

Offered by Councilor **Andrea J. Campbell** ARROYO BAKER BOK BREADON EDWARDS
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CITY OF BOSTON

ORDER FOR A HEARING TO EXPLORE AND RECOMMEND DIVERSITY INITIATIVES FOR CITY OF BOSTON PUBLIC SAFETY AGENCIES

- WHEREAS,** According to the BPDA Research Division Analysis' "Boston at a Glance – 2019," in the City of Boston 44.9% of residents are White, 22.7% are Black, 19.4% are Hispanic, and 9.4% are Asian; 51.9% of residents are female; and 37.6% of residents speak a language other than English at home; *and*
- WHEREAS,** The Boston Police Department (BPD), Boston Fire Department (BFD), and Boston Emergency Medical Services (EMS) seek to recruit officers, firefighters, technicians, and civilians that reflect the racial and gender diversity of the City of Boston, and have made recent investments into diversifying their ranks, including hiring diversity officers, funding a cadet program, and launching a teen academy aimed at providing summer job training for high school students interested in public safety careers and a City academy to recruit and train residents interested in public safety; *and*
- WHEREAS,** While Boston is a culturally, racially, ethnically, and linguistically diverse City, workforce demographics for our public safety agencies do not reflect the demographics of the population they serve; *and*
- WHEREAS,** In 2018, of 2,073 Boston police officers, 67% were White, 22% were Black, 9% were Hispanic, and 2% were Asian; and 13% were female; *and*
- WHEREAS,** Of 1,511 Boston firefighters, 72% were White, 19% were Black, 8% were Hispanic, and .4% were Asian; and 1% were female; *and*
- WHEREAS,** Of 372 Boston Emergency Medical Technicians, 68% were White, 13% were Black, 7% were Hispanic, and 1% were Asian; and 32% were female; *and*
- WHEREAS,** Even fewer residents of color and women serve in top tier positions within the City's public safety agencies; for example, in 2018, of 121 BPD Lieutenants, Captains, and Superintendents, 86% were White, 12% were Black, 2% were Hispanic, and 1% were Asian; and 7% were female; *and*

WHEREAS, Of 367 BFD Deputies, District Chiefs, Captains, and Lieutenants, 83% were White, 12% were Black, 5% were Hispanic, and 0% were Asian; and .3% were female; *and*

WHEREAS, Of 44 Boston EMS Chiefs, Superintendents, Captains, and Lieutenants, 73% were White, 18% were Black, 9% were Hispanic, and 0% were Asian; and 20% were female; *and*

WHEREAS, Diversity in public safety agencies helps build trust and improve relations with communities; *and*

WHEREAS, According to a 2016 report released by the U.S. Department of Justice and the Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement*, “[w]hen members of the public believe their law enforcement organizations represent them, understand them, and respond to them [...] it deepens trust in law enforcement, instills public confidence in government, and supports the integrity of democracy;” *and*

WHEREAS, Trust is essential for public safety agencies to efficiently and effectively perform their duties, and to ensure the safety of both the public and officers; *and*

WHEREAS, Residents are more likely to trust and cooperate with authorities they feel to be responsive to their life experiences; **NOW, THEREFORE BE IT**

ORDERED, That the appropriate committee of the Boston City Council hold a hearing to continue on the work outlined in the report, *Diversity in Boston’s Public Safety Agencies: Where We Are Now and How We Can Improve*, filed with this Council January 9, 2019 and attached, including discussion of diversity within the City of Boston’s public safety agencies, collection of updated demographic data from the City’s public safety agencies, and exploration and recommendations of equitable diversity initiatives to assist the City in recruiting, hiring, and retaining a workforce that reflects the demographics of the City. Those invited to participate will include representatives from the Boston Police Department, the Boston Fire Department, Boston Emergency Medical Services, the Mayor’s Office of Workforce Development, and other interested stakeholders.

