

# The Boston Globe

## As Hub promotes officers, discrimination claims await hearing

By Maria Cramer, Globe Staff | February 27, 2010

On Monday, dozens of Boston police officers will be promoted to sergeants, lieutenants, and captains in a ceremony at the JFK Library that will feature bagpipers and speeches by high-ranking commanders.

But simmering beneath the pomp and circumstance of the celebration will be longstanding tensions over a promotional system that some minorities in the department say discriminates against them and has led to a supervisory staff that does not reflect the diversity of the city.

Of the 25 officers who will be promoted to sergeant, only one is a minority, an African-American. All six new captains who will be pinned with bars are white men. Of the 14 new lieutenants, none are minorities or women.

“That’s a snapshot of what the Boston Police Department is going to look like when it comes to supervisors,” said Boston Police Detective Larry Ellison, president of the Massachusetts Association of Minority Law Enforcement Officers. “You cannot walk into a police department district and see a captain of color in 2010.”

Ellison is one of 45 police officers in the Boston Police Department and six other police agencies around the state who have filed a federal lawsuit against their departments challenging the use of the state exam to promote officers. The complaint, which is scheduled to go to trial in July, was made on behalf of officers who took the promotional exam in 2005, 2006, and 2007 to become sergeants. It was later amended to include the 2008 exam.

Commissioner Edward F. Davis said that, while he is happy with the promotions he has made, he agrees with the criticism of the exam.

“There is clearly a problem with a lack of diversity,” he said. “Something needs to be done quickly to resolve this issue in Massachusetts.”

Davis said he is bound legally by the civil service system, which makes exam scores the basis for promotions and forces chiefs to explain when they elevate officers to supervisory positions over others with better scores. It is a system that was meant to help eliminate nepotism and favoritism in promotions and hiring. But many say there are inherent problems with the exam, a multiple-choice test prepared by the state Human Resources Division and used by about 200 police departments. It relies heavily on rote memorization of facts about law enforcement, rather than on real world situations faced by officers, critics say. Also, minorities consistently score lower than whites, leading to complaints that the test discriminates against them and prevents advancement.

Davis said that as long as the test is used as the main criteria for promotions, the department will be criticized if it deviates from that.

“The law says we have to promote from this,” he said. “Once you give the test and you have the results back, you can’t just throw them out because you don’t like the result of it.”

But Shannon Liss-Riordan, one of the lawyers who filed the lawsuit, said that state law does allow departments to administer their own test or add questions to the civil service exam.

“The issue is [Boston police] never should have used that test in the first place,” she said. “They continue to use an exam that’s discriminatory, and they are being challenged in court for its discriminatory effects.”

Davis said he has formed a committee of 20 people, including police, union leaders, ministers, lawyers, and minority community leaders, who have been meeting to find alternatives to the test.

“What we want to do is put a more fair system in place,” Davis said.

Davis said other departments around the country are using more modern exams, like interviews that test officers on how they would handle anything from a death investigation to a press conference.

“There are a multitude of various testing methods that can be used to measure the ability of an individual to see if they’re capable of performing the job,” Davis said.

In some ways, the efforts mirror those of educators who advocate multiple assessments of high school students instead of standardized tests, which also have been criticized for being discriminatory.

Ellison, who sits on the committee, said he believes Davis is trying to do the right thing but said he is not optimistic about what the committee will be able to accomplish.

“I just think it’s more talking about things than really solving the problem,” he said. “Discussion is good, but it’s a similar process. They’ve had discussions in the past. They’ve had committees in the past. In the end, we always seem to be on the short end of it.”

Ellison said that officers are becoming cynical about the promotional system, pointing out that the department has promoted white officers over minority officers in the past, even when they received the same scores.

“We can defend every promotion that we made based on work ethic and work ethic alone,” Davis said in response. “There will always be dissatisfaction among people who aren’t selected for promotion.”

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