

**From:** Dana Barrett <dana.barrett@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:05 PM EDT  
**To:** Richard Driscoll <richard.driscoll@pd.boston.gov>  
**Subject:** Fwd: Response for Protest 17 Augustus Ave Roslindale

----- Forwarded message -----

From: **Darrin Greeley** <darrin.greeley@pd.boston.gov>  
Date: Mon, Apr 4, 2022 at 12:48 PM  
Subject: Response for Protest 17 Augustus Ave Roslindale  
To: Michael Hegarty <michael.hegarty@pd.boston.gov>, John Earley <john.earley@pd.boston.gov>, Tomas Kearney <thomas. Kearney@pd.boston.gov>, Dana Barrett <dana.barrett@pd.boston.gov>, Nicole McMullin <nicole.mcmullin@pd.boston.gov>, Frank St Peter <francis.st.peter@pd.boston.gov>, Timothy Fitzpatrick <timothy.fitzpatrick@pd.boston.gov>, Wilson Quiles <wilson.quiles@pd.boston.gov>, Stephen O'Brien <stephen.obrien@pd.boston.gov>  
CC: John Hughes <john.hughes@pd.boston.gov>, Joseph Gillespie <joseph.gillespie@pd.boston.gov>, Scott O'Mara <scott.omara@pd.boston.gov>, Michael Mylett <michael.mylett@pd.boston.gov>, Joe Freeman <joe.freeman@pd.boston.gov>, Gerard Bailey <gerard.bailey@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, James Tarantino <james.tarantino@pd.boston.gov>, Michael Kern <michael.kern@pd.boston.gov>, Tony Troy <TroyAn.bpd@ci.boston.ma.us>, Katelyn O'Toole <katelyn.otoole@pd.boston.gov>, Erica Bradley <erica.bradley@pd.boston.gov>, Brian Waters <brian.waters@pd.boston.gov>, John Rouvalis <john.rouvalis@pd.boston.gov>, Mathew Wosny <mathew.wosny@pd.boston.gov>, John Farrell <john.farrell@pd.boston.gov>, Kevin McClay <kevin.mcclay@pd.boston.gov>, Brian Armstrong <brian.armstrong@pd.boston.gov>, John Brown <john.brown@pd.boston.gov>

POLICY regarding the Mayor's HOUSE.

COMPLAINT - Civil HEARING - DISREGARD THE CIVIL CITATION-THE COURT WANTS CIVIL COMPLAINT HEARING.  
If second subsequent time then add Mass 272.s 59 for Willful Violation of City Ordinance.

If we have protestors show up at the Mayor's house the Patrol Supervisor will respond. Please have Area E EDT's every morning and release if no protestors show up.

PUT ON BODY CAMERAS!

TARGETED PROTESTING 16.63 - 9:00 PM to 9:00 AM

The District 5 Patrol Supervisor will utilize the sound meter. There is a brand new one in the District 5 DS office.  
VIOLATION IS ABOVE 70 decibels. PLEASE MAKE SURE IT IS WELL ABOVE 70 decibels AND HAVE IT RECORDED ON AN OFFICERS BODY CAMERA.

The Patrol Supervisor will notify protestors with Officers present with their body cameras on and video the Patrol Supervisor give an oral warning to protestors - READ CITY ORDINANCE TARGETED PROTESTING and to not use amplified devices and if it is before 9:00 AM that it is in violation of **City Ordinance 16.63 for protesting before 9:00 AM**. If the protestors fail to comply with his oral warning to leave and to not use bull horns, drums etc then please have the officers with their body cameras activated, ask for the protestors identification. The COMPLAINT FORM will be FILLED OUT, City Ordinance Violation - 16.63 Targeted residential picketing and 16.26.8 - loud amplification device in public space. The Civil hearing will be at West Roxbury District Court. The Patrol Supervisor will make sure the incident report has all elements of violation and tag all body cameras and attempt to identify all suspects. We have a master list of protesters that will help with identification.

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West Roxbury Court will handle all civil complaints in Clerks Hearing and issue fines, warnings etc. We will follow the policy and guidelines of the Court and if an arrest is to be determined it will be by the Court for violations of the ordinance.

PLEASE POST AT E-5 DS DESK for anyone on overtime from outside the District.

Captain Darrin P. Greeley  
Commander District 5  
darrin.greeley@pd.boston.gov

**From:** Dana Barrett <dana.barrett@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:04 PM EDT  
**To:** Darrin Greeley <darrin.greeley@pd.boston.gov>  
**Subject:** Re: Response for Protest 17 Augustus Ave Roslindale

Received, thank you.

On Mon, Apr 4, 2022 at 12:48 PM Darrin Greeley <[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)> wrote:  
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Commander District 5  
[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

Report #	Offense (Code) Description	(District) Incident Address	Incident Statistics					
<a href="#">222023424</a>	(3115) INVESTIGATE PERSON	(E5) 17 AUGUSTUS AVE, ROSLINDALE						
Occurred On	Reported On	Updated On						
4/4/2022 7:40 AM	4/4/2022 10:58 AM	4/4/2022 1:10 PM						
Label	Offense Location Category	Offense Mod Supplement			Assigned To			
	Highway/ Road/ Alley/ Street/ Sidewalk							
Persons Involved Information								
Name (DOB)		Address		Age	Sex	SSN	Driver Lic #	State
SUBJECT: <span>David Mackie</span> <span></span>				36	M			
SUBJECT: <span>Karina Demurchyan</span> <span></span>				40	F			
SUBJECT: <span>Robert Burke</span> <span></span>				66	M			
SUBJECT: <span>Shawn Nelson</span> <span></span>				43	M			

ABOUT 7:40 AM 04/04/22 OFFICER PUOPOLO E626D ARRIVED AT 17 AUGUSTUS AVE FOR A CD19F AND MET J909 (SGT. WATERS).

OFFICER OBSERVED ABOUT 8 PEOPLE STANDING AT THE EDGE OF THE ROAD HOLDING SIGNS, CHANTING AND BANGING A PLASTIC BUCKET, APPARENTLY PROTESTING. J909 READ ALOUD CITY OF BOSTON ORDINANCE 16-63 "TARGETED RESIDENTIAL PICKETING" AND A SHORT TIME LATER READ THE CITY OF BOSTON'S NOISE ORDINANCE REGULATIONS.

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BWC'S WERE PRESENT AND ACTIVATED FOR THIS INCIDENT.

THE FOLLOWING PEOPLE WERE IDENTIFIED FOR VIOLATION OF CITY ORDINANCE 16-63:

KARINA DEMURCHYAN ( [REDACTED] )

DAVID MACKIE ( [REDACTED] )

SHAWN NELSON [REDACTED]

ROBERT BURKE [REDACTED] WAS ALSO IDENTIFIED FOR WILFUL VIOLATION OF ORDINANCE UNDER (272:59) IN ADDITION TO 16-63 VIOLATION.

CIVIL COMPLAINTS TO BE SOUGHT IN WEST ROXBURY DISTRICT COURT BY SGT. WATERS.

**From:** John Brown <john.brown@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:47 PM EDT  
**To:** Francis McLaughlin <francis.mclaughlin@pd.boston.gov>  
**Subject:** Fwd: Response for Protest 17 Augustus Ave Roslindale

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CC: John Hughes <[john.hughes@pd.boston.gov](mailto:john.hughes@pd.boston.gov)>, Joseph Gillespie <[joseph.gillespie@pd.boston.gov](mailto:joseph.gillespie@pd.boston.gov)>, Scott O'Mara <[scott.omara@pd.boston.gov](mailto:scott.omara@pd.boston.gov)>, Michael Mylett <[michael.mylett@pd.boston.gov](mailto:michael.mylett@pd.boston.gov)>, Joe Freeman <[joe.freeman@pd.boston.gov](mailto:joe.freeman@pd.boston.gov)>, Gerard Bailey <[gerard.bailey@pd.boston.gov](mailto:gerard.bailey@pd.boston.gov)>, Gregory Long <[gregory.long@pd.boston.gov](mailto:gregory.long@pd.boston.gov)>, James Tarantino <[james.tarantino@pd.boston.gov](mailto:james.tarantino@pd.boston.gov)>, Michael Kern <[michael.kern@pd.boston.gov](mailto:michael.kern@pd.boston.gov)>, Tony Troy <[TroyAn.bpd@ci.boston.ma.us](mailto:TroyAn.bpd@ci.boston.ma.us)>, Katelyn O'Toole <[katelyn.otoole@pd.boston.gov](mailto:katelyn.otoole@pd.boston.gov)>, Erica Bradley <[erica.bradley@pd.boston.gov](mailto:erica.bradley@pd.boston.gov)>, Brian Waters <[brian.waters@pd.boston.gov](mailto:brian.waters@pd.boston.gov)>, John Rouvalis <[john.rouvalis@pd.boston.gov](mailto:john.rouvalis@pd.boston.gov)>, Mathew Wosny <[mathew.wosny@pd.boston.gov](mailto:mathew.wosny@pd.boston.gov)>, John Farrell <[john.farrell@pd.boston.gov](mailto:john.farrell@pd.boston.gov)>, Kevin McClay <[kevin.mcclay@pd.boston.gov](mailto:kevin.mcclay@pd.boston.gov)>, Brian Armstrong <[brian.armstrong@pd.boston.gov](mailto:brian.armstrong@pd.boston.gov)>, John Brown <[john.brown@pd.boston.gov](mailto:john.brown@pd.boston.gov)>

