

July 7, 2022

Mayor Michelle Wu
1 City Hall Square, Suite 500
Boston, MA 02201-2013

Re: Workforce Diversity Issues in Boston City Agencies

Dear Mayor Wu:

On behalf of our client communities, Lawyers for Civil Rights (LCR) writes to highlight race and sex disparities among personnel in four Boston city agencies: the Boston Police Department (BPD), the Boston Public Health Commission (BPHC), the Boston Water and Sewer Commission (BWSC), and the Boston Public Works Department (BPWD). Recent public records disclosures from each of these agencies reveal that women and people of color are systemically underrepresented at both staff and leadership levels. They also raise serious concerns about the adequacy of these agencies' efforts to foster diversity, equity, and inclusion (DEI).¹

I. Public Records Requests & Responses

In January 2022, LCR submitted public records requests to the above-listed agencies and the Boston Fire Department (BFD). The requests primarily sought information regarding: (1) staff demographics by race and gender; (2) diversity-related trainings and initiatives; and (3) language access policies and translation services.

Although BFD has yet to respond, BPD, BPHC, BWSC and BPWD (together, the "agencies") have each disclosed materials in response to our requests. The public records requests as well as the agencies' responsive disclosures are available upon request.

II. Analysis of Responses

We reached two main conclusions from the agencies' responses. First, the demographic disclosures demonstrate that women and people of color, particularly members of the Latinx and Asian American communities, are underrepresented across the agencies. Second, other disclosures raise concerns about the agencies' efforts not only to remedy these demographic disparities, but to foster equity and inclusion. Below, we elaborate on these issues and suggest steps to address them.

Staff Demographics by Race and Sex

As Boston's population has changed and diversified, the agencies have failed to keep pace. Recent Census Bureau statistics indicate that Boston has a 52/48 female-to-male ratio and a racial/ethnic

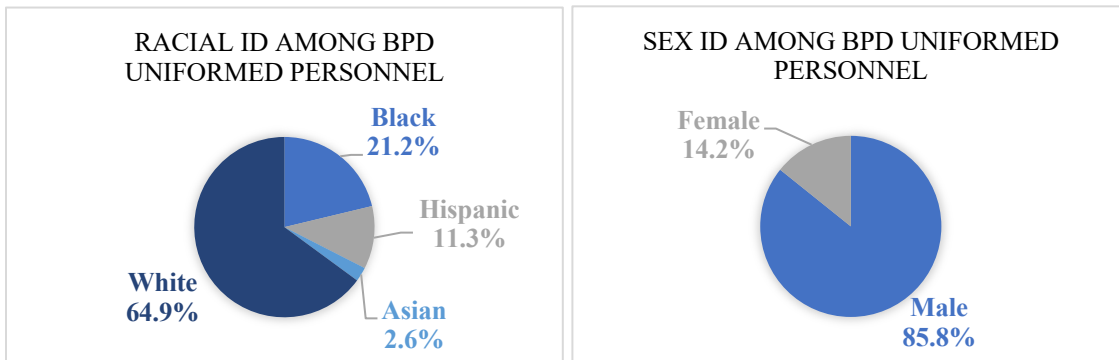
¹ The demographic data disclosed by these agencies classifies employees as "male" or "female" under a traditional gender/sex binary. We use the term "sex" herein to refer to this binary classification system. We also use the nouns "men" and "women" to refer to those identified in the data as "male" and "female" respectively. This is for ease of reading and is not intended to be reductive or gender-exclusive.

makeup that is approximately: 44.7% White, 22% Black, 9.8% Asian American, Native Hawaiian and Other Pacific Islander (9.7% Asian American alone), 4% other, and 19.5% Latinx.²

A. BPD’s Demographics. BPD’s workforce has long failed to reflect the city’s population. In 2016, LCR wrote a [letter](#) to Mayor Marty Walsh detailing racial disparities on the force. The letter noted that although White officers had consistently constituted an outsized 65% of the BPD ranks over the previous decade, Asian American and Latinx officers were severely underrepresented. At the time of that letter, members of the latter two groups constituted 28% of Boston residents and only about 10% of officers on the force. Disparities like this persist more than five years later.

