

March 17, 2017

Kade Crockford
ACLU Of Massachusetts
211 Congress Street
Boston, MA 02110

Re: Public Record Request
March 2, 2017 Boston Planning and Development Agency Meeting

Dear Ms. Crockford,

This letter is in response to your request for documents potentially in the possession, custody or control of the Boston Police Department under the Freedom of Information Act (FOIA [5 U.S.C. § 552]) and/or Massachusetts Public Records Law (M.G.L. c. 66, § 10).

Specifically, you requested the following:

1. Any policy or operational order describing the filming of First Amendment protected activity.

Response No. 1

Enclosed please find guidance provided by the Department of Justice regarding the rights of participants at First Amendment events.

2. Any records (including emails) including a directive to members of the BPD to film protesters at the March 2, 2017 Boston Planning and Development Agency meeting.

Response No. 2

Enclosed please find emails responsive to your request.

3. Any legal justification for the above referenced filming.

Response No. 3

Please be advised that the Department does not have any documents responsive to this request. Further, please note that the Department does not provide legal assistance, opinions or explanations about police policy to the public.

4. The video shot by the BPD officials in the above referenced tweet.

Response No. 4

A copy of the video is enclosed herein.

5. Any Boston Regional Intelligence Center (BRIC) files describing or referencing the protests cited above.

Response No. 5

Please be advised that a search was conducted of BRIC records and the Department does not have any documents responsive to this request.

6. Any record containing a description of the criminal predicate that provided a justification for the above referenced surveillance (i.e. the filming of the protest).

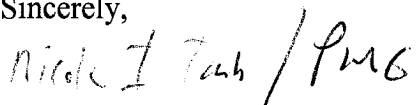
Response No. 6

Please see the Response to No. 2. Further, please note that the Department does not provide legal assistance, opinions or explanations about police policy to the public.

Please be advised that this office does not provide legal assistance, opinions or explanations about police policy to the public, and will not respond to any such request. If you have been denied records by the Boston Police Department, you have the right to appeal this decision with the Supervisor of Public Records at the Public Records Division of the Secretary of the Commonwealth.

Should you have any questions or require any additional information, please do not hesitate to contact this office.

Sincerely,


Nicole I. Taub

Enclosures



Paul Mahoney <paul.mahoney@pd.boston.gov>

Fwd: BRA Hearing 3/2/17

6 messages

Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 12:40 PM

To: paul.mahoney@pd.boston.gov

Cc: beth.donovan@pd.boston.gov

Paul,

Please send a video team to city hall as directed below by BFS. The hearing starts at 3:30 so it will involve going into OT.

Tom

Sent from my iPhone

Begin forwarded message:

From: Beth Donovan <beth.donovan@pd.boston.gov>

Date: March 2, 2017 at 12:28:40 PM EST

To: Fong <kenneth.fong@pd.boston.gov>, Thomas Dowd <thomas.dowd@pd.boston.gov>

Cc: Michael Donovan <michael.donovan@pd.boston.gov>

Subject: BRA Hearing 3/2/17

Captains, There is a hearing wt the BRA (8th floor City Hall) today at 3:30 p.m. The hearing focus is on affordable housing. This is expected to be contentious with the potential for multiple arrests. Kenny can you have your wagon stand by on Congress Street, your patrol supervisor to monitor and two officers in city hall for the hearing. Tom can you send a crime scene team to film in the event that arrests need to be made. Any questions give me a call.

