



# ACLU

AMERICAN CIVIL LIBERTIES UNION  
of MASSACHUSETTS

## Our Homes Are Not Battlefields: Reversing the Militarization & Federalization of Local Police in Massachusetts

The United States is not a battlefield, and our homes and communities should not be targets for military raids. But throughout Massachusetts today, forces composed of members of our public police departments increasingly resemble military units, backed up by advanced surveillance technologies, weapons, and battle vehicles. These units, known as SWAT (Special Weapons and Tactics) teams, conduct raids in our communities that increasingly resemble Special Forces operations executed by the US military in war zones abroad. For instance, SWAT teams break down doors in the middle of the night, dressed in combat gear, and hurl flash-bang grenades in civilian homes — too often merely to serve routine drug warrants. After more than a decade embroiled in wars abroad, the tactics, mentality, and tools deployed by the US military in overseas war operations are coming home to our cities and towns.

Law enforcement is a difficult job, and police officers are sometimes sent into very dangerous situations: active shooter, hostage, and violent barricade scenarios among them. Under these and a similar, limited, set of circumstances, militarized police raids may be appropriate. But all too often, as our review of open source material in Massachusetts and empirical figures from other states show, SWAT raids in America are executed in drug-related cases where there is no justifiable use of such extreme force. Worse still, these militarized drug raids do not impact all Americans equally: unjustifiable force and SWAT raids against people in their homes most often target people of color and the poor. The ACLU's national office [recently found](#) that the majority of people impacted by the more than 800 SWAT raids it investigated were people of color.



Perhaps no story illustrates this problem more locally—and tragically—than the 2011 death in Framingham of [Eurie Stamps](#), an African-American grandfather of twelve, in his own home. Using military-style tactics, including the use of a battering ram to break down the door after midnight, the Framingham SWAT team raided

Stamps' house in an attempt to apprehend his stepson and another man suspected of dealing drugs, when an officer killed the elderly, unarmed Stamps.

This report details the toxic effects the so-called “war on drugs” and “war on terror” are having in our communities—and their failure to address pressing public safety concerns. Revelations in this report include:

- Figures on the growing and unchecked transfer of military equipment to Massachusetts state and local police;
- Details about the adoption by local police of failed counterinsurgency battlefield strategies and tactics in Massachusetts communities;
- Previously secret National Guard involvement in counterdrug operations in the Commonwealth;
- Federal funding for local “counterterrorism” projects where there is no threat of terrorism;
- Widespread secrecy by state and local law enforcement regarding the equipment, tactics and consequences of deploying military tactics against local residents in Massachusetts.

This briefing paper is released in tandem with a [study published by the national ACLU](#), which describes police militarization in other states and surveys the national landscape. The nationwide report demonstrates empirically that the inappropriate SWAT raids it investigated were disproportionately carried out against communities of color, which can exacerbate tensions between communities and the police. Rather than enhance public safety, federally-funded police militarization undermines police-community relations, endangering people and threatening the character of our open society. Public records and open source information indicates a similar problem in Massachusetts.

This briefing paper, and the recommendations set forth at the end, is part of a growing body of literature calling for new public policy solutions to long-term social problems such as substance abuse and poverty. Counter to the dominant approach to security in America, the inappropriate use of SWAT teams, increased surveillance, and the monitoring of dissidents will not make us a safer or healthier Commonwealth.

## **Militarization of local police is fueled by the “wars” on drugs, terror, and dissent**

The militarization of domestic law enforcement began in the 1970s with the war on drugs, and has been fueled by [billions of dollars](#) in federal funding throughout the so-called war on terror.

After the tragic Boston Marathon bombings in 2013, then-Boston Police Commissioner Ed Davis told Congress, “I do not endorse actions that move Boston and our nation into a police state mentality.” Despite this vow, the Commonwealth’s local police departments increasingly are adopting military weaponry, tactics and mindsets, often targeting poor and underserved communities, as well as people engaged in dissent and other forms of protected political speech.

In Massachusetts, many SWAT teams are operated by regional police department consortiums called Law Enforcement Councils (LECs). Approximately 240 of the 351 police departments in Massachusetts belong to an LEC. While set up as “corporations,” LECs are funded by local and federal taxpayer money, are composed exclusively of public police officers and sheriffs, and carry out traditional law enforcement functions through specialized units such as SWAT teams.

