

PEOPLE'S REPORT

Boston Police Department



SHOULD YOU HAVE FAITH IN THE BOSTON POLICE?

This report was initiated for two reasons.

A) The Boston Police "Safe Homes Initiative"

B) Boston Police Killing of Black/Latino/Cape Verdean People

***Recent BPD Shooting 11/21/07 of 38 yr. old Black Man Marquis Barker killed by Boston Police at Norfolk & Morton St. Barker is the 16th Black/Latino/Cape Verdean person killed by BPD since 1995.**

OPERATION SAFE HOMES INITIATIVE



ISSUES:

How are children identified to be subjected to a home visit and requested search?

The Boston Police have stated in meetings and various forums that the initial way a child could be selected for a home visit and subsequent requested search of premises is by two means: a) Boston Police in conjunction with Boston Public Schools and serving as Boston School Police will first target children based on truancy. b) Boston Police will solicit tips from the general public, community members, etc. who anonymously identify a child as allegedly potentially owning a gun.

ANALYSIS OF PLAN:

MYTH vs. FACT or BPD LIES?

Note: This information is taken directly from the BPD's own packet of information, which I have included in its entirety at the end of this report as supplemental information. In this section below, an analysis of the BPD's statements has been added and is marked by an asterisk (*) and labeled as **Exposing BPD Lie**

MYTHS & FACTS ABOUT "SAFE HOMES"

Boston Police claim... Myth: The Purpose of the Safe Homes Initiative is to arrest juveniles for having guns.

Boston Police claim... Fact: No resident will be charged with the unlawful possession inside the home of a firearm recovered during a Safe Homes Initiative consent search. The purpose of this program is to remove firearms from the hands of juveniles and to increase safety in homes and the community.

*** Exposing BPD Lie** The BPD at community meetings has openly stated that they will make a determination based on their **sole discretion** as to ongoing investigations or potential arrests upon finding weapons or drugs. Drugs found may be arrestable offenses based on an **undetermined and unspecified amount**. Dept. Supt. Gary French has stated that it will be based on his **sole discretion**. These searches may open up investigations and result in consequences from Boston Public Schools, Boston Housing Authority, DSS/DYS, Section 8, etc.

Boston Police claim... Myth: Safe Homes is a violation of your constitutional rights.

Boston Police claim... Fact: Safe Homes is not a violation of your constitutional rights because you have the right to consent to the search of your home.

*** Exposing BPD Lie** Yes, you indeed have a right to consent to the search of your home. The Boston Police would very much like you to consent, but they have neglected to tell you that you also have the right to **NOT consent to a search of your home**. Most legal experts and civil rights advocates have consistently agreed that **to consent to a warrantless search is never a good idea. Giving up any of your basic and fundamental rights is never a good idea**. Your Constitutional Rights include the right to **NOT** be searched without a warrant, to **NOT** consent to a search and before a search should be considered a search must be a **JUSTIFIABLE SEARCH** based on **PROBABLE CAUSE**. (see legal definitions)

Boston Police claim... Myth: You will not be properly informed of your rights.

Boston Police claim... Fact: Trained officers will carefully explain your rights and will provide a detailed written consent form. You will be given the option to have this explanation and your consent audio taped for your protection.

*** Exposing BPD Lie** Trained officers have violated even basic Miranda Laws (the reading of rights) time and time again, can the community trust the Boston Police to inform them of their rights? Shouldn't we be informed of our rights by **independent advocates** and **legal experts**? A "detailed written consent form" means that if you sign then you are bound to a signed document presented from a knock on your door by Trained officers. The Boston Police assures us this whole process can be "audio taped" for "your" protection? The Boston Police are simply protecting themselves from any future potential lawsuits resulting from the violation of your rights, protecting themselves and **NOT** you.

Boston Police claim... Myth: You must consent to the search of your entire residence.

Boston Police claim... Fact: You do not have to consent to a search at all. If you do consent, you have the right to tell a police officer what specific areas of your home may be searched.

*** Exposing BPD Lie** On the course of any search anything that an officer sees, hears or smells can trigger the next level of search. The truest thing that the Boston Police have said here is **YOU DO NOT HAVE TO CONSENT TO A SEARCH AT ALL.** BPD has clearly stated in meetings and the press that they plan to target children's bedrooms. What if the child shares a room? What if the child sleeps in a common area? Obviously, in order to get to the child's room Police will have to travel through MANY parts of the house. Once you consent to the Boston Police in your home, nothing is off limits and anything can happen.

Boston Police claim... Myth: Once a search has begun you cannot stop it.

Boston Police claim... Fact: You have the right to withdraw consent at any time during the course of the search. If you do, the search will stop.

*** Exposing BPD Lie**

As they have stated they will present you with a written form of consent, and offer to audio tape your consent. Once you have signed a written consent form stating that you agree to a search what assurances do you have that it will be stopped? If an arrest led to a court hearing the first thing the BPD would present is your written consent and audio taped consent.

