



LAWYERS' COMMITTEE
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Delivered by First Class Mail and email

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Fire Commissioner Joseph Finn
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RE: Lack of Diversity in the Boston Fire Department

Dear Mayor Walsh and Fire Commissioner Finn,

Public safety agencies in Boston suffer from a critical lack of diversity. As the City has recognized, the Boston Fire Department in particular is one of the least racially diverse major city agencies. *See Diversity Lags on Boston Police, Fire Departments*, BOSTON GLOBE (Apr. 14, 2015), available at <https://www.bostonglobe.com/metro/2015/04/13/boston-police-fire-departments-lag-behind-diversity/4OtP0Ch7zmj7k1MxjP4XFL/story.html>; see also *In the Boston Fire Department, A Search for More Diversity*, WBUR (Apr. 28, 2016), available at <http://news.wgbh.org/2016/04/28/local-news/boston-fire-department-search-more-diversity>.

The City of Boston Employee Demographics Dashboard reports that more than 72% of the Fire Department is White, with only about one-quarter of Fire Department personnel identifying as minority. *See* <http://www.cityofboston.gov/diversity/>. As you are well aware, however, the minority and immigrant population in Boston is experiencing exponential growth. The Fire Department is simply not keeping proportional pace with this growth. In fact, there are troubling signs that the Department is losing ground on diversity: since the current Administration took office, 90% of new firefighters have been White. *See Walsh Gets Mixed Results on Diversity*, BOSTON GLOBE (Oct. 6, 2016), available at <http://www.bostonglobe.com/metro/2016/10/05/mayor-boosts-diversity-city-hall-workforce-slightly-advocates-say-not-enough/nPbwPrPPfFrVZ5KQKuKj7I/story.html>.

Further, the City of Boston Employee Demographics Dashboard reports that only approximately 6% of the Fire Department personnel are women. *See* <http://www.cityofboston.gov/diversity/>. This percentage is much lower than many metropolitan fire departments across the country – and

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is another area where the Boston Fire Department is not keeping proportional pace. *See* City of San Francisco Fire Department, *available at* <http://sfgov.org/dosw/fire-department-gender-analysis> (reporting 16% female firefighters in San Francisco Fire Department); *see also* City of Minneapolis, *available at* <http://www.startribune.com/minneapolis-aims-to-build-a-more-diverse-fire-department-starting-with-teenagers/369541331/> (reporting 12% female firefighters in Minneapolis Fire Department).

It is clear that the lack of racial and gender diversity within the Boston Fire Department raises issues of equal representation, as well as issues of agency-wide effectiveness. Firefighters have numerous responsibilities. They not only respond to emergencies, where rapid and effective communication is often necessary, but also educate communities in prevention awareness. The lack of diversity in the Boston Fire Department renders the department ill-suited to engage with a community that is increasingly diverse racially, ethnically, culturally, and linguistically.

Although the problem is clear, the City of Boston has failed to proffer acceptable solutions. *See Boston Fire Department Seeks Diversity*, WBUR (Sept. 16, 2016), *available at* <http://news.wgbh.org/2016/09/16/local-news/boston-fire-department-seeks-diversity>. Despite the hiring of a Diversity Officer for the Boston Fire Department, the harsh statistical reality provided by the City of Boston Employee Demographics Dashboard still exists. With large numbers of minority firefighters approaching retirement age, the time for the City to take proactive and aggressive steps to diversify the force is now.

Therefore, the Lawyers' Committee writes to provide your office a package of solutions that, taken as a whole, can meaningfully improve diversity in the Boston Fire Department.