Filed on: February 5, 2020



ANDREA J. CAMPBELL
BOSTON CITY COUNCILOR
DISTRICT 4

**Diversity in Boston's Public Safety Agencies:
Where We Are Now and How We Can Improve**

By Andrea J. Campbell
Boston City Council President, District 4

January 9, 2019

EXECUTIVE SUMMARY

OVERVIEW:

Increasing diversity, both racial and gender diversity, in our workforce is an important step to closing opportunity and wealth gaps, and making workplaces more welcoming and culturally competent. In public service jobs, diversity is important to ensure voices of all constituencies are represented. Diversity is especially necessary in public safety and law enforcement because it builds greater trust between the law enforcement officials and members of the public. According to a 2016 report released by the U.S. Department of Justice and the Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement*, “[when] members of the public believe their law enforcement organizations represent them, understand them, and respond to them... it deepens trust in law enforcement [and] instills public confidence in government... This trust – and the cooperation it facilitates – also enables officers to more effectively and safely perform their jobs.”

BOSTON'S OPPORTUNITY

Boston's public safety agencies, the Police Department, Fire Department, and Emergency Medical Services, are some of our largest departments with some of the highest paying salaries in the City, but the demographics of the employees within these departments lag far behind those of our City. When looking at the demographics of the top tier positions in each agency, the numbers are far less diverse and skew much more white and male.

Current Demographics of Boston's Public Safety Agencies:

Race/Gender	2,073 Boston Police Officers	1,511 Boston Firefighters	372 Emergency Medical Services	City of Boston Population
White	67%	72%	68%	46.3%
Black	22%	19%	13%	22.8%
Hispanic	9%	8%	7%	19.0%
Asian	2%	0.4%	1%	9.3%
Female	13%	1%	32%	52%

After holding a City Council hearing on diversity in Boston's public safety agencies on June 14, 2018, President Campbell worked with each department to compile information on what they are currently doing to increase diversity, and to suggest further steps the City could be taking to open up opportunity in Police, Fire, and EMS for people of color and women.

ACTION STEPS:

In this report, we discuss ten measures the City could take to increase diversity in public safety agencies:

- Make personnel data more accessible to the public
- Establish a consistent definition of diversity for all public safety departments and include more women and people of color in internal conversations about diversity
- Adequately resource each departments' diversity officers and recruitment efforts
- Conduct an independent study of the effects Civil Service has on hiring and promotional processes
- Create a Fire cadet program, similar to BPD's
- Increase language preference for preferred hiring in all public safety agencies, and increase hiring of multi-lingual candidates
- Reconsider use of bypass policy, or update to ensure it aligns with the current Massachusetts CORI laws
- Prioritize the promotion of women and people of color on the current promotional list, and increase recruitment class sizes and frequency of promotional exams
- Review extending residency requirement for candidates to greater than one year
- Convene Department leaders to establish strategies, in addition to racial and gender bias trainings, to build more inclusive cultures among their ranks

Most of these recommendations could be implemented at the City level, with a few needing partnership with the State such as passing a City home-rule petition to create a Fire cadet program and approving our City language preference requests.

I. Introduction:

Increasing diversity, both racial and gender diversity, in our workforce is an important step to closing opportunity and wealth gaps, and making workplaces more welcoming and culturally competent. In public service jobs, diversity is important to ensure voices of all constituencies are represented. Diversity is especially necessary in public safety and law enforcement because it builds greater trust between the law enforcement officials and members of the public. Some of the most sought-after and highest paying jobs in the City of Boston are in our public safety agencies, the police, fire, and emergency medical services (EMS) departments. But who has access to those jobs? In the City of Boston 46.3% of residents are White, 22.8% are Black, 19.0% are Hispanic, and 9.3% are Asian; 52% of residents are female; and 37.1% of residents speak a language other than English at home.¹ While Boston is a culturally, racially, ethnically, and linguistically diverse city our public safety agencies' employees are overwhelmingly white and male and do not adequately reflect the diversity of our residents, our neighborhoods and City:

- Of 2,073 BPD officers, 67% are White, 22% are Black, 9% are Hispanic, and 2% are Asian; and 13% are female;
- Of 1,511 BFD firefighters, 72% are White, 19% are Black, 8% are Hispanic, and .4% are Asian; and 1% are female; and,
- Of 372 EMS technicians, 68% are White, 13% are Black, 7% are Hispanic, and 1% are Asian; and 32% are female.

