NATIONAL LAWYERS GUILD
Massachusetts Chapter, Inc.
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Monday, March 29, 2010

Amy Ambarick
Office of the Legal Advisor
Boston Police Department
One Schroeder Plaza
Boston, MA 02120

Re: Public Records Request / January 2009 protest and Palestinian Human Rights Activists

Dear Ms. Ambarick:

This letter constitutes a request 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").

The NLG is a nonprofit organization dedicated to the need for basic and progressive change in the structure of our political and economic system. The NLG is part of a national organization comprised of law students, lawyers, and legal workers committed to achieving social and economic justice for all, defending free speech rights, and respect for international human rights. The NLG routinely and systematically informs the public about constitutional rights issues through its website, www.nlgmass.org, a quarterly newsletter entitled *Mass Dissent*, and public presentations.

This request seeks documents made or received by the Boston Police Department and the Boston Regional Intelligence Center's regarding Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney.

Background

In response to December/January 2009 Israeli invasion of the Gaza Strip, Boston area human rights activists staged a rally at the Israeli Consulate on January 8, 2009. During the course of that public demonstration, Boston Police arrested four individuals, Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney. Protesters were arraigned in the central division of the Boston Municipal Court before Judge Rosalind H. Miller.

Based upon information and belief, the Boston Police Department participates in a national effort to share criminal and terrorism-related intelligence across agency lines called the nationwide Suspicious Activity Reporting Initiative. The Boston Police Department and BRIC maintain a memorandum of agreement with the Commonwealth Fusion Center for such information sharing purposes. The federal Information Sharing Environment (ISE) instituted functional standards for Suspicious Activity Reporting (SAR). These standards defined a Suspicious Activity Report as "[o]fficial documentation of observed behavior that may be indicative of intelligence gathering or pre-operational planning related to terrorism, criminal, or other illicit intention"[1] and later defined a "suspicious activity" as "observed behavior reasonably indicative of pre-operational planning related to terrorism or other criminal activity."[2]

While the Boston Police Department traditionally has documented inquiries by police officers into suspicious activities, the standards set forth in SAR reporting system suggest a broader inquiry, which may touch on free speech activities unrelated to crimes. These reports apparently are intended to be shared with the national Information Sharing Environment.

It is for that reason that we make this request for information to inform the public regarding matters of public concern, specifically whether BPD and BRIC have collected data regarding the legal free speech and associational activities of Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney, and shared that information with other agencies, such as the Commonwealth Fusion Center or the nationwide Information Sharing Environment.

Documents Requested

Please provide copies of the following public records from January 1, 2001 to the present:

1. 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.

2. 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, Ridgley Fuller, Richard Hess, and Patrick Keaney.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, I ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5). Alternatively, we request that you permit us to examine, and at our election, the responsive documents before deciding which portions to photocopy.

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[1] *Information Sharing Environment (ISE) Functional Standard Suspicious Activity Reporting (SAR) Version 1.0*, p.6, available at: http://www.ise.gov/pages/ctiss.html

[2] *Information Sharing Environment (ISE) Functional Standard (FS) Suspicious Activity Reporting (SAR) Version 1.5*, available at: http://www.ise.gov/pages/sar-initiative.aspx

Should you determine that some portion 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 10 days after receipt.

Please reply to this request by contacting the National Lawyers Guild at 617.227.7335 or nlgmass-director@igc.org.

Thank you for your assistance.

Sincerely,

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Urszula Masny-Latos
for National Lawyers Guild - Massachusetts Chapter