

## Federal Appeals Court Orders Trial in Discrimination Case Challenging Boston Police Department's Hair Drug Test

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In the second judicial rebuke to the City of Boston's hair drug test this year, a federal appeals court ruled yesterday that Black police officers who were terminated as a result of the test should be allowed to proceed to trial on their discrimination claims. The officers contend that the hair test is unreliable and discriminatory against Black officers because their hair texture makes them more susceptible to false positives. In reversing a lower court ruling that had dismissed the case, the appeals court cited evidence that the City had less discriminatory alternative tests available. The federal ruling follows an October 2016 state appellate court opinion that [found the same hair test to be insufficiently reliable](#) to serve as the sole basis for terminating an officer.

"This powerful federal court ruling exposes once again the flaws in the City's hair drug test," said Iván Espinoza-Madrigal, Executive Director of the Lawyers' Committee for Civil Rights and Economic Justice, which represents the officers together with pro bono counsel from WilmerHale.

Mr. Espinoza-Madrigal called on the City to stop defending the discriminatory hair test, noting that the City has already expended nearly [\\$1.6 million](#) on litigation over the test. "In an era of scarce resources, it is unconscionable for the City to continue to pour taxpayer money into defending a test that is unreliable and discriminatory against Black officers. The City's continued fight against diversity undermines public confidence in its commitment to community representation and inclusion. Our communities are safer and stronger when minority officers have an equal opportunity to advance and when police departments reflect the neighborhoods they serve. The absence of diversity on the police force contributes to the growing tension between law enforcement and communities of color. If police departments won't get rid of illegal barriers to diversity voluntarily, we will continue to turn to the courts to compel compliance with the law."

The case is *Jones et al. v. City of Boston et al.*