S ADMINISTRATION OF THE 2022 NYPD SERGEANT'S EXAM AND MAKES 12 RECOMMENDATIONS TO IMPROVE POLICIES INTENDED TO PREVENT CHEATING

Jocelyn E. Strauber, Commissioner of the New York City Department of Investigation ("DOI"), issued a Report today on DOI's findings following an investigation of the City Department of Citywide Administrative Services' ("DCAS") administration of the August 2022 New York City Police Department (NYPD) Promotion to Sergeant Exam ("Exam"). DOI's investigation was prompted by claims that test candidates — police officers — cheated on the Exam. DOI determined that test questions in all subject areas of the Exam had been compromised and that 35 specific test questions and answers had been disseminated to over 1,200 test candidates. However, DOI's analysis found that the compromised questions had little to no impact on the Exam's pass/fail rate. Nevertheless, cheating in the context of a police department promotional exam undermines the integrity of the Exam and is a serious breach of public trust. To preserve the integrity of the civil service exam process and to minimize the risk of cheating, DOI issued 12 recommendations to DCAS all of which have been accepted. Seven have been implemented and five are awaiting implementation. A copy of the Report follows the release and can also be found here: https://www.nyc.gov/site/doi/newsroom/public-reports.page

DOI Commissioner Jocelyn E. Strauber said, "Cheating on civil service exams is unacceptable under any circumstances and is particularly troubling where the Exam is required for promotion in the New York City Police Department, whose officers have a duty to enforce the law and to act with integrity at all times. DOI has made recommendations intended to strengthen the policies and procedures that minimize the risk of cheating on all civil service exams and DCAS has accepted these recommendations in full."

On August 3 and 4, 2022, DCAS administered the NYPD Promotion to Sergeant Exam for the first time since 2017. The Exam was scheduled to be given in 2020 but was postponed until 2022 due to the COVID-19 pandemic. As a result, over 10,300 candidates, an unprecedented number, sat for the Exam in 2022 and the Exam was administered two times each day during a two-day period at the Jacob K. Javits Convention Center in Manhattan, to accommodate the numerous candidates. The Exam content was the same for the two test sessions on Day 1 and remained the same for the two test sessions on Day 2.

In the days and weeks following the Exam, which consisted of 100 multiple choice questions, DOI received approximately 80 complaints from NYPD police officers alleging widespread cheating, involving candidates who took the Exam on Day 1 and passed questions and answers to candidates taking the Exam on Day 2. It was reported that officers used their cell phones in the waiting room and received communications or disseminated information to other test-takers, and that officers who took the Exam on Day 2 received answers to the Exam through social media posts and text messages. NYPD's Internal Affairs Bureau ("IAB") informed DOI that it substantiated allegations and disciplined seven officers for disclosing Exam materials.

DOI's investigation substantiated that 95% of the Exam content was the same in the two sessions on Day 1 and the two sessions on Day 2, that candidates used their cell phones in the waiting room where the sessions were being offered, and that test takers shared content of the Exam from the first session on Day 1. DOI found that after that first session, 35% of the test questions and answers were disseminated via social media to more than 1,200 Exam candidates. Additionally, DOI found that many of the policy and procedure recommendations ("PPRs") that DOI previously issued in an effort to improve and maintain the integrity of the civil service exams, and which had been accepted and purportedly implemented by DCAS, were not effectively enforced during the administration of the Exam. Among other flaws:

- DCAS allowed candidates to bring in electronic devices, specifically cell phones, to display
 the electronic copy of their Notice of Admission ("NOA") to gain entrance into the Exam.
 DCAS instructed candidates to turn off their devices and place them in a clear Ziploc bag
 underneath the candidates' seats;
- DCAS did not conduct background checks of all staff monitoring the Exam;
- DCAS did not require all staff to sign non-disclosure affidavits; and
- DCAS did not require all staff (specifically staff employed by the vendor contracted to administer the Exam) to attend DOI and COIB training

DOI also found that DCAS did not screen candidates for eligibility. As a result, some candidates who were not qualified to take the Exam were able to participate. Test-taking by ineligible individuals poses risks to the integrity of the exam process.

DOI collaborated with DCAS on improvements to the civil service exam process and recommended additional PPRs to DCAS, including increasing the number of exam monitors; verifying candidate eligibility prior to the exam date; requiring candidates to execute an affirmation under the penalty of perjury in the Notice of Examination ("NOE"), the NOA, and the Online Application System 2.0 Terms and Conditions screen; prohibiting the use of electronic devices, including cell phones, tablets, or smart watches, in the waiting area or facility where the exam is being held and ensuring that candidates have no access to such devices during the exam; taking appropriate measures, including disqualification or nullification of scores, in the event a candidate is caught using an electronic device; and ensuring that exam content is not the same when multiple exam sessions are held over several days. DCAS has agreed to implement these recommendations. The full list of DOI's recommendations can be found in the report.

The investigation was conducted by Confidential Investigator Parker Fitzgerald and DOI's Director of Vendor Integrity Anastasia Plakas (who handled this investigation in her former role as Assistant Inspector General of DOI's Office of the Inspector General for DCAS), with assistance from DOI's Data Analytics team and its Director Shyam Prasad, and was supervised by Deputy Inspector General Aleksandro Tilka, Inspector General Ann Petterson, Deputy Commissioner of Strategic Initiatives Christopher Ryan, and Deputy Commissioner/Chief of Investigations Dominick Zarrella.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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New York City
Department of Investigation

Report on the City Department of Citywide Administrative Services' (DCAS) Administration of the 2022 NYPD Promotion to Sergeant Exam

Jocelyn E. Strauber Commissioner

Ann Petterson
Inspector General for the City Department of
Citywide Administrative Services

DEPARTMENT OF INVESTIGATION

CHAPTER STATEMENT OF INVESTIGATION

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June 2024

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I. Executive Summary

The Department of Citywide Administrative Services ("DCAS") plays a crucial role in administering civil service exams for various New York City ("City") agencies. The majority of City government positions require a passing grade on a civil service exam. Each year, DCAS administers over 180 exams to more than 110,000 candidates. In its capacity as the Inspector General for DCAS, the Department of Investigation ("DOI") has oversight of the exam processes intended to ensure that hiring and promotion practices are fair, competitive, and result in the City hiring, and promoting, the most qualified candidates.

By exercising oversight, DOI helps maintain the integrity of the exam procedures, identifies irregularities or improprieties that could compromise the selection of candidates and upholds the standards of transparency, equal opportunity, and merit-based hiring and promotion within City government.

