

March 23, 2021

Mayor Kim Janey
Boston City Hall
1 City Hall Square
Boston, MA 02201

Dear Mayor Janey:

Congratulations on your momentous achievement! We applaud you! Lawyers for Civil Rights (LCR) and our diverse client communities very much look forward to this new chapter in Boston history, as you become our first Black woman Mayor. For many years, LCR has tirelessly advocated for the City to make critical changes to improve widespread access to equal opportunities, to eliminate discriminatory practices, and to address a lack of transparency between the City and its diverse constituencies. Unfortunately, much of this racial justice advocacy has remained unaddressed and unresolved by prior Administrations. We would welcome an opportunity to work with your Administration to finally address these long-standing race and equity issues.

We respectfully urge your Administration to prioritize the following issues in your first 100 days:

- Take bold steps to dismantle entrenched “old boys networks” that for decades have unfairly and **unlawfully deprived minority-owned businesses of equal contacting opportunity**;
- **Reform police practices**, including increasing transparency and de-coupling policing from mental health services in light of [Terrence Coleman](#)’s fatal shooting;
- Create a **municipal ID program** to help integrate and empower vulnerable communities – as the City promised to study back in 2017;
- Take concrete steps to ensure **diversity in public employment**, so that our public institutions – including but not limited to the Boston Police Department and Boston Fire Department – truly reflect the communities they serve; and
- **Resolve civil rights lawsuits** – some of which the City has been fighting for years including *Coleman v. City of Boston* – and stand on the side of justice.

We outline each of these issues in greater detail below. We are identifying concrete solutions for each problem. With your expertise and leadership, immediate action on each of these issues can expedite resolutions for longstanding discriminatory conduct and unfair practices.

I. Minority Business Issues

LCR recently filed a [civil rights complaint](#) with the U.S. Department of Justice and U.S. Department of Transportation based on the City's longstanding exclusion of minority-owned businesses (MBEs) from equal contracting opportunity, as documented most recently in the [Disparity Study](#). Although Mayor Walsh issued an Executive Order in response to our complaint, the Order is extremely vague on items of critical importance: namely, the steps that will be taken to monitor, enforce, and actualize the MBE goals that are set. Given the entrenched nature of the problem, and the gross disparities that currently exist between MBE availability and utilization, a vague program is doomed to fail.

Your Administration, however, can lead the way in resolving the pending civil rights complaint in a way that sets the City on a forward path towards true equal opportunity. LCR, the organizations we represent in the complaints (BECMA, Greater Boston Latino Network, and Amplify Latinx), and many other community groups such as the Boston Black Hospitality Coalition and Black Economic Justice Institute, stand ready to assist in this effort. We have deep expertise in designing MBE programs that actually work, and we have concrete and viable solutions that are legally sound. Implemented successfully in other cities across the country, our solutions are designed to achieve results. Now is the time to seize the momentum and create an MBE program that will finally begin to rectify the injustices that the City's MBEs have suffered for too long.

II. Police Reform

As you are well aware, Boston is not immune from the problems that plague the nation's police departments. While police reform is a long-term issue that will take sustained effort over many years, there are concrete steps that can be taken by your Administration now to set the City on the right path forward. For example, the City should immediately decouple police services from mental health emergencies. As seen from the 2016 killing of [Terrence Coleman](#), the Boston Police Department (BPD) should not be the agency responding to medical or mental health emergencies, as they do not have adequate training to properly accommodate residents living with disabilities. Terrence's tragic death presents an opportunity to implement new systems that better serve our most vulnerable. Although the City Council has called for the exploration of a non-police 911 service, no action has been taken to further that proposal. We respectfully urge your Administration to move on this life-saving proposal immediately.

Similarly, your Administration can immediately provide strong enforcement mechanisms for the newly-created independent office of police accountability. In response to the Boston Police Taskforce, the Walsh Administration announced the creation of such an office. The City should ensure that the entity has real teeth and robust legal structures that allow thorough investigations, such as subpoena powers. These recommendations are also outlined in LCR's latest report: [Boston Police Department's Budget Undermines Community Relations, Accountability and Oversight: Data and Analysis from 2010-Present](#) (Feb. 25, 2021).

None of the police reform efforts will bear fruit if the City does not enhance its practices surrounding transparency. BPD is a repeat offender of the Massachusetts Public Records Law. LCR has sued countless times after the City delayed production of records for more than a year in response to properly filed public records requests. The law requires a response within ten business days. Currently, LCR is engaged in litigation (*LCR v. City of Boston*), to address this pattern and practice violation of the public records law to protect the public's right to know. Your Administration can promote transparency by resolving that litigation immediately, with an agreement that BPD will comply with the Public Records Law's timelines going forward. Transparency is critical for community engagement and accountability, and we respectfully urge your Administration to support these important efforts.