Even fewer residents of color and women serve in the top-tier positions within the City's public safety agencies:

- Of 121 BPD Lieutenants, Captains, and Superintendents, 86% are White, 12% are Black, 2% are Hispanic, and 1% are Asian; and 7% are female;
- Of 367 BFD Deputies, District Chiefs, Captains, and Lieutenants, 83% are White, 12% are Black, 5% are Hispanic, and 0% are Asian; and .3% are female; and,
- Of 44 EMS Chiefs, Superintendents, Captains, and Lieutenants, 73% are White, 18% are Black, 9% are Hispanic, and 0% are Asian; and 20% are female.

With respect to BPD and BFD, the diversity numbers are possibly worse than prior to the 1972 police and 1996 fire department consent decrees² which mandated that both departments take affirmative steps to ensure the percentage of black and Latino officers hired reflected the demographics of the City. The BPD consent decree ended in 2004, and the BFD consent decree in 2003.³

¹ BPDA Research Division Analysis' "Boston at a Glance (2018)

²

<https://www.bostonglobe.com/opinion/editorials/2017/10/28/boston-fire-department-slides-backward-diversity/ORDg06WReUBMI6PJtOM4zM/story.html>

³ <http://articles.latimes.com/2004/nov/26/nation/na-boston26>

The City of Boston is committed to building strong, trusting relationships between our public safety agencies and the residents of Boston through our law enforcement's renowned community policing model. Increasing diversity of those serving in law enforcement jobs is one critical step to building trust between public safety agencies and communities. According to a 2016 report released by the U.S. Department of Justice and the Equal Employment Opportunity Commission, *Advancing Diversity in Law Enforcement*, "[w]hen members of the public believe their law enforcement organizations represent them, understand them, and respond to them [...] it deepens trust in law enforcement, instills public confidence in government, and supports the integrity of democracy." The report further explains: "This trust is essential to defusing tension, to solving crimes, and to creating a system in which residents view law enforcement as fair and just. Victims and witnesses of crime may not approach or engage with law enforcement if they don't perceive such authorities to be responsive to their experiences and concerns. This trust – and the cooperation it facilitates – also enables officers to more effectively and safely perform their jobs." But for us to *maximally* realize this vision and commitment, and ensure fair access to women and people of color to these jobs, the City must take more aggressive steps to address the diversity shortcomings. We must change policy and practice and these proposed changes must occur at both the City and state levels.

Some of these policy discussions will and must address the current *absolute* preference for disabled veterans. However, seeking to increase the number of women and people of color in our public safety departments, or ensuring our first responders who respond to calls, walk the beats, and conduct investigations reflect the diversity of our City, should not and must not be framed as veterans-versus-nonveterans, veterans-versus-women, veterans-versus-people of color (or vice versa). This discussion is not to diminish or devalue the sacrifice our veterans gave while serving our country. Instead, if we say we are serious about diversity, and specifically increasing the number of women and people of color, maintaining the status quo will not get us there.

It is important to note that this conversation about diversifying our public safety agencies specifically focused on two categories of diversity: women and people of color. However, we absolutely recognize that the conversation with respect to diversity should not be limited to these two categories. We pinpointed this focus based on conversations with community stakeholders and their frustrations with the City's lack of progress on this issue with respect to those two categories.

Current Demographics of Boston’s Public Safety Agencies:

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White	67%	72%	68%	46.3%
Black	22%	19%	13%	22.8%
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Female	13%	1%	32%	52%

II. Background:

On April 25, 2018, Boston City Council President Andrea J. Campbell and Councilor Timothy McCarthy, Chair of the Committee on Public Safety and Criminal Justice, introduced an order for a series of policy briefings to discuss diversity within the City of Boston’s public safety agencies, and to explore and recommend equitable diversity initiatives to assist the City in recruiting, hiring, and retaining a workforce that reflects the demographics of the City. To that end, this report seeks to consolidate what we learned from a Council hearing on June 14, 2018, which included participation from the Boston Police Department (BPD), the Boston Fire Department (BFD), Emergency Medical Services (EMS), the Office of Workforce Development (OWD), the Mayor’s Chief Diversity Officer, the Lawyers Committee for Civil Rights, the American Civil Liberties Union of Massachusetts, and the Massachusetts Fallen Heroes, and subsequent meetings and conversations with these same stakeholders, all of whom care deeply about increasing diversity in our public safety agencies. The hearing was designed to discuss the following questions: (1) What are the demographics of the sworn employees for each department?, (2) How does each department define diversity?, (3) What are the barriers each department encounters when working to increase diversity?, and (4) What are potential solutions to increase diversity in each department?