On August 3 and 4, 2022, DCAS administered the New York City Police Department ("NYPD") Promotion to Sergeant (Police) Exam ("the Exam"). Over 10,300 candidates sat for the Exam, which was the first time given since 2017. An NYPD Sergeant promotional exam was scheduled to take place during 2020, however this exam session was postponed until 2022; causing an increased number of eligible candidates. Due to the unprecedented volume of candidates, the Exam was administered two times each day during a two day period at the Jacob K. Javits Convention Center ("Javits Center"). In the days and weeks following the Exam, which is comprised of 100 multiple choice questions, DOI received approximately 80 complaints from NYPD police officers ("officers") alleging widespread cheating. Specifically, officers alleged that the content of the Exam was the same for the two test sessions on Day 1 and remained the same for the two test sessions on Day 2, allowing candidates who took the Exam on Day 1 to pass answers to candidates taking the Exam on Day 2. It was reported that officers used their cell phones in the waiting room and received communications or disseminated information to other test-takers, and that officers who took the Exam on the second day received answers to the Exam through social media posts and text messages. NYPD's Internal Affairs Bureau ("IAB") informed DOI that it substantiated allegations and disciplined 7 officers for disclosing exam materials.

DOI investigated the allegations and confirmed that 95% of the Exam content was the same in all four sessions. DOI also confirmed that candidates used their cell phones in the waiting room. Furthermore, DOI substantiated the allegation that, after the first session, 35% of the test questions and answers were disseminated via social media to more than 1200 Exam candidates. Additionally, DOI found that many of the policy and procedure recommendations ("PPRs") that DOI previously issued in an effort to improve and maintain the integrity of the civil service exams, and which had been accepted and purportedly implemented by DCAS, were not followed during the administration of the Exam. Lastly, DOI found that DCAS did not screen candidates for eligibility. As a result, some candidates who were not qualified to take the exam were able to participate. This lack of candidate screening further undermines the credibility of the exam process.

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¹ See Appendix A.

DOI collaborated with DCAS on improvements to the civil service exam process and recommended additional PPRs to DCAS, including increasing the number of monitors; conducting eligibility verification prior to the exam date; including an affirmation under the penalty of perjury in the Notice of Examination ("NOE"), the Notice of Admission ("NOA"), and the Online Application System 2.0 ("OASys 2.0") Terms and Conditions screen; prohibiting the use of electronic devices, including cell phones, tablets, or smart watches, in the waiting area or facility where the exam is being held and ensuring that candidates have no access to such devices during the exam; taking appropriate measures, including disqualification or nullification of scores, in the event a candidate is caught with a device; and administering a different version of the exam when multiple exam sessions are held. DCAS has agreed to implement these recommendations. Our findings are discussed in more detail below.

II. <u>Investigative Findings</u>

During the course of this investigation, DOI collaborated with DCAS and IAB; conducted interviews; reviewed screenshots of social media and text messages provided by complainants showing questions and answers to the exam; reviewed documents from vendors and DCAS; and analyzed exam score data.

The DCAS Bureau of Examinations is responsible for the development and administration of all City civil service exams, including the NYPD promotional exams. DCAS executed a contract with Morris & McDaniel, Inc. ("M&M") for the development of the Exam and with PSI Services LLC ("PSI") for the administration of the Exam. DCAS has been contracting both M&M and PSI for civil service exam development and administration since approximately 2012.

It is standard practice to involve Subject Matter Experts ("SMEs") in the development of the exams. These SMEs are typically nominated by the agency for whom the exam is being administered, with the number of SMEs determined by DCAS. The employees selected to serve as SMEs are compensated by the respective agency, such as NYPD in this case. M&M generally requests that the panel of SMEs are diverse and include employees who are currently in the title of the exam that is to be administered.

DOI reviewed the DCAS submissions for the 11 SMEs selected for the Exam, which consisted of three deputy inspectors, three inspectors, two captains, and three lieutenants. DCAS informed DOI that SMEs sign several forms, including an Affidavit for Special Examiner (See Appendix B) and a Warning Letter from DOI (See Appendix C), and are required to watch a video distributed by DOI. The Affidavit for Special Examiner appropriately directs the SMEs not to disclose exam content to others and to maintain the integrity of the examination process. The Warning Letter from DOI reinforces the language regarding the requirement to maintain confidentiality and consequences of failing to maintain confidentiality.

Currently, there is no requirement for the candidates to acknowledge a Warning Letter from DOI to reinforce the confidentiality of the exam materials and consequences of cheating.

The Exam had approximately 12,000 registered applicants; 10,399 of those candidates actually sat for the Exam. Due to the high number of registered candidates, the Exam was administered at the Javits Center over four sessions; morning and afternoon, on each of the two days.

DOI previously has reviewed DCAS civil service exam administration practices, and issued numerous PPRs over the 2007-2017 time period in order to improve and maintain the integrity of civil service exams. Some of these PPRs included, DCAS should include language regarding consequences of false statements by candidates. DCAS should assign monitors to the hallways and bathrooms of the exam sites to prevent candidates from accessing devices and sharing information with other candidates. DCAS should clearly post warnings and provide verbal instructions detailing prohibited devices; and the associated penalties if they are found in possession of them. Specifically, DCAS should focus on the penalties associated with candidates using their cell phone during the exam. Additionally, DCAS should improve the practices around hiring monitors for exams, and require Conflicts of Interest Board ("COIB") trainings as part of their orientation.

While DCAS stated that it had accepted and implemented the vast majority of these recommendations, DOI discovered, based on interviews of complainants and DCAS personnel, that in fact, a number of these PPRs were not effectively enforced. In particular:

- 1) DCAS did not post clear warnings prohibiting the use of electronic devices in the large event space where the Exam was held;
 - DCAS maintains the position that clear warnings were posted around the Javits Center, however, discussed the possibility that given the size of the venue, some candidates may not have seen the warnings.
- 2) DCAS allowed candidates to bring in electronic devices, specifically cell phones, to display the electronic copy of their NOA to gain entrance into the exam. DCAS instructed candidates to turn off their devices and place them in a clear Ziploc bag underneath the candidates' seat;
- DCAS and PSI identified several candidates who violated the cell phone policy by keeping the cell phones powered on. No action was taken to disqualify these candidates or nullify their scores;
- 4) DCAS did not conduct background checks of staff monitoring the exam;
- 5) DCAS did not require all staff to sign non-disclosure affidavits; and
- 6) DCAS did not require all staff (specifically staff employed by the vendor contracted to administer the Exam) to attend DOI and COIB training.