Boston Police claim... Myth: You will be pressured to consent to the search because of fear of repercussions.

Boston Police claim... Fact: You will be advised of your rights and there will be no repercussions if you choose not to consent.

*** Exposing BPD Lie** In many cases just the appearance of the Boston Police at your front door unannounced is a form of pressure in and of itself. Particularly in our community where many of these homes will speak many different languages, come from different backgrounds including immigrant communities and also elderly or foster caretakers of children.

Boston Police claim... Myth: Police from all district stations will use this to search homes.

Boston Police claim... Fact: Only specially trained police officers from the Boston Police Department School Police Unit will ask to search your home under the Safe Homes Initiative.

*** Exposing BPD Lie** This is confirmation of the fact that the Boston Police Department is entrenched in the Boston Public Schools and are in fact acting as Boston School Police. These "Specially Trained Police Officers" have in fact been specially trained to market and present this Safe Homes Initiative in a positive and harmless light. Specially Trained Officers who visit your home will be specially trained in presenting a warrantless search as harmless and for your own benefit thus generating false trust and persuading your consent.

Boston Police claim... Myth: The Police without community input will decide which homes to target.

Boston Police claim... Fact: This initiative relies on community participation. Referrals will be made by community members, Safe Street Teams, police officers, clergy, coaches and concerned citizens. The police department will be developing handouts and will provide an anonymous-tip number for community members and others who wish to make referrals.

*** Exposing BPD Lie**

The BPD has already stated that the initial contact will come from the Boston Police/Boston School Police. In addition to their own investigations into our children they also will solicit “referrals” or tips from the general public through a number of means including an 800 number. This means that based on an anonymous tip from any random of the general public your child may be targeted and your home selected for a home visit at which Boston Police ask to search your home.

Boston Police claim... Myth: If a gun is recovered the Police will automatically notify schools and public housing.

Boston Police claim... Fact: The police department will not automatically notify schools or public housing of the recovery of a firearm, unless, in the Department's discretion, the release of information is necessary to protect public safety.

*** Exposing BPD Lie** The Boston Police have clearly stated that notification of Boston Public Schools or Boston Housing on the recovery of a firearm (or anything else) is at their **sole discretion**. Such a notification could result in a child's expulsion from school, a family's entrance into the Department of Social Services system or a family's eviction from public housing.

Boston Police claim... Myth: If consent to search under the Safe Homes Initiative leads to the recovery of a gun in the home, no criminal charges will follow.

Boston Police claim... Fact: If police determine by testing the firearm or through other information that the firearm was used in a crime other than mere possession in the home, then appropriate charges may be filed. All recovered firearms will be traced in an attempt to determine how our youth are getting guns.

*** Exposing BPD Lie** The Boston Police have clearly stated that there will be circumstances under which recovery of firearms or drugs **will result in arrest, investigation, criminal charges** and possible subsequent conviction and incarceration. Once you allow officers in your home **without a warrant** anything can happen. What if a suspected firearm is recovered in close proximity to a suspected youth and the Boston Police based on their “**sole discretion**” find it reasonable to shoot and kill that youth in their own home with family as “**consenting**” witnesses.

Targeted Neighborhoods

The BPD have described the Target Neighborhoods as “Hot Spots” and plans to begin the Safe Home Initiative in these 4 Areas:

1) Grove Hall 2) Bowdoin & Geneva 3) Franklin Hill/Franklin Field 4) Egleston Sq. These areas were described openly at a public meeting by Dept. Supt. Gary French in racial terms. He described Grove Hall as a Black Community, Bowdoin & Geneva as a Cape Verdean Community, Franklin Hill & Field as a Black Community and Egleston Sq. as a Latino Community.

LEGAL QUESTIONS – CIVIL RIGHTS ISSUES

Definition of Legal Terms and Concepts

***Circumvention of Constitution**

The **Safe Homes Initiative** has serious **conflicts with Constitutional Law and Civil Rights Laws**. This initiative also conflicts with generally accepted standards of law such as: **justifiable search, probable cause** and due to the **targeted “Hot Spot” neighborhoods** and statements by BPD officials could easily be classified as **blanket racial profiling**.

Many groups argue that if a disproportional number of members of a race are, for example, stopped, searched, or arrested, compared to the general population or to other races, it is due to discrimination. Some also suggest that, in the United States, the government does not have the right to conduct racial profiling. The [Fourth Amendment](#) of the U.S. Constitution guarantees the right to be safe from unreasonable search and seizure without probable cause. Since the majority of people of all races are law-abiding citizens, merely being of a race which a police officer believes to be more likely to commit a crime than another is not probable cause. In addition, the [Fourteenth Amendment](#) of the U.S. Constitution requires that all citizens be treated equally under the law. It has been argued that this makes it unconstitutional for a representative of the government to make decisions based on race. This view has been upheld by the U.S. Supreme Court in *Batson v. Kentucky* and several other cases.

