

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: Dan Daly

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.

***DALY:** All members of our community need to feel safe. I understand that many in our community feel like they are disproportionately targeted for minor offenses. We need to make sure first-time offenders of minor, nonviolent crimes receive a civil penalty or are allowed to participate in First-Time Offender Diversion Programs.*

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?

***DALY:** The Boston City Council needs to regularly evaluate public safety regulations and enforcement to best serve city residents.*

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

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>.

DALY: *Every resident needs to feel safe in Boston. Safe from criminal activity and safe from government overreach. We need to make sure law enforcement have the proper tools to protect the public, while also protecting Constitutional rights and civil liberties.*

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

DALY: *Any database involving information regarding private residents, whether they are believed to be affiliated with gang activity or not, needs to be consistently evaluated with the utmost caution and deference to civil liberties. If it is found that that data collection is being done in a way that violate Constitutional rights or civil liberties, than yes, action should be taken to curtail those activities that run afoul of civil liberties.*

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?

***DALY:** As the child of immigrants, I understand what many immigrants and new Americans go through while joining our communities in Boston. They should be welcomed and offered the same public resources to succeed as anyone else in the City – without strings attached. Our vibrant immigrant community should be supported and provided the resources needed to live the American dream. Inclusion, not division, is what makes our City strong.*

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?

***DALY:** Law enforcement need to have every constitutional resource available to keep our communities safe. The threat of foreign and domestic terrorism is sadly real in our country. We need to create a sense of community and inclusion among those who may feel marginalized and the best way to do that is through community programs that bring people together.*

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?

***DALY:** All Bostonians deserve to live freely and feel safe in their communities and homes and should not be targeted or discriminated against because of their religion. The JTTF, nor any other government agency, should be allowed to infringe on the rights of people living in this country.*

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?

***DALY:** Boston should only partner with the JTTF if it can be established that the partnership protects the civil liberties of our residents. If constitutional rights of Boston residents are being compromised, then the City must reevaluate that relationship.*

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?

***DALY:** The City of Boston should expand and prioritize community policing programs where police are active members in the neighborhoods they serve. We need to build strong trust between law enforcement and communities, so people feel safe in their homes, schools, parks and places of work. This can only be achieved through stronger collaborations. With a growing population in the City - in Allston-Brighton especially - we need to not only hire more police, but we need to expand all public services such as fire protection, trash pickup, and infrastructure improvements to support the population influx.*

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?

***DALY:** The law should be applied equally and blindly to all Boston residents. It is important to have all the data possible to ensure justice is being served fairly across the City.*

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_LegFile.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?

***DALY:** Drug prosecutions should be focused on the drug distributors and actual dealers. Many lives have been destroyed and lost by the opioid epidemic and the City has an obligation to provide real resources to combat opioid use disorder. Some solutions include:*

- *Creation of an empowered Boston Opioid Task Force charged with designing and implementing opioid use disorder programs to combat the epidemic.*
- *Early intervention programs for first time offenders.*
- *Deferring prosecutions for those entering, and completing long term treatment programs.*
- *Additional community programs offering treatment to residents who have not been arrested.*

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?

***DALY:** The City needs to implement a two-pronged approach to combatting illegal drugs. Law enforcement should focus on targeting drug suppliers while a newly empowered Boston Opioid Task Force could focus allocated resources on mandatory treatment programs in lieu on criminal arrests.*

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?

***DALY:** Every resident of Boston deserves to feel safe and free in our City. It is important for law enforcement to have appropriate, modern tools to fight crime. However, these tools cannot infringe on constitutional rights to privacy and civil liberties.*

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?

***DALY:** Any City ordinance regarding the use of face surveillance technology would need to provide a clearly defined scope to protect the privacy of City residents.*

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?

***DALY:** All City acquisitions should be publicly accounted.*

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?

***DALY:** Any major agency expenditures should require consultation with the City Council.*

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?

***DALY:** Community wellbeing and public safety should be top concerns of tactical units operating under the BPD. Operations should be reported out as part of annual assessments conducted by the BPD into operational functionality of units, made available to the City Council.*

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

***DALY:** The concerns over plainclothes policing are very real in many neighborhoods. However, law enforcement should have the resources they need to keep our City safe, so long as they do not infringe on the constitutional rights and civil liberties of Boston residents.*

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?

***DALY:** With a growing population, the City needs to hire more police and public servants. It is no secret the BPD is spread thin in neighborhoods across the city, especially in Allston-Brighton, with many officers being ordered for mandatory overtime. Hiring more, well-trained police for full time positions would help defray overtime costs.*

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?

***DALY:** The City needs to hire more police to reduce overtime and invest the savings in housing, education, youth jobs and drug treatment.*

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?

***DALY:** Police performance should be assessed on a multitude of factors including crime statistics, community policing initiatives, arrest reports, investigative professionalism, and community input.*

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?

***DALY:** City of Boston data portals should be up-to-date and easily accessible for all City resources.*

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?

***DALY:** The CO-OP is an instrumental resource for police accountability. But 25 percent is still too high a number. We need to ensure that all police are properly trained and regularly updated on operational procedures and protocols.*

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?

***DALY:** If police act in a way that violates the law or violates proper protocol, they should be reprimanded if a thorough investigation proves the alleged conduct.*

Creating and funding more bureaucracy may only delay reviews and create additional hardships for all parties in the investigation. A better course of action is to expand the CO-OP membership and increase their investigative purview.

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.

***DALY:** Body cameras are a valuable tool to protect both the accused and the police during a police stop. They should be used during all police stops, they greatly inform police reports, and unedited footage should be provided to defendants.*

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?

***DALY:** Body camera footage is a valuable tool to protect the accused and police accountability. The footage helps ensure that police reports are properly and accurately completed.*

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.