Furthermore, DOI identified multiple deficiencies in the notices pertaining to the consequences of candidate misrepresentations during the application process. These notices were inadequate to deter candidates from making false claims about meeting the eligibility criteria. Additionally, DOI found that DCAS did not screen for candidate eligibility.

A. IAB Investigation

DOI collaborated with IAB and provided 78 complaints and accompanying screenshots of compromised questions and answers to them. IAB identified and interviewed approximately 12 officers as subjects in connection with the allegations of widespread cheating. Of the officers interviewed, seven officers admitted to sharing topics, questions, and answers in various chat groups

after the first Exam session. IAB estimated the information was disseminated to more than 1,200 Exam candidates. IAB informed DOI that the seven officers were disciplined for disclosing exam materials and received vacation day penalties ranging from three to 30 vacation days loss.

B. DOI Exam Review

DCAS provided DOI with all four exam versions administered during the Exam and DOI personnel reviewed and compared each question across all versions. Each version included 100 questions with four multiple choice answers. Based on DOI's review, 95 of the 100 questions appeared on each of the four versions of the exams. Out of the 95 common questions, 19 of the 95 were formulated identically. In 76 of the 95 common questions, the question was formulated slightly differently, such that the name, place, date, or location were changed.

DOI compared the actual Exam questions with the questions and answers posted on various group chats and forums provided to DOI by the complainants. Although it appears that almost all the Exam questions appeared as topics, questions, and/or answers in the various screenshots provided by the officers who filed complaints with DOI, DOI only considered compromised any question where the answer was provided in the social media posts or text messages and could be clearly linked to the corresponding question. As such, DOI's review concluded that 35 questions and answers were compromised across all exam versions.²

To illustrate our findings, in a text message published in a New York Post article about cheating on this particular exam,³ the writer of the message stated: "For oath you gotta know why you're a recividist. No health codes for oath and C's [criminal summonses], only Admin Code." Each version of the Exam that DOI reviewed included one question about the issuance of summonses in Office of Administrative Trials and Hearings ("OATH") proceedings. Of the four multiple choice answers available, one referenced the Health Code, and one referenced a criminal summons under NYPD Code 2. Consistent with the text message above, both those answers were incorrect. The remaining two possible answers both referenced criminal summonses issued for an Administrative Code violation; however, only one answer referenced the fact that the subject was a recidivist. Consistent with the text message, the answer that referenced the Administrative Code and recidivist was the correct answer. Because this message revealed both a question and an associated answer, DOI viewed this as a compromised question.

DOI conducted an analysis⁴ of the 35 compromised questions⁵ which indicated that 11 out of the 35 compromised questions were answered correctly by the later sessions at a slightly higher rate in comparison to the first session. For instance, question number 20 was answered correctly by 49% of the candidates in the first session while the subsequent sessions had correct answers at a rate of 55%, 58%, and 59%, respectively. Similarly, question number 42 was answered correctly by 64% of the candidates in the first session while the subsequent sessions had correct answers at a rate of 68%, 77%,

 $^{^2}$ Due to DCAS' confidentiality concerns, DOI has not included any actual Exam questions or answers in this report, aside from those that were included in press about the case.

 $^{^3}$ New York Post article titled Cheating cops got questions and answers to sergeants' exam this week was published on August 6, 2022 at https://nypost.com/2022/08/06/nypd-sergeants-test-beset-with-cheating-allegations/.

⁴ DOI's analysis excluded an outlier score of 3, as further discussed below.

 $^{^5}$ DOI's analysis is attached as Appendix E.

and 84%, respectively. Therefore, it appears that with respect to a little over 10% of the exam (11 questions out of a total of 100 questions) not only were the questions compromised by information sharing, but a higher percentage of candidates gave correct answers to those questions in subsequent test-taking sessions than in the first test-taking session.

Despite these findings, DOI independently analyzed the raw score data for the Exam and found, that on a macro level, the number of candidates obtaining a passing score exhibited a general negative trend from one session to the next. DOI found that 28.20% of candidates passed the first session, 18.52% passed the second session, 4% of candidates passed the third session, and 12.51% of candidates passed the fourth session. These findings echo DCAS' conclusion that PSI analysis showed "no widespread cheating or if there was widespread cheating it was ineffective."

C. Candidate Eligibility

DOI reviewed the list of candidates and respective test scores for each of the four exam sessions. In order to obtain a passing grade, 70 percent of the 100 Exam questions must be answered correctly. DOI found that the scores ranged from 95% (95 questions out of 100 questions were answered correctly) to 3%. Of the 10,399 candidates taking the exam, only 1,730 of the test takers candidates (17%) achieved a passing score. IAB explained that many candidates are entry level officers who want to obtain test-taking experience for preparation purposes only; this is not a prohibited practice.

DOI discussed with IAB the candidate who received a score of 3%. IAB identified that candidate as a retired NYPD captain who was not eligible for the exam because he had retired more than three years prior to taking the exam. The retired captain currently runs a promotional exam school which charges approximately \$800 per student for a 20-week course; while still at NYPD he cofounded an NYPD promotional exam training academy. He explained in his interview with IAB that he scored 3% because he intentionally chooses the wrong answers to be able to protest any questions he believes to be unfair. It is unclear how the selection of incorrect answers would support a "protest" of test questions because, according to DCAS, protests are deemed valid only if a candidate can establish that the answer they selected is as accurate — or more accurate — than the answer in the test's answer key.

In any event, the retired captain registered for 19 exams from 2002 to the present, and was ineligible for all of them. According to the Sergeant's Exam requirements, applicants must maintain the title of NYPD Police Officer for at least three years preceding the date of the Exam. DOI reviewed the retired captain's NYPD employment record and DCAS exam history and found that he was promoted to NYPD captain in September 1999⁷ and retired from the NYPD in October 2013. Since 2002, the retired captain has registered for 19 NYPD promotional exams, 11 of which were from 2002

 $^{^6}$ The retired captain sat for the Exam on the first day, August 3, 2022, in the afternoon session. It took him approximately 2 hours and 55 minutes to complete the exam.

⁷ He was promoted to NYPD sergeant in April 1994, NYPD lieutenant in May 1997, and NYPD captain in September 1999.

to 2012 while he was employed as an NYPD captain. DOI reviewed the Exam application, which outlines eligibility requirements,⁸ and found that the retired captain was not eligible to take any of the 19 exams for which he registered. While DOI did not establish that the captain took any exam for an improper purpose, allowing ineligible candidates to sit for exams plainly poses a risk to exam integrity.