An additional [25 cities and towns](#) maintain their own paramilitary police units (PPUs), and the State Police has a SWAT team of its own, called Special Tactical Operations ([STOP](#)). The Massachusetts Bay Transit Authority (MBTA) also maintains a [SWAT force](#).

*When all you have is a hammer,  
everything looks like a nail.*

## **Militarization of police in Massachusetts is shrouded in secrecy**

In preparing this report, the ACLU of Massachusetts filed numerous public records requests with Massachusetts police departments, drug task force operations, and regional Law Enforcement Councils, which operate regional SWAT teams. Most agencies denied our requests for public documents.

The federalization and militarization of local law enforcement—including with the US military—have taken place largely in the shadows, without democratic input or community oversight. Local Massachusetts police departments, for example, have largely refused to cooperate with ACLU requests for information about their SWAT activities. This failure to keep and make publicly available adequate records about SWAT raids obstructs the public’s view of police practices in Massachusetts, prohibiting the oversight necessary to prevent abuse and ensure democracy. Due to the weakness of Massachusetts [public records law](#) and the culture of secrecy that has infected local police departments and Law Enforcement Councils, procuring

empirical records from police departments and regional SWAT teams in Massachusetts about police militarization was universally difficult and, in most instances, impossible.

The few documents obtained reveal that SWAT teams in Massachusetts do not keep adequate records. For example, there is no evidence of a standardized form in use across SWAT teams to document the reasons and justifications for deploying SWAT. Nor did the ACLU find evidence of any standard justification or use-of-force policy across agencies statewide. Worse still, in light of SWAT teams' military-style operations, there is no uniform after-action documentation in use across departments. Some departments compile after-action reports; others don't. In some cases, the ACLU was told that compiling available records for disclosure would be too costly because after-action reports are kept in individual case files, and are not stored in a centralized SWAT database.

The lack of standards, record keeping, and transparency poses serious threats to both public safety and democracy, and should be addressed immediately as a matter of both public record and public safety management. Police departments and regional SWAT teams are public institutions, working with public money, meant to protect and serve the public's interest. If these institutions do not maintain and make public comprehensive and comprehensible documents pertaining to their operations and tactics, the people cannot judge whether officials are acting appropriately or make needed policy changes when problems arise.

In order to properly assess the value and dangers of using SWAT raids in specific circumstances, and to examine the trends more broadly, departments should be required to adopt appropriate use-of-force policies and after-action reports, while maintaining adequate records for periodic public examination.

Hiding behind the argument that they are private corporations not subject to the public records laws, the LECs have refused to provide documents regarding their SWAT team policies and procedures. They have also failed to disclose anything about their operations, including how many raids they have executed or for what purpose.

One SWAT team in Massachusetts was more transparent about its operations, but only after a deadly incident. Public pressure forced the production of information related to Framingham SWAT team operations after the team killed Eurie Stamps in January 2011. This information revealed the Framingham team conducted "four high risk tactical missions" in 2012 —all of them related to serving warrants for narcotics charges.

But even the limited publicly available information about the LECs reveals patterns of militarizing police operations. [METROLEC](#), one of the largest of the law enforcement councils covering the metropolitan Boston area, operates a range of specialized resources, including a Canine Unit, Computer Crimes Unit, Crisis Negotiation Team, Mobile Operations Motorcycle Unit, and Regional Response Team,

in addition to its SWAT force. The organization maintains its own BearCat armored vehicle, as well as a \$700,000 state of the art command and control post. In 2012, METROLEC reportedly used its BearCat 26 times, [mostly for drug busts](#), and applied to the Federal Aviation Administration [to obtain a drone license](#).

The North Eastern Massachusetts Law Enforcement Council (NEMLEC) similarly operates a SWAT team, as well as a Computer Crime Unit, Motorcycle Unit, School Threat Assessment & Response System, and Regional Communications and Incident Management Assistance Team. Its SWAT team members are [trained and equipped](#) to “deal with active shooters, armed barricaded subjects, hostage takers and terrorists,” and they dress in military-style gear with the words “NEMLEC SWAT” emblazoned on their uniforms. Given this training, it is not surprising that the NEMLEC SWAT team has over the past decade led numerous operations that involved armored vehicles, [flash-bang devices](#), and automatic weapons.