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--

Sergeant Detective John M Brown  
District E-13

3345 Washington Street  
Jamaica Plain, MA 02130

617 343-5628  
617 343-4960 (fax)

**From:** Gregory Long <gregory.long@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:28 PM EDT  
**To:** Darrin Greeley <darrin.greeley@pd.boston.gov>  
**Subject:** Re: Response for Protest 17 Augustus Ave Roslindale

Thank you.

Sent from my iPhone

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[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

**From:** Darrin Greeley <darrin.greeley@pd.boston.gov>

**Sent:** Monday, April 04, 2022 12:48 PM EDT

**To:** Michael Hegarty <michael.hegarty@pd.boston.gov>; John Earley <john.earley@pd.boston.gov>; Tomas Kearney <thomas.kearney@pd.boston.gov>; Dana Barrett <dana.barrett@pd.boston.gov>; Nicole McMullin <nicole.mcmullin@pd.boston.gov>; Frank St Peter <francis.st.peter@pd.boston.gov>; Timothy Fitzpatrick <timothy.fitzpatrick@pd.boston.gov>; Wilson Quiles <wilson.quiles@pd.boston.gov>; Stephen O'Brien <stephen.obrien@pd.boston.gov>

**CC:** John Hughes <john.hughes@pd.boston.gov>; Joseph Gillespie <joseph.gillespie@pd.boston.gov>; Scott O'Mara <scott.omara@pd.boston.gov>; Michael Mylett <michael.mylett@pd.boston.gov>; Joe Freeman <joe.freeman@pd.boston.gov>; Gerard Bailey <gerard.bailey@pd.boston.gov>; Gregory Long <gregory.long@pd.boston.gov>; James Tarantino <james.tarantino@pd.boston.gov>; Michael Kern <michael.kern@pd.boston.gov>; Tony Troy <TonyAn.bpd@ci.boston.ma.us>; Katelyn O'Toole <katelyn.otoole@pd.boston.gov>; Erica Bradley <erica.bradley@pd.boston.gov>; Brian Waters <brian.waters@pd.boston.gov>; John Rouvalis <john.rouvalis@pd.boston.gov>; Mathew Wosny <mathew.wosny@pd.boston.gov>; John Farrell <john.farrell@pd.boston.gov>; Kevin McClay <kevin.mcclay@pd.boston.gov>; Brian Armstrong <brian.armstrong@pd.boston.gov>; John Brown <john.brown@pd.boston.gov>

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Occurred On	Reported On	Updated On					
4/4/2022 7:40 AM	4/4/2022 10:58 AM	4/4/2022 1:10 PM					
Label	Offense Location Category	Offense Mod Supplement			Assigned To		
	Highway/ Road/ Alley/ Street/ Sidewalk						
Persons Involved Information							
Name (DOB)		Address	Age	Sex	SSN	Driver Lic #	State
SUBJECT: David Mackie [REDACTED]			36	M			
SUBJECT: Karina Demurchyan [REDACTED])			40	F			
SUBJECT: Robert Burke [REDACTED]			66	M			
SUBJECT: Shawn Nelson ([REDACTED])			43	M			

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**From:** John Brown <john.brown@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:47 PM EDT  
**To:** Sueboo <susanbrown617@gmail.com>; jbrown38 <jbrown38@comcast.net>  
**Subject:** Fwd: Response for Protest 17 Augustus Ave Roslindale

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**CC:** John Hughes <john.hughes@pd.boston.gov>, Joseph Gillespie <joseph.gillespie@pd.boston.gov>, Scott O'Mara <scott.omara@pd.boston.gov>, Michael Mylett <michael.mylett@pd.boston.gov>, Joe Freeman <joe.freeman@pd.boston.gov>, Gerard Bailey <gerard.bailey@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, James Tarantino <james.tarantino@pd.boston.gov>, Michael Kern <michael.kern@pd.boston.gov>, Tony Troy <TroyAn.bpd@ci.boston.ma.us>, Katelyn O'Toole <katelyn.otoole@pd.boston.gov>, Erica Bradley <erica.bradley@pd.boston.gov>, Brian Waters <brian.waters@pd.boston.gov>, John Rouvalis <john.rouvalis@pd.boston.gov>, Mathew Wosny <mathew.wosny@pd.boston.gov>, John Farrell <john.farrell@pd.boston.gov>, Kevin McClay <kevin.mcclay@pd.boston.gov>, Brian Armstrong <brian.armstrong@pd.boston.gov>, John Brown <john.brown@pd.boston.gov>

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Captain Darrin P. Greeley  
Commander District 5  
darrin.greeley@pd.boston.gov

--

Sergeant Detective John M Brown  
District E-13

3345 Washington Street  
Jamaica Plain, MA 02130

617 343-5628  
617 343-4960 (fax)

**From:** John Earley <john.earley@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 1:56 PM EDT  
**To:** Darrin Greeley <darrin.greeley@pd.boston.gov>  
**Subject:** Re: Response for Protest 17 Augustus Ave Roslindale

Captain,

Based on this update the PS only responds if protestors show up but the EDTs Areawide do automatically. Maybe it should be written PS is to arrive prior to 7 as they were doing before it slowed down.

Without the PS on scene prior to any protestors showing up there is no way for PS to know if protestors or EDTs showed up in real time. Could cause a long delay and your phone would blow up by the time they did. In other words, I would suggest having the PS go up before 7 and then assess.

Also, allowing the PS to release EDTs if no protestors show up leaves PS in a quandary. What time is a good time to release EDTs? 7:30 sounds good until protestors show up at 7:45 and then the proverbial phone blowing up occurs.

Maybe it should be written that areawide EDTs can be released at discretion of PS at a certain time while E5 EDTs remain until further notice. This way our numbers will be good until day tour EDTs from 13 and 18 show up.

Just some thoughts.

On Mon, Apr 4, 2022 at 12:48 PM Darrin Greeley <darrin.greeley@pd.boston.gov> wrote:  
POLICY regarding the Mayor's HOUSE.

COMPLAINT - Civil HEARING - DISREGARD THE CIVIL CITATION-THE COURT WANTS CIVIL COMPLAINT HEARING. If second subsequent time then add Mass 272.s 59 for Willful Violation of City Ordinance.

If we have protestors show up at the Mayor's house the Patrol Supervisor will respond. Please have Area E EDT's every morning and release if no protestors show up.

PUT ON BODY CAMERAS!

TARGETED PROTESTING 16.63 - 9:00 PM to 9:00 AM

The District 5 Patrol Supervisor will utilize the sound meter. There is a brand new one in the District 5 DS office. VIOLATION IS ABOVE 70 decibels. PLEASE MAKE SURE IT IS WELL ABOVE 70 decibels AND HAVE IT RECORDED ON AN OFFICERS BODY CAMERA.

The Patrol Supervisor will notify protestors with Officers present with their body cameras on and video the Patrol Supervisor give an oral warning to protestors - READ CITY ORDINANCE TARGETED PROTESTING and to not use amplified devices and if it is before 9:00 AM that it is in violation of **City Ordinance 16.63 for protesting before 9:00 AM** If the protestors fail to comply with his oral warning to leave and to not use bull horns, drums etc then please have the officers with their body cameras activated, ask for the protestors identification. The COMPLAINT FORM will be FILLED OUT, City Ordinance Violation - 16.63 Targeted residential picketing and 16.26.8 - loud amplification device in public space. The Civil hearing will be at West Roxbury District Court. The Patrol Supervisor will make sure the incident report has all elements of violation and tag all body cameras and attempt to identify all suspects. We have a master list of protestors that will help with identification.

