

Exhibit A

Date: Mon, 8 Jun 2020 16:16:47 +0000
From: Taylor R Campbell <campbell+bostonrecords@mumble.net>
To: publicrecords@boston.gov
CC: Martha DeMaio <martha.demaio@pd.boston.gov>,
 Winifred Gibbons <winifred.gibbons@pd.boston.gov>
Subject: Records request about protests, May 25th to June 8th
Message-Id: <20200608161648.0A50960B5A@jupiter.mumble.net>

June 8th, 2020
 Shawn Williams
 Director of Public Records
 City of Boston
 1 City Hall Square
 Room 615
 Boston, MA 02201

This is a request under the Massachusetts Public Records Law (M.G.L. c. 66, § 10). I am requesting that I be provided the following records from the Boston Police Department:

1. All threat assessments and situational awareness reports related to any public gatherings, protests, riots, and/or burglaries, between May 25th and June 8th, 2020.
2. All records discussing, referring to, planning, ordering, describing, documenting, or evaluating actions taken by Boston Police related to any public gatherings, protests, riots, and/or burglaries, between May 25th and June 8th, 2020.
3. All
 - (a) staffing directives,
 - (b) time and labor reports,
 - (c) pre-action communications,
 - (d) after-action reports,
 - (e) incident reports,
 - (f) use-of-force reports,
 - (g) complaints to the police department,
 for the time from May 25th to June 8th, 2020.
4. All compilations of
 - (a) equipment,
 - (b) munitions,
 - (c) vehicles,
 used, ready to be used, and/or damaged in the time from May 25th to June 8th, 2020.
5. All communications about COBRA activations between May 25th and June 8th, 2020.
6. All communications with the Massachusetts National Guard between May 25th and June 8th, 2020.
7. All communications with the Massachusetts Bay Transit Authority between May 25th and June 8th, 2020.
8. All communications with the Mayor's office between May 25th and June 8th, 2020.
9. All communications with the Governor's office between May 25th and June 8th, 2020.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. If you expect costs to exceed \$10.00, please provide a detailed fee estimate. If the separate numbered or lettered parts of the request may require

different fees, please account separately for the fees of the separate parts.

I also request that you waive fees, under G.L. c. 66 § 10(d)(v), because this disclosure is in the public interest, and I have no commercial interest in the records.

I expect the records to be returned in an accessible format, with electronically searchable text, and fit for use with a screen-reader's text-to-speech functionality for those unable to read print.

The Public Records Law requires you to respond no later than 10 business days following receipt of this letter. If you cannot comply, you are statutorily required to provide a written explanation for the delay.

Sincerely,
Taylor R Campbell
campbell+bostonrecords@mumble.net

Exhibit B



Jessie J. Rossman
Staff Attorney
617 482 3170 ex 337
jrossman@aclum.org

June 9, 2020

Via Email and Public Records Portal

Shawn Williams
Records Access Officer
City of Boston
City Hall, Room 615
Boston, MA 02201
publicrecords@boston.gov

Records Access Officer
Boston Police Department
1 Schroeder Plaza
Boston, MA 02120
[https://bostonma.govqa.us/WEBAPP/_rs/\(S\(22rhmewakz20wnhvy21vob2c\)\)/login.aspx](https://bostonma.govqa.us/WEBAPP/_rs/(S(22rhmewakz20wnhvy21vob2c))/login.aspx)

Re: Deployment of Federal Agents in Massachusetts and Use of
Force Policies

Dear Mr. Williams:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the Boston Police Department. The request is submitted on behalf of the American Civil Liberties Union of Massachusetts, Inc. (ACLUM).

This request seeks to promote transparency regarding the use of force during demonstrations, both in general and with respect to the protests within the last two weeks, and the deployment of federal agents, including from the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Homeland Security, during such demonstrations.

Agents from the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and

Explosives, and Homeland Security have been deployed to demonstrations in Washington D.C..¹ We are seeking information about whether any individuals from these agencies have been deployed in Massachusetts as well.

Accordingly, ACLUM request the following records:

1. All records and communications describing, discussing, containing, or reflecting Boston Police Department use of force policies.
2. All records and communications describing, discussing, containing, or reflecting the Boston Police Department policies regarding the following, both in general and during any demonstration since May 25, 2020:
 - a. The use of dogs;
 - b. The use of chemical agents, including, but not limited to, pepper spray and tear gas;
 - c. The use of riot gear;
 - d. The use of rubber bullets.
3. All records and communications describing, discussing, containing, or reflecting the Boston Police Department policies regarding the following during any future or anticipated demonstration:
 - a. The use of dogs;
 - b. The use of chemical agents, including, but not limited to, pepper spray and tear gas;
 - c. The use of riot gear;
 - d. The use of rubber bullets.
4. All records and communications describing, discussing, containing, or reflecting the Boston Police Department's use of the following during any demonstration since May 25, 2020.
 - a. The use of dogs;
 - b. The use of chemical agents, including, but not limited to, pepper spray and tear gas;
 - c. The use of riot gear;
 - d. The use of rubber bullets.
5. All records and communications describing, discussing, containing or reflecting footage from Boston Police Department Officers body-worn cameras and handheld videos during any demonstration since May 25, 2020, including the footage itself.

¹ See Zolan Kanno-Youngs and Katie Benner, Trump Deploys the Full Might of Federal Law Enforcement to Crush Protests, N.Y. TIMES (June 2, 2020), at <http://nytimes.com/2020/06/02/us/politics/trump-law-enforcement-protests.html>.

6. All records and communications describing, discussing, containing or reflecting the use of surveillance technologies before, during or after any demonstration since May 25, 2020. These technologies include, but are not limited to, cell-site simulators/IMSI catchers (commonly known as “stingrays”), automatic license plate readers, drones/unmanned aerial vehicles, gunshot detection, face recognition, tattoo recognition, and security cameras.
7. All records and communications describing, discussing, containing or reflecting the use of long range acoustic devices (“LRAD”), sound cannons, and any other related equipment during any demonstration since May 25, 2020.
8. All records describing, discussing, containing, or reflecting communication about potential deployment of federal agents to Massachusetts since May 24, 2020, including communications:
 - a. Within the Boston Police Department;
 - b. Between the Boston Police Department and any other state or local entity; and
 - c. Between the Boston Police Department and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.
9. All records describing, discussing, containing, or reflecting communication regarding the involvement of any federal agents in Massachusetts demonstrations since May 24, 2020, including communications:
 - a. Within the Boston Police Department;
 - b. Between the Boston Police Department and any other state or local entity; and
 - c. Between the Boston Police Department and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.

This request covers records that are in electronic format, such as emails.

If this request is denied in whole or in part, we ask that you justify all withholding and redaction by reference to specific exemptions of the Public Records Law. Please release all segregable portions of otherwise exempt material.

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Shawn Williams
Boston Police Department
June 9, 2020

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLUM, is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representation of the news media.

With respect to the form of production, we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession. Please provide copies of entire correspondence in relevant searches, including any and all documents or attachments that were included or forwarded. Records should include but not be limited to electronic correspondence transmitted via computer, laptop, mobile phone, and other email devices, and should include but not be limited to any emails in which an employee was the direct recipient, CC recipient, BCC recipient and/or listserv recipient. All images in any email should be downloaded and viewable before being copied.

Thank you for your anticipated prompt attention to these requests. We look forward to receiving a response within the 10-business days required by law. Feel free to contact me if you need any clarification of the requests set forth above.

Sincerely,

/s/ Jessie J. Rossman

Jessie J. Rossman

Exhibit C

June 18, 2020

Via Email and online portal

Records Access Officer
Boston Police Department
1 Schroeder Plaza
Boston, MA 02120

Shawn Williams
Records Access Officer
City of Boston
City Hall, Room 615
Boston, MA 02201

Re: Use of Chemical Agents by Boston Police Department

Dear Mr. Williams:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the Boston Police Department. The request is submitted on behalf of the American Civil Liberties Union of Massachusetts, Inc. (ACLUM).

This request seeks to promote transparency regarding the use of chemical agents by the Boston Police Department during recent protests and demonstrations in Boston and the Department's use of chemical agents generally.

According to news reports, on May 31 the Boston Police Department deployed tear gas during a protest.¹ We are seeking information about the Department's past and present uses of these tactics.

¹ See *Jeremy C. Fox and John Hilliard*, Boston Protests Against George Floyd Killing Begin Peacefully, End in Violence, Arrests, BOSTON GLOBE (June 1, 2020), at <https://www.bostonglobe.com/2020/05/31/metro/three-protests-against-george-floyd-killing-planned-boston-sunday>.

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Shawn Williams
Boston Police Department
June 18, 2020

Accordingly, ACLUM request the following records:

1. All records and communications describing, discussing, containing, or reflecting the use by the Boston Police Department of chemical agents, including but not limited to, pepper spray and tear gas, since 2016.

This request covers records that are in electronic format, such as emails.

If this request is denied in whole or in part, we ask that you justify all withholding and redaction by reference to specific exemptions of the Public Records Law. Please release all segregable portions of otherwise exempt material.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLUM, is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representation of the news media.

With respect to the form of production, we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession. Please provide copies of entire correspondence in relevant searches, including any and all documents or attachments that were included or forwarded. Records should include but not be limited to electronic correspondence transmitted via computer, laptop, mobile phone, and other email devices, and should include but not be limited to any emails in which an employee was the direct recipient, CC recipient, BCC recipient and/or listserv recipient. All images in any email should be downloaded and viewable before being copied.

Thank you for your anticipated prompt attention to these requests. We look forward to receiving a response within the 10-business days required by law. Feel free to contact me if you need any clarification of the requests set forth above.

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Shawn Williams
Boston Police Department
June 18, 2020

Sincerely,

/s/ Jessie J. Rossman

Jessie J. Rossman

Exhibit D

June 9, 2020

Via Email and Public Records Portal

Shawn Williams
Records Access Officer
City of Boston
City Hall, Room 615
Boston, MA 02201
publicrecords@boston.gov
[https://bostonma.govqa.us/WEBAPP/_rs/\(S\(22rhmewakz20wnhvy21vob2c\)\)/login.aspx](https://bostonma.govqa.us/WEBAPP/_rs/(S(22rhmewakz20wnhvy21vob2c))/login.aspx)

Re: Deployment of Federal Agents in Massachusetts

Dear Mr. Williams:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the Office of Mayor Martin J. Walsh. The request is submitted on behalf of the American Civil Liberties Union of Massachusetts, Inc. (ACLUM).

This request seeks to promote transparency regarding the deployment of federal agents, including the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Homeland Security, during such demonstrations.

Agents from the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, and Homeland Security have been deployed to demonstrations in Washington D.C..¹ We are seeking information about whether any individuals from these agencies have been deployed in Massachusetts as well.

¹ See Zolan Kanno-Youngs and Katie Benner, Trump Deploys the Full Might of Federal Law Enforcement to Crush Protests, N.Y. TIMES (June 2, 2020), at <http://nytimes.com/2020/06/02/us/politics/trump-law-enforcement-protests.html>.

Accordingly, ACLUM request the following records:

1. All records describing, discussing, containing, or reflecting communication about potential deployment of federal agents to Massachusetts since May 24, 2020, including communications:
 - a. Within the Mayor's Office;
 - b. Between the Mayor's Office and any other state or local entity; and
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.
2. All records describing, discussing, containing, or reflecting communication regarding the involvement of any federal agents in Massachusetts demonstrations since May 24, 2020, including communications:
 - a. Within the Mayor's Office;
 - b. Between the Mayor's Office and any other state or local entity; and
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.

This request covers records that are in electronic format, such as emails.

If this request is denied in whole or in part, we ask that you justify all withholding and redaction by reference to specific exemptions of the Public Records Law. Please release all segregable portions of otherwise exempt material.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. ACLUM, is a not-for-profit, non-partisan organization dedicated to the principles of liberty and equality. As the Massachusetts affiliate of the national ACLU, a not-for-profit, non-partisan organization, ACLUM distributes information both within and outside of Massachusetts. Gathering and disseminating current information to the public is a critical and substantial component of ACLUM's mission and work. ACLUM publishes newsletters, news briefings, reports and other printed materials that are disseminated to the public. These materials are widely available to everyone, including tax-exempt organizations, not-for-profit groups, law students and faculty, at no cost. ACLUM also disseminates information through its website and regular posts on social media sites such as Facebook and Twitter. Accordingly, ACLUM is a representation of the news media.

Page 3
Shawn Williams
Mayor's Office, City of Boston
June 9, 2020

With respect to the form of production, we request that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession. Please provide copies of entire correspondence in relevant searches, including any and all documents or attachments that were included or forwarded. Records should include but not be limited to electronic correspondence transmitted via computer, laptop, mobile phone, and other email devices, and should include but not be limited to any emails in which an employee was the direct recipient, CC recipient, BCC recipient and/or listserv recipient. All images in any email should be downloaded and viewable before being copied.

Thank you for your anticipated prompt attention to these requests. We look forward to receiving a response within the 10-business days required by law. Feel free to contact me if you need any clarification of the requests set forth above.