DCAS's policy to conduct screening for candidate eligibility post-exam is not sufficient to address that risk, because ineligible test takers could sit for the exam solely for facilitating the cheating of others. DOI did not substantiate rumors that ineligible test takers were paid by various exam preparatory programs to memorize questions and answers, but eligibility screening for exam applicants would nonetheless be worthwhile, because it would reduce the risks of exam content compromise. DCAS agreed to prescreen candidate eligibility for the NYPD Promotion to Lieutenant (Police) Exam ("Exam No. 3528"), which was scheduled for March 23 and 24, 2023. Of 2,712 applicants, 103 were deemed ineligible to take the test and were notified by DCAS that their applications had been rescinded. The retired captain was among the 103 applicants found to be ineligible to take the exam. Going forward, DCAS has agreed to screen for candidate eligibility prior to exam administration.

D. Best Practices and Discussions with Other Police Departments

During the course of the investigation, DOI conducted research to identify best practices in maximizing test security and integrity. As part of this research, DOI discussed police exam development and administration processes with other police departments across the country. DOI spoke with representatives from the Chicago Police Department ("CPD") and Los Angeles Police Department ("LAPD"), given their comparable size and structure to NYPD, and with the Nassau County Police Department ("NCPD") to develop information about other police exam practices within New York State.

DOI found that a low proctor-candidate ratio, not only benefits the test takers by providing guidance and better addressing their concerns, but also reduces opportunities to cheat. DOI is unaware of any published research regarding the impacts of monitor-to-candidate ratios on law enforcement promotional exams, however, such research exists in other areas. For example, the National Association of Boards of Pharmacy ("NABP") an independent, international, and impartial Association that assists its member boards in protecting public health, requires a 1:25 monitor/candidate ratio to maximize exam security. Similarly, the NCPD deploys the same ratio. DCAS maintains that during the Sergeant's Exam, DCAS had a monitor/candidate ratio of 1:23. Although the alleged cheating in this case involved sharing questions and answers through text messages and group chats which may not be directly related to the monitor ratio, DOI believes that a lower monitor ratio, especially during large promotional exams where candidates may know each other, can lead to a faster check-in process, less waiting time (during which candidates may share test information), and increased direct supervision to minimize cheating opportunities.

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⁸ The Exam was open to each employee of NYPD who on the first date of the multiple-choice test held a permanent (not provisional) competitive appointment or appeared on a Preferred List for the title of Police Officer, had served as a permanent employee in such title in the NYPD for a period totaling three years preceding that date, and is not otherwise ineligible.

Furthermore, DOI observed that other police departments instruct the exam candidates not to bring electronic devices into the testing sites and prohibit candidates from bringing electronic devices into the exam rooms. DCAS reported to DOI that its policy prohibits the usage of electronic devices during the exam and explained that its testing sites are ill-equipped to securely store candidates' devices. DCAS instructs candidates to turn off all electronic devices and secure them under their seats by placing them in a zip bag.

DOI's findings in this investigation revealed that candidates in the Exam waiting room had used their cellphones and that the compromised questions were disseminated via text message and group chats. Exam incidents reports from DCAS and PSI indicated dozens of instances where candidates' cellphones were involved. If building a storage locker system to secure the electronic devices of candidates is not practical to DCAS, DOI recommends that DCAS consider storage options that allow candidates to keep their powered-down electronic devices on their person yet prevent the candidates from accessing the devices during the duration of the exam.

E. Language Regarding Eligibility, Misrepresentations, and Cheating

DOI reviewed the language regarding eligibility requirements and the consequences of misrepresentation in the NOE, NOA, and OASys 2.0 Terms and Conditions acknowledgement screen. He NOE for the Exam requires the applicant to have maintained the title of NYPD Police Officer for at least three years preceding the date of the Exam. On the last page of the NOE, there is a section titled "Penalty for Misrepresentation," which notifies candidates of consequences, such as disqualification and criminal prosecution, for intentional misrepresentation on the application or exam. Candidates review the NOE in the OASys 2.0 website as part of the application process. There is a Terms and Conditions section in OASys 2.0 which requires the candidate to confirm eligibility as outlined in the NOE and affirm that the candidate is responsible for the information submitted.

Subsequent to registering for an exam, the candidate is issued an NOA by DCAS which requires the candidate to sign in the presence of DCAS staff on-site on the day of the exam. The NOA is three pages long and the signature portion is on the first page. The first page also includes an affirmation that the candidate is not impersonating another individual and that the candidate will not disclose the exam material to others. The second page of the NOA contains a section titled "Admission Notice" that states the candidate is affirming that all statements provided by the candidate in connection with the application for the exam are subject to penalties of perjury.

Additionally, DOI reviewed the language regarding cheating in the NOA. In the Admission Notice section of the NOA, in a subsection titled "Exam Conduct," specific language exists regarding the prohibition and consequences of cheating. This section states, "Cheating is prohibited during all exams. Any attempt to copy and/or distribute test information, and/or attempt to get test answers from the internet, software programs, hard copy materials, other test takers, etc. is strictly prohibited and considered a breach in testing policy, warranting your immediate dismissal from the testing facility.

 $^{^{\}rm 9}$ Relevant pages from the NOE for the Exam are attached as Appendix F.

¹⁰ Relevant pages from the NOA for the Exam are attached as Appendix G.

¹¹ The OASys 2.0 Terms and Conditions acknowledgement screen is attached as Appendix H.

Additionally, candidates are expected to adhere to all proctor requests. Any refusal to do so can result in an automatic test failure."

In addition to the NOE and NOA language regarding consequences of false statements and cheating, DOI recommends that DCAS includes DOI's Candidate Warning Letter in the OASys 2.0 Website for candidates to review and agree to before continuing the exam application.

III. Conclusions and Recommendations

DOI's investigation determined that the subject matter topics of all the test questions had been compromised and that 35 specific test questions and answers had been disseminated to over 1,200 test candidates. However, DOI's analysis, found the cheating on the compromised questions to largely be ineffective, and have little to no impact on the pass/fail rate of the exam. Nevertheless, the discovery of police officers, sharing and possessing exam materials is a clear indication of a serious breach of public trust and undermines the integrity of the agency. To preserve the integrity of the civil service exam process and minimize risks of cheating, DOI makes the following recommendations to DCAS, some of which have already been accepted and implemented:

