



# **POLICING DISSENT:**

Police Surveillance of  
Lawful Political Activity in Boston

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ACLU OF MASSACHUSETTS  
NATIONAL LAWYERS GUILD,  
MASSACHUSETTS CHAPTER

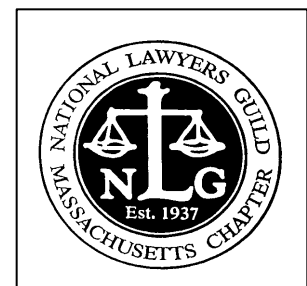


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Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The First Amendment to the U.S. Constitution

The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth. The right of free speech shall not be abridged.

Article 16 of the Massachusetts Declaration of Rights



## I. OVERVIEW

The Boston Police Department (BPD) and its fusion spying center, the Boston Regional Intelligence Center (BRIC), have for years been tracking and creating criminal “intelligence reports” on the lawful political activity of peace groups and local leaders, [including](#) a former Boston City Councilor and the late Boston University Professor Howard Zinn, according to documents obtained by the ACLU of Massachusetts and the National Lawyers Guild, Massachusetts Chapter (NLG). Officers monitor demonstrations, track the beliefs and internal dynamics of activist groups, and document this information with misleading criminal labels in searchable and possibly widely-shared electronic reports. This collection and retention of data regarding people’s constitutionally protected speech and beliefs — with no link to terrorism or a crime — violates federal privacy regulations and the BRIC’s own privacy policies.

[Documents](#) and video surveillance tapes obtained by the ACLU and the NLG — after [suing](#) for access on behalf of six groups and four activists<sup>1</sup> — show that officers assigned to the BRIC are collecting and keeping information about constitutionally protected speech and political activity. The documents provide the public with its first glimpse into the political surveillance practices of the Boston Police Department. They show that police officers assigned to the BRIC create and retain “intelligence reports” detailing purely non-criminal political acts — such as handing out flyers and attending anti-war rallies — by well-known peace groups, including Veterans for Peace, Stop the Wars Coalition and CodePink. The videotapes, which include hours of footage of peaceful protests, confirm that police are often watching when members of the public speak their minds.

These revelations come on the heels of a [report](#) by a bipartisan US Senate subcommittee, which found that the federal government’s work with state and local fusion centers — among them the BRIC — “has not produced useful intelligence to support Federal counterterrorism efforts.”<sup>2</sup> “Fusion centers” were created in the aftermath of 9/11, ostensibly so the federal government could “share terrorism-related information with states and localities.”<sup>3</sup> One of two “intelligence fusion centers” in Massachusetts,<sup>4</sup> the BRIC

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<sup>1</sup> CodePink of Greater Boston; Veterans for Peace – Chapter 9 Smedley D. Butler Brigade; Greater Boston Stop the Wars Coalition; Boston Coalition for Palestinian Rights; Political Research Associates; United for Justice with Peace; Susan Barney, Ridgely Fuller, Patrick Keaney and Richard Colbath-Hess.

<sup>2</sup> Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs, Majority and Minority Staff Report, “Federal Support for and Involvement in State and Local Fusion Centers,” at 2, Oct. 3, 2012, at [http://www.hsgac.senate.gov/download/report\\_federal-support-for-and-involvement-in-state-and-local-fusions-centers](http://www.hsgac.senate.gov/download/report_federal-support-for-and-involvement-in-state-and-local-fusions-centers) (herein “Congressional Fusion Centers Report”).

<sup>3</sup> *Id.* at 5.

<sup>4</sup> The other center is the Commonwealth Fusion Center in Maynard, Massachusetts, which is operated by the Executive Office of Public Safety and the Massachusetts State Police. For more information, see [here](#) and “[When We Are All Suspects.](#)”

was created in 2005 as “a way to further integrate the intelligence capabilities of Boston, local, state and federal law enforcement partners.”<sup>5</sup> Since then, it has received millions of dollars in federal funding and operated entirely absent independent public oversight or accountability.<sup>6</sup>