***Probable cause**

The amount and quality of information police must have before they can arrest or search without a warrant or that a judge must have before she will sign a search warrant allowing the police to conduct a search or arrest a suspect. **Reliable**

information must show that it's more likely than not that a crime has occurred and the suspect is involved.

***Justifiable Search**

A justifiable search is one that is initiated **after** establishing a **probable cause**. In order for a search to be justified it must meet the criteria explained herein.

***Search Warrant**

An order signed by a judge that directs owners of private property to allow the police to enter and search for items named in the warrant. The judge won't issue the warrant unless they have been convinced that there is **probable cause** for the search -- that **reliable evidence** shows that it's more likely than not that a crime has occurred and that the items sought by the police are connected with it and will be found at the location named in the warrant. In limited situations the police may search without a warrant, but they cannot use what they find at trial if the defense can show that there was no probable cause for the search.

***Searches that do not need a search warrant**

- **Consent searches.** If the police ask your permission to search your home, purse, briefcase or other property, and you agree, the search is considered consensual, and they don't need a warrant. The police typically obtain a person's consent by threatening to detain them while they obtain the warrant.

NOTE: THIS IS THE TYPE OF SEARCH THAT WILL BE USED BY THE SAFE HOMES INITIATIVE. DO NOT CONSENT TO SUCH A SEARCH. NEVER GIVE UP ANY OF YOUR RIGHTS VOLUNTARILY.

- **Searches that accompany an arrest.** When a person is placed under arrest, the police may search the person and the immediate surroundings for weapons that might be used to harm the officer. If the person is taken to jail, the police may search to make sure that weapons or contraband are not brought into the jail. (This is called an inventory search.) Inventory searches also frequently involve a search of the arrested person's car (if it is being held by the police) and personal effects on the theory that the police need a precise record of the person's property to avoid claims of theft.
- **Searches necessary to protect the safety of the public.** The police don't need a warrant if they have a reasonable fear that their safety, or that of the public, is in imminent danger. For example, an officer who suspected a bomb-making operation while walking his beat might be justified in entering immediately and seizing the ingredients.
- **"Hot pursuit" searches.** Police may enter private dwellings to search for criminals who are fleeing the scene of a crime.

***Racial Profiling**

Racial profiling, also known as **racial stereotyping**, is the inclusion of racial or ethnic characteristics in determining whether a person is considered likely to commit a particular type of crime. Towards the end of the 20th century in the United States, the practice became controversial among the general public as the potential for abuse by law enforcement came to light.

Civil rights advocates are against the use of racial profiling tactics by the police. They argue that the disproportionate number of convicted minorities is due to "racial profiling".

Reasons to Question BPD



***Police inability to get guns off streets in the 1st place**

If the Boston Police have already shown themselves either unable or unwilling to correctly handle the influx of guns and drugs into our community, then why would we give them more responsibility and power to fix a problem that they cannot fix?

The Boston Police need to move more in the direction of true Community Policing not just Policing the Community, they need to increase their street presence and true-crime fighting efforts before they insist on home visits and door knocks requesting to search premises based on unsubstantiated anonymous claims.

***Abuse of Stop & Frisk policy, Charles Stuart Case**

Boston cops and black churches - New Approaches to Fighting Crime

Public Interest, Summer, 1999 by Christopher Winship, Jenny Berrien

http://findarticles.com/p/articles/mi_m0377/is_136/ai_55174703/pg_2

In 1988, the City Wide Anti-Crime Unit (CWACU), traditionally responsible for providing support across district boundaries, was permanently assigned to the most violent neighborhoods of Boston's inner city. In 1989, the police department declared that any individual involved in a gang would be prosecuted to the full extent of the law. Finally, the department had acknowledged the existence of a "gang problem."

But to what effect is another matter. According to one current police captain, the CWACU was expected to "go in, kick butts, and crack heads." A common attitude emerged within the force. They believed that "they could do anything to these kids" in order to snuff out their violent activity. This mentality produced, not surprisingly, highly aggressive and reportedly indiscriminate policing tactics.

Community backlash

Two scandals in 1989 - the Carol Stuart murder investigation and the department's "stop-and-frisk" policy - alerted the community to the police's questionable tactics, Carol Stuart was a pregnant white woman who was murdered in the primarily African-

American neighborhood of Mission Hill. Her husband, Charles Stuart, who was with her at the time of her death, claimed that a black male had murdered her. As a result of the accusation, the Boston Police Department scoured the Mission Hill neighborhood, looking for suspects. The community reported instances of police abuse as well as coerced statements that were later used as evidence against a black male suspect, William Bennett. But Charles Stuart himself was later identified as the alleged perpetrator of the crime, though he committed suicide before an investigation could be completed. The mishandling of the Stuart murder investigation and the dishonesty of the victim's husband created an atmosphere, especially within the African-American community, of extreme distrust of, and disillusionment with, the Boston Police Department.

