



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrisette Drive
Springfield, Virginia 22152

JAN 26 2015

Case Number: 12-00477-F
13-00007-L

Catherine Crump
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004

Re: *American Civil Liberties Union and ACLU of Massachusetts v. United States Department of Justice, et. al.*, CA No. 1:12-cv-11776

Dear Ms. Crump:

Pursuant to the above-captioned civil action, the Drug Enforcement Administration (DEA), conducted a litigation review of potentially responsive records in compliance with the Joint Status Report dated April 23, 2013. As a result of that review, enclosed please find twenty-two pages. Please note that not all of the material being released is fully accurate. Please also note that DEA has now completed its review. This is DEA's final release.

Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and/or the Privacy Act, 5 U.S.C. § 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. The documents are being forwarded to you with this letter.

DEA's FOIA regulations are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding your request, you may contact Assistant United States Attorney Jennifer A. Serafyn at 617-748-3188 or Jennifer.Serafyn@usdoj.gov.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section

Enclosures

Number of pages released: 22

APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:

Freedom of Information Act 5 U.S.C. 552			Privacy Act 5 U.S.C. 552a	
☐ (b)(1)	☐ (b)(5)	☒ (b)(7)(C)	☐ (d)(5)	☐ (k)(2)
☐ (b)(2)	☒ (b)(6)	☐ (b)(7)(D)	☐ (j)(2)	☐ (k)(5)
☐ (b)(3)	☐ (b)(7)(A)	☒ (b)(7)(E)	☐ (k)(1)	☐ (k)(6)
☐ (b)(4)	☐ (b)(7)(B)	☒ (b)(7)(F)		

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by another federal statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.

(b)(6)

Non Responsive

----- Original Message -----

From: (b)(7)(C), (b)(7)(F)

Sent: Tuesday, June 14, 2011 12:27 PM

To: (b)(7)(C), (b)(7)(F)

Subject: RE:

(b)(7)(C), (b)(7)(F)

(b)(7)(E)

Non
Responsive

The License Plate Reader (LPR) Initiative along the [redacted] uses various technologies to read vehicle license plates with photographic imaging equipment. The LPR Initiative combines existing DEA and other law enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband. All of DEA can query [redacted] license plates via an existing DEA database, and other law enforcement agencies can do the same [redacted]

Non Responsive

Non Responsive

(b)(6)

Non Responsive

From: [REDACTED] (b)(7)(C)
Sent: Thursday, May 05, 2011 3:24 PM
To: [REDACTED] (b)(7)(C), (b)(7)(F)
Subject: LPR Info

[REDACTED] (b)(7)(C), (b)(7)(F)

Non Responsive

(b)(7)(E)

Non
Responsive

• The License Plate Reader (LPR) Initiative along the [REDACTED] uses various technologies to read vehicle license plates with photographic imaging equipment. The LPR Initiative combines existing DEA and other law enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband. All of DEA can query [REDACTED] license plates via an existing DEA database, and other law enforcement agencies can do the same [REDACTED]

Non Responsive

Non Responsive

The LPR devices are one-to-eight-camera systems providing near real-time

response to the collection and distribution of data (license plates on front and rear of vehicle, front and rear overview photo of vehicle, driver and front passenger seat occupant photos of automobiles and tractor trucks, as well as date, time, and GPS stamp for each transaction).

Non Responsive

(b)(7)(C)

Data Analyst

Non Responsive

El Paso Intelligence Center (EPIC)

(b)(7)(C)

(b)(6)

Non Responsive

(b)(7)(C)

From: [redacted]

Sent: Thursday, May 05, 2011 3:24 PM

(b)(7)(C),(b)(7)(F)

To: [redacted]

Subject: LPR Info

(b)(7)(C),(b)(7)(F)

Non Responsive

(b)(7)(E)

- The License Plate Reader (LPR) Initiative along the [redacted] uses various technologies to read vehicle license plates with photographic imaging equipment. The LPR Initiative combines existing DEA and other law

enforcement database capabilities with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband. All of DEA can query [redacted] license plates via an existing DEA database, and other law enforcement agencies can do the same [redacted]

Non Responsive

The LPR

devices are one-to-eight-camera systems providing near real-time response to the collection and distribution of data (license plates on front and rear of vehicle, front and rear overview photo of vehicle, driver and front passenger seat occupant photos of automobiles and tractor trucks, as well as date, time, and GPS stamp for each transaction).