According to the Senate subcommittee report released earlier this month, the lack of accountability at fusion centers nationwide has translated into poor results: the report found that the millions of dollars poured into centers like the BRIC have failed to uncover a single terrorist plot.<sup>7</sup> Instead, fusion centers have “forwarded ‘intelligence’ of uneven quality — often times shoddy, rarely timely, sometimes endangering citizens’ civil liberties and Privacy Act protections, occasionally taken from already-published public sources, and more often than not unrelated to terrorism.”<sup>8</sup> When they were related to terrorism, intelligence reports produced by fusion centers “duplicated a faster, more efficient information-sharing process already in place between local police and the FBI-led Terrorist Screening Center.”<sup>9</sup> One Department of Homeland Security (DHS) official told investigators that fusion centers produce “a lot of . . . predominately useless information,” and at times, said another, “a bunch of crap.”<sup>10</sup>

That shoddy intelligence gathering does not just waste taxpayer money. It undermines our most cherished democratic values and at times violates the law. The Code of Federal Regulations provides that federally-funded surveillance projects may collect and maintain information on individuals “only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity.”<sup>11</sup> The regulations also state that surveillance teams “shall not collect or maintain criminal intelligence information about the political, religious or social views, associations, or activities of any individual or any group . . . unless such information directly relates to

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<sup>5</sup> Boston Police Department, 2005 Annual Report, at 9. According to the BPD’s 2005 Annual Report, the BRIC’s membership expanded within its first year to include “the MA State Police, the MA Transit Police, the MA Department of Correction, the Suffolk County Sheriff’s Office and the [Brookline](#) and [Cambridge](#) Police Departments” as well as a private sector liaison with the business community. It later grew to include [Chelsea](#) and [Revere](#) and a daily telephone call with nine cities and towns in what is known as the Urban Areas Security Initiative.

<sup>6</sup> For example, in 2009, the BRIC received \$1.29 million in a federal grant to hire ten analysts at the BRIC, including two analysts who specialize in “social network analysis intelligence.” City of Boston, “Boston Receives Nearly \$2 million in Federal Funding for Public Safety,” Sept. 11, 2009, at <http://www.cityofboston.gov/news/default.aspx?id=4477>; BRIC also receives funding from the state’s Homeland Security Grant Program, which is funded by the Federal Emergency Management Agency, at <http://www.cityofboston.gov/oem/about/homelandsecurity.asp>

<sup>7</sup> Congressional Fusion Centers Report, at 2.

<sup>8</sup> Congressional Fusion Centers Report, *supra* n.2, at 1.

<sup>9</sup> Congressional Fusion Centers Report, at 42.

<sup>10</sup> Congressional Fusion Centers Report, at 3.

<sup>11</sup> Department of Justice, 28 C.F.R. § 23.20(a) (2011). (Note: These federal regulations have the force of law. 42 U.S.C. §§ 3782(a), 3789g(c). Under the Privacy Act of 1974, federal agencies are subject to similar restrictions. 5 U.S.C. § 552a(e)(7).)

criminal conduct or activity and there is reasonable suspicion that the subject of the information is or may be involved in criminal conduct or activity.”<sup>12</sup>The BRIC’s own [guidelines](#), also released at the request of the ACLU and NLG, expressly include the same mandate — to investigate crimes rather than speech.<sup>13</sup>

Those rules are vitally important because they create a dividing line between the permissible investigation of crimes and the impermissible investigation of people based on their ideas and beliefs. As the Senate subcommittee report on fusion centers explained, monitoring ordinary people is a “sensitive task” that can interfere with “individuals’ rights to associate, worship, speak, and protest without being spied on by their own government.”<sup>14</sup>The records we received from the BPD show that officers at the BRIC are not managing that “sensitive task” appropriately.

The [documents](#) show that surveillance officers from the BRIC, local and state police, and the FBI have worked together to monitor and record the non-criminal activities of Boston-area peace groups and activists. Officers created and retained electronic “[intelligence reports](#)” on groups and individuals where there is no demonstrated link to crime or terrorism. The BRIC files list the non-violent actions of peace groups and activists under the heading “Criminal Act,” with labels such as “Extremists,” “Civil Disturbance,” and “HomeSec-Domestic” in reports that track groups and people who are not engaged in crime but are merely exercising their constitutional right to peaceful dissent.

In one “[intelligence report](#),” officers describe plans for a talk on March 23, 2007 at the Central Congregational Church in Jamaica Plain, writing that “this engagement was arranged by Boston City Councilor Felix Arroyo [Sr.]” The report notes that a “BU professor emeritus/activist” — it was the late Howard Zinn, although his name is blacked out in the document — and Cindy Sheehan, a member of Gold Star Families for Peace whose son was killed in Iraq, “will be speaking at the March 24 demonstration.” Although nothing in the report suggests even a fleeting connection to criminal activity, it nonetheless labels the March 23<sup>rd</sup> presentation and subsequent anti-war rally as a “Criminal Act” with the sub-heading “Groups-Extremists,” and creates searchable links to the individuals and peace groups discussed therein.