If the protestors fail to give identification then please have them on body camera decline. We will identify through previous encounters and booking photos etc.

West Roxbury Court will handle all civil complaints in Clerks Hearing and issue fines, warnings etc. We will follow the policy and guidelines of the Court and if an arrest is to be determined it will be by the Court for violations of the ordinance.

PLEASE POST AT E-5 DS DESK for anyone on overtime from outside the District.

Captain Darrin P. Greeley  
Commander District 5  
[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

**From:** Darrin Greeley <darrin.greeley@pd.boston.gov>  
**Sent:** Monday, April 04, 2022 4:42 PM EDT  
**To:** John Earley <john.earley@pd.boston.gov>  
**Subject:** Re: Response for Protest 17 Augustus Ave Roslindale

Good points. The PS will need to be there at 7:00 AM every morning.

Captain Darrin P. Greeley  
Commander District 5  
[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

On Mon, Apr 4, 2022 at 1:57 PM John Earley <[john.earley@pd.boston.gov](mailto:john.earley@pd.boston.gov)> wrote:

Captain,

Based on this update the PS only responds if protestors show up but the EDTs Areawide do automatically. Maybe it should be written PS is to arrive prior to 7 as they were doing before it slowed down.

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PLEASE POST AT E-5 DS DESK for anyone on overtime from outside the District.

Captain Darrin P. Greeley  
Commander District 5  
[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

**From:** Paul Joseph <paul.joseph@pd.boston.gov>  
**Sent:** Friday, April 15, 2022 1:53 PM EDT  
**To:** John Ezekiel <john.ezekiel@pd.boston.gov>  
**Subject:** IAD2022-0136  
**Attachment(s):** "IAD2022-0136 Docket #0312 Residential Picketing Ordinance.pdf"

Hello John,

I hope all is well with you.

I'm reaching out to you because it is my understanding that you teach the City Ordinance class at the academy. I'm interested in what your thoughts are on if a person could be arrested for a willful violation of the Ordinance regarding targeted residential picketing Chapter XVI Section 16-62: See attached document. Also what chapter and section grants that power to arrest.

Further, regarding the use of an amplified device, what Law grants the power of arrest for that city Ordinance violation.

Best regards,

Paul Joseph  
IAD



City of Boston, Massachusetts  
Office of the Mayor  
**Michelle Wu**

February 28, 2022

**TO THE CITY COUNCIL**

Dear Councilors:

I transmit herewith for your approval an Order, An Ordinance Regarding Targeted Residential Picketing, to protect the quality of residential life in our city. The City of Boston (the "City") has a legacy of supporting activism and free speech. The City also strives to ensure quality of life in every neighborhood. The practice of targeted residential picketing—which means picketing, protesting, or demonstrating, with or without signs, that is specifically directed towards a particular residence or one or more occupants of the residence and which takes place before or about the targeted residence—harasses residents and neighbors in their private homes and communities. Targeted residential picketing that occurs late at night or early in the morning increases the intrusion on the privacy and sanctity of the home, and is particularly harassing and detrimental to the sleep and well-being of families, including seniors and families with children.

The City is committed to the First Amendment right to protest, while upholding our responsibility to safeguard residents' privacy and the quality of residential life. This proposed regulation regarding targeted residential picketing does not prohibit picketing in residential areas or marches that pass through residential areas. Rather, it applies parameters to protect residents' well-being through reasonable restrictions on picketing directed at a specific residence only at night and in the early morning. Many other opportunities also exist for individuals to exercise their important free speech rights in the City, such as picketing, protesting, attending marches or rallies, or demonstrating in front of City Hall and other government buildings, on sidewalks, and in public parks and plazas, among others.

This Order will augment existing prohibitions against excessive noise, disturbing the peace, and blocking of streets and sidewalks by providing clear guidelines around targeted residential picketing.

I recommend the adoption of this Order by your Honorable Body.

Sincerely,

Michelle Wu  
Mayor of Boston



**CITY OF BOSTON**  
**IN CITY COUNCIL**

**AN ORDINANCE REGARDING TARGETED RESIDENTIAL PICKETING**

*Be it ordained by the City Council of Boston, as follows:*

SECTION 1. The City of Boston Code, Ordinances, is hereby amended in Chapter XVI by inserting the following new section after the existing Section 16-62:

**16-63 An Ordinance Regarding Targeted Residential Picketing**

It shall be unlawful for any person to engage in targeted residential picketing between the hours of 9:00 p.m and 9:00 a.m.

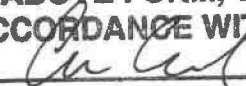
For the purpose of this section, *targeted residential picketing* means picketing, protesting, or demonstrating, with or without signs, that is specifically directed towards a particular residence or one or more occupants of the residence, and which takes place before or about the targeted residence.

Those engaged in targeted residential picketing between the hours of 9:00 a.m. and 9:00 p.m. remain subject to all other ordinances and statutes, including but not limited to laws concerning excessive noise, disturbing the peace, and blocking of streets and sidewalks.

Any violation of this section shall be punishable by a fine of one hundred (\$100.00) dollars for the first offense, two hundred (\$200.00) dollars for the second offense, and three hundred (\$300.00) dollars for any third and subsequent offense.

This section shall be enforced by the Boston Police Department.

SECTION 2. This Section 16-63 shall take effect upon passage.

**I HEREBY CERTIFY  
THE FORGOING, IF PASSED IN  
THE ABOVE FORM, WILL BE IN  
ACCORDANCE WITH LAW.**  
BY   
**ADAM CEDERBAUM  
CORPORATION COUNSEL**

**From:** Paul Joseph <paul.joseph@pd.boston.gov>  
**Sent:** Saturday, April 16, 2022 3:19 PM EDT  
**To:** John Ezekiel <john.ezekiel@pd.boston.gov>  
**Subject:** Re: IAD2022-0136

Thank you John,

much appreciated.

Regards,

Paul J

On Fri, Apr 15, 2022 at 3:22 PM John Ezekiel <john.ezekiel@pd.boston.gov> wrote:

Hi Sgt.,

All good here, thanks! I hope all is well with you.

Any individual may be arrested for a City of Boston Ordinance violation if they remain in wilful violation of that ordinance. I always recommend that a citation (whether money or warning), report, FIO, be written as proof that you have given the offender a warning. Once that is done and the individual continues to violate that ordinance, they would be considered in wilful violation. Typically you may see the violation again at a future date and again the individual may be subject to arrest. I always talk about reasonableness when deciding how long is too long between violations. Generally a year is a good measuring point.

This particular ordinance allows for an ascending fine, so the officer may use his/her discretion and continue to fine as opposed to making the arrest. Please note that the ordinance must be in presence to cite and/or arrest. That said the knowledge of one, knowledge of all applies. Example: If the individual is cited for their first offence on Friday, April 15, 2022 by PO Smith and then commits the same offence in the presence of PO James on Monday, April 18, 2022, and PO James is aware that PO Smith cited the individual on the 15th, then PO James may arrest for this violation or continue to fine.

M.G.L 272 sec. 59 allows a police officer to make an arrest for an ordinance violation.

<https://malegislature.gov/laws/GeneralLaws/PartIV/TitleI/Chapter272/Section59#:~:text=IN%20CRIMINAL%20CASES-.Section%2059%3A%20Ordinances%20or%20regulations%20relating%20to%20streets%2C%20reservations%2C,beverages%3B%20profanity%3B%20arrest%20without%20warrant>

I hope this helps! Please let me know if you need anything else.

Best,  
John

On Fri, Apr 15, 2022 at 1:57 PM Paul Joseph <paul.joseph@pd.boston.gov> wrote:

Hello John,

I hope all is well with you.

I'm reaching out to you because it is my understanding that you teach the City Ordinance class at the academy. I'm interested in what your thoughts are on if a person could be arrested for a willful violation of the Ordinance regarding targeted residential picketing Chapter XVI Section 16-62: See attached document. Also what chapter and section grants that power to arrest.

Further, regarding the use of an amplified device, what Law grants the power of arrest for that city Ordinance violation.

