



Laura Rótolo
Staff Attorney
ACLU of Massachusetts
211 Congress Street
Boston, MA 02110
(617) 482-3170
lrotolo@aclum.org

May 4, 2012

Marian McGovern
Superintendent
Department of State Police
470 Worcester Road
Framingham, MA 01702

Dear Superintendent McGovern:

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 Department of State Police concerning the U.S. Department of Defense “1033 Program.” ACLUM makes this request under the Massachusetts Public Records Law, G.L. c. 66, § 10.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1997, codified at 10 U.S.C. § 2576a, permits the Secretary of Defense to transfer excess Department of Defense supplies and equipment to state and local law enforcement agencies. Massachusetts has entered into an agreement with the Defense Logistics Agency, which governs the transfer of military property to Massachusetts for use in civilian policing.

State, local, and university police agencies can participate in the 1033 Program—which was formerly known as the 1028 Program—after completing several steps. Once a Massachusetts police agency has been approved for participation in the 1033 Program, it can requisition property. Those requisitions are done in writing and create public records.

In order to learn more about the 1033 program and the allocation of resources, ACLUM requests the following public records from 1997 to present:

1. Any applications for participation in the 1033 Program or the 1028 Program.
2. Any memoranda of understanding, contracts or agreements concerning the 1033 Program or 1028 Program.
3. Any records reflecting the approval or disapproval of any application for participation in the 1033 Program or 1028 Program.

4. Any communications between the state police and the federal government, or between the state police and local law enforcement agencies regarding the 1033 or 1028 program.
5. Any 1033 Program or 1028 Program requisition requests, or other requests for 1033 Program or 1028 Program equipment, and any documents mentioning those requests.
6. Any 1348 Forms or other record showing which agencies in Massachusetts received property under the 1033 Program or 1028 Program.

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. As the state's affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

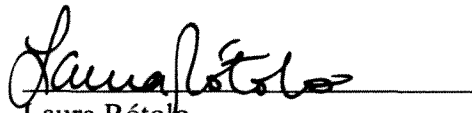
If you decide not to waive copying costs, we request that you permit us to examine, at our election, the responsive documents before deciding which portions to photocopy.

Should you determine that some portion of the documents requested are exempt from disclosure, please 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. As you know, a custodian of public records shall comply with a request within ten days after receipt.

Please reply to this request to by contacting Laura Rótolo at (617) 482-3170 x311 or through email at lrrotolo@aclum.org.

Thank you for your assistance. We look forward to your response.

Sincerely,


Laura Rótolo
ACLUM Staff Attorney

cc: Capt. Thomas Donoghue and Joseph Kelley