

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

K. ERIC MARTIN and RENÉ PÉREZ,

Plaintiffs,

v.

WILLIAM GROSS, in his Official Capacity
as Police Commissioner for the City of
Boston, and RACHAEL ROLLINS, in her
Official Capacity as District Attorney for
Suffolk County,

Defendants.

Civil Action No. 1:16-cv-11362-PBS

DECLARATORY JUDGMENT AND ORDER

The Court declares Mass. G.L. c. 272, § 99, unconstitutional insofar as it prohibits the secret audio recording of police officers performing their duties in public spaces. This declaration does not address the constitutionality of any time, place or manner restrictions that the Massachusetts Legislature may enact in the future.

DATED: 2/11/2021

/s/ PATTI B. SARIS

Patti B. Saris
United States District Judge for the
District of Massachusetts