

October 26, 2021

Councilor Michelle Wu
Boston City Hall
1 City Hall Square
Boston, MA 02201

Re: Civil Rights Issues That Will Face The Next Boston Mayor

Dear Councilor Wu:

For many years, Lawyers for Civil Rights 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.

As you and your competitor vie to become the next Mayor of Boston, it is critical for voters to know where you stand on these long-standing race and equity issues. In particular, we urge you to publicly commit to the following identifiable actions steps:

- Commit to dismantling entrenched “old boys networks” that for decades have unfairly and **unlawfully deprived minority-owned businesses of equal contacting opportunity**, and to setting race-conscious, contract-specific goals on all contracts put out for bid;
- Commit to **reforming police practices**, including increasing transparency and de-coupling policing from mental health services in light of [Terrence Coleman’s](#) fatal shooting;
- Commit to creating a **municipal identification program** to help integrate and empower immigrant communities – as the City promised to study back in 2017;
- Commit to taking 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 are meant to serve; and
- Commit to **resolving 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 and identify concrete solutions for each problem. As voters head to the polls, they should have the benefit of your position on how you will expedite resolutions for longstanding discriminatory conduct and unfair practices.

I. Minority Business Issues

Earlier this year, LCR 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. In particular, the City must set contract-specific MBE goals if concrete results are to be achieved.

As a candidate for Mayor, we urge you to commit to leading 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 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 implement an MBE program that will finally begin to rectify the injustices that the City's MBEs have suffered for too long.

II. Reform Police Practices

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 immediately to set the City on the right path forward. For example, we ask that you commit to ensuring that the City will 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. We urge you to commit that, should you become Mayor, your Administration will move on these life-saving reforms immediately.

Similarly, we ask that you commit to immediately providing strong enforcement mechanisms for the recently-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 report: [*Boston Police Department's Budget Undermines Community Relations, Accountability, and Oversight*](#) (Feb. 25, 2021).

Finally, none of the City's reform efforts will bear fruit if it 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 generally 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. We ask that you commit that, should you be elected Mayor, your Administration will 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 urge you to commit to supporting these 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 those barriers, creating a more inclusive and accessible city.

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 ask that you commit to making this program a reality and would welcome the opportunity to partner with you 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 urge you to commit that, if elected Mayor, you will 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 similar meaningful efforts to intentionally **diversify the new Fire Cadet Program**, to ensure that Black, Latinx and Asian American 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 City's educational systems. **Teacher diversity** was a critical component of LCR's landmark 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 with you 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 communities 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 cases. Chief among these is ***Coleman v. City of Boston***, 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.

For pending civil rights lawsuits, the City should – at a minimum – agree to enter into mediation with the Plaintiffs to explore amicable resolution. Continuing to fight civil rights lawsuits constitutes an unconscionable waste of taxpayer funds and sends a clear message to the City's communities of color: the City stands against you. We ask that you commit to voters that, if elected Mayor, you would reverse that narrative immediately.

There are many other outstanding racial justice issues to tackle on a longer-term basis, particularly education issues such as closing the achievement gap and ensuring against immigration enforcement in the public schools. The critical issues set forth above, however, can all be addressed immediately. Thank you in advance for your attention to these matters of crucial importance to the City's communities of color.

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

Sincerely,

/s/ Iván Espinoza-Madrigal
Iván Espinoza-Madrigal
Executive Director

/s/ Oren Sellstrom
Oren Sellstrom
Litigation Director