

*via email*

June 15, 2022

Cooley LLP  
500 Boylston Street 14th Floor  
Boston, MA 02116-3736

Attn: Dane Voris

Re: Public Records Request B00169-01320

Dear Attorney Voris:

The Boston Police Department (Department), has received your May 5, 2022 email on behalf of the Brennan Center for Justice at New York University School of Law (“Brennan Center”). Specifically you raised clarifying questions regarding material provided by the Department relating to above reference request.

This response applies only to records that exist and are in the custody of the Department. See A Guide to the Massachusetts Public Records Law, p. 32, n.115. It is expected that a custodian of records must use her superior knowledge of her records with respect to responses to public records requests. 950 CMR 32.04(5).

Specifically, you inquired:

*As an overarching matter, while these examples are helpful, it is difficult to get a sense of how representative they are.*

*Please provide, as best you can, an estimate of the number of social media inquiries of this type that BPD or BRIC undertakes each year or month.*

*Further, the media example document appears to either be in draft form or copied-and-pasted from several different documents, rather than representing an official report. This raises a couple of questions:*

- o Was any of the information contained in this document copied from other documents, and if so, which documents?*
- o Are these excerpts from broader BRIC files? For example, are there documents of additional action taken in any of these instances or ongoing monitoring of these individuals?*

*In addition, the content of the document raises the following questions:*

- o Is “BRIC analyst” an official position and what are his/her responsibilities relating to social media monitoring? Are there any policies or trainings that explain those responsibilities or guide the analysts on appropriate use of social media?*
- o The BRIC analyst appears to have highlighted concerning tweets to other officers. What prompted this search and is it part of a regular practice?*

- *Does some of the content consist of chat messages or emails that are internal to BPD (i.e., page 7)?*
- *What is the basis for the redactions (i.e., pages 12-25)?*

**The Department's formal response to the inquiries are provided below.**

In regards to estimating the number of social media inquiries the BPD and/or BRIC undertakes during a monthly or annual basis, as stated previously, the BPD and BRIC does not monitor, centralize, or keep track of any of these inquiries. Accordingly, it could not provide a baseline estimate with how many social media inquiries it undertakes on a monthly basis.

The information provided by the Department was copied from email threads by BRIC analysts. The Department is willing to provide specific emails made by BRIC analysts that are tailored to a specific time period, event, subject, or incident.

The information provided in the Department's previous response was taken from other BRIC case files. Please see the attached response for further experts relating to the BRIC case files.

BRIC "Analyst" is a general term used to reference any analytic position that exists at the BRIC. Official titles include the following:

- Criminal Intelligence Analyst
- Principal Research Analyst
- IT Research Analyst

All BRIC "Analyst" positions analyze publicly available open source information (which includes some social media content) as part of their daily responsibilities, based on how it applies to their analytical assignments. However, we have one IT Research Analyst position that is exclusively focused on open source intelligence analysis. The responsibilities of this position include analyzing publicly available open internet/cyber-based information sources to identify threats to public safety and emerging risks to the Metro Boston Region, and supporting law enforcement investigations. Like all other positions in the BRIC, this position operates under the BRIC's Privacy, Civil Rights and Civil Liberties Protection Policy, which enforces strict legal guidelines to ensure individual privacy, civil rights, civil liberties, and other protected interests. Furthermore, BRIC personnel have obtained training and education on open source analysis and internet-based investigation and threat assessment through the following:

- The Hetherington Group's Investigations and Intelligence Training
- ISS World Trainings on Open Source and Cyber Investigations
- Online Social Media and Open Source Conference (OSMOSISCon)
- U.S. OHS Open Source Intelligence Analysis Course
- New England Crime and Intelligence Conference, hosted by the MA Association of Crime Analysts
- National Cyber Crime Conference, hosted annually by the MA Attorney General's Office
- National Fusion Center Association Training Event
- NE HIDTA Intelligence Conference
- International Association of Crime Analysts Annual training conference

- International Association of Law Enforcement Intelligence Analysts annual training conference.

In regards to the BRIC appearing to highlight concerning tweets to other offices (See page 1 of the BPD's previous response):

This threat was proactively detected by a BRIC Intelligence Analyst. BRIC Sgt. Det. Mclaughlin reached out to Revere PD since the individual was assessed to reside there. Revere PD responded to the address and learned that he was not there. His sister informed Revere PD that he may be living in Dorchester and provided an address. At this time, the BRIC learned that BPD District C-11 officers had responded to that address earlier in the day (prior to becoming aware of the social media threats) because the subject had reportedly assaulted a neighbor; he was gone on arrival. Upon notifying C-11 of the threats, they returned to the address and located him. He was arrested on outstanding warrants. The BEST team was contacted and interviewed the subject upon his arrest. This information was entered into the BRIC's intelligence system.

The tweet making threats against law enforcement and other individuals on November 8, 2021 (See pages 10-11 of the BPD's previous response) was proactively found by a BRIC intelligence analyst. It was then assigned to a BRIC detective and a record was created in the BRIC management system.

In regards to the basis for the redactions in the Department's previous response, requested records contain highly personal information about individuals involved in alleged criminal acts based on posting criminal threats on social media, the disclosure of their identity or social media handles, may constitute an unwarranted invasion of privacy. See G.L. c. 4, §7(26)(c). These records include personal identifying information, information relating to the facts surrounding alleged criminal acts.

It is part of regular practice for the BRIC to collaborate with other law enforcement agencies and proactively search for threats made against public officials and members of the public.

There is a presumption under the Massachusetts Public Records Law that government records are public; however, government records custodians are permitted to redact or withhold portions of public records. See G. L. c. 4, § 7 (26).

After a determination regarding the existence of any public records the Department will provide a supplemental response to your request. Any exemptions to the Public Records Law that apply to permit or require redaction or withholding will be described at that time.

You may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A (c); G. L. c. 66, § 10(b)(ix); 950 CMR 32.08; 950 CMR 32.08(1)(h) (in petitioning the Supervisor, the requester shall provide a copy of such petition to the records access officer associated with such petition). You may also appeal to the Superior Court. 950 CMR 32.06(3)(c).



Very truly yours,

Joseph McClellan  
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