Sincerely,

/s/ Jessie J. Rossman

Jessie J. Rossman

Exhibit E

Date: Fri, 19 Jun 2020 01:19:18 +0000
From: Taylor R Campbell <campbell+bostonrecords@mumble.net>
To: Shawn Williams <shawn.williams@boston.gov>
CC: Martha DeMaio <martha.demaio@pd.boston.gov>, Winifred Gibbons <winifred.gibbons@pd.boston.gov>
Subject: Records request about DoJ and BPD meeting
Message-Id: <20200619011919.0C4B960BAA@jupiter.mumble.net>

June 18, 2020
 Shawn Williams
 Director of Public Records
 City of Boston
 1 City Hall Square
 Room 615
 Boston, MA 02201

This is a request under the Massachusetts Public Records Law (M.G.L. c. 66, § 10). I am requesting that I be provided the following records from the Boston Police Department:

1. All communications between the Boston Police Department and the United States Department of Justice from June 8, 2020 to June 18th, 2020, inclusive of both dates.
2. All communications between the Boston Police Department and the United States Department of Justice about Attorney General William Barr's June 18, 2020 visit to the Boston Police Department, including his meeting with Boston Police Commissioner William Gross.
3. All communications, memoranda, calendar items, agendas, notes, or other records within the Boston Police Department about Attorney General Barr's June 2018, 2020 visit to the Boston Police Department, particularly including records in preparation for his meeting with Commissioner Gross and notes made at or after the meeting, and records about any other activities Attorney General Barr undertook during his visit.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. If you expect costs to exceed \$10.00, please provide a detailed fee estimate. If the separate numbered or lettered parts of the request may require different fees, please account separately for the fees of the separate parts.

I also request that you waive fees, under G.L. c. 66 § 10(d)(v), because this disclosure is in the public interest, and I have no commercial interest in the records.

I expect the records to be returned in an accessible format, with electronically searchable text, and fit for use with a screen-reader's text-to-speech functionality for those unable to read print.

The Public Records Law requires you to respond no later than 10 business days following receipt of this letter. If you cannot comply, you are statutorily required to provide a written explanation for the delay.

Sincerely,
 Taylor R Campbell
 campbell+bostonrecords@mumble.net

Exhibit F

Date: Sun, 1 Sep 2019 22:04:59 +0000
From: Taylor R Campbell <campbell+bostonrecords@mumble.net>
To: publicrecords@boston.gov
Cc: publicrecordrequest@pd.boston.gov
Subject: Records request about August 31st demonstrations
Message-Id: <20190901220459.75A706053D@jupiter.mumble.net>

August 28th, 2019
 Shawn Williams
 Director of Public Records
 City of Boston
 1 City Hall Square
 Room 615
 Boston, MA 02201

This is a request under the Massachusetts Public Records Law (M.G.L. Chapter 66, Section 10). I am requesting that I be provided the following records from the Boston Police Department:

1. The 'comprehensive operational plan' of the Boston Police Department mentioned in the Boston Police Community Advisory 'Straight Pride Parade Scheduled for Saturday, August 31, 2019 on Copley Square', August 30, 2019, <<https://bpdnews.com/news/2019/8/30/bpd-community-advisory-for-straight-pride-parade-scheduled-for-saturday-august-31-2019-on-copley-square>>.
2. All threat assessments and situational awareness reports related to the demonstrations on August 31st, 2019, including but not limited to:
 - (a) the Straight Pride Parade,
 - (b) the Fight Supremacy demonstration,
 - and/or
 - (c) the Straight Pride is Hate Pride march,
 - and/or to any participants or potential participants in the demonstrations.
2. All staffing directives for August 31st, 2019.
3. All time and labor reports for August 31st, 2019.
4. All compilations of
 - (a) equipment,
 - (b) munitions,
 - and/or
 - (c) vehicles,
 - used or ready to be used on August 31st, 2019.
5. All
 - (a) police incident reports,
 - (b) police after-action reports,
 - (c) police use-of-force reports,
 - and/or
 - (d) complaints to the police department,
 - on August 31st, 2019 or about events on August 31st, 2019.
6. All personnel requests, equipment requests, emails, memoranda, and/or other messages to the Massachusetts State Police related to policing in Boston on August 31st, 2019.
7. All contracts, requests, emails, memoranda, and/or other messages to the Massachusetts Bay Transit Authority related to transporting police and/or arrestees on August 31st, 2019.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. If you expect costs to exceed \$10.00, please provide a detailed fee estimate. If the separate numbered or lettered parts of the request may require different fees, please account separately for the fees of the separate parts.

I also request that you waive fees, under MGL 66 10(d)(v), because this disclosure is in the public interest, and I have no commercial interest in the records. I expect the records to be returned in an accessible format, with electronically searchable text, and fit for use with a screen-reader's text-to-speech functionality for those unable to read print.

The Public Records Law requires you to respond no later than 10 business days following receipt of this letter. If you cannot comply, you are statutorily required to provide a written explanation for the delay.

Sincerely,
Taylor R Campbell
campbell+bostonrecords@mumble.net

Exhibit G

September 8, 2019

Via Email and First Class Mail

Shawn Williams
Director of Public Records
Records Access Officer
City of Boston
1 City Hall Place, Room 615
Boston, MA 02201
publicrecords@boston.gov
shawn.williams@boston.gov

Re: Public records request regarding August 31, 2019 parade,
protest, and counter protests.

Dear Mr. Williams:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the City of Boston and the Boston Police Department (BPD) regarding the BPD's decisions before, and actions during, the "Straight Pride Parade" and the accompanying protests and counter-protests that took place in Boston on August 31, 2019. The request is made on behalf of the American Civil Liberties Union of Massachusetts, Inc.

Organized by a group called "Super Happy Fun America," the Straight Pride Parade marched from Copley Square to City Hall Plaza, where a rally was held. Hundreds of individuals counter-protested both the parade and the rally. There have been reports that the BPD repeatedly used pepper-spray, bicycles and other forms of physical force to disperse the protesters and counter-protesters. The requested documents will help educate the public about the BPD's action on August 31, 2019. Specifically, we request the documents below. Please note that we use the term "Boston" throughout to refer to the vicinity of the Straight Pride Parade route and rally, including but not limited to Copley Square, the Boston Common, Boston City Hall, Congress Street, Boylston Street, Tremont Street, State Street, Court Street and Cambridge Street.

- 1) All records concerning police interactions with any parade participant, journalist, protester or counter-protester in Boston on August 31, 2019, including but not limited to Field Interrogation and Observation (FIO) reports, police reports, criminal complaints, use of force reports, and after action reports.
- 2) All records describing, discussing, containing or reflecting the BPD's operational plans for the Straight Pride Parade and protests and counter-protests in Boston on August 31, 2019.
- 3) All instructions, guidance or training that the BPD provided to any police officer or other city employees as to the use of any of the following techniques, including both general use and use on August 31, 2019 specifically:
 - a. The use of tear gas or pepper spray;
 - b. The use of riot gear;
 - c. The forced removal of individuals' masks;
 - d. The act of kneeling on individuals' heads to subdue or arrest them;
 - e. The establishment of barricades with bicycles or motorcycles;
 - f. The use of sirens, motorcycles and other noises which had the effect of making it difficult for people to hear those who were speaking in City Hall Plaza and others on August 31, 2019.
- 4) All instructions, guidance or training that the BPD provided to any police officer or other city employees regarding the ability of individuals, including but not limited to journalists, to record police officers in Boston on August 31, 2019.
- 5) All records describing, discussing, containing or reflecting any decision by the BPD or any of its managerial or supervisory personnel to instruct or train officers to do any of the following:
 - a. Use tear gas or pepper spray in Boston on August 31, 2019;
 - b. Use riot gear in Boston on August 31, 2019;
 - c. Forcibly remove individuals' masks in Boston on August 31, 2019;
 - d. Kneel on individuals' heads to subdue or arrest them in Boston on August 31, 2019;
 - e. Establish barricades with bicycles and motorcycles in Boston on August 31, 2019;
 - f. Use sirens, motorcycles and other noises to make it difficult for people to hear those who were speaking in City Hall Plaza or others on August 31, 2019;

- g. Prevent individuals from recording police officers in Boston on August 31, 2019.
- 6) All records describing, discussing, containing or reflecting any Emergency Medical Technician (EMT) visits to any BPD precincts on August 31, 2019.
- 7) All records referring to Captain John Danilecki and his activities on August 31, 2019, including but not limited to:
 - a. All communications to and from Captain John Danilecki regarding the parade, protest and counter-protests;
 - b. All communications to and from Captain John Danilecki regarding the activities of journalists, including self-described, community or credentialed journalists, in Boston on August 31, 2019;
 - c. All complaints about, praise for, or other commentary on, Captain John Danilecki's conduct on August 31, 2019.
- 8) All records describing, discussing, containing or reflecting any of the following over the past five years:
 - a. Civilian or internal complaints against Captain John Danilecki;
 - b. Internal affairs investigations of Captain John Danilecki;
 - c. Promotions of Captain John Danilecki;
 - d. Training of Captain John Danilecki;
 - e. Disciplinary actions against Captain John Danilecki.
- 9) All records describing, discussing, containing or reflecting any agreement with any other police department or law enforcement council to assist the BPD in Boston on August 31, 2019 or the nature of the assistance to be provided.
- 10) All records describing, discussing, containing or reflecting the design and layout of barricades, bag checks, or other security measures limiting the general public's close access to the speakers on City Hall Plaza on August 31, 2019, the reasons therefor, and the procedures in place to enable access by those authorized.
- 11) All records describing, discussing, containing or reflecting the BPD's decision to ban shields from the parade area on August 31, 2019.
- 12) All records describing, discussing, containing or reflecting efforts made to ensure that, notwithstanding efforts to keep opposition groups apart,

Page 4

Mr. Shawn Williams

September 8, 2019

journalists and those not directly participating in the Straight Pride Parade could hear what the parade organizers and invited guests were saying on City Hall Plaza.

13) All records containing or revealing the authority pursuant to which BPD issued a list of items that were banned from the area of the parade.

14) All records describing, discussing, containing or reflecting policies, procedures, guidance or direction for police confiscation of banned items, storage of said items or for notifying individuals of the right to their return after the August 31, 2019 event was over.

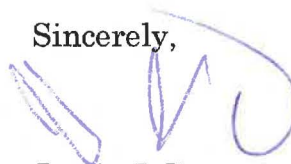
Even where not specifically indicated, this request includes documents that are in electronic format, such as emails, and includes documents in the possession of the BRIC or any other division of the BPD.

Because this request involves a matter of public concern and is made on behalf of nonprofit organizations, we ask that you waive any fees. Please provide documents in electronic format where possible. Should you determine that some portions of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

Please reply to this request by contacting Jessie Rossman at jrossman@aclum.org or 617-482-3170 x 337.

Thank you for your assistance. We look forward to your response.

Sincerely,



Jessie J. Rossman

Cc: Matthew McGarry, Assistant Corporation Counsel, City of Boston Law Department

Exhibit H

Jessica Lewis

From: Kade Crockford
Sent: Monday, September 30, 2019 12:37 PM
To: shawn.williams@boston.gov
Cc: Emiliano Falcon; Jessica Lewis
Subject: follow-up public records request
Attachments: Camera Locations.pdf

Hi Shawn,

First, thanks for getting us the LAN-TEL materials we requested over the summer.

Second, the attached document—which was responsive to that request—is a list of camera locations for CIMS cameras throughout the Metro Boston Homeland Security region. It includes camera locations for 8 of the 9 participating jurisdictions, with the exception of Boston.

Can you please send us the corresponding document for the Boston cameras? Any document identifying the location of the City of Boston/UASI surveillance cameras in the City limits is an acceptable response to this request. Please consider this a formal records request under the state public records law.

Thanks much.
Kade

Kade Crockford

Director, Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x346 | kcrockford@aclum.org
aclum.org | privacysos.org/blog

NSA: I'm a US person.