In response to our January 2022 records request, BPD disclosed a spreadsheet entitled “Uniformed Strength by Gender and Ethnicity.” The spreadsheet details BPD’s demographics among sworn officers/recruit officers (uniformed officers) and civilian personnel as of January 3, 2022. The only racial/ethnic groups represented in the data are Black, Latinx, Asian American, and White.

According to the data, BPD’s racial imbalance is remarkably resilient. Nearly 65% of uniformed officers remain White while each minority group is underrepresented – 21.2% are identified as Black, 11.3% are identified as Latinx, and 2.6% are identified as Asian American. With regard to sex, those identified as female only constitute 14.2% of BPD’s uniformed officers.



These race and sex disparities are even more stark in BPD’s command structure. Of the 102 officers serving as Lieutenant Detectives, Lieutenants, Captain Detectives, and Captains, *none* are identified Latinx or Asian American, four are identified Black (3.9%), and only eight are identified as female (7.8%). Moreover, in the ranks above Patrol Officer, 19.3% are identified as Black, 6.7% are identified as Latinx, 1.7% are identified as Asian American, and 11.7% are identified as female. These percentages are particularly troubling in a city where women outnumber men and the Latinx and Asian American communities represent 19.5% and 9.7% of the population respectively.

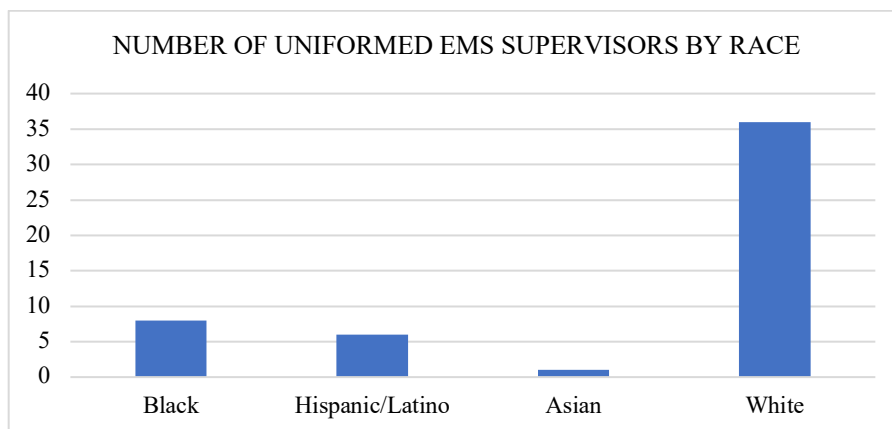
As we stated in our 2016 letter, it is well-recognized that a diverse police force helps build public trust and improves public safety. Indeed, research suggests that increasing diversity in police

² See *MyCensus Viewer: 2016-2020 ACS 5-Year Estimate Map*, Boston Planning and Development Agency, BOSTONPLANS.ORG, <https://maps.bostonplans.org/census/#/acs> (last visited July 6, 2022); *2020: ACS 5-Year Estimates Data Profiles*, CENSUS.GOV, <https://data.census.gov/cedsci/table?g=1600000US2507000&tid=ACSDP5Y2020.DP05> (last visited July 6, 2022). We use “Latinx” in this letter in place of the terms “Hispanic” and “Latino” favored by the agencies and Census Bureau. The Census Bureau defines “Hispanic or Latino” as an ethnicity separate from race. The first five figures here represent members of racial groups who do not identify as ethnically “Hispanic or Latino.”

departments decreases police mistreatment of minority communities.³ Boston’s unrepresentative police force is therefore problematic not only in terms of workplace inequity, but also because it perpetuates the discriminatory policing of Boston’s most vulnerable. This is especially concerning in the aftermath of the George Floyd and Terrence Coleman killings.

