



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Rebecca S. Murray  
*Supervisor of Records*

May 11, 2021  
**SPR21/0421; SPR21/0439; SPR21/0875  
SPR21/0876; SPR21/0877; SPR21/0878  
SPR21/0975; SPR21/0982; SPR21/1004**

Shawn A. Williams, Esq.  
City of Boston  
1 City Hall Plaza, Room 615  
Boston, MA 02201

Dear Attorney Williams:

I have received the petitions of Colman Herman appealing the responses, or lack thereof, of the City of Boston (City) to nine different requests for public records. G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). Mr. Herman requested various records within the possession of the City. Unsatisfied with the City's response, he petitioned this office and these appeals were opened.

***SPR21/0421***

In a January 31, 2021 request to the City, Mr. Herman requested "copies of use of force and/or use of defensive tactics reports." Having received no response, he petitioned this office and appeal SPR21/0421 was opened. Given the lack of response to this request, on March 4, 2021, the City was ordered to provide Mr. Herman with a response to the request, in a manner consistent with the Public Records Law and its Regulations within 10 business days.

***SPR21/0439***

On February 14, 2021, Mr. Herman requested "the complete internal affairs files" of an identified Police Commissioner. The City provided a response on February 17, 2021, denying access to responsive records pursuant to Exemption (f) of the Public Records Law. G. L. c. 4, § 7(26)(f). The City's response did not contain the specificity required in a denial of access to public records. Accordingly, in the determination dated March 8, 2021, the City was ordered to provide Mr. Herman with a response to the request, provided in a manner consistent with the order, the Public Records Law and its Regulations within 10 business days.

***SPR21/0875***

On February 20, 2021, Mr. Herman requested the “complete internal affairs files” of 10 named Boston Police Officers. Having received no response, he petitioned this office and appeal SPR21/0875 was opened. In the determination dated April 20, 2021, the City was ordered to provide Mr. Herman with a response to this request, in a manner consistent with the Public Records Law and its Regulations within 10 business days.

***SPR21/0876***

On February 20, 2021, Mr. Herman requested the complete anti-corruption files of ten named Boston Police Officers. Claiming to not yet have received responsive records, Mr. Herman petitioned this office and SPR21/0876 was opened as a result. On April 15, 2021, the City acknowledged the request. Despite this acknowledgement, it was unclear whether the City provided a response to Mr. Herman. In the determination dated April 21, 2021, the City was ordered to provide Mr. Herman with a response to this request in a manner consistent with the Public Records Law and its Access Regulations within 10 business days.

***SPR21/0877***

On March 19, 2021, Mr. Herman requested “copies of any and all use-of-force reports and/or the use of defensive tactics reports filed with the Boston Police Department regarding any and all events on May 29, 2020.” Having received no response, he petitioned this office and this appeal was opened. In the determination dated April 21, 2021, the City was ordered to provide Mr. Herman with a response to the request, provided in a manner consistent with the Public Records Law and its Regulations within 10 business days.

***SPR21/0878***

On March 21, 2021, Mr. Herman requested three identified internal affairs and/or anti-corruption cases. Claiming to not yet have received responsive records, Mr. Herman petitioned this office and SPR21/0878 was opened as a result. In the determination dated April 21, 2021, the City was ordered to provide Mr. Herman with a response to his request in a manner consistent with the Public Records Law and its Access Regulations within 10 business days.

***SPR21/0975***

On February 9, 2021, Mr. Herman requested a “copy of incident report #140151247.” In an April 16, 2021 response to Mr. Herman, the City explained that the redactions made to the records were to withhold portions of the records that “contained highly personal information regarding a specifically identified person. This included medical information, the disclosure of which would be an unwarranted invasion of privacy. G. L. c. 4., s. 7 (26) (c).” In the May 3, 2021 determination, it was found that to the extent the records contain medical information of an identified individual, the City may permissibly withhold that portion from disclosure. However,

the City did not meet its burden to show how the remaining redactions fall within an exemption to the Public Records Law. Accordingly, the City was ordered to provide Mr. Herman with a response to the request, in a manner consistent with the order, the Public Records Law and its Regulations within 10 business days.

### ***SPR21/0982***

On February 2, 2021, Mr. Herman requested “any and all use-of-force reports and/or the use of defensive tactics reports filed with the Boston Police Department in 2018, 2019 and 2020.” In its April 15, 2021 response, the City asserted that it “will need to review each item on the list [of reports], review the corresponding record for redactions, and provide a record to [Mr. Herman]. There is no timeline on how long it will take to facilitate this.” The City also offered Mr. Herman the opportunity “to amend this request . . . otherwise there is no other update at this time and records will be provided as they are made available.” Given this response, it was found that the City has not met its burden in responding to the request in accordance with G. L. c. 66, § 10(b)(vi). In the May 3, 2021 determination, the City was ordered to provide Mr. Herman with a response to his request in a manner consistent with the Public Records Law, and its Regulations within 10 business days.

### ***SPR21/1004***

On February 14, 2021, Mr. Herman requested an identified anti-corruption file. In an April 15, 2021 response, the City explained, “[t]his request is under review and a response will be provided at the conclusion of the review. No other updates will be provided.” Given the foregoing, it was found that the City had not met its burden in responding to the request in accordance with G. L. c. 66, § 10(b)(vi). In the determination dated May 4, 2021, the City was ordered to provide Mr. Herman with a response to the request, in a manner consistent with the Public Records Law and its Regulations within 10 business days.

### ***Order***

Mr. Herman has informed this office that he has yet to receive responses from the City with respect to these determinations. Accordingly, the City is again ordered to provide Mr. Herman a response for each of the nine requests described above in a manner consistent with the Public Records Law and its Regulations within 5 business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of these responses to this office at [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us). Failure to comply with this order may result in referral of these matters to the Office of the Attorney General. See G. L. c. 66, § 10A (b).

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Sincerely,

A handwritten signature in black ink that reads "Rebecca Murray". The script is cursive and fluid, with the first name "Rebecca" and last name "Murray" clearly distinguishable.

Rebecca S. Murray  
Supervisor of Records

cc: Colman Herman