



Federal Bureau of Investigation

Washington, D.C. 20535

May 3, 2010

MS. LAURA ROTOLO
ACLU OF MASSACHUSETTS
211 CONGRESS STREET
BOSTON, MA 02110

Subject: Documents describing prosecutorial priorities for the Massachusetts JTTF; any documents showing rules, regulations and procedures regarding the operation of the Massachusetts JTTF.

FOIPA No. 1141759- 000

Dear Ms. Rotolo:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Deletions have been made to protect information which is exempt from disclosure, with the appropriate exemptions noted on the page next to the excision. In addition, a deleted page information sheet was inserted in the file to indicate where pages were withheld entirely. The exemptions used to withhold information are marked below and explained on the enclosed Form OPCA-16a:

Section 552

Section 552a

- List of exemptions including (b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7)(A-F), (b)(8), (b)(9), (d)(5), (j)(2), (k)(1-7)

5 pages were reviewed and 5 pages are being released.

- Document(s) were located which originated with, or contained information concerning other Government agency(ies) [OGA]. This information has been:
- referred to the OGA for review and direct response to you.
- referred to the OGA for consultation. The FBI will correspond with you regarding this information when the consultation is finished.

You have the right to appeal any denials in this release. Appeals should be directed in writing to the Director, Office of Information Policy, U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001. Your appeal must be received by OIP within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Number assigned to your request so that it may be easily identified.

The enclosed material is from the main investigative file(s) in which the subject(s) of your request was the focus of the investigation. Our search located additional references, in files relating to other individuals, or matters, which may or may not be about your subject(s). Our experience has shown, when ident, references usually contain information similar to the information processed in the main file(s). Because of our significant backlog, we have given priority to processing only the main investigative file(s). If you want the references, you must submit a separate request for them in writing, and they will be reviewed at a later date, as time and resources permit.

See additional information which follows.

Sincerely yours,



David M. Hardy  
Section Chief  
Record/Information  
Dissemination Section  
Records Management Division

Enclosure(s)

Your request for documents regarding the prosecutorial priorities should be addressed to the Office of the United States Attorney at:

William G. Stewart, II, Assistant Director  
FOIA/Privacy Unit  
Executive Office for United States Attorneys  
Department of Justice  
Room 7300, 600 E Street, N.W.  
Washington, DC 20530-0001

## EXPLANATION OF EXEMPTIONS

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute(A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information ( A ) could be reasonably be expected to interfere with enforcement proceedings, ( B ) would deprive a person of a right to a fair trial or an impartial adjudication, ( C ) could be reasonably expected to constitute an unwarranted invasion of personal privacy, ( D ) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, ( E ) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or ( F ) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

### SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.



To: All Field Offices From: Counterterrorism  
Re: 315N-HQ-C1515828-P, 10/24/2006

**Synopsis:** To advise All Field Offices concerning the submission of the new standard JTTF MOU for federal, state, local and tribal law enforcement agencies participating on JTTFs.

**Enclosures:** Enclosed is the newly revised Standard JTTF MOU.

**Administrative:** Reference CTD EC to All Field Offices, dated 9/21/2005, captioned "JTTF Program; JTTF Policy Guidance; Standard MOU for JTTFs and the NJTTF" (66F-HQ-1215549-A), Serial 1475), and the new JTTF MOU uploaded under 66F-HQ-1215549-A, serial 1474. Additionally, reference EC to All Field Offices, dated 10/21/2005, captioned same as above, 66F-HQ-1215549-A, serial 1528.

**Details:** As detailed in above referenced EC dated 10/21/2005, certain key provisions of the proposed JTTF MOU required additional review, and as a result the NJTTF requested all JTTFs to hold in abeyance the execution of the new JTTF MOU until further guidance was provided.

This communication re-establishes the requirement to execute new JTTF MOUs with each state, local, and tribal participating agency.

The new JTTF MOU represents the agreement governing the process by which federal, state, local, and tribal participating agency members are assigned to work as part of JTTFs. The newly revised JTTF MOU includes [REDACTED] along with other key updates such as the [REDACTED] for FBI space; information sharing and Non-Disclosure Agreement requirements; and a minimum two year commitment requirement for JTTF members.

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The following listed guidance is provided to JTTF management regarding the execution of new JTTF MOUs:

STEP 1

- Each field office is responsible for submitting to the NJTTF, an unsigned draft MOU for each state, local, and tribal agency assigning full-time or part-time members to their JTTF by 11/01/2006.
- The NJTTF will be responsible for submitting unsigned draft MOUs from the appropriate headquarters office of each federal agency participating on the NJTTF and/or the JTTFs by 11/01/2006.
- A multiple agency MOU will not be processed for approval.