Non Responsive

(b)(7)(C)

Data Analyst

Non Responsive

El Paso Intelligence Center (EPIC)

(b)(7)(C)

License Plate Reader

(Highway/Border Interdiction)

Purpose:

- ***To combine existing DEA, HIDTA, and Customs and Border Protection (CBP) databases with new technology to identify conveyances being utilized to transport drugs and bulk cash***

Non Responsive

Non Responsive

- The LPR system is designed to play an integral part in DEA's mission to enforce federal drug trafficking and money laundering laws. The cameras will be directed at [redacted] traffic in [redacted] (b)(7)(E) order to:
 - Interdict vehicles and their occupants who are smuggling billions of dollars of bulk currency that fund criminal organizations in [redacted]. These funds, which represent [redacted] (b)(7)(E) the proceeds of the sale of illegal drugs in the U.S., are transported to [redacted] almost [redacted] (b)(7)(E) exclusively by cars, trucks, buses, and other roadway conveyances.
 - Interdict weapons that are being smuggled illegally into [redacted]. These weapons fuel [redacted] (b)(7)(E) the violence plaguing our border.
 - Because the same vehicles that transport money and guns [redacted] to [redacted] are often [redacted] (b)(7)(E) used to transport drugs into the United States, the system also will assist in the interdiction of northbound illegal drugs that are destined for [redacted] communities and [redacted] (b)(7)(E) elsewhere.

Non Responsive

- As an example, a pilot program using LPR cameras resulted in the seizure of 21,420 pounds of marijuana from a tractor-trailer, whose license plate number was flagged because it previously had been used to transport cocaine.
- The law enforcement benefits of the LPR system go beyond serving DEA's mission. It is a national resource whose information can be shared among federal, state and local law

enforcement agencies, thereby enhancing interagency cooperation, de-confliction and officer safety.

- For example, the LPR pilot program assisted law enforcement agencies in the apprehension of suspects in a shooting of a Border Patrol Agent and a carjacking that left a mother dead and her 18 year-old daughter critically wounded.
- LPR system also can be used to assist law enforcement officials in locating abducted children who are the subjects of AMBER alerts and in recovering stolen vehicles.
- The LPR system is NOT a red light camera system. It is not intended, nor will it be used, for the purpose of traffic enforcement. Rather, it is valuable tool in the investigation of serious criminal offenses.
- The LPR system is NOT a tool of "Big Brother" to spy on law-abiding citizens. The system has been designed taking into consideration privacy concerns. Resulting safeguards allow it to be used only for legitimate law enforcement purposes, and they prevent the exploitation of data for other purposes.
 - Only vetted and cleared personnel with approved access to relevant applications have the ability to enter or retrieve data in the LPR system.
 - Other federal, state and local law enforcement agents/officers may request LPR information Non Responsive but such information may be released only to approved law enforcement agencies.
 - All queries, regardless of who makes them, must be based on a particular license plate number AND an authorized law enforcement investigative activity.
 - All queries are audited and traceable back to the requestor to detect and discourage any misuse of the system, including the tracking of a license plate number on any basis other than an authorized law enforcement investigative activity.
 - Queries cannot be made based on a person's name or address or a vehicle description, such as "all white pickups."
 - At no time is there access to live video streaming.
 - Data is only stored for two years and then erased.
 - DEA will conduct training for law enforcement personnel, including those from state and local agencies, who utilize and receive information from the LPR system to ensure that such personnel are aware of privacy issues and that the system is not misused.
- More generally, the use of LPR cameras is not an intrusion into anyone's legitimate privacy interests. No one has a right to keep their license plate numbers private while they are driving on public roads.

