

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: Mimi Turchinetz

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.

TURCHINETZ: *I support District Attorney Rollins decision not to prosecute for minor offenses in Suffolk County, however there will often need to be a case by case analysis based on the facts of the case. I applaud this step forward by D.A. Rollins to address institutional racism and disparate treatment of potential defendants, however we need to be mindful of the communities where these kind of petty crimes are also a nuisance to the neighbors and impact their quality of life, especially for children and seniors in places like public parks. We do need to be aggressive in addressing how Individuals are impacted by the criminal system before they walk through the courthouse doors, such as missed work, emotional stress, and violation of their Fifth Amendment rights. I will work to assess and reduce the collateral impact further in instances when the prosecutor declines to prosecute. I will also request a review of pretextual stops, i.e. using the existence of a minor traffic violation to violate the Fifth Amendment rights of Boston residents, and work to create an action plan to address any racial disparities.*

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?

TURCHINETZ: *No*

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

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>.

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?

TURCHINETZ: *BRIC is not only an ineffective tool for dealing with gang violence, it reduces the effectiveness of anti-gang programming by undermining trust within affected communities. I recently convened a round table of leaders in Mattapan addressing public safety, the community in District 5 most affected by gang violence, to listen and learn about the impact of violence and to hear about potential solutions. The general consensus was that we need to invest in more programming and make intergenerational services more available to Boston families. I support discontinuing the use of BRIC, and would work to limit the impact while it is in continued use. I would work to establish a clear criteria for inclusion in the database, since currently there is no standard for delineating 'gang membership.' I would also take the lead on strengthening the Trust Act, to expressly limit BPD working with ICE. Currently, the Trust Act forbids BPD and other city departments from "interrogating, detaining or arresting persons solely for immigration purposes." I would work to ensure that BPD does not engage in immigration enforcement in conjunction with other law enforcement activities.*

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

TURCHINETZ: *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?

TURCHINETZ: *We must ensure a full count for the upcoming census, which determines our access to federal funding. As the Director of the Boston Tax Coalition, I have worked closely with community based-organizations, regulators, the business community and volunteers to provide free, accessible and trusted tax preparation services to vulnerable communities. To ensure an accurate census it is critical that we build trust between Boston residents and census collectors, and the key to building this trust is building relationships with trusted institutions within these communities such as churches, immigrant services, and community groups. Language also plays a critical role in ensuring an accurate census. I have direct experience working to provide a wide range of language services as the Director of the Boston Tax Coalition as well. I have recruited and trained tax preparers in nine languages, including American Sign Language which required working to recruit and train ASL certified translators. We cannot ask residents to trust what they do not understand, and therefore I will ensure, as I have in the past, that vital services are available to all residents in a language they understand. I would be able to expand on the success of the Tax Coalition as a City Councilor in providing language services during the census collection.*

Beyond the upcoming census, I will review HHS programs and services to make determination to discern gaps in funding, including funding for Office of Immigrant Advancement, determine where the gaps are in funding for services for immigrant communities. I will use my office to elevate the voices of members of my community and ensure those impacted by policy are also central to its development. As such, I will convene community leaders and organizations to learn about needs and priority goals, such as CAIR, Refugee and Immigration Assistance Center (RIAC), MIRA, AFAB, the Irish International Immigration Center, as well as residents of District 5, to create a proposed service plan. I plan to consistently engage in outreach within

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>.

District 5 as City Councilor and work to identify residents of the district to work on issues such as immigration, this will ensure that the money for social services is used effectively.

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?

TURCHINETZ: *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 and activists from unwarranted federal harassment and surveillance?

TURCHINETZ: *This program puts the civil rights of Bostonians in jeopardy daily, while doing little to prevent real violent terroristic threats. There is no excuse for engaging in law enforcement that undermines the civil rights of our friends and neighbors. I would work with the Mayor and other city councilors to sever ties with the Joint Terrorism Task Force. I would also demand a hearing on the assignment of BPD officers under FBI arrangements as an improper use of City budget resources. Given that BPD is funding using city resources, it may be possible to increase transparency and accountability through the budget auditing process.*

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?

TURCHINETZ: *Yes*

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>.

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?

TURCHINETZ: *There is a need for consistent and comprehensive data collection regarding police stops in Boston, particularly stopping of residents of color. To address this need for improved data collection, I will demand a review of racial bias for traffic and pedestrian stops to evaluate existing disparities. The findings of this review will be made public. I will further push for the development of an action plan to address these racial disparities. I will ensure that leaders and members of the communities most affected are at the forefront of any policy decisions.*

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?

