

# **Multi-Million Dollar Settlement Announced In Discrimination Case By Black Police Officers Against City Of Boston Over Discredited “Hair Test”**

**City Abandoned The Flawed Drug Test In 2021, Now Pays Damages To  
Individuals Harmed**

FOR IMMEDIATE RELEASE

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BOSTON – The City of Boston has paid \$2.6 million to settle a longstanding federal discrimination lawsuit alleging that a “hair test” used by the City to identify drug use on its police force was discriminatory, unreliable, and scientifically flawed. The City eliminated the test in 2021 as part of its [Movement To End Racism](#) and has now paid damages to three Black officers and a cadet who were terminated or disciplined as a result of the test. The Plaintiffs are represented by **Lawyers for Civil Rights**, and by **WilmerHale** on a *pro bono* basis.

The case was filed nearly 20 years ago, shortly after the City began using the test, which detects the presence of controlled substances in hair follicles. However, experts in the case testified—and numerous courts have found—that the test cannot reliably distinguish between drug particles found in hair as a result of ingestion versus external contamination. Experts also testified that the texture of Black hair, as well as grooming products commonly used by Black individuals, increases the likelihood of external contamination and false positives for Black individuals.

The case was twice considered by the First Circuit Court of Appeals: [in 2014](#), when the Court agreed that the hair test fell disproportionately on Black officers; and [again in 2016](#), when the Court found evidence sufficient to show that the City had continued to use the hair test even after having been informed of a less discriminatory alternative. A six-day trial was then held before U.S. District Court Judge Douglas Woodlock. The parties subsequently entered into mediation, culminating in the settlement announced today.

“This settlement puts an end to a long, ugly chapter in Boston’s history,” said **Oren Sellstrom**, Litigation Director at **Lawyers for Civil Rights**, the non-profit legal organization that has represented the Black police officers since the start of the lawsuit. “As a result of this flawed test, our clients’ lives and careers were completely derailed. The City has finally compensated them for this grave injustice.”

In addition to the four individual plaintiffs, the **Massachusetts Association of Minority Law Enforcement Officers (MAMLEO)**, which works to ensure equal rights for minority officers and to diversify law enforcement ranks, has also been a plaintiff in the case since its inception.

“The hair test not only wreaked havoc on the lives of many Black officers, it also deprived Boston residents of exemplary police officers,” said **Jeffrey Lopes, President of MAMLEO**. “The City is still trying to make up for the loss of diversity on the police force that resulted from use of the hair test,” he added.

Today’s settlement caps a [string of losses](#) for the City related to the hair test. In 2019, the Supreme Judicial Court [held](#) that the test “is prone to produce false positives....” The City and the testing company also [sued each other](#) over who should pay the mounting legal bills, with the City faulting the company for “negligent and wrongful conduct....” As of 2019, the City had paid [over \\$2.1 million](#) to outside counsel attempting to defend the hair test in various court cases.

Under the settlement announced today, the four individual plaintiffs will each receive a portion of the \$2.6 million settlement based on their individual circumstances. In addition to **Lawyers for Civil Rights**, the Plaintiffs are represented by **WilmerHale**, which has provided phenomenal litigation prowess and expertise on a *pro bono* basis over many years.

The City has a unique opportunity to build on this momentum by resolving other civil rights cases inherited by the Wu Administration, a move we would applaud.

PRESS CONTACT: Oren Sellstrom (617) 988-0608