

June 20, 2017

Commissioner Williams Evans
Boston Police Department
One Schroeder Plaza
Roxbury, MA 02120

Dear Commissioner Evans,

Thank you again for the opportunity to meet with you and members of your team on May 30. We share the information below in order to ensure that we are clearly communicating our concerns and views regarding Boston Police Department involvement in the “Youth and Police Initiative Plus”¹ and of the Department's maintenance of certain information-sharing relationships with federal agencies who are, under the new Federal Administration, engaged in new practices impacting our communities’ safety.

1) Countering Violent Extremism (CVE) Programs and Community Outreach

Countering Violent Extremism (CVE) campaigns, while called by many different names, are premised on discredited theories about risk factors that predispose individuals to “extremism.”² CVE, where it has operated, has not made communities safer but has instead resulted in clear abuses of civil and human rights and chilling of dissent and social services access. Even prior to announcements of a federally-initiated CVE campaign in the US, certain law enforcement community outreach programs focused on Muslim communities were, it was discovered, designed or used for intelligence collection

¹ See public records response containing draft application for Department of Homeland Security “countering violent extremism” grant, and CVE award announcement, for Youth and Police Initiative Plus, available at: <https://www.muslimjusticeleague.org/wp-content/uploads/2017/04/BPD-CVE-grant-public-records-response.pdf> .

² See, e.g., Matt Apuzzo (New York Times), *Who Will Become a Terrorist? Research Yields Few Clues*, March 27, 2016, available at: https://www.nytimes.com/2016/03/28/world/europe/mystery-about-who-will-become-a-terrorist-defies-clear-answers.html?_r=1; Murtaza Hussein, Cora Currier and Jana Winter (The Intercept), *Is Your Child a Terrorist? U.S. Government Questionnaire Rates Families at Risk for Extremism*, February 9, 2015, available at: <https://theintercept.com/2015/02/09/government-develops-questionnaire-see-might-become-terrorist/>; Faiza Patel (Brennan Center for Justice), *Rethinking Radicalization*, March 8, 2011, available at: <https://www.brennancenter.org/publication/rethinking-radicalization>; Alice Ross (The Guardian), *Academics Criticize Anti-radicalisation Strategy in Open Letter*, September 28, 2016, available at: <https://www.theguardian.com/uk-news/2016/sep/29/academics-criticise-prevent-anti-radicalisation-strategy-open-letter>; Asim Qureshi (CAGE), *The Science of Pre-Crime: The Secret 'Radicalization' Study Underpinning Prevent*, 2016, available at: <https://cage.ngo/wp-content/uploads/2016/09/CAGE-Science-Pre-Crime-Report.pdf> . See also Arun Kundnani, *Radicalisation: the Journey of a Concept* (2012); *Race & Class*, 54(2), 3–25; available at: <http://journals.sagepub.com/doi/abs/10.1177/0306396812454984>; *Letter from Nicole Nguyen & Stacey Krueger, Researchers from the University of Illinois at Chicago, to Members of Congress et al, Concerning the Questionable Use of Academic Research to Support CVE Initiatives*, October 5, 2016, available at: <https://www.brennancenter.org/sites/default/files/Nguyen%20Krueger%20WORDE%20final%20%284%29.pdf>;

about participants' and other targets' lawful activity.³ This reality, combined with widespread experiences of structural discrimination (such as in airport interrogations, FBI fishing expeditions, and “watchlisting” without due process), have made many Muslims all too aware that they are viewed as members of a suspect community by some law enforcement agencies. Now, CVE programs — through their promotion of discredited theories that purport to link certain communities to “vulnerability” to “extremism” — have foreseeably increased this awareness.

While it is clear CVE and the flawed research on which it is based primarily targets Muslims, we wish to once again emphasize that we do not ask that CVE target additional groups; expanding CVE to additional communities could only multiply its damage. We were dismayed to learn, for example, that a Denver Police Department CVE program⁴ focuses on refugees, LGBTQ groups and Black Lives Matter.⁵ Nor would our concerns about CVE lessen if CVE were called by other names -- as it has been.⁶ Regardless of their name or branding, programs based on discredited theories that assert the existence of identifiable “vulnerabilities” or “risk factors” for “extremism” give credence to implicit biases. Therefore, under any name, these programs are likely to worsen harassment of marginalized communities, suppress open dialogue and dissent, and do lasting harm to society.