- 1. DCAS should assign, at a minimum, one exam monitor for every 25 exam candidates for all exams. DCAS should ensure sufficient monitor coverage for hallways, bathrooms, and any other area candidates may be present.
 - Accepted and implemented by DCAS.
- 2. DCAS should verify the eligibility of all candidates registered to take an exam prior to the exam date, and prohibit ineligible applicants from taking the exam.
 - Accepted and implemented by DCAS.
- 3. DCAS should include the following affirmation in the NOE, ¹² the NOA, ¹³ and the OASys 2.0 Terms and Conditions screen: ¹⁴ "I affirm under the penalties of perjury under the laws of New York, that all statements provided for (EXAM No.) are true and accurate to the best of my knowledge, and that false statements are punishable under section 210.45 of the Penal Law, which may include a fine, imprisonment up to a year, or probation up to three years, and may result in the disqualification from any established candidate lists."
 - Accepted by DCAS.
- 4. DCAS should implement a DOI Warning Letter and/or required video in the OASys 2.0 Website for candidates to review and agree to before continuing the exam application.
 - Accepted by DCAS.
- 5. DCAS should amend or establish a new policy prohibiting the usage of all electronic devices in the testing sites, including in the waiting area, hallways, bathrooms and exam rooms.
 - Accepted and implemented by DCAS.
- 6. In the absence of physical storage lockers, DCAS should consider storage options that allow candidates to keep their powered-down electronic devices on their person yet prevent the candidates from accessing the devices during the duration of the exam.

¹² This language should be incorporated in the last page under the section titled "Penalty for Misrepresentation."

¹³ This language should be incorporated in the first page before the signature line of the candidate.

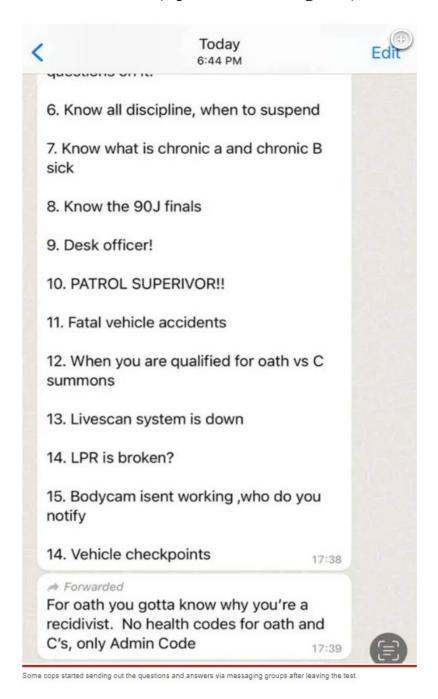
¹⁴ This language should be added under the "Affirmation" section and have a check box next to it.

- Accepted by DCAS.
- 7. Notices instructing candidates of the prohibition against electronic devices should be posted inside the testing facility space where the exams are held.
 - Accepted and implemented by DCAS.
- 8. DCAS should require candidates to bring paper copies of the NOA for admission to the testing facility. DCAS staff posted at exam admissions will continue to witness the candidate's signature.
 - Accepted and implemented by DCAS.
- 9. If a candidate has an electronic device during the exam that is powered on, appropriate measures, including disqualification or nullification of scores, should be taken.
 - Accepted and implemented by DCAS.
- 10. If multiple sessions of an exam are scheduled, a different version of the exam should be administered for each session.
 - Accepted and implemented by DCAS.
- 11. For each test session, the sequence of questions should be randomized in a way that discourages cheating through the observation of neighboring tests or test screens.
 - Accepted by DCAS.
- 12. All exam monitors employed by a vendor contracted by DCAS should be subjected to the same policies and procedures that DCAS exam monitors are subjected to, including background checks, training on exam protocols and prohibition of electronic devices, signing confidentiality agreements, and undergoing DOI and COIB trainings.
 - Accepted by DCAS.

The repercussions for cheating have reaching effects, particularly when the cheating involves law enforcement officers who are a foundational element of our criminal justice process. Regardless of its efficacy, cheating, undermines credibility in the testing process and questions the abilities of those managing our police force. Therefore, it is important to take measures to prevent such behavior. Providing various layers of security, including sufficient language for consequences if caught cheating, adequate staff training, and using multiple exam versions consisting of different questions, can help deter cheating.

Appendix A

The below screenshots of messages and accompanying captions appeared in the New York Post article "Cheating cops got questions and answers to sergeants' exam this week," published on August 6, 2022.



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1.Levels of force 1-2-3-4 suicide attempt vs suicide attempt SPI vs suicide



- 2. Police handcuffing on school grounds
- 3. Vehicle pursuits, which supervisor completes the pursuits report
- 4. Complex continuous events situations
- 5. Flag & Mourning Bands Procedures
- 6. Discipline, when to suspend Umos & Mos
- 7. (Chronic A vs Chronic B)
- 8. Family & Child Abuse Final Radio Dispositions
- Desk officer Responsiblabity
- Patrol Supervisor Responsiblabity

The messages were uncovered after the testing sessions.

Appendix B



illustrative problems in any test.

AFFIDAVIT FOR SPECIAL EXAMINER					
Name		Social Security Number			
Exam Ti	itle	Exam No.			
	AFFI	DAVIT			
STATE O	DF				
COUNTY	/ OF				
residing	at				
being du	uly sworn, affirms and states that:				
1.	I am not and will not become a candidate in this examination. I w become a candidate for another examination during the time I ar	vill notify the Staff Examiner if I am a candidate for another examination on working on this examination.			
2.	I do not have any relatives or close friends who are candidates or	who intend to become candidates in this examination.			
3.	I will notify the Staff Examiner immediately, and in writing, at any friend becomes a candidate in this examination.	time during and after the creation of this examination if a relative or close			
4.	I will not reveal that I am working on this examination, since this work is highly confidential. I have not shown or discussed, nor will I show or discuss, this work with any business or professional associates, superiors, subordinates, friends, relatives, or any one else unless specifically authorized by the Department of Citywide Administrative Services.				
5.	I will discuss work related to this examination only with people as	ssigned to work on the examination, and show such work only to them.			
6.	I will take all precautions necessary to safeguard the integrity of the examination process, and to prevent any candidates from gaining any advantage. I will consult the Staff Examiner if any question or problem arises, no matter how minor it seems, concerning test security or the propriety of any matter relating to the examination.				
7.	If I recognize a candidate whom I am assigned to rate in a test situation or I am able to identify a candidate's test material while evaluating him or her, I will inform the Staff Examiner immediately.				
8.	I will make my judgments, ratings, and/or recommendations on t presented in the course of the examination.	he basis of objective determination of facts, materials, and other data			
9.	I have not and will not in any way, directly or indirectly, help, adv any way, directly or indirectly, help advise, or counsel others who	ise, or counsel others in their preparation for the examination, nor will I in or may be assisting candidates prepare for the examination.			
10.	Unless otherwise instructed, I will perform my assigned work at take all steps necessary to safeguard test materials.	he offices of the Department of Citywide Administrative Services, and wil			
11.		copy of each test question, which I will type myself or write by hand. I will mail, fax, voice mail or any other unsecured communication method.			
12.	I will lock all materials relating to the examination, including scrat	tch paper, etc., in a secured area authorized by the Staff Examiner.			
13.		authorized by the Staff Examiner. I will keep confidential all materials verials used in writing questions, test plans, and related materials.			