	A	B	C	D
1	Winthrop			
2	Name	Address	Latitude	Longitude
3	Fort Banks	101 Kennedy Drive, Winthrop, MA 02152	42.23'11.80"N	70.58'53.80W
4	McGees Corner	1 Revere St Winthrop, MA 02152	42.22'51.24"N	70.58'57.75"W
5	Revere & Crest	4 Highland Ave Winthrop, MA 02152	42.23'14.39"N	70.58'32.80"W
6	Revere Beach Pump	180 Winthrop Parkway Winthrop, MA 02152	42.23'25.79"N	70.58'49.50"W
7	Winthrop FD	40 Pauline St, Winthrop, MA 02152	42.22'33.37"N	70.59'05.83"W
8	Winthrop HS	450 Main St Winthrop, MA 02152	42.22'46.58"N	70.58'50.93"W
9	Winthrop PD	3 Metcalf Square, Winthrop, MA 02152	42.22'36.74"N	70.59'03.65"W
10	Winthrop Water Tower	72 Faunbar Ave Winthrop, MA 02152	42.22'04.42"N	70.58'03.78"W

	A	B	C	D	E	F
1	Chelsea					
2	Name	Address	Latitude	Longitude	Camera	
3	260 Clark-Park View Fixed	260 Clark Ave, Chelsea MA 02150	42.24'09.13"N	71.01'18.98"W	Pelco	
4	Arlington & 6th	41 6th St Chelsea, MA 02150	42.23'45.96"N	71.02'07.31"W	Bosch	
5	Arlington St (MITC)	200 Alrington St, Chelsea, MA	42.23'40.78"N	71.02'13.50"W	Bosch	
6	Beacham St (King A's)	200 Beacham St, Chelsea, MA	42.23'43.25"N	71.03'10.15"W	Bosch	
7	Beacham St (NEPC)	10 Riley Way, Chelsea, MA 02150	42.23'43.21"N	71.03'08.06"W	Bosch	
8	Bellingham Sq	Bellingham Sqaure, Chelsea, MA	42.23'34.27"N	71.02'02.94"W	Dvtel	
9	Bossom Park	49 Bellingham St Chelsea, MA 02150	42.23'32.72"N	71.01'54.59"W	Panasonic	
10	Broadway & 2nd	Broadway St at 2nd St Chelsea, MA 02150	42.23'23.74"N	71.02'21.67"W		
11	Broadway & 3rd	Broadway St at 3rd St Chelsea MA 02150	42.23'27.01"N	71.02'15.08"W		
12	Broadway & 4th	Broadway St at 4th St Chelsea, MA 02150	42.23'30.24"N	71.02'09.84"W		
13	Broadway & 5th	Broadway St at 5th St Chelsea, MA 02150	42.23'34.23"N	71.02'02.88"W		
14	Broadway & Hawthorne	Broadway St at Hawthorne St Chelsea MA 02150	42.23'35.03"N	71.02'01.21"W		
15	Broadway & Williams	133 Broadway Chelsea, MA 02150	42.23'17.59"N	71.02'25.74"W		
16	Broadway & Williams (CC)	58 Williams St Chelsea, MA 02150	42.23'20.29"N	71.02'26.36"W	Dvtel	
17	Broadway (Upper)	260 Clark Ave, Chelsea MA 02150	42.24'09.13"N	71.01'18.98"W	Dvtel	
18	Broadway-Webster N	57 Webster Ave Chelsea, MA 02150	42.23'17.59"N	71.01'19.46"W	Pelco	
19	Broadway - Webster S	57 Webster Ave Chelsea, MA 02150	42.23'17.59"N	71.01'19.46"W	Pelco	
20	Carter @ Ramp	299 Everett Ave Chelsea, MA 02150	42.24'00.07"N	71.02'21.15"W	Bosch	
21	Cary Square	12 Gardner St Chelsea, MA	42.23'51.48"N	71.01'50.13"W	Dvtel	
22	Central & Hawthorne	Central St at Hawthorne St, Chelsea, MA	42.23'24.63"N	71.02'07.30"W		
23	Chestnut & 4th	Chestnut St at 4th St, Chelsea, MA	42.23'32.46"N	71.02'12.09"W		
24	Chestnut & Beacon	47 Chestnut St Chelsea, MA 02150	42.23'21.24"N	71.02'32.04"W		
25	Everett & Spruce	Everett Ave at Spruce St, Chelsea, MA	42.23'42.29"N	71.02'21.71"W	Pelco	
26	Everett @ MGH	100 Everett Ave, Chelsea, MA	42.23'45.45"N	71.02'21.29"W	Pelco	
27	Fay Square	Fay Square, Chelsea, MA	42.23'39.70"N	71.01'59.41"W	Axis	
28	Forbes Park-River	230 Lee Burbank Hwy, Revere, MA 02150	42.24'04.24"N	71.00'21.67"W	Dvtel	
29	Highland & Gerrish	Highland St at Gerrish Ave, Chelsea, MA	42.23'34.46"N	71.01'41.71"W		
30	Highland Park	41 Willow St Chelsea, MA 02150	42.23'13.28"N	71.01'36.60"W		
31	Library & Highland	Library St at Highland St, Chelsea, MA	42.23'34.32"N	71.01'41.92"W		
32	Library Pocket	Library St at Highland St, Chelsea, MA	42.23'34.32"N	71.01'41.92"W		
33	Luther Place Fixed	192 Luther Place Chelsea, MA 02150	42.23'33.56"N	71.02'07.02"W		
34	Luther Place PTZ	192 Luther Place Chelsea, MA 02150	42.23'33.56"N	71.02'07.02"W	Pelco	
35	Luther Place Walk	192 Luther Place Chelsea, MA 02150	42.23'33.85"N	71.02'07.12"W	Pelco	
36	Marlboro & Broadway	4 Marlboro St Chelsea, MA 02150	42.23'38.89"N	71.01'59.86"W		
37	Meridian Street Bridge	499 Meridian St Chelsea, MA 02150	42.23'05.68"N	71.02'21.18"W	Pelco	
38	MWRA - Highland Park	329 Marginal St Chelsea, MA 02150	42.23'14.37"N	71.01'30.83"W	Pelco	
39	MWRA Tower PTZ	329 Marginal St Chelsea, MA 02150	42.23'13.05"N	71.01'29.28"W	Pelco	
40	Park & Congress	Park St at Congress St, Chelsea, MA	42.23'23.18"N	71.02'13.82"W		
41	Pearl & Williams	Pearl St at Williams St, Chelsea, MA	42.23'16.06"N	71.02'19.73"W	Bosch	
42	Prattville Park	390 Washington Ave Chelsea, MA 02150	42.24'20.28"N	71.02'09.30"W	Dvtel	
43	Prattville Park 2	390 Washington Ave Chelsea, MA 02150	42.24'20.28"N	71.02'09.30"W	Pelco	
44	Shawmut & Chester	Shawmut St at Chester Ave, Chelsea, MA	42.23'28.19"N	71.01'58.96"W	Axis	
45	Soldiers Home South	91 Crest Ave Chelsea, MA 02150	42.24'00.45"N	71.01'38.99"W	Dvtel	
46	Soldiers Home CVS	91 Crest Ave Chelsea, MA 02150	42.24'00.45"N	71.01'38.99"W	Pelco	
47	Spruce & 6th	Spruce St at 6th St, Chelsea, MA	42.23'49.38"N	71.02'10.89"W		
48	Tobin Bridge East	Tobin Memorial Bridge, Chelsea, MA	42.22'58.97"N	71.02'56.10"W	Pelco	

	G	H	I	J	K	L
1						
2	Antenna	Replace Camera		Repalce Antenna		
3	Canopy		x		x	
4			x		x	
5			x		x	
6			x		x	
7			x		x	
8					x	
9			x		x	
10						
11						
12						
13						
14						
15						
16					x	
17					x	
18			x		x	
19			x		x	
20			x		x	
21					x	
22						
23						
24						
25			x		x	
26			x		x	
27			x		x	
28					x	
29			x			
30			x			
31			x			
32						
33						
34			x			
35			x			
36			x			
37						
38						
39						
40						
41						
42						
43						
44						
45						
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47						
48						

	A	B	C	D	E	F
49	Williams & Spruce	Williams St at Spruce St, Chelsea, MA	42.23'32.52"N	71.02'39.98"W	Pelco	
50	Quick Deploy 1	TBA				
51	Quick Deploy 2	TBA				

	A	B	C	D
1	Somerville			
2	Name	Address	Latitude	Longitude
3	165 Broadway	165 Broadway, Somerville, MA 02145	42.23'19.58"N	71.05'08.67"W
4	25 Highland 2	25 Highland Ave Somerville, MA 02145	42.23'06.39"N	71.05'38.04"W
5	25 Highland Ave	25 Highland Ave Somerville, MA 02145	42.23'06.39"N	71.05'38.04"W
6	Beacon & Washington QD	Beacon St at Washington St, Somerville, MA	42.22'41.54"N	71.06'22.93"W
7	Broadway & Boston QD	675 Broadway Somerville, MA 02145	42.23'57.13"N	71.06'41.61"W
8	Buena Vista- Bike Path	50 Buena Vista Rd Somerville, MA 02145	42.23'49.78"N	71.07'32.84"W
9	Cross & Everett QD	Corner of Cross St at Everett Ave Somerville, MA 02145	42.23'14.04"N	71.05'12.51"W
10	Cutter Square QD5	208 Elm St Somerville, MA 02145	42.23'37.57"N	71.07'15.03"W
11	Davis Square 1	Davis Square, Somerville, MA	42.23'46.30"N	71.07'18.23"W
12	Davis Square 2-QD	Davis Square, Somerville, MA	42.23'46.30"N	71.07'18.23"W
13	Elm & Porter QD	13 Elm St Somerville, MA 02145	42.23'10.38"N	71.06'49.83"W
14	Gilman & Walnut QD	139 Gilman St Somerville, MA 02145	42.23'13.51"N	71.05'39.39"W
15	Holland & Newbury QD	4 Newbury St Somerville, MA 02145	42.24'10.68"N	71.07'37.65"W
16	LaQuinta 1	23 Cummings St Somerville, MA 02145	42.23'39.18"N	71.05'04.98"W
17	LaQuinta 2	23 Cummings St Somerville, MA 02145	42.23'39.10"N	71.05'05.09"W
18	Mt. Vernon & Broadway QD	Mt. Vernon St at Broadway, Somerville, MA	42.23'09.91"N	71.04'43.80"W
19	North St. Park QD	8 North St Somerville, MA 02145	42.24'22.87"N	71.07'51.28"W
20	Porter & Summer QD	60 Porter St Somerville, MA 02145	42.23'21.03"N	71.06'41.79"W
21	Powderhouse Square QD	69 Powder House Terrace Somerville, MA 02145	42.24'00.24"N	71.07'00.36"W
22	Sycamore & Medford QD	415 Medford St Somerville, MA 02145	42.23'28.91"N	71.05'57.06"W
23	Temple & Broadway QD	316 Broadway Somerville, MA 02145	42.23'32.85"N	71.05'36.47"W
24	Thorndike Bike Path	35 Thorndike St Somerville, MA 02145	42.23'50.97"N	71.07'31.23"W
25	Union Square	237 Washington St Somerville, MA 02145	42.22'46.76"N	71.05'38.60"W
26	Walnut & Pearl QD	215 Pearl St Somerville, MA 02145	42.23'14.25"N	71.05'35.18"W

	A	B	C	D	E	F
1	Revere					
2	Name	Address	Latitude	Longitude	Camera	
3	300 Ocean Ave East	300 Ocean Ave Revere, MA 02151	42.24'28.50"N	70.59'33.45"W	Bosch	
4	300 Ocean Ave West	300 Ocean Ave Revere, MA 02151	42.24'28.50"N	70.59'33.45"W	Bosch	
5	Beachmont	658 Winthrop Ave Revere, MA 02151	42.23'53.42"N	70.59'29.23"W	Bosch	
6	Broadway Tower	250 Broadway, Revere, MA 02151	42.24'26.50"N	71.00'50.78"W	Axis	
7	Comfort Inn East	85 American Legion Hwy, Revere, MA 02151	42.24'43.21"N	71.00'05.44"W	Bosch	
8	Comfort Inn West	85 American Legion Hwy, Revere, MA 02151	42.24'42.06"N	71.00'03.31"W	Bosch	
9	Hampton Inn	230 Lee Burbank Hwy, Revere, MA 02151	42.24'04.24"N	71.00'21.67"W	Bosch	
10	Hyman Towers @ Beach	50 Walnut Ave, Revere, MA 02151	42.24'31.39"N	70.59'47.33"W	Pelco	
11	Hyman Towers @ Shirley	50 Walnut Ave, Revere, MA 02151	42.24'29.94"N	70.59'47.87"W	Pelco	
12	Malden @ Broadway	6 Malden St, Revere, MA 02151	42.24'57.98"N	71.00'30.69"W	Bosch	
13	Quick Deploy 1	TBA				
14	Quick Deplot 2	TBA				
15	Revere FD	400 Broadway, Revere, MA 02151	42.24'37.76"N	71.00'43.85"W	Axis	
16	Revere HS	101 School St, Revere, MA 02151	42.24'43.93"N	71.00'33.81"W	Pelco	
17	Seaview Towers East	510 Revere Beach Blvd, Revere, MA 02151	42.25'45.02"N	70.58'48.53"W	Bosch	
18	Seaview Towers West	510 Revere Beach Blvd, Revere, MA 02151	42.25'42.45"N	70.58'47.77"W	Bosch	
19	Sigourney @ Squire	Sigourney St at Squire Rd, Revere, MA 02151	42.25'36.39"N	71.00'53.25"W	Bosch	
20						

	G	H	I	J	K
1					
2	Replace Camera		Replace Anetnna		
3	x		x		
4	x		x		
5	x		x		
6	x		x		
7	x		x		
8	x		x		
9	x		x		
10	x		x		
11	x		x		
12	x		x		
13					
14					
15	x		x		
16	x		x		
17	x		x		
18	x		x		
19	x		x		
20	15		30	w/ 2 backhauls	

	A	B	C	D
1	Quincy			
2	Name	Address	Latitude	Longitude
3	100 Hancock C	100 Hancock St Quincy, MA 02169	42.16'51.81"N	71.02'00.89"W
4	100 Hancock TH	100 Hancock St Quincy, MA 02169	42.16'51.81"N	71.02'00.89"W
5	1400 Hancock	1400 Hancock St Quincy, MA 02169	42.14'58.70"N	71.00'08.90"W
6	95 W Squantum ptz	95 West Squantum St Quincy, MA 02169	42.16'25.36"N	71.01'53.76"W
7	95 West Squantum C	95 West Squantum St Quincy, MA 02169	42.16'25.36"N	71.01'53.76"W
8	Marina Bay C	500 Victory Rd Quincy, MA 02169	42.17'54.52"N	71.01'49.99"W
9	Marina Bay TH	500 Victory Rd Quincy, MA 02169	42.17'54.52"N	71.01'49.99"W
10	Mobile	N/A		
11	O'Brien Towers C	73 Bicknell St Quincy, MA 02169	42.15'00.74"N	70.57'49.89"W
12	O'Brien Towers TH	73 Bicknell St Quincy, MA 02169	42.15'00.74"N	70.57'49.89"W
13	QHS	81 Coddington St Quincy, MA 02169	42.15'14.49"N	70.59'59.23"W
14	QMC	114 Whitwell St Quincy, MA 02169	42.15'03.75"N	71.00'50.29"W
15	QMC Fixed	114 Whitwell St Quincy, MA 02169	42.15'03.75"N	71.00'50.29"W
16	QPD Front	1 Sea St Quincy, MA 02169	42.15'20.46"N	70.59'44.05"W
17	QPD Roof	1 Sea St Quincy, MA 02169	42.15'20.14"N	70.59'43.29"W

