

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: David Halbert

1. Immigration and Policing

Thousands of people are arrested each year in the City of Boston for minor offenses like driving without a license, drug possession, and disorderly conduct. Data obtained by the ACLU shows these minor arrests disproportionately impact Black and Latinx Bostonians. Each time the Boston Police arrest someone, there is the potential for ICE to be notified — putting our immigrant neighbors at substantially greater risk for detention and deportation. Charges for these minor arrests are often dropped, but there is collateral, and often irreparable, damage.

If elected or reelected to the City Council, what will you do to limit the number of arrests for minor offenses in Boston? Please list your policy goals related to this issue.

***HALBERT:** If elected I would add my voice to those in support of the efforts of District Attorney Rollins to utilize alternatives to prosecution for minor offenses.*

I would also seek to establish a dialogue with BPD leadership about their goals and priorities, and how we can ensure that interactions with personnel on the street does not invite ICE into the discussion. The BPD should not be an extension of the federal immigration apparatus.

I would work with youth service providers, mental health, and addiction treatment providers to support more programming opportunities targeted towards these populations as they are significant drivers of this activity in Boston.

If elected or reelected to the City Council, will you encourage the police commissioner to exercise greater discretion and stop making arrests for minor offenses?

***HALBERT:** Yes*

The Boston Police Department's (BPD) existing policies allow officers and intelligence analysts to collect and share information about people who are not suspected of criminal activity with the federal government. For example, the Boston Regional Intelligence Center (BRIC) is a unit of the Boston Police Department that gathers, analyzes, and shares intelligence — like the gang database — with federal law enforcement. However, the database disproportionately documents men of color, using broad identification criteria. The BRIC possesses an unknown amount of information about Boston residents, is not subject to public oversight, and has the power to put people at risk of surveillance, police stops, and deportation.¹ Data from the BRIC was recently used to deport at least one Boston Public School student, when a BPD incident report — which contained unsubstantiated allegations that the student was a gang member — was shared with ICE.² The BPD's information collection and sharing policy puts immigrants, people of color, protesters, and journalists at

¹ Dooling, S. (2019, July 26). Here's What We Know About Boston Police's Gang Database. Retrieved from <https://www.wbur.org/news/2019/07/26/boston-police-gang-database-immigration>.

² Dooling, S. (2018, December 13). What A Boston Student's Deportation Reveals About School Police And Gang Intelligence. Retrieved from <https://www.wbur.org/news/2018/12/13/east-boston-student-discipline-to-deportation>.

risk when that information is shared with federal agencies under the Trump administration.

If elected or reelected to the City Council, what will you do to create transparency and oversight of the BRIC? What will you do to address the Boston Police Department's policy of sharing information about people not suspected of criminal activity with the federal government?

***HALBERT:** I would make specific review and inquiry of the BRIC a mandatory part of larger, public conversations around Boston Police operations and activities. These conversations would include hearings by the Council's Public Safety Committee, as well as during the annual budget process.*

I will stand in vocal and public opposition to the sharing of such surveillance information with federal authorities, as I believe the public safety harm outweighs the anticipated benefits.

If elected or reelected to the City Council, will you support ending the gang database?

***HALBERT:** Yes*

2. Surveillance of Muslims

Boston was named a pilot city for a federal "countering violent extremism" (CVE) campaign in 2014. Since then, a number of Boston institutions, including the Boston Police Department, have been involved with programs funded by CVE grants. One such program, the Youth and Police Initiative Plus, focuses on Somali youth who are deemed a potential threat due to the social and economic trauma that they experience as immigrants and refugees. CVE programs across the country have NOT made communities safer, but instead have deterred political participation and access to social services for Muslims.³

If elected or reelected to the City Council, what will you do to ensure funding is available to support social services for immigrant communities, and that this funding is not tied to law enforcement?

***HALBERT:** I believe that the underlying motivation behind programs like CVE's is based in "othering" communities. For those who advocate for these types of programs they see cultures that are so different from "regular" people that they, by their very existence, lend themselves to isolation and potential radicalization.*

Rather than establishing policies and programs with these suspicious viewpoints as their basis I believe that we are better served, in terms of public policy, public safety, and community development, by engaging with these communities directly as valuable additions to the city. As such we must prioritize funding for programming oriented towards cross-cultural communication and inclusion, rather than criminal interdiction.

If elected or reelected to the City Council, will you support ending BPD's involvement in any community outreach programs that credit false and stigmatizing theories about predispositions toward violence or "extremism," including Youth and Police Initiative Plus?