Worse still, the BPD’s inappropriate intelligence collection about peaceful activists in the City of Boston may contribute to improper storage of information about them at the federal level. The documents we received from the Boston Police Department provide evidence that local officers and federal law

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<sup>12</sup> *Id.* § 23.20(b).

<sup>13</sup> “The BRIC will not seek or retain and originating agencies will agree to not submit information about individuals or organizations solely on the basis of their religious, political, or social views or activities; their participation in a particular noncriminal organization or lawful event; or their races, ethnicities, citizenship, places of origin, ages, disabilities, genders, or sexual orientation.” *BRIC Privacy, Civil Rights, and Civil Liberties Protection Policy*, Fall 2010, §E2.

<sup>14</sup> Congressional Fusion Centers Report, *supra* n.2, at 28.

enforcement agents exchange information about Boston area activists. (That information sharing is unsurprising given that facilitating information sharing among different levels of government is part of the BRIC's mission.) One [report](#) refers to an FBI source who provided information to the Boston police on protesters' plans to "pass out fliers promoting their cause." The documents also describe communications between municipal police departments concerning First Amendment expression. Another [report](#) references a phone call between officers from BRIC and the Metro DC Intelligence Section during which the officials discuss how many activists from the Northeast attended a Washington, DC peace rally.

Due to the secretive nature of the BRIC's operations, we don't know precisely how Boston Police "intelligence reports" are shared with outside entities. We know that the BRIC is involved in several federally-managed reporting schemes, including the Suspicious Activity Reporting Initiative<sup>15</sup> and Homeland Intelligence Reports,<sup>16</sup> but we don't know what other means the Center has at its disposal to transfer information from local officers to shared government or private databases.

We therefore cannot easily trace the way "intelligence reports" like those describing our clients' First Amendment activity move through "intelligence" databases. Even if we had access to a complete list of those databases and information sharing systems, it may remain impossible to determine exactly where information generated at the BRIC ends up because the systems are difficult to audit. Therefore, erroneous information filed in reports crafted in Boston could find its way into untold numbers of further reports in departments and agencies nationwide. It is difficult to imagine a mechanism that could reel in errors in a locally-generated report because that report could end up in a police database 3,000 miles away, simply at the click of a button. Exacerbating the problem, the BRIC does not possess appropriate accountability mechanisms that would ensure the purging of inaccuracies or outdated information in its own files.<sup>17</sup>

That lack of functional oversight has resulted in predictable abuse, the released records show. While BRIC guidelines state that officers may create "interim reports" about an anticipated event or incident with potential for criminal conduct, they further require the destruction of those interim reports within 90 days if no criminal conduct occurs.

Nevertheless, in response to our lawsuit, the BRIC produced "[intelligence reports](#)" that did not reference any criminal activity dating back as far as 2007. These reports were retained for years when they

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<sup>15</sup> Boston is one of twelve pilot cities in the federal [Suspicious Activity Reporting \(SAR\) Initiative](#).

<sup>16</sup> These reports are "the primary method DHS uses to publish and distribute the raw intelligence it gathers [from local fusion centers] to federal intelligence and law enforcement agencies." Congressional Fusion Centers Report, *supra* n.2, at 18.

<sup>17</sup> Worse still, [BRIC guidelines](#) state it will not confirm the existence of a Suspicious Activity Report if asked.

should have been destroyed after 90 days, pursuant to the BRIC's own rules.<sup>18</sup> We do not know how pervasive is this violation of the Center's retention limits, but the documents we received highlight the fact that abuse occurs absent appropriate oversight and accountability. Had the ACLU and the National Lawyers Guild not sued to recover these documents, the public — and perhaps even the BRIC — may never have known these files were retained in violation of the department's guidelines.

The BRIC admits that these “intelligence reports” were kept for too long. But they shouldn't have been written in the first place. The lack of effective oversight and accountability with regard to the BRIC's surveillance operations created an environment in which there was no meaningful check on the monitoring that led officers to create the unlawful reports about our clients.