	A	B	C	D
1	Everett			
2	Name	Address	Latitude	Longitude
3	881 Broadway	888 Broadway Everett, MA 02149	42.25'12.16"N	71.04'39.72"W
4	Camera 2	N/A		
5	Clark & Main	50 Clark St Everett, MA 02149	42.24'38.27"N	71.03'45.61"W
6	Housing Authority (Glendale)	381 Ferry St Everett, MA 02149	42.24'58.21"N	71.02'55.46"W
7	MBTA Waterway	50 Alford St Charlestown, MA 02129	42.23'10.63"N	71.04'23.75"W
8	Mystic Tower North	173 Alford St Everett, MA 02149	42.23'26.83"N	71.03'59.47"W
9	Mystic Tower South	173 Alford St Everett, MA 02149	42.23'26.83"N	71.03'59.47"W
10	Parlin Jr. High (Hancock)	587 Broadway Everett, MA 02149	42.24'40.81"N	71.03'05.40"W
11	Parlin Library (Everett Sq)	410 Broadway Everett, MA 02149	42.24'22.92"N	71.03'24.23"W
12	QD Camera 1	TBA		
13	QD Camera 2	TBA		
14	RBP East	1734 Revere Beach Parkway Everett, MA 02149	42.24'05.92"N	71.02'35.21"W
15	RBP West	1970 Revere Beach Parkway Everett, MA 02149	42.24'08.05"N	71.03'12.19"W
16	St. Lawrence 2- LNG-BPD view only	201 Rover St Everett, MA 02149	42.23'24.96"N	71.03'28.59"W
17	St. Lawrence	201 Rover St Everett, MA 02149	42.23'24.96"N	71.03'28.59"W
18	Sweetser Circle 1	220 Broadway Everett, MA 02149	42.24'06.40"N	71.03'37.89"W
19	Sweetser Circle 2	220 Broadway Everett, MA 02149	42.24'06.40"N	71.03'37.89"W
20	Target	56 Mystic View Rd Everett, MA 02149	42.23'55.80"N	71.04'20.41"W
21	Target Dome	56 Mystic View Rd Everett, MA 02149	42.23'55.80"N	71.04'20.50"W
22	Whidden Hospital	103 Garland St Everett, MA 02149	42.24'34.52"N	71.02'23.67"W
23	x-Alpine	Alpine Road Everett, MA 02149	42.24'17.25"N	71.02'24.47"W
24	x-Appleton	18 Appleton St Everett, MA 02149	42.24'26.39"N	71.03'50.55"W
25	x-Baldwin	18 Winslow St Everett, MA 02149	42.24'33.32"N	71.03'46.55"W
26	x-Central Ave	58 Woodland St Everett, MA 02149	42.24'52.57"N	71.03'17.33"W
27	x-Day Park	93 Vernal St Everett, MA 02149	42.24'55.62"N	71.03'10.71"W
28	x-Everett Commons	1 Air Force Rd Everett, MA 02149	42.24'32.07"N	71.03'59.68"W
29	x-Hale Park	114 Edith St Everett, MA 02149	42.25'18.92"N	71.03'01.31"W
30	x-Meadows Park	42 Tufts Ave Everett, MA 02149	42.24'21.77"N	71.03'31.35"W
31	x-Swan Park	61 Swan St Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
32	xx-FD-Central Fire 1	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
33	xx-FD-Central Fire 2	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
34	xx-FD-Central Fire 3	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
35	xx-FD-Central Fire-Left	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
36	xx-FD-Central Fire-Rt	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
37	xx-FD-Central Fire-Side	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
38	xx-FD-Central Side Door	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
39	xx-FD-Ferry St	243 Ferry St Everett, MA 02149	42.24'42.76"N	71.02'47.90"W
40	xx-FD-Ferry St 2	243 Ferry St Everett, MA 02149	42.24'42.76"N	71.02'47.90"W
41	xx-FD-Hancock	45 Hancock St Everett, MA 02149	42.24'43.80"N	71.03'14.50"W
42	xx-FD-Lower Broadway	384 Broadway Everett, MA 02149	42.24'44.76"N	71.03'31.52"W
43	z-Cell Door	N/A		
44	z-Front Door	N/A		
45	z-Garage	N/A		
46	z-Garage Fire	N/A		
47	z-Garage Receiving	N/A		
48	z-Parking Lot	N/A		
49	z-Parking Lot Exit	N/A		

	A	B	C	D
50	z-Sally Port	N/A		

	A	B	C	D
1	Cambridge			
2	Name	Address	Latitude	Longitude
3	364 Rindge Ave	364 Rindge Ave, Cambridge, MA 02140	42.23'33.45"N	71.08'20.18"W
4	675 Mass Ave	675 Massachusetts Ave, Cambridge, MA 02140	42.21'56.82"N	71.06'14.30"W
5	812 Memorial	812 Memorial Drive, Cambridge, MA 02140	42.21'40.04"N	71.06'54.05"W
6	Cambridge PD	125 6th St, Cambridge, MA 02140	42.22'03.36"N	71.05'09.59"W
7	Inman Sq	1384 Cambridge St, Cambridge, MA 02140	42.22'25.21"N	71.06'03.11"W
8	Mt. Auburn	330 Mount Auburn St, Cambridge, MA 02140	42.22'27.86"N	71.08'02.70"W
9	Porter Square	1867 Massachusetts Ave, Cambridge, MA 02140	42.23'18.41"N	71.07'09.12"W

	A	B	C	D
1	Brookline			
2	Name	Address	Latitude	Longitude
3	Beacon-Carlton	1066 Beacon St Brookline, MA 02446	42.20'45.38"N	71.06'30.24"W
4	Beacon-Harvard	268 Harvard St Brookline, MA 02446	42.20'32.75"N	71.07'17.30"W
5	Beacon-St Paul	1232 Beacon St Brookline, MA 02446	42.20'34.30"N	71.07'04.19"W
6	Beacon-Washington	Washington St at Beacon St Brookline, MA 02446	42.20'20.93"N	71.08'04.24"W
7	BOS- Beacon & Chestnut Hill	View only- see Boston PD		
8	BOS- Buckminster 1	View only- see Boston PD		
9	BOS- Buckminster 2	View only- see Boston PD		
10	BOS- Fenway- Citgo Sign	View only- see Boston PD		
11	Boylston & Chestnut Hill	709 Boylston St Brookline, MA 02445	42.19'36.59"N	71.08'29.38"W
12	Boylston- Hammond	1186 Boylston St Brookline, MA 02467	42.19'23.71"N	71.09'50.79"W
13	Boylston- Cypress	135 Cypress St Brookline, MA 02445	42.19'45.92"N	71.07'33.76"W
14	Boylston- High	Corner of Boylston St at High St Brookline, MA 02445	42.19'56.37"N	71.07'02.70"W
15	Boylston- Summer	507 Boylston St Brookline, MA 02445	42.19'41.96"N	71.08'01.09"W
16	Brookline- Aspinwall	580 Brookline Ave Brookline, MA 02446	42.20'03.07"N	71.06'44.73"W
17	Kent- Beacon	Corner of Kent St at Beacon St Brookline, MA 02446	42.20'38.53"N	71.06'52.13"W
18	St Paul- Longwood	126 Saint Paul St Brookline, MA 02446	42.20'25.78"N	71.07'00.04"W
19	St Paul 2	126 Saint Paul St Brookline, MA 02446	42.20'25.78"N	71.07'00.04"W

Jessica Lewis

From: Kade Crockford
Sent: Monday, September 30, 2019 2:05 PM
To: Shawn Williams
Cc: Emiliano Falcon; Jessica Lewis
Subject: Re: follow-up public records request

Thanks much. Any document that contains a complete list of all the surveillance cameras in the city of Boston that are connected to the CIMS network—and their locations—will suffice.

Kade

Kade Crockford

Director, Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x346 | kcrockford@aclum.org
aclum.org | privacysos.org/blog

NSA: I'm a US person.

From: Shawn Williams <shawn.williams@boston.gov>
Sent: Monday, September 30, 2019 2:01:12 PM
To: Kade Crockford
Cc: Emiliano Falcon; Jessica Lewis
Subject: Re: follow-up public records request

Good Afternoon Kade:

You're welcome. As to this request, I will forward your query internally to determine whether any public records exist that are responsive to your request.

Yours truly,



Shawn A. Williams, Esq.
Director of Public Records
Records Access Officer
City of Boston
1 City Hall Plaza, Room 615
Boston, MA 02201
www.boston.gov/departments/public-records
publicrecords@boston.gov

	(617) 635-4037
--	----------------

On Mon, Sep 30, 2019 at 12:37 PM Kade Crockford <kcrockford@aclum.org> wrote:

Hi Shawn,

First, thanks for getting us the LAN-TEL materials we requested over the summer.

Second, the attached document—which was responsive to that request—is a list of camera locations for CIMS cameras throughout the Metro Boston Homeland Security region. It includes camera locations for 8 of the 9 participating jurisdictions, with the exception of Boston.

Can you please send us the corresponding document for the Boston cameras? Any document identifying the location of the City of Boston/UASI surveillance cameras in the City limits is an acceptable response to this request. Please consider this a formal records request under the state public records law.

Thanks much.

Kade

Kade Crockford

Director, Technology for Liberty Program
American Civil Liberties Union of Massachusetts
211 Congress Street, Boston, MA 02110
617.482.3170 x346 | kcrockford@aclum.org
aclum.org | privacysos.org/blog

NSA: I'm a US person.

Exhibit I

Adriana Lafaille, Staff Attorney
(617) 482-3170 ext. 308
alafaille@aclum.org

March 7, 2019

Shawn Williams
Director of Public Records
Records Access Officer
City of Boston
1 City Hall Place, Room 615
Boston, MA 02201
publicrecords@boston.gov

Martha DeMaio
Director of Public Information
Boston Police Department
One Schroeder Plaza
Boston, MA 02120
publicrecordrequest@pd.boston.gov

Re: Public Records Request Regarding BPD-ICE Cooperation

Dear Mr. Williams and Ms. DeMaio:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the City of Boston and the Boston Police Department (BPD) regarding cooperation between the BPD and Immigration and Customs Enforcement (ICE). The request is made on behalf of the American Civil Liberties Union of Massachusetts, Inc., and Greater Boston Legal Services.

The City of Boston and the BPD have pledged to make Boston a safe place for immigrants. Nevertheless, in a federal district court complaint filed on February 27, 2019, the U.S. Department of Labor alleges that a Boston employer unlawfully retaliated against an injured worker by causing the worker to be arrested by ICE, and that this arrest was orchestrated by two BPD officers, one of them a member of a BPD-ICE "task force." If true, the alarming allegation that the BPD facilitated ICE's arrest of an injured worker who sought legal remedies calls into question the City of Boston's commitment to workers and immigrant communities.

The requested documents will help educate the public about the relationship between the BPD and ICE and provide a snapshot of communication between the two agencies during discrete time periods. We request the following:

1. All documents relating to the creation, purpose, membership, management, responsibilities, operations, effectiveness, and/or desirability of a BPD-ICE task force, or any other grouping or designation of BPD officers who communicate with ICE more frequently than their colleagues do.

2. All documents relating to the designation and/or role of particular BPD officers as points of contact or liaisons for ICE, and/or the responsibilities of said officers.

3. All communications between Boston City Hall and the BPD regarding the BPD's cooperation and/or communication with ICE, including communications about the BPD-ICE task force.

4. Any document describing the BPD's cooperation and/or communication with ICE.

5. Any document relating to specific circumstances in which BPD or other City of Boston employees are restricted in cooperating or sharing information with ICE.

6. All documents relating to any ICE employee's access to information created or maintained by the BPD, including through the Boston Regional Intelligence Center (BRIC), COPLINK, or any other information sharing system.

7. All documents relating to requests for information or action made by ICE to the City of Boston or the BPD (including BRIC), and vice versa, since January 1, 2019, including the responses to these requests.

8. All documents relating to Tara Construction, Inc., ICE's arrest of José Martin Paz Flores, and/or the U.S. Department of Labor's investigation into these matters since March 29, 2017.

9. All emails, text messages, and records of other communications between employees of ICE and

(a) Sergeant Detective Gregory Gallagher;

(b) any officer who is a member of a BPD-ICE task force (or other comparable grouping described in paragraph 1 of this request); and/or

(c) any officer serving as a point of contact or liaison to ICE

during the following time periods: May 1, 2017 to May 14, 2017, and
February 15, 2019 to March 1, 2019.