The stop-and-frisk scandal intensified these sentiments. **A precinct commander's description of the department's approach to prevent gun-related violence as a policy of "stop and frisk," en masse, outraged the black community and solidified the Boston public's suspicion of the police. There is some dissension within the police department about the extent to which their policy was really to stop and frisk all black males, indiscriminately, within high-crime areas - a policy also referred to as "tipping kids upside down."** According to some officers, targeted individuals were either previously spotted performing some illegal activity or were known gang members. But officers also acknowledged that their approach was critically flawed in that it was often very difficult to "distinguish the good guys from the bad guys." In addition, some officers admitted that there were "bad-seed" cops who acted far too aggressively in certain cases. Accusations of "stop-and-frisk" tactics led to a court case in the fall of 1989 in which a judge threw out evidence acquired in what he considered an **unconstitutional search and seizure.**



*** ORIGIN OF THE BOSTON POLICE**

- 1631 - formation of the Night Watch with Nightwatchmen
- 1838 - formation of the Day Police
- 1850 - After the passing of the Fugitive Slave Law of 1850, Boston became a bastion of abolitionist thought. Attempts by slave-catchers to arrest fugitive slaves often proved futile.
- 1851 – Police/Nightwatchmen act as slave catchers (see poster dated April 1851)
- 1854 - “First in the Nation” Boston Police Department Established 1854
- 1865 - Slavery abolished 1865

Note: Although Blacks were allowed on the BPD after the strike of 1919, Black Officers were not allowed in cruisers until 1966. Even today in 2008 there are a variety of issues within the department as it pertains to the treatment, hiring, firing and promotion of Black & Latino Officers.

*** POLICE KILLINGS**

- Since 1995 there have been 16 people murdered by the Boston Police. All people were Black, Latino & Cape Verdean, Many of these victims had mental health/emotional issues. The most recent victim of the Boston Police was Black Man Marquis Barker, 38yr old Father of five, shot & killed at the corner of Norfolk and Morton St. the day before Thanksgiving 11-21-07.



***CORRUPTION, MISCONDUCT & BRUTALITY**

- Abuse of Stop & Frisk, Stop & Search, Charles Stuart case (see documentation)

- Police Brutality; many times as a result of Stop & Frisk, illegal search

- Dirty/Corrupt Cops –



***Det. Danny Keeler:** Keeler has been involved in many scandals he is also a highly decorated BPD Detective even after being indicted for withholding evidence, lying to federal jury and obstructing justice. Keeler has been involved in the cases of Donnel Johnson who was framed and served 5 yrs in prison before being proven innocent and released, the case of Marlon Passley, framed and served 3 yrs before release as well as the case of Luis Gonzalez a 54 yr old mentally ill

veteran who was murdered by police in his apartment and the shooting of John Powell firing 8 bullets in broad daylight on a busy community block while pursuing a suspect.

SEE ARTICLE: Shades of Keeler

By: DAVID S. BERNSTEIN, Boston Phoenix 9/13/2006



***Drug Escort Cops:** In summer 2006, the department was rocked with scandal when officers Robert Pulido, Carlos Pizaro and Nelson Carrasquillo were arrested in Miami, Florida and charged with conspiracy to distribute cocaine. Pulido was also charged with hosting parties at which other BPD officers fraternized with drug dealers.

***1000 cases of tampering discovered at Warehouse over 16yr period**

Police find widespread drug tampering Nearly 1,000 cases affected

By Maria Cramer, Globe Staff | The Boston Globe | January 5, 2008

Probe targets cops over missing drugs Evidence was stored in BPD warehouse

By O'Ryan Johnson | The Boston Herald | Saturday, January 5, 2008

***Pampers to Prison Pipeline**

The Pampers to Prison Pipeline theory asserts that certain social institutions including the educational, social service and criminal justice systems are marking and targeting children of color steering them towards prison. The Safe Homes Initiative is a prime example of racial profiling using a coordinated effort of the Police and Schools.

Articles

***Below are excerpts from various articles. See link for complete articles**

Community Leaders Take Responsibility

Oren Elow, September 5, 2005

http://www.streetnewsservice.org/index.php?page=archive_detail&articleID=433

The focus of 2005 21st Century State of Black Massachusetts Conference convened by Massachusetts State Senator Dianne Wilkerson

"Black boys in Massachusetts are dropping out and away from high school and represent the highest percentage of suspensions in middle school and the largest percentage of preschool expulsions. Black boys in Massachusetts represent the single largest percentage of youth in school suspensions, expulsions and the Department of Youth Services. Foster care and the Youth Services Department appear to be the "feeder system" for the state correctional system for black men.