These abuses demonstrate what can happen when policing procedures are shrouded in secrecy. It seems clear that despite having implemented rules designed to prevent abuses, the BRIC cannot effectively police itself. We are unaware of any officers facing discipline for violating the BRIC's own policies and putting our clients — and other innocent people — at risk of continued government surveillance or worse forms of harassment.

Political spying absent a nexus to criminal activity undermines effective law enforcement by wasting scarce tax dollars. The City of Boston faces real threats to public safety and shouldn't waste precious police resources investigating peace rallies. The Senate subcommittee report on fusion centers found that DHS may have allocated over a billion dollars towards the construction of offices like the BRIC nationwide. Its investigation also found that the states spent four times what the federal government contributed towards the development of these “fusion centers.” Scarce police resources would be better allocated towards building community trust and solving actual crimes than intimidating and harassing petitioners for change in government policy.

When law enforcement officers start investigating protected ideas rather than crimes, they threaten our right to free expression and assembly protected by the First Amendment to the Constitution and Article 16 of the Massachusetts Declaration of Rights. The unchecked political surveillance our lawsuit uncovered undermines our core values by chilling the speech of people who wish to participate in our democracy, which is a laudable exercise that our government should encourage and promote. It would weaken the First Amendment if would-be speakers were to remain silent out of fear that they would be falsely labeled an “Extremist” or potential threat in a secret government database. Upon learning that the police had

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<sup>18</sup>The Boston Police attribute this particular impropriety to a computer glitch. In a [letter](#) to the ACLU, the BPD's lawyer explained that, “of the thirteen reports provided, approximately eleven of them should have been purged from the Department's database prior to your request. However, an error in the Department's software prevented this from occurring. That software error has since been corrected.” Without an independent system of auditing and accountability, there is no way to know if the BRIC continues to keep interim reports longer than 90 days.



intelligence files containing information about him, one of our clients, peace activist Richard Colbath-Hess, [said](#), “People are scared. . . If the police are monitoring us, who wants to take a risk?”

The organizations and individuals involved in the lawsuit against the Boston Police Department release these records to shine a light on counterproductive surveillance practices in our city. We call on the Boston Police Department to cease its political surveillance operations. The BRIC’s political surveillance constitutes both a waste of public resources and a threat to our democracy. Rapidly advancing technologies enable government databases to log, store and share information — including false information — about people accused of no crime. Massachusetts should lead the nation and implement binding accountability, transparency and oversight mechanisms to ensure that police practices remain firmly within the confines of the law and the Constitution.

**There is no room in a democracy for the policing of dissent.**

## II. DOCUMENTS AND FINDINGS

A police presence is commonplace at political rallies and events, where officers are called on to keep order, help marchers get through the Boston streets and ensure public safety. [Documents](#) released by the BPD reveal that, in at least three ways, police now do much more than that.

First, officers actively monitor and videotape events and demonstrations, retaining the footage, and writing the “[intelligence reports](#)” on peaceful protesters. Second, officers investigate the beliefs and communications of peaceful demonstrators, giving them labels like “extremists” even when the officers could not plausibly suspect them of any crime. Third, the BPD and the BRIC improperly retained this information for years, even though it never should have been collected.

### A. **The documents reveal that police surveillance teams have been monitoring and tracking Boston activists for years.**

Videos taped at public demonstrations and “intelligence reports” written by officers assigned to the BRIC show pervasive monitoring of peaceful demonstrations. Nine out of the 13 reports obtained by the ACLU and NLG discuss only political activity, never mentioning criminal or even potentially criminal acts; two reference non-violent civil disobedience. Nonetheless, all of the reports include the category “Criminal Act” and use labels such as “Extremist,” “Civil Disturbance” or “HomSec-Domestic.”

***BPD “intelligence reports” show tracking and monitoring of political groups having no involvement in violence or nexus to criminal activity.***

- Officers monitored “an anti-war group made up of older veterans.” [3/11/2008 Intel. Rpt.](#)
- “Detective Creed and Trooper Favale went to the Boston Common to monitor the anti-war demonstration.” [3/20/2008 Intel. Rpt.](#)
- Another report states that “Detectives Creed and Kelley of the BRIC monitored a[n] anti-war demonstration” at the Park Street MBTA station. Nothing criminal occurred, and officers acknowledged that the demonstration was “generally peaceful.” [3/26/2008 Intel. Rpt.](#)
- Agents monitored preparations for an annual anti-war rally on the Boston Common, noting that “in the past, this event has drawn up to several thousand participants who are generally peaceful.” [10/01/2008 Intel. Rpt.](#)
- “Sgt. Det. Brian McMasters and Det. William Dickinson monitored a protest organized by [redacted] . . .” [5/18/2009 Intel. Rpt.](#)

