BostonPolice
DEPARTMENT
One Schroeder Plaza, Boston, MA 02120-2014

April 13, 2010

Ursula Masny-Latos, Esq.
National Lawyer's Guild – Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Re: Public Records Request

Dear Attorney Masny-Latos:

Pursuant to G. L. c. 66, § 10 (b), this correspondence is to confirm receipt of your request for documents that are potentially in the possession, custody or control of the Boston Police Department. We will contact you as soon as possible with our findings, and will send you a cost estimate for your requested materials if fulfilling the request is expected to exceed $10.00, per 950 C.M.R. 32.06(1); 950 C.M.R. 32.03; M.G.L. c 66 § 10(a).

Please be advised that we research each request in the order it was received. If your request requires a substantial amount of research, reviewing and redacting, fulfilling the request will take a significant amount of time.

If there is a discovery deadline, hearing, arbitration, mediation or trial date involved with your request, please respond to this letter with date and docket number so that we may work with you to expedite your request accordingly

Sincerely,

Amanda E. Wall
Staff Attorney
Office of the Legal Advisor

Boston Police DEPARTMENT

May 13, 2010

One Schroeder Plaza, Boston, MA 02120-2014

Ursula Masny-Latos, Esq.
National Lawyer's Guild – Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Re: Public Records Request

Dear Attorney Masny-Latos:

Pursuant to G. L. c. 66, § 10 (b), you have requested: "Any document containing information on Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney, including but not limited to suspicious activity reports, incident reports, arrest reports, field investigation and observation reports." You have also requested "any document containing information on whether the Boston Police Department or BRIC shared or made available to any other law enforcement or intelligence agency (including but not limited to the Commonwealth Fusion Center, FBI Joint Terrorism Task Force, Federal Bureau of Investigation, or Department of Homeland Security) documents concerning Susan Barney, Ridgely Fuller, Richard Hess, and Patrick Keaney."

Please be advised that the information you have requested is not public record. Your first request for incident reports relating to the above named individuals, resulting from an incident on January 8, 2009, contains CORI information which the Department is prohibited from disseminating. *See Mass. Gen. Laws c. 6 s. 172.* Any other incident reports where any of these individuals were arrested would also contain CORI information. Any reports where they were identified as victims or witnesses would be exempt from disclosure in the interest of protecting their privacy, as there is no indication from your request that you represent them. *See Mass. Gen. Law c. 4 s. 7 ss. 26(c).*

Field Interrogation Observation and Frisk and/or Search Reports (FIOFS) reports are also not public records because they contain intelligence and investigatory information that must be kept confidential. *See Mass. Gen. Laws c. 4 s. 7 ss. 26(f).* This classification has been upheld by two recent opinions of the Secretary of State's Office. Finally, with regard to your request for suspicious activity reports and any documents containing information on whether the Department shared any information on these individuals with other law enforcement agencies, this information is also exempt from disclosure under public records law. *See Mass. Gen. Laws c. 4 s. 7 ss. 26(f).* The requested information, which is compiled and maintained by the Boston Regional Intelligence Center, must remain confidential as it also contains intelligence and investigatory information. If the Department is required to release this information to the public, it will weaken effective law enforcement and serve to prejudice the investigative efforts of the Department, which would not be in the public interest.

Sincerely,

Amanda E. Wall
Staff Attorney
Office of the Legal Advisor

NATIONAL LAWYERS GUILD
Massachusetts Chapter, Inc.
14 Beacon St., Suite 407, Boston, MA 02108
tel. 617-227-7335 • fax: 617-227-5495 • nlgmass@igc.org • www.nlgmass.org

Monday, July 26, 2010

Amanda E. Wall
Staff Attorney
Office of the Legal Advisor
Boston Police Department
One Schroeder Plaza
Boston, MA 02120 - 2014

Re: Response to your letter dated May 13, 2010 in relation to Public Records Request/January 2009 protest & Palestinian Human Rights Activists

Dear Attorney Wall:

Thanks you for your reply to our request of March 29, 2010, under the Public Records Law, Mass. Gen. Laws ch. 66, §10 for **documents made or received by the Boston Police Department** ("BPD") and **Boston Regional Intelligence Center** ("BRIC"). This request, as you may or may not recall, was seeking documents regarding the legal free speech and associational activities of Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney.

In your letter you state that any such documents might contain what you refer to CORI information. Further, you express concern that there is no evidence that we represent Ms. Barney, Ms. Fuller, Mr. Hess, and Mr. Keaney. You may rest assured; we do in fact represent these four individuals. Therefore, any CORI confidentiality would be rendered moot as to any reason for non-disclosure.

Please provide the requested records forthwith.

Thank you for your assistance.

Sincerely,

Thomas Cincotta
BBO# 674485
for National Lawyers Guild - Massachusetts Chapter

Attached: Public Records Request/January 2009 protest and Palestinian Human Rights Activists and Boston Police Department Response letter dated May 13, 2010

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

Alan N. Cote
Supervisor of Records

August 16, 2010
SPR10/187

Mr. Thomas R. Cincotta, Esq.
The Lawyers Guild
Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Dear Atty. Cincotta:

I have received your letter appealing the response of the Boston Police Department to your request for records.

I have directed a member of my staff, Attorney Shawn A. Williams, to review this matter. Upon completion of the review, I will advise you in writing of the disposition of this case. If in the interim you receive a satisfactory response to your request, please notify this office immediately.

Any further correspondence concerning this specific appeal should refer to the SPR case number listed under the date of this letter.

Very truly yours,

Alan N. Cote
Supervisor of Records

ANC/js

cc: Boston Police Department

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

Alan N. Cote
Supervisor of Records

September 30, 2010
SPR10/187

Mr. Thomas R. Cincotta, Esq.
The Lawyers Guild
Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Dear Attorney Cincotta:

Based on a telephone conversation between you and Shawn A. Williams, an attorney in this office, I understand that you now wish to withdraw your appeal of the Boston Police Department's response to your March 29, 2010 request. Accordingly, I will consider your public records appeal closed.

Very truly yours,

Alan N. Cote
Supervisor of Records

cc: Ms. Amanda E. Wall, Esq.

BostonPolice
DEPARTMENT
One Schroeder Plaza, Boston, MA 02120-2014

September 30, 2010

Thomas Cincotta, Esq.
National Lawyer's Guild – Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Re: Public Records Request

Dear Attorney Cincotta:

Thank you for the clarification that you do in fact represent Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney. As such, in response to your original Public Records Request submitted by Attorney Masny-Latos, the Department is able to provide you with incident reports involving your clients.

The aforementioned materials will be mailed to you upon payment of **$36.00***. Please make your check payable to the City of Boston, and forward to the Office of the Legal Advisor with a copy of this letter for reference. *See* 950 C.M.R. 32.06(1)(f); 950 C.M.R. 32.03; M.G.L. c 66 § 10(a).

Please be advised that all documentation provided to you will be done so in compliance with the Massachusetts Public Records Laws. Pursuant to M.G.L. c. 66 § 10 and M.G.L. c. 4, § 7(26)(f), any confidential investigatory material and information regarding specific witnesses / victims will be removed to protect their privacy.

Sincerely,

Amanda E. Wall
Staff Attorney
Office of the Legal Advisor

***Cost based on:**
- 36 pages of BPD Incident Reports @ $1.00/page = $36.00