Although release of Department of Homeland Security monies to the Youth and Police Initiative Plus (YPIP) and other programs awarded CVE funds is uncertain given the change in Administration, we understand from our May 30 conversation that BPD plans to continue its involvement in the YPIP regardless of funding availability. We also understand that BPD does not find the terms “countering violent extremism” or “CVE” to be helpful. Nevertheless, we continue to be concerned about BPD’s in-

³ See, e.g. Cora Currier (The Intercept), *Spies Among Us? How Community Outreach Programs to Muslims Blur Lines Between Outreach and Intelligence*, January 21, 2015, available at: <https://theintercept.com/2015/01/21/spies-among-us-community-outreach-programs-muslims-blur-lines-outreach-intelligence/>; Michael Price (Brennan Center for Justice), *Community Outreach of Intelligence Gathering?*, January 29, 2015, available at: <https://www.brennancenter.org/analysis/community-outreach-or-intelligence-gathering>; American Civil Liberties Union, *FOIA Documents Show FBI Illegally Collecting Intelligence Under Guise of “Community Outreach,”* December 1, 2011, available at: <https://www.aclu.org/news/foia-documents-show-fbi-illegally-collecting-intelligence-under-guise-community-outreach>. See also Spencer Ackerman (The Guardian), *Documents Support Fears of Muslim Surveillance by Obama-era Program*, March 16, 2017, available at: <https://www.theguardian.com/world/2017/mar/16/obama-countering-violent-extremism-muslim-surveillance>.

⁴ See Waqas Mirza (MuckRock), *Denver Counterterrorism Program Sets Sights on Black Lives Matter, LGBTQ Groups, and Refugees*, March 9, 2017, available at: <https://www.muckrock.com/news/archives/2017/mar/09/denvers-counterterrorism-BLM/>. (Denver Police Department's CVE grant proposal is linked within article.)

⁵ Black Lives Matter is a collective seeking specific policy changes “[i]n response to the sustained and increasingly visible violence against Black communities.” Their platform is available here: <https://policy.m4bl.org/platform/>. We wish to take this opportunity to express our organizations' strong support for Black Lives Matter and its policy platform. We condemn attempts to discredit Black Lives Matter’s aims or tactics by characterizing them as “extremist” or otherwise at odds with the public good. Black Lives Matter is pursuing an urgent and necessary campaign to protect human rights and dignity, and its efforts benefit all of society.

⁶ See Associated Press, *What's in a Name? Governments Recast Anti-extremism Efforts*, August 26, 2016, available at: <https://apnews.com/29e87290d5a74a988c221ef6a14996/whats-name-governments-recast-anti-extremism-efforts>.

volvement in the YPIP, whether or not the YPIP is called CVE, funded by federal law enforcement, or modeled on pre-existing community outreach programs.

The draft application⁷ for CVE funding of YPIP is deeply disquieting in its citing of unsound, stigmatizing premises about Somali youth. For example it asserts: "Research suggests that the interaction of three risk factors increases a Somali male youth's risk for violent extremism -- 1) *unaccountable times and unobserved spaces*; (2) perceived social legitimacy for violent radicalization and terrorist recruitment; and 3) the presence of recruiters and associates." (Emphasis added.) The application elsewhere cites among ostensible "risk factors for teenage boys and young Somali men to be recruited into violent extremism" such factors as "unsafe neighborhoods," "mistrust of law enforcement," "lack of opportunities" and "direct and indirect traumas."

We note that the word that best describes the concept of "unaccountable times and unobserved spaces" is "privacy," and that freedom from arbitrary interference in privacy is a fundamental human right to which Somali youth -- like all persons -- are entitled. The suggestion that privacy, when available to young Somali-Americans, becomes dangerous, has highly troubling implications, particularly when cited in support of a law enforcement outreach program.

Moreover, "unsafe neighborhoods," "lack of opportunities" and various traumas are (1) commonly experienced by marginalized communities that face structural discrimination and (2) problems that must be addressed because they impede individuals' and communities' rights and full participation in society. By contrast, suggesting on the basis of faulty reports that these experiences predispose those who suffer them to "violent extremism" is stigmatizing and wrong, and it represents an extension of these very injustices and traumas.

Finally, we observe that "mistrust of law enforcement" is a common reaction among persons who have experienced or witnessed racial or religious profiling by, or violence at the hands of, law enforcement. Characterizing this sentiment as a risk factor for "violent extremism" is unlikely to foster trust and in fact highly likely to reinforce the sense that law enforcement views one as a threat to be monitored. A better tactic to address mistrust of law enforcement would be the enactment of structural changes to ensure equal protection and full respect for the human and civil rights of all civilians regardless of race, religion or other immutable characteristics.

We therefore respectfully request and strongly urge BPD to:

- Focus violence prevention efforts on reducing all violence that victimizes communities, and avoid involvement in outreach programs that suggest lawful behaviors or ideas protected by the

⁷ Note 1.