Despite the difficulty we had in obtaining what is effectively secret information about the details of SWAT activities in our state, available open source information about police trends in Massachusetts leads us to the same disturbing conclusions reached in the ACLU’s national report: police increasingly view our domestic communities as war zones, and are acting accordingly. Unfortunately, counterinsurgency tactics have proven to be ineffective at building a nation that is safe and free, whether at home or abroad.

### **Hand-me-down militarization: tracking the transfer of surplus military weapons to state and local police**

Massachusetts police departments have for years accepted equipment from the Department of Defense (DoD), free of charge. The transfers are governed by the US military’s [1033 program](#), which gives used DoD items to state and local law enforcement for “counter-drug or counter-terrorism activities.” State and local governments pay shipping costs and maintenance.

Between 1994 and 2009, 82 police departments and other authorized agencies in Massachusetts [received](#) 1,068 military weapons from the DoD—including 486 fully automatic M-16 machine guns and 564 semi-automatic M-14s. While the State Police received the most weapons, departments in towns like Wellfleet, Medford, Duxbury, and Hamilton [also obtained machine guns](#) from the military, free of charge.

West Springfield, Massachusetts, population 28,137, got two grenade launchers through the 1033 program.

[Massachusetts police departments](#) also received five “peacekeeper armored vehicles” valued at \$1 million, 771 vehicles worth more than \$11 million, and large marine craft worth \$300,000. In 2012, Massachusetts agencies requested equipment

worth over \$2 million from the DoD, including night vision goggles, binoculars, telescopes, computers, and trucks.

This [acquisition of military equipment](#) including powerful weapons happens without a process for public input. A *Boston Globe* [report](#) found that when it surveyed 12 Massachusetts police departments, not one had informed the public that it was getting free military weapons through the 1033 program.

That public engagement is crucial, because [not all communities are eager](#) to receive military weapons, even when the DoD is giving them away.

Some leadership has provided a rare but helpful counterexample. In May 2009, then-Mayor Menino of Boston rejected a plan for the BPD to obtain 200 high-powered M16 rifles free of charge from the military. Then-Commissioner Davis [told](#) the *Boston Globe*, “The mayor has made it clear, and I agree, that this is not a weapon that an average patrol officer should have in his car or slung over his shoulder.”

However, despite that initial reluctance, four years later, the BPD announced plans to acquire 100 AR-15 assault rifles, even though gun violence is on the decline in the city. Some members of the department aren’t convinced it’s the right path: “All of a sudden the department seems to be rushing into this,” president of the Boston Police Superior Officers Federation labor union, Jack Kervin, [told](#) Al Jazeera. “It isn’t like this is Fallujah or we’re in a war zone.”

### **Militarizing local police does not make our communities safer**

The increasing tendency of police to adopt military tactics against civilian residents has not led to better public safety outcomes. Rather, this approach evokes the warning that when all you have is a hammer, everything looks like a nail.

*Between 1994 and 2009, Massachusetts police departments received 1,068 military weapons—including 486 fully automatic machine guns and 564 semi-automatics.*

Federal efforts to induce local law enforcement to adopt counter-insurgency and military tactics against civilians undermine community-police relations and divert police energies away from solving crimes that have already occurred. Instead, local police become preoccupied with surveillance, military-style strategies, and trying in vain to predict future crimes. The available statistics show that this flood of money for surveillance and military gear has not made police better at solving serious crimes or stopping the flow of illegal drugs into our communities.

Instead, applying counterinsurgency tactics and a war-zone mentality to problems that fundamentally originate from poverty and drug prohibition may actually undermine public safety. As Neill Franklin, executive director of Law Enforcement

Against Prohibition (LEAP), [writes](#), these neighborhood-specific, aggressive tactics may actually make our communities less safe:

“Prosecuting individual drug suppliers is a lot like squeezing a water balloon: when you tighten in one place, another part of the balloon necessarily expands out. The police might arrest a dealer in one area of the city, but when they do, they create a vacuum in the market which others enthusiastically fill. Worse, the scramble to fill that void often leads to violent confrontations between groups competing for market share. This is one way in which drug prohibition not only fails to prevent violence, it actively generates it.”