Even where not specifically indicated, this request includes documents that are in electronic format, such as emails, and includes documents in the possession of the BRIC or any other division of the BPD. Unless otherwise specified, the request includes documents created between the time that this request is made and the time that the search is concluded.

Because this request involves a matter of public concern and is made on behalf of nonprofit organizations, we ask that you waive any fees. Please provide documents in electronic format where possible. Should you determine that some portions of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

Please reply to this request by contacting Adriana Lafaille at alafaille@aclum.org or 617-482-3170 x 308.

Thank you for your assistance. We look forward to your response.

Sincerely,



Adriana Lafaille
ACLU Foundation of Massachusetts, Inc.



Audrey Richardson
Greater Boston Legal Services

Exhibit J

KEITH H. BENSTEN
Attorney at Law

One International Place
Boston, MA 02110
T: (617) 345-4740 F: (617) 607-6053
kbensten@daypitney.com

November 6, 2019

VIA E-MAIL AND REGULAR MAIL

Shawn A. Williams, Esq.
Director of Public Records
Records Access Officer
City of Boston
1 City Hall Plaza, Room 615
Boston, MA 02201

**Re: The American Civil Liberties Union of Massachusetts, Inc. and Greater Boston
Legal Services, Inc.'s March 7, 2019 Public Records Request Regarding BPD-
ICE Cooperation**

Dear Mr. Williams:

This firm represents the American Civil Liberties Union of Massachusetts, Inc. ("ACLUM") and Greater Boston Legal Services, Inc. ("GBLS") with respect to the above-referenced matter. I am writing in response to your October 16, 2019 letter to Adriana Lafaille (the "Letter") regarding ACLUM's and GBLS's March 7, 2019 public records request (the "Request") to the City of Boston (the "City") and the Boston Police Department (the "BPD").

As you know, the Request sought public records from the City and the BPD concerning cooperation between the BPD and Immigration and Customs Enforcement ("ICE"). I have enclosed a copy of the Request for ease of reference. I am writing in particular to address several apparent deficiencies with the Letter and the public records that were sent with the Letter via hyperlinks to Google drive (the "Records").

First, the Records do not appear to include any public records from City Hall or entities outside the BPD. Your Letter also states: "The City of Boston (City) has received your request for public records *from the Boston Police Department[.]*" (Emphasis added.) But the Request was directed to BPD *and the City*. The Request states:

This letter is a request under the Public Records Law, G.L. c. 66, § 10, for documents in the possession of the *City of Boston* and the Boston Police

Shawn A. Williams, Esq.
November 6, 2019
Page 2

Department (BPD) regarding cooperation between the BPD and Immigration and Customs Enforcement (ICE). [Emphasis added.]

Ms. Lafaille also specifically advised you in a March 9, 2019 email that the Request sought records from *both* the City and the BPD. Please provide all public records encompassed by the Request that are in the City's possession without delay.

Second, any internal City Hall correspondence and correspondence between Mayor Walsh and the BPD is within the scope of the Request. The Request also encompasses documents created up until the time a search is concluded. As it appears that the City has not conducted a search for documents that are responsive to the Request, the City must produce any such correspondence that is responsive to the Request, including correspondence regarding changes to Sergeant Detective Gallagher's role with respect to ICE following the October 2019 news reports.

Third, the records provide no specific response to request numbers 1, 3, and 6 at all, and provide scant response to request numbers 4, 5, and 7. Request 3, for example, seeks communications between City Hall and the BPD about BPD-ICE collaboration, but the lone document that purports to respond to this request is an ACLUM press release forwarded to the City and the BPD by a journalist, and then passed on internally at the BPD. Please conduct a complete search for documents responsive to these requests, including for documents held outside the BPD. With regard to request number 4, please confirm that the City has never documented, summarized, or evaluated its cooperation with ICE in any document except its 2014 Memorandum of Understanding with that agency. With regard to request number 5, please confirm that no limitation on the cooperation or communication with ICE by BPD or City employees exists other than the 2014 Boston Trust Act.

Fourth, the Records do not include any text messages. It is undisputed that text messages that are responsive to the Request exist. The complaint in *Acosta v. Tara Construction, Inc.*, Case No. 1:19-cv-10369 (D. Mass.) specifically mentions several text messages between BPD Detective Seoane and Pedro Pirez of Tara Construction, Inc. regarding Martin Paz. Those text messages—and any other text messages in the City's or the BPD's possession that are responsive to the Request—must be produced. So there is no confusion, the terms "documents" and "communications" in the Request include text messages. We are particularly interested in, and specifically requested in request number 9, text messages between BPD and ICE.

Fifth, your response is centered on Sergeant Detective Gallagher. Please confirm that this means that no other BPD officer is part of the BPD-ICE task force or designated as a point of contact or liaison to ICE.

Sixth, the Records do not include any documents concerning the Boston City Council hearing on the Boston Trust Act. BPD Commissioner Gross and Sergeant Detective Gallagher

Shawn A. Williams, Esq.
November 6, 2019
Page 3

both testified specifically about Martin Paz and the facts at issue in *Acosta v. Tara Construction, Inc.* during that hearing. Any public records concerning that hearing are therefore responsive to the Request and must be provided.

Seventh, the Records include many improper redactions. For example, the identifying information for many federal employees mentioned in the Records appears to have been redacted. It is improper to redact that information based on speculation that those employees *might* be undercover agents. Even if there were some compelling basis to redact the names of such employees, there is no basis to redact the email domains for those employees. That information is especially important because it identifies the specific federal agencies with which the City and the BPD have interacted. Consequently, please reproduce the Records without these improper redactions.

Eighth, the Records refer to other public records that are responsive to the Request but are not included among the Records. For example, the 777-page PDF entitled “Adriana Lafaille Request 9” refers to several Form 26 documents that do not appear to be included in the Records (*see* pages 482, 485–487, 770–772 of the PDF). In addition, the 36-page PDF entitled “Tara Pirez Flores Emails” refers to a police report that Criminal Records Clerk Sean Finn found and provided to the Attorney General’s Office (*see* page 3 of the PDF). That police report does not appear to be included with the Records. Please produce these documents without delay.

Finally, if you view any of the individual requests in this letter as outside of the scope of the Request, please treat this letter as another public records request directed to the City and the BPD.

If you elect to treat this letter as another public records request, then the request should be deemed to include documents created between the date of this letter and the date that the search is concluded. Because this request involves a matter of public concern and is made on behalf of nonprofit organizations, we ask that you waive any fees. Please provide documents in electronic format where possible. Should you determine that some portions of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions. As you know, a custodian of public records shall comply with a request within ten days after receipt.

I look forward to your response. If you have any questions, please do not hesitate to contact me.

Sincerely,



Keith H. Bensten

KHB/mbh

Shawn A. Williams, Esq.

November 6, 2019

Page 4

Enclosure

cc: Adriana Lafaille, Esq. (*via email*)
Audrey Richardson, Esq. (*via email*)
Martha deMaio (*via email*)
Jonathan Handler, Esq. (*via email*)

Exhibit K

From: City of Boston <CityofBoston@govqa.us>
Sent: Wednesday, June 24, 2020 10:50 AM
To: Jessie Rossman
Cc: pre@sec.state.ma.us
Subject: City of Boston Public Records Office City Public Records Request :: R000187-060920

--- Please respond above this line ---



*City of Boston
Mayor Martin J. Walsh
Public Records*

RE: PUBLIC RECORDS REQUEST of June 09, 2020., Reference # R000187-060920

Dear Jessie:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See *A Guide to the Massachusetts Public Records Law*, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). This letter petitions the Supervisor of Records to permit the City additional time to process your request and to provide an estimate of fees associated with your request. Specifically, you stated:

ACLUM request the following records:

- 1. All records describing, discussing, containing, or reflecting communication about potential deployment of federal agents to Massachusetts since May 24, 2020, including communications:*
 - a. Within the Mayor's Office;*
 - b. Between the Mayor's Office and any other state or local entity; and*
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.*
- 2. All records describing, discussing, containing, or reflecting communication regarding the involvement of any federal agents in Massachusetts demonstrations since May 24, 2020, including communications:*
 - a. Within the Mayor's Office;*
 - b. Between the Mayor's Office and any other state or local entity; and*
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.*

Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. See G. L. c. 4, § 7 (26). Portions of records responsive to your request may contain information that is exempt from disclosure. Until a review of the records is conducted it is not clear what if any exemptions may apply to permit or require redaction or withholding.

If responsive records exist they are likely to contain attorney-client privileged communications. *Suffolk Const. Co., Inc. v. Division of Capital Asset Management*, 449 Mass. 444 (2007). These records shall be withheld entirely pursuant to the common law attorney-client privilege. A records custodian must satisfy a three-part test in establishing the attorney-client privilege. See *Suffolk Constr. Co. v. Div. of Capital Asset Mgmt.*, 449 Mass. 444 (2007); see also SPR18/423 Determination of the Supervisor of Records (April 11, 2018). The Suffolk Court's holding imposes a burden on a records custodian of "not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client's search for legal advice from the

attorney in his capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived.” See SPR18/423 (April 11, 2018), p2.

If responsive records exist they are likely to contain information related to ongoing matters currently under deliberation by the City. Further, any existing responsive records may contain information associated with active or ongoing investigatory matters. G. L. c. 4, § 7 (26) (d), (f).

The public records law permits a “reasonable fee for the publication of a public record except those records that are freely available for public inspection.” G. L. c. 66, § 10 (d). I hereby petition the Supervisor to permit the City of Boston to assess a fee for the search, review, and segregation of records responsive to your request. An estimate will be provided should the petition be granted by the Supervisor.

The public records law permits a fee of no more than \$25.00 per hour to search for and segregate records. G. L. c. 66, § 10 (d)(ii). In a petition to the Supervisor for fees, a custodian may request an hourly rate in excess of \$25.00. G. L. c. 66, § 10 (d)(iii), (iv). While the hourly rates of department personnel required to review any responsive records will exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour. The public records law permits a fee of \$.05 per sheet for copies of public records. As I intend to provide any responsive public records in electronic form I do not intend to assess any fees for copies of records.

I ask the Supervisor to permit the City to assess a fee for the provision of records responsive to your request. Should the petition be approved, the City will produce a fee estimate and commence review of responsive records upon receipt of payment of fees made payable to the City of Boston.

This letter also petitions the Supervisor to permit the City additional time needed to comply with your request. The number of hours will be provided with the fee estimate should that petition be approved by the Supervisor. I ask the Supervisor to permit the City the additional time it requires as will be determined in its fee estimate.

I ask the Supervisor to grant the City of Boston’s petitions for additional time and fees with respect to your request for public records. If this petition is approved, the City will provide a fee estimate and commence work upon receipt of payment.

Very truly yours,



Shawn A. Williams, Esq.
Director of Public Records
Records Access Officer
06/24/2020

Jessie Rossman

RE: Public Records Request R000187-060920 submitted to City of Boston on June 09, 2020

Dear Jessie Rossman,

The City of Boston (City) has received your request for public records from the Public Records . This response applies only to records that exist and are in the custody of the City. See *A Guide to the Massachusetts Public Records Law* , p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). Specifically, you stated:

ACLU request the following records:

1. All records describing, discussing, containing, or reflecting communication about potential deployment of federal agents to Massachusetts since May 24, 2020, including communications:
 - a. Within the Mayor’s Office;
 - b. Between the Mayor’s Office and any other state or local entity; and
 - c. Between the Mayor’s Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.
2. All records describing, discussing, containing, or reflecting communication regarding the involvement of any federal agents in Massachusetts demonstrations since May 24, 2020, including communications:
 - a. Within the Mayor’s Office;

- b. Between the Mayor's Office and any other state or local entity; and*
c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.

Response : New Request

The City will review your request and will provide a response once the review of your request is complete.
Yours truly,



Shawn A. Williams, Esq.
[Director of Public Records](#)
Records Access Officer
City of Boston
One City Hall Square
Boston, MA 02201
publicrecords@boston.gov

Exhibit L

From: City of Boston <CityofBoston@govqa.us>
Sent: Thursday, July 2, 2020 2:16 PM
To: Jessie Rossman
Cc: pre@sec.state.ma.us
Subject: Police Records Request :: B000901-061820

Attachments:

[6.18.20 ACLUM BPD PRR.pdf](#)

--- Please respond above this line ---



*City of Boston
Mayor Martin J. Walsh
Public Records*

RE: PUBLIC RECORDS REQUEST of June 18, 2020., Reference # B000901-061820

Dear Jessie:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See *A Guide to the Massachusetts Public Records Law*, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5). This letter petitions the Supervisor of Records to permit the City additional time to process your request and to provide an estimate of fees associated with your request.

For purposes of the petition to the Supervisor of Records, please note that this request was filed online using the City's public records request portal. As such, there is no separate copy of the request other than the text provided below, which is taken verbatim from the requester. Further, for purposes of the petition please note the full name of the requester provided to the City is Jessie Rossman and the email address provided is jrossman@aclum.org.

Specifically, you stated:

All records and communications describing, discussing, containing, or reflecting the use by the Boston Police Department of chemical agents, including but not limited to, pepper spray and tear gas, since 2016.

Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. See G. L. c. 4, § 7 (26). Portions of any existing records responsive to your request may contain information that is exempt from disclosure. Until a review of the records is conducted it is not clear what if any exemptions may apply to permit or require redaction or withholding.

