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Boston police lieutenant exam discriminated against minorities, judge says

By **Jan Ransom** GLOBE STAFF JULY 26, 2017

A federal judge Wednesday upheld his previous ruling that Boston's former promotional exam to choose police lieutenants had a discriminatory impact on minorities, rejecting the city's appeal.

In a 31-page opinion, US District Judge William G. Young said the 2008 civil service exam, which has since been replaced, "had a racially disparate impact." The exam's "near exclusion of any critical skills and abilities meant that a high score ... simply was not a good indicator that a candidate would be a good lieutenant," he wrote.

The exam included a written test of 100 multiple-choice questions, which focused on a candidate's abilities to read, understand, interpret, and explain material in written form. Candidates had to score at least 70 on the written test to advance to the education and experience review.

Critics of the test hailed the judge's decision, which affirmed a 2015 ruling in the case. In 2012, 10 sergeants sued the city over the exam, claiming it discriminated against minority candidates.

Iván Espinoza-Madriral, executive director of the Lawyers' Committee for Civil Rights and Economic Justice said the exam "is deeply flawed and discriminatory," and that Young recognized "there are barriers to equal opportunity."

Harold L. Lichten, a lawyer for the plaintiffs, said other major city police departments favor tests that measure an officer's response to critical incidents over a written exam.

“I’m hoping the Boston Police Department will do what all other big cities are doing and use a promotional process that picks the best candidates and does not discriminate against minorities,” he said.

Lichten said he expects the city to appeal the decision. A spokesman for the Boston police said the department “is reviewing the decision and determining available options.”

Lichten said Boston Mayor Martin J. Walsh should seek to remedy the dispute rather than “trying to fight this for the next 10 years.” Walsh’s office referred questions to police officials.

A federal appeals court had asked Young to revisit his decision in light of a 2016 ruling, in which the appeals court upheld [a lower court’s decision](#) that civil service promotional exams used by police in Boston and other communities did not discriminate against minority officers.

Over a six-year period ending in 2015, Boston police promoted 33 sergeants to the rank of lieutenant, including five blacks, based on scores from the 2008 civil service exam, [the Globe has reported](#).

The department spent \$2.1 million to draft and administer a new exam in 2014, but minority candidates have fared no better, according to the police department.

The department has made efforts to hire more minority officers. In the past year, 24 percent of the police department’s new hires are black and 18 percent are Hispanic, city officials said. Walsh and the department also reinstated the police cadet program, a training initiative designed to serve as a pipeline for minorities to join the force.

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