

January 8, 2021

Sent via email

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

Re: Public Records Request Related To The Collection, Storage, Management, and Sharing of Information in the Boston Regional Intelligence Center

Dear Ms. DeMaio,

This is a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, made on behalf of the American Civil Liberties Union of Massachusetts, Digital Fourth-Restore The Fourth – Boston, Muslim Justice League, and Student Immigrant Movement (the “Requesters”).

The Boston Regional Intelligence Center

The Boston Regional Intelligence Center (“BRIC”) is a major urban area fusion center. The Boston Police Department (“BPD”), through the Bureau of Intelligence and Analysis (“BIA”), is the managing authority of the BRIC.¹

The BRIC serves as the primary focal point within the Metro Boston Homeland Security Region (“MBHSR”) for the collection, analysis, and sharing of information among federal, state, and local police departments and other law enforcement agencies.²

The BRIC is funded by the state³ and the City of Boston. The BRIC also receives federal funding. For example, back in 2009, the City of Boston received nearly \$2 million in federal stimulus funding from the American Recovery and Reinvestment Act (“ARRA”) for two grants; and one of those grants was used by BPD to cover 10 positions inside the BRIC.⁴

The Requesters have had serious civil rights, civil liberties, and racial justice concerns regarding to how the BRIC functions and operates for a very long time.

For example, in 2012, ACLUM filed a lawsuit for access to public records and obtained records demonstrating that BPD monitored demonstrations of groups having no connection to terrorism or

¹ Bureau of Intelligence and Analysis, BPD News.com. <https://bpdnews.com/bia>

² UASI Update, Metro Boston Homeland Security, Vol. 1 Iss. 2, June 2011.
https://www.cityofboston.gov/Images_Documents/UASI%20Update%20-%20June%202011_tcm3-26680.pdf

³ Governor’s Budget, FY2021 Recommendations, 8000-1001 – Boston Regional Intelligence Center.
<https://budget.digital.mass.gov/govbudget/fy21/appropriations/public-safety/public-safety-and-security/80001001>

⁴ Press Release, Boston Police Department, Sept. 11, 2009.
<http://www.cityofboston.gov/news/default.aspx?id=4350>

other serious crime, tracked the beliefs and internal dynamics of those groups, interrogated peaceful activists about their beliefs and activism, and documented this information in presumably searchable “Intelligence Reports.”⁵

In 2018, ACLUM filed a lawsuit to learn more about how the BRIC uses and maintains the “gang database” that is weaponized against vulnerable immigrant communities of color in immigration courts.⁶

Public Records Request

We therefore seek records⁷ pertaining to the ways in which BRIC collects, stores, manages, and shares information.

Records requested

The Requesters request all the following records created on or after January 1, 2019, unless a different time frames is noted:

1. All records, including policies, procedures, and guidelines pertaining to how BRIC collects information, including a list of all the different local, state, and federal agencies that contribute to BRIC’s collection of information. This includes cell phone location information purchased from commercial vendors;
2. All records, including policies, procedures, and guidelines pertaining to which local, state, and federal agencies have access to information that BRIC collects and stores;
3. All records, including policies, procedures, and guidelines pertaining to how local, state, and federal agencies have access to information that BRIC collects and stores, including blank copies of all request forms used, such as the one referenced in Exhibit A;
4. All records pertaining to BRIC and BRIC personnel access to cameras from agencies other than police departments, like post office cameras, school cameras, and MBTA cameras;
5. BRIC’s most updated privacy policy and any records pertaining to BRIC’s compliance or non-compliance with it. This includes but is not limited to:
 - a. Records pertaining to any annual or special audit and inspection of the information and intelligence contained in BRIC's information systems, and any communications, including emails, which relate to that process, created on or after January 1, 2015;
 - b. Records pertaining to the annual reviews by BRIC's Privacy Oversight Committee of whether updates to the privacy policy are necessary, created on or after January 1, 2015;

⁵ ACLU of Massachusetts and National Lawyers Guild, Massachusetts Chapter, Policing Dissent: Police Surveillance of Lawful Political Activity in Boston, October 2012. <https://www.aclum.org/sites/default/files/wp-content/uploads/2015/06/reports-policing-dissent.pdf>

⁶ Shannon Dooling, ACLU Sues Boston Police For Access To Gang Database, WBUR, November 15, 2018. <https://www.wbur.org/news/2018/11/15/aclu-boston-police-gang-database-lawsuit>

⁷ Throughout this request, the term “records” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

- c. Records pertaining to any training materials on privacy or civil liberties disseminated to BRIC personnel, created on or after January 1, 2015; and
 - d. Records pertaining to any complaints received regarding BRIC's privacy or civil liberties practices, minutes or communications relating to the redress of such complaints, and any enforcement actions taken, created on or after January 1, 2015.
6. All records pertaining to requests made by individuals asking for what information about themselves is stored at BRIC, created on or after January 1, 2015;
7. All records pertaining to requests for corrections made by individuals or organizations who have requested correction of information originating from BRIC, including if there was a resulting action, created on or after January 1, 2015;
8. Records, including minutes and all types of communications, pertaining to any meeting of the Privacy Oversight Committee covering the period 2015-2020, including the product of, or communications related to, periodic data quality reviews and any annual review of the provisions protecting privacy, civil rights, and civil liberties;
9. Records pertaining to the imposition of any of the penalties for violations of BRIC's privacy policy;
10. All communications, including text messages and emails, between or among any staff member and any internal or external party referring to "contact tracing" or "exposure notification";
11. All memoranda of understanding, memoranda of agreement, and any other agreements, informal or formal, between BRIC and any company providing digital contact or exposure notification tracing services, including but not limited to "OMNIX" and "Verint;" and
12. All records pertaining to the purchase of information by the BRIC from private parties;
13. All records pertaining to how information collected by the BRIC, including video surveillance information, is used as evidence. This includes but is not limited to:
 - a. The use of evidence in any court application, trial, hearing, or other proceeding that consists of, was obtained from, or was derived from information collected by the BRIC;
 - b. Records pertaining to surveillance camera information efficacy, including statistics and similar records showing their use for purposes of preventing and/or solving crimes;
 - c. The use of "lead" or "tip" information that consists of, was obtained from, or was derived from information collected by the BRIC; and
 - d. The circumstances under which the government notifies defendants or respondents of the use of evidence that consists of, was obtained from, or was derived from information collected by the BRIC, including notice of the information's provenance.

Please note that the Requesters is not requesting any personally identifiable information or any personal data. Instead, we are requesting public records containing aggregate information (e.g., total numbers and statistics) pertaining to the ways in which BRIC collects, stores, manages, and share information.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organizations, we ask that you waive any fees. If you decide not to waive fees, we request that you

permit us to examine, at our election, the responsive documents before deciding which portions to copy. We would prefer the documents in electronic format.

If you believe that some portion of the documents requested are exempt from disclosure or require redaction, 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.

Finally, please remember that a request that requires the extraction of categories of information from an existing database does not impose burdens on public record holders that exceed what is required under the public records law.

If you have questions about this request, please contact me at (617) 482-3170 x402 or efalcon@aclum.org.

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

Sincerely,

Emiliano Falcon-Morano
Policy Counsel
Technology for Liberty Program
ACLU of Massachusetts

Alex Marthews
Chair
Digital Fourth
Restore The Fourth - Boston

Fatema Ahmad (she/hers)
Executive Director
Muslim Justice League

Sabrina Barroso
Student Immigrant Movement

Cc./ Shawn Williams
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