

From: [Voris, Dane](#)
To: [Gershenson, Adam](#); [Evensen, Hanna](#); [Rachel Levinson-Waldman](#); [Jose Gutierrez](#); [Mary Pat Dwyer](#)
Subject: FW: Public Records Request B00169-01320
Date: Monday, August 15, 2022 3:10:32 PM

All – See the response from BPD below. I’m skeptical that we will get an expanded production in just two weeks, but see no downside to agreeing to that deadline. Please let me know if you see it otherwise.

Dane Voris

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From: Joseph McClellan <joseph.mcclellan@pd.boston.gov>
Sent: Monday, August 15, 2022 10:58 AM
To: Voris, Dane <dvoris@cooley.com>
Subject: Re: Public Records Request B00169-01320

[External]

Dane,

Thanks for submitting this follow-up. I have appreciated your professionalism thus far. I will reach out to the BRIC and submit a formal response with expanded production shortly. Would two weeks from today's date be acceptable?

Best,
Joseph McClellan

On Fri, Aug 12, 2022 at 5:37 PM Voris, Dane <dvoris@cooley.com> wrote:

Dear Joe:

Thank you for providing BPD’s further written response and production dated June 15, 2022. We appreciate your office’s continued cooperation and willingness to engage on this matter.

We have reviewed the provided materials with our client and have several follow-up inquiries:

First, BPD’s June 15 production adds helpful context and allows us to better understand the isolated examples of social media use provided in April 2022. In addition, your June 15 letter indicates that there is a “BRIC management system” where records are maintained concerning BRIC investigations that may include social media monitoring and other “open source intelligence analysis.” The files you have produced to date further suggest that this system can be queried

using search terms, date ranges, and the like. For BPD's next production, we ask that you please run the following search terms (and any shorthand or informal equivalents) through the "BRIC management system" for the period of January 1, 2014 to present, and produce all documents responsive to the Brennan Center's public records request, including but not limited to specific Requests # 6, 7, 8, and 9:

1. Twitter or Tweet
2. Facebook
3. Instagram or Insta
4. Screenshot
5. Snapchat
6. TikTok
7. Telegram
8. Parler
9. Gab

A more fulsome production is particularly important given that BPD apparently had no formal policies or standard operating procedures concerning social media monitoring. As such, we believe the only way to glean a better understanding of BPD's social media monitoring is via a thorough search of BPD records.

Second, in your February 11, 2022 letter, BPD indicated that it "currently has two draft policies regarding the use of social media," but declined to produce them under Mass. Gen. Laws Chap. 4, Section 7(26)(d). Please provide an update on the status of those policies and, if now adopted, produce copies as soon as possible.

Third, the Brennan Center's specific Request #12 seeks "[a]ny and all records reflecting the legal justification(s) for social media monitoring, including but not limited to memos, emails, and policies and procedures." In its October 26, 2021 letter, BPD noted that "[a]ny department legal memos may be subject to attorney client privilege." However, BPD has not yet indicated whether any such privileged memos do in fact exist. Nor to our knowledge has BPD produced any non-privileged documents responsive to this request. Please provide an update on your efforts to respond to specific Request #12.

Please understand that our goal is not to overwhelm BPD, but to better understand its policies and practices regarding social media monitoring. If the system referenced above is not searchable or if the volume of files from this time period is too burdensome, please let us know a convenient time to discuss next steps.

The Brennan Center reserves all rights.

Best,
Dane

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