

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE TRIAL COURT

SUFFOLK, SS

SUPERIOR COURT
DOCKET NO. _____

AMERICAN CIVIL LIBERTIES UNION
OF MASSACHUSETTS, and
AMERICAN CIVIL LIBERTIES UNION,

Plaintiffs,

v.

WILLIAM EVANS, in his Official Capacity as
Police Commissioner for the City of Boston, and
BOSTON POLICE DEPARTMENT,

Defendants.

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs American Civil Liberties Union of Massachusetts (“ACLUM”) and American Civil Liberties Union (“ACLU”) respectfully move for a preliminary injunction against the Boston Police Department (the “BPD”) and Commissioner William B. Evans (collectively, the “Defendants”), requiring Defendants to produce certain public records pursuant to the Massachusetts Public Records Law (the “MPRL”), G.L. c. 66, § 10.

Following a multi-year effort to obtain information about police-civilian encounters in Boston, a recently released analysis of data culled from BPD records of its officers’ interactions with civilians between 2007 and 2010 revealed that BPD has engaged in racially disparate treatment of Blacks and Hispanics. In September 2014, Plaintiffs submitted a public records request for additional data from the BPD that they needed to determine if disparities have persisted after 2010.

Defendants do not dispute that the requested records are public and have not articulated a valid basis for withholding the documents that Plaintiffs seek. Yet, more than 11 months after the Plaintiffs' requests, Defendants have not produced the requested records. Defendants' decision to withhold the requested records without a valid justification is a violation of the MPRL and has harmed Plaintiffs and the public.

In support of this motion, Plaintiffs rely on their Verified Complaint, Memorandum in Support of Motion for Preliminary Injunction, and Proposed Preliminary Injunction.

Dated: August 6, 2015

Respectfully submitted,



Stephen A. Jonas (BBO # 542005)
Kevin S. Prussia (BBO # 666813)
Darren Griffis (BBO # 675627)
Lindsey Silver (BBO # 685731)
Wilmer Cutler Pickering Hale & Dorr
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000
kevin.prussia@wilmerhale.com

Matthew R. Segal (BBO # 654489)
Carlton E. Williams (BBO # 600973)
Adriana Lafaille (BBO # 680210)
American Civil Liberties Union Foundation of
Massachusetts
211 Congress Street
Boston, MA 02110
Tel: (617) 482-3170
Fax: (617) 451-0009
msegal@aclum.org

Nusrat Choudhury
American Civil Liberties Union Foundation
125 Broad Street, 18th Fl.
New York, NY 10004

Tel: (212) 519-7876
nchoudhury@aclu.org

CERTIFICATE OF SERVICE

I hereby certify that a true copy of Plaintiffs' Motion for Preliminary Injunction, along with Plaintiffs' Memorandum in Support, was served upon Defendants by hand on August 6, 2015.



Darren T. Griffis (BBO # 675627)
Wilmer Cutler Pickering Hale & Dorr
60 State Street
Boston, MA 02109
Tel: (617) 526-6000
Fax: (617) 526-5000
darren.griffis@wilmerhale.com