



Dane R. Voris
T: +1 617 937 2395
dvoris@cooley.com

Via Email

November 4, 2024

James Megee
Boston Police Department
One Schroeder Plaza
Roxbury Crossing, MA 02120
James.megee@pd.boston.gov

Re: Massachusetts Public Records Request B000169-13020

Dear Mr. Megee:

I write on behalf of The Brennan Center for Justice at New York University, School of Law (the "Brennan Center") as a follow-up to our October 10 call, during which you explained that the Boston Police Department ("BPD" or the "Department") still lacks the staff and resources necessary to respond to the Brennan Center's written questions from August 2023. Although BPD's position is disappointing, we appreciate your offer of a more targeted document search and a call with an attorney from the Boston Regional Intelligence Center ("BRIC") to respond to the Brennan Center's questions.

Consistent with that offer, we propose the following next steps, which respect the resource challenges the Department faces, while also respecting the letter and spirit of the Public Records Law and the Brennan Center's valid request pursuant thereto.

First, the Brennan Center requests the following materials by November 22, 2024:

1. Any "intelligence information," "potential threat information," and/or "investigatory information" collected by BPD (including BRIC) through social media relating to the national elections on November 5, 2024, including any associated protest activities, First Amendment protected activities, and "special events" in the "Metro Boston Homeland Security Region." This includes, but is not limited to, such "information" collected through "overt, discreet, or undercover" means.
2. Any requests and "authorization" received by BPD personnel (including BRIC) for "discreet" or "undercover" monitoring of social media relating to the national elections on November 5, 2024, including any associated protest activities, First Amendment protected activities, and "special events" in the "Metro Boston Homeland Security Region."

James Megee
November 4, 2024
Page Two

3. Any information collected from social media relating to the national elections on November 5, 2024, including any associated protest activities, First Amendment protected activities, and “special events” in the “Metro Boston Homeland Security Region,” not already covered by #1 above, as maintained by BPD (including BRIC) in its “special events database.”
4. Any non-privileged memoranda, threat assessments, event reports, or the like prepared by BPD (including BRIC) incorporating the “intelligence information,” “potential threat information,” and/or “investigatory information” collected from social media described above.

Please note that any quoted language in the above descriptions refers to terminology employed in BRIC and BPD’s *Responses to the Brennan Center’s Questions re Social Media – April 21, 2023*.

Further, please note that we are requesting this information now based on BRIC and BPD’s representation that “most event details are purged from [BRIC’s special events] database within 30 days of completion of the event.” Given our advanced notice and the anticipated production schedule above, we would not expect the Department’s retention policy to pose an issue for these requests.

Second, we request a one-hour discussion with a BRIC attorney to address the Brennan Center’s written follow-up questions of August 23, 2023 and the election-related materials addressed above. To facilitate the discussion and avoid any surprises, we are willing to provide an outline of the topics we wish to cover a week prior to the discussion. To afford the Brennan Center sufficient time to review the election-related materials, we would request this discussion in mid-December or the first half of January 2025.

We appreciate the Department’s continued cooperation. Please do not hesitate to reach out with any questions regarding the scope of this request. We look forward to your production and our follow-up discussion later this year.

The Brennan Center reserves all rights and waives none.

Sincerely



Dane R. Voris