

From: Media Relations mediarelations@pd.boston.gov
Subject: Re: Records request re: Boston PD homicide and shooting data
Date: August 30, 2017 at 3:44 PM
To: Media Relations mediarelations@pd.boston.gov
Cc: Sarah Ryley sarahryleyfoi@gmail.com

MR

Sarah,
I forgot to include a note from the person who compiled the data for you in our response email. Please note the following:

This clearance info is the best tracking we have, but is definitely not accurate in all cases, and should be confirmed by BIS before release (a process that would take a considerable amount of time and effort). Also, if there are multiple victims in an incident, that row is repeated.

Respectfully,
Officer McGuire

On Wed, Aug 30, 2017 at 3:33 PM, Media Relations <mediarelations@pd.boston.gov> wrote:

30 August 2017

via email

sarahryleyfoi@gmail.com

Re: 22 May 2017 Public Records Request **B000327-052217**

Dear Ms. Ryley,

The Boston Police Department (BPD) received your July 31, 2017 request for public records. This letter shall act as the response to your request for public records. A response to a public records request must be provided within ten (10) business days from the business day a written request was received. G. L. c. 66, § 10 (a); 950 CMR 32.06(2)(b). It is expected that all public records responsive to a request will be provided within twenty-five business days from the business day a written request was received. G. L. c. 66, § 10(b)(vi); 950 CMR 32.06(2)(i). This response applies only to records that exist and are in the custody of the BPD. 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 requested:

Data, preferably in .csv, .xls, .txt, or .xlsx format, pertaining to homicides and non-fatal shootings that have been handled by the Boston Police Department from Jan. 1, 2005 through the date in which this request is filled.

This data should include a record for each incident, and all fields disclosable under the law, including but not limited to:

- A unique identifier for the incident (i.e. incident ID)
- Unit assigned to the investigation
- Date of the incident
- Name(s) of the victim(s)
- Date of Birth of the victim(s)
- Race of the victim(s)
- Ethnicity of the victim(s) (i.e. Hispanic or Non-Hispanic)
- Gender of the victim(s)
- Address or location of the incident
- Weapon used
- Any other data pertaining to the circumstances surrounding the incident (i.e., motive, whether it was suspected gang or drug-related, narrative of incident)
- Status of the investigation (i.e., whether a suspect has been identified and an arrest made)
- Date of arrest
- Name(s) of suspect(s)
- Date of Birth of the suspect(s)
- Race of the suspect(s)
- Ethnicity of the suspect(s) (i.e. Hispanic or Non-Hispanic)
- Gender of the suspect(s)
- Responding officer
- Detective(s) assigned to the case
- Days investigation was active (i.e. Not a cold case)
- Number of responding officers
- Number of detectives assigned to the case
- I am also requesting any data dictionaries, glossary of terms, record layouts, etc. pertaining to the above database(s), that describe the database and define the fields and codes used in the database

As stated in my original request, I am only asking for information that is already maintained by the Boston Police Department in its databases, and that is exportable as raw data without requiring manual entry or manual redactions. I'll talk a little more about manual redactions below.

It would be helpful to me if you let me know specifically which portions of my request are an issue so I can send you an amended request taking your specific responses into account.

Here are a few points from our call:

- **Time period of request:** I see that BPD has raw data on all incident types available online dating back to July 2012 ([link](#)). This "Crime Incident Field Explanation" ([link](#)) indicates that a lot of the fields that I have requested were tracked in the legacy database. If there is a certain date in which it

that I have requested were tracked in the legacy database. If there is a certain date in which it became easier for BPD to extract citywide crime data, please let me know and I can amend the request. Further, if there is some information available only in more recent years as a result of upgrades to the system, my request asks that you include that information for the years it was available.

- **Suspects, and other non-disclosable fields:** You had mentioned that CORI prohibits the disclosure of certain fields. If you could just indicate from the below list what those fields are, I can strike them from my request. My initial request anticipated this issue and only asked for “all fields disclosable under the law.”