III. Recommended Solutions:

A. Make the Data More Easily Accessible (City level policy change)

Problem: It can be extremely difficult to readily obtain data on the current demographics of our sworn officials which include our police officers, firefighters and EMS technicians. While the City consistently releases workforce demographics for our public safety departments, it includes civilians in those breakdowns which distorts the diversity picture. If you remove the civilian

population from the data, you are left with departmental sworn officials that are overwhelmingly white and male.

Solution: The City should make the data readily and publicly available including on the City's employee demographics dashboards; and the available data should include not only all public safety agency employees but also include specific breakdowns for our BPD police officers, lieutenants, captains, superintendents; BFD firefighters, deputies, district chiefs, captains, and lieutenants; EMS technicians, chiefs, superintendents, captains, and lieutenants; and, our civilian employees.

B. Establish a Consistent Definition of Diversity for All Public Safety Departments and Include More Women and People of Color in Internal Conversations About Diversity (City level policy change)

Problem: While the City has hired diversity officers for both BPD and BFD, there is not a clear and consistent definition of the term "diversity" for these departments or the City as a whole. If, for example, you view the City's "Office of Diversity" website, the office charged with implementing the City's workforce diversity goals, there is no clear definition of how the City defines diversity. While it states "[o]ur focus is ensuring opportunities and advancement for candidates from underrepresented demographics," there is no additional detail as to what this means. In the City's "Resilient Boston" report, "diversity" is defined as "[h]aving a high number of races, culture, and ethnicities represented within a group, organization, or institution." Any definition that is established for our public safety agencies should be aligned with the City's overall definition.

Solution: The City needs to establish a consistent definition of "diversity," and connect not only the public safety agencies' diversity goals to that definition but all City departments. This definition and goal setting should be made public. The diversity discussion should also include more employees of color and women and must not be done in silos. Tapping into the experience and suggestions of our internal employees as well as those of outside agencies and community based organizations will not only provide the City with concrete solutions to address this issue but will also hold the City accountable when it comes to delivering on those solutions.

C. Coordinate Recruiting Efforts including Info Sessions and Job Fairs Across All Public Safety Departments, Adequately Resource the Departments' Diversity Officers and Recruitment Efforts, and Explore a BPD / BFD Partnership with OWD (City & State level policy changes)

Problem: While there has been a decline in the overall number of individuals applying for public safety jobs, there is still great interest from our residents in obtaining these jobs and a limited number of spots available. One of the main challenges for the public is a lack of understanding

about the civil service exam process,⁴ and our public safety agencies' application and hiring processes.

In order to address this issue, BPD's Diversity Officer has hosted information sessions in the community, and participated in job fairs. This lack of understanding also extends to existing officers who are seeking promotions. In response, BPD has, for example, begun offering their current employees workshops related to the prospects of becoming a detective. For instance, out of the 256 police officers who recently applied to take the detectives' exam, 132 attended workshops and sessions offered by BPD's diversity officer. BPD also videotapes the trainings to make them accessible to prospective detective candidates.

BFD's Diversity Officer participates in career fairs, community job fairs and community meetings to offer informational sessions to prospective applicants. The Diversity Officer has partnered with organizations that serve veterans to identify soldiers that are transitioning from the military into civilian life as well as programs that target young people such as Boston Public School's JROTC (Junior Reserve Officer Training Corps) program in high schools. The department has made recent investments in a Teen Academy aimed at providing summer job training for high school students interested in careers as firefighters. Neither BPD nor BFD diversity officers have a dedicated budgetary resource nor additional human capital, which seriously limits the amount of outreach and work that these offices can do.

It is important to note that EMS technicians do *not* go through a civil service process for hiring, nor for those seeking a promotion within EMS. However, those seeking to become EMS technicians have to first be certified as EMTs and subsequently be able to pass the EMT exam. Completing the EMT certification is the biggest barrier to entry to the City's EMS department, because it is both lengthy and costly. In response, EMS not only offers information sessions about their application process, but through a recent partnership with the Office of Workforce Development (OWD) called the City Academy, Boston residents who are 18 years or older with a valid high school diploma or GED/HiSET along with other criteria are eligible for free training and courses to prepare them to be eligible for employment as EMT with Boston EMS. The Academy offers a job readiness bootcamp, job shadowing at Boston EMS, an EMT course, and an optional internship. The training lasts fifteen months and stipends are provided for approximately ten of these months. For the first cohort, a total of 45 residents were selected for the program, 25 of whom were enrolled in the class starting in August, 2018 and another 20 are set to start the January 2019 class. Over time, EMS expects this partnership with OWD will expand the diversity of their hiring pool. For promotional candidates, EMS also offers free test prep on site.