Black leaders recently gathered together at the Fourth Annual 21st Century Black Massachusetts Conference at the Hynes Convention Center, which State Senator Dianne Wilkerson and Representative Byron Rushing convened to ask the question, "What do you think is happening to our black boys and what can 'we' do about it to turn it around?" The conference theme this year was The Pampers to Prison Pipeline: The Mis-Education of Black Boys in Massachusetts."

School police, saying halls meaner, seek bulletproof vests

By Tracy Jan, Globe Staff | April 14, 2007

Taken from: <http://bostonschoolpolice.org/>

The Boston School Police have 81 officers, who cover all middle and high schools and operate independently of the Boston Police Department. The Police Department has a 10-member schools unit, whose officers wear bulletproof vests and carry guns, pepper spray, and batons. Some school police officers wear bulletproof vests they have bought on their own.

Last November, the school police union started a blog recording the daily incidents. In December, a former middle school student assaulted an officer when she tried to stop him from trespassing. The officer is out of work for the rest of the year because of her injuries and needs knee surgery, said Brian Simoneau, a lawyer representing the school police union.

The following day, a middle-school student kicked and pushed two officers, and cursed them in the school cafeteria. Another officer was attacked by a student's boyfriend in November and was hospitalized for bruised ribs, Simoneau said.

"We're not going to wait until it's too late and an officer is shot in the middle of the chest," he said. "Enough has happened that we think now is the time. They're sworn police officers with the power and obligation to make arrests, and they don't have the tools to do that safely."

The officers' goal is to be armed with guns, Simoneau said.

Charlestown students face gun charges

By Maria Cramer, Globe Staff | May 3, 2007

Taken from: <http://bostonschoolpolice.org/>

"Troy Askew, president of the Boston School Police Patrolmen's Association, said it is becoming more common for male students to give guns to female students because they know school police are unlikely to hold a female student for search unless a female administrator is present."

Police to search for guns in homes

City program depends on parental consent

By Maria Cramer, Globe Staff | November 17, 2007

http://boston.com/news/local/articles/2007/11/17/police_to_search_for_guns_in_homes/

Boston police are launching a program that will call upon parents in high-crime neighborhoods to allow detectives into their homes, without a warrant, to search for guns in their children's bedrooms.

The program, which is already raising questions about civil liberties, is based on the premise that parents are so fearful of gun violence and the possibility that their own teenagers will be caught up in it that they will turn to police for help, even in their own households.

In the next two weeks, Boston police officers who are assigned to schools will begin going to homes where they believe teenagers might have guns. The officers will travel in groups of three, dress in plainclothes to avoid attracting negative attention, and ask the teenager's parent or legal guardian for permission to search. If the parents say no, police said, the officers will leave.

If officers find a gun, police said, they will not charge the teenager with unlawful gun possession, unless the firearm is linked to a shooting or homicide.

CAUTION!!

COLORED PEOPLE

OF BOSTON, ONE & ALL,

You are hereby respectfully CAUTIONED and
advised, to avoid conversing with the
Watchmen and Police Officers
of Boston,

For since the recent **ORDER OF THE MAYOR &
ALDERMEN**, they are empowered to act as

KIDNAPPERS

AND

Slave Catchers,

And they have already been actually employed in
**KIDNAPPING, CATCHING, AND KEEPING
SLAVES.** Therefore, if you value your **LIBERTY**,
and the *Welfare of the Fugitives* among you, *Shun*
them in every possible manner, as so many **HOUNDS**
on the track of the most unfortunate of your race.

**Keep a Sharp Look Out for
KIDNAPPERS, and have
TOP EYE open.**

APRIL 24, 1851.

"SAFE HOMES" PROGRAM



AMERICAN CIVIL LIBERTIES UNION
of MASSACHUSETTS

What YOU Should Know

Members of the Boston Police Department may come to your door and ask to search your home without a warrant. They may tell you they want to get guns off the street and will not arrest your child if they find a gun -- unless it is linked to a shooting.

The American Civil Liberties Union (ACLU) of Massachusetts believes you should make an **INFORMED CHOICE** about whether to allow police to search your home.

HERE IS WHAT YOU SHOULD KNOW ABOUT SUCH A SEARCH.

You have the right to say NO to a search. Then the police should leave.

If you say YES, any of the following can happen:

- If the police find a gun and test it, they may arrest someone who lives in your home, including your child.
- If the police find drugs or anything illegal, they may charge someone who lives in your home, including your child, with a crime.
- Anything the police find in your home may lead to school discipline for your child, including suspension or expulsion.

