

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: Michael Flaherty

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.

***FLAHERTY:** During my time as City Councilor and during my time as a former Assistant District Attorney in Suffolk County, I have always recognized and advocated for proactive, community policing and community prosecution as two ways to reduce crime and arrests for minor offenses, and improve the quality of life for our residents. Both approaches require our police and prosecutors to practice a proactive approach to crime by creating relationships with key stakeholders in the community, such as youth organizations, faith-based organizations, and re-entry organizations, as well as across public health and public safety agencies to better address the needs of the community.*

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?

***FLAHERTY:** 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 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

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>.

of sharing information about people not suspected of criminal activity with the federal government?

***FLAHERTY:** I strongly believe in oversight and transparency within all levels of public safety. That being said, I support adding a level of oversight and transparency to the BRIC that is similar to the oversight afforded to other units of the police department and will continue to lean on the Community Ombudsman Oversight Panel. If re-elected, I will call for the third member of the ombudsman to be appointed and advocate for the third member to be a civilian with experience in criminal justice reform. In addition, I continue to support the provisions of the Boston Trust Act, to prevent our officials from sharing information with ICE.*

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

***FLAHERTY:** No*

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?

FLAHERTY: *The City of Boston currently partners with The Greater Boston Immigrant Defense Fund, a public-private partnership designed to protect the vitality of our immigrant and refugee community by providing legal representation, community education and referrals to other services. This money is not tied to law enforcement and, rather, is allocated to nonprofits and agencies with a proven track record of success working with immigrant communities. This past year, the Mayor's Office of Immigrant Advancement allocated \$50,000 in funds to the partnership. If re-elected, I will leverage my relationships with key stakeholders in the corporate and private sector to raise critically needed funds for this program.*

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?

FLAHERTY: *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.

If elected or reelected to the City Council, what will you do to protect Muslim Bostonians

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>.

and activists from unwarranted federal harassment and surveillance?

FLAHERTY: *Unfortunately, the society we live in today necessitates that we must continue to work with the federal authorities on matters of terrorism. Boston itself was the site of the Marathon bombings, which haunts Bostonians to this day. Since the most recent mass shootings, there have been countless stories in the news of potential domestic terrorism events that have been thwarted before they had the chance to occur by local, state, and federal authorities. While I strongly believe in the right of all Bostonians, Muslims included, to freedom, I am not comfortable discontinuing cooperation with important federal agencies and task forces that work to save lives. However, I was an early supporter of the Trust Act in Boston in 2014, which prevents the Boston Police Department from playing the role of federal agents on immigration matters. I have supported recent calls to strengthen the Trust Act in light of the actions of the current administration in Washington. Finally, it should be noted that a majority of extremism-related attacks or acts of terror in this country have been committed by white men, not Muslims.*

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?

FLAHERTY: *No*

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?

***FLAHERTY:** I support the implementation of department-wide bias training programs, the continuation of our community policing procedures, and ensuring that we are tracking data on race and ethnicity throughout the actions of the BPD to understand trends and continue to adapt our policies according to them. I will continue to look to other cities around the country for best practices in this regard that we can adopt in Boston.*

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?

***FLAHERTY:** 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?

FLAHERTY: *I have long advocated for more and better government-funded health services in Boston, particularly a more holistic approach to providing treatment-on-demand to those trapped in the cycle of substance abuse. The current opioid crisis not only impacts the affected individual, their friends, family, and loved ones; but our entire community. Children in our community should not have to play in school playgrounds and public parks fearing they could be pricked by a needle. We need to work collaboratively with our partners in government and in our surrounding communities to ensure that the Long Island Recovery Facility is built so that more people have an opportunity at recovery. In the short and medium-term, we need to do more to meet people where they are at in their recovery. This includes a combination of strategies-- increasing our region's capacity of recovery beds and facilities, which means that we need to put pressure on our suburban communities and their elected officials to increase the number of recovery facilities in their own communities and towns-- leveraging harm-reduction strategies to save lives as well as other public health and public safety informed strategies.*

Further, ensuring that the Boston Public Health Commission and partner agencies have the appropriate resources to adequately provide clean needle pick-up, along with sufficient staff to perform emergency interventions and provide services to those most in need, should be a top priority. Moreover, I have met with constituents in some of the neighborhoods that are most affected by the opioid crisis and they express confusion about who to call in emergency situations. I would like to continue to hold in-depth dialogues and create a clear, easy-to-follow plan of action to ensure that residents know which department(s) to contact.

