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Donald McGough
Director
Office of Emergency Preparedness
City of Boston
1 City Hall Square, Room 204
Boston, MA 02201

December 21, 2010

Re: Public Records Request / Urban Areas Security Initiative

Dear Mr. McGough:

In June of this year, the ACLU of Massachusetts made a request to your office for public records. Your office responded and released responsive records in July. We appreciate your response and have gone through the records in detail.

The documents provided raised some additional questions regarding the Urban Areas Security Initiative that we would like to request through this letter, which constitutes a new request under the Public Records Law, Mass. Gen. Laws ch. 66, §10 for documents made or received by the City of Boston and agencies of the City of Boston.

In your July 2010 response, you noted that there were many more responsive documents you did not send, and suggested that we may want to narrow our request in order to gain access to the particular documents that interest us. We have tried to narrow down that request and are seeking the following documents.

I am happy to speak with you in person to further narrow or refine the request if it is unworkably broad or unclear.

Documents Requested

Please provide copies of the following public records created from January 1, 2004 to the present:

- A. Follow-up on previous records released
 1. Any and all documents pertaining to the “Regional Camera Surveillance Network,” which was referenced in the Addendum to MBHSR 2004 Regional Plan, page 8, attached as Exhibit A. The document described this program as a sub-project of the Harbor Security Initiative. This includes any and all documents describing the Network, including Memoranda of Understanding, licenses with public and private parties, funding sources and budgets for the Network.
 2. Any and all documents pertaining to the “Surveillance Initiative,” which was referenced in the Addendum to MBHSR 2004 Regional Plan, page 8, attached as Exhibit A. The “Surveillance Initiative” is described as the “parent” to the Regional Camera Surveillance System. This

includes any and all documents describing the Network, including Memoranda of Understanding, licenses with public and private parties, funding sources and budgets for the Network.

3. Any and all Memoranda of Agreement between the Mayor's/Metro Office of Homeland Security (OHS) and cities and towns, both inside and outside the MBHSR.
4. A copy of the Memorandum of Understanding between MBHSR, the MBTA and Commonwealth of Massachusetts, which is referred to in the 2009 Investment Justification worksheet, page 28, attached as exhibit B.
5. Documents describing "PSnet." See Exhibit C.
6. Any and all documents pertaining to "Project D" described on page 26 of Metro Boston Region FY 2004 Homeland Security Plan, attached as Exhibit D, as a project to "[e]stablish/enhance a terrorism intelligence/early warning system, center or task force." The document further describes that the "MBHSR, with the direction and guidance from the Law Enforcement Committee will work to develop a formal plan for intelligence sharing on WMD threats across MBHSR communities and disciplines, improving upon existing organizational relationships between local, state and federal government."
7. Any and all documents pertaining to the "Regional Intelligence Initiative," which is described in the Metro Boston Region FY 2004 Homeland Security Plan, page 27, attached as Exhibit D, as providing a "centralized and integrated intelligence gathering network in order to provide awareness of, prevent and disrupt possible attacks against critical infrastructure and potential targets."
8. A copy of the Regional Catastrophic Planning Team (RCPT) Charter. See Exhibit E.
9. Any and all documents or reports sent to the Department of Homeland Security and/or FEMA regarding progress or reporting on grant funds used in the MBHSR.
10. Any and all documents and reports showing UASI funds that were spend on intelligence-gathering and intelligence-sharing.
11. Any and all responses to MBHSR/OHS UASI grant proposals from FEMA and/or DHS, showing how much money Metro Boston received for each funding area for each year during which Metro Boston has participated in UASI.

B. Surveillance Cameras

1. Requests for proposals and contracts related to the procurement of CCTV cameras for the City of Boston (including those cameras in use at MBTA facilities) and the Metro Boston UASI region.
2. Final memoranda, policies, procedures, directives, guidance, and training materials pertaining to the use of video surveillance and the sharing, retention and destruction of video surveillance data within UASI cities. We are specifically interested in documents setting forth procedures for the sharing of video surveillance data between cities and BRIC or the Commonwealth Fusion Center.

3. Documents and reports showing line item budget spending of the \$4.6 million in DHS funds dedicated towards surveillance cameras for the Metro Boston region.¹

C. Suspicious Activity Report Training

1. Any and all documents relating to Suspicious Activity Reporting trainings, including materials and guidelines used during trainings, documents showing who facilitates the trainings and documents showing every agency, institution or group that has received the training. See Exhibits B and F.

Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5). ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive copying costs, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to photocopy.

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 ten days after receipt.

Please reply to this request to by contacting Laura Rótolo at (617) 482-3170 x311 or through email at lrotolo@aclum.org.

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

Sincerely,

Laura Rótolo
ACLUM Staff Attorney

¹ Maria Cramer, "Watching from a Distance: Security cameras form a wide net over Boston," The Boston Globe, May 3, 2010, available at http://www.boston.com/news/local/massachusetts/articles/2010/05/03/net_of_surveillance_cameras_expands_over_boston_and_surrounding_communities/?page=1