

Fall 2019

**Boston City Council Candidates
Public Safety Questionnaire**

Candidate: Lee Nave Jr.

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.

***NAVE:** As a full time advocate and organizer for criminal justice reform, this is an area in which I am closely familiar. I would work with the Boston Police Department and the Suffolk County District Attorney Rachael Rollins to demand that minor offenses are not prosecuted but rather issue a criminal summonses as New York City has successfully done, reducing their incarceration rates. I would work on increasing our funding for diversion programs that not only eliminate court processing but also arrest records for young people. I'd also work to ensure every BPS teacher and School safety officer has full racial and ethnic disparity trainings under the new criminal justice reform bill passed last year. We need to ensure folks are trained and we need to prevent as many school based arrest as possible. This also includes MBTA police who deal with young people before and after school.*

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?

***NAVE:** Yes. As mentioned before, I'd ask the police commissioner to explore diversion practices.*

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

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

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

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

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

***NAVE:** I would not allow BPD to share data about ANY residents with the federal government. As a Sanctuary City, Boston must do all it can to protect our residents from the racist actions of the current administration. I would push to ensure we have no coordination with ICE in any form as a city. We would continue to not allow them in our courthouses and we would have security outside the courthouses to ensure anyone regardless of status can come and go without being hassled by ICE agents.*

Transparency wise, I would create a community led accountability board for BRIC. No agency should be above public oversight if it is funded by public dollars. This oversight board would evaluate BRIC's practices and determine by case if they are in the best interest of the people of Boston.

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

***NAVE:** Yes. I do not support any database that uses racism in its very core to codify black and brown people as criminals without even being found guilty of a crime.*

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?

NAVE: As a coalition builder and advocate, I would work to support existing local community-based organizations who have established trust with immigrant communities to do this important work. I would work to have city fund such programs and build on our workforce development initiatives to support pipelines into careers and homeownership for new members of our community.

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?

NAVE: 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?

NAVE: My wife and her family immigrated from Indonesia to Boston in 1997. As Muslim immigrants, they suffered from racism and bias attitudes in the systems they

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>.

interacted with, despite working in Boston's elite academia institutions, especially post 9/11. This is a personal motivator to similarly work to have BPD not comply with the JTTF. Also, I would work to have all BPD officers and staff receive training and coaching on anti-racism and anti-bias behaviors toward ethnic and religious minorities. This training would start in the academy so that officers who come to the streets of Boston have that basic understanding. I would also work on forming an ethic community board that has the power to hold police officers accountable for specific acts.

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?

NAVE: Yes

3. Racial Profiling

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

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

NAVE: In my district we have the highest ratio of black people being pulled over in the city of Boston. What makes that worse is our district has a pretty low black population. We need to ensure District 14 is a welcoming community for everyone. Therefore all police officers who show high disparities rates in their arrest and traffic stops, will be sent to RED trainings.

I know also that hiring more officers of colors doesn't simply solve the RED issue. It's a culture (police culture) issue that has to be addressed at its core.

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?

NAVE: Yes. I would also work for an audit for the courts as well to determine how much harsher are their sentences for Black and Brown people to White people on similar crimes. As a researcher for juvenile justice issues the last five years, getting access to such data has always been difficult.

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?

***NAVE:** As a City Councillor, I would treat addiction as a medical condition instead of a crime. I would work across city boundaries to create a comprehensive strategy that involves state funding to both address the downstream impact of the opioid crisis, but also invest in preventative measures like supporting increased oversight of the pharmaceutical industry and ensuring there are strong youth development programs and jobs for our city's young people.*

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?

***NAVE:** Yes. I would also work to decriminalize all drug use in the city of Boston. I'd treat it like a public health issue similar to the country of Portugal.*

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?

***NAVE:** Cities in California, Somerville, and Cambridge have set the tone for how municipalities should protect their residents from facial recognition data getting in the hands of law enforcement. I would follow their lead and end our current practices and any slated in the future.*

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?

***NAVE:** 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?

***NAVE:** Boston residents should have access to information such as when agencies are acquiring surveillance on them. While many residents feel safer when there are cameras in public spaces, this is just the tip of the surveillance iceberg, and we must work across departments to ensure that the public knows when and why they are being surveilled.*

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?

***NAVE:** 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?

***NAVE:** I would work to limit tactical units to only the most extreme situations such as murder, terrorism, sexual assault, kidnapping, and every grid level 6 crime. Drugs in any fashion would not be included. Also every such use of tactical units must fit a stiff strategic point with more than enough evidence that the usage of such force was justified. This will include reports and evidence given directly to a community led accountability board.*

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

***NAVE:** Yes. I would also support the abolition of unmarked police cars.*

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?

***NAVE:** I would issue an audit of overtime pay and have every police officer used a monitored check in-check out system. I'd end all overtime automatic procedures such as cops testifying in court have it be as precise as the time spent in or waiting for court. Every overtime hour would need to be justified based on level the work being pursued. For example, if a police officer is working overtime to file paperwork on a murder trial, that should be okay. We'd also look at returning civilian flaggers to sites instead of our officers.*

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?

***NAVE:** Yes. Extremely stricter limitations.*

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?

***NAVE:** The Boston Data page has been a huge asset for the public. Being able to have access to the Police data of where and to whom (demographically) these incidents like stop & frisk are happening in the city will help to reduce the disproportionate rates black and brown people are involved in these incidents. I would push BPD to have weekly arrest data posted on its site and for each quarter, Lieutenants and Captains to explore their individual officers arrest numbers to see if there are any discrepancies such as a large number of traffic stops of POC people, lots of stop and frisk, and arrest of young people on low level offenses.*

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?

***NAVE:** Yes. At least weekly, not just quarterly or annually.*

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?

***NAVE:** I'd work to ensure it has the power to actually be a full functioning accountability tool. It was purposely made to be weak so we must end that. I'd also diversify the board with community leaders from around the city, not just formerly government or system workers.*

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?

***NAVE:** 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.

***NAVE:** The role body cameras should play is one of open communication for all parties involved. The camera should allow both defendants and police officers to revisit a situation and to determine who was at fault or was an action such as an arrest justified. In no terms should defendants not be allowed that same right. Therefore I would push that defendants have access for their best defense possible.*

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?

***NAVE:** Yes*

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.