



LAWYERS' COMMITTEE  
FOR CIVIL RIGHTS AND  
ECONOMIC JUSTICE  
*Serving Greater Boston Since 1968*

July 19, 2016

The Hon. Martin J. Walsh  
Mayor, City of Boston  
1 City Hall Square, Suite 500  
Boston, MA 02201-2013

**RE: Lack Of Diversity In Boston Police Department**

Dear Mayor Walsh:

The recent police shootings of Alton Sterling in Baton Rouge, Louisiana, and Philando Castile in Falcon Heights, Minnesota, have once again drawn national attention to the tension and distrust between law enforcement and communities of color. Here in Boston, recent polling indicates that a substantial majority of individuals believe that Boston suffers from the same kinds of problems as other cities when it comes to the police and people of color, and nearly one in three Black residents do not believe that Boston police treat minority residents fairly. *See Bostonians Trust Police, But Fear Discrimination, Poll Finds*, July 15, 2016, BOSTON GLOBE (*available at* <https://www.bostonglobe.com/metro/2016/07/14/poll-finds-level-trust-police-but-fears-discrimination/uWH9ZKD1jOjkrYe7PiECcN/story.html>).

Although this tension and distrust stems from many sources, a fundamental problem is the lack of diversity in the Boston Police Department (BPD). **Simply put, Boston is becoming increasingly diverse, but BPD is not.** With each passing year, BPD is looking less and less like the community that it serves. In the face of these numbers, city officials profess that their hands are tied and that they cannot do more to increase minority representation on the police force – a line repeated as recently as last week's "Race in Boston" Town Hall on WCVB. However, the reality is that the City of Boston and BPD are actively fighting efforts to diversify the police force. Boston can and must do more to increase minority representation on the force if it is to

gain community trust, and should implement meaningful implicit bias training for all of its officers.

## **I. The Importance Of Police Diversity For Strong And Safe Communities**

It is well-recognized that a diverse police force helps build public trust and, thereby, increases public safety. In response to the shooting of Michael Brown in Ferguson, Missouri, President Obama appointed a Task Force on 21st Century Policing, under the auspices of the U.S. Department of Justice's Office of Community Oriented Policing Services. The Task Force drew together law enforcement, community leaders, researchers, academics and others to examine and recommend "best practices" in policing. *See* Final Report of the President's Task Force on 21st Century Policing (May 2015), at 1 (*available at* [http://www.cops.usdoj.gov/pdf/taskforce/TaskForce\\_FinalReport.pdf](http://www.cops.usdoj.gov/pdf/taskforce/TaskForce_FinalReport.pdf)) ("Task Force Report").

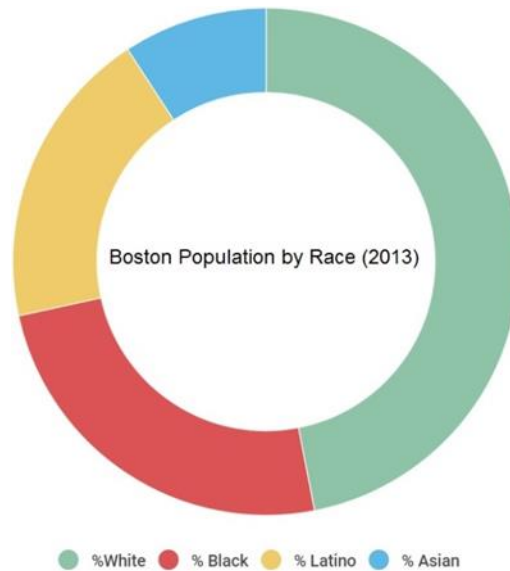
The first "pillar" of reform recommended by the Task Force was "Building Trust and Legitimacy." *Id.* As a key way of building this community trust, the Task Force highlighted the "critical importance of hiring officers who reflect the communities they serve...." *Id.* at 16. This Task Force recommendation echoes and builds upon decades of research demonstrating how police diversity helps legitimize law enforcement authority, strengthens police forces, and increases public safety. *See* Diversity in Law Enforcement: A Literature Review, May 2015, U.S. Department of Justice and EEOC (*available at* [http://www.cops.usdoj.gov/pdf/taskforce/Diversity\\_in\\_Law\\_Enforcement\\_Literature\\_Review.pdf](http://www.cops.usdoj.gov/pdf/taskforce/Diversity_in_Law_Enforcement_Literature_Review.pdf)).