- **Multiple tables:** I realize police databases are often complex, and that the information I’ve requested may be contained in multiple tables. For example, incident information is often kept in a table separate from arrestee information. I am not asking the department to join those tables together for me. I am merely asking for the department to export the information as raw data, as it exists in the department’s database, which should minimize the amount of programming necessary to fulfill my request. I can do the joining on my own, so long as each table contains the identifier necessary to join the tables together, such as CC#, and so long as I am provided the necessary documentation, such as the data dictionary, code tables, and/or record layouts, to ensure that I am accurately joining and analyzing the data.

- **Manual redactions:** I realize there are some fields that contain some information that may be confidential, and other information that may be disclosable, such as case narratives. I am not asking the department to review each entry to make redactions. Such fields can be redacted in their entirety. Additionally, some fields contain information that is disclosable in its entirety in some broad circumstances, and confidential in other broad circumstances, such as the names of deceased crime victims versus living crime victims. That information should be provided when disclosable if doing so would only involve a simple query (including only names in cases of homicides).

- **Calculations:** If some of the fields I have listed do not exist as I have described them, I have preemptively struck those fields from my request. For example, I have requested “Number of detectives.” I realize that information may not be kept in the department’s databases as a count of the number of detectives that worked on a case, and that producing such a number would require the department to run a calculation on the data. I am only requesting raw data. Based a review of case management systems, most have a section for “personnel assigned” containing the beat, officer title and last name, and officer number. That information would be responsive to my request.

- **Other types of information I’m not requesting:** I also realize that the department’s databases contain multimedia information such as documents, photos, videos and audio recordings. I am not requesting this information. I am only requesting the type of information that can be exported in formats used for data analysis, such as .csv, .txt, .xml, or .xlsx.

- **Amendment (if possible):** My analysis will look at violent crime trends, including how these trends differ based on whether the offense was committed with a gun versus another type of weapon. With that said, I realize I erred in the original wording of my request. I asked for data on all homicides and non-fatal shootings (intended as referring to aggravated assaults, not shootings in which no one was wounded). I realize now that I should have asked for data on all violent crimes, including those committed with weapons other than firearms, in order to enable me to analyze the differences in trends based on the weapon used in the crime. I also realize it may be easier to query by crime type than by weapon type. Therefore, if possible, I would like to amend my request to include data on all violent crimes that would fall under UCR Part 1 offenses — homicide, rape, robbery and aggravated assault. I can add this to the amendments based on your feedback on what the department can provide.

Pursuant to the Massachusetts law a municipal records custodian is permitted to assess fees for the provision of public records. G. L. c. 66, § 10 (d); 950 CMR 32.07. 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).

Pursuant to 803 C.M.R. 2.22 (1): Confidentiality and Privacy of CORI (1) A non-law enforcement requester shall not request an individual's CORI without that individual's authorization, except when requesting Open Access to CORI and (2) Restrictions on access to, and dissemination of, an individual's CORI shall terminate upon the individual's death. Upon request, and with a valid death certificate or reasonable proof of death as determined by the DCJIS, any entity may access a deceased person's entire CORI, your request is denied.

Please find all responsive documents for the remainder of your request attached in this email.

Under Massachusetts law you may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A; 950 CMR 32.08. If you have any questions or concerns, please call [617.343.4520](tel:617.343.4520).

Respectfully,

Lieutenant Detective Michael McCarthy

Director, Media Relations

On Wed, Aug 23, 2017 at 9:37 AM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:
Okay thank you

Sarah Ryley
[347-324-8697](tel:347-324-8697)

On Aug 23, 2017, at 9:12 AM, Media Relations <mediarelations@pd.boston.gov> wrote:

Hi, Sarah,
I just spoke with the person who is handling your request. Due to the size of your request and the time needed to fill it, we will likely have a cost estimate and a more accurate date for completion by next week.
Thank you,
Officer McGuire

On Fri, Aug 18, 2017 at 5:43 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:
Hi Officer McGuire,

I just wanted to follow up on this email that I sent Aug. 7. Any updates?

Thanks!

Sarah Ryley
Investigative + Data Reporter
The Trace | [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

On Aug 7, 2017, at 2:43 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi Officer McGuire,

Thanks for chatting earlier. As discussed, I am following up on our conversation with a few points that might make it easier to fill this request. Some of the points that get more into the technical aspects of exporting data might be helpful to pass on to the folks in your crime data unit.