Responsive records are likely to contain attorney-client privileged communications. *Suffolk Const. Co., Inc. v. Division of Capital Asset Management*, 449 Mass. 444 (2007). These records shall be withheld entirely pursuant to the common law attorney-client privilege. A records custodian must satisfy a three-part test in establishing the attorney-client privilege. See *Suffolk Constr. Co. v. Div. of Capital Asset Mgmt.*, 449 Mass. 444 (2007); see also SPR18/423 Determination of the Supervisor of Records (April 11, 2018). The Suffolk Court's holding imposes a burden on a records custodian of "not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client's search for legal advice from the attorney in his capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived." See SPR18/423 (April 11, 2018), p2.

A review of records from 2016 to the present may result in review of records that contain information regarding ongoing investigations. Further, it is possible that any responsive records could contain medical information, voluntary informant information or other information the disclosure of which would be an unwarranted invasion of privacy. G. L. c. 4, § 7 (26) (c), (f).

The public records law permits a “reasonable fee for the publication of a public record except those records that are freely available for public inspection.” G. L. c. 66, § 10 (d). I hereby petition the Supervisor to permit the City of Boston to assess a fee for the search, review, and segregation of records responsive to your request. An estimate will be provided should the petition be granted by the Supervisor.

The public records law permits a fee of no more than \$25.00 per hour to search for and segregate records. G. L. c. 66, § 10 (d)(ii). In a petition to the Supervisor for fees, a custodian may request an hourly rate in excess of \$25.00. G. L. c. 66, § 10 (d)(iii), (iv). While the hourly rates of department personnel required to review the responsive records will likely exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour. The public records law permits a fee of \$.05 per sheet for copies of public records. As I intend to provide responsive public records in electronic form I do not intend to assess any fees for copies of records.

I ask the Supervisor to permit the City to assess a fee for the provision of records responsive to your request. Should the petition be approved, the City will produce a fee estimate and commence review of responsive records upon receipt of payment of fees made payable to the City of Boston.

This letter also petitions the Supervisor to permit the City additional time needed to comply with your request. The number of hours will be provided with the fee estimate should that petition be approved by the Supervisor. I ask the Supervisor to permit the City the additional time it requires as will be determined in its fee estimate.

I ask the Supervisor to grant the City of Boston’s petitions for additional time and fees with respect to your request for public records. If this petition is approved, the City will provide a fee estimate and commence work upon receipt of payment.
Very truly yours,



Shawn A. Williams, Esq.
Director of Public Records
Records Access Officer

To monitor the progress or update this request please log into the [Public Records Center](#).

Exhibit M

Date: Mon, 06 Jul 2020 20:54:02 +0000 (UTC)
From: City of Boston <CityofBoston@govqa.us>
To: "campbell+bostonrecords@mumble.net" <campbell+bostonrecords@mumble.net>
Cc: "pre@sec.state.ma.us" <pre@sec.state.ma.us>, "johnt.boyle@pd.boston.gov" <johnt.boyle@pd.boston.gov>
Subject: Police Records Request :: B000908-061920
Message-ID: <ISMAmIPOQhugzI-XDBH7gQ@geopod-ismtpd-1-0>

Attachments:
 20-06-18_Request.pdf

--- Please respond above this line ---

City of Boston

[Xv0XHjVj] Mayor Martin J. Walsh

Public Records

RE: PUBLIC RECORDS REQUEST of June 19, 2020., Reference # B000908-061920

Dear Taylor:

The City of Boston (City) has received your request for public records. This response applies only to records that exist and are in the custody of the City. See A Guide to the Massachusetts Public Records Law, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04 (5). This letter petitions the Supervisor of Records to permit the City additional time to process your request and to provide an estimate of fees associated with your request.

For purposes of the petition to the Supervisor of Records, please note that this request was filed online using the City's public records request portal. As such, there is no separate copy of the request other than the text provided below, which is taken verbatim from the requester. Further, for purposes of the petition please note the full name of the requester provided to the City is Taylor Campbell and the email address provided is campbell+bostonrecords@mumble.net.

Specifically, you stated:

*Requesting that I be provided the following records from the Boston Police Department:

1. All communications between the Boston Police Department and the United States Department of Justice from June 8, 2020 to June 18th, 2020, inclusive of both dates.
2. All communications between the Boston Police Department and the United States Department of Justice about Attorney General William Barr's June 18, 2020 visit to the Boston Police Department, including his meeting with Boston Police Commissioner William Gross.
3. All communications, memoranda, calendar items, agendas, notes, or other records within the Boston Police Department about Attorney General Barr's June 2018, 2020 visit to the Boston Police Department, particularly including records in preparation for his meeting with Commissioner Gross and notes made at or after the

meeting, and records about any other activities Attorney General Barr undertook during his visit.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. If you expect costs to exceed \$10.00, please provide a detailed fee estimate. If the separate numbered or lettered parts of the request may require different fees, please account separately for the fees of the separate parts.

I also request that you waive fees, under G.L. c. 66 § 10(d)(v), because this disclosure is in the public interest, and I have no commercial interest in the records.

I expect the records to be returned in an accessible format, with electronically searchable text, and fit for use with a screen-reader's text-to-speech functionality for those unable to read print.

Government records custodians are permitted to redact or withhold portions of public records, so long as a specific exemption to the law is cited. See G. L. c. 4, § 7 (26). Portions of records responsive to your request may contain information that is exempt from disclosure. Until a review of the records is conducted it is not clear what if any exemptions may apply to permit or require redaction or withholding.

Responsive records are likely to contain attorney-client privileged communications. *Suffolk Const. Co., Inc. v. Division of Capital Asset Management*, 449 Mass. 444 (2007). These records shall be withheld entirely pursuant to the common law attorney-client privilege. A records custodian must satisfy a three-part test in establishing the attorney-client privilege. See *Suffolk Constr. Co. v. Div. of Capital Asset Mgmt.*, 449 Mass. 444 (2007); see also SPR18/423 Determination of the Supervisor of Records (April 11, 2018). The Suffolk Court's holding imposes a burden on a records custodian of not only proving the existence of an attorney-client relationship, but also (1) that the communications were received from a client during the course of the client's search for legal advice from the attorney in his capacity as such; (2) that the communications were made in confidence; and (3) that the privilege as to these communications has not been waived. See SPR18/423 (April 11, 2018), p2.

The public records law permits a reasonable fee for the publication of a public record except those records that are freely available for public inspection. G. L. c. 66, § 10(d). I hereby petition the Supervisor to permit the City of Boston to assess a fee for the search, review, and segregation of records responsive to your request. An estimate will be provided should the petition be granted by the Supervisor.

The public records law permits a fee of no more than \$25.00 per hour to search for and segregate records. G. L. c. 66, § 10(d)(ii). In a petition to the Supervisor for fees, a custodian may request an hourly rate in excess of \$25.00. G. L. c. 66, § 10(d)(iii), (iv). While the hourly rates of department personnel required to review the responsive records will likely exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour. The public records law permits a fee of \$.05 per sheet for copies of public records. As I intend to provide responsive public records in electronic form I do not intend to assess any fees for copies of records.

I ask the Supervisor to permit the City to assess a fee for the provision of records responsive to your request. Should the petition be approved, the City will produce a fee estimate and commence review of responsive records upon

receipt of payment of fees made payable to the City of Boston.

This letter also petitions the Supervisor to permit the City additional time needed to comply with your request. The number of hours will be provided with the fee estimate should that petition be approved by the Supervisor. I ask the Supervisor to permit the City the additional time it requires as will be determined in its fee estimate.

I ask the Supervisor to grant the City of Boston's petitions for additional time and fees with respect to your request for public records. If this petition is approved, the City will provide a fee estimate and commence work upon receipt of payment.

Very truly yours,

[_cjNrrDp0rmGL5WG5]

Shawn A. Williams, Esq.

Director of Public Records

Records Access Officer

??
To monitor the progress or update this request please log into the Public
Records Center.

*

Exhibit N



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

July 1, 2020
SPR20/0998

Shawn A. Williams, Esq.
City of Boston
Public Records Division
1 City Hall Square, Room 615
Boston, MA 02201

Dear Attorney Williams:

I have received your petition on behalf of the City of Boston (City) requesting an extension of time to produce records and permission to charge for time spent segregating or redacting responsive records. G. L. c. 66, § 10(c); G. L. c. 66, § 10(d)(iv). As required by law, the City furnished a copy of this petition to the requestor. G. L. c. 66, § 10(c). On June 9, 2020, Attorney Jessie Rossman requested:

1. All records describing, discussing, containing, or reflecting communication about potential deployment of federal agents to Massachusetts since May 24, 2020, including communications:
 - a. Within the Mayor's Office;
 - b. Between the Mayor's Office and any other state or local entity; and
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.
2. All records describing, discussing, containing, or reflecting communication regarding the involvement of any federal agents in Massachusetts demonstrations since May 24, 2020, including communications:
 - a. Within the Mayor's Office;
 - b. Between the Mayor's Office and any other state or local entity; and
 - c. Between the Mayor's Office and the Drug Enforcement Agency, Federal Bureau of Prisons, US Marshals, Customs and Border Protection, Transportation Security Administration, Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Homeland Security, and/or other federal agencies.

Petitions for an extension of time

Under the Public Records Law, upon a showing of good cause, the Supervisor of Records (Supervisor) may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether there has been a showing of good cause, the Supervisor shall consider, but shall not be limited to considering:

- (i) the need to search for, collect, segregate or examine records;
- (ii) the scope of redaction required to prevent unlawful disclosure;
- (iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;
- (iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;
- (v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and
- (vi) the public interest served by expeditious disclosure.

G. L. c. 66, § 10(c).

If the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. Id.

The filing of a petition does not affect the requirement that a Records Access Officer (RAO) shall provide an initial response to a requestor within ten business days after receipt of a request for public records. 950 C.M.R. 36.06(4)(b).

Extension of time to produce responsive records

In its June 24, 2020, petition, the City requests “the Supervisor permit the City additional time needed to comply with [this] request.” The City indicates that “[p]ortions of records responsive to your request may contain information that is exempt from disclosure.” The City goes on to say that responsive records are “likely to contain attorney-client privileged communications.” The City further emphasizes that “any existing responsive records may contain information associated with active or ongoing investigatory matters. G. L. c. 4, § 7 (26) (d), (f).”

I find that in light of the need to collect and segregate the request, the City has established good cause to permit an extension of time. G. L. c. 66, § 10(c)(i)-(ii). I hereby grant the City an

extension of 15 business days beyond the time allowed in G. L. c. 66, § 10(b)(vi) (a municipality may provide a timeframe not to exceed 25 business days to produce responsive records).

Petition to Assess Fees

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records (Supervisor) under a petition under G. L. c. 66, § 10 (d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4).

In rendering such a decision, the Supervisor is required to consider the following: a) the public interest served by limiting the cost of public access to the records; b) the financial ability of the requestor to pay the additional or increased fees; and c) any other relevant extenuating circumstances. G. L. c. 66, § 10(d)(iv).

The statute sets out a two-prong test for determining whether the Supervisor may approve a municipality's petition to allow the municipality to charge for time spent segregating or redacting records. The first prong is whether the request for records was made for a commercial purpose. G. L. c. 66, § 10(d)(iv). It is my determination that this request was not made for a commercial purpose.

The second prong of the test is whether the fee represents an actual and good faith representation by the municipality to comply with the request. The Supervisor must consider 1) if the fee is necessary such that the request could not have been prudently completed without the redaction or segregation; 2) the amount of the fee is reasonable; and 3) the fee is not designed to limit, deter or prevent access to requested public records. Id.

Fee Estimates

A municipality may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection. G. L. c. 66, § 10(d). The fees must reflect the actual cost of complying with a particular request. Id. A maximum fee of five cents (\$.05) per page may be assessed for a black and white single or double-sided photocopy of a public record. G. L. c. 66, § 10(d)(i).

Municipalities may not assess a fee for the first two hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested unless the municipality has 20,000 people or less. G. L. c. 66, § 10(d)(iii). Where appropriate, municipalities may include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce a record requested, but the fee shall not be more than \$25 per hour. Id. However, municipalities may charge more than \$25 per hour if such rate is approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv).

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4). Petitions relating to fees must be submitted to the Supervisor within ten business days after receipt of a request for public records. 950 C.M.R. 32.06(4)(g).

In its June 24th petition, the City requests that the “Supervisor... permit the City to assess a fee for the provision of records responsive to [the] request.” The City states that “[w]hile the hourly rates of department personnel required to review the responsive records will likely exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour.”

Based on the petition provided to this office by the City, this office could not confirm the date of Attorney Rossman’s request. Given that it is unclear whether a timely fee petition was filed, I am unable to opine on the City’s petition to charge fees at this time. 950 C.M.R. 32.06(4)(g).

Conclusion

Accordingly, I find the City has established good cause for a time extension of 15 business days as described above.

When preparing a fee estimate for the provision of the requested records, the City is advised to provide a detailed explanation to the requestor indicating why this estimated amount of time is necessary. See G. L. c. 66, § 10(d)(iv) (requiring the amount of the fee must be reasonable). The City must provide a response to Attorney Rossman within five business days of receipt of this determination. See 950 C.M.R. 32.06(4)(h)(4). Attorney Rossman may appeal the City’s fee estimate within ninety days. See 950 C.M.R. 32.08(1).