One important metric of the competence of public safety agencies is the murder clearance rate—what percentage of murders result in criminal charges. Despite the hundreds of millions of dollars in federal aid to state and local law enforcement for new technologies and weapons, homicide clearance rates in New England have fallen over the past decade. In 2003, before the torrent of DHS money to state and local law enforcement for ‘intelligence-led’ policing, the murder clearance rate in New England stood at 67.5%. Nine years later, in 2012 (the last year for which

*Massachusetts National Guard members apply their battlefield experience at home by training local police in military techniques and providing the equipment necessary to carry out military-style counterdrug operations.*

complete FBI statistics are available), the murder clearance rate in the region had actually fallen to 61.8%.

Another important metric is drug abuse rates. Decades into the costly drug war, federal money to fight it continues to flood Massachusetts police departments—as illustrated

in more detail below. But in April 2014, Governor Deval [Patrick declared](#) a public health state of emergency as a result of a spike in opiate-related deaths in Massachusetts. Drug prohibition and aggressive policing strategies to combat drug sales and use have not made a dent in either the supply or demand for drugs in our state, nor staved off the public health crisis that has emerged around substance abuse, notably opiate abuse.

The federally orchestrated militarization of the police is not making our communities safer. At a time when we should move away from failed drug-war policies, providing them with more firepower—figuratively and literally—is a step in the wrong direction.

### **Police militarization perpetuates the failed “war on drugs”**

Despite the fact that the war on drugs is increasingly [politically unpopular](#) and an [objective failure](#), federal aid to state and local law enforcement shows governments at all levels are doubling down on this colossal public policy disaster. The pain of the

drug war isn't only measured in lives lost to [incarceration](#), the [criminalization of youth of color](#) and the poor, the [waste of scarce public resources](#), or premature [deaths](#). The drug war is also directly [militarizing local police](#) and worsening an already substantial [secrecy problem](#) at departments statewide.

[Documents](#) obtained by the ACLU of Massachusetts show that the Massachusetts National Guard is intimately engaged in fighting the drug war in our state, applying battlefield techniques at home. The Guard trains local law enforcement in military-style tactics and operations and provides them access to military equipment. At least 14 National Guard employees work full-time to provide police departments with drug war operational support. One National Guard counterdrug analyst works permanently at the Commonwealth Fusion Center, a State Police surveillance center.

Among the military equipment available to local police is "aircraft...[for] counterdrug aerial reconnaissance." Military personnel available to work with domestic police are Guard members "uniquely trained, and often experienced on the battlefield, to conduct field operations in both day and night conditions," "personnel trained in counterdrug aerial reconnaissance techniques," divers for underwater missions, and experts in maps and imagery. These National Guard counterdrug operations evidence a blurring of the lines between military and police missions.

Massachusetts also is home to more than 20 multiagency drug task force operations, due in part to funding from the Department of Justice's Byrne grant program. Police and prosecutors from 181 cities and towns [participate](#) in these drug force operations alongside representatives of the FBI, DEA, ICE, and the National Guard. In 2005 alone, working with the assistance of 1,000 confidential informants, these task forces conducted 131 drug investigations and seized over \$2 million through asset forfeiture.

One such task force operation, the New England High Intensity Drug Trafficking Area (NEHIDTA), refused [our request for public documents](#) about its internal operations. When the ACLU of Massachusetts filed a public records request with the NEHIDTA, a federally funded drug war operation staffed by public employees, the agency [replied](#): "The NEHIDTA is NOT a government agency. The NEHIDTA is a grant program administered by the Office of National Drug Control Policy...but is not part of the ONDCP...Under Federal Law, HIDTAs are not legal entities capable of possessing any information. Rather, HIDTAs are coalitions that serve ministerial and administrative functions. Any information that passes through a HIDTA remains the sole property of the originating agency, and NOT the property of the HIDTA."

Despite the NEHIDTA's assertion that it is not a government agency, the Department of Justice [website makes clear](#) that these are government-run operations.

The Drug Enforcement Agency [states on its website](#) that HIDTAs provide "a federal presence in sparsely populated areas where the DEA would not otherwise be



represented.” These task force operations combine “federal leverage and the specialists available to the DEA with state and local officers’ investigative talents and detailed knowledge of their jurisdiction [leading] to highly effective drug law enforcement investigations,” the DEA claims. But despite this lofty rhetoric, narcotics are [cheaper](#), more potent, and more accessible than ever before in the United States.

The drug war has militarized our police and contributed to the growing [secrecy](#) problem in local law enforcement, but it hasn’t made a dent in the drug trade. Efforts underway in Springfield, Massachusetts illustrate that this failure has not stopped officials at all levels from doubling down on failed policies.

