

Ursula Masny-Latos, Esq.
National Lawyer's Guild – Massachusetts Chapter
14 Beacon Street, Suite 407
Boston, MA 02108

Re: Public Records Request

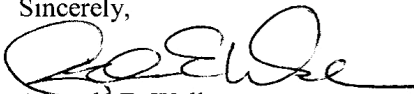
Dear Attorney Masny-Latos:

Pursuant to G. L. c. 66, § 10 (b), you have requested: “Any document containing information on Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney, including but not limited to suspicious activity reports, incident reports, arrest reports, field investigation and observation reports.” You have also requested “any document containing information on whether the Boston Police Department or BRIC shared or made available to any other law enforcement or intelligence agency (including but not limited to the Commonwealth Fusion Center, FBI Joint Terrorism Task Force, Federal Bureau of Investigation, or Department of Homeland Security) documents concerning Susan Barney, Ridgley Fuller, Richard Hess, and Patrick Keaney.”

Please be advised that the information you have requested is not public record. Your first request for incident reports relating to the above named individuals, resulting from an incident on January 8, 2009, contains CORI information which the Department is prohibited from disseminating. *See Mass. Gen. Laws c. 6 s. 172.* Any other incident reports where any of these individuals were arrested would also contain CORI information. Any reports where they were identified as victims or witnesses would be exempt from disclosure in the interest of protecting their privacy, as there is no indication from your request that you represent them. *See Mass. Gen. Law c. 4 s. 7 ss. 26(c).*

Field Interrogation Observation and Frisk and/or Search Reports (FIOFS) reports are also not public records because they contain intelligence and investigatory information that must be kept confidential. *See Mass. Gen. Laws c. 4 s. 7 ss. 26(f).* This classification has been upheld by two recent opinions of the Secretary of State's Office. Finally, with regard to your request for suspicious activity reports and any documents containing information on whether the Department shared any information on these individuals with other law enforcement agencies, this information is also exempt from disclosure under public records law. *See Mass. Gen. Laws c. 4 s. 7 ss. 26(f).* The requested information, which is compiled and maintained by the Boston Regional Intelligence Center, must remain confidential as it also contains intelligence and investigatory information. If the Department is required to release this information to the public, it will weaken effective law enforcement and serve to prejudice the investigative efforts of the Department, which would not be in the public interest.

Sincerely,



Amanda E. Wall
Staff Attorney
Office of the Legal Advisor