***HALBERT:** Yes*

Law enforcement should not investigate people unless officers have reasonable, articulable suspicion of involvement in criminal activity. The FBI does not require a criminal predicate for Joint Terrorism Task Force (JTTF) investigations, which often have no connection to anything ordinary people would recognize as terrorist activity; in fact, current federal policy allows the FBI to investigate anyone based on no suspicion of criminality whatsoever. The problematic relationship between local law enforcement and the Joint Terrorism Task Force has been recognized by San Francisco, CA and Portland, OR. As a result, both cities have formally cut ties with the Joint Terrorism Task Force.^{4/5} BPD collaboration with the FBI, which has historically targeted Muslims for improper surveillance and entrapment operations, puts Muslim Bostonians at risk of federal harassment.

³ Fact Sheet: Countering Violent Extremism: Myths and Facts: Brennan Center for Justice. (2015, November 02). Retrieved from <https://www.brennancenter.org/analysis/countering-violent-extremism-myths-and-facts>.

⁴ Nakashima, E. (2017, March 10). San Francisco Police Department pulls out of FBI anti-terrorism task force. Retrieved from https://www.washingtonpost.com/world/national-security/san-francisco-police-department-pulls-out-of-fbi-anti-terrorism-task-force/2017/03/10/62e05bcc-fd09-11e6-8f41-ea6ed597e4ca_story.html.

⁵ FAQ on withdrawing from the Joint Terrorism Task Force. (2019, February 12). Retrieved from <https://www.portlandoregon.gov/hardesty/article/712320>.

If elected or reelected to the City Council, what will you do to protect Muslim Bostonians and activists from unwarranted federal harassment and surveillance?

***HALBERT:** I would have a specific duty, as a city-wide elected official, to work to bridge gaps between our Muslim and non-Muslim residents. By breaking down barriers stemming from lack of cultural exposure and competency we can create a community that feels a shared responsibility to protect all residents.*

Further I would work with the Commissioner and Superintendent to ensure that BPD personnel were educated about outreach techniques for positively engaging with the community so that they could be a resource for Muslim Bostonians who feel distressed or have negative encounters.

If elected or reelected to the City Council, will you support efforts to end BPD collaboration with the Joint Terrorism Task Force, as the City of San Francisco has done?

***HALBERT:** Yes*

3. Racial Profiling

According to data from the Boston Police Department, as analyzed and reported by The Boston Globe, 70 percent of the nearly 15,000 individuals that police observed, interrogated, or searched in 2016 were Black. Meanwhile, Black people make up 25 percent of the population in Boston.⁶ Black and Brown people are also punished more harshly than white people for drug offenses. Although people of color in Boston make up less than 28 percent of people convicted of drug possession, they are roughly 55 percent of those convicted of drug distribution and 75 percent of those convicted of mandatory minimum drug offenses.⁷ Similar disparities encouraged the City of Providence to require data collection of any police stops or searches through the Community-Police Relations Safety Act.⁸

If elected or reelected to the City Council, what will you do to eliminate racial bias in policing, besides previously proposed plans of hiring more officers of color?

***HALBERT:** All members of the BPD need to have extensive cultural competency and implicit bias training as a standard component of their time in the academy and ongoing professional development. Existing data on arrests and other interactions with the community must be used to form a baseline for measurement of the success, or lack thereof, of more robustly incorporating these type of trainings into day-to-day operations. This data must further be made easily accessible to communities. The department must also increase outreach efforts to solicit feedback from communities that have felt disproportionately targeted, so that their perspectives can help further refine how they are engaged with.*

If elected or reelected to the City Council, will you work to make the Boston Police Department conduct an audit of their arrest data, to include racial disparities in arrest rates for drug offenses?

***HALBERT:** Yes*

⁶ Ransom, J. (2017, August 29). Blacks remain focus of Boston police investigations, searches. Retrieved from <https://www.bostonglobe.com/metro/2017/08/28/blacks-remain-focus-boston-police-investigations-searches/PDbFr2QZexCEi3zJTO9mOJ/story.html>.

⁷ Surveys of Massachusetts sentencing practices. (n.d.). Retrieved from <https://www.mass.gov/lists/surveys-of-massachusetts-sentencing-practices>.

⁸ Providence Community-Police Relations Act. (n.d.). Retrieved from https://providenceri.iqm2.com/Citizens/Detail_Legifile.aspx?MeetingID=6206&ID=3786.