Thanks,
Beth

—

Deputy Superintendent Beth Donovan
Assistant Chief, Bureau of Field Services
Boston Police Department
One Schroeder Plaza
Boston, Massachusetts 02120

617-343-4300 (office)

617-343-5399 (fax)

Paul Mahoney <paul.mahoney@pd.boston.gov>
To: Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

Will do Captain

Paul M

[Quoted text hidden]

-

Lt. Detective Paul Mahoney
Boston Police Department
Crime Scene Response Unit
Office 617-343-4393
Fax 617-343-5892
Email paul.mahoney@pd.boston.gov

Paul Mahoney <paul.mahoney@pd.boston.gov>
To: James Foley <james.foley@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

[Quoted text hidden]

-

Lt. Detective Paul Mahoney
Boston Police Department
Crime Scene Response Unit
Office 617-343-4393
Fax 617-343-5892
Email paul.mahoney@pd.boston.gov

Thomas Dowd <thomas.dowd@pd.boston.gov>
To: Paul Mahoney <paul.mahoney@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

Thanks

Sent from my iPhone

[Quoted text hidden]

Paul Mahoney <paul.mahoney@pd.boston.gov>

Thu, Mar 2, 2017 at 1:05 PM

To: Thomas Dowd <thomas.dowd@pd.boston.gov>

All set Captain, Pam and Chris Steele will cover the assignment

Paul M

[Quoted text hidden]

Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 1:09 PM

To: Paul Mahoney <paul.mahoney@pd.boston.gov>

Thanks Paul

Sent from my iPhone

[Quoted text hidden]



Thomas Dowd <thomas.dowd@pd.boston.gov>

BRA Hearing 3/2/17

12 messages

Beth Donovan <beth.donovan@pd.boston.gov>

Thu, Mar 2, 2017 at 12:28 PM

To: Fong <kenneth.fong@pd.boston.gov>, Thomas Dowd <thomas.dowd@pd.boston.gov>

Cc: Michael Donovan <michael.donovan@pd.boston.gov>

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Beth

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Deputy Superintendent Beth Donovan
Assistant Chief, Bureau of Field Services
Boston Police Department
One Schroeder Plaza
Boston, Massachusetts 02120

617-343-4300 (office)

617-343-5399 (fax)

Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 12:38 PM

To: Beth Donovan <beth.donovan@pd.boston.gov>

Will do.

Sent from my iPhone

[Quoted text hidden]

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Thu, Mar 2, 2017 at 12:40 PM

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Cc: beth.donovan@pd.boston.gov

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To: Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

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[Quoted text hidden]

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Lt. Detective Paul Mahoney
Boston Police Department
Crime Scene Response Unit
Office 617-343-4393
Fax 617-343-5892
Email paul.mahoney@pd.boston.gov

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To: Paul Mahoney <paul.mahoney@pd.boston.gov>

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Thanks

Sent from my iPhone

[Quoted text hidden]

Kenneth Fong <kenneth.fong@pd.boston.gov>
To: Beth Donovan <beth.donovan@pd.boston.gov>
Cc: Thomas Dowd <thomas.dowd@pd.boston.gov>, Michael Donovan <michael.donovan@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

Got it

[Quoted text hidden]

Paul Mahoney <paul.mahoney@pd.boston.gov>
To: Thomas Dowd <thomas.dowd@pd.boston.gov>

Thu, Mar 2, 2017 at 1:05 PM

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Paul M

[Quoted text hidden]

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To: Paul Mahoney <paul.mahoney@pd.boston.gov>

Thu, Mar 2, 2017 at 1:09 PM

Thanks Paul

Sent from my iPhone

[Quoted text hidden]

Thomas Dowd <thomas.dowd@pd.boston.gov>
To: Nicole Taub <nicole.taub@pd.boston.gov>

Tue, Mar 7, 2017 at 10:09 AM

Nicole,

This is one e-mail chain I have regarding the FOIA request.

Tom

[Quoted text hidden]

Thomas Dowd <thomas.dowd@pd.boston.gov>
To: Nicole Taub <nicole.taub@pd.boston.gov>

Tue, Mar 7, 2017 at 10:10 AM

More for the FOIA Request.

----- Forwarded message -----

From: **Paul Mahoney** <paul.mahoney@pd.boston.gov>

Date: Thu, Mar 2, 2017 at 1:05 PM

Subject: Re: BRA Hearing 3/2/17

[Quoted text hidden]

Nicole Taub <nicole.taub@pd.boston.gov>
To: Thomas Dowd <thomas.dowd@pd.boston.gov>

Tue, Mar 7, 2017 at 10:10 AM

Thanks Captain. Can you please print it and send up hard copies?

