

EXHIBIT A

ACLU/Mass and Cass Litigation – Transcript of WBUR Interview on 11/08/2021

<https://www.wbur.org/radioboston/2021/11/08/latest-on-mass-and-cass>

- **Tiziana Dearing**, Host, Radio Boston
- **Deborah Becker**, Host/Reporter, WBUR
- **Marty Martinez**, Chief of Health and Human Services for the City of Boston

Dearing: This is Radio Boston. I'm Tiziana Dearing and we begin the week at the intersection of Massachusetts Avenue and Melnea Cass Boulevard in Boston where the city, despite a lawsuit from the ACLU of Massachusetts, is continuing to remove tents. This is the makeshift courtroom in Suffolk County Jail continues to process some people living there who have outstanding warrants, and that's with mixed results around housing and treatment. Now in a moment we will hear from Marty Martinez who is the Chief of Health and Human Services for the City of Boston, but first, we want to turn to WBUR Senior Correspondent Deborah Becker, who has spent the day at Mass and Cass today. Deb, what's the latest? What are you seeing and hearing today?

Becker: Well, today, uh, another section of tents, uh, is being removed and this is on Atkinson Street, which is really the most dense part of the tent encampment that has sprung up, uh, at the so-called Mass and Cass area. Some people estimate there are about 200 people living in the tents on Atkinson Street and today about a dozen of those tents are scheduled to be removed. That has been going on all day. Uhh city workers have been going to the tents and offering people shelter and storage bins to remove their belongings and then collecting up the tents. A short time ago city DPW garbage trucks got there and those people whose tents were removed and belongings were put into storage bins, those tents and the remainder of the things there are put into the back of the, of the garbage truck. Uhhh, some activists here are offering to help people get supplies, uhh, sometimes other things to, to continue to stay out in the cold if they're not accepting the shelter that the city is offering. And I spoke with Cassie Hurd, who's with the Material Aid and Advocacy Program, and she said a lot of people, uhhh, who are leaving this stretch of Atkinson Street, where the removals are taking place today, are, are going to other nearby streets. Let's listen.

Audio recording of Cassie Hurd plays: Some people have moved a few blocks away and are trying to stay in the area and community with each other close by to services. Many people receive daily medication, so some people are staying in the area. Others we know well have moved to suburbs because of the ban on both tents and encampments are feeling like there's nowhere they'll be able to go within the city limits where they won't then be moved along.

Becker: And, and also Tiziana, I spoke with a man who was also helping people here on Atkinson Street today. His name is Ron Geddes. Uhh he was cleared out of his tent on Southampton Street about two weeks ago. Uhh, but he pitched a tent nearby because he says he goes to the methadone clinic everyday so he moved nearby so he could continue to do that. Let's listen to what he said.

Audio recording of Ron Geddes plays: I'm a man that tries to work hard, you know, and-- and do what I'm supposed to do and I don't wanna be here no more than anybody else wants me

here. I just don't wanna live where they're asking me to. I don't have the money they're asking me for to rent a house or apartment where I grew up all my life. I just can't afford it.

Becker: Now Geddes said that the placement that he was offered was a nearby homeless shelter but he said because of his mental health issues he doesn't want to go there so he's staying on the streets.

Dearing: So Deb, I also know, we know the ACLU of Massachusetts announced its lawsuit against the city last Friday. What does the lawsuit maintain or assert and why hasn't the city stopped clearing tents while there's this lawsuit going?

Becker: Ahh, well the lawsuit claims that the city – and, and – Acting Mayor Kim Janey has been violating people's rights with the city's executive order to remove these tents. This suit claims that people are being displaced without being placed in appropriate housing or treatment as promised. It also says the city cannot threaten criminal sanctions against those who refuse to move from the tent without offering them appropriate housing arrangements and acting Mayor Janey said on Friday that the executive order still stands... that people are offered housing, they are offered storage, they are offered the ability to continue to connect with their medical care providers, and these removals are being done as part of a public house approach to what is happening in that neighborhood.

Dearing: Ok, and Deb, uhh the court at Suffolk County Jail, which is continuing this week, you followed some pretty mixed outcomes in terms of housing and treatment, uhhh, when it started. I take it from reporting in The Globe that D.A. Rachel Rollins is softening a bit on her support for it. What is the latest as of today?

Becker: So the court, uhh, was in session for three days last week and then today it was in session. There was one person who appeared in the court so far today so that means a total of ten people have appeared in this session in the week that it's been operating. And two of those ten people have gone to treatments. Many of them, as you said, were all brought in on outstanding criminal warrants and many of the ten were then transferred to the jurisdictions... there were other courts, if you will... uhh, where those outstanding warrants were issued to have those charges taken care of. So, uh, not many people are going really to treatment as a result of their appearance in this court.