***If you have any questions or concerns, contact the ACLU of Massachusetts:
(617) 482-3170.***

LO QUE USTED DEBE SABER DEL PROGRAMA "SAFE HOMES"



La policía ha anunciado un programa llamado "Safe Homes" (Hogares Seguros). Bajo este programa, van a ciertos hogares y piden permiso para entrar y buscar armas. A veces dicen que no arrestarán a nadie si encuentran un arma, siempre y cuando no haya sido usada en un crimen.

La American Civil Liberties Union (Unión Estadounidense de Derechos Civiles) cree que **usted** tiene el derecho a informarse antes de decidir dejar entrar a la policía a su hogar.

Esto es lo que usted debe saber sobre este programa:

Si la policía le pide permiso para entrar a su casa pero no tiene una orden firmada por un juez ("warrant"), **usted tiene el derecho a decir que NO**. Si usted no le da permiso para entrar, la policía se tiene que retirar.

Si usted dice que SI le da permiso para entrar, lo siguiente puede suceder:

- Si la policía encuentra un arma, puede arrestar a ciertas personas en la casa, incluso a sus hijos menores de edad.
- Si la policía encuentra drogas o cualquier otra cosa ilegal, puede arrestar o acusar de un crimen a ciertas personas en la casa, incluso a los menores de edad.
- La policía puede usar ciertas cosas que encuentre en su casa para castigar a su hijo a través de su escuela.

Si tiene preguntas, llame a la ACLU de Massachusetts: (617) 482-3170.

MYTH VS. FACTS

Myth: The purpose of the **Safe Homes Initiative** is to arrest juveniles for having guns.

Fact: No resident will be charged with the unlawful possession inside the home of a firearm recovered during a **Safe Homes Initiative** consent search. The purpose of this program is to remove firearms from the hands of juveniles and to increase safety in homes and the community.

Myth: Safe Homes is a violation of your constitutional rights.

Fact: Safe Homes is not a violation of your constitutional rights because you have the right to consent to the search of your home.

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Fact: Trained officers will carefully explain your rights and will provide a detailed written consent form. You will be given the option to have this explanation and your consent audiotaped for your protection.

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Fact: You do not have to consent to a search at all. If you do consent, you have the right to tell a police officer what specific areas of your home may be searched.



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For more information or to request a home visit call:

1-888-GUNTIPS
www.bpdnews.com/safehomes

A SEARCH FOR PEACE

*The **Safe Homes Initiative** is part of our commitment to community policing in Boston. The intent of this program is to save lives by recovering firearms from youth that would not otherwise come to the attention of the police.*

*The information inside is intended to dispel myths and to provide facts about the **Safe Homes Initiative**.*

For more information or to request a home visit call:

1-888-GUNTIPS
www.bpdnews.com/safehomes



MESSAGE

Dear Friends,

It is with great dedication and devotion that we launch the 2007 Consent to Search program, the **Safe Homes Initiative**, in Boston. The Boston Police Department, working closely with community partners, coordinated this campaign in an effort to reduce gun violence in our city. To accomplish this goal, we need the community, specifically people like you, to accept and embrace a proactive role in our efforts to take guns off of the streets.

The **Safe Homes Initiative** is a targeted plan to take guns out of the hands of our city's youth. The program is designed to disarm juveniles, ages 17 and under, by seeking and receiving voluntary consent of parents and guardians to search a child's room for an illegal firearm. However, in an effort to address a parent or guardian's greatest concern, if a firearm is discovered, the youth will not be charged with the crime: the illegal possession of a firearm. This program is not about taking kids into custody; it's about taking guns out of their hands and your homes.

Gun violence in Boston has adversely impacted and affected our communities and our children. This year alone, easy and unfettered access to illegal firearms, coupled with on-going gang violence, has led to the untimely and tragic loss of 6 juveniles. Additionally, 51 juveniles were wounded in other gun-related incidents and Boston Police officers have already arrested 89 juveniles in connection with gun-related crimes. In co-operation with the Suffolk County District Attorney's Office, the Boston Police needs to engage the community in a cooperative and proactive effort to prevent youth violence.

While we have gained the support of the City and its many community partners, more is needed. Specifically, we need your help to make this program a success. If you sense or suspect that your child, or a child in your neighborhood, is in possession of a firearm, contact the **Safe Homes Initiative** and, in doing so, make our community a safe and gun-free environment.

Edward F. Davis III

Edward F. Davis, Police Commissioner

DID YOU KNOW...

