

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
UPSTATE NEW YORK REGIONAL INTELLIGENCE CENTER
AND THE COMMONWEALTH FUSION CENTER**

This memorandum of understanding ("MOU") is made between the New York State Police (NYSP) Upstate New York Regional Intelligence Center (UNYRIC) and the Commonwealth Fusion Center ("CFC") of the Massachusetts State Police ("MSP").

PURPOSE

Whereas, the CFC is responsible for obtaining information on terrorist and criminal activity; and

Whereas, the UNYRIC is responsible for obtaining information on terrorist and criminal activity; and

Whereas, both of these entities share the strategy of preventing terrorism and crime in their respective jurisdictions; and

Whereas, each of these entities is willing to provide support to one another in the furtherance of this goal regarding terrorist and criminal activity relevant to each other's jurisdiction;

Now, therefore, in consideration of the MOU contained herein, it is resolved and the parties agree as follows:

AUTHORITY

This MOU is entered into under the authority of the laws of the Commonwealth of Massachusetts and New York State.

TERMS OF AGREEMENT

DUTIES

The CFC and the UNYRIC agree to establish a means to communicate securely and to efficiently exchange appropriate crime and terrorist related intelligence/information products. In this endeavor, CFC and the UNYRIC personnel will:

- Assist the respective agencies with requests for information relating to criminal and terrorism security matters by accessing departmental databases and resources within the constraints of state and federal law.

- Share all relevant intelligence/information in a timely manner that may have a bearing on the other's jurisdiction.
- Communicate on a regular basis as determined by the authorized representatives.
- Provide 24/7 contact coverage to enable timely access and effective utilization of the respective departmental resources.

DURATION AND TERMINATION

This MOU shall remain in effect until such time as either signatory agency withdraws from this agreement. The UNYRIC or the CFC may terminate this MOU upon a 30-day notice in writing to the other party.

AUTHORIZED REPRESENTATIVES AND NOTICE PROVISION

Executive Directors will be designated and be responsible as follows. The CFC's authorized representative for the purposes of administration of this Agreement is Major Robert G. Smith or his successor. The UNYRIC's authorized representative for the purposes of administration of this Agreement is Lieutenant Colonel Bart R. Johnson or his successor. Any written notice to the CFC required under this Agreement shall be addressed to Major Robert G. Smith, Commonwealth Fusion Center, 470 Worcester Road, Framingham, MA 01702. Any written notice to the UNYRIC required under this Agreement shall be addressed to Lieutenant Colonel Bart R. Johnson, New York State Police, 1220 Washington Avenue, Building 22, Albany, New York 12226.

ASSIGNMENT

Neither the CFC nor UNYRIC shall assign or transfer any rights or obligations under this MOU without the prior written consent of the other party.

AMENDMENTS

Amendments to this MOU shall be proposed by either party, and must be approved in writing by both parties to this MOU.

LIABILITY

The CFC and UNYRIC agree that each party will be responsible for its own acts, and the acts of its Representative(s) and the results thereof to the extent authorized by law and shall not be responsible for the acts of each other or any others and the results thereof. The CFC and UNYRIC liability shall be governed by the provisions of their own applicable state laws. Liability of the Commonwealth, the CFC, the MSP, or any Massachusetts state employees for injury or death of any person(s) and/or damage to or

By: Wayne E. Bennett
Wayne E. Bennett

Title: Superintendent

Date: 12/1/06

2. MASSACHUSETTS STATE POLICE
COMMONWEALTH FUSION CENTER

By: Mark P. Delaney
Mark Delaney

Title: Superintendent

Date: 11-9-06

Distribution:

Colonel/Superintendent's Office, Massachusetts State Police
Superintendent's Office, New York State Police
Executive Director Commonwealth Fusion Center
Executive Director Upstate New York Regional Intelligence Center