Please note, Attorney Rossman has the right to seek judicial review of this decision by commencing a civil action in the appropriate superior court. See G. L. c. 66, § 10(d)(iv)(4), 10A(c).

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive, flowing style.

Rebecca S. Murray
Supervisor of Records

cc: Jessie Rossman, Esq.

Exhibit O



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

July 8, 2020
SPR20/1079

Shawn Williams, Esq.
City of Boston
Public Records Division
1 City Hall Square, Room 615
Boston, MA 02201

Dear Attorney Williams:

I have received your petition on behalf of the City of Boston (City) requesting an extension of time to produce records and permission to charge for time spent segregating or redacting responsive records. G. L. c. 66, § 10(c); G. L. c. 66, § 10(d)(iv). As required by law, the City furnished a copy of this petition to the requestor. G. L. c. 66, § 10(c). On June 18, 2020, Jessie Rossman of the *ACLU of Massachusetts* requested “[a]ll records and communications describing, discussing, containing, or reflecting the use by the Boston Police Department of chemical agents, including but not limited to, pepper spray and tear gas, since 2016.”

Petitions for an extension of time

Under the Public Records Law, upon a showing of good cause, the Supervisor of Records (Supervisor) may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether there has been a showing of good cause, the Supervisor shall consider, but shall not be limited to considering:

- (i) the need to search for, collect, segregate or examine records;
- (ii) the scope of redaction required to prevent unlawful disclosure;
- (iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;
- (iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;
- (v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and
- (vi) the public interest served by expeditious disclosure.

G. L. c. 66, § 10(c).

If the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. Id.

The filing of a petition does not affect the requirement that a Records Access Officer (RAO) shall provide an initial response to a requestor within ten business days after receipt of a request for public records. 950 C.M.R. 36.06(4)(b).

Extension of time to produce responsive records

In its July 2, 2020, petition, the City requests “the Supervisor of Records to permit the City additional time to process your request...” The City indicates that “[r]esponsive records are likely to contain attorney-client privileged communications.” Additionally, responsive records may “contain information regarding ongoing investigations. Further, it is possible that any responsive records could contain medical information, voluntary informant information or other information the disclosure of which would be an unwarranted invasion of privacy. G. L. c. 4, § 7 (26) (c), (f).”

I find that in light of the need to collect and segregate the request, as well as the potential scope of redaction required to prevent unlawful disclosure, the City has established good cause to permit an extension of time. G. L. c. 66, § 10(c)(i)-(ii). I hereby grant the City an extension of 15 business days beyond the time allowed in G. L. c. 66, § 10(b)(vi) (a municipality may provide a timeframe not to exceed 25 business days to produce responsive records).

Petition to Assess Fees

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records (Supervisor) under a petition under G. L. c. 66, § 10 (d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4).

In rendering such a decision, the Supervisor is required to consider the following: a) the public interest served by limiting the cost of public access to the records; b) the financial ability of the requestor to pay the additional or increased fees; and c) any other relevant extenuating circumstances. G. L. c. 66, § 10(d)(iv).

The statute sets out a two-prong test for determining whether the Supervisor may approve a municipality’s petition to allow the municipality to charge for time spent segregating or redacting records. The first prong is whether the request for records was made for a commercial

purpose. G. L. c. 66, § 10(d)(iv). It is my determination that this request was not made for a commercial purpose.

The second prong of the test is whether the fee represents an actual and good faith representation by the municipality to comply with the request. The Supervisor must consider 1) if the fee is necessary such that the request could not have been prudently completed without the redaction or segregation; 2) the amount of the fee is reasonable; and 3) the fee is not designed to limit, deter or prevent access to requested public records. Id.

Petitions seeking a waiver of statutory limits to fees assessed to segregate and/or redact public records must be made within ten business days after receipt of a request for public records. 950 C.M.R. 32.06(4)(g).

Fee Estimates

A municipality may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection. G. L. c. 66, § 10(d). The fees must reflect the actual cost of complying with a particular request. Id. A maximum fee of five cents (\$.05) per page may be assessed for a black and white single or double-sided photocopy of a public record. G. L. c. 66, § 10(d)(i).

Municipalities may not assess a fee for the first two hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested unless the municipality has 20,000 people or less. G. L. c. 66, § 10(d)(iii). Where appropriate, municipalities may include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce a record requested, but the fee shall not be more than \$25 per hour. Id. However, municipalities may charge more than \$25 per hour if such rate is approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv).

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4). Petitions relating to fees must be submitted to the Supervisor within ten business days after receipt of a request for public records. 950 C.M.R. 32.06(4)(g).

In its July 2nd petition, the City requests that the “Supervisor to permit the City to assess a fee for the provision of records responsive to [the] request.” The City states that “[w]hile the hourly rates of department personnel required to review the responsive records will likely exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour.”

Based on the petition provided to this office by the City, it appears that Ms. Rossman’s request was submitted on June 18, 2020. Given that this petition was submitted after the ten

business days from date of the request had elapsed, it is unclear whether the City has submitted a timely fee petition. Consequently, I am unable to opine on the City's petition to charge fees at this time. 950 C.M.R.32.06(4)(g).

Conclusion

Accordingly, I find the City has established good cause for a time extension of 15 business days as described above.

When preparing a fee estimate for the provision of the requested records, the City is advised to provide a detailed explanation to the requestor indicating why this estimated amount of time is necessary. See G. L. c. 66, § 10(d)(iv) (requiring the amount of the fee must be reasonable). The City must provide a response to Ms. Rossman's within five business days of receipt of this determination. See 950 C.M.R. 32.06(4)(h)(4). Ms. Rossman may appeal the City's fee estimate within ninety days. See 950 C.M.R. 32.08(1).

Please note, Ms. Rossman has the right to seek judicial review of this decision by commencing a civil action in the appropriate superior court. See G. L. c. 66, § 10(d)(iv)(4), 10A(c).

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The signature is written in a cursive, flowing style.

Rebecca S. Murray
Supervisor of Records

cc: Jessie Rossman

Exhibit P



Jessie J. Rossman
Staff Attorney
617 482 3170 ex 337
jrossman@aclum.org

July 8, 2020

Via Email

ATTN: Rebecca S. Murray, Supervisor of Records
Division of Public Records, Office of the Secretary of the Commonwealth
One Ashburton Place, Room 1719
Boston, Massachusetts 02108
pre@sec.state.ma.us

**Re: Opposition to Boston Police Department Fee and Time Petition Regarding
Request B000901-061820**

Dear Supervisor Murray:

The American Civil Liberties Union of Massachusetts (“ACLUM”) submits this opposition to the Boston Police Department’s (“BPD”) fee and time petition filed July 2, 2020 (“the Petition”). ACLUM requests that the Supervisor deny the Petition in full.

With respect to the BPD’s request for an extension of time, the law only allows extensions for the *production* of documents; it does not allow for such extensions with respect to the municipality’s obligation to provide the *information* in G.L. c. 66, §10(b)(ii)-(ix), which the BPD still has yet to provide here. Moreover, the law does not allow an extension, where, as here, the petitioner has failed to meet its burden to show why the records cannot be produced within the 25 business days allotted by law. Far from demonstrating the statutorily required “good cause” for additional time, the Petition does not even estimate how much additional time it is requesting.

The BPD’s request for fees is no more successful. Pursuant to G.L. c. 66, §10(e), fees may not be charged where, as here, the municipality has failed to fulfill its duties under §10(b) within 10 business days. What is more, the Petition is premature because the BPD has not yet provided ACLUM or the Supervisor with sufficient information to analyze the fee request. Quite simply, the Petition provides neither an estimate for fees nor any supporting justification for such a request. Without this information, the Supervisor cannot make the statutorily necessary determination under G.L. c. 66 §10(d)(iv).

For all of these reasons, and because the statute and the governing regulations “shall be construed to ensure the public *prompt* access to all public records,” *Harvard Crimson, Inc. v. President & Fellows of Harvard College*, 445 Mass. 745, 751 (2006) (emphasis supplied), the Petition should be denied and BPD should be directed to produce the responsive records immediately.

Factual Background

Since May 26, 2020, “at least 100 law enforcement agencies—many in large cities—used some form of tear gas against civilians protesting police brutality and racism.”¹ According to news reports, the Boston Police Department was one such agency, deploying tear gas during a protest on May 31, 2020.² Information about one of Massachusetts largest police department’s past and present use of tear gas is critical to the urgent public debate regarding whether such chemical weapons should be further curtailed or banned altogether.³

To obtain these records, ACLUM submitted a public records request to the BPD on June 18, 2020 via their online portal and, separately, via email, asking for “all records and communications describing, discussing, containing, or reflecting the use by the Boston Police Department of chemical agents, including but not limited to tear gas, since 2016.” A copy of this request, and the corresponding email, are attached as Exhibit A. That same day, ACLUM received an electronic receipt from the City of Boston, attached as Exhibit B. The receipt stated that ACLUM’s request had “been received and is being processed,” provided a tracking number, and explained that ACLUM would receive an email when the request was completed.

On July 2, 2020, ACLUM received this Petition. It was the first communication that ACLUM had received from the BPD about this public records request since the electronic receipt on June 18, 2020. During the intervening 10 business days, no one from the BPD had called or emailed ACLUM to discuss the content or the scope of the request, nor had ACLUM received a written response providing the information articulated in G.L. c. 66, §10(b)(ii)-(ix).

Argument

I. The Supervisor Should Deny the Petition for an Extension of Time

In the first instance, the Public Records Law requires municipalities to provide requested records within 10 business days of receipt. G.L. c. 66, § 10(a). Where “the magnitude or difficulty of the request . . . unduly burdens the other responsibilities of the [] municipality such that the [] municipality is unable to do so”, the municipality must inform the requestor “in writing not more

¹ K.K. Rebecca Lai, Bill Marsh, Anjali Singhvi, *Here Are the 100 U.S. Cities Where Protesters Were Tear-Gassed*, N.Y. Times (June 18, 2020), <https://www.nytimes.com/interactive/2020/06/16/us/george-floyd-protests-police-tear-gas.html>.

² See *Jeremy C. Fox and John Hilliard*, Boston Protests Against George Floyd Killing Begin Peacefully, End in Violence, Arrests, BOSTON GLOBE (June 1, 2020), <https://www.bostonglobe.com/2020/05/31/metro/three-protests-against-george-floyd-killing-planned-boston-sunday>.

³ See, e.g., Spencer Buell, *An Effort to Curtail the Use of Tear Gas on Protesters is Underway in Massachusetts*, Boston Magazine (June 3, 2020), <https://www.bostonmagazine.com/news/2020/06/03/tear-gas-massachusetts-bill/>; Isaiah Thompson, *Boston City Council Members Propose Restricting Police Use of Tear Gas, Pepper Spray, Rubber Bullets*, WGBH, (June 3, 2020), <https://www.wgbh.org/news/local-news/2020/06/17/boston-city-council-members-propose-restricting-police-use-of-tear-gas-pepper-spray-rubber-bullets>; Danny McDonald, *Should Tear Gas Be Banned in Boston in Most Circumstances*, Boston Globe, (June 17, 2020), <https://www.bostonglobe.com/2020/06/17/metro/should-tear-gas-be-banned-boston-most-circumstances/>.

than 10 business days after the initial receipt of the request.” G.L. c. 66, §10(b). Among other items, this written correspondence must:

- “identify any records, categories of records or portions of records” that the municipality intends to withhold along with “the specific exemption or exemptions upon which the withholding is based;”
- “identify any public records, categories of records, or portions of records that the [] municipality intends to produce, and provide a detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the [] municipality and therefore requires additional time to produce the public records sought;”
- “identify a reasonable timeframe in which the [] municipality shall produce the public records sought” that shall not exceed 25 business days from the initial receipt;
- “suggest a reasonable modification of the scope of the request or offer to assist the requestor to modify the scope of the request if doing so would enable the agency or municipality to produce records sought more efficiently and affordably;” and
- “include an itemized, good faith estimate of any fees that may be charged to produce the records”.

G.L. c. 66, §10(b)(iv)-(viii).

“If the magnitude or difficulty of a request . . . unduly burdens” a municipality such that it cannot “complete the request” within 25 business days, then it may petition the Supervisor for an extension of time “to furnish the copies of the requested record[s].” G.L. c. 66, § 10(c). Upon a showing of good cause by the municipality, the Supervisor may grant a single extension to a municipality not to exceed 30 business days upon a showing of good cause, including:

- “the need to search for, collect, segregate or examine records;”
- “the scope of redaction required to prevent unlawful disclosure;”
- “the capacity or the normal business hours of operation of the agency to produce the request without the extension;”
- “efforts undertaken by the agency in fulfilling the current request and previous requests;”
- “whether the request, either individually or as a part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency;”
- “the public interest served by expeditious disclosure.”

G.L. c. 66, 10(c)(i)-(iv); *see also* 950 C.M.R. 32.06(4)(e) (“A petition for extension of time shall include a brief narrative detailing why an extension of time is necessary.”).

Given these statutory requirements, the BPD’s request for an extension of time should fail for two reasons. First, G.L. c. 66, §10(c) only allows an opportunity to apply for an extension of time

to produce the records themselves. Indeed §10(c) is explicit as to this, allowing for a petition only “to furnish copies of the requested record, or any portion of the requested record, that the agency ... intends to furnish.” Nothing within the Public Records Law permits BPD to extend the timeframe to provide the information required under G.L. c. 66, § 10(b)(ii)-(ix). The BPD did not provide ACLU with any of this information, either before it submitted the Petition or within the Petition itself, and, under the law, cannot now seek an extension to justify its delay.