The City of Boston should take the following proactive steps:

- **Extend the residency preference requirement to more than one year.** Currently, an applicant for a firefighter position receives preference for employment if he or she has resided within the City for at least one year. Increasing the residency requirement to three years would allow for increased employment opportunities for long-term residents, including the growing number of minorities and immigrants that make up the Boston community. In 2014, Councilor Michael Flaherty sponsored an ordinance to increase the one-year residency preference in the Boston Fire and Police Departments to three years. The ordinance passed unanimously in City Council, but was vetoed by Mayor Walsh. *See Diversity a Challenge for Walsh*, BAY STATE BANNER (May 18, 2016), *available at* <http://baystatebanner.com/news/2016/may/18/diversity-challenge-walsh/>. This policy change is still needed, and would help to diversify the Fire Department. This recommendation is also aligned with Mayor Walsh's recent effort to strengthen the requirement that city employees live in Boston. *See Mayor Walsh Seeks to Stiffen Rule on City Residency*, BOSTON GLOBE (Jan. 13, 2016), *available at* <https://www.bostonglobe.com/metro/2016/01/13/mayor-walsh-seeks-strengthen-boston-residency-requirement-with-caveat/ZyG8xmkOsu0dMHgITSUOKN/story.html>.
- **Create a Boston Fire Cadet Program.** In reinstating the Boston Police Cadet Program, this Administration stated that recruiting and cultivating diverse talent was a top priority.

See Building Diversity, Creating Pipelines to the Boston Police Department for Aspiring Police Officers, MAYOR'S PRESS RELEASE (Sept. 17, 2015), available at <http://www.cityofboston.gov/news/Default.aspx?id=20332>). The Boston Police Cadet program, though still new, shows signs of enhancing diversity in that department. A similar effort should be implemented in the Fire Department to develop a new generation of diverse firefighters. There is a long-standing interest in the City to develop a cadet program, and similar programs exist across the country to enhance future public safety employment. *See Hansford v. Boston Fire Department*, Docket No. 94-BEM-2065 (MCAD1996); *see also* Denver Cadet Program, available at <https://www.denvergov.org/content/denvergov/en/department-of-safety/jobs-opportunities/cadet-program.html>.

- **Vigorously recruit, hire, and promote employees with specific skill sets, such as language fluency, that will enhance the Boston Fire Department's effectiveness in minority and immigrant communities.** Since 2011, people of color have comprised 50% or more of the Boston population. With this growth comes an increased need for public service agencies to possess the cultural and language skills to effectively serve constituents. Recruiting, hiring, and promoting firefighters with language skills would help to strengthen the ability of the Fire Department to work in minority and immigrant communities, and could help to diversify the force at the same time.
- **Actively involve the Boston Society of Vulcans ("the Vulcans") in your hiring processes.** The Vulcans have represented and served the City of Boston's minority firefighters for nearly 50 years. Collaborating with this community ally in all stages of recruiting and hiring, including the background checks, interviews and bypass determinations, will provide your Administration invaluable insight into the community that you serve and provide your Administration a level of legitimacy that is needed. As the Civil Service Commission recently noted in the course of its investigation of hiring irregularities in the Police Department, this type of collaboration with community allies helps eliminate bias in the hiring process and ensure equal opportunity. *See Findings and Orders, Civil Service Commission Investigation re: Boston Police Department and Due Process of Non-Selected Candidates*, Tracking No. I-16-106 (July 21, 2016).
- **Implement ongoing and comprehensive implicit bias training for all employees.** A wealth of social science demonstrates that we all suffer from subconscious biases and that those biases, if not controlled, have a significant impact on our actions. It is critical that our firefighters, who regularly engage with diverse communities, learn to identify and control those implicit biases. Regular and ongoing implicit bias training from experts in the field would aid immeasurably in this effort.

As the U.S. Court of Appeals for the First Circuit has recently re-affirmed, where public agencies have tools that are available to diversify their workforces, but choose not to use them, this refusal may run afoul of federal anti-discrimination law. *See Jones et al. v. City of Boston et al.*, 845 F.3d 28 (1st Cir. 2016) (discrimination lawsuit filed by the Lawyers' Committee against the Boston Police Department). In the case of the Boston Fire Department, all of the above steps represent "less discriminatory alternatives" that the City can and should adopt to ensure that

communities of color have equal opportunity to become firefighters and to advance within the force.

You can demonstrate that diversity – a key component of community representation and accountability – is a top priority for this Administration if you take proactive steps with the Fire Department to bolster representation, inclusion, cultural competency, and linguistic competency. We stand ready to assist you in this effort, and to that end, the Lawyers' Committee and the Vulcans request a meeting with both of you to discuss implementation of these important reforms.

Sincerely,

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Cc: Boston Society of Vulcans