The Task Force also highlighted that as police forces and the communities they serve become more diverse, there is a critical need for training on "recognizing and confronting implicit bias and cultural responsiveness...." Task Force Report at 58. Such training should be "ongoing" and "accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with law enforcement." *Id.*

## **II. Boston's Police Force Does Not Reflect The Community It Serves And Is Not Keeping Pace With Demographic Changes In The City**

Despite this well-documented need for law enforcement to reflect the community it serves, BPD falls woefully short on this measure. Boston is a diverse city with a growing and dynamic population of color. Since 2011, people of color have constituted 50% or more of the Boston's

population.<sup>1</sup>

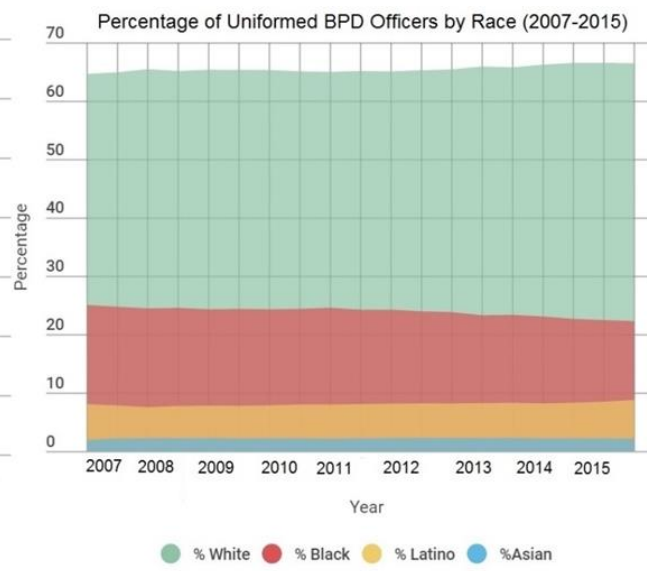
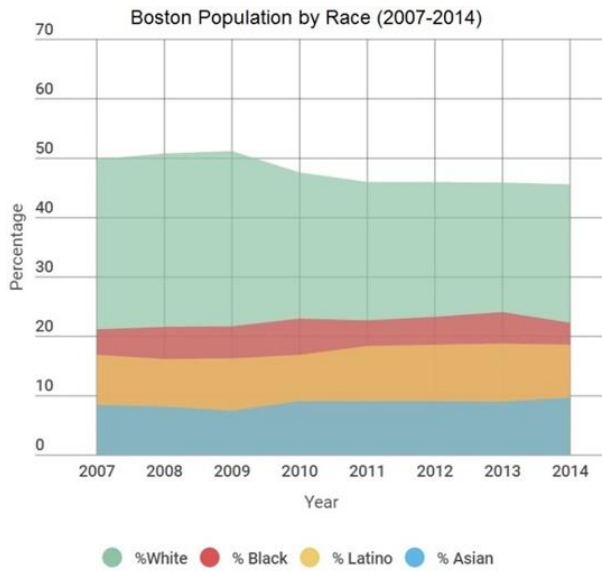


However, BPD has failed to keep pace with these demographic trends and is increasingly out of step with the racial and demographic composition of the city.

Earlier this year, the Lawyers' Committee sued BPD to obtain information on the racial composition of the police force over the past decade. *See Lawyers' Committee for Civil Rights v. Boston Police Department*, Suffolk Sup. Ct. No. 16-1075 (filed Jan. 20, 2016). As the charts below illustrate, the statistics produced as a result of the lawsuit show that White officers are dramatically over-represented in BPD, compared to their population in Boston. Over the past decade, White officers have consistently constituted approximately 65% of the BPD ranks. At the same time, the percentage of White residents in Boston has fallen to less than 50%. Meanwhile, minority representation in BPD has hovered at approximately one-third, even as Boston has become a majority-minority city.

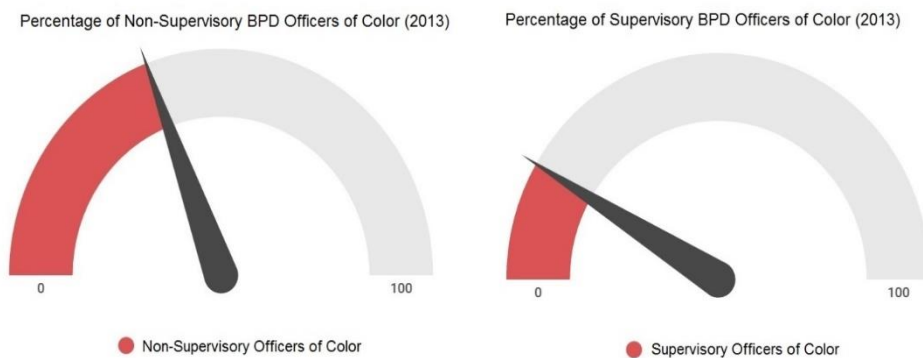
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<sup>1</sup> U.S. Census Bureau American FactFinder (figures represent non-Latino Whites, non-Latino Blacks, Latinos, and non-Latino Asians).