For context, I've made identical requests to 65 law enforcement agencies, and I know each have their own systems, with a different set of available fields, and different dates of implementation.

Additionally, as you've pointed out, each state has its own laws on what is disclosable. I am totally willing to make amendments to my request based on these considerations.

As stated in my original request, I am only asking for information that is already maintained by the Boston Police Department in its databases, and that is exportable as raw data without requiring manual entry or manual redactions. I'll talk a little more about manual redactions below.

It would be helpful to me if you let me know specifically which portions of my request are an issue so I can send you an amended request taking your specific responses into account.

Here are a few points from our call:

- **Time period of request:** I see that BPD has raw data on all incident types available online dating back to July 2012 ([link](#)). This "Crime Incident Field Explanation" ([link](#)) indicates that a lot of the fields that I have requested were tracked in the legacy database. If there is a certain date in which it became easier for BPD to extract citywide crime data, please let me know and I can amend the request. Further, if there is some information available only in more recent years as a result of upgrades to the system, my request asks that you include that information for the years it was available.

- **Suspects, and other non-disclosable fields:** You had mentioned that CORI prohibits the disclosure of certain fields. If you could just indicate from the below list what those fields are, I can strike them from my request. My initial request anticipated this issue and only asked for "all fields disclosable under the law."

- **Multiple tables:** I realize police databases are often complex, and that the information I've requested may be contained in multiple tables. For example, incident information is often kept in a table separate from arrestee information. I am not asking the department to join those tables together for me. I am merely asking for the department to export the information as raw data, as it exists in the department's database, which should minimize the amount of programming necessary to fulfill my request. I can do the joining on my own, so long as each table contains the identifier necessary to join the tables together, such as CC#, and so long as I am provided the necessary documentation, such as the data dictionary, code tables, and/or record layouts, to ensure that I am accurately joining and analyzing the data.

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- **Other types of information I'm not requesting:** I also realize that the department's databases contain multimedia information such as documents, photos, videos and audio recordings. I am not requesting this information. I am only requesting the type of information that can be exported in formats used for data analysis, such as .csv, .txt, .xml, or .xlsx.

- **Amendment (if possible):** My analysis will look at violent crime trends, including how these trends differ based on whether the offense was committed with a gun versus another type of weapon. With that said, I realize I erred in the original wording of my request. I asked for data on all homicides and non-fatal shootings (intended as referring to aggravated assaults, not shootings in which no one was wounded). I realize now that I should have asked for data on all violent crimes, including those

committed with weapons other than firearms, in order to enable me to analyze the differences in trends based on the weapon used in the crime. I also realize it may be easier to query by crime type than by weapon type. Therefore, if possible, I would like to amend my request to include data on all violent crimes that would fall under UCR Part 1 offenses — homicide, rape, robbery and aggravated assault. I can add this to the amendments based on your feedback on what the department can provide.

I hope this helps!

Sarah Ryley
Investigative + Data Reporter
The Trace | [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

On Aug 7, 2017, at 10:57 AM, Media Relations <mediarelations@pd.boston.gov> wrote:

Ma'am,

We are processing your request. These records are not kept in a centralized database (they are kept by each district). In addition, much of the info you are requesting is CORI and therefore must be redacted. Both of these processes may take a considerable amount of time.

Under Massachusetts law you may appeal this response to the Supervisor of Records in the Office of the Secretary of the Commonwealth. G. L. c. 66, § 10A; 950 CMR 32.08. If you have any questions or concerns, please call [617-343-4520](tel:617-343-4520).

Respectfully,
Officer Rachel McGuire

BPD Office of Media Relations

On Sun, Aug 6, 2017 at 8:37 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I am writing again to follow up on my follow-up emails regarding this request. We are consulting with an attorney on this issue, so if you could advise this week how you intend to respond that would be greatly appreciated.

Sarah Ryley
[The Trace Media](#)
Cell: [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

On Jul 9, 2017, at 12:02 AM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I am following up again on the emails I have sent regarding my request for homicide and non-fatal shooting data. I still have not received a response. Please let me know where I may direct a formal challenge.