First Amendment (such as information seeking, political speech, mistrust of law enforcement, or religious beliefs and practices) are precursors to crime.

- End BPD involvement in community outreach programs (called by any name, and funded by any means or not at all) that credit false and stigmatizing theories about predispositions toward violence or “extremism,” including the Youth and Police Initiative Plus.
- Develop — through a publicly advertised process with opportunity for formal public input — and publicize stringent rules for separating community outreach initiatives and social services initiatives from intelligence gathering operations.⁸

2) Information-Sharing with Federal Agencies through Fusion Centers and the Joint Terrorism Task Force

At our May 30 meeting, it was conveyed that BPD procedures and protocols have not changed as a result of the new Administration. In our view, that is a problem. While, as we expressed, our organizations have had ongoing concerns about certain local-federal information sharing arrangements, the new Federal Administration’s explicitly bias-motivated policies and statements have changed the implications of those arrangements, dramatically escalating risks to communities’ safety. We believe BPD’s approach must change in response to federal actions that place communities at increased risk. Specifically, we ask that BPD do the following in order to help protect our communities from unjust targeting:

- **Modify the Boston Regional Intelligence Center (BRIC) privacy and civil liberties policy to institute a criminal predicate requirement for surveillance, intelligence collection, and information sharing.** Doing so will go a long way towards ending surveillance based on political opinion, race or religion, which tars BPD's image, wastes public resources, and harms community trust.
- **Cease collaboration with the FBI’s Joint Terrorism Task Force (JTTF).** BPD should not engage in suspicionless investigations, either at the local or federal level. Yet the FBI does not require a criminal predicate for JTTF investigations. Reporting by the Guardian newspaper shows the result of this policy problem: a BPD officer tasked to the JTTF was involved in improper surveillance and targeting of the political activity of a Boston-based Dakota Access Pipeline protester in North Dakota.⁹ These kinds of surveillance operations harm community trust, chill political speech, and do nothing to advance public safety.

⁸ As a component of such policy, we would urge protections against use of information obtained in the course of community outreach for gang watchlisting or gang database purposes, including but not limited to a prohibition on use of information about a person’s association with other people, race, religion, location of domicile or location of an encounter with law enforcement to identify them for inclusion in any watchlist or database. Likewise, we would urge that no information obtained in the course of community outreach be used to generate a “suspicious activity report” or fed into JTTF, fusion center or other criminal intelligence systems.

⁹ Sam Levin (The Guardian), *Revealed: FBI Terrorism Taskforce Investigating Standing Rock Activists*, February 10, 2017; available at <https://www.theguardian.com/us-news/2017/feb/10/standing-rock-fbi-investigation-dakota-access>.

- **Endorse and publicly support the Massachusetts Safe Communities Act (S.1305, H. 3269).** We appreciate the Commissioner’s statements in support of defending immigrant communities' safety in Massachusetts. An important step toward defending immigrants' safety against family separation; expulsion to face possible persecution, trafficking, famine and/or disease; and abuse by local actors who would exploit their immigrant status is passage of the Safe Communities Act. The Act would bar Massachusetts agencies from contributing towards a discriminatory “Muslim Registry,” enhance due process rights for immigrants, and ensure police resources are spent protecting communities—not harming them by involving them with Trump’s Immigration and Customs Enforcement (ICE) agency.

Adopting these policies and positions would underscore, particularly for communities targeted by the new Federal Administration, a clear separation between local police and federal law enforcement, and would help to avoid implicating BPD in federal deportations, efforts to establish a “Muslim Registry,” and discriminatory FBI actions. Moreover, adopting such policies would not prevent information sharing in cases where either BPD or the FBI has evidence to believe someone is involved in serious criminal activity. As we mentioned in our meeting, there is precedent for these policies in San Francisco, where the police department left the JTTF citing a misalignment in values and policy choices regarding suspicionless investigations.¹⁰

Thank you, once again, for meeting with us and considering our views. Should you have any questions, please contact Shannon Al-Wakeel, executive director of the Muslim Justice League, at swakeel@muslimjusticeleague.org.

Sincerely,

American Civil Liberties Union of Massachusetts

Council on American-Islamic Relations - Massachusetts

Digital Fourth

Islamic Society of Boston Cultural Center

Jewish Voice for Peace - Boston

Muslim Justice League

¹⁰ CBS SF Bay Area, *San Francisco Police Department Suspends Participation With FBI Joint Terrorism Task Force*, February 1, 2017, available at <http://sanfrancisco.cbslocal.com/2017/02/01/san-francisco-police-department-suspends-participation-with-fbi-joint-terrorism-task-force/>.

cc:

State Senator James Eldridge

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