- This program relies heavily on community participation.
- This pilot program will be implemented in four neighborhoods: Grove Hall, Bowdoin & Geneva, Franklin Hill & Franklin Field, and the Egleston Square / 5 Ws area. The implementation of this program is in a limited number of neighborhoods to evaluate whether this program is appropriate for the entire city.
- Before the program is launched in these neighborhoods, local community meetings will be held to gain support and address citizen concerns. In addition, police will launch an aggressive awareness campaign to ensure that all community members are well informed about the facts of the program.
- The "search team" is primarily staffed by Boston Police Department School Police officers (1 Sergeant / 2 Patrol Officers) who are experienced in conducting home visits as part of the "Operation Homefront" initiative. If other officers have an ongoing relationship with the family, they will be trained and added to the team. The team will be in plainclothes in an effort to reduce negative attention.
- Referrals will be made by community members through meetings and contacts with Safe Street Teams and other Boston Police Department officers, school officials, clergy, and concerned citizens who are familiar with the youth in the neighborhood.
- The parent, guardian, or other responsible adult who resides at the address will be asked to consent to a search of the youth's bedroom.
- There will be a consent form that must be signed by the resident, before a search can take place. The consent form will be available in Spanish, Portuguese, Haitian Creole, Vietnamese, and other languages. Participation is optional and if refused, there will be no repercussions.
- If a firearm is recovered, the Boston Police Department will not arrest the youth for illegal possession in the home of the firearm. However, if police determine by testing the firearm or through other information, that the firearm was used in a crime, other than mere possession in the home, then appropriate charges may be filed.
- If consent is given, our officers will conduct a thorough search. The officers will make every effort not to damage property or leave an unnecessary mess in areas that are searched.
- All recovered firearms will be traced by the Bureau of Alcohol, Tobacco, and Firearms, and jointly investigated by the Boston Police Department, United States Attorney's Office and Suffolk County District Attorney's Office. We are very concerned about how youth are getting guns, and will hold illegal gun traffickers accountable.
- If other illegal items are found in the home, such as illegal drugs, the officer has discretion whether or not to make an arrest.
- All homes that are visited will receive a follow-up visit by clergy (as part of Operation Homefront) and/or Youth Service Providers Network social workers. We very much want to connect these families and youth with services that they need.





MYTHS & FACTS ABOUT "SAFE HOMES"

Myth: The purpose of the Safe Homes Initiative is to arrest juveniles for having guns.

Fact: No resident will be charged with the unlawful possession inside the home of a firearm recovered during a Safe Homes Initiative consent search. The purpose of this program is to remove firearms from the hands of juveniles and to increase safety in homes and the community.

Myth: Safe Homes is a violation of your constitutional rights.

Fact: Safe Homes is not a violation of your constitutional rights because you have the right to consent to the search of your home.

Myth: You will not be properly informed of your rights.

Fact: Trained officers will carefully explain your rights and will provide a detailed written consent form. You will be given the option to have this explanation and your consent audio taped for your protection.

Myth: You must consent to the search of your entire residence.

Fact: You do not have to consent to a search at all. If you do consent, you have the right to tell a police officer what specific areas of your home may be searched.

Myth: Once a search has begun you cannot stop it.

Fact: You have the right to withdraw consent at any time during the course of the search. If you do, the search will stop.

Myth: You will be pressured to consent to the search because of fear of repercussions.

Fact: You will be advised of your rights and there will be no repercussions if you choose not to consent.

Myth: Police from all district stations will use this program to search homes.

Fact: Only specially trained police officers from the Boston Police Department School Police Unit will ask to search your home under the Safe Homes Initiative.

Myth: The police, without community input, will decide which homes to target.

Fact: This initiative relies on community participation. Referrals will be made by community members, Safe Street Teams, police officers, clergy, coaches and concerned citizens. The police department will be developing handouts and will provide an anonymous-tip number for community members and others who wish to make referrals.

Myth: If a gun is recovered, the police department will automatically notify schools and public housing.

Fact: The police department will not automatically notify schools or public housing of the recovery of a firearm, unless, in the Department's discretion, the release of information is necessary to protect public safety.

Myth: If consent to search under the Safe Homes Initiative leads to the recovery of a gun in the home, no criminal charges will follow.

Fact: If police determine by testing the firearm or through other information that the firearm was used in a crime other than mere possession in the home, then appropriate charges may be filed. All recovered firearms will be traced in an attempt to determine how our youth are getting guns.



IMPORTANT THINGS COMMUNITY MEMBERS SHOULD KNOW ABOUT THE "SAFE HOMES" INITIATIVE

DID YOU KNOW...

- The Safe Homes Initiative is part of our commitment to community policing in Boston. The intent of this program is to save lives by recovering firearms from youth that would not otherwise come to the attention of the police.
- This program relies heavily on community participation.
- This program signifies Boston's continued commitment to be a community free of illegal guns.
- This pilot program will be implemented in four neighborhoods: Grove Hall, Bowdoin & Geneva, Franklin Hill & Franklin Field, and the Egleston Square / 5 Ws area. The implementation of this program is in a limited number of neighborhoods to evaluate whether this program is appropriate for the entire city.
- Before the program is launched in these neighborhoods, local community meetings will be held to gain support and address citizen concerns. In addition, police will launch an aggressive awareness campaign to ensure that all community members are well informed about the facts of the program.
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- If other illegal items are found in the home, such as illegal drugs, the officer has discretion whether or not to make an arrest.
- All homes that are visited will receive a follow-up visit by clergy (as part of Operation Homefront) and/or Youth Service Providers Network social workers. We very much want to connect these families and youth with services that they need.
- Working together as a community sends a loud and clear message that gun violence on the streets of Boston will not be tolerated.