⁴ The Commonwealth of Massachusetts oversees our City's public safety agencies' civil service exam process and works to recruit and evaluate potential candidates for a career or promotion in public safety. Civil Service is a merit system, and qualifying state and municipal employees are hired, promoted and terminated subject to procedures set forth in M.G.L. c. 31 and the Personnel Administration Rules.

Solutions: To have the greatest impact in recruiting more candidates of color and women, our public safety department recruitment efforts need to be coordinated across departments, and properly funded. All departments should hold joint job fairs and informational sessions. To ensure accountability, this coordination should have engagement metrics and goals, and be overseen by the Office for Workforce Development or a cabinet level position in the Mayor's office. The City must also equally resource the department's diversity offices and ensure that the coordination efforts have ample resources for a robust and long-term recruitment effort.

Although the Human Resources Division provides mock exams, what would be most useful to the departments is if Civil Service and the departments coordinated and streamlined their messages to applicants. For example, if the Civil Service Commission provided the departments with contact information of candidates who do well on the exam *earlier* in the process, BPD and BFD could proactively reach out to individual candidates and inform them of the next steps and expectations in the application process, and how they might adequately prepare. This information, for example, could allow candidates that score high on the exam to begin preparing physically for the physical exam. In addition, after individuals take the exam, the departments could host joint information sessions with the Civil Service Commission to provide information on the Civil Service system to candidates. Currently, the departments have to wait the same amount of time that applicants have to wait in order to receive information on their acceptance to, for example, the Boston Police Academy, and thus there is little to no opportunity to provide this helpful information to candidates *prior* to the next steps in the process.

The City should also explore the possibility of BFD and BPD partnering with OWD. In addition to ensuring our residents understand the application process, the costs for the classes and materials can also pose a barrier to applicants. For example, the cost of the EMS class is \$750 plus the cost of studying materials. Through the partnership with OWD, applicants are not only allowed to get their fees waived but to receive a stipend for their participation in the program. Currently, the cost to take the BPD civil service exam is \$100.00 and the cost of the BFD civil service exam is \$200.00 (with an additional \$50.00 late fee). Similar to EMS, a OWD partnership with BFD and BPD might not only reduce exam costs which can serve as a barrier for some applicants but also provide other tools to increase diversity.

D. COB Must Partner with an Institution(s) to Conduct A Civil Service Study (City level policy request)

Problem: The Civil Service system favors disabled veterans, who tend to be white men, for jobs in our Police and Fire departments, which limits access to these jobs for women and people of color.

The Commonwealth of Massachusetts, specifically the Civil Service Unit within the Human Resources Division (HRD), administers and oversees our City's public safety agencies' civil service exam process. EMS does not use a civil service exam process for entry-level hires nor for internal promotions. Massachusetts, which established its civil service exam system in

1884 to thwart patronage in government hiring, has done little over time to update the system to ensure the system continues to “recruit and hire the most talented personnel.”⁵

HRD administers the exam for positions within the City’s police and fire departments, and compiles a list of “eligible candidates,” those who received a passing exam score (a score of at least seventy). Candidates with a “statutory preference” are moved up on the eligible list and all are ranked higher than those without a statutory preference. The categories of statutory preference include: (1) the children of firefighters or police officers killed or disabled in the line of duty; (2) disabled veterans; and, (3) veterans. To illustrate how the system works:

- If Joe, a disabled veteran scores 70 and Paul, a resident with no statutory preference scores 100, Joe is ranked higher on the list even though Paul scored higher on the exam.
- Joe would also outrank Paul, if Joe, instead of being a disabled veteran, was a veteran or child of an officer killed or disabled in the line of duty.
- Even if Paul were a veteran and scored 100, Joe as a *disabled* veteran scoring 70, would outrank Paul.

