



June 15, 2020

Sent via email

Shawn Williams
Records Access Officer
City of Boston
1 City Hall Square
Boston, MA 02201
publicrecords@boston.gov
shawn.williams@boston.gov

Re: Public Records Request Related To Federal Funding Of The Boston Regional Intelligence Center and the Office of Emergency Management

Dear Mr. Williams,

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 (“ACLUM”).

The Office of Emergency Management

The Office of Emergency Management (“OEM”) is the City of Boston agency that coordinates “emergency management, emergency preparedness, and homeland security planning”¹ for the city.

Apart from being funded by the City of Boston, the OEM usually receives federal funds to carry out their tasks.²

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.³

The BRIC serves as the primary focal point within the Metro Boston Homeland Security Region

¹ Emergency Management, City of Boston. <https://www.boston.gov/departments/emergency-management>

² Boston receives \$1.4 million regional preparedness grant to help in disasters, Boston 25 News, Sept. 2019. <https://www.boston25news.com/news/boston-receives-14-million-regional-preparedness-grant-to-help-in-disasters/982186600/>

³ Bureau of Intelligence and Analysis, BPD News.com. <https://bpdnews.com/bia>



(“MBHSR”) for the collection, analysis, and sharing of information among federal, state, and local police departments and other law enforcement agencies.⁴

The BRIC is funded by the state⁵ 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.⁶

On June 4, amid national protests against police brutality and after a heated debate at the City Council Committee on Public Safety and Criminal Justice, Boston City Councilors decided to postpone a vote related to a Massachusetts Executive Office of Public Safety and Security grant of \$850,000 earmarked for the BRIC.

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

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 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.”⁷

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.⁸

ACLUM Public Records Request

ACLUM, like many other organizations, advocates, and members of the community, is demanding not only a structural change of policing practices but also a divestment from police departments and law enforcement agencies.⁹

⁴ 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

⁵ 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>

⁶ Press Release, Boston Police Department, Sept. 11, 2009.

<http://www.cityofboston.gov/news/default.aspx?id=4350>

⁷ 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>

⁸ 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>

⁹ Beyond Reform: Racial Justice, Policing, And The Path Forward, ACLU of Massachusetts.

<https://www.aclum.org/en/beyond-reform-racial-justice-policing-and-path-forward>



We therefore seeks records¹⁰ pertaining to all federal funding that the OEM and BRIC received since January 2017.

Records requested

ACLUM requests all such records created on or after January 1, 2017, including but not limited to:

1. All records of requests or applications submitted by any representative of BPD or any other agency in the City of Boston for federal funding from any source to be spent or used by the BRIC or the OEM;
2. All records of the results of those requests and applications, including the federal government reasoning for arriving at each decision;
3. All communications between or among any representative of BPD or any other agency in the City of Boston and any representative of the federal government regarding federal funding of the BRIC or OEM, including text messages and emails;
4. All documents and records itemizing the amount of federal funds from any source, including but not limited to gifts and grants, received by the BRIC or OEM;
5. All documents and records identifying the statutory or other legal source for each disbursement of those federal funds;
6. All documents and records pertaining to the use of those federal funds by the BRIC or OEM, including but not limited to positions created and equipment and technology acquired.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. 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 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

¹⁰ 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.



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.

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,

A handwritten signature in black ink, appearing to read "Emiliano Falcon-Morano". The signature is stylized and includes a date "7/7" at the bottom right.

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