

May 17, 2023

City Councilor Ed Flynn  
President  
Boston City Council  
One City Hall Plaza  
Boston, MA 02201

RE: Exigent Use of Technology

Dear Councilor Flynn:

Pursuant to Section 16-63.3(b)(3) of the City of Boston Municipal Code (Ordinance on Surveillance Oversight and Information Sharing), I am writing to report the Boston Police Department's use of First Alert for Public Sector ("First Alert") Application under exigent circumstances for 30 days, beginning on March 17, 2023.

First Alert is an application (web-based and mobile) offered by Dataminr, Inc. to public sector entities, such as law enforcement. First Alert searches for threats and events impacting public safety in publicly available information, including open source social media, and provides real time alert notifications.

Two high profile events occurred in Boston during this 30-day period, necessitating the need for exigent use of the technology: the 2023 Boston St. Patrick's Day Parade and the 2023 Boston Marathon. Large public gatherings are considered viable targets by violent extremists throughout the world and, as a result, the Department in good faith reasonably believed that these two events would generate a significant volume of publicly available information that required assessment for such threats. Additionally, as detailed below, information was obtained specifically regarding the St. Patrick's Day Parade in South Boston that further heightened the need for a timely response.

Regarding the Boston St. Patrick's Day Parade, a white supremacist group, the Nationalist Social Club (NSC-131), received extensive media coverage about their presence at the parade in 2022. Shortly before the 2023 parade, there was significant public coverage about their potential return to the event and the related concerns. The potential for the group's attendance, which was heightened in the days leading up to the event, and counter-protesters increased the likelihood of a confrontation with the potential for violence.

Regarding the Boston Marathon, 2023 marked the 10-year anniversary of the Boston Marathon Bombings which had the potential to motivate a malicious actor to conduct an attack targeting a symbolic target on a significant anniversary. Organizers also announced a new race entry category for gender non-conforming individuals, to which some racially or ethnically motivated violent extremists responded by calling for an attack on the Marathon.

During both of these events, the Department utilized First Alert to gain better awareness of threats to the events in real time. Additionally, during the trial period First Alert has been helpful in providing situational awareness updates regarding racially or ethnically motivated violent extremist (RMVE)-aligned groups operating in the region. For instance, First Alert provided updates on a RMVE-aligned group engaging in violence at an event in New England in April 2023.

First Alert also provided alerts regarding developing situations throughout the country that have the potential to result in violence with possible impacts to our city. An example of this includes violent and threatening rhetoric that resulted from the indictment of former President Trump. This information provided situational awareness of the broader national landscape for the analysts that work on the domestic violent extremism portfolio, allowing them to better prepare department leadership for local impacts.

Within the Boston Metro area, First Alert provided real time notification of various threats, including an urgent threat that was made against Mayor Wu. Within hours of receiving this alert, detectives identified the individual responsible and connected this individual with mental health services.

Use of the application was subject to legal oversight and guidance and in accordance with the United States Constitution, Massachusetts Declaration of Rights, all applicable federal and state laws and case law, all local ordinances, BPD policies and procedures and the BRIC Privacy, Civil Rights, and Civil Liberties Protection Policy (2021).

Further information regarding the use of this application will be provided in the forthcoming Surveillance Technology Impact Report and, if necessary, a Technology-Specific Surveillance Use Policy. The Department requests an additional 30 days to submit these documents and will provide both on or before June 16, 2023.

Please do not hesitate to contact me with any questions you may have. Thank you.

Sincerely,



Michael A. Cox  
Police Commissioner