

Offered by City Councilor Julia Mejia, Arroyo, Lara, Baker, Bok, Breadon, Fernandes Anderson, Flaherty, Flynn, Louijeune, Murphy and Worrell



CITY OF BOSTON IN CITY COUNCIL

RESOLUTION IN SUPPORT OF S. 2671, AN ACT RELATIVE TO FORFEITURE REFORM AND S. 2105 AN ACT RELATIVE TO CIVIL ASSET FORFEITURE DATA REPORTING

- WHEREAS,** According to the Institute of Justice, Massachusetts earns a F for its civil forfeiture laws, with the lowest bar to forfeit, poor protections for the innocent, and large profit incentives; *and*
- WHEREAS,** In December of 2021, an article was published detailing the purchase and use of a cell site simulator purchased by the Boston Police Department using a “hidden pot of money,” likely obtained through civil asset forfeiture; *and*
- WHEREAS,** According to the article, the cell site simulator, also known as a “stingray” was purchased by the BPD in 2019 for a total price of \$627,000 and mimics a commercial cell phone tower, allowing the BPD to access a person’s location and potentially identifying information from their cell phone; *and*
- WHEREAS,** The purchase was not disclosed to the City Council during its budget deliberations and the only city review for the purchase of this equipment came from the Procurement Department; *and*
- WHEREAS,** A hearing in the Committee of Government Accountability, Transparency, and Accessibility was held on March 22, 2022 in order to discuss the purchase of the cell site simulator and the overall use of civil asset forfeiture dollars in general; *and*
- WHEREAS,** Since that hearing, greater attention has been paid to actions in the Statehouse that seek to achieve greater transparency and accountability towards local police spending of civil asset forfeiture dollars; *and*
- WHEREAS,** S.2671 An Act Relative to Forfeiture Reform will require the attorney general, each district attorney, and each police department to file an annual report with the executive office of administration and finance and the house and senate committees on ways and means detailing all assets, monies and proceeds from assets seized pursuant to this section; *and*

WHEREAS, S.2105 An Act Relative to Civil Asset Forfeiture Data Reporting will require the state treasurer to establish and maintain a case tracking system and searchable public website that includes, among other things: Name of the law enforcement agency that seized the property, Date of the seizure, Type of property seized, Estimated value of the seizure, The outcome of suspect's arrest, and more; *and*

WHEREAS, The Boston City Council has an obligation to ensure accountability, transparency, accessibility, and oversight over City Departments and city spending, especially in regards to technology that can spy on Boston residents; *and*

WHEREAS, With any forfeiture reform, it is important to include robust mechanisms to ensure that law enforcement will use state forfeiture mechanisms rather than substituting towards federal forfeiture mechanisms ('equitable sharing') if strong state reforms pass; ***NOW THEREFORE BE IT***

RESOLVED:

That the Boston City Council offers its support for S.2671 An Act Relative to Forfeiture Reform and S.2105 An Act Relative to Civil Asset Forfeiture Data Reporting, and that the City Clerk be and hereby is requested to forward suitably engrossed copies of this resolution to Speaker of the House Ron Mariano, Speaker Pro Tempore Kate Hogan, Senate President Karen Spilka, Senate Majority Leader Cynthia Stone Creem, the bill sponsors as well as the entire Boston delegation, ***AND BE IT FURTHER***

RESOLVED:

That the Boston City Council urges the Legislature to take further steps to prohibit law enforcement from seeking or accepting forfeited assets from the federal government, if use of 'equitable sharing' would prohibit the assets from being deposited in the state's general fund.

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