Best regards,

Paul Joseph  
IAD

--

*Police Officer John Ezekiel  
Boston Police Academy Instructor  
85 Williams Avenue  
Hyde Park, MA 02136  
617-343-9883*

**From:** John Ezekiel <john.ezekiel@pd.boston.gov>  
**Sent:** Friday, April 15, 2022 3:19 PM EDT  
**To:** Paul Joseph <paul.joseph@pd.boston.gov>  
**Subject:** Re: IAD2022-0136  
**Attachment(s):** "Chapter 272 sections 59.docx"

Hi Sgt.,

All good here, thanks! I hope all is well with you.

Any individual may be arrested for a City of Boston Ordinance violation if they remain in wilful violation of that ordinance. I always recommend that a citation (whether money or warning), report, FIO, be written as proof that you have given the offender a warning. Once that is done and the individual continues to violate that ordinance, they would be considered in wilful violation. Typically you may see the violation again at a future date and again the individual may be subject to arrest. I always talk about reasonableness when deciding how long is too long between violations. Generally a year is a good measuring point.

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I hope this helps! Please let me know if you need anything else.

Best,  
John

On Fri, Apr 15, 2022 at 1:57 PM Paul Joseph <[paul.joseph@pd.boston.gov](mailto:paul.joseph@pd.boston.gov)> wrote:

Hello John,

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I'm reaching out to you because it is my understanding that you teach the City Ordinance class at the academy. I'm interested in what your thoughts are on if a person could be arrested for a wilful violation of the Ordinance regarding targeted residential picketing Chapter XVI Section 16-62: See attached document. Also what chapter and section grants that power to arrest.

Further, regarding the use of an amplified device, what Law grants the power of arrest for that city Ordinance violation.

Best regards,

Paul Joseph  
IAD

--  
*Police Officer John Ezekiel*  
*Boston Police Academy Instructor*  
85 Williams Avenue  
Hyde Park, MA 02136  
617-343-9883

Chapter 272 sections 59 as amended, provides officers with a right of arrest for any violation of a city ordinance, By-law and/or rule or regulation. Such right of arrest must be exercised with prudence, intelligence, and common sense. A condition of such arrest is that the violation is committed in the officer's presence.

To prove that a person is in willful violation of an ordinance, **that person must first be notified that the act he/she is committing violates a city ordinance.** Therefore, an officer must first inform (give notice to) that individual that what he/she is doing violates a city ordinance. **If the individual after being informed (by the officer), continues to violate the ordinance in the officer's presence, an arrest can be made for the willful violation of the particular city ordinance being violated.**

**From:** Paul Joseph <paul.joseph@pd.boston.gov>

**Sent:** Monday, April 11, 2022 5:11 PM EDT

**To:** Jason Gilmore <jason.gilmore@pd.boston.gov>; Jeffrey Walcott <jeffrey.walcott@pd.boston.gov>

**Subject:** IAD2022-0136

**Attachment(s):** "Notice to Appear (Sworn) Sergeant Detective Jason S Gilmore Sr. IAD2022-0136.doc"

Sir

Please have the following S/D report to IAD for a scheduled interview. The complaint is as follows:

On 04/01/2022, at approximately 7:15 am, protesters began arriving at the corner of Crandall and Augustus Av. The number increased to approximately 6-8 protesters. The protesters began yelling in the direction of the Mayor's house relative to the Vax Mandate and City Ordinances. These protesters were, also, waving flags and holding signs. Sgt Det. Jason Gilmore of the Mayors Security Team approached the group and advised them of the City Ordinance 16-63 regarding Targeted Residential Picketing. After advising the group of the ordinance, I (E901) provided, a copy of the CITY ORDINANCE to each protester in hand. Sgt. Cottone was present for Sgt Det Gilmore's reading of the ordinance and I personally handed Sgt Cottone a copy of the new city ordinance. A short time later, Sgt. Cottone approached and notified me that she was leaving the area. Later, I heard someone using an amplification device further down Crandall St. After several outbursts from down the street it was determined that Sgt. Cottone was now on Crandall St. street broadcasting from her personal vehicle at least two times. Finally, when the Mayor exited her house and entered the security teams vehicle, I observed that a motor vehicle began to follow the Mayor's vehicle at a close distance down Augustus onto Poplar Street towards Roslindale Sq. The vehicle was, also, using an amplification device to broadcast anti-Wu statements. This vehicle was the same vehicle that was parked down the street on Crandall and previously using an amplification device to broadcast anti Wu sentiments. The vehicle was identified as being owned and operated by Sgt, Shana Cottone. The incident was captured by BWC worn officers on the scene.

Respectfully Submitted,

Paul Joseph  
IAD

TO: Superintendent Jeffrey I. Walcott  
Office of the Police Commissioner

FROM: Deputy Superintendent Eddy Chrispin  
Assistant Chief, Bureau of Professional Standards

DATE: April 11, 2022

RE: **EMPLOYEE TO REPORT TO INTERNAL AFFAIRS FOR  
ADMINISTRATIVE INTERVIEW**

Please order the following employee to report to the **Internal Investigations Unit, Police Headquarters, One Schroeder Plaza, Third Floor, South**, during their regularly scheduled tour, on the date and time indicated:

NAME: **Jason S. Gilmore Sr. ID#010191** RANK: **Sergeant Detective**  
AREA/UNIT: **O.P.C.**  
DATE: **Wedendsday April 20, 2022** TIME: **10:00AM**

This interview is about Internal Affairs Complaint, **I.A.D. Case #2022-0136**. In conformance with **Rule 109, section 51**, of the Department Rules & Procedures, sufficient notice is given so that the employee may consult with an attorney before the interview. It is the responsibility of the employee to appear at the appointed time and date. ***This time and date shall be during the employee's regularly scheduled tour of duty.*** If the employee cannot appear for any reason, they are responsible for notifying their Commanding Officer. The Commanding Officer will immediately notify the Internal Affairs Division of the reason given by the employee.

If there are any conflicts, please notify the Internal Affairs Division. Please confirm this notification by having the employee sign this form in the presence of a superior officer and return the form to the **Internal Investigations Unit, ATT: Sergeant Detective Paul M Joseph** (Fax # 343-4596).

EMPLOYEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNED IN PRESENCE OF: \_\_\_\_\_ DATE: \_\_\_\_\_

Respectfully,

\_\_\_\_\_  
Deputy Superintendent Eddy Chrispin  
Commander, Internal Affairs Division

**From:** Paul Joseph <paul.joseph@pd.boston.gov>  
**Sent:** Monday, April 11, 2022 5:07 PM EDT  
**To:** Stephen O'Brien <stephen.obrien@pd.boston.gov>; Darrin Greeley <darrin.greeley@pd.boston.gov>  
**Subject:** IAD2022-0136  
**Attachment(s):** "Notice to Appear (Sworn) Sgt Stephen O'Brien IAD2022-0136.doc"

Sir:

Please have the following Sergeant report to IAD for a scheduled interview, the summary of the complaint is as follows:

On 04/01/2022, at approximately 7:15 am, protesters began arriving at the corner of Crandall and Augustus Av. The number increased to approximately 6-8 protesters. The protesters began yelling in the direction of the Mayor's house relative to the Vax Mandate and City Ordinances. These protesters were, also, waving flags and holding signs. Sgt Det. Jason Gilmore of the Mayors Security Team approached the group and advised them of the City Ordinance 16-63 regarding Targeted Residential Picketing. After advising the group of the ordinance, I (E901) provided, a copy of the CITY ORDINANCE to each protester in hand. Sgt. Cottone was present for Sgt Det Gilmore's reading of the ordinance and I handed Sgt Cottone a copy of the new city ordinance. A short time later, Sgt. Cottone approached me and notified me that she was leaving the area. Later, I heard someone using an amplification device further down Crandall St. After several outbursts from down the street it was determined that Sgt. Cottone was now on Crandall St. street broadcasting from her vehicle at least two times. Finally, when the Mayor exited her house and entered the security teams vehicle, I observed that a motor vehicle began to follow the Mayor's vehicle at a close distance down Augustus onto Poplar Street towards Roslindale Sq. The vehicle was, also, using an amplification device to broadcast anti-Wu statements, This vehicle was the same vehicle that was parked down the street on Crandall and previously using an amplification device to broadcast anti Wu sentiments. The vehicle was identified as being owned and operated by Sgt, Shana Cottone, The incident was captured by BWC worn officers on the scene.

