



PRESS RELEASE
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ACLU OF MASSACHUSETTS WARNS BOSTON RESIDENTS ABOUT WARRANTLESS SEARCHES OF THEIR HOMES

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BOSTON – Citing serious concerns about the threat to civil liberties posed by the Boston Police Department’s “Safe Homes” program, the American Civil Liberties Union of Massachusetts (ACLU) today launched a neighborhood outreach program to educate people about the constitutional rights they are being asked to surrender by the program, which calls on parents to allow detectives to search private homes without a warrant.

“The ACLU is concerned about our youth and safety in our neighborhoods, but this program does an end-run around basic constitutional protections and we question whether it will effectively reduce the number of guns on the street,” said Carol Rose, Executive Director of the ACLU of Massachusetts. “This is not a benign gun collection program.”

According to media reports, the consent-to-search scheme, dubbed the “Safe Homes Program” by the Boston Police Department, would call upon parents in primarily minority neighborhoods to allow detectives into their homes without a warrant to search for guns in their children’s bedrooms. Reportedly relying on tips from neighbors, the police will knock on the doors of homes where teenagers live and try to convince parents or legal guardians to let them search the home without a warrant.

In response, the ACLU of Massachusetts today launched a public education program that includes distributing “Know Your Rights” fliers in affected neighborhoods in an effort to warn people about the dangers of consenting to a search without a warrant.

“People need to understand that they do not have to consent to let police officers into their private homes,” said Amy Reichbach, Racial Justice Advocate for the ACLU of Massachusetts. “If you say no, the police should leave.”

People are free, of course, to waive their constitutional rights, but the law requires that any such waiver must be knowing and intelligent. People need to understand what they are giving up. The ACLU is concerned that residents may be misled by the stated purpose of the search and the suggestion that they will not be prosecuted for *possession* of the guns.

“Residents should know that they could face serious legal consequences if they waive their constitutional right to request a search warrant before letting police into their homes,” said Reichbach.

Although the police have promised not to charge teenagers with unlawful gun possession unless the firearm is linked to a crime, they may still charge other members of the household or bring charges based on other crimes arising from evidence seized during a search.

“You waive important constitutional protections if you let the police search your home without a warrant,” said Reichbach. “First, if the police find a gun, they may test it and arrest anyone who lives in your home if that gun is linked to a certain kind of crime. Second, if the police find drugs or anything else illegal in your home, they may charge someone who lives in your home, including your child, with a crime. Finally, anything the police find in your home may lead to school discipline for your children, including suspension or expulsion.”

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