

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: Herb Lozano

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.

LOZANO: *Boston has always been a city that embraces diverse culture and immigrant families. My family derives from Honduras, and my father is a retired Boston Police Officer of 35 years. I think our city, the capital of the Commonwealth can do more to help immigrants gain citizenship. Since I've been campaigning, I came across a former classmate of the 5th Grade who expressed should could not vote for me in the upcoming election; her family is from Trinidad.*

Limiting the amount of minor arrests in the field would take the re-training of all BPD officers, along with, statewide advocacy and legislation that prohibits local law enforcement from contributing to the deportation of immigrants.

I think we should recognize that there are things in the field that we cannot control. In addition to legislation, I believe we must work with our DA's, who has already pledged to not prosecute over a dozen minor offenses. Things like pre-trial deferment, and more Health & Human Services will reduce the amount imprisonment.

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?

LOZANO: *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

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>.

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 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?

***LOZANO:** I am familiar with the BRIC. I have family members and friends who have appeared on BRIC reports. I believe that BRIC reports should be public, published for public view. There are many neighborhood and civic associations who have a relationship with BPD and should receive them regularly.*

The goal is to end gang and criminal activity in our neighborhoods. As someone who grew up at risk of gang violence, it is important to have resources to identify gang activity; we must improve the alternatives to criminal activity by replacing gangs with programs. Frederick Douglas said, "it's easier to build strong children than to repair broken men."

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

***LOZANO:** Yes*

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>.

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?

***LOZANO:** I believe our a Muslim Community should lead the initiatives of Social Service. There are many Muslim professionals, and organizations who serve the Islamic population. I absolutely support funding organizations who are effective and provide positive results. Roxbury has a large Muslim population, from youth to elderly, and I believe social services are necessary. I maintain relationships with the Islamic Society of Boston Cultural Center and Muhammad's Mosque. Through collaborations with non-profits, health centers, libraries, and city agencies we can serve immigrant families.*

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?

***LOZANO:** No response.*

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.

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

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>.

LOZANO: *I will do everything in my power to ensure that Muslim's human rights are protected. They are peaceful people, they are intelligent, forward-thinking, well-organized, and I admire the Muslim community in Boston.*

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?

LOZANO: *No response.*

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?

LOZANO: *I fully support the idea of an audit of Boston Police Arrest Data. I believe that will give city officials more transparency, and evidence to leverage criminal justice reform.*

We must also work to keep drugs out of our communities. There are very few who profit from it and many die from it.

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?

LOZANO: *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?

LOZANO: *First, I think we need to acknowledge that substance abuse is rooted in generations that came before us. The distribution of illegal substances has also been imprinted into our culture, and there are many victims who suffered with incarceration. I think if we are to end the opioid crisis then we must eliminate the demand for drugs; that means rehabilitating those who are already addicted and ensuring our children do not inherit the disease.*

I think we can give long treatment in phases. To my knowledge, there are individuals who maintain their sobriety for up to 20 years or more. There are many sources that can be offered throughout that time; including detox, to transitional services, to housing and employment.

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

LOZANO: *No response.*

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

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?

***LOZANO:** I use facial recognition for most apps on my phone. Protecting our identities and privacy are a top priority. As a Commonwealth I think we should adopt policy that will prevent surveillance technology from invading citizens civil rights.*

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?

***LOZANO:** 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?

***LOZANO:** No response.*

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?

***LOZANO:** 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?

***LOZANO:** I don't believe making an attempt to prohibit plainclothes officers is the most effective way to ensure transparency. There are many officers who do well like our fugitive unit and some of our gang unit.*

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

***LOZANO:** No response.*

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?

LOZANO: *No response.*

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?

LOZANO: *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?

***LOZANO:** No response.*

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?

***LOZANO:** 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?

LOZANO: *No response.*

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?

LOZANO: *No response.*

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.

LOZANO: *No response.*

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?

LOZANO: *No response.*

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.