Adriana Lafaille
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June 8, 2015

Susan O'Neil and Julie Clark
Records Division
Wilmington Police Department
1 Adelaide Street
Wilmington, MA 01887

Re: Public Records Request Regarding Detention for CBP and Other Agencies

Dear Ms. O'Neil and Ms. Clark:

This is a request for public records under G. L. c. 66, § 10 on behalf of the American Civil Liberties Union of Massachusetts[1] concerning the Wilmington Police Department's provision of short-term holding cells for U.S. Customs and Border Protection (hereinafter "CBP") and other federal agencies.

We request the following records[2]:

1. Any contract, agreement, memorandum, or policy that is currently in effect and governs or addresses:
   - the use of the Wilmington Public Safety Building or other property to detain individuals for CBP, the Department of Homeland Security ("DHS"), or any other DHS agency, or
   - the provision of short-term detention by the Wilmington Police Department for CBP, DHS, or any other DHS agency.

[1] The American Civil Liberties Union of Massachusetts is a non-profit organization dedicated to the protection of civil rights and civil liberties.

[2] The term "records" as used here includes all records or communications preserved in electronic or written form, including but not limited to: correspondence (including email), documents, data, videotapes, audio tapes, faxes, files, guidance, guidelines, evaluations, instructions, analyses, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, or studies.

2. Any other contract, agreement, memorandum, policy, communication created after January 1, 2014 that addresses or relates to:
    - the use of the Wilmington Public Safety Building or other property to detain individuals for CBP, the Department of Homeland Security ("DHS"), or any other DHS agency, or
    - the provision of short-term detention by the Wilmington Police Department for CBP, DHS, or any other DHS agency.

3. Records relating to the detention of all individuals held at the Wilmington Public Safety Building or other property since January 1, 2014 on behalf of or at the request of CBP, DHS, or any other DHS agency.

As you know, the Massachusetts Public Records Act, G. L. c. 66, § 10(b), requires a response to this request within ten days. If you invoke any exemption to withhold any part of these records, please release any reasonably segregable portions that are not exempt. For example, if you claim that some or all of the requested records are exempt from disclosure under the privacy provision of G. L. c. 4, § 7(26)(c), please redact any names, addresses, or other information you claim is exempt from the records and provide the remaining portions of the documents. In addition, please note the applicable statutory exemptions and explain why they apply to withheld documents or redacted portions.

As this request involves a matter of public concern, we also request a waiver of any fees pursuant to 950 C.M.R. 32.06(5), which encourages all custodians of public records to "waive fees where disclosure would benefit the public interest." If disclosed, these records will inform the public of the relationship between local and federal law enforcement, and specifically, of the role of local police in the application of detention and immigration policies.

Thank you for your assistance. Please do not hesitate to contact me at 617-482-3170 x 308 if I can clarify any part of this request.

Sincerely,

Adriana Lafaille