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- A MOU is required for part-time participation if the JTTF participant will be utilized to conduct case-related investigative operations (surveillance, arrests, and interviews, etc).
- A MOU is not required for part-time participants in which their JTTF role is limited to "liaison for information sharing purposes."
- The NJTTF will review each unsigned draft MOU and will forward all approved MOUs to the FBI Chief Contracting Officer for signature. NJTTF will coordinate with OGC/NSLB in the event that modifications are requested.

#### STEP 2

- After the NJTTF receives the approval signature of the FBIHQ Chief Contracting Officer, the MOU will be returned to the JTTF to be signed by the appropriate state, local or tribal officials.
- Once signatures are obtained from the appropriate state, local or tribal official(s), the field office JTTF should forward a copy of the signed MOU to the NJTTF.
- The JTTFs should maintain the original MOU in a designated field office JTTF administrative file.

#### OTHER INFORMATION

- The term of the MOU is for an indefinite period.
- The JTTF MOU is the property of the FBI, and may be released only with FBIHQ permission. Prior to any release of the JTTF MOU, the field office's Chief Division Counsel must coordinate with the FBI's OGC/NSLB.
- The new standard MOU has been vetted thoroughly and changes should not be required, absent exceptional circumstances. However, should issues arise concerning the MOU, resolutions must be coordinated with the FBI's Chief Division Counsel, OGC/NSLB, and the NJTTF.
- It is required that each participating JTTF member be provided with a copy of the MOU upon their assignment to the JTTF.

To: All Field Offices From: Counterterrorism  
Re: 315N-HQ-C1515828-P, 10/24/2006

All JTTF management personnel must insure that each participating JTTF officer or agent undertakes all necessary steps [REDACTED]

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[REDACTED] This will require that all JTTF task force officers [REDACTED]

Federal agency task force officers should contact their Security Officer and request and obtain the following [REDACTED]. If the parent agency refuses or is unable to provide the appropriate clearances, the FBI must request the task force officer's security file, and if provided, [REDACTED]. However, this action could be a prohibitively long process and should be avoided.

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State, local, and tribal law enforcement agencies' task force officers with current [REDACTED] with FBI SSA signature, an FD-887, either using the WP Macro or the form at [http://rmd.fbinet.fbi/fd\\_forms/pdf\\_forms/fd-887.pdf](http://rmd.fbinet.fbi/fd_forms/pdf_forms/fd-887.pdf) and request [REDACTED]. The FD-887 will then be forwarded to the Law Enforcement & Contractors Adjudication Unit, Security Division for adjudication. In order to adjudicate the clearance request, the Law Enforcement & Contractors Adjudication Unit will require a copy of the 259 file with the background investigation.

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Prior to assignment or as a condition of continued assignment to the JTTF, each member must sign two non-disclosure agreements. The execution of a FD-868, Non-Disclosure Agreement for Joint Task Force/Contract Members, and a SF-312, Classified Information Non-disclosure Agreement, are required for assignment to the JTTF. The SF-312 legally binds the signer to protect classified information from unauthorized disclosure. MIOG Part I, Section 26-13.1, requires any person who has knowledge of loss or possible compromise of classified information to immediately report the circumstances to their Division Security Officer.

Any questions regarding the information set forth above can be directed to UC [REDACTED]

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**LEAD(s):**

**Set Lead 1: (Action)**

ALL RECEIVING OFFICES

All JTTFs are to submit new draft JTTF MOUs for each state, local, and tribal law enforcement participating agency,

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utilizing the enclosed newly revised standard JTTF MOU to the NJTTF, by 11/01/2006. After NJTTF/OGC review, a final version of the MOU must be uploaded to the NJTTF file 315N-HQ-C1515828-P.

Set Lead 2: (Info)

INSPECTION

AT WASHINGTON, DC

Read and clear.

Set Lead 3: (Info)

GENERAL COUNSEL

AT WASHINGTON, DC

Read and clear.

Set Lead 4: (Info)

FINANCE

AT WASHINGTON, DC

Read and clear.

Set Lead 5: (Action)

COUNTERTERRORISM

AT WASHINGTON, DC

The NJTTF will submit the draft JTTF MOU for review and execution to the appropriate headquarters office of each federal agency which participates on the NJTTF and/or the JTTFs.

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