14. All examination questions that I prepare will be original and never previously used in any test given by the Department of Citywide

Administrative Services or other organization. I will not copy questions directly from any source. Textbooks, periodicals, or other sources of information may be used to obtain material for questions; however, I will not use questions appearing at the end of chapters or as

I,, being duly sworn, sta are true and correct. I fully understand the above affirmations and will al	ate that I have read the foregoing and that the statements obide by them.	ontained herein
Signature of Special Examiner		
Subscribed and sworn to before me this day of		
Notary Public	_	
I have discussed the provision of this affidavit with the Special Examiner.		
Signature of DCAS Examiner	Name of DCAS Examiner (Print)	
Date		
DP-2548 (R. 3/11)		

Appendix C



The City of New York Department of Investigation

MARGARET GARNETT

80 MAIDEN LANE NEW YORK, NY 10038 212-825-5904

ANN PETERSON INSPECTOR GENERAL

WARNING

You have been selected by the Department of Citywide Administrative Services (DCAS) to participate in the civil service examination process which may result in the hiring and/or promotion of City employees.

It is imperative that you maintain the confidentiality of all examinations, applicants, and candidates at all times. This means that you may not reveal any information regarding exam applicants and candidates at any time; or provide any insight to any person about the topics which may, or may not, appear on examinations. You must maintain the confidentiality of examination contents and examination-related materials prior to and during the administration of the examination, and after the examination has been administered. You may not copy, access, or utilize any candidate, applicant or confidential departmental information for use outside of your job specific functions at DCAS.

Failure to maintain the complete confidentiality of the examination, examination-related documents and information, exam applicants, and exam candidates may result in the examination being compromised, candidates' scores being voided, litigation, and a delay in the hiring and/or promotion of City employees at a tremendous cost to the City.

Further, if you are found to have revealed confidential information about an examination/applicants/candidates to anyone you risk termination from your employment, as well as possible arrest and prosecution.

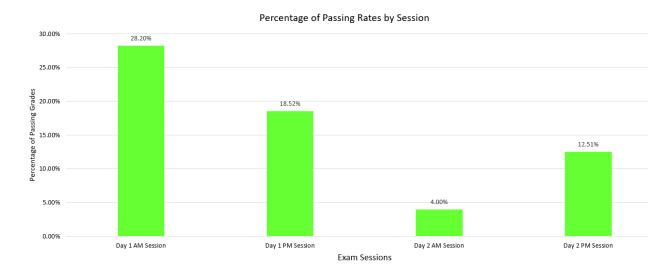
Finally, you are reminded that Executive Order # 16 requires that all City employees report to the Department of Investigation (DOI) any and all information regarding corruption, criminality, or conflicts of interest. Therefore, if you become aware that an individual is revealing confidential information or compromising an examination, you must report it to the DOI Inspector General immediately at (212) 825-5904.

Please sign below indicating that you have read the above and agree to comply with its contents.

Name	Name	
(Print):	(Signature):	Date:
Work Unit:	Work Location:	

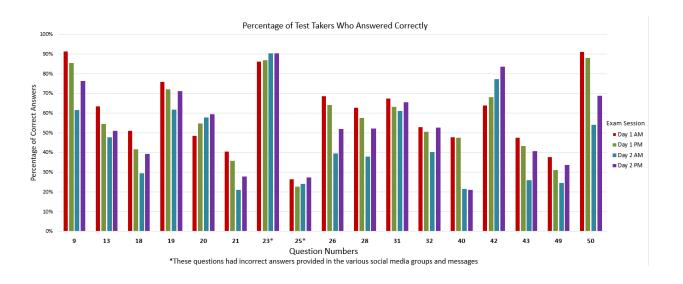
Appendix D

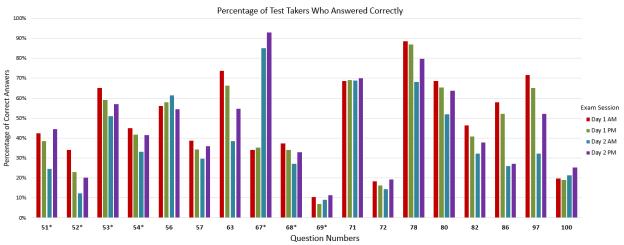
Overall Percentage of Passing Raw Scores by Session



Appendix E

Percentage of Test Takers who Answered 35 Compromised Questions Correctly





Appendix F



ERIC L. ADAMS

DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES BUREAU OF EXAMINATIONS

DAWN M. PINNOCK

NOTICE OF EXAMINATION

PROMOTION TO SERGEANT (POLICE) Exam No. 2538 AMENDED NOTICE - MARCH 30, 2022

WHEN TO APPLY: From: March 2, 2022 APPLICATION FEE: \$96.00

To: March 22, 2022

If you choose to pay the application fee with a credit/debit/gift card, you will be charged a service fee of 2.00% of the payment amount. This service fee is nonrefundable.

THE TEST DATE: Multiple-choice testing is expected to begin on a date to be determined.

The Notice of Examination is amended to add a description of the written test under THE TEST section and change the date multiple-choice testing is expected to begin from Monday, June 6, 2022 to a date to be determined. The date multiple-choice testing is expected to begin, along with an updated Seniority Chart, will be provided at a later date.

YOU ARE RESPONSIBLE FOR READING THIS ENTIRE NOTICE BEFORE YOU SUBMIT YOUR APPLICATION.

WHAT THE JOB INVOLVES:

Sergeants in the Police Department, under general supervision of a higher ranking officer, are responsible and accountable for the supervision of subordinates. They instruct and counsel subordinates in their duties; are responsible for subordinates' general appearance, punctuality, attendance, productivity, good order and discipline; supervise police activity at the operational level and evaluate the quality of subordinates' performance; perform all additional functions prescribed for rank by relevant laws, rules, procedures, orders or directives of the Police Department; perform special duties or assignments as directed by the Police Commissioner at his/her discretion; and perform related duties.

Sergeants (Police) complete and/or review reports, forms and logs; make required notifications and other communications; interact with the community and implement programs; make adjustments to roll call and assign personnel; monitor subordinates; assess local area and coordinate activities in the field; conduct preliminary searches/investigations; direct arrest and detention procedures; safeguard evidence and nonpolice department property; safeguard/inspect police department property; evaluate personnel and recommend actions; and train and counsel subordinates.