Respectfully

Paul Joseph  
IAD

TO: Captain Darrin P. Greeley  
Commanding Officer, B.F.S., Area E-5

FROM: Deputy Superintendent Eddy Chrispin  
Assistant Chief, Bureau of Professional Standards

DATE: April 11, 2022

RE: **EMPLOYEE TO REPORT TO INTERNAL AFFAIRS FOR  
ADMINISTRATIVE INTERVIEW**

Please order the following employee to report to the **Internal Investigations Unit, Police Headquarters, One Schroeder Plaza, Third Floor, South**, during their regularly scheduled tour, on the date and time indicated:

NAME: **Stephen O'Brien ID# 009033** RANK: **Sergeant**  
AREA/UNIT: **Area E-5**  
DATE: **Wednesday April 20, 2022** TIME: **11:00AM**

This interview is about Internal Affairs Complaint, **IAD2022-0136**. In conformance with **Rule 109, section 51**, of the Department Rules & Procedures, sufficient notice is given so that the employee may consult with an attorney before the interview. It is the responsibility of the employee to appear at the appointed time and date. ***This time and date shall be during the employee's regularly scheduled tour of duty.*** If the employee cannot appear for any reason, they are responsible for notifying their Commanding Officer. The Commanding Officer will immediately notify the Internal Affairs Division of the reason given by the employee.

If there are any conflicts, please notify the Internal Affairs Division. Please confirm this notification by having the employee sign this form in the presence of a superior officer and return the form to the **Internal Investigations Unit, ATT: Sergeant Detective Paul M Joseph** (Fax # 343-4596).

EMPLOYEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNED IN PRESENCE OF: \_\_\_\_\_ DATE: \_\_\_\_\_

Respectfully,

\_\_\_\_\_  
Deputy Superintendent Eddy Chrispin  
Commander, Internal Affairs Division



**From:** Paul Joseph <paul.joseph@pd.boston.gov>  
**Sent:** Wednesday, April 13, 2022 9:59 AM EDT  
**To:** Timothy Kervin <timothy.kervin@pd.boston.gov>; Jeanne Carroll <jeanne.carroll@pd.boston.gov>  
**Subject:** IAD2022-0136  
**Attachment(s):** "Notice to Appear Sergeant Shana Cottone IAD2022-0136.doc"

Good morning Timothy and Jeanne

Hope all is well with you. I'm requesting assistance coordinating an Administrative Interview with Sergeant Shana Cuttone for April 20, 2022 @1230PM. It is my understanding that she has a few interviews earlier on that day. Please Advise.

Best Regards,

Paul Joseph  
IAD

FYI  
The complaint is as follows:

On 04/01/2022, at approximately 7:15 am, protesters began arriving at the corner of Crandall and Augustus Av. The number increased to approximately 6-8 protesters. The protesters began yelling in the direction of the Mayor's house relative to the Vax Mandate and City Ordinances. These protesters were, also, waving flags and holding signs. Sgt Det. Jason Gilmore of the Mayors Security Team approached the group and advised them of the City Ordinance 16-63 regarding Targeted Residential Picketing. After advising the group of the ordinance, I (E901) provided, a copy of the CITY ORDINANCE to each protester in hand. Sgt. Cottone was present for Sgt Det Gilmore's reading of the ordinance and I handed Sgt Cottone a copy of the new city ordinance. A short time later, Sgt. Cottone approached me and notified me that she was leaving the area. Later, I heard someone using an amplification device further down Crandall St. After several outbursts from down the street it was determined that Sgt. Cottone was now on Crandall St. street broadcasting from her vehicle at least two times. Finally, when the Mayor exited her house and entered the security teams vehicle, I observed that a motor vehicle began to follow the Mayor's vehicle at a close distance down Augustus onto Poplar Street towards Roslindale Sq. The vehicle was, also, using an amplification device to broadcast anti-Wu statements. This vehicle was the same vehicle that was parked down the street on Crandall and previously using an amplification device to broadcast anti Wu sentiments. The vehicle was identified as being owned and operated by Sgt, Shana Cottone, The incident was captured by BWC-worn officers on scene.

TO: Chanel Bryant-Alexander  
Director, Occupational Health Services

FROM: Deputy Superintendent Eddy Chrispin  
Assistant Chief, Bureau of Professional Standards

DATE: April 13, 2022

RE: **EMPLOYEE TO REPORT TO INTERNAL AFFAIRS FOR  
ADMINISTRATIVE INTERVIEW**

Please order the following employee to report to the **Internal Investigations Unit, Police Headquarters, One Schroeder Plaza, Third Floor, South**, during their regularly scheduled tour, on the date and time indicated:

NAME: **Shana Cottone** RANK: **Sergeant ID# 106714**

AREA/UNIT: **Occupational Health Services**

DATE: **April 20, 2022** TIME: **12:30PM**

This interview is about Internal Affairs Complaint, **I.A.D. Case #2022-0136**. In conformance with **Rule 109, section 51**, of the Department Rules & Procedures, sufficient notice is now given so that the employee may consult with an attorney before the interview. It is the responsibility of the employee to appear at the appointed time and date. ***This time and date shall be during the employee's regularly scheduled tour of duty.*** If the employee cannot appear for any reason, it is their responsibility to notify their Commanding Officer. The Commanding Officer will immediately notify the Internal Affairs Division of the reason given by the employee.

If there are any conflicts, please notify the Internal Affairs Division. Please confirm this notification by having the employee sign this form in the presence of a superior officer and return the form to the **Internal Investigations Unit, ATTN: Sergeant Detective Paul M Joseph** (Fax # 343-4596).

EMPLOYEE'S SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNED IN PRESENCE OF: \_\_\_\_\_ DATE: \_\_\_\_\_

Respectfully,

\_\_\_\_\_  
Deputy Superintendent Eddy Chrispin  
Commander, Internal Affairs Division

**From:** Joseph Freeman <joe.freeman@pd.boston.gov>

**Sent:** Friday, April 01, 2022 10:18 AM EDT

**To:** Brendan McIntyre <brendan.mcintyre@pd.boston.gov>; Jeff Carrio <jeff.carrio@pd.boston.gov>; Melvin Ruiz <melvin.ruiz@pd.boston.gov>; Michael Rockwell <michael.rockwell@pd.boston.gov>; Ricky Cooks <ricky.cooks@pd.boston.gov>; Veritta Pitts <veritta.pitts@pd.boston.gov>; Peter Papasso <peter.papasso@pd.boston.gov>

**Subject:** Fwd: Substituted Committee Report and substituted new draft

**Attachment(s):** "Committee Report Docket #0312.docx", "Docket #0312 New Draft Final (1).docx"

FYI, please read the following information from City Hall regarding new city ordinance, so that you are aware in case of performing OT etc and being sent to the Mayors house.

Thanks, Joe.

----- Forwarded message -----

From: **Darrin Greeley** <darrin.greeley@pd.boston.gov>

Date: Thu, Mar 31, 2022 at 7:54 PM

Subject: Fwd: Substituted Committee Report and substituted new draft

To: Michael Hegarty <michael.hegarty@pd.boston.gov>, Dana Barrett <dana.barrett@pd.boston.gov>, Erica Bradley <erica.bradley@pd.boston.gov>, Jake Elwood <jake.elwood@pd.boston.gov>, Joe Freeman <joe.freeman@pd.boston.gov>, John Earley <john.earley@pd.boston.gov>, Katelyn O'Toole <katelyn.otoole@pd.boston.gov>, Mark Cooper <mark.cooper@pd.boston.gov>, Scott O'Mara <scott.omara@pd.boston.gov>, Timothy Fitzpatrick <timothy.fitzpatrick@pd.boston.gov>, Tomas Kearney <thomas.kearney@pd.boston.gov>, Tony Troy <TroyAn.bpd@ci.boston.ma.us>, Wilson Quiles <wilson.quiles@pd.boston.gov>, Zilma Merced <zilma.merced@pd.boston.gov>, Stephen O'Brien <stephen.obrien@pd.boston.gov>, Francis St.Peter <francis.st.peter@pd.boston.gov>, Nicole McMullin <nicole.mcmullin@pd.boston.gov>, Michael Mylett <michael.mylett@pd.boston.gov>, Michael Kern <michael.kern@pd.boston.gov>, John Hughes <john.hughes@pd.boston.gov>, Joseph Gillespie <joseph.gillespie@pd.boston.gov>