Dearing: Alright WBUR Deborah Becker, please stand by. I will come back to you but we're gonna turn to another voice here: Marty Martinez, who's Chief of Health and Human Services for the City of Boston, serving in both the Walsh and now Janey administrations. Public health and recovery services, among other departments fall under his leadership. Chief Martinez, welcome back to Radio Boston.

Martinez: Hi, thanks for having me.

Dearing: So, Chief Martinez, I know you were listening there. We heard, for example, Deb played that sound from Cassie Hurd from the Material Aid and Advocacy Program saying people are leaving the city, they feel like there's nowhere to go within you know city limits. What's your... what's your reaction to that?

Martinez: Yeah, you know, I mean for the city our goal is clear. We want to get people into a better place. We want to get people into the right level of treatments. And most importantly we want to get people off the street, out of a tent, especially as the weather turns, and what has been an unsafe environment for them. Umm an unsafe environment for folks around them. And so that really is our goal. We have really over the past basically seven.. seven days or so, gotten over sixty individuals have responded by going into a bed. Whether it's a detox bed. Whether it's a shelter bed. Whether it's in a single room occupancy bed. And some people have asked to go somewhere else. You know, help me get back to my family in another city or town. We've been able to get over 60 folks there and that's really what we're tryna do. Get people the care they need.

Dearing: What percentage is that, Chief Martinez, of the people who have been moved? That 60 number.

Martinez: Out of what percentage 60 is out of the whole number? I'm sorry, I didn't hear that.

Dearing: Yeah, so the 60 is out of what?

Martinez: Yeah, so outta the 60... so we.. when we did our point in time count, which we're doing basically now every weekend, is sorta understand who's there and how we can help folks, there were roughly about three weeks ago about 340 folks on the street in this area. And so that 60... about 64 actually... is out of that number. But we also know other folks, you know, as this has started are connecting to their care in other places. So they don't wait for us to come and decide to move on on their own. Some end up at different shelters, some folks end up connected to care in different programs. For us, we really can't let folks just stay in the cold in a tent on the street and so we've gotta make sure we give folks better alternatives. And that's what we're tryna do every single day.

Dearing: I was struck by Ron Geddes, who Deb Becker also played a sound from, who was in one tent. That tent was removed. He wants to be able to stay in engagement with the methadone treatment that he's receiving so now he's moved around the corner to another tent. I mean, we have to assume that for some portion of the people that's what the story is here. Especially when low threshold housing, which is while you're actively using... we have a shortage in that. So what is the solution there and what is the promise for the Ron Geddeses who wanna stay in treatment and have consistently said I can't afford housing.

Martinez: Yeah so I think the most consistent thing with this.. with the protocol that's laid out and through Mayor Janey's executive order.. the goal is really this: is to lead with services first. And so our goal is not just to remove tents and get them out of the way and get them so that they're not visible. Umm that's never been the goal and never been what it's about. What we do and try to continue to do is make sure we can provide the right resource to match the need that someone has. Umm and we know that for many folks that need is more complicated than just an individual bed. It's about a wraparound of supports and services. So that's the leg work we're doing everyday. I mean, as I know your listeners know, we're on the street. Public health folks we're on the street 7 days a week 14 hours a day engaging with folks who are living in tents to support them and connect them to care and so that's what we're gonna keep doing. So if someone moves their tent and doesn't want to be there and ends up going four blocks away,

we're gonna engage them again. Umm cuz we really don't wanna leave people struggling on a tent on the street. We think there are options and umm we're gonna keep working to not only connect and engage but make sure those better options exist. Umm which we're working on every single day.

Dearing: And you know there's this portion. Ron Geddes told Deb Becker that he doesn't want to go into shelter. You know there is a portion of people who don't. Whether it's vulnerability or they need to stay with a partner or they're worried it will disrupt their treatment plans or they worry they won't get medical care if they need it. How do you address that?

Martinez: Yeah so that's why we have to make sure there are more and specific kinds of resources and beds available for folks. So, for example, this week we have some low threshold beds, transitional beds, coming online umm not in the neighborhood in partnership with the state provider.

Dearing: Do you know how many?

Martinez: Umm I think for this project there will be about 40 additional beds that will become available between this week and next week in this low threshold space. We're gonna bring more beds online in partnership with the state, but there's no question there's a need for more transitional spaces for people to stabilize. I think what's important for the city is we know people can't get stable in a tent on the street when they're just trying to survive. And so, for us, we wanna get them into those other pathways. **We've heard so much talk about how, for some folks, the shelter isn't the right space for them and that is absolutely the case.** But it is the right space for some and we've seen that with, you know, several dozen folks going into Pine Street. Going into One Twelve. Going into Woods Mullen. Uh you know to start getting a bed, getting support, and getting stabilized to go to that next place. **So we know it's not gonna work for everyone... the shelters... but we also know that we've gotta put more beds on the line and that's what we're doing everyday with the state.** Umm as you know there's an executive order that called for a central coordinating structure and we meet Tuesdays and Thursday mornings while we're looking at the beds and looking at the resources and figuring out what else we need to do to bring more online. Umm but it's a struggle but it's a struggle we're gonna continue to take on until everyone has what they need.