Thank you,

Sarah Ryley
[The Trace Media](#)
Cell: [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

On Jun 27, 2017, at 5:22 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I am follow up on my previous two emails since I have yet to receive a response. I do not believe 803 C.M.R. 2.22 (1) holds in this instance for the reasons I cited previously and under M.G.L. c. 66, § 10(b) it is beholden for the agency to "provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based," not broadly cite a statute and withhold records.

If I do not receive a response to this follow up clarification within 10 business days, I reserve the right to bring compliance under M.G.L. c. 66, § 10A and 950 CMR 32.08(1).

Please advise as to whether you'll be providing the records I requested. If further clarification is needed, I can be reached directly at [347-324-8697](tel:347-324-8697).

Thank you,

Sarah Ryley
Reporter, The Trace Media
112 Berkeley Pl. #3R
Brooklyn, NY 11217
Cell: [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

On Jun 19, 2017, at 1:05 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I am following up on my email sent May 23 pertaining to your denial of my public records request. I still have not received a response. I do not believe your denial is valid under the law. Please inform me of the appeals process unless you intend to reverse your decision.

Thank you,

Sarah Ryley
[347-324-8697](tel:347-324-8697)

On May 25, 2017, at 12:34 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I am just following up on my response to your denial of data on non-fatal shootings.

Also, the data on homicides does not have the name of the suspect arrested, the type of clearance (cleared w/ arrest, w/out arrest, exceptionally cleared, etc)., or the definition of the terms used in the spreadsheet. I find it difficult to imagine that this information would not be tracked by the Boston PD.

Please advise as to whether you'll be providing this.

Many thanks,

Sarah

On May 23, 2017, at 5:27 PM, Sarah Ryley <sarahryleyfoi@gmail.com> wrote:

Hi,

I have looked at the information provided and I do not believe that it is everything disclosable under the law.

1) I requested "all disclosable fields" in your database(s) that contain records on homicides and non-fatal shootings. The homicide data that you provided me does not include fields such as the status of the case, whether anyone was arrested, and the date an arrest was made. It's difficult to imagine that the Boston PD is not tracking the status of its homicides cases. If there are fields that you are redacting from the data, you must name those fields, along with their specific exemption under the law.

2) You have denied my request for any data pertaining to non-fatal shootings (I am only interested in those that involved victims, FYI). You cited 803 C.M.R. 2.22 (1), which I don't even believe is relevant since it pertains to criminal records of offenders, not records of crime incidents:

2.22: Confidentiality and Privacy of CORI (1) A non-law enforcement requestor shall not request an individual's CORI without that individual's authorization, except when requesting Open Access to CORI. (2) Restrictions on access to, and dissemination of, an individual's CORI shall terminate upon the individual's death. Upon request, and with a valid death certificate or reasonable proof of death as determined by the DCJIS, any entity may access a deceased person's entire CORI.

Criminal Offender Record Information (CORI). Records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to M.G.L. c. 276, § 58A where the defendant was detained prior to trial or released with conditions under M.G.L. c. 276, § 58A(2), sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto. Criminal offender record information shall not include evaluative information, statistical and analytical reports and files in which individuals are not directly or indirectly identifiable, or intelligence information. Criminal offender record information shall be limited to information concerning persons who have attained 18 years of age and shall not include any information concerning criminal offenses or acts of delinquency committed by any person before he or she attained 18 years of age; provided, however, that if a person younger than 18 years old is adjudicated as an adult, information relating to such criminal offense shall be criminal offender record information. Criminal offender record information shall not include information concerning any offenses which are not punishable by incarceration.

Further, location-level data on assaults and other alleged crimes, presumably provided by the BPD, is already available online: <https://spotcrime.com/ma/boston>

For these reasons, I do not consider the information provided a fulfillment of my request and would ask that you reconsider. Otherwise, I can work with our legal service to formulate an appeal, but I would prefer to work this out informally.