**Representation of Latinos and Asians in BPD is particularly problematic. While these groups combined now represent 28% of the Boston’s residents, only approximately 10% of BPD’s officers are either Latino or Asian.** The records we received from BPD as part of our public records lawsuit show that the most recent recruit class has no Asians or Latina women. See *Police’s Latest Hiring Sparks State Inquiry*, June 29, 2016, BAY STATE BANNER (available at <http://baystatebanner.com/news/2016/jun/29/polices-latest-hiring-sparks-state-inquiry/?page=2>) (noting recruit class is 74% White).

Another troubling trend is the lack of diversity in BPD’s supervisory ranks. As the Department of Justice’s Task Force highlighted, diversity throughout a police force is critical to achieving community trust and legitimacy: “Achieving diversity in entry level recruiting is important, but achieving systematic and comprehensive diversification throughout each segment of the department is the ultimate goal.” Task Force Report at 16-17. Yet in Boston, less than one-fifth of supervisory officers are Black, Latino, or Asian – significantly below their representation in the overall force and well below their representation in the community:



### **III. The City Is Actively Impeding Progress On Police Diversity, And Failing To Undertake Proactive Steps That Are Readily Available**

At a recent public forum, John Barros, the City's Chief of Economic Development defended BPD's diversity arguing that the City could not do more because of vague and unspecified "barriers." See <https://www.facebook.com/wcvb5/videos/10154415220959445/> ("Race in Boston" Town Hall, WCVB) at 21:00-23:00.

In fact, some of the greatest barriers to diversifying the Boston Police Department are created directly by the City:

- **In court cases, the City is aggressively fighting efforts to diversify BPD.** The City is aggressively fighting against attempts to diversify the police force. For example, in *Smith v. City of Boston*, a federal judge ruled last fall that the City discriminated against Black and Latino officers by using a flawed promotional exam to select police lieutenants. However, rather than resolve the issue of appropriate remedies for this discriminatory action, the City has fought settlement and is now asking for appellate review. Similarly, in *Jones v. City of Boston*, the City has been fighting for years to defend a discriminatory and scientifically unreliable drug-screening vehicle that resulted in the wrongful termination of a disproportionate number of Black police officers.
- **BPD has been found to discriminate against recruits.** In another case brought by the Lawyers' Committee for Civil Rights, *Defay v. Boston Police Department*, the Massachusetts Commission Against Discrimination ruled that BPD discriminates against minority recruits in its disciplinary practices and ordered BPD to "cease and desist" from this conduct. Nevertheless, other irregularities in the recruitment process continue, and the Civil Service Commission has recently opened an investigation into why large numbers of high-scoring recruit candidates were bypassed, many without notice. See Civil Service Commission, June 9, 2016 Initiation of Investigation re: BPD & Due Process of Non-Selected Candidates; see also *Investigation Targets BPD Hiring Practices*, June 18, 2016, BOSTON HERALD (available at [http://www.bostonherald.com/news/local\\_coverage/2016/06/investigation\\_targets\\_bpd\\_hiring\\_practices](http://www.bostonherald.com/news/local_coverage/2016/06/investigation_targets_bpd_hiring_practices)).
- **BPD is not transparent in its practices.** As noted above, much of the demographic data cited herein was secured only through a public records lawsuit that the Lawyers' Committee for Civil Rights filed after BPD refused to voluntarily disclose public records concerning the racial composition of the most recent recruit class and other demographic information about the police force. BPD is particularly resistant to fully

and freely informing the public of its practices, especially surrounding racial and demographic issues.

As these examples demonstrate – contrary to statements by City officials – there are no “barriers” preventing the City from diversifying BPD. Rather, the City is actively impeding progress by aggressively fighting efforts to diversify BPD, by disproportionately disciplining minority recruits like Claude Defay, and by shielding its practices from public scrutiny by refusing to comply with the public records law.

Simply stopping these practices would help to diversify the police force. Other solutions that could and should be adopted include: proactive recruiting efforts in communities of color; increased use of PAR10, the regulation that allows hiring of officers with language skills; and greater attention to retention of minority recruits and officers. **Adopting the Department of Justice Task Force’s recommendation of ongoing implicit bias training is also critical.** In doing so, BPD should eschew reliance on “homemade” in-house trainings, and should draw instead upon social scientists and law enforcement practices experts who have in-depth experience in this arena. The Task Force Report also recommends engaging the community in such trainings; to that end, the Lawyers’ Committee for Civil Rights is willing and able to assist in this effort, and in identifying high-quality independent implicit bias experts in the field.

#### **IV. Conclusion**

Boston is just one incident away from becoming another Ferguson or Baton Rouge. This can be avoided if the City and BPD take proactive steps to get out in front of these issues – including adopting a sustained and forceful commitment to ensuring that Boston has a diverse police force that truly reflects the community it serves and to conducting the training necessary to overcome implicit bias.

Sincerely,

/s/

IVÁN ESPINOZA-MADRIGAL  
Executive Director