It is important to note that when originally written, the veteran preference set forth in G.L.c. 31, §26 was not meant to create a distinction between a veteran and a *disabled* veteran in the context of hiring and civil service. While this distinction might be useful in the healthcare and federal government’s veteran affairs context, it was never intended to be used within the civil service system. Now, for example, there are instances where we may be losing qualified women veterans and veterans of color who are also originally from Boston because they are not disabled; and possibly instances where veterans are manipulating their ranking on the list by getting a doctor certificate that provides them with a disability in order for them to move to the top of the list. The system purports to be a merit system but, in practice, it significantly shifts the demographics of our agencies away from Boston residents, applicants of color, and women in favor of veteran candidates, who are more likely white and not from Boston.

Solution:

Because the City lacks the data and expertise to study the impact both the pros and cons of civil service on our hiring and promotional practices, we should retain an institution, a university, think tank, and/or foundation, to study the impact the civil service system has on the accessibility of public safety jobs for residents of color and women. The report might conclude that the City opt out of the civil service system as, for example, the Town of Burlington did. In a recent Globe article, Burlington Police Chief Michael Kent, whose department opted out of civil service a few years ago, explained, “[c]ivil service doesn’t allow the cream of the crop to rise to the top all of the time.’ Under his department’s hiring rules, applicants take an entrance exam

⁵ “*Toward a High-Performance Workplace: Fixing Civil Service in Massachusetts*,” by Jonathan Walters in *Governing Magazine* (September, 2000)

offered by a testing company and veterans who score at least a 70 move on in the process but are not placed at the top of a hiring list.”⁶

We might decide there are some benefits to civil service including decreased costs in administering our own exams, and that instead of opting out we should reform parts of it. We could decide to give veterans points like the Massachusetts State Police which allow two points to be added to the passing score of a veteran. However, we must acknowledge that the State Police also struggle with diversity and do not have a force that is reflective of the demographics of the Commonwealth. We could decide to go further and expand the veteran statutory preference to include those serving in the Reserves, who tend to be residents of color. None of these options have to necessarily do away with preferences.

Essentially the only pathway to join is to enlist in the military, and even then you are not guaranteed a position.⁷ What's worse is even if we were to proactively reach out to and hire *all* women veterans and veterans of color from Massachusetts, respectively 5.7% and 5% of the total Massachusetts veteran population of approximately 341,000,⁸ our police and fire departments would still not be reflective of the demographics of the City of Boston. The City cannot continue to use the current system which does little to ensure Boston residents especially women and people of color are afforded a fair opportunity to join our public safety agencies.

E. Create a BFD Cadet Program Similar to BPD (City and State level legal change)

Recognizing the importance of diversity and creating more than a military pathway to join our agencies, BPD, under the leadership of Commissioner William Evans, reinstated the department's cadet program, which offers a paid two-year training to individuals between the ages of 18 and 24 years old who are interested in a career in law enforcement. In 2018, the BPD cadet class had a total number of 34 members with 14 White American, 8 African American, 11 Latinx American, 1 Asian American and 11 female recruits and in 2016, the cadet class had 39 members: 12 White American, 16 African American, 9 Latinx American, 2 Asian American and 12 Female recruits. After cadets complete the program, they must take and pass the civil service exam. Cadets then receive a preference that allows the BPD Commissioner to fill one-third of vacant officer positions with cadets. Our current Commissioner, William Gross, the first African-American and person of color to serve in his role, joined the BPD in 1980 as a police cadet.

⁶

<https://www.bostonglobe.com/metro/2017/03/27/bpd-focuses-recruiting-minorities-women-but-veterans-preference-could-hurt-hiring/6SW34YJqcnesDcoshd1SkO/story.html>

⁷ Currently, the *only* pathway to join the Boston Fire Department is to enlist in the military; this is not the case for the Boston Police Department.

⁸ <https://www.census.gov/quickfacts/ma>

Given the success of the BPD cadet program, and that the Fire Department lags behind the Police Department when it comes to diversity, BFD should create a similar cadet program and pathway. Although state law would have to be changed in order to create a cadet program for the Boston Fire Department, the City Council, in partnership with the Mayor, could pass a home rule petition and jointly advocate to the Legislature for passage.