III. Municipal ID Program

In 2017, the City committed to study the feasibility of implementing a municipal ID program for residents, yet this has still not occurred. Municipal ID programs provide a critical lifeline for residents – particularly from immigrant communities – who face barriers to obtaining other government-issued forms of ID. Other vulnerable populations will be protected too, including senior residents without driver's licenses, and transgender people who want an accessible and affordable way of documenting their identity, including a name change. The creation of a municipal ID program would remove all these barriers, creating a more inclusive and accessible city. The cards can also be loaded with incentives – such as discounts in local businesses – to help stimulate Boston's economy.

As with MBE issues, LCR staff have long and deep experience in creating successful municipal ID programs elsewhere in the country. New Haven, New York City, San Francisco, and countless other cities already have municipal IDs. We would welcome the opportunity to partner with the Janey Administration to finally fulfill the promises made by the City.

IV. Public Employment Diversity

The failure to engage, recruit, hire and promote people of color is not limited to any one specific agency or sector in Boston. The Boston Fire Department remains the least diverse public safety agency in the City with more than 94% of the department identifying as male and 72% identifying as white. Similarly, BPD is nearly 73% male and 64% white – statistics that get even worse at the supervisory levels. Moreover, the lack of diversity is not limited to just sworn personnel. Civilian employees, particularly women of color, similarly lack equal opportunity to promotional paths. And in the education sector, teacher diversity remains an enduring critical issue since LCR desegregated Boston Public Schools. Throughout the Walsh Administration, LCR has pointed to concrete steps that the City could take to reverse these trends – but these steps have yet to be taken. We respectfully urge your Administration to seize this moment to take bold steps forward to:

- Tighten up **residency requirements for BPD**, so that applicants from Boston's communities of color are not overlooked in favor of those from less diverse communities outside the City.
- Undertake important efforts to intentionally **diversify the new Fire Cadet Program** and to ensure that Black and Latinx youth from Boston Public Schools gain access to an empowering and fulfilling career path as a firefighter.
- Follow through on the City's promise to diversify the educational system. As you know, **teacher diversity** was a critical component of LCR's 1974 school desegregation case, *Morgan v. Hennigan*, yet the reality of true teacher diversity has not been met by the City.

Together with our client communities, we have concrete and actionable steps to propose in each of these areas. We would welcome the opportunity to work collaboratively with your Administration to implement these long overdue reforms.

V. Stop Fighting Civil Rights Plaintiffs

Finally, it has long been troubling that the City – while publicly mouthing support for equal justice – nonetheless continues fighting against people of color in court. To help support racial justice while avoiding the taxpayer expense that comes with protracted litigation, community groups, including the NAACP, have called for the resolution of pending civil rights lawsuits:

- ***Coleman v. City of Boston*** is the federal civil rights lawsuit filed by the mother of Terrence Coleman, a young Black man shot and killed by BPD in 2016 in response to his mother's 911 call for medical assistance. As noted above, this lawsuit offers an opportunity for the City to not only provide a resolution to the Coleman family, but to implement meaningful reforms for accommodating those living with disabilities that will serve as a blueprint for other police departments.
- ***Figueroa v. City of Boston*** is a state court lawsuit regarding BPD's pattern and practice of failing to promote qualified women of color to civilian management positions. As with the *Coleman* case, the *Figueroa* case offers the City an opportunity to not only do right by the individual plaintiff but to enact structural reforms that will remove barriers to equal promotional opportunity in the future.
- ***Smith v. City of Boston***, in this federal lawsuit a district judge ruled in 2015 that the City discriminated against Black and Latinx officers by using a flawed promotional exam to select police lieutenants. Rather than resolve the issue of appropriate remedies for this discriminatory action, the City has appealed and fought settlement.
- ***De La Rosa*** is a longstanding MCAD case involving claims of race, ethnicity and disability discrimination against the City of Boston.

As community groups have repeatedly urged, for all of these lawsuits and other civil rights matters, **the City should – at a minimum – agree to enter into mediation with the plaintiffs to explore amicable resolution.** Civil rights lawsuits – pending for years under the Walsh and Menino Administrations – should be resolved immediately.

Continuing to fight civil rights lawsuits such as these constitutes an unconscionable waste of taxpayer funds and sends a clear message to the City's communities of color: the City stands against you. Your Administration can reverse this narrative immediately. This action would send a clear message that it is not just "business as usual" for the Janey Administration.

There are many other outstanding racial justice issues to tackle on a longer-term basis, particularly on the education front. The critical issues set forth above, however, can all be addressed immediately. We would welcome an opportunity to schedule a meeting with you to explore these matters in more depth. Thank you in advance for your leadership and your attention to these matters of crucial importance to the City's communities of color.

We can be reached at (617) 988-0624. We very much look forward to hearing from you.

Sincerely,

Iván Espinoza-Madrigal
Oren Sellstrom
Sophia Hall

Cc: Boston City Council