### **The enemy within: deploying counterinsurgency tactics in Massachusetts communities**

Police officers increasingly are trained to view themselves as soldiers in a war against criminals, instead of public servants hired to serve and defend our communities. In Massachusetts, law enforcement’s adoption of military tactics and a military mindset has catalyzed this process.

One explicitly military model has been adopted by law enforcement in Springfield and South Holyoke. A former Green Beret who is also a Massachusetts state trooper, Michael Cutone, brought C3 Policing—Counter Criminal Continuum—to Springfield. On his return from Iraq in 2009, he and Thomas Sarrouf, another state trooper who had been in Special Forces in the Avghani region of Iraq, reportedly sold Springfield’s then-deputy police chief John Barbieri on their [plan to adopt](#) the Afghani Counterinsurgency Operations (COIN) model in Springfield’s North End.

According to an [article](#) in the scientific journal *Nature*, “When Cutone returned from Iraq, he realized that the chaos he saw in Springfield bore a strong resemblance to

*“In America black people are treated very much...[as] any other colonized people because we're used, we're brutalized. The police in our community occupy our area—our community—as the foreign troops occupy territory. And the police, they are not...in our community...to promote welfare or our security, our safety, but they are there to contain us, to brutalize us...The police in our community couldn't possibly be there to protect our property because we own no property. They couldn't possibly be there to see that we receive the due process of law for the simple reason that the police themselves deny us the due process of law, so it's very apparent that the police in our community are not for our security, but the security of the business owners in the community and also to see that the status quo is kept intact.”*

– Huey P. Newton, 1968

what he had seen in northern Iraq where he had been employed.” In this approach, so-called “gangs” in the North End of Springfield were equated with insurgents on a foreign battlefield. In this battlefield theory, gangs, like insurgents, would be targeted for intelligence collection by turning the local population into the “eyes and ears” of militarized law enforcement in return for promises of enhanced security.

*Predictive policing, sometimes known as “intelligence-led policing” is a surveillance-driven, data-heavy approach to pre-empting crimes before they occur. Complicated algorithms sold to police departments by CIA-linked firms like Palantir purport to crunch crime data and spit out information about where crimes are likely to occur in the future, based on past trends. There are many problems with this approach, foremost among them that it hasn’t been proven to work, and that it reinforces deep inequalities in the criminal justice system. Predictive policing reproduces decades of racially biased policing, through a supposedly “neutral” computer program, producing a feedback loop of injustice that is sold as objective and progressive. [Read more about the problems with predictive policing.](#)*

In Springfield, C3 Policing includes regular meetings for Springfield residents of the North End neighborhood to give “actionable intelligence” about crime, as well as ideas about how to “reduce gang activity and violence.” Kit Parker, a US army major teaching and researching at Harvard University after returning from Afghanistan, provided the intelligence analysis component.

Parker reportedly has [involved](#) college students in C3 policing in order to “to bolster the initiative with state-of-the-art data-gathering and analysis.” This Harvard class, located some 89 miles away from Springfield, created a “war room” where students analyze information collected on “gang members and criminals” by using Lighthouse, a military data-collection system developed to gather information on insurgents in Afghanistan. The students perform data-mining and link analysis to map connections and associations as state troopers collect data on criminal histories, social networks, biometrics, and tattoos when they book suspects.

Major Parker “acknowledges that a domestic theory of counterinsurgency is a tough sell when many believe it has failed abroad.” Meanwhile, State Trooper Cutone—who has registered “C3 Policing” as a privately-owned trademark—reportedly has advised police departments from neighboring South Holyoke to Salinas, California on using counterinsurgency tactics against civilian populations.

While detailed metrics on the C3 program remain secret, some of the most illuminating information the ACLU obtained about the implementation of the counterinsurgency model in Springfield comes from [grant](#)

[application documents](#) the city and police department filed with the Department of Justice in 2013. In October 2013, the Department of Justice's Byrne Criminal Justice Innovation (BCJI) grant program, overseen by the Bureau of Justice Assistance, awarded the City of Springfield \$1,000,000 to expand its counterinsurgency policing to the South End neighborhood. The city's grant application for DOJ funds suggests that the C3 system perpetuates many of the worst aspects of decades-old, failed, discriminatory drug-war policies.