4. Drug Arrests

According to the Massachusetts Department of Public Health, the opioid overdose death rate is 120 times higher for those recently released from incarceration compared to the rest of the adult population.⁹ While the overdose and drug contamination crises have moved some politicians to discuss the importance of harm reduction services and a public health response, our local and statewide laws and budgets still prioritize punishment rather than a public health response to drug use. For over 50 years, the criminalization of drugs and of people who use and sell drugs has failed to curtail drug use and substance use disorder; the policy has also led to the arrest, punishment, and imprisonment of hundreds of thousands of people — a majority of whom are people of color — and limited resources for education, treatment, economic empowerment, housing, and other social services outside the criminal legal system.

If elected or reelected to the City Council, what are your policy proposals to increase access to long-term treatment, limit arrests for drugs, and implement evidence-based harm reduction services, such as safe consumption spaces?

***HALBERT:** I believe that the opioid crisis demands even greater collaboration between multiple actors on a continuum of care, including the city, healthcare providers, public safety, and community groups. It is only by addressing the issue in a multi-disciplinary fashion, engaging with those battling addiction at the various points of their journey, that we will approach anything close to a solution.*

I support safe consumption sites as a component of addressing the issue, but only if they offer access to wraparound care services and educational information for people struggling with addiction.

I believe that Boston is better served by diverting those who commit crimes related to addiction to recovery services, rather than incarceration. I will work with all actors within the public safety and public health communities to make such a process as efficient as possible.

I will work with providers to identify the needed resources and barriers to increasing the amount of effective treatment facilities available in the city. I will also work with community based organizations to identify bad actors who are taking advantage of those struggling with addiction and negatively impacting local quality of life so that we can see them closed and those resources put to more effective use.

This issue also requires that steps be taken to foster greater collaboration between cities and towns in a more regionally focused strategy, such as working to expedite reconstruction of the Long Island Bridge. No community will be able to adequately address the issue alone. As long as Boston is the primary, and for many the only, source of services, the city will continue to be disproportionately burdened.

If elected or reelected to the City Council, will you support curtailing law enforcement responses to drug use, ending arrests for personal possession and small sales of all drugs,

⁹ Chapter 55 Data Visualization. (n.d.). Retrieved from <https://chapter55.digital.mass.gov/>.

and instead implementing a public health referral response based on human rights?

HALBERT: *Yes*

5. Electronic and Digital Privacy

In June, the City of Somerville became the first East Coast city to ban municipal use of facial recognition technology. This technology is replete with racial and gender bias. Private companies are aggressively pushing its use on police departments across Massachusetts, endangering people's civil rights and civil liberties. There are currently no statutory protections in place to guard against abuse or misuse of this flawed and biased surveillance technology.

If elected or reelected to the City Council, what will you do to ensure Bostonians' privacy rights aren't being invaded by face surveillance technology?

***HALBERT:** I would oppose the use of facial recognition by BPD and would work with all stakeholders to ensure that this technology is not deployed in the city given its propensity towards harming vulnerable communities and being abused.*

If elected or reelected to the City Council, will you vote in favor of an ordinance to ban the municipal government from using face surveillance technology, as Somerville, San Francisco, and Oakland have done?

***HALBERT:** Yes*

Cities and counties across the country, including Cambridge and Lawrence, Massachusetts, have enacted policies to require transparency and City Council approval of surveillance technology acquisitions by city agencies.

If elected or reelected to the City Council, what will you do to ensure transparency and democratic accountability around new surveillance technology acquisitions?

***HALBERT:** I would work to ensure that all such surveillance technologies being acquired and deployed by BPD first come before the Council for a thorough, public review. This would include the presentation of data on issues that have been encountered in other municipalities; the degree of legal & financial exposure faced in dealing with such issues; and reasonable alternatives available within existing tools.*

If elected or reelected to the City Council, will you vote in favor of an ordinance to require City Council approval before city agencies use or acquire surveillance technologies?

***HALBERT:** Yes*

6. Plainclothes Policing

Several tactical units of the Boston Police Department patrol in plainclothes. They often drive unmarked vehicles while wearing street clothes. We lack crucial public information about the Youth Violence Strike Force, the Drug Control Unit, or the Anti-Crime units. This missing information includes: number of officers, budget, equipment used, complaints received, stops made, and arrest data. In New York City, plainclothes police officers are involved disproportionately in fatal shootings.¹⁰

If elected or reelected to the City Council, what will you do to ensure transparency and assess the impact of tactical units on community wellbeing?

***HALBERT:** I would work to engage communities where there is higher tactical activity to assess the impact on quality of life and public safety outcomes. I would also seek to gain a more thorough understanding of the training, mandate, and tenor of the officers engaged in these units, so as to have as complete a picture as possible.*

If elected or reelected to the City Council, will you support the abolition of plainclothes policing?