***The monitoring is long-term.***

- Officers were able to say which people “have been showing up recently at anti-war and other far left” events. [3/20/2008 Intel. Rpt.](#)
- Officers could say which demonstrators had attended “all of the recent” demonstrations and which demonstrators had attended only “several” of them. [1/8/2009 Intel. Rpt.](#)

***“Intelligence reports” falsely categorize peaceful protests in a “Criminal Act” database with labels such as “Civil Disturbance,” “HomeSec-Domestic” and “Extremists.”***

- A Howard Zinn speaking engagement arranged by Councilor Felix Arroyo, Sr., was filed under “Extremists.” [3/28/2007 Intel. Rpt.](#)
- The groups Veterans for Peace, United for Justice with Peace and Stop the Wars Coalition are also categorized as “Extremists.” [3/20/2008](#) and [3/26/2008 Intel. Rpts.](#)
- Two “intelligence reports” filed under “Groups—Civil Disturbance” make no mention of any such disturbance. In one report, the only documented disruption occurred when protesters caused “some traffic delays and sometimes [blocked] pedestrian passage on the sidewalk.” Officers simply moved protesters along. [5/18/2009 Intel. Rpt.](#)
- None of the reports filed under “HomeSec-Domestic” discuss the possibility of any future safety concerns, security concerns, terrorism (domestic or otherwise), or any other type of threat. [4/02/2007](#), [1/03/2008](#), [10/01/2008](#), [3/18/2010](#) and [4/13/2010 Intel. Rpts.](#)

***BPD officers take video recordings of peaceful events, retaining them for unknown periods of time.***

- In response to our requests for video of specified events, the BPD turned over hours of footage, which captures thousands of demonstrators expressing their views in public areas. These tapes are retained even though they do not constitute evidence of any crime. Activists report seeing police officers with hand-held cameras at rallies and events. The BPD also deploys stationary cameras in open areas.

**B. The documents reveal that Boston Police officers track and record the internal dynamics and political beliefs of peaceful groups and individuals.**

Police surveillance of peaceful demonstrators is not limited to watching them when they participate in peaceful public protests. “Intelligence reports” also reveal investigation of the ideas and communications of peaceful groups.

*The “intelligence reports” describe the monitoring of constitutionally-protected speech and ideas having no plausible connection to any crime.*

- Officers reported that local activists had tried “to get ‘celebrity guest speakers’” such as Sean Penn and Susan Sarandon. [3/28/2007 Intel. Rpt.](#)
- Officers monitored one group’s “infighting” about whether it “should stop its anti-war actions during the election year in an effort not to harm the Democratic Party.” [3/11/2008 Intel. Rpt.](#)
- Officers questioned someone about “the reason for the demonstration” and whether “he was part of [it].” [3/26/2008 Intel. Rpt.](#)
- An intelligence report described one group’s internal debate about whether “to plan for an increase in anti-war actions leading up to the November elections.” [6/10/2008 Intel. Rpt.](#)
- “Activists are hopeful that an Obama victory in November will speed up the withdrawal from Iraq.” [10/1/2008 Intel. Rpt.](#)
- When the Tea Party brought Sarah Palin to town, officers investigated whether “counter-demonstrators” would hold an “impromptu march,” even though prior Palin events had involved “no major incidence of violence.” [4/13/2010 Intel. Rpt.](#)

*The tracking of groups and peace activists by police includes monitoring of on-line forums, such as:*

- Facebook. [4/13/2010 Intel. Rpt.](#)
- Email distribution lists. [3/20/2008 Intel. Rpt.](#)
- “[C]hatter’ on local activist message boards.” [3/27/2007 Intel. Rpt.](#)

*Boston Police officers seek informants to spy on the peace activist community.*

- The Boston officers have relied on outside intelligence on constitutionally protected activities, such as the “FBI’s source” who said that 10 people from a certain group might try to pass out flyers at the Palin rally. [4/13/2010 Intel. Rpt.](#)
- Officers have also tried to get activists to spy on each other. One report states: “Over the weekend, Lt. McDermott spoke with a source in the activist community who stated that the various anti-war groups are hoping for a large turnout this weekend.” [3/27/2007 Intel. Rpt.](#)