Many thanks,

Sarah Ryley
[347-324-8697](tel:347-324-8697)

On May 23, 2017, at 5:03 PM, Media Relations <mediarelations@pd.boston.gov> wrote:

Ms. Ryley,

You have requested documents that are potentially in the possession, custody or control of the Boston Police Department. Specifically, you have requested:

Data, preferably in .csv, .xls, .txt, or .xlsx format, pertaining to homicides and non-fatal shootings that have been handled by the Boston Police Department from Jan. 1, 2005 through the date in which this request is filled.

Pursuant to 803 C.M.R. 2.22 (1), your request for non-fatal shootings data is denied. All responsive documents to the remainder of your request are attached below.

If you require further assistance please contact

If you require further assistance please contact the Office of Media Relations at [617-343-4520](tel:617-343-4520).

On Thursday, May 18, 2017 at 12:12:10 PM UTC-4, Sarah Ryley wrote:

To whom it may concern:

Under the Massachusetts Public Records Law, I am requesting data, preferably in .csv, .xls, .txt, or .xlsx format, pertaining to homicides and non-fatal shootings that have been handled by the Boston Police Department from Jan. 1, 2005 through the date in which this request is filled.

This data should include a record for each incident, and all fields disclosable under the law, including but not limited to:

- A unique identifier for the incident (i.e. incident ID)
- Unit assigned to the investigation
- Date of the incident
- Name(s) of the victim(s) - HOMICIDE YES, LIVING CRIMES NO
- Date of Birth of the victim(s) - AGE INSTEAD OF DOB
- Race of the victim(s) - YES
- Ethnicity of the victim(s) (i.e. Hispanic or Non-Hispanic) - YES
- Gender of the victim(s) - YES
- Address or location of the incident - YES
- Weapon used - YES
- Any other data pertaining to the circumstances surrounding the incident (i.e., motive, whether it was suspected gang or drug-related, narrative of incident)
- Status of the investigation (i.e., whether a suspect has been identified and an arrest made)
- Date of arrest
- Name(s) of suspect(s)
- Date of Birth of the suspect(s)
- Race of the suspect(s)
- Ethnicity of the suspect(s) (i.e. Hispanic or Non-Hispanic)
- Gender of the suspect(s)
- Responding officer
- Detective(s) assigned to the case
- Days investigation was active (i.e. Not a cold case)
- Number of responding officers
- Number of detectives assigned to the case
- I am also requesting any data dictionaries, glossary of terms, record layouts, etc. pertaining to the above database(s), that describe the database and define the fields and codes used in the database.

If one or more of the fields I requested above is not available in the Boston Police Department's database(s), please notify me via email and I will strike that field from my request. I am merely asking for all disclosable fields maintained in the Boston Police Department's database(s) that track homicide and non-fatal shooting investigations.

If there are fields that I did not request, but that are still disclosable under the Massachusetts Public Records Law, my request asks that you include those fields as well.

I would like to receive this information in digital, spreadsheet form, preferably in .csv, .xls, .txt, or .xlsx., which I am entitled to under the law. Under the updated Public Records Law, which took effect January 1, 2017, a records access officer must provide public records to a requestor in an electronic format unless the record is not available in an electronic format or the requestor does not have the ability to receive or access the records in a useable electronic format.

As a member of the media reporting on matters in the public interest, I am requesting a fee waiver and an expediting of my request. Since I am requesting records in their original electronic format whenever possible, I expect the costs, if any, to be limited.

The Freedom of Information Act requires that a records access office furnish a copy of a requested material within 10 business days following receipt of the request. Please let me know in writing if you are unable to do so and must petition the Supervisor of Records for an extension.

If you redact any fields in the database, please cite the specific fields and the exemption you feel justifies the refusal to release the information.

I am requesting that communication regarding this request be conducted via email, and that the request be filled via email, which I am entitled to under the law.

Thank you for considering my request.

Sincerely,

Sarah Ryley
Reporter, The Trace Media
112 Berkeley Pl. #3R
Brooklyn, NY 11217
Cell: [347-324-8697](tel:347-324-8697)
sarahryleyfoi@gmail.com

<2005-2017 Homicides.xlsx>

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Office of Media Relations
Boston Police Headquarters
One Schroeder Plaza
Boston, MA 02120
[\(617\) 343-4520](tel:617-343-4520)

Please note the NEW Media Relations email is:
mediarelations@pd.boston.gov

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