The program abstract submitted to DOJ, for example, states that the primary objective of the C3 model is to "close down the area's open drug market and reduce violent crime in the neighborhood by disrupting, denying, degrading, and displacing drug dealing and related criminal activity." To achieve that goal, the police will conduct "data gathering and analysis," encourage local residents to "call and/or text-a-tip...to police", "increase the number of arrests made in the neighborhood from the baseline to 30% above baseline in the first year of implementation," and deploy "intelligence-led policing."

Rather than focus on violent offenders, however, the C3 model focuses resources on "increased misdemeanor arrests/intensive law enforcement," involving "aggressive order maintenance techniques, including making arrests for public order violations, arresting drug dealers, [and] conducting 'stop and frisks' of suspicious individuals."

The focus on low-level, non-violent offenders and heightened use of "stop and frisk" tactics is notable, particularly at a time when stop and frisk policies are coming under fire nationwide for their disparate racial impact.

Moreover, despite the reported failure of counterinsurgency strategies in Afghanistan and Iraq, the City of Springfield has pointed to these as models for their domestic counterinsurgency strategy. "It is a domestic adaptation of the highly effective Counterinsurgency Operations (COIN) strategy used in Afghanistan," the city wrote to DOJ, seeking funds for C3 policing.

Supporters of counterinsurgency policing in Springfield claim that C3 policing strategies drove crime down 62% in the North End neighborhood in just one year. But despite the involvement of criminologists and Harvard researchers tasked with examining data trends and preparing quarterly reports, this one statistic remains the only publicly available metric about the program's efficacy. Despite ACLU requests, no information has been made publicly available about what kinds of crimes decreased, which did not, or citywide trends.

Perhaps that's because the contextual statistics paint a very different picture. In fact, Springfield was ranked as the 10th most dangerous mid-sized city in the nation in 2013, in which nearly all indicators of violent crime had increased since 2012, according to the [website Law Street](#), which examined available FBI crime data. Preliminary trend data showed that the murder rate was up a whopping 83% over 2012 figures. Unsurprisingly, the City didn't mention that in its 2103 application to the DOJ.

An ACLU of Massachusetts public records request to the City of Springfield pertaining to C3 policing demonstrates that the City is deeply invested in the "counterinsurgency" model, but possesses no official policies or internal procedures to monitor or oversee its implementation. While the department claimed to have no internal policies or procedures related to C3 policing, it told the ACLU that it would have to pay \$53,000 to obtain other C3 documents—including over 35,000 emails and 700 pages of overtime records that remain hidden from public scrutiny and oversight.

### **The war on terror comes home: federal dollars fuel local surveillance and attacks on dissent**

In 2012 and 2014, civil liberties groups including the ACLU published documents revealing that the Boston Regional Intelligence Center ("BRIC") extensively monitored lawful First Amendment political activity. The BRIC files, detailed in our 2012 report "[Policing Dissent](#)," described antiwar activists like Veterans for Peace as "extremists" and homeland security threats. Documents released in 2014 revealed that officials kept tabs on the political speech of law-abiding Occupy Boston participants [including Marty Walsh](#), who went on to become Mayor of Boston.

As police militarize, they also integrate with federal intelligence agencies engaged in domestic surveillance. The federalization process, like police militarization, is driven largely by federal funding and has swept across Massachusetts largely in secret. While federal funds are often provided to local law enforcement under the guise of fighting a "war on terror," expenditures ostensibly earmarked for counterterrorism too often end up instead being used to track ordinary Americans engaged in protected political speech.

While struggling with budget cuts, police departments statewide nonetheless have received hundreds of millions of dollars in federal assistance to buy advanced surveillance technology, including license plate readers, night vision goggles, biometrics databases, data-mining algorithms, and networked surveillance cameras. Local law enforcement is cashing in on the homeland security craze, with sometimes troubling results:

Massachusetts has received more than [\\$943 million from FEMA](#) alone since 2002 for what officials describe as antiterrorism purposes. Millions of dollars from those funding streams were fed into the development of so-called “fusion centers”, the Boston Regional Intelligence Center (BRIC) and the Commonwealth Fusion Center (CFC).