Captain Darrin P. Greeley

Commander - District 5

[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

Begin forwarded message:

**From:** David Fredette <david.fredette@pd.boston.gov>

**Date:** March 31, 2022 at 7:12:56 PM EDT

**To:** Darrin Greeley <darrin.greeley@pd.boston.gov>, Gerard Bailey <gerard.bailey@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, James Megee <james.megee@pd.boston.gov>, James Tarantino <james.tarantino@pd.boston.gov>, Jeffrey Walcott <jeffrey.walcott@pd.boston.gov>

**Subject:** Fwd: Substituted Committee Report and substituted new draft

Signed ordinance attached

----- Forwarded message -----

From: **Neil Doherty** <neil.doherty@boston.gov>

Date: Thu, Mar 31, 2022 at 7:11 PM

Subject: Fwd: Substituted Committee Report and substituted new draft

To: Adam Cederbaum <adam.cederbaum@boston.gov>, Chris Osgood <chris.osgood@boston.gov>, Clare Kelly <clare.kelly@boston.gov>, David Fredette <david.fredette@pd.boston.gov>, Jennifer Maconochie <jennifer.maconochie@pd.boston.gov>, Pilar Ortiz <pilar.ortiz@boston.gov>

Here is the final language. The mayor's signed copy is with the clerk. I don't have access to that.

----- Forwarded message -----

From: **Yasmine Raddassi** <yasmine.raddassi@boston.gov>

Date: Thu, Mar 31, 2022 at 7:08 PM

Subject: Fwd: Substituted Committee Report and substituted new draft

To: Neil Doherty <neil.doherty@boston.gov>

----- Forwarded message -----

From: **Christine O'Donnell** <[christine.odonnell@boston.gov](mailto:christine.odonnell@boston.gov)>

Date: Wed, Mar 30, 2022 at 11:18 AM

Subject: Substituted Committee Report and substituted new draft

To: Yasmine Raddassi <[yasmine.raddassi@boston.gov](mailto:yasmine.raddassi@boston.gov)>, Michelle Laibson Goldberg <[michelle.a.goldberg@boston.gov](mailto:michelle.a.goldberg@boston.gov)>

Hello,

I have attached the substituted committee report and the substituted new draft.

Thank you!

Christine

--

Christine O'Donnell, Esq.

Compliance Director & Staff Counsel

Boston City Council

**Notice:** This email is subject to the [MGL: Chpt.66, Sec.10 Public Records Law](#).

Boston City Hall

Boston City Council, 5<sup>th</sup> Floor

Tel: 617-635-1185

Fax: 617-635-4203

[christine.odonnell@boston.gov](mailto:christine.odonnell@boston.gov)

--

**YASMINE RADDASSI**

Director of Research, Policy, and Budget

[Office of City Councilor Ricardo Arroyo](#)

[1 City Hall Sq., Boston, MA 02201](#)

617-635-4210

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Sent from mobile, please excuse any typos and brevity.



# BOSTON CITY COUNCIL

Committee on Government Operations

Ricardo Arroyo, Chair

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One City Hall Square ♦ 5<sup>th</sup> Floor ♦ Boston, MA 02201 ♦ Phone: (617) 635-3040 ♦ Fax: (617) 635-4203

## REPORT OF COMMITTEE CHAIR

March 30, 2022

Dear Councilors:

***Docket #0312, message and ordinance amending the City of Boston Code, Ordinances, Chapter XVI, regarding targeted residential picketing***, was sponsored by Mayor Michelle Wu and referred to the Committee on March 2, 2022. The Committee held a hearing on March 14, 2022 where public comment was taken and a working session on March 25, 2022.

### **Summary of Legislation As Filed:**

The proposal would prohibit targeted residential picketing between the hours of 9:00pm and 9:00am. The term targeted residential picketing is defined as picketing, protesting, or demonstrating, with or without signs, that is specifically directed towards a particular residence or one or more occupants of the residence, and which takes place before or about the targeted residence. All other ordinances and statutes would apply including laws regarding excessive noise, disturbing the peace, and blocking streets and sidewalks. The provisions of this proposal would be enforced by the Boston Police Department (“BPD”) and violators would be subject to fines of increasing amount based upon the number of offenses with \$100.00 for first offense, \$200.00 for the second offense, and \$300.00 for the third or subsequent offenses.

### **Information Gathered at the Hearing:**

Chair Arroyo and provided opening remarks explaining that the docket is a proposed ordinance sponsored by Mayor Michelle Wu that would regulate residential picketing. Councilor Arroyo summarized a letter written by Corporation Counsel Adam Cederbaum. The letter stated that the proposed ordinance serves as a reasonable time, place, and manner restriction on speech that is narrowly tailored to achieve a significant government interest. The letter cited the Frisby v. Shultz decision where the United States Supreme Court upheld a similar town ordinance prohibiting picketing targeted at a particular residence. *See Frisby v. Shultz*, 487 U.S. 474 (1988). The Chair explained that according to the letter the proposal is content-neutral regarding the restrictions on time, place, and manner of speech and that it’s narrowly tailored to serve a significant government interest of protecting the privacy of individuals in their homes. Further, the proposal also leaves ample alternative channels of communication.

The Committee discussed the legal standard of narrowly tailored to serve a significant governmental interest and discussed the balance of individuals’ right to protest and individuals’ right to privacy in their homes. Councilors discussed that there should be a balance with reasonable restrictions on demonstrations and privacy rights in residential homes. Councilors

discussed enforcement of the proposal as well as the enforcement of current ordinances concerning noise, disturbing the peace, and blocking sidewalks and streets. Councilors discussed adding a sunset clause to the proposal. Councilors also discussed the enforcement by BPD and concerns about disproportionate impact on certain groups and unequal enforcement.

Brianna Millor, Chief of Community Engagement, participated on behalf of the Administration. Chief Millor testified in support of the legislation and explained that she will listen to the concerns of the Councilors. Chief Millor stated that the proposal does not prevent protests. Chief Millor explained that the legislation preserves the right to protest without interfering with the quality of life of residents in the City's neighborhoods, particularly the elderly and children. Chief Millor stated that the legislation places reasonable limitations of time, place, and manner on targeted protests and establishes necessary parameters to protect the health and well-being of individuals in their homes.

The Committee heard public testimony. Public comments reflected both support of the ordinance and opposition to the ordinance. Comments supporting the ordinance expressed support because of quality of life issues. Comments against the ordinance opposed it on the basis that it violates their freedom of speech rights and their right to protest.

#### **Information Gathered at the Working Session:**

The following individuals participated on behalf of the Administration:

- Brianna Millor, Office of Community Engagement, Chief;
- Corporation Counsel Adam Cederbaum, Esq., Law Department;
- Rob Arcangeli, Esq., Law Department, Assistant Corporation Counsel;
- Superintendent Gerard Bailey, Boston Police Department, Bureau of Field Services.

The Chair summarized the issues discussed at the hearing. The Chair and the Councilors provided opening remarks. Councilors inquired about the impact of this proposal with current City ordinances particularly the noise ordinance, the need for this proposal, the enforcement of other ordinances such as the noise ordinance and disturbing the peace, and inquired about protection of the Mayor. The Committee discussed concerns with the ordinance and its necessity because of existing laws. The Chair asked how violations of noise ordinances are handled at BPD and why the BPD has not enforced noise ordinances for protests in front of someone's home. Councilors asked for data on the numbers of citations of current noise ordinances within the last ten weeks and within the last year. The Committee discussed the fines and the appeals process.

Chief Millor stated that the ordinance is necessary in order to protect the quality of life, health, and well-being of all residents in the City. Chief Millor emphasized that this ordinance regulates targeted picketing while preserving the right to protest. The City lawyers provided clarity on the legal analysis and discussed the significant government interest in protecting individuals' privacy rights within their homes. Superintendent Bailey discussed the role of the BPD, stated that BPD's role is to ensure that neighborhoods are safe to live, discussed the balance of freedom of expression and the noise of the protests, stated that the objective of BPD is to de-escalate, divert, negotiate with arrest as a last resort. Superintendent Bailey stated that no citations for violations of the current noise ordinance have been issued for protected protests. Superintendent Bailey stated that BPD has contacted West Roxbury District Court in order to address noise violations.

