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March 13, 2013

Chief Daniel S. Racine
Fall River Police Department
685 Pleasant St.
Fall River, MA 02721-4305

Dear Chief Racine,

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 Fall River Police Department concerning its Special Operations unit. ACLUM makes this request under the Massachusetts Public Records Law, G.L. c. 66, § 10.

In order to learn more about the Fall River PD’s Special Operations unit, its activation and the allocation of resources to it, ACLUM requests the following public records from the date of the formation of the Special Operations unit until the present:

1. Incident reports, call-out reports or other written reports documenting each time the unit has been deployed;
2. Any reports showing breakdowns of Special Operations unit deployments by crime, requesting agency, and/or purpose for the raid (i.e. to serve a warrant, arrest someone, diffuse a hostage crisis, etc.);
3. Records including procedures, regulations and guidelines relating to Special Operations unit deployments and training, including protocols for unit activation, responding to “high risk” situations, and use of deadly force;

4. Training materials and records of Special Operations unit trainings from 2001 to the present, including records of trainings with outside agencies and including trainings led by the unit;
5. Records relating to the procurement, maintenance or deployment of Special Operations unit weapons and other equipment, including guns, vehicles, personal protective equipment and uniforms, surveillance and reconnaissance equipment, less than lethal devices, and forced entry tools. Please include documents showing how and when Special Operations unit 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" (this applies to any records in the Fall River PD's possession, not solely those limited to its Special Operations unit);
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 pertaining to the Fall River PD;
8. The annual budget for the operation of the Special Operations unit from the date of its founding until the present; and
9. Any internal or external audits of Special Operations unit performance 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