B. BPHC’s Demographics. BPHC’s Emergency Medical Services (EMS) is beset by similar race and sex imbalances among both uniformed and non-uniformed personnel.⁴

According to BPHC’s data, people of color are underrepresented in both personnel groupings. Starting with uniformed personnel, those identified as Black, Latinx, and Asian American are underrepresented both overall and within supervisor positions. Members of those groups only constitute about 14%, 9%, and 3% of uniformed personnel respectively. Moreover, out of 51 uniformed supervisors, eight people are identified as Black (15.7%), six are identified as Latinx (11.8%), and one is identified as Asian American (2%). The math is similar for the non-uniformed group, which BPHC indicates is: 15.4% Black, 11.5% Latinx, and 7.7% Asian American. Recall that these groups respectively represent 22%, 19.5%, and 9.7% of Boston’s population.



Women are also underrepresented throughout EMS. Although women comprise 52% of Boston residents, they only represent 33.8% of all uniformed EMS personnel and 27.5% of uniformed supervisors. Further, of the 26 non-uniformed EMS personnel, only 8 (30.8%) are women.

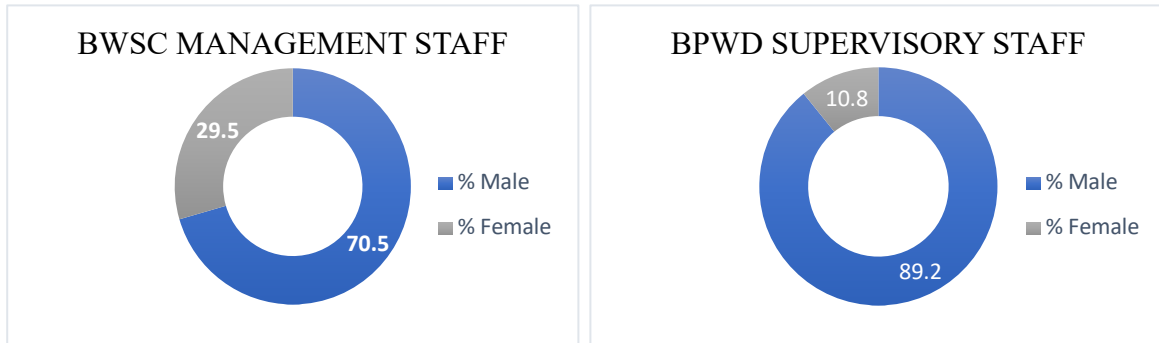
These race and sex gaps, like those within BPD, are not just relevant as a matter of workforce inequity. Researchers studying national EMS demographics have written that “[w]orkforce diversity can reduce communication barriers and inequalities in healthcare delivery, especially in settings where time pressure and incomplete information may exacerbate the effects of implicit

³ See B. Rose Huber, *Diversity in policing can improve police-civilian interactions, say Princeton researchers*, PRINCETON.EDU (Feb. 11, 2021), <https://www.princeton.edu/news/2021/02/11/diversity-policing-can-improve-police-civilian-interactions-say-princeton>.

⁴ The racial/ethnic groups represented in BPHC’s disclosures are Black, Latinx, Asian American, American Indian/Alaska Native, Native Hawaiian or other Pacific Islander, White, and “two or more races.”

bias.”⁵ Thus, to ensure the best possible healthcare outcomes for all Boston residents, it is critical that BPHC improve the representation of women and minority groups within EMS.

C. BWSC & BPWD’s Demographics. The data disclosed by BWSC and BPWD further underscore this pattern of workforce race and sex disparity because those it identifies as female, Latinx, and Asian American are severely underrepresented. In each agency, those identified as female constitute less than a third of both total staff and managers/supervisors. The female-manager/supervisor percentages specifically are: 29.5% at BWSC and 10.8% at BPWD. Both percentages are unacceptably low and BPWD’s is nothing short of shocking.



The Latinx and Asian American representation within these agencies is similarly poor. BWSC’s data indicate that 4.4% of its total employees are Asian American and 8% are Latinx, whereas those groups represent 3.8% and 4.7% of its managers. According to BPWD’s data, there are currently 187 employees of whom 21 are Latinx (11.2%) and 9 are Asian American (4.8%).⁶ These groups’ BWSC and BPWD percentages are all lower than their portions of the Boston population.

All told, it is clear that women and communities of color are systemically underrepresented across these agencies. The City must do more to rectify these issues and ensure that these agencies better reflect Boston’s diversity and multiculturalism going forward.