F. Increase Language Preference for Preferred Hiring (City & State level policy changes)

One way departments are increasing diversity is by hiring candidates who speak a foreign language, preferably a language spoken by a significant portion of Boston's population. Giving greater weight to candidates who speak one of the designated preferred languages, particularly native speakers and those with a high level of proficiency, creates greater ethnic diversity and improves a department's ability to serve Boston's growing immigrant population.

HRD grants the number of language preferences a department would receive based on critical need, population, and the current staffing each Department has. Because the approvals are based on need, the departments have to demonstrate to HRD that incidents could not be solved or addressed appropriately due to language communication breakdowns. The diversity officers for BPD and BFD submit language requests to HRD based on data gathered working with agencies such as the Mayor's Office of Immigrant Affairs and Boston Housing Authority, and based on the most common languages spoken by callers to 911 and by English Language Learners (ELL) and their parents in Boston Public School (BPS). Currently, BPD and BFD list Cantonese, Vietnamese, Haitian Creole, and Spanish as preferred second languages spoken by applicants, but this list could be expanded to include other languages.

For example, BPD applied for special language preference for Cape Verdean Creole and HRD denied the request even though the Cape Verdean population in Boston is 4.4%, and highly concentrated in the Bowdoin-Geneva neighborhood of Dorchester, which is one of Boston's highest crime neighborhoods. The Commonwealth should consider being more deferential to the needs of the municipality. Until then, our BPD and BFD divisions should work in partnership with each other and community based organizations to encourage HRD to grant the departments' special language preferences.

G. Reconsider Use of Bypass Policy and Opposition to Cases that Seek to Promote Diversity (City Level Policy Change)

As previously explained, BFD and BPD select candidates for appointment in order of their position on the eligible list, starting with the highest-ranking person, unless the department provides a reason for bypassing a candidate. While BFD never tends to use the bypass option, BPD does bypass candidates including, for example, for arrests that have occurred decades ago, juvenile arrest records, and non-convictions including continuances without a finding. If our goal is to increase diversity, advocates urge BPD to be mindful of disparate impact criminal

justice policies have had on communities of color. To that end, advocates including veterans who raise concerns about the bypassing of veteran candidates, seek transparency and desire for the bypass policy to be made public; and further, that it align with the current Massachusetts CORI laws which, for example, allow for sealing of a misdemeanor after 3 years and for a felony after 7 years.⁹

In addition to bypass policy reform, the City continues to oppose court case findings that would seek to diversify our public safety agencies. For example, in cases where the court found that the lieutenants promotional exam discriminated against black and Latino officers, or that the department's drug screening method had resulted in the wrongful termination of a disproportionate number of black officers, the City sought to appeal these cases. While legal cases are complex and involve numerous considerations, the City must be mindful and also give consideration to the effects this opposition has on our goal of increasing diversity.

H. Immediately Promote Individuals on the Promotional Lists (City level policy change)

While there is long term work to do to ensure our lists of eligible candidates is more diverse, there are currently women and people on color on department promotional lists that have been on these lists for years and should be quickly promoted. In November, 2018, one woman on the BPD eligible captain list was promoted, the first female police captain in thirteen years. All department promotional lists should be reviewed and a strategy set forth to ensure the promotion of the women and candidates of color on those lists which would significantly increase our number of women and people of color in top-tier positions. This might require creating more positions, for example, more captain positions within the department, which is well within the authority of the department and City.

I. Review Extending Residency Requirement (City & State level legal change)

When the department receives an eligible list, before any statutory preference is applied, the candidates are first divided into residents and non-residents of Boston. As a way to increase diversity, the City Council and the Mayor recently approved a proposal to extend the residency requirement from one to three years for anyone interested in joining the City's police or fire departments. The proposal which filed as a home-rule petition required state Legislative approval. The petition was not initially approved at the State House but recent efforts will likely change that.

While it is important to increase the number of women and residents of color, it is equally important to ensure access to these jobs for residents who are born and raised in the City of Boston. Currently, those who take the civil service exam have lived in Boston for at least a year are placed on the eligible list. However, advocates complain that the Civil Service Commission

⁹ <https://www.masslegalhelp.org/cori/know-your-rights-booklet.pdf>

is allowing veterans from Massachusetts who have never lived in Boston to get the residence preference, so long as they move to the city within 90 days of leaving active duty.