Councilors offered language suggestions which included defining a kind of harm as a standard in order to provide context, for example regulating activity that rises above noise level and blocking public ways; removing the word “towards” and replacing it with “against or in opposition to”; and removing “a particular residence”. The Chair asked the City lawyers if the proposed language change would violate the content neutrality standard and asked for an interpretation of the meaning of the term “subsequent offense.” Corporation Counsel reiterated that targeted residential picketing is permissible for most of the day; however, there is a significant government interest in protecting privacy in homes for all times during the day. The Chair stated that the focus of the proposal is to provide protection of neighborhoods in general

### **Summary of Amendments:**

- Removing the words “a particular residence” after the term “towards”. The second paragraph now reads as follows: For the purpose of this section, targeted residential picketing means picketing, protesting, or demonstrating, with or without signs, that is specifically directed towards one or more occupants of a particular residence, and which takes place before or about the particular targeted residence.”
- Amending the fine structure to \$50 - \$150 - \$300, adding language that fines are determined within a 12 month period, and adding language about non-criminal disposition procedures. The fourth paragraph now reads as follows: Any violation of this section shall be punishable by a fine of fifty (\$50.00) dollars for the first offense in any twelve (12) month period, one hundred and fifty (\$150.00) dollars for the second offense in any twelve (12) month period, and three hundred (\$300.00) dollars for any third and subsequent offense in any twelve (12) month period. All fines issued under this section shall be enforced pursuant to the non-criminal disposition procedures of G. L. c. 40, s. 21D, which procedures are incorporated herein by reference.
- In the third paragraph inserting the word “state” is inserted before the term “statutes”.
- Inserting the word "harassment" in the third paragraph after the phrase “disturbing the peace.”
- Inclusion of severability language at the end of Section 1 that provides as follows: If any provision of this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
- Inserting the following new sentence after “Boston Police Department”: Any information obtained from enforcement of this ordinance shall not be included in any database maintained by the Boston Regional Intelligence Center.

### **Rationale and Recommended Action:**

Passage of this docket in a new draft will ensure that the expectation of privacy that individuals have in their home is protected while maintaining freedom of speech and assembly rights. This docket regulates targeted residential picketing between certain hours and imposes reasonable limitations on the time, place, and manner of speech and is content neutral. The purpose of this ordinance is to protect the quality of residential life in our city, especially to protect residents' privacy, well-being and tranquility in the sanctity of their own homes and to protect individuals from becoming captive audiences in the privacy of their own home. Although these interests are important at all times, the ordinance seeks to protect individuals' privacy in their own homes during the night and early morning when such intentional intrusion into privacy is particularly invasive and burdensome. The proposal in its amended draft provides clarity. Removing the word “a particular residence” after the term “towards” eliminates ambiguity. Including severability language is standard practice for the City and ensures that if challenged and such challenge prevails only those challenged provisions would be impacted. The proposal allows



for demonstrations during certain hours. The proposal serves to address the significant government interest in protecting the right to privacy in homes and addresses the harm caused by targeting picketing is interfering with this protected right. The proposal is narrowly tailored to serve a significant government interest of protecting the privacy of individuals in their homes while leaving ample alternative channels of communication.

By the Chair of the Committee on Government Operations, to which the following was referred:

***Docket #0312, message and ordinance amending the City of Boston Code, Ordinances, Chapter XVI, regarding targeted residential picketing,***

submits a report recommending that this docket **ought to pass in a new draft**.

For the Chair:

A handwritten signature in blue ink, appearing to read "Ra", followed by a horizontal line.

Ricardo Arroyo, Chair  
Committee on Government Operations





## **CITY OF BOSTON IN CITY COUNCIL**

**Be it ordained by the City Council of Boston, as follows:**

SECTION 1. The City of Boston Code, Ordinances, is hereby amended in Chapter XVI by inserting the following new section after the existing Section 16-62:

### **16-63 An Ordinance Regarding Targeted Residential Picketing**

It shall be unlawful for any person to engage in targeted residential picketing between the hours of 9:00 p.m and 9:00 a.m.

For the purpose of this section, targeted residential picketing means picketing, protesting, or demonstrating, with or without signs, that is specifically directed towards one or more occupants of a particular residence, and which takes place before or about the particular targeted residence. Those engaged in targeted residential picketing between the hours of 9:00 a.m. and 9:00 p.m. remain subject to all other ordinances and state statutes, including but not limited to laws concerning excessive noise, disturbing the peace, harassment, and blocking of streets and sidewalks.

Any violation of this section shall be punishable by a fine of fifty (\$50.00) dollars for the first offense in any twelve (12) month period, one hundred and fifty (\$150.00) dollars for the second offense in any twelve (12) month period, and three hundred (\$300.00) dollars for any third and subsequent offense in any twelve (12) month period. All fines issued under this section shall be enforced pursuant to the non-criminal disposition procedures of G.L. c.40, s.21D, which procedures are incorporated herein by reference.

This section shall be enforced by the Boston Police Department. Any information obtained from enforcement of this ordinance shall not be included in any database maintained by the Boston Regional Intelligence Center.

If any provision of this shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 2. This Section 16-63 shall take effect upon passage.

Filed in Council: March 30, 2022.

Report #	Offense (Code) Description	(District) Incident Address	Incident Statistics				
<a href="#">222023424</a>	(3115) INVESTIGATE PERSON	(E5) 17 AUGUSTUS AVE, ROSLINDALE					
Occurred On	Reported On	Updated On					
4/4/2022 7:40 AM	4/4/2022 10:58 AM	4/4/2022 1:10 PM					
Label	Offense Location Category	Offense Mod Supplement			Assigned To		
	Highway/ Road/ Alley/ Street/ Sidewalk						
Persons Involved Information							
Name (DOB)		Address	Age	Sex	SSN	Driver Lic #	State
SUBJECT: David Mackie ( )			36	M			
SUBJECT: Karina Demurchyan ( )			40	F			
SUBJECT: Robert Burke ( )			66	M			
SUBJECT: Shawn Nelson ( )			43	M			

ABOUT 7:40 AM 04/04/22 OFFICER PUOPOLO E626D ARRIVED AT 17 AUGUSTUS AVE FOR A CD19F AND MET J909 (SGT. WATERS).

OFFICER OBSERVED ABOUT 8 PEOPLE STANDING AT THE EDGE OF THE ROAD HOLDING SIGNS, CHANTING AND BANGING A PLASTIC BUCKET, APPARENTLY PROTESTING. J909 READ ALOUD CITY OF BOSTON ORDINANCE 16-63 "TARGETED RESIDENTIAL PICKETING" AND A SHORT TIME LATER READ THE CITY OF BOSTON'S NOISE ORDINANCE REGULATIONS.

CITY OF BOSTON REGULATIONS UNDER 16-63 "ORDINANCE REGARDING RESIDENTIAL PICKETING" PROHIBIT THIS ACTION BETWEEN THE HOURS OF 9 PM AND 9 AM WITH THIS ACTIVITY OCCURRING WELL BEFORE 9 AM.

BWC'S WERE PRESENT AND ACTIVATED FOR THIS INCIDENT.

THE FOLLOWING PEOPLE WERE IDENTIFIED FOR VIOLATION OF CITY ORDINANCE 16-63:

KARINA DEMURCHYAN [REDACTED]

DAVID MACKIE [REDACTED]

SHAWN NELSON [REDACTED]

ROBERT BURKE [REDACTED] WAS ALSO IDENTIFIED FOR WILFUL VIOLATION OF ORDINANCE UNDER (272:59) IN ADDITION TO 16-63 VIOLATION.

CIVIL COMPLAINTS TO BE SOUGHT IN WEST ROXBURY DISTRICT COURT BY SGT. WATERS.