*Activists accused of minor infractions are interrogated about their First Amendment activities rather than their infractions.*

- Activists arrested at one demonstration were moved for “processing,” which included questioning by surveillance officers about what group “the arrested activists were associated with.” [3/20/2008 Intel. Rpt.](#)

- Activists arrested for trespassing at a consulate were interviewed by three surveillance officers “in the hopes that these activists may reach out to the officers in the future.” [1/08/2009 Intel. Rpt.](#) They were asked about their organizing efforts and for the names of other organizers. When the National Lawyers Guild asked the BPD for records of this interrogation, the BPD responded that there were none. The lawsuit proved that these records existed after all.

**C. The documents reveal that the Boston Police Department is retaining and possibly sharing “intelligence reports” in violation of privacy rules.**

Federal privacy regulations and the BRIC’s own policies forbid collecting and retaining information based solely on political activity. Yet this is precisely what has been happening.

*Boston Police have improperly created and retained intelligence records.*

- Under federal law and BRIC’s policies, information and First Amendment activity should not be collected unless the police have reasonable suspicion of a crime. 42 U.S.C. §§ 3782(a), 3789g(c); 28 C.F.R. § 23.20. The “intelligence reports” released by BPD show widespread violation of those rules.
- BPD reports were not purged in accordance with its own guidelines.

*BPD surveillance appears to be part of a broader effort to collect and share information.*

- Each “intelligence report” is assigned a “Database record ID number.”
- The reports reflect information obtained from the FBI, including FBI sources and the National Instant Criminal Background Check System. [3/20/2008](#) and [4/13/2010 Intel. Rpts.](#)

**D. The documents show that domestic surveillance lacks transparency and accountability.**

While the BRIC [privacy policy](#) states that it “will be open with the public in regard to information and intelligence collection practices,” BRIC operates in secrecy, without external oversight or public accountability. There appear to be no consequences for BRIC’s violation of its own policies, such as record retention and intelligence gathering.

Individuals have no meaningful way to challenge false information collected about them. While the BRIC privacy Policy outlines a process to make complaints, the process is not known to the public. In addition, to the extent that information about an individual relates to terrorism, the BRIC will neither confirm nor deny the existence of information on the individual.

### III. RECOMMENDATIONS

Routine police surveillance and investigation of peaceful demonstrations, and of the people who engage in them, is illegal, a misuse of police resources, and an affront to the First Amendment. Yet the Boston Police Department and the Boston Regional Intelligence Center have routinely and intentionally collected information about peaceful demonstrations and demonstrators, and have not purged that information in a timely manner.

These practices should come to an immediate and public end. Accordingly, the ACLU of Massachusetts and the National Lawyers Guild, Massachusetts Chapter make the following recommendations:

1. **The BPD should cease the routine surveillance and recording of public demonstrations and the routine monitoring and investigation of groups and individuals who engage in them.** Under federal regulations, those police actions should occur only when officers reasonably suspect criminal activity. When officers do reasonably suspect criminal activity by a specific group or person, any surveillance or investigation must relate to the suspected crime. **The BPD should create an independent and public auditing system to ensure that it abides by the reasonable suspicion standard and adequately protects civil rights and civil liberties in all of its intelligence operations.**
2. Given the findings of the US Senate subcommittee report and the abuses uncovered by the ACLU and the NLG, **the Commonwealth of Massachusetts should immediately cease funding Massachusetts' two fusion centers**, the BRIC and its state police counterpart, the Commonwealth Fusion Center. Any future allocation of funds should be contingent on a demonstration that neither fusion center is conducting political surveillance, that they are actually using taxpayer dollars to promote public safety and that they have implemented meaningful measures of accountability and oversight.
3. **The Massachusetts state legislature should adopt legislation to prevent abuses that inhibit freedom of expression.** Such legislation should, at a minimum: prohibit law enforcement from collecting information about lawful First Amendment-protected activity without reasonable suspicion that it directly relates to criminal activity; establish rigorous standards for the integrity, security, and the use of any information collected about First Amendment-protected activity; and require routine public audits of information systems that contain such information.<sup>19</sup>

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<sup>19</sup> See, e.g., *An Act to protect privacy and personal data*, Senate Bill 1194, 187<sup>th</sup> General Court of the Commonwealth of Massachusetts, at <http://www.malegislature.gov/Bills/187/Senate/S01194>.