Dearing: Is there a way to do what you want to do to achieve the end game that you've laid out where there is no coercion?

Martinez: Yeah, I will say to be really clear... what we've done through the executive order... not a single person has been arrested, not a single person has been put in, you know, the community response session that you talked about related to our encampment protocol. On the public health side, our team... we know the folks that are living in these tents. We build relationships with them. We get them care. We're giving them lifesaving support, whether it's through a provider we're contacting or through our own outreach workers that are going there day to day. So, for us, it's about helping people get on a better path whatever that might look like for them. Umm, I think what the Mayor's been clear about, Mayor Janey, is that living on a tent... living in a tent on a street has become a public safety/public health crisis that she would

not allow to continue and wanted us to do everything we could to get people in better spaces and better places. And that's what we're doing and we're gonna have to continue to do that.

Dearing: So I'm sure you've seen in the Op Ed by Doctors Benjamin Linas and Joshua Barocas. They're modeling likely outcomes. This is statistical modeling. And they argue real public health harm and increased costs will likely result from the executive order and what the city's doing. I'm gonna give you a quote from it. Quote, "the cleanup will lead to a 30% increase in the overdose rate among those who had been living in the encampment. The overdose rate will remain elevated for approximately nine months after the sweep." End quote. What's your response to that? And to their modeling?

Martinez: Yeah, I mean, I don't know the specifics of their modeling. I understand the challenge that's presented when we go into these areas, like encampments like this, which exist all over the country and cities and don't provide the support that we need to provide. And the reality is that on the public health side we're committed to making sure people get the care they need and connect them to that care. Having said that, there's no one who's doing work on the ground consistently in this area who believes and can rightfully say that letting people stay in tents on the street disconnected from the supports they need, umm which has not only had people pray on them but has also created so many other challenges in this area, is the better alternative. So we have to work using a public health model first. Getting people the care and support they need, connected to their medical provider. Connected to folks who can get them the right level of support and care in a bed. We have to do that while at the same time making sure we don't lose people from the connections they have and the resources they have. So I can't speak to this specific modeling, but what I can tell you is there's no question everyone doing this work want to get people on a better pathway and that's the work we're gonna continue to do.

Dearing: So, I am struck by this idea. We'll have Brendon Little who is a former employee of the City of Boston later in the show, who argues about the importance of the social connections and social ties that people form when they are engaged in their own problem solving and that moving people out of the area if they have built social ties there, if they have built community, even if it's not a community seen or recognized by people from outside that that is a real loss. And we know, we know, social connections are one of the most - research shows is one of the most important strategies for people to solve their own problems. So, when people are dispersed, what happens to those social connections and what can the city do to help maintain that important problem-solving asset.

Martinez: That's a great point. And obviously its great to have Brendon on who probably done so much great work for us in the City and in other places as well as well as having a proper personal story. I think the most important point to remember is about making sure that you honor the sense that that community has built, that the needs that people have, that many folks on the street help each other meet those needs. Keeping each other alive, keeping each other connected and protecting one another. If your goal is just to get rid of tents so that people don't see it anymore and so that when the news goes down there, they don't have a sensational picture to look at - if that's your goal then yeah, of course, absolutely you're missing what really needs to happen for folks that are in these situations. But when your goal is to connect people to care and resources and support and to ensure that you are wrapping yourselves around someone who has to be somewhere else and giving them the right resource to connect them to, I couldn't agree

more that we have to make sure we are replicating that care in other places and that community in other places. And that the barriers that exist in those systems that prevent people from being able to get that care and build that support are broken down. So, I can't agree more. The City is working through that, that's why we have providers at the table. That's why we are working to make sure that we can get not only a bed but wrap ourselves around individuals in these beds and to stabilize them and get them on a better path. That is why community is key. And it's not about a sense of community that, you know, everyone is going to understand, but we have to make sure we are trying to replicate that as much as possible. But we do believe and continue to hold true that what's happening on the street in this neighborhood and in these tents has become a challenge that we no longer could allow to just sit and to become a public safety challenge, especially for those living in the tents. And that is why we are doing our very best to balance this out and get people into a better place.

Dearing: We are talking with Marty Martinez, Chief of Health and Human Services for the City of Boston. Chief Martinez, Mayor-Elect Michelle Wu is sworn in a week from tomorrow. Any sense of her thinking on the issue. Have you been in touch with her people?