Special Working Conditions:

Sergeants (Police) are required to work Saturdays, Sundays, holidays, nights and tour changes or work overtime when ordered as permitted by the collective bargaining agreement

Some of the physical activities performed by Sergeants (Police) and environmental conditions experienced are: working outdoors in all kinds of weather; walking and/or standing in an assigned area during a tour; driving or slitting in a patrol car during a tour while remaining alert; running after a fleeing suspect; climbing up stairs; carrying an injured adult with assistance; gripping persons to prevent escape; restraining a suspect by use of handcuffs; detecting odors such as those caused by smoke or gas leaks; engaging in hand to hand struggles to subdue a suspect resisting arrest; being physically active for prolonged periods of time; understanding verbal communication over the radio with background noise; reading and writing under low light conditions; carrying or wearing heavy equipment; and warring a bullet-resistant yest. low light conditions; carrying or wearing heavy equipment; and wearing a bullet-resistant vest.

(This is a brief description of what you might do in this position and does not include all the duties of this

THE SALARY:

The current minimum salary is \$96,017 per annum. This rate is subject to change

ELIGIBILITY TO TAKE EXAMINATION:

This examination is open to each employee of the New York City Police Department who on the first date of the multiple-choice test:

READ CAREFULLY AND SAVE FOR FUTURE REFERENCE

Exam No. 2538 - Page 2

- 1. holds a permanent (not provisional) competitive appointment or appears on a Preferred List (see Note, below) for the title of Police Officer; and
- 2. has served as a permanent employee in such title in the New York City Police Department for a period totaling three years preceding that date; and
- 3. is not otherwise ineligible.

(Note: A "Preferred List" is a civil service list which is only for certain former permanent employees of the eligible title who have rehiring rights.)

If you do not know if you are eligible, check with your agency's personnel office. You may be given the test before we verify your eligibility. You are responsible for determining whether or not you meet the eligibility requirements for this examination prior to submitting your application. If it is determined prior to the test date that you are not eligible to participate in this examination, you will not receive an Admission Notice to take the multiple-choice test, you will not be permitted into the test site, and your application fee will not be refunded. If it is determined after the test date that you are not eligible to participate in this examination, your application fee will not be refunded and you will not receive a score.

ELIGIBILITY TO BE PROMOTED:

To be eligible for promotion, you must have served permanently in the rank of Police Officer in any one or the combination of the New York City Police, Transit Police or Housing Authority Police Departments for at least five years and have successfully completed the probationary period for Police Officer. Additionally, you must be permanently employed as a Police Officer or your name must appear on a Preferred List for Police Officer at the time of promotion.

Note: See "FORMER FIRE SERVICE" section and "EFFECTS OF A BREAK IN SERVICE" section, below.

REQUIREMENT(S) TO BE PROMOTED:

Education Requirement: By the date of promotion, you must complete at least 64 college semester credits or the educational equivalent of 64 college semester credits, as described in the next paragraph. You are required to submit official documents and proof required to qualify (e.g., transcripts, and/or foreign credit evaluation) to the Educational Tracking Unit, Personnel Bureau, 235 East 20th Street, New York, NY 10003 as soon as practicable. Only official copies of transcripts will be utilized to determine whether a candidate has fulfilled the Education Requirement.

The college credits must have been earned as a result of satisfactory completion of course work at a college or university accredited by an accrediting body recognized by the U.S. Secretary of Education and the Council for Higher Education Accreditation ("CHEA") or, if the credits have been earned at a foreign college, the credits must be evaluated by an approved Foreign Education Evaluation Service. This evaluation must be completed prior to the submission of the official transcript to the Educational Tracking that the processor when he have graduated from the Police Academy since 1074 may be able to earn college. Unit. An employee who has graduated from the Police Academy since 1974 may be able to earn college credits based upon his or her graduation from the Police Academy. These college credits can be used towards meeting the Education Requirement; however, these college credits can only be used towards meeting the Education Requirement if they are accepted and listed on an accredited college or university official transcript.

Drug Testing: You will be required to submit to a one time drug test that may occur prior to promotion or after promotion during the probationary period. This drug test will be required in addition to any other drug testing conducted by the New York City Police Department, such as random drug testing.

Driver License Requirement: For promotion to this position, you must have a motor vehicle driver license valid in the State of New York with no restrictions that would preclude the performance of Sergeant (Police) work. This license must be maintained for the duration of your employment.

Investigation: To be promoted, you must present to the Police Department all the official documents and proof required to qualify.

HOW TO APPLY:

If you believe you are eligible to take this examination, apply using the Online Application System (OASys) at If you believe you are eligible to take this examination, apply using the Online Application System (OASys) at www.nyc.gov/exams/orjobs. Follow the onscreen application instructions for electronically submitting your application and payment and completing any required information. A unique and valid email address is required to apply online. Several internet service providers, including but not limited to Google, Yahoot, ACL, Outlook.com, and Mail.com offer free email addresses. All new OASys accounts require verification before a candidate can apply to ensure the accuracy of candidate information. Verification is instantaneous for most accounts and you will receive a confirmation email with instructions to activate your account. For any account creation issues, you will receive onscreen prompts to contact DCAS. This review may require up to two (2) business days to be reviewed and resolved. Please keep this information and the application period deadline in mind when creating your account.

The following methods of payment are acceptable: major credit card, bank card associated with a bank account, or a prepaid debit card with a credit card logo which you may purchase online or at various retail outlets. If you are receiving or participating in certain forms of public assistance/benefits/programs, or are a veteran, you may qualify to have the application fee waived. For more information on eligibility for a fee waiver and documentation requirements visit the Fee Waiver FAQ on the Online Application System at: https://a856-exams.nyc.gow/OASysWeb/Home/Faq. Effective January 2020, the Online Application System is no longer supported on Windows 7 or earlier versions of Windows operating systems.

You may come to the DCAS Computer-based Testing & Applications Centers to apply for this examination online. However, you must schedule a customer service appointment prior to your visit. Due to the COVID-19 pandemic, DCAS no longer permits walk-ins at DCAS sites.

Exam No. 2538 - Page 9

APPLICATION RECEIPT:

You will be emailed a receipt immediately after you have applied for the examination. If you do not receive this receipt, check "Junk", "Trash", or "Spam" folders for the primary email linked to your Online Application System (OASys) account. If you are unable to locate the email, you can view a summary of the notification email to you on your OASys Dashboard, then Notifications. If you are still unable to find the email, please email DCAS via the Contact feature available in OASys with a description of the issue and include the exam number and your profile number located on your Profile page. While on your Profile page, check that the email addresses you provided are correct and/or updated.

