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July 31, 2014

Sheriff Michael Saudino
Bergen County Sheriff's Office
10 Main Street
Hackensack, New Jersey 07601

Re: Bergen County Sheriff's Office's MRAP Request

Dear Sheriff Saudino:

We write to urge the Bergen County Sheriff's Office to promptly withdraw the request it submitted to the Department of Defense seeking two "mine-resistant ambush-protected vehicles," otherwise known as MRAPs.¹ These vehicles, designed for combat in war zones, are inappropriate for deployment in a civilian law enforcement agency such as Bergen County's. Acquiring these military-grade vehicles encourages unnecessary militarization of the police and could lead to dangerous consequences for civilians and law enforcement agents alike, including the increased risks of violence, property destruction, and undermined individual liberties.

While the American Civil Liberties Union of New Jersey ("ACLU-NJ") recognizes the dangers inherent in modern policing, the streets of Bergen County are decidedly not within a war zone. The findings of nationwide ACLU research indicate that the trend toward militarization of local law enforcement agencies has led to mission creep² by SWAT teams – shorthand for "Special Weapons and Tactics" – and disproportionately affects communities of color.³

SWAT teams were initially created to deal with emergency events such as hostage, barricade, and active-shooter situations. However, an ACLU investigation found that between 2011 and 2012, 79% of SWAT deployments in jurisdictions studied throughout the country were carried out for the purpose of executing a search warrant, most commonly in drug investigations.⁴ As you know, the execution of a search warrant precedes a formal accusation of a crime; in drug cases, police are simply acting on the basis of probable cause to believe drugs will be present. Absent a particularized expectation of imminent bodily harm, the use of military tactics to search for drugs in an individual's home is wholly inappropriate.

The use of MRAPs and combat vehicles in local towns can cultivate a "warrior mentality" among police officers and a "sieged" feeling in the community, which is contrary to the important goals of building trust and cooperation between communities and the police. The proliferation of military-grade technology encourages officers to approach their policing work as a battle and to consider the individuals they are

¹ See Jean Rimbach, "Armored vehicles at the center of latest Bergen conflict," BERGEN RECORD (Jul. 20, 2014), available at <http://www.northjersey.com/news/armored-vehicles-at-the-center-of-latest-bergen-conflict-1.1054456>.

² "Mission creep" is "the gradual broadening of the original objectives of a mission or organization." See MERRIAM-WEBSTER.COM, <http://www.merriam-webster.com/dictionary/missioncreep> (last visited Jul. 31, 2014).

³ WAR COMES HOME, THE EXCESSIVE MILITARIZATION FOR AMERICAN POLICING, ACLU (June 2014), available at <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rell.pdf>.

⁴ *Id.* at 31.

meant to serve as potential enemies.

This mentality is particularly troubling when considering that communities of color bear the brunt of militarized police tactics across the country. Indeed, in jurisdictions studied by the ACLU, 61% of people impacted by the use of SWAT raids in drug cases were people of color.⁵ In search warrant executions, 54% of the people impacted by SWAT raids were people of color. This overrepresentation of communities of color in the use of militarized policing tactics contributes to alienation and mistrust between Black and Latino communities and the police.

Your office has publicly stated that the County would use the MRAPs for situations involving high-risk warrants, but experience throughout the country demonstrates that once these vehicles are within your arsenal, Bergen County communities will see the MRAP missions expand into other purposes beyond their original intent.

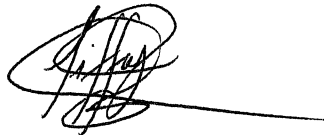
As you know, the Department of Defense describes MRAPs as designed to “protect occupants against armor-piercing roadside bombs” in Iraq and Afghanistan. Without evidence of threats of this type, the ACLU-NJ is concerned that the introduction of MRAPs in Bergen County will lead to further militarization of local police forces and further alienation between the police and the communities they serve.

We urge you to withdraw your request to the Department of Defense for these MRAPs. Such a step sends the right signal to Bergen County residents that the Sheriff’s office seeks to create a safe and just community. Please feel free to contact ACLU-NJ Public Policy Director Ari Rosmarin with any comments, questions, or concerns at arosmarin@aclu-nj.org or 973-854-1734.

Sincerely,



Ari Rosmarin
Public Policy Director



Tiffany Ornedo
Legal Intern

cc: County Executive Kathleen A. Donovan
Freeholder Chairman David L. Ganz
Freeholder Vice-Chairwoman Joan M. Voss
Freeholder Maura DeNicola
Freeholder Steven A. Tanelli
Freeholder James J. Tedesco, III
Freeholder Tracey Silna Zur
Clerk of the Board Michele Dilgori

⁵ See *Id.* at 36.