- In 2013, Boston [received \\$17.5 million in DHS](#) grant funds for antiterrorism programs, including allocations for the BRIC.
- In 2007, \$6 million in funds from the DOJ’s misnamed Community Oriented Police Services (COPS) grant supported [enhanced data sharing](#) and “cutting edge-crime fighting technologies” for state and local police. Among the resulting efforts was the implementation statewide of a criminal intelligence system that automatically “links individuals with associates, locations, and vehicles.”
- In 2012, federal [DHS funds paid for](#) Massachusetts police officials’ purchases of five BearCat armored vehicles. The enormous trucks cost approximately \$250,000 apiece. There is usually no democratic process to determine whether residents of municipalities want or need these enormous vehicles. Since the tools are “free”—except for upkeep and maintenance—local governments often approve their acceptance with a rubber stamp, or even [in the face of local protest](#).
- The quiet college town of Northampton, population 28,629, [sought federal funds](#) to purchase portable surveillance equipment it claimed it needed to deal with emergencies including “major civil disorder.”
- Wellesley, population 26,613, [sought funds](#) to purchase computers and software for patrol officers so they could “query people they come in contact with” in various intelligence databases, including those maintained by regional fusion centers.

While the US military is working to train state and local law enforcement in drug war tactics, and local fusion centers are busy spying on dissenters, the Pentagon has its own plans to counter peaceful social and political change that threatens the status quo. Writes the [Guardian](#):

“[T]he Pentagon’s Human Terrain Systems (HTS) program—designed to embed social scientists in military field operations—routinely conducted training scenarios set in regions ‘within the United States.’

“...[T]he HTS training scenarios ‘adapted COIN [counterinsurgency] for Afghanistan/Iraq’ to domestic situations ‘in the USA where the local population was seen from the military perspective as threatening the established balance of power and influence, and challenging law and order.’



“One war-game...involved environmental activists protesting pollution from a coal-fired plant near Missouri, some of whom were members of the well-known environmental NGO Sierra Club. Participants were tasked to ‘identify those who were ‘problem-solvers’ and those who were ‘problem-causers,’ and the rest of the population whom would be the target of the information operations to move their Center of Gravity

toward that set of viewpoints and values which was the ‘desired end-state’ of the military’s strategy.”

## Conclusion

Largely in secret and absent community input, local police departments quietly are being turned into forces resembling military units. They are stocked with surplus equipment from the Department of Defense and trained by military personnel who have returned from overseas wars with battlefield experience and battlefield mentalities. Since 9/11, billions of federal dollars have flooded state and local police departments, usually for purposes at odds with community policing.

The war on drugs is increasingly unpopular and the mass incarceration epidemic it spawned is the target of fierce criticism across the political spectrum. Massachusetts voters have now twice moved to decriminalize marijuana. Despite growing public sentiment against the war on drugs, the federal government’s involvement in Massachusetts counterdrug operations continues to focus public tax dollars on tactics, equipment and a drug-warrior culture within local police departments. The result is the erosion of community trust, disproportionate targeting of people of color, and the documented failure of these policies to stem the flow of drugs into our communities.

As Jack Kervin of the Boston Police Superior Officers Federation said, our communities are not war zones. The militarization of the police fails to fix what most endangers our communities, namely, issues of poverty, inadequate education and public health.

## Recommendations to state and local policymakers

In order to reorient our police to protect and serve our communities, Massachusetts must end the failed war on drugs, reinvigorate local decision-making bodies, update our public records laws, and halt the unchecked flow of federal funds to local law enforcement for battlefield weapons, domestic surveillance, and counterinsurgency tactics.

The ACLU of Massachusetts, in concert with the national ACLU, makes the following recommendations for public policy makers at the state and local levels.

### Recommendations to the Massachusetts Legislature

1. Massachusetts should enact laws encouraging the restrained and appropriate use of SWAT teams, tactical teams, and Law Enforcement Council teams (“SWAT teams”). Tactical deployments should be limited to scenarios in which there is a likelihood that the situation for which the SWAT team is being deployed presents an imminent threat to the lives of civilians and/or police personnel. When SWAT teams are deployed for warrant service, the basis for believing such a likelihood exists should have to be established and approved by a supervisor or other high-ranking official before the deployment.
2. Massachusetts should enact laws requiring that evidence obtained in violation of the traditional rule—which requires police to knock and announce their presence—should be excluded from any subsequent legal proceedings.
3. Massachusetts should enact laws requiring transparency and oversight of state and local law enforcement use of SWAT teams.
  - The law should require local law enforcement agencies that maintain a SWAT team to use a standardized form to record specific data related to SWAT deployments. These forms should be used to generate quarterly reports.
  - The law should require every state or local law enforcement agency that maintains a SWAT team to submit a quarterly report to the legislature that contains the number of times the SWAT team was activated or deployed, as well as the following for each activation/deployment: the address of the location of activation/deployment; the reason for each activation/deployment; the factors establishing compliance with the applicable deployment standard; whether forcible entry or a breach was conducted and, if so, the equipment used in forcing the entry or conducting the breach and for what purpose; whether a distraction device was used and, if so, what type and for what purpose; whether an armored personnel carrier was used and, if so, for what purpose; the race, sex, and age of each individual encountered during the deployment, whether as a suspect or

