



May 25, 2021

VIA FIRST CLASS MAIL AND EMAIL

Henry Luthin
Corporation Counsel
City of Boston
1 City Hall Square, Room 615
Boston, MA 02201
henry.luthin@boston.gov

Dear Mr. Luthin:

We are in receipt of the Court's decision denying our motion for a preliminary injunction. Nevertheless, all parties agree Commissioner White is entitled to, at minimum, a hearing prior to Acting Mayor Janey's decision to terminate him. Commissioner White also believes that hearing must be robust to protect his constitutional liberty interest. That liberty interest protects a person who works for the government from adverse employment action that causes them significant reputational harm.

Pursuant to Massachusetts law, Commissioner White is entitled to and requests a hearing where the City brings forward the witnesses on which the Acting Mayor and City are relying in support of their decision to terminate Commissioner White, including without limitation the witnesses in the investigator's report. Those witnesses should be required to state on the record who they are, what they know, and the basis of their knowledge, and Dennis White should be afforded an opportunity to cross-examine them and to testify and present his own witnesses. This hearing should be public and on record with witnesses testifying under oath.

The hearing should seek to serve two purposes simultaneously: i) to determine if there is cause to terminate Commissioner White, and ii) to give Dennis White an opportunity to prove his innocence and to clear his name, as is his constitutional right. A delay in the name-clearing aspect of the hearing will render it ineffective. It must occur now while the public scrutiny is at its most intense to ensure that the same coverage is provided to his defense as was provided to the Acting Mayor's and City's case laid out against him in the notice of termination letter and the investigator's report which they published on Friday, May 14, 2021.

To ensure due process, Commissioner White requests that the Acting Mayor and City immediately provide the following information and documents so that Commissioner White can properly address the alleged reasons for his termination and clear his name at the hearing:

- 1) The investigator's file, including without limitation, the names of the witnesses referenced in the investigator's report, the investigator's communications with each of them, notes of any such communications, and any affidavits from any of these witnesses. The Acting Mayor's notice of termination letter relies on the information from the investigator about alleged abuse. Commissioner White is entitled know who these alleged witnesses are, what information



each of them provided, and what the basis of their information is. Without such information, it is impossible for him adequately to respond both to demonstrate he did not commit domestic abuse as charged and to clear his name.

Another reason that Commissioner White requests the investigator's file is to respond to the allegation that the BPD did not cooperate with the investigator and the innuendo that Commissioner White had some responsibility for that alleged lack of cooperation. In fact, it is now becoming clearer that the investigator was biased and seeking a pre-determined outcome. For example, the investigator never tried to speak with Tiffany White, who was an eyewitness to her parents' relationship and what happened in the household. She publicly stated when Mayor Walsh placed Commissioner White on leave that her mother was the aggressor, not her father. Obviously, she had substantial information that exonerates Commissioner White. It is stunning that investigator did not speak to her or even try to speak to her.

I further understand that one or more BPD witnesses were prepared to speak to the investigator but requested their union representative be present with them during the interview. The investigator apparently refused that request. If that is true, then the report about every BPD witness refusing to cooperate, other than seven witnesses she did speak to, is not accurate. Furthermore, the Acting Mayor in her notice of termination has implied that Commissioner White is responsible for the alleged lack of cooperation because he visited his office on four occasions (for legitimate purposes) during his administrative leave. Commissioner White needs the investigator's file to respond to the innuendo that he caused any BPD employees not to cooperate by "confusing" or "intimidating" them, to quote the Acting Mayor. His presence in the office on four brief occasions did not confuse or intimidate anyone.

2) The communications between the Acting Mayor/City and the investigator concerning the investigation, including without limitation, emails, texts and notes of conversations. The Acting Mayor's notice of termination letter concerns, in part, Commissioner White's alleged lack of cooperation with the investigation. Commissioner White is entitled know what the scope of the investigation was, what changes were made to the scope and why, and what authority the investigator had to conduct the investigation.

3) Dennis White's internal affairs file. The investigator's report is based, in part, on information in that file, and the Acting Mayor's notice of termination letter, in turn, relies on the investigator's report regarding that same information. Accordingly, Commissioner White should be provided a copy to be able to respond to the same information.

4) Sybil White Mason's internal affairs file. According to Tiffany White, Sybil was the aggressor in the relationship between her parents. If Sybil White's IA file contains information about her excessive use of force or any undue violence or anger management issues, especially during the period of her marriage to Dennis White, then such information would be relevant to Commissioner White's response to the allegations that he abused Sybil White as alleged.

5) The deposition of Tamsin Kaplan concerning her investigation and report.



Finally, The Acting Mayor and City should provide him with their witness list. Dennis White agrees to provide his witness list.

Commissioner White also requests that the hearing be public. Acting Mayor Janey has emphasized the need for transparency concerning police matters. Consistent with that policy goal, the hearing regarding Commissioner White should be public with the press and members of the community allowed to attend.

Commissioner White is facing an all too familiar circumstance for a Black man. Any charge of violence against him is presumed to be true, allegations are made up to control and punish him, and he is not afforded due process when accused. Most regrettably, this unacceptable pattern is playing out here in the treatment of Dennis White. His reputation has been shattered, his character assassinated and his career condemned all based on a sham investigation with secret witnesses and unproven allegations. The Acting Mayor and City's actions have deeply harmed him and his family.

Dennis White asks for due process and a meaningful opportunity to respond to the Acting Mayor's charges in her notice of termination letter. The rush to judgment should end.

Please let me know whether the City will agree to these requests. Thank you.

Very truly yours,

Nicholas B. Carter

Cc: Kay Hodge, Esq. (by e-mail and mail)