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?

FLAHERTY: *No*

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?

FLAHERTY: *A great tool the Boston City Council has is its capacity to hold public hearings on a range of matters - including matters pertaining to law enforcement and public safety. Should there ever be a dire concern that the privacy rights of Bostonians are being invaded, and an ordinance is filed, I will thoroughly review the ordinance by working with all stakeholders involved - as I have done so on any matter as Chair of the Committee on Government Operations.*

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?

FLAHERTY: *No*

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?

FLAHERTY: *The Boston Police Department and the Boston Transportation Department regularly comes before the City Council for budget and grant approval before new technology is implemented. I have long been a supporter of taking advantage of the latest technology, particularly to help our community policing and traffic reduction efforts. While I am fully cognizant of privacy concerns, I would like to highlight that surveillance technology has allowed us to track down those who have posed a clear and immediate danger to the public.*

More specifically, surveillance technology has led to the capture and arrest of those responsible for the Boston Marathon bombing, the kidnapping and murder of Amy Lord and Jassy Correia, the home invasion and murder of Dr. Richard Field and Dr. Lina Bolanos, and the kidnapping and torture of Olivia Ambrose - to name a few.

I have long called for using software and technology to formulate data-driven decisions about services and programs. Using a comprehensive technology foundation, we can better assess performance with quantitative and qualitative data. Additionally, with regards to transparency and democratic accountability: by making government data

and information more accessible, we make it easier for residents to inform themselves of how we are spending their money and what decisions are being made about their neighborhoods and communities.

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?

FLAHERTY: 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?

***FLAHERTY:** As mentioned earlier, I have been a steadfast advocate of using data to drive all of our City's decisions. If I am re-elected, I am supportive of better record management practices in the Department for a multitude of reasons--not least of which are transparency and efficiency. It is important for the community to know what the police department is doing to keep us safe, where our resources are being allocated and the results of our resources. Better data management will not only help us better assess where we can do better as a City but making it publicly available will allow for conversations about the department's work to happen.*

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

***FLAHERTY:** 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?

FLAHERTY: *Throughout my time in public office, both as an Assistant District Attorney and now as a Boston City Councilor At-Large, I have been a strong believer of the notion that we cannot reach many solutions to criminal justice reform by arrests and prosecutions only. I have advocated for greater dialogue and transparency between law enforcement agencies and community members to get to the root of the crime and violence facing our neighborhoods and continue to be open to new ideas and discussions to ensure opportunities are equitable and accessible to all. Furthermore, as our City continues to grow, we need to grow our police force to ensure that every neighborhood in the City is adequately staffed. Currently, the police department is understaffed, which requires officers to work overtime. I believe that working to recruit and graduate a new class of police officers will help curb overtime spending. I fully support investment in community social services, including but not limited to housing, education, youth jobs, and drug treatment programs.*

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?

FLAHERTY: *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?

***FLAHERTY:** The primary indicator of police performance will always be crime rates across the city. The Boston Police Department should, of course, utilize a variety of community-centric tools in their efforts to achieve this goal. At this time I do not have the appropriate information on hand to make a decision on releasing stop and frisk and arrest data to the public, but I do support the use of it in the evaluation of police performance.*

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?

***FLAHERTY:** 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?

***FLAHERTY:** I firmly believe that some of the gross injustices that have occurred in our City would have been prevented if we had greater civilian input in Boston Police investigations and operations. I am personally reminded of my dear friend, Boston Police Officer and now Detective Kenny Conley, who I have known my entire life. However, I acknowledge the existing Community Ombudsman Oversight Panel, which reviews internal matters within BPD. I would support appointing a third civilian member of the panel with a background in criminal justice reform alongside any necessary enhancements to this existing oversight authority to increase transparency and address all issues in a fair and judicious manner.*

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?

***FLAHERTY:** 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.

***FLAHERTY:** I have supported the Boston Police Department's decision to establish a thoughtful and effective pilot program to implement body and dash cameras in a way that makes sense for Boston.*

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?

***FLAHERTY:** No*

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.