DEI Initiatives and Language Access

For the most part, the agencies’ disclosures suggest that they themselves are taking few, if any, steps to fix the disparities within their ranks or ensure inclusive atmospheres for their staff. We discuss the agencies’ relevant disclosures by category in this section.

A. DEI Initiatives. LCR’s public records requests sought all records pertaining to each agency’s DEI initiatives and goals, including in training, recruitment, hiring, promotion, and retention. Three of the four agencies produced either limited or no responsive DEI disclosures.

⁵ REMLE P. CROWE ET AL., FEMALES AND MINORITY RACIAL/ETHNIC GROUPS REMAIN UNDERREPRESENTED IN EMERGENCY MEDICAL SERVICES: A TEN-YEAR ASSESSMENT, 2008-2017, PREHOSPITAL EMERGENCY CARE (2019), <https://www.tandfonline.com/doi/full/10.1080/10903127.2019.1634167?scroll=top&needAccess=true>.

⁶ Black individuals appear to be better represented within BWSC and BPWD. The data indicate that Black individuals represent 32.2% of BWSC’s total staff and 31% of BPWD’s total staff.

BPD and BPHC both produced limited DEI materials and BPWD produced none. With regard to staff diversity and equity, BPD disclosed no department-specific records regarding any effort to create a more representative workforce/command structure. This should come as no surprise given BPD's history of hostility toward diversification.⁷

For its part, BPHC provided a written response stating that it attempts to foster EMS diversity through, among other things, recruiting from local high schools and providing accessible EMT courses. However, it disclosed few records demonstrating these efforts,⁸ and referred us to no policies or initiatives obviously geared toward rectifying the demographic disparities within the EMS supervisory staff.⁹

BDP and BPHC's disclosures are similarly lacking with regard to DEI trainings and other equity and inclusivity initiatives. The only germane document that BPD disclosed is its "Rule 113A, Bias Free Policing Policy" (BFPP), which outlines rules against discriminatory policing. We are left to guess how the BFPP works in practice because BPD did not disclose any related violation or discipline data. BPD also messaged LCR to state that it conducts trainings on the BFPP and "Fair and Impartial Policing," but it did not disclose the content of those trainings. Nor did it produce any department-specific policies promoting equity and inclusion among its staff.¹⁰ Likewise, BPHC told LCR that it conducts DEI trainings, but it failed to disclose related training materials or any other records demonstrating efforts to promote equity and inclusivity.

The dearth of DEI materials disclosed by BPD, BPHC, and BPWD is disappointing on multiple levels. First, the staff of these agencies – like all workers – deserve employers that are actively striving to be as inclusive and equitable as possible. Second, BPD and BPHC's roles within Boston necessitate a heightened commitment to DEI. Both agencies are responsible for responding to emergencies wherein cultural competency can positively affect outcomes, particularly for communities of color. By failing to prioritize DEI these agencies thus fall short of their duty to serve all members of the community to the best of their ability.

BWSC, to its credit, demonstrated greater focus on DEI. It disclosed its 2021 "Affirmative Action Plan" and documents related to other DEI initiatives.¹¹ If BPD, BPHC, and BPWD are unwilling to expand their DEI-related efforts, the City must step in to ensure that they do.

⁷ LCR's 2016 open letter to Mayor Walsh outlined how BPD was actively fighting diversification in the courts and had recently been found to discriminate against recruits by the Massachusetts Commission Against Discrimination (MCAD). See also Travis Anderson, *Panel orders police recruit reinstated*, BOS. GLOBE (Jan. 6, 2016), <https://www.bostonglobe.com/metro/2016/01/06/state-commission-finds-bias-boston-police-academy/So4Pp3x73ZhSWp6iPKXD9M/story.html> (noting that MCAD "ordered the Police Department to 'cease and desist from the disparate treatment of recruits based on race'").

⁸ The only records that BPHC disclosed in support of its diversification efforts are: an e-mail from Brighton Public High School (BPS) confirming that BPHC had agreed to attend BPS' 2021 career fair; and career fair fliers from TechBoston Academy and Another Course to College (neither of which actually lists EMS as an attendee).