***HALBERT:** No*

¹⁰ The Intercept. (2018, May 09). Plainclothes NYPD Cops Are Involved in a Staggering Number of Killings. Retrieved from <https://theintercept.com/2018/05/09/saheed-vassell-nypd-plain-clothes/>.

7. Overtime Spending

Within a budget of more than \$414 million for FY2020, the Boston Police Department budget allocated over \$58 million for overtime.¹¹ Police overtime spending exceeds spending on youth jobs and community centers.¹² Current overtime policies allow for excessive spending, including a mandate that officers testifying in court are paid for a minimum of four hours even if they're in court for less than an hour. Boston Police officers also collect pay for thousands of hours for construction details, while civilians flaggers work those sites in other cities and states.

If elected or reelected to the City Council what will you do to curb excessive overtime spending and invest in community social services?

***HALBERT:** I hope to chair a reconstituted Post Audit and Oversight Committee on the Council. As part of the committee's scope I would like to review overtime expenditures within BPD to provide a better understanding for the public as to what is driving them and, ideally, identify alternatives that provide the same level of public safety and service but at a lower cost to residents.*

If elected or reelected to the City Council, will you work to impose stricter limitations on police overtime spending and invest cost savings in housing, education, youth jobs, and drug treatment?

***HALBERT:** Yes*

¹¹ City of Boston. (2019, June 13). Budget. Retrieved from <https://www.boston.gov/departments/budget>.

¹² "Budget | Boston.gov." <https://www.boston.gov/departments/budget>. Accessed 2 Jul. 2019.

8. Transparency and Public Accountability

The Boston Police Department has made some progress in terms of opening its data to the public. But currently, arrest data and stop-and-frisk data are not available to the public on an ongoing basis via the city's data portal. These data can be posted online without compromising the privacy of Boston residents. Stop-and-frisk and arrest data are critical to understanding the impact of policing in Boston.

If elected or reelected to the City Council, what data will you use to evaluate police performance?

HALBERT:

- *Clearance rates, particularly for homicides.*
- *Demographic data for personnel.*
- *Disciplinary proceedings for personnel.*
- *Cost benefit analysis of the department budget relative to public safety outcomes.*
- *Incidents of criminal activity across the city.*

If elected or reelected to the City Council, will you work to make Boston Police arrest data and stop-and-frisk data, including race information, available to the public in real time?

HALBERT: Yes

9. Community Oversight

While Boston has taken steps to allow for community review of civilian complaints against police officers, in the form of the Community Ombudsman Oversight Panel (CO-OP), the panel has limited power to hold officers accountable. The current CO-OP is made up of a former judge, and a former city employee. In their 2018 report, the members found that only 25 percent of cases that they reviewed were found to be not fair, not thorough, or both.¹³

If elected or reelected to the City Council, what steps will you take to increase accountability and community oversight over policing in our neighborhoods?

HALBERT: *I am in support of a comprehensive public safety community oversight panel that would assume the role of the current CO-OP, but with an expanded portfolio inclusive of the Fire Department and Emergency Medical Services as well. I would advocate for this board having multiple members to reflect various perspectives professionally and socially. These would include, but not necessarily be limited to, retired public safety personnel, civil liberties experts, community members, & representation from the formerly incarcerated community. I would provide this panel with a broad investigative mandate and as much independence as possible. I would task it with determining facts in incidences of significant malfeasance and making recommendations for action accordingly. I would not provide this body with the power to discipline and/or terminate employees as I believe that would abdicate organizational responsibility for department heads and the Mayor. I would also push that all findings be made publicly available whenever possible.*

If elected or reelected to the City Council, will you support replacing the CO-OP with a well-funded, independent, community-based complaint review body with the power to subpoena, investigate, discipline, and fire police officers?

HALBERT: *No*

In response to input from Boston community members, the Boston Police Department is in the process of implementing a limited body-worn camera program. Unfortunately, the program includes a dangerous provision allowing officers to review body camera footage before writing incident reports. Criminal defendants, on the other hand, do not have the same right to view incident footage before giving statements to police.

Please describe the role you think body cameras should play at the Boston Police Department.

HALBERT: *I believe that body cameras should provide those both within and outside of the department with necessary information for assessing the activity and conduct of personnel in the field. The information obtained by such devices should be made available as a public document quickly and easily wherever germane or reasonably requested. Body cameras should serve a complementary role, used to verify accounts by*

¹³ City of Boston. (2018, July). Community Ombudsman Oversight Panel. Retrieved from https://www.boston.gov/sites/default/files/document-file-07-2018/annual_report_2017_2016.pdf.

personnel.

If elected or reelected to the City Council, will you work to change the body-worn camera policy to prohibit officers from viewing footage prior to writing incident reports?

HALBERT: *Yes*