TURCHINETZ: *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?

TURCHINETZ: *I support safe consumption sites, and to ensure its success plan to be an active participant in the implementation process. In the event that Boston moves forward with sites, it is important that these sites are distributed equitably throughout the City. One concern I have heard from my community members is that the residents near the facilities will be impacted negatively, a concern that will be validated if one a small number of sites exist. This concern is particularly strong in communities of color, where the residents often have to fight twice as hard for their voices to be heard during the city planning process. Therefore, an effective safe consumption site plan cannot rely on a single site. We also need to increase the number of beds and facilitate access to rehabilitation services. I would work with community leaders such as Pine Street Inn to develop outreach and counseling programs to assist Boston residents who are seeking recovery services. It is shameful that in this city people seeking treatment for their substance use disorder struggle to access even the most basic care.*

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?

TURCHINETZ: *Yes*

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?

TURCHINETZ: *I would support any effort similar to the one in Somerville to ban or limit the municipal use of facial recognition technology. I would also encourage City Council to look at the relationship between the Boston Police Department and private companies pushing to expand and promote these products among private citizens. Recent reporting has indicated that the companies such as Amazon are working closely with police in other cities to encourage the use of these products in private residences.*

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?

TURCHINETZ: *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?

TURCHINETZ: *I am deeply concerned about the undisclosed use of surveillance technology by the Boston Police, particularly the use of stingray tracking devices, which BPD denied using for years but leaked documents indicate were actively used throughout the city during that time. As residents we have a right to know what surveillance technology is being used, and, through the democratic process, determine if as citizens we believe the value in additional security is worth the related loss of privacy. This requires full transparency regarding the use, policing value, possible abuse and applicable legal standards prior to approval of the use of any new surveillance technology.*

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?

TURCHINETZ: *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?

TURCHINETZ: *Clearly there is a need for more information about tactical units in Boston, and the New York City data indicates that we as a city need to take a critical look at the conduct and effectiveness of this policing strategy. I plan to work closely with the community to address concerns around policing and public safety in District 5 and Boston at large, by establishing a community within District 5 of a community members who I would work with to develop policy goals. Through this committee I would work to evaluate the impact of tactical units and other policing strategies from the perspective of the community. I would also gather all current info publicly available to review, and disseminate to residents of District 5. One aim of this work would be to craft Ordinance to set up a more transparent process that the city council and the community can see details on law enforcement through the budgeting process.*

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

TURCHINETZ: *NO (not at this time)*

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?

TURCHINETZ: *We need to invest more resources into community social services, and I fully support any measures to reallocate city spending to programs such as youth job training, programming and community centers. At the beginning of August, I met with community leaders from neighborhoods affected by violence to work together to develop a public safety platform based on community input and needs. One consistent concern was the lack of youth programming, underfunding of community centers, and frustration over long term inaction to allocate resources to what are proven effective public safety measures. In response to these concerns from my friends and neighbors, I pledge to take the steps necessary to properly allocate resources to programming that actually enhances public safety and quality of life for 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?

TURCHINETZ: *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?

***TURCHINETZ:** Accurate data collection and transparency are critical to evaluating and addressing racial disparities and allocation of police resources. I would strongly support increasing citizen's access to police data.*

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?

***TURCHINETZ:** 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?

TURCHINETZ: *Clearly there is an issue of community representation with regard to the current composition of CO-OP that is likely having an impact on how civilian complaints are resolved. As City Councilor I would work to address this matter. I would look to organizations such as yours to determine what can and should be done to improve this process. My major concerns as always would be around issues of equity, representation and transparency, and I would support measures consistent with these aims such as the ones outlined below.*

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?

TURCHINETZ: *Yes*

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.

TURCHINETZ: *Body cameras should be used in a way to increase transparency and accountability, while protecting the privacy interests of citizens. In implementing a body camera program in Boston, I would work to ensure that the footage was used for purposes such as de-escalation training and identifying best practices. I also support the adoption of measures to curtail the use of body camera footage that has been subject to possible manipulations (for example, turning the camera on and off during the encounter), through appropriate disciplinary action, a rebuttable evidentiary presumption in favor of criminal defendants and in favor of civil plaintiffs. In cases where body camera footage is to be used for evidentiary purposes, I would support measures to ensure that the point of access to the footage is the same for both criminal defendants and officers.*

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.

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?

TURCHINETZ: *Yes*