⁹ Although BPHC's written response states that EMS asks all promotion candidates how they will advance DEI as supervisors, this policy seems to be exclusively focused on improving "workforce culture." There is no indication that it has any bearing on the diversity of the candidates themselves.

¹⁰ We note that the BFPP only appears to govern police officers' interactions with members of the public, not interactions between BPD staff within the workplace.

¹¹ BWSC's "Affirmative Action Plan" for 2021 outlines steps to foster diversity and equity in the workplace and identifies specific areas of underrepresentation. BWSC also disclosed other DEI records including: a document

B. Language Access. For this category, we sought all records pertaining to language access including: (1) language access plans; (2) vendors used for translation services; and (3) policies and procedures for responding to translation requests. BPD, BPHC, and BPWD made relevant disclosures,¹² but BWSC failed to produce responsive records.

The disclosed records show at least some agency-level acknowledgement of an insufficiently linguistically diverse staff. Specifically, BPD disclosed numerous letters from 2019 indicating that it was often unable to deploy officers with the language skills needed to respond to calls. The letters invoked Personnel Administration Rule .08(4) in an attempt to hire particular language speakers to better meet community language needs. This Rule allows civil service employers to favor certain skills in hiring with Human Resources Department approval. However, BPD's disclosures do not reveal the frequency with which it invokes this Rule to promote linguistic diversity. BPD also failed to disclose the results of its language-focused hiring push. Based on community input, LCR is aware that language access remains a problem for Bostonians who speak Spanish, Mandarin Chinese, Haitian Creole, Portuguese/Cape Verdean Creole, and Vietnamese.¹³

Government agencies must be able to communicate with all of the people they serve. Nowhere is effective communication more important than in the provision of emergency services. Boston's agencies – especially first responders such as BPD and BPHC – should act as aggressively as possible to hire and retain linguistically diverse staff.

III. Action Steps

The problems outlined above will take time to resolve. They are complex and, in some cases, deeply entrenched. However, action steps are available for the City of Boston and its agencies to begin tackling these problems right away. Those include:

- Hiring a third-party monitor to conduct an independent audit that can comprehensively investigate the above issues across all municipal agencies, report back to City Hall and the public with reform recommendations, and assess progress for a defined time period;
- Imposing strict standards for DEI trainings across all city agencies, including by dictating the substance and minimum frequency of such trainings;
- Engaging with underrepresented workers to better understand the problems they face on the ground and devise solutions tailored for each agency that will affect change;
- Encouraging agencies to hire with an eye toward greater linguistic diversity, including by actively submitting Rule .08(4) requests where applicable;

showing the number of employees that attended “Anti-bias” and “Diversity and Inclusion” trainings from 2018-2021; three different power points related to diversity trainings; and a workplace discrimination handout.

¹² BPHC's relevant disclosures include its Language Access Policy and Language Line Policy. BPD disclosed, among other things, several city-wide protocols and resources related to language translation. BPWD sent an e-mail referring LCR to Boston's city-wide language access policy and listing third-party language translation vendors.

¹³ See also City of Boston, *Language And Communications Access*, https://www.boston.gov/sites/default/files/imce-uploads/2019-03/demographic_data_report_-_language.pdf (last visited July 6, 2022).

- Creating more transparency in agency hiring and retention, including by developing and updating an online “diversity dashboard” that would allow the public to track annual hiring, staff, and management demographics within municipal agencies; and
- Developing meaningful partnerships with community-based organizations and other stakeholders such as the NAACP and the Greater Boston Latino Network that can advise on these issues on a regular basis.

We urge you and other city leaders to seriously consider these steps so that Boston can begin addressing the diversity-related issues affecting its agencies and their provision of services. The status quo is unacceptable and a “business as usual” approach will not bring about the necessary change. We respectfully request a meeting with you and your leadership team to discuss the issues presented here in greater detail. We look forward to hearing from your office.

Sincerely,

/s/

Iván Espinoza-Madrigal, Esq.
Jacob M. Love, Esq.
Lawyers for Civil Rights

cc: Boston City Council