PENALTY FOR MISREPRESENTATION:

Any intentional misrepresentation on the application or examination may result in disqualification, even after promotion, and may result in criminal prosecution.

The General Examination Regulations of the Department of Citywide Administrative Services (DCAS) apply to this examination and are part of this Notice of Examination. They are posted at nyc.gov/dcas and copies are available at the DCAS Computer-based Testing & Applications Centers.

The City of New York is an Equal Opportunity Employer. Title Code No. 70235; Police Service.

For information about other exams, and your exam or list status, call 212-669-1357. Internet: nyc.gov/dcas

Appendix G

5/30/23, 2:11 PM

OASvs - Exam Part Management



Admission Notice

You MUST print and bring your Admission Notice to your test.

Exam Title: Sergeant (Police)(Prom) Exam No.: 2538 Group No.: 000

Test Date: August 03, 2022 Arrival Time: Cut Off Time: 07:30 AM

Test Site:

Site Address:

Jacob Javits Center (North) -

11th Avenue @ West 37th

08:30 AM

Street

Test Length:

04:30 HOUR(s)

445 11th Avenue @ West 37th Street

Test Type:

Multiple Choice Test

New York, New York 10001

Check that your address is correct as printed. If a correction is needed, please inform a DCAS monitor at the

test site.

ALAN DAVID LITVIN 1125 BANNER AVENUE APT 8E **BROOKLYN, NY 11235**

Profile #: 2022118354

Seat

DCAS Staff Initials

I affirm that I am the person called to this examination. I understand that impersonation is a criminal offense and will be prosecuted. I further affirm that I will not reveal any information about this examination to anyone, including any candidate who has applied for, but not yet taken this examination.

SIGNATURE (In presence of Monitor)

Admission mailer content has 9157 characters, which exceeds the printing limit of 4500 characters (including headers and white spaces).

Important Notes Arrive by time indicated above and make sure to bring: One form of valid (non-expired) signature and photo bearing identification; this Admission Notice; face covering, covering mouth and nose; and a Calculator, which must be hand-held, battery or solar-powered, numeric only. Calculators with functions other than addition, subtraction, multiplication, and division are prohibited. A calculator will NOT be provided to you if you do not bring one.

COVID-19 Requirements If you have symptoms of COVID-19 that began within ten days before your appointment, you may request an alternate date for attendance at your exam event within one week after the date on this notice. Only candidates with a scheduled appointment may enter the test site. At the test site, all exam event candidates will be required to adhere to Personal Protective Equipment (PPE) requirements. All candidates must wear a face covering, which covers the mouth and nose. Candidates will be required to wear their face covering for the entire time they are in the test site. Candidates not wearing a face covering or

https://mspwva-dcscsevp.csc.nycnet/OASysAdmin/Exam/PartDetails/8557/3289?viewMode=APPLICANTS

5/30/23, 2:11 PM

OASys - Exam Part Management

not wearing it properly for the exam event will not be allowed to pursue the event and non-compliance cannot be used as grounds for a make-up exam event. Please note that our goal is to maintain the safest test site possible within current COVID-19 Guidelines.

Arrival Time IT IS YOUR RESPONSIBILITY TO BE AT THE TEST SITE BY THE ARRIVAL TIME INDICATED ABOVE. TO BE TESTED, YOU MUST BE CHECKED-IN BY PROCTORS PRIOR TO THE CUT-OFF TIME. The test will begin after administrative processing has been completed. Please note that DCAS is not responsible for lateness due to weather and/or transit delays and parking-related issues. At the end of your exam, you will have the only opportunity to request attendance at the Protest Review Session (PRS). To learn more about the PRS, go to the DCAS website entitled "After Taking an Exam" at https://www1.nyc.gov/site/dcas/employment/after-taking-an-exam.

Admission Notice This Admission Notice is non-transferable. Only you may use this notice to be admitted to the test site. You may use your printed admission notice or display the admission notice that is available on your OASys dashboard on your phone or personal device to gain entry to the test site. This notice does not mean that you are qualified or eligible for this examination. All candidates are admitted conditionally. Your signature on the Admission Notice provided at the test site on the date of your exam is an affirmation that all statements you provided in connection with your application for this examination are true and subject to the penalties of perjury. The administration of the test is subject to change in the event of an unforeseen occurrence. You may call the DCAS Interactive Voice Response (IVR) system at (212) 669-1357 two hours before the test time to hear if the test is not being administered at this time. If there has been an unforeseen occurrence, the recorded message will be heard after the "Thank you for calling" greeting.

Required Identification You are required to bring one (1) form of valid (non-expired) signature and photo bearing identification to the test site. The name that was used to apply for the exam must match the first and last name on the photo ID. A list of acceptable identification documents is provided below. If you do not have an acceptable ID, you may be denied testing. Acceptable forms of identification (bring one) are as follows: State issued driver's license, State issued identification card, US government issued Passport, US government issued Military Identification Card, US government issued Alien Registration Card, Employer ID with photo or Student ID with photo.

Electronic Devices You may use your printed admission notice or display the admission notice that is available on your OASys dashboard on your phone or personal device to gain entry to the test site. However, once you have been checked-in at the test site, all electronic devices must be turned off. YOU ARE NOT PERMITTED TO USE DEVICES ONCE WITHIN THE TEST SITE INCLUDING, BUT NOT LIMITED TO, CELLULAR PHONES, SMART WATCHES, RECORDING DEVICES, BEEPERS, PAGERS, CAMERAS, OR PORTABLE MEDIA PLAYERS. You are not permitted to use any type of personal headphones or ear buds. Electronic devices with an alphabetic keyboard or with word processing or data recording capabilities such as planners, organizers, etc. are prohibited, as are highlighters. You are also not permitted to use on site any medical assistive devices, including those that give notifications, alerts or vibrate, during the test without the prior express written authorization of DCAS. If you use any of these devices anywhere at any test site, whether in the testing area, restroom, hallway, or any other location, at any time before, during or after the exam event, your test score will be nullified, you will be disqualified from taking any civil service exams for up to five years, and your application fee will not be refunded.

Exam Conduct Please do not bring any unnecessary personal items. Any items, including electronic devices, must be turned off once you have been checked-in. All personal items will be stored in a Ziplock bag that will be provided at check-in. You are NOT permitted to access any stored items during the test. Cheating is prohibited during all exams. Any attempt to copy and/or distribute test information, and/or attempt to get test answers from the internet, software programs, hard copy materials, other test takers, etc. is strictly prohibited

Appendix H