COPS: LET US IN YOUR KIDS' ROOM

**Community
gives its
support:
Page 5**

BPD searching for weapons

COPS: LET US SEARCH KIDS' ROOMS FOR GUNS

By MICHELE McPHEE

Parents in Boston's most crime-ravaged neighborhoods are being urged to let police search their children's bedrooms without getting warrants in a controversial new effort to battle an epidemic of kid-on-kid gun violence.

The unusual request was made yesterday at Boston Police headquarters by BPD Commissioner Edward Davis and Suffolk District Attorney Dan Conley after law enforcement officials met with clergy, community activists and the family of Steven Odom, the 13-year-old killed by stray gang gunfire last month.

"This is a tool to empower the parent who is afraid of the violence invading their family, their home," said the Rev. Jeffrey Brown of the Ten Point Coalition. "I don't know any mother who says I want my child to have guns in the house."

The homes targeted are in four crime-plagued neighborhoods, Davis said. A search team of BPD school cops will approach the homes of at-risk teens based on community tips and ask a parent or guardian for permission to search the youths' bedrooms. If guns are recovered, the youths will not be prosecuted — unless the weapons are later linked to a crime.



STAFF PHOTO BY MIKE ADASKAVEG
FRESH IDEAS: Kim Odom, mom of slain teen Steven Odom, inset, talks with Suffolk District Attorney Daniel Conley after a meeting on a new BPD initiative to stem Hub street violence.

"We want to eliminate the Li-quarry Jefferson tragedies from our city," Brown said, referring to the 8-year-old boy shot dead this summer with a weapon his 7-year-

old cousin found in his Dorchester home. Police believe the gun used in the crime belonged to the dead boy's 15-year-old half-brother, a reputed gang associate.

Davis said the program is critical to keep kids safe. This year alone, six teens have been shot

dead and 51 youths have been wounded by gunfire. Another 89 kids have been arrested and charged with committing various gun crimes on city streets.

"We're giving mothers, who are trapped in situations that they don't see any solution to, an out," Davis said. "We are giving them an opportunity to have people come in, make the house safe, without sending the kid to jail."

The plan, which is modeled after a similar program launched in St. Louis in the 1990s, is being assailed by critics who say it could further erode community trust with police and negatively impact kids.

"We are fully behind any effort to reduce guns on the street, we just question whether or not this approach will sufficiently balance police searches with individual rights," said Lisa Thureau-Gray, with the Suffolk University Juvenile Justice Center. "I want to make sure they make good on their promise not to arrest kids."

But Kim Odom, who wears a picture of her slain son pinned over her heart, said she welcomes any program that can stem gun violence. Her son's senseless murder provoked many parents to demand action from police.

"It's not just about my Steven," Odom said. "It's about all the Stevens out there."

Search for a fix to Hub crime woes

By: Boston Herald editorial staff, Boston Herald, 11/20/2007

We treasure our civil liberties in this country, but a proposal by police and prosecutors to search for guns in the bedrooms of Boston teens - with explicit permission from their parents - is not the privacy infringement that some critics are suggesting. It is instead a return to old-fashioned crime prevention - when worried parents could trust a cop to step in and help, without fear the kid will be tossed in jail. "We have conversations with single mothers who express frustration in dealing with teenagers who are uncontrollable," said Boston Police Commissioner Ed Davis. "In a community policing context, knocking on a door and asking . . . if they would allow us to check their kids' rooms for firearms may give them an out." Davis and Suffolk District Attorney Dan Conley announced the new "Safe Homes" program, in which police, accompanied by clergy, will seek consent from parents (in writing) to search the home if their children are suspected of gang or gun activity. Police will act on tips from the community, which Davis points out, they already have the option to do. The difference here is that if a gun is found, the DA agrees not to prosecute unless it's later determined the weapon was used in a crime. Police will, of course, continue to seek warrants when they do suspect a youth of involvement in a shooting. There are those who say searching a home without a warrant (even with consent) is wrong. Yes, it must be awfully nice to sit in an ivory tower and wax academic about the "right thing" for parents in crime-torn neighborhoods who are terrified for their kids. Saying no is an option, and Davis wants parents to know it. The Safe Homes initiative is an out-of-the-box approach to tackling Boston's youth violence problem. Let's let it work. Article URL: <http://www.bostonherald.com/news/opinion/editorials/view.bg?>