Martinez: You know, we are going to just transition and did have the opportunity to already brief Mayor-Elect Wu last week on all things Mass and Cass and what we are working on and what we are tackling. She had a lot of great questions and I know that she's going to tackle this head-on. It's been clear this is going to be a number one priority for her and so we are eager to continue the work. I know she wants to make sure we focus on it so we are eager to keep doing that.

Dearing: So, you served in the Walsh Administration, now the Janey Administration, there's a new mayor coming in - potentially your third administration. What is next for you and do you plan to continue to work with the Wu team?

Martinez: I am eager to make sure that this transition into the mayor keeps everything moving. Let's be clear – the folks battling substance abuse disorder in our community don't care who the mayor is. They want to make sure that their needs are met and I care deeply about that as well. So I am going to do everything to help transition Mayor-Elect Wu and the team into this role and continue to do the work until I leave this seat that I know Bostonians needed to give people a better path. So that is what I am going to continue to do and keep working in that direction.

Dearing: Alright. Marty Martinez is the Chief of Health – well I'm going to ask you. If she asks you to serve, will you serve in a Wu administration.

Martinez: Yeah, I'm committed to doing whatever I can do to help Mayor-Elect Wu and to make sure the transition is a healthy and strong one. So, I'm looking forward to continuing that conversation with her.

Dearing: Alright. Marty Martinez is the Chief of Health and Human Services for the City of Boston. Appreciate your time today.

Martinez: Thanks so much.

Dearing: Let's turn back to WBUR Senior Correspondent Deb Becker who's still with us from the area around Mass Avenue and Melnea Cass Boulevard. But Deb what stood out to you from that conversation just now with Chief Martinez?

Becker: Well, wonder if he's gonna stay, that's one. But uhh in terms of the Mass and Cass issue, I think the low threshold housing that he mentioned is key and I think that really is the main issue. The folks who are being removed from the area around Atkinson street, I'm told, are only being offered [audio cuts out]... at homeless area shelters. So there is a significant shortage of so-called low threshold housing where people for a variety of reasons can't go to these shelters. And the fact that 40 beds are expected to come online as part of the state partnership as soon as this week I think is important for this situation to be alleviated in some way. So that was some other positive note. But 40 is a small number when you're talking, you know, as he said, more than 340 people living in tents in that area. So there is a dire need for that and, you know, it remains to be seen whether there will be enough supply to meet that need.

Dearing: And, Deb, as we watch to see whether he stays, right, as we have a new mayor sworn in next Tuesday, what else are you gonna be watching for during this change in administration?

Becker: Well, you know, I went to that briefing that Michelle Wu, Mayor-elect Wu, had with reporters after she met with folks about all things Mass and Cass last week and I think it was interesting. She said much of what Chief Martinez said. That she wants people to get off the streets, especially before the winter, and she does think that the city could do better in providing services to people. But she believes that helping people and connecting them with services is a priority. The interesting thing that she said during that briefing was that she was concerned about the court session that was operating in the Suffolk County Correction and namely that Boston Police had arrested some people to bring to that court session who were waiting in line to get the addiction medication Methadone. Wu called that unacceptable. Uhh and so I think it will be interesting to see how this all continues to play out. And how the city and state might commit to more plans to provide transitional non-congregate housing for people here.

Dearing: And, again, as you pointed out earlier here, Deb, only two of ten people who have been processed through that court have gone into treatment at this point. That's WBUR Senior Correspondent Deborah Becker. Deb, we really appreciate your sustained attention with us on this. Thank you for your coverage.

Becker: Thanks for having me.

EXHIBIT B

https://www.youtube.com/watch?v=C6S7T_9HS6A&t=647s [beginning at 9:08]

REPORTER QUESTION: [Inaudible]

MAYOR KIM JANEY: So, I will not respond specifically to ongoing litigation, uhm only to say that we will certainly comply with the courts and that our approach has been a public health approach where we, uh, first provide notice. We certainly provide storage and we are working hard to identify beds and we are not asking anyone to remove their property, their belongings, or to, to move off the streets without first identifying a place for them to go that is appropriate. Meaning: whether that is treatment, whether that is a low threshold bed, we are working hard to match the individual needs of the people who are living on the streets—living in tents—with the appropriate treatment and shelter options available.

REPORTER QUESTION: [Inaudible]

MAYOR KIM JANEY: Well, we have just begun this work this week. It is ongoing outreach that happens every single day to connect individuals who need support, uh, to treatment and to services. Uh, we have made progress. There's more work to do. But we continue to use a public health approach. First, making sure that we have options available, and options that are appropriate to the individual needs of the people who are living in tents.