Second, the BPD has entirely failed to satisfy its burden to demonstrate why the extension is necessary. To begin, the BPD does not even suggest how much time it is requesting, stating instead “the number of hours will be provided” if the Supervisor approves the petition. This turns the statutory requirements on its head. Nor does the Petition meaningfully address any of the factors the Supervisor must statutorily consider to determine whether “good cause” exists. Generally stating that “it is possible” the requested records could trigger a privacy exemption, “are likely to contain attorney-client privileged communications,” and “may” contain information about ongoing investigations, the Petition does not provide any specifics regarding the need to search or segregate the records or the scope of the potential redactions. *Cf.* G.L. c. 66, §10(c)(i)&(ii). To the contrary, the Petition admits “[u]ntil a review of the records is conducted it is not clear what if any exemptions may apply to permit or require redaction or withholding.” The Petition is likewise silent about BPD’s capacity to produce the documents without the extension, or the efforts undertaken to fulfil the request thus far. *Cf.* G.L. c. 66, §10(c)(iii)&(iv). There is no suggestion—nor could there be—that the request is frivolous or intended to harass the BPD. *Cf.* G.L. c. 66, §10(c)(v).

Finally, while it is not ACLU’s burden to demonstrate the lack of good cause, there is strong evidence under the current climate that the public interest is served by expeditious disclosure. *Cf.* G.L. c. 66, §10(c)(vi); *see supra* n. 3. The State Legislature is currently debating a bill that includes limitations on the use of tear gas that its sponsors hope Governor Baker will sign by the end of this month,⁴ while a City Ordinance banning the use of tear gas is currently pending before the Boston City Council.⁵ To inform these swiftly moving conversations that could significantly impact the legal structure within the Commonwealth for years to come, the requested records must be provided promptly.

II. The Supervisor Should Deny the Petition to Assess Fees

The Public Records Law allows fees for time spent segregating and redacting documents when such segregation or redaction is required by law or approved by the Supervisor. G.L. c. 66, §10(d)(iii). The Supervisor may approve a petition if they determine that “the request is for a commercial purpose”⁶ or that (1) “the fee represents an actual and good faith representation by the []

⁴ Victoria McGrane, *State Senate Unveils Sweeping Police Reform Bill, Plans to Pass it This Week*, Boston Globe (Jul. 6, 2020), <https://www.bostonglobe.com/2020/07/06/metro/state-senate-unveils-sweeping-police-reform-bill-plans-pass-it-this-week/>.

⁵ Christopher Gavin, *A Proposed Boston Ordinance Would Limit When Police Use Tear Gas and Rubber Bullets*, Boston.Com (June 18, 2020), <https://www.boston.com/news/local-news/2020/06/18/boston-city-council-ordinance-tear-gas-rubber-bullets>.

⁶ There is no suggestion—nor could there be—that this request has been made for a commercial purpose. ACLU is a not-for-profit organization. Gathering and disseminating current information to the public at no cost is a critical and substantial component of ACLU’s mission and work.

municipality to comply with the request,” (2) “the fee is necessary such that the request could not have been prudently completed without the redaction [and] segregation,” (3) “the amount of the fee is reasonable,” and (4) “the fee is not designed to limit, deter or prevent access to requested public records.” G.L. c. 66, §10(d)(iv). “[I]n making a determination regarding any such petition, the supervisor of records shall consider the public interest served by limiting the cost of public access to the records, the financial ability of the requestor to pay the additional or increased fees and any other relevant extenuating circumstances.” G.L. c. 66, §10(d)(iv)(1). No fee may be assessed under any circumstance absent the agency’s compliance with the information requirements of G.L. c. 66, §10(b) within the initial 10 business days. G.L. c. 66, § 10(e).

Much like the request for an extension, the BPD’s request for fees also fails for two reasons. First, the BPD did not—and indeed, still has not—provided the information required under G.L. c. 66, § 10(b). *See supra*. It never identified which records it intends to produce or not produce; it never suggested a reasonable modification that could narrow the scope of the request; and it never provided a reasonable fee estimate. Petitions filed with the Supervisor “do not affect the requirement that a records access officer shall provide an initial response to a requester within ten business days.” 950 C.M.R. 32.06(4)(b). Where, as here, the petitioner evidences a “[f]ailure to comply” with this requirement, it “result[s] in a waiver of the right to assess fees for public records.” 950 C.M.R. 32.06(4)(b).

On its own, the BPD’s failure to provide a timely written response statutorily bars it from seeking fees for the production of the requested records. But even if it did not, its request should still be denied because the Petition does not provide the Supervisor sufficient information to grant its Petition. The Petition brazenly admits that it does not include a fee estimate – instead, it proposes “an estimate will be provided should the petition be granted.” It is therefore no surprise that the Petition similarly provides no justification for the reasonableness of the non-existent estimate. Without this information, it is impossible for the Supervisor to determine that the “fee represents an actual and good faith representation by the [] municipality to comply with the request” or that the “the amount of the fee is reasonable.” G.L. c. 66, §10(d)(iv).

The need to deny the request – and to order prompt production of all responsive documents – is all the more apparent given the public interest in this request that the Supervisor must statutorily consider. As detailed above, there is a significant and time-sensitive need in this information. *See supra*. Where the conduct of public officials is at issue, “[t]he public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner.” *Globe Newspaper Co. v. Police Com’r of Bos.*, 419 Mass. 852, 858 (1995) (quoting *Attorney General v. Collector of Lynn*, 377 Mass. 151, 158 (1979)). As the SJC recently emphasized, this interest is particularly strong with regard to the conduct of law enforcement officials who hold a position of special public trust. *Bos. Globe Media Partners, LLC v. Dep’t of Criminal Justice Info. Servs.*, 484 Mass. 279, 292 (2020). Indeed, the Court recognized that “[t]he public interests furthered by the public records law – transparency, accountability, and public confidence – ‘are at their apex if the conduct at issue occurred in the performance of the official’s professional duties or materially bears on the official’s ability to perform those duties honestly or capably.’” *Id.* (quoting *Boston Globe Media Partners, LLC v. Chief Justice of the Trial Court*, 483 Mass. 80, 102 (2019)).

This public interest is especially acute here, where police use of chemical weapons is at the heart of an urgent and rapidly-moving debate regarding police violence and accountability within the

Commonwealth and throughout the country. ACLUM is a not-for-profit organization dedicated to the protection of civil rights and civil liberties, including the right to be free from excessive uses of force. The circumstances surrounding this request and the public interest served by the availability and affordability of the requested records further indicate that the Supervisor should – indeed, pursuant to G.L. c. 66, § 10(e), must – deny the BPD’s request for fees.

For all these reasons, ACLUM respectfully submits that the Petition should be denied in full and BPD should be ordered to produce the responsive records immediately.

Sincerely,

Jessie J. Rossman
Jessie J. Rossman

Exhibit Q



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Rebecca S. Murray
Supervisor of Records

July 9, 2020
SPR20/1099

Shawn A. Williams, Esq.
Records Access Officer
City of Boston
1 City Hall Square, Room 615
Boston, MA 02201

Dear Attorney Williams:

I have received your petition on behalf of the City of Boston (City) seeking an extension of time to produce records and permission to charge for time spent segregating or redacting responsive records. G. L. c. 66, § 10(c); G. L. c. 66, § 10(d)(iv). As required by law, it is my understanding that the City furnished a copy of this petition to the requestor. Id. In a letter dated June 18, 2020, Taylor R. Campbell requested:

1. All communications between the Boston Police Department and the United States Department of Justice from June 8, 2020 to June 18th, 2020, inclusive of both dates.
2. All communications between the Boston Police Department and the United States Department of Justice about Attorney General William Barr's June 18, 2020 visit to the Boston Police Department, including his meeting with Boston Police Commissioner William Gross.
3. All communications, memoranda, calendar items, agendas, notes, or other records within the Boston Police Department about Attorney General Barr's June 2018, 2020 visit to the Boston Police Department, particularly including records in preparation for his meeting with Commissioner Gross and notes made at or after the meeting, and records about any other activities Attorney General Barr undertook during his visit.

Petition for an Extension of Time

Under the Public Records Law, upon a showing of good cause, the Supervisor of Records (Supervisor) may grant a single extension to an agency not to exceed 20 business days and a single extension to a municipality not to exceed 30 business days. In determining whether there has been a showing of good cause, the Supervisor shall consider, but shall not be limited to

considering:

- (i) the need to search for, collect, segregate or examine records;
- (ii) the scope of redaction required to prevent unlawful disclosure;
- (iii) the capacity or the normal business hours of operation of the agency or municipality to produce the request without the extension;
- (iv) efforts undertaken by the agency or municipality in fulfilling the current request and previous requests;
- (v) whether the request, either individually or as part of a series of requests from the same requestor, is frivolous or intended to harass or intimidate the agency or municipality; and
- (vi) the public interest served by expeditious disclosure.

G. L. c. 66, § 10(c).

If the Supervisor determines that the request is part of a series of contemporaneous requests that are frivolous or designed to intimidate or harass, and the requests are not intended for the broad dissemination of information to the public about actual or alleged government activity, the Supervisor may grant a longer extension or relieve the agency or municipality of its obligation to provide copies of the records sought. Id.

The filing of a petition does not affect the requirement that a Records Access Officer (RAO) shall provide an initial response to a requestor within ten business days after receipt of a request for public records. 950 C.M.R. 36.06(4)(b).

Petition to Assess Fees

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records (Supervisor) under a petition under G. L. c. 66, § 10 (d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4).

In rendering such a decision, the Supervisor is required to consider the following: a) the public interest served by limiting the cost of public access to the records; b) the financial ability of the requestor to pay the additional or increased fees; and c) any other relevant extenuating circumstances. G. L. c. 66, § 10(d)(iv).

The statute sets out a two-prong test for determining whether the Supervisor may approve a municipality's petition to allow the municipality to charge for time spent segregating or redacting records. The first prong is whether the request for records was made for a commercial purpose. G. L. c. 66, § 10(d)(iv). It is my determination that this request was not made for a commercial purpose.

The second prong of the test is whether the fee represents an actual and good faith representation by the municipality to comply with the request. The Supervisor must consider 1) if the fee is necessary such that the request could not have been prudently completed without the

redaction or segregation; 2) the amount of the fee is reasonable; and 3) the fee is not designed to limit, deter or prevent access to requested public records. Id.

Petitions seeking a waiver of statutory limits to fees assessed to segregate and/or redact public records must be made within ten business days after receipt of a request for public records. 950 C.M.R. 32.06(4)(g).

Fee Estimates

A municipality may assess a reasonable fee for the production of a public record except those records that are freely available for public inspection. G. L. c. 66, § 10(d). The fees must reflect the actual cost of complying with a particular request. Id. A maximum fee of five cents (\$.05) per page may be assessed for a black and white single or double-sided photocopy of a public record. G. L. c. 66, § 10(d)(i).

Municipalities may not assess a fee for the first two hours of employee time to search for, compile, segregate, redact or reproduce the record or records requested unless the municipality has 20,000 people or less. G. L. c. 66, § 10(d)(iii). Where appropriate, municipalities may include as part of the fee an hourly rate equal to or less than the hourly rate attributed to the lowest paid employee who has the necessary skill required to search for, compile, segregate, redact or reproduce a record requested, but the fee shall not be more than \$25 per hour. Id. However, municipalities may charge more than \$25 per hour if such rate is approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv).

A fee shall not be assessed for time spent segregating or redacting records unless such segregation or redaction is required by law or approved by the Supervisor of Records under a petition under G. L. c. 66, § 10(d)(iv). See G. L. c. 66, § 10(d)(iii); 950 C.M.R. 32.06(4). Petitions relating to fees must be submitted to the Supervisor within ten business days after receipt of a request for public records. 950 C.M.R. 32.06(4)(g).

Current Petition

In its July 6, 2020 petition, the City requests “the Supervisor of Records to permit the City additional time to process [the] request.” The City indicates, “[r]esponsive records are likely to contain attorney-client privileged communications.” However, it is unclear why this request requires additional time beyond the statutory allotment.

The City’s petition requests that the Supervisor “permit the City to assess a fee for the provision of records responsive to [the] request.” The City states that “[w]hile the hourly rates of department personnel required to review the responsive records will likely exceed the \$25.00 hourly rate, I do not petition the Supervisor here for an hourly rate that is in excess of \$25.00 per hour.”

Shawn A. Williams, Esq.
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Conclusion

I find that in light of the lack of explanation in the City's petition, the City has not established good cause to warrant an extension of additional time to respond to this request.

Based on the petition provided to this office by the City, it appears that Mr. Campbell's request was submitted on June 18, 2020. Given that this petition was submitted after the ten business days from the date of the request had elapsed, it is unclear whether the City has submitted a timely fee petition. Consequently, I am unable to opine on the City's petition to charge fees at this time. 950 C.M.R.32.06(4)(g).

Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The script is cursive and fluid, with the first name "Rebecca" and last name "Murray" clearly distinguishable.

Rebecca S. Murray
Supervisor of Records

cc: Taylor R. Campbell