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February 27, 2013

Sheriff Peter Koutoujian
Middlesex County Sheriff's Office
400 Mystic Avenue
Medford, MA 02155

Dear Sheriff Koutoujian,

This is a public records request on behalf of the American Civil Liberties Union Foundation of Massachusetts ("ACLUM") for records made or received by the Middlesex County Sheriff's Office ("Middlesex County") concerning its SWAT Team. ACLUM makes this request under the Massachusetts Public Records Law, G.L. c. 66, § 10.

In order to learn more about the Middlesex County SWAT team, its activation and the allocation of resources to it, ACLUM requests the following public records from the formation of the SWAT team until the present:

1. Incident reports, call-out reports or other written reports documenting each time the SWAT team was deployed.
2. Any reports showing breakdowns of SWAT deployments by crime, requesting agency, or purpose for the raid (i.e. to serve a warrant, arrest someone, diffuse a hostage crisis, etc.) and any post-deployment documentation.
3. Records including procedures, regulations and guidelines relating to SWAT team deployments and training, including protocols for SWAT team activation, responding to "high risk" situations, and use of deadly force.
4. Training materials and records of SWAT team trainings from 2001 to the present, including records of trainings with outside agencies and including trainings led by SWAT.

5. Records relating to the procurement, maintenance or deployment of SWAT team weapons and other equipment, including guns, vehicles, personal protective equipment and uniforms, surveillance and reconnaissance equipment, less than lethal devices, and forced entry tools. This includes any equipment the SWAT team owns or to which the SWAT team has access. Please include documents showing how and when SWAT equipment is used, whether it was purchased, leased or borrowed from outside agencies, how it is stored, and who has access to it.
6. All records pertaining to acquisitions of weapons, tactical and surveillance/reconnaissance equipment via the Defense Department's "1033 Program" and "1122 Program."
7. Any written mutual aid agreements or memoranda of understanding with federal, state and local agencies, including any branch of the US Armed Forces and private entities concerning SWAT teams.
8. The annual budget for the Middlesex County SWAT team for every year of its existence.
9. Any internal or external audits of SWAT performance and/or disciplinary records.

Please provide records in electronic form wherever possible. Because this request involves a matter of public concern and because it is made on behalf of a nonprofit organization, we ask that you waive any copying costs pursuant to 950 C.M.R. § 32.06(5). ACLUM is a nonprofit 501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts.

If you decide not to waive copying costs, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to photocopy.

Should you determine that some portion of the documents requested are exempt from disclosure, we ask you to release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions.

Thank you for your assistance. We look forward to your response.

Sincerely,

Laura Rótolo
Attorney
ACLU of Massachusetts