Nicole I. Taub, Esq.
Senior Staff Attorney
Office of the Legal Advisor
Boston Police Department
One Schroeder Plaza
Boston, MA 02120
(617) 343-4550

The substance of this message, including any attachments, may be confidential, legally privileged and / or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.

[Quoted text hidden]

Thomas Dowd <thomas.dowd@pd.boston.gov>
To: Nicole Taub <nicole.taub@pd.boston.gov>

Tue, Mar 7, 2017 at 10:10 AM

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From: **Thomas Dowd** <thomas.dowd@pd.boston.gov>

Date: Thu, Mar 2, 2017 at 12:38 PM

Subject: Re: BRA Hearing 3/2/17

[Quoted text hidden]



Nicole Taub <nicole.taub@pd.boston.gov>

Fwd: BRA Hearing 3/2/17

1 message

Beth Donovan <beth.donovan@pd.boston.gov>
To: Nicole Taub <nicole.taub@pd.boston.gov>

Tue, Mar 7, 2017 at 10:32 AM

----- Forwarded message -----

From: **Beth Donovan** <beth.donovan@pd.boston.gov>

Date: Thu, Mar 2, 2017 at 12:28 PM

Subject: BRA Hearing 3/2/17

To: Fong <kenneth.fong@pd.boston.gov>, Thomas Dowd <thomas.dowd@pd.boston.gov>

Cc: Michael Donovan <michael.donovan@pd.boston.gov>

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Thanks,
Beth

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Deputy Superintendent Beth Donovan
Assistant Chief, Bureau of Field Services
Boston Police Department
One Schroeder Plaza
Boston, Massachusetts 02120

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617-343-5399 (fax)

--
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Assistant Chief, Bureau of Field Services
Boston Police Department
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Boston, Massachusetts 02120

617-343-4300 (office)
617-343-5399 (fax)



Kenneth Fong <kenneth.fong@pd.boston.gov>

Fwd: BRA Hearing 3/2/17

1 message

Kenneth Fong <kenneth.fong@pd.boston.gov> Thu, Mar 2, 2017 at 1:23 PM
To: Michael O'Hara <michaelc.ohara@pd.boston.gov>, Michael Hanson <michael.hanson@pd.boston.gov>, Michael Connolly <michael.connolly@pd.boston.gov>, Thomas Foley <thomas.foley@pd.boston.gov>

Please assign supervisors and officers for below. Day shift officers/supervisors to remain on scene until relieved by first half. Thanks

----- Forwarded message -----

From: **Beth Donovan** <beth.donovan@pd.boston.gov>
Date: Thursday, March 2, 2017
Subject: BRA Hearing 3/2/17
To: Fong <kenneth.fong@pd.boston.gov>, Thomas Dowd <thomas.dowd@pd.boston.gov>
Cc: Michael Donovan <michael.donovan@pd.boston.gov>

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Assistant Chief, Bureau of Field Services
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Kenneth Fong <kenneth.fong@pd.boston.gov>

Re: BRA Hearing 3/2/17

1 message

Kenneth Fong <kenneth.fong@pd.boston.gov>

Thu, Mar 2, 2017 at 12:41 PM

To: Beth Donovan <beth.donovan@pd.boston.gov>

Cc: Thomas Dowd <thomas.dowd@pd.boston.gov>, Michael Donovan <michael.donovan@pd.boston.gov>

Got it

On Thursday, March 2, 2017, Beth Donovan <beth.donovan@pd.boston.gov> wrote:

Captains, There is a hearing wt the BRA (8th floor City Hall) today at 3:30 p.m. The hearing focus is on affordable housing. This is expected to be contentious with the potential for multiple arrests. Kenny can you have your wagon stand by on Congress Street, your patrol supervisor to monitor and two officers in city hall for the hearing. Tom can you send a crime scene team to film in the event that arrests need to be made. Any questions give me a call.

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