bystander; whether any civilians, officers, or domestic animals sustained any injury or death; and a list of any controlled substances, weapons, contraband, or evidence of crime found on the premises or any individuals.

- The law should ensure that there is an agency responsible for overseeing and monitoring SWAT activity, and for implementing necessary reforms, including developing a process for addressing civilian complaints regarding SWAT tactics.

## **Recommendations to Local Governments and Law Enforcement Agencies**

1. As an immediate step, law enforcement agencies should adopt internal deployment standards as a matter of local policy. Tactical deployments should be limited to scenarios in which there is a likelihood that the situation for which the SWAT team is being deployed presents an imminent threat to the lives of civilians and/or police personnel. When SWAT is deployed for warrant service, the basis for believing such a likelihood exists should have to be established and approved by a supervisor or other high-ranking official before the deployment.

2. Law enforcement agencies should adopt local policies requiring the implementation of the following best practices in the use of SWAT teams.

- Each deployment should be pre-approved by a supervisor or other high-ranking official.
- Each deployment should be preceded by a written planning process that documents the specific need for the deployment, describes how the operation is to be conducted, and states whether children, pregnant women, and/or elderly people are likely to be present (except in emergency scenarios in which engaging in such a process would endanger the lives or well-being of civilians or police personnel).
- All SWAT deployments should include a trained crisis negotiator.
- SWAT officers should wear “on-officer recording systems” (so-called “body cameras”) during deployments, and police departments should have in place rigorous safeguards regarding the retention, use, access, and disclosure of data captured by such systems.
- All deployments should be proportional to the need; a full deployment consisting of numerous heavily armed officers in an armored personnel carrier is often excessive. Many scenarios do not necessitate the use of a SWAT team at all, and



partial deployments involving the minimal amount of military equipment necessary should be encouraged.

- For each SWAT deployment, a post-deployment record should be made that documents the following, in a manner that allows for the data to be easily compiled and analyzed:
  - The purpose of the deployment.
  - The specific reason for believing that a suspect was in the process of committing an act or threat of serious violence toward another; there was a reasonable and articulable basis for believing that a suspect was presently armed; or there was a reasonable and articulable basis for believing the situation for which the SWAT team was being deployed presented an imminent threat to the lives or safety of civilians and/or police personnel.
  - Whether forcible entry or a breach was conducted and, if so, the equipment used and for what purpose.
  - Whether a distraction device was used and, if so, what type and for what purpose.
  - Whether an armored personnel carrier was used and, if so, for what purpose.
  - The race, sex, and age of each individual encountered during the deployment, whether as a suspect or bystander.
  - Whether any civilians, officers, or domestic animals sustained any injury or death.
  - A list of any controlled substances, weapons, contraband, or evidence of crime that is found on the premises or any individuals.
  - A brief narrative statement describing any unusual circumstances or important data elements not captured in the list above.
  
- Law enforcement agencies should provide training programs for all SWAT teams that do not promote an overly aggressive or “warrior” mentality.

3. Local and county governments should ensure that there is an agency responsible for ensuring that its police are not militarized. Such responsibilities should include the following:

- Approving/disapproving all (a) requests for the receipt of weapons and vehicles under the 1033 Program; (b) requests for grant funding from the federal government that will be used to purchase military-style weapons and vehicles; and (c) proposals to purchase military-style weapons and vehicles from vendors.
  
- Developing a process for addressing civilian complaints regarding SWAT tactics, including a system for submitting complaints, conducting hearings, and providing for individual remedies.

- Making appropriate recommendations for agency-wide reforms.
- Considering, on an annual basis, whether continued maintenance of a SWAT team is appropriate and, if not, to recommend the dissolution of the agency's SWAT team.