

RE: ACLU Public Records Request - 2021-MSP-4642

Paquette, Keith (POL) <keith.paquette@state.ma.us>

Tue 5/24/2022 9:21 AM

To: Emiliano Falcon-Morano <efalcon@aclum.org>

Good morning Emiliano,

The Massachusetts Department of State Police (“Department”) has received your request for “all records pertaining to successful warrant applications related to drone surveillance.”

The Department considers your request as a submission pursuant to G.L. c. 66, §10, the Massachusetts Public Records Law. Based upon the information you have provided; the Department has conducted a diligent search of its records and is unable to locate any responsive records.

If you wish to challenge any aspect of this response, you may appeal to the Supervisor of Public Records following the procedure set forth in 950 C.M.R. 32.08, a copy of which is available at <http://www.mass.gov/courts/case-legal-res/law-lib/laws-by-source/cmr/>. You may also file a civil action in accordance with M.G.L. c. 66, § 10A.

Sincerely,

Keith A. Paquette
Staff Legal Counsel
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702
[Tel:\(508\)-820-2348](tel:(508)-820-2348)

From: Emiliano Falcon-Morano <efalcon@aclum.org>

Sent: Tuesday, May 10, 2022 12:38 PM**To:** Paquette, Keith (POL) <Keith.Paquette@pol.state.ma.us>

Cc: Gallagher, Katie (POL) <katie.gallagher2@state.ma.us>; Kade Crockford <kcrockford@aclum.org>; Taisha Lazare <tlazare@aclum.org>; Jessica Lewis <jlewis@aclum.org>; Jessie Rossman <JRossman@aclum.org>; MSP RAO (POL) <MSP.RAO@massgov.onmicrosoft.com>

Subject: Re: ACLU Public Records Request - 2021-MSP-4642

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Keith,

Good morning.

The policies we received as part of the response mention the need for warrants to use drones in some circumstances. Can you please send us all records pertaining to successful warrant applications related to drone surveillance? Please take this as a new public records request.

Best,
Emiliano

From: Paquette, Keith (POL) <keith.paquette@state.ma.us>
Sent: Thursday, January 20, 2022 2:49 PM
To: Emiliano Falcon-Morano <efalcon@aclum.org>
Cc: Gallagher, Katie (POL) <katie.gallagher2@state.ma.us>
Subject: RE: ACLU Public Records Request - 2021-MSP-4642

Good afternoon Emiliano,

The following is the Department's formal response to your request:

The Massachusetts Department of State Police ("Department") has received your request for:

1. All communications to and from officers and employees of the MSP pertaining to the use of drones or UAVs, including text messages and emails;
2. All contracts, purchase agreements, and invoices pertaining to drones and UAVs by the MSP, dated before, on, or after March 1, 2020;
3. Records pertaining to the use of drones and UAVs, including logs, notes, police reports, incident reports, intelligence reports, and any other record that shows who operated or used drones, how and when, and for what reasons; and
4. Manuals, policies, and procedures governing the use of drones and UAVs, including records showing how the decision to deploy a drone or similar UAV is made, dated before, on, or after March 1, 2020.

On December 28, 2021, pursuant to our conversation you agreed to narrow down your request relating to request #1 (emails use of drones) and request #3 (use of drones logs, notes, reports, etc.) to the first two (2) weeks of November of 2021 (October 31 to November 13th) only.

The Department considers your request as a submission pursuant to G.L. c. 66, §10, the Massachusetts Public Records Law.

In response to request #1 (emails), the Department has located the following responsive records relating to the use of drones and UAV's:

1. Ayer Report November 5, 2021 with attachment 2021-IMT-118 Ayer Search.
 - a. The Department redacted a juvenile's name, address, and date of birth pursuant to G.L. c.4, §7 cl. 26(a), which exempts from public dissemination records that are specifically or by necessary implication exempt from public disclosure. In this instance, the Legislature has, by clear implication, exempted records and reports pertaining to minor children from public disclosure. See G.L. c. 119, §§1-84; G.L. c. 71, §34D; G.L. c. 276, §100B; G.L. c. 120, §21; and G.L. c. 209A, §8.
 - b. The Department redacted the name, date of birth, and address of the subjects of the