**Internal investigation      IA No: IAD2022-0136      Received: Apr 01, 2022**

Case No:

**Classification/Sub-classification: Rights & Responsibilities - 102 / Sec 03 - Conduct**

**Officers involved:**

**Sergt Shana Cottone [00325/106714]**

**Officer current info:**

Bureau : Bureau Of Administration & Technology  
Zone / Division: Human Resources Division  
Area:

**Snapshot - Officer information at time of incident:**

Employee ID Number: 106714  
Bureau : Bureau Of Administration & Technology  
Zone / Division: Human Resources Division  
Area:  
Unit: Administrative Leave Section  
Rank/title: Sergt  
Age: 36    Years of employment: 13    Years with unit:  
Off duty: Unk    Off duty employed: Unk

Allegations:

Conduct Unbecoming  
< Open allegation - no finding >

**Officer complainants:**

**Sergeant Detective Jason S S Gilmore Sr. [00250/011055]**

**Officer current info:**

Bureau : Office Of Police Commissioner  
Zone / Division:  
Area:

**Officer witnesses:**

**Sergt Stephen T T O'brien [00535/009033]**

**Officer current info:**

Bureau : Bureau Of Field Services  
Zone / Division: Three  
Area: E

**Summary:**

On 04/01/2022, at approximately 7:15 am, protesters began arriving at the corner of Crandall and Augustus Av. The number increased to approximately 6-8 protesters. The protesters began yelling in the direction of the Mayor's house relative to the Vax Mandate and City Ordinances. These protesters were, also, waving flags and holding signs. Sgt Det. Jason

Gilmore of the Mayors Security Team approached the group and advised them of the City Ordinance 16-63 regarding Targeted Residential Picketing.. After advising the group of the ordinance, I (E901) provided, a copy of the CITY ORDINANCE to each protester in hand. Sgt. Cottone was present for Sgt Det Gilmore's reading of the ordinance and I personally handed Sgt Cottone a copy of the new city ordinance. A short time later, Sgt. Cottone approached me and notified me that she was leaving the area. Later, I heard someone using an amplification device further down Crandall St. After several outbursts form down the street it was determined that Sgt. Cottone was now on Crandall St. street broadcasting from her personal vehicle at least two times. Finally, when the Mayor exited her house and entered the security teams vehicle, I observed that a motor vehicle began to follow the Mayor's vehicle at a close distance down Augustus onto Poplar Street towards Roslindale Sq, The vehicle was, also, using a amplification device to broadcast anti Wu statements , This vehicle was the same vehicle that was parked down the street on Crandall and previously using an amplification device to broadcast ant Wu sentiments. The vehicle was identified as being owned and operated by Sgt, Shana Cottone, The incident was captured by BWC worn officers on scene .

**When/where:**

Date/time occurred: Apr 01 2022 07:15

Incident location: 17 Augustus Avenue Boston MA 02131 Precinct: E-5  
County: E-5

**Status/assignment information:**

Status: Active

Opened: 04/04/2022 Assigned: 04/04/2022 Due: 05/01/2022 Completed:

Disposition: Pending

Unit assigned: Internal Affairs  
Handled at field/unit level: No  
Investigator assign: Sergeant Detective Rafael Antunez  
Supervisor assign: Lieutenant Detective Thomas Lema  
Source of information: Form 1920

**Organizational component(s):**

Bureau : Bureau Of Field Services  
Zone / Division: Three  
Area: E  
District: 05  
Unit: Administrative Leave Section

**From:** Joseph Gillespie <joseph.gillespie@pd.boston.gov>

**Sent:** Tuesday, April 05, 2022 10:08 AM EDT

**To:** john.johnson@pd.boston.gov <john.johnson@pd.boston.gov>; Daniel Keane <daniel.keane@pd.boston.gov>; David Edwards <david.edwards@pd.boston.gov>; Edward Barrett <edward.barrett@pd.boston.gov>; John Tevnan <john.tevnan@pd.boston.gov>; Michael Locke <michael.locke@pd.boston.gov>; Peter McCarthy <peter.mccarthy@pd.boston.gov>; Robert Donaruma <DonarumaR.bpd@cityofboston.gov>; Tracey Fenton <tracey.fenton@pd.boston.gov>; Eric Krause <eric.krause@pd.boston.gov>; Jeffrey Lynch <jeffrey.lynch@pd.boston.gov>; John Rouvalis <john.rouvalis@pd.boston.gov>; Keith Monahan <keith.monahan@pd.boston.gov>; Anastatia Hamilton <stacey.boyle@pd.boston.gov>; Michael Sullivan <michaelj.sullivan@pd.boston.gov>

**Subject:** Fwd: Response for Protest 17 Augustus Ave Roslindale

mona

----- Forwarded message -----

From: **Darrin Greeley** <darrin.greeley@pd.boston.gov>

Date: Mon, Apr 4, 2022 at 12:48 PM

Subject: Response for Protest 17 Augustus Ave Roslindale

To: Michael Hegarty <michael.hegarty@pd.boston.gov>, John Earley <john.earley@pd.boston.gov>, Tomas Kearney <thomas.kearney@pd.boston.gov>, Dana Barrett <dana.barrett@pd.boston.gov>, Nicole McMullin <nicole.mcmullin@pd.boston.gov>, Frank St Peter <francis.st.peter@pd.boston.gov>, Timothy Fitzpatrick <timothy.fitzpatrick@pd.boston.gov>, Wilson Quiles <wilson.quiles@pd.boston.gov>, Stephen O'Brien <stephen.obrien@pd.boston.gov>

Cc: John Hughes <john.hughes@pd.boston.gov>, Joseph Gillespie <joseph.gillespie@pd.boston.gov>, Scott O'Mara <scott.omara@pd.boston.gov>, Michael Mylett <michael.mylett@pd.boston.gov>, Joe Freeman <joe.freeman@pd.boston.gov>, Gerard Bailey <gerard.bailey@pd.boston.gov>, Gregory Long <gregory.long@pd.boston.gov>, James Tarantino <james.tarantino@pd.boston.gov>, Michael Kern <michael.kern@pd.boston.gov>, Tony Troy <TroyAn.bpd@ci.boston.ma.us>, Katelyn O'Toole <katelyn.otoole@pd.boston.gov>, Erica Bradley <erica.bradley@pd.boston.gov>, Brian Waters <brian.waters@pd.boston.gov>, John Rouvalis <john.rouvalis@pd.boston.gov>, Mathew Wosny <mathew.wosny@pd.boston.gov>, John Farrell <john.farrell@pd.boston.gov>, Kevin McClay <kevin.mcclay@pd.boston.gov>, Brian Armstrong <brian.armstrong@pd.boston.gov>, John Brown <john.brown@pd.boston.gov>

POLICY regarding the Mayor's HOUSE.

COMPLAINT - Civil HEARING - DISREGARD THE CIVIL CITATION-THE COURT WANTS CIVIL COMPLAINT HEARING. If second subsequent time then add Mass 272.s 59 for Willful Violation of City Ordinance.

If we have protestors show up at the Mayor's house the Patrol Supervisor will respond. Please have Area E EDT's every morning and release if no protestors show up.

PUT ON BODY CAMERAS!

TARGETED PROTESTING 16.63 - 9:00 PM to 9:00 AM

The District 5 Patrol Supervisor will utilize the sound meter. There is a brand new one in the District 5 DS office. VIOLATION IS ABOVE 70 decibels. PLEASE MAKE SURE IT IS WELL ABOVE 70 decibels AND HAVE IT RECORDED ON AN OFFICERS BODY CAMERA.

The Patrol Supervisor will notify protestors with Officers present with their body cameras on and video the Patrol Supervisor give an oral warning to protestors - READ CITY ORDINANCE TARGETED PROTESTING and to not use amplified devices and if it is before 9:00 AM that it is in violation of **City Ordinance 16.63 for protesting before 9:00 AM**. If the protestors fail to comply with his oral warning to leave and to not use bull horns, drums etc then please have the officers with their body cameras activated, ask for the protestors identification. The COMPLAINT FORM will be FILLED OUT, City Ordinance Violation - 16.63 Targeted residential picketing and 16.26.8 - loud amplification device in public space. The Civil hearing will be at West Roxbury District Court. The Patrol Supervisor will make sure the incident report has all elements of violation and tag all body cameras and attempt to identify all suspects. We have a master list of protesters that will help with identification.

If the protestors fail to give identification then please have them on body camera decline. We will identify through previous encounters and booking photos etc.

West Roxbury Court will handle all civil complaints in Clerks Hearing and issue fines, warnings etc. We will follow the policy and guidelines of the Court and if an arrest is to be determined it will be by the Court for violations of the ordinance.

PLEASE POST AT E-5 DS DESK for anyone on overtime from outside the District.

Captain Darrin P. Greeley  
Commander District 5

[darrin.greeley@pd.boston.gov](mailto:darrin.greeley@pd.boston.gov)

--

**Captain Joseph G. Gillespie**

**Commander, District E-18**

**1249 Hyde Park Avenue**

**Hyde Park, MA 02136**

Office: (617) 343 - 5329

Cell: (617) 594 - 3481

Email: [joseph.gillespie@pd.boston.gov](mailto:joseph.gillespie@pd.boston.gov)