

September 9, 2013

Director J.T. Fallon
New England HIDTA
13 Branch St. Suite 9
Methuen, MA 01844

Re: Request Regarding Joint Operations with the Drug Enforcement Agency

To Whom It May Concern:

This is a request under the Public Records Law, G.L. c. 66, § 10 by the American Civil Liberties Union of Massachusetts. The ACLU of Massachusetts defends and promotes the fundamental principles embodied in the Bill of Rights and the U.S. and Massachusetts constitutions.

I. Framing of this request.

This request concerns the working relationship between the New England High Intensity Drug Trafficking Area or NEHIDTA (hereafter referred to as “your agency”) and the Drug Enforcement Agency (“DEA”) pertaining to operations in the Commonwealth, as well as information sharing between the two agencies. We are particularly interested in the relationship between the NEHIDTA and any of its employees and task forces, and the Special Operations Division (“SOD”) of the DEA.

II. Request for records.

We hereby request disclosure of all records in your possession relating to any official and unofficial agreements with the DEA (and all sub-agencies, including the SOD); information sharing agreements and other records about information sharing; records of communication concerning the sharing of intelligence information; policy guidance pertaining to the NEHIDTA-DEA relationship and the use of DEA-derived information or intelligence; records of communication concerning the SOD; and database access records.

These records¹ include but are not limited to:

- Policies, procedures and practices your agency follows to obtain intelligence from the DEA or any DEA intelligence or law enforcement databases.

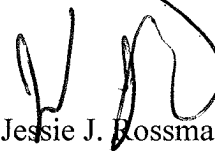
¹ Records may include but are not limited to letters, memoranda, notes, electronic messages, contracts, purchases, grants, audits, reports, calendars and scheduling records, meeting minutes, work orders, et cetera.

- Policies, procedures and practices your agency follows in the course of using information derived from DEA databases, employees or contractors in any criminal or intelligence investigations and prosecutions.
- Any documents describing the use of “parallel construction” in intelligence or criminal investigations or prosecutions.
- Memoranda of Understanding or Agreement between your agency and the DEA or any sub-agency of the DEA.
- Records of communication between any employee or contractor for your agency and any employee or contractor of the DEA pertaining to intelligence sharing frameworks, access to databases or information in databases, and ‘parallel construction.’
- Records of communication between any employee or contractor for your agency and any employee or contractor for the DEA’s SOD.
- Records describing your agency’s access to any DEA databases.
- Records containing reference to or describing ‘Operation Hemisphere’, or any other program that grants your agency the power to data-mine phone records held by telecommunications companies, either directly or indirectly.

Because the ACLU of Massachusetts is a non-profit public interest organization, we request a fee waiver. If, however, such a waiver is denied, we will reimburse you for the reasonable cost of copying. Please inform us in advance if the cost will be greater than \$200. Please also furnish as many records as possible in digital form; it saves paper, expense and is more efficient wherever possible.

Thank you for your prompt attention to this matter. Please furnish all applicable records to Jessie J. Rossman, ACLUM, 211 Congress St. 3rd Floor, Boston, MA 02110. If you have questions, please contact me at 617.482.3170 x337 or jrossman@aclum.org

Sincerely,



Jessie J. Rossman
Staff Attorney
ACLU of Massachusetts