Some worry that extending the residency requirement to three years will have a negative impact on candidates who are originally from Boston but might move away for college and then return, and request that the City explore allowing credit or preference for BPS students.

EMS currently does not have a residency requirement and only requires that a candidate live in Boston on the date of hire. However, to participate in the OWD/EMS City Academy program an individual has to be a Boston resident.

J. Increase Class Sizes and Frequency of Exams (City level policy change)

In order to increase access to jobs in public safety for women and people of color, the departments should expand their class sizes to allow departments to hire candidates further down the Civil Service list. As previously explained, the Civil Service system gives preference to disabled veterans, who tend to be white men and occupy the highest spots on the list. The BFD recruitment classes tend to be smaller than the BPD recruitment classes, though neither are very large, and both these departments have room to bring on more recruits. In 2017, BPD's recruitment class had a total of 97 people: 58 were White American, 21 African American, 15 Latinx American and 3 Asian American. In 2018, BPD's recruitment class grew to 135 people: 74 White American, 28 African American, 28 Latinx American, and 5 Asian American. In 2016, BFD's recruitment class had a total of 50 people: 44 were White American, 3 were African American, 2 Latinx American and 1 Asian American. In 2018, BFD's recruitment class grew to 60 people: 45 White American, 4 African American, 10 Latinx American and 1 Asian American. In both departments, as the class size increased, diversity of the recruits also increased, a pattern that we expect would continue if class sizes were expanded.

Also limiting to women and people of color advancing in these departments is the infrequency of promotional exams. The Boston Police Department held their detective exams in June, 2018, but the previous one was back in 2011. The sergeant, lieutenant and captain exams will be held in 2019; the last promotional exam of this kind was held in 2014. If these exams occurred more frequently than every five or six years, women and people of color would have more opportunities to advance into higher-paying roles in these departments, and the departments' leadership would become more diverse. This recommendation applies less so to Boston EMS, since they offer promotional exams for Lieutenant and Paramedic annually. Those who successfully passed the written, practical and oral exams are placed on a list, which will be good for one year, that the department can pull from anytime to fill vacancies.

Information about promotional processes and exams was not available from the Fire Department to inform this report.

K. Build a More Inclusive Culture in Public Safety Department (City level policy change)

No matter how many women and people of color are hired and promoted within our public safety departments, these strides mean little if these individuals do not feel welcomed, valued, or safe on the job, and that largely depends on the culture within a department. We must not only focus on hiring and promotion but also retention. While the City has recently allocated \$500,000 for workforce sensitivity training on racial and gender bias within our public safety departments, we must do more. In addition to bias training, we must expand our trainings to include more robust discussions on race, equity, and the history of race and Boston, and pull partners into this work in a more meaningful and consistent manner.¹⁰

IV. Conclusion

Throughout this process what we learned is that there are numerous short-term solutions the City could pursue to increase the number of women and people of color within our public safety departments in addition to long term solutions that require partnership with the State. This report outlines ten measures 1) Make data more easily accessible, 2) Establish a consistent definition of diversity for all public safety departments and include more women and people of color in internal conversations about diversity, 3) Adequately resource the departments' diversity officers and recruitment efforts, 4) Conduct an independent study of Civil Service, 5) Create a Fire cadet program, similar to BPD's, 6) Increase language preference for preferred hiring, 7) Reconsider use of bypass policy and opposition to cases that seek to promote diversity, 8) Immediately promote women and people of color on the promotional list, 9) Review extending residency requirement, and 10) Build more inclusive culture within each department.

In order to achieve diversity, we as City must create and commit to a plan where we prioritize policy and practice measures under our authority that will have the greatest impact. Given the City's internal resources and access to external resources and research capacity, we are well positioned to undertake some of these measures in the immediate. For example, while a civil service study would take some time, it could surely be completed within a year. The benefits of doing such a study is to provide the City with data and meaningful recommendations with respect to civil service reform so our eligible lists do not continue to be predominantly white males.

Our initial hearing on this topic included all departments simultaneously and community stakeholders. It was a great way to demonstrate that we all have a role to play in moving this conversation forward and that Departments cannot continue to work in silos with respect to increasing diversity. Now is the time to exercise the political will to change these numbers.

¹⁰ <http://lawyerscom.org/bpd-must-stop-fighting-moves-to-establish-diversity-in-its-ranks/>