National License Plate Reader Initiative (LPR)

► **Purpose:** Combine existing DEA and other law enforcement databases with new technology to identify and interdict conveyances being utilized to transport bulk cash, drugs, weapons, as well as other illegal contraband

► DEA's plan is to place LPRs in the [REDACTED] direction along the [REDACTED] border and in key drug destination/drug proceeds origination cities

(b)(7)(E)

(b)(7)(E)

Non Responsive

Non Responsive

TX

4

MISSION CRITICAL

70% of all criminal activity in US involves vehicles

EXAMPLES:

- World Trade Center bombing
- Oklahoma City car bombing

TARGETS:

- Drug and Human Trafficking
- Carjacking and other felony offenses
- Bulk Currency
- Gun/Weapon Trafficking
- Amber Alerts
- BOLOs
- Wanted Persons
- Stolen Vehicles

Non Responsive

DRUG ENFORCEMENT ADMINISTRATION

National License Plate Reader Initiative

License Plate Reader

Non Responsive

License

Plate Reader devices to tip-off DEA and other law enforcement agencies to suspect vehicles moving along the (b)(7)(E) border and throughout the U.S. Data collection focuses on traffic from and to the (b)(7)(E) border and identifies conveyances being utilized to transport bulk currency, drugs, weapons, and other illegal contraband.

Non Responsive

Non Responsive

(b)(7)(C),(b)(7)(F) • On December 16, 2009, [redacted] from Task Force Group 1 assisted the Kansas City District Office (KCDO) in an operation which resulted in the seizure of 66 lbs of marijuana at the [redacted] in (b)(7)(E) and the arrest of one juvenile female by CBP. The KCDO CS stated that the targets arrived in (b)(7)(E) (b)(7)(E) via (b)(7)(E) A query of the LPR system confirmed this and corroborated the CS.

(b)(6)

Non Responsive

From:

(b)(7)(C), (b)(7)(F)

To:

Cc:

(b)(7)(C)

Sent: Tue Jul 21 09:28:23 2009

Subject: Non Responsive

Non Responsive

- Users are agents, analysts, EPIC, and developers

Non Responsive

Non Responsive

(b)(7)(C),(b)(7)(F)

Group Supervisor

Las Cruces, New Mexico Resident Office

(b)(7)(C),(b)(7)(F)

(b)(6)

Non Responsive

From:

To:

Cc:

(b)(7)(G),(b)(7)(F)

Sent: Tue Jun 02 22:20:36 2009

Subject: RE: LPRs

Non Responsive

The LPRs can benefit the SOs by locating any targets that they input

Non Responsive Though typically the targets will be subjects of drug investigations, any target important to the SO or PD can be input, as long as they have a license plate. We hope that as the system expands and as more DEA and other LE targets populate the LPR database, significant seizures of drugs and bulk currency will occur.

Non Responsive

Non Responsive

(b)(7)(C),(b)(7)
(F)

Group Supervisor

Las Cruces, New Mexico Resident Office

(b)(7)(C),(b)(7)(F)

Non Responsive

(b)(6)

Non Responsive

From: (b)(7)(C),(b)(7)(F)
To: (b)(7)(C),(b)(7)(F)
Cc: (b)(7)(C),(b)(7)(F)
Sent: Fri Jan 08 14:19:14 2010
Subject: Non Responsive

(b)(7)(C)

Non Responsive

- Users are agents, analysts, EPIC, and developers

Non Responsive

(b)(7)(C),(b)(7)(F)

[Redacted]

Group Supervisor

(b)(7)(C)

[Redacted]

El Paso Field Division

(b)(7)(C),(b)(7)(F)

[Redacted]

Non Responsive

- The LPR system is designed to play an integral part in DEA's mission to enforce federal drug trafficking and money laundering laws. The cameras will be directed at (b)(7)(E) traffic in order to:
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 - Interdict weapons that are being smuggled illegally into (b)(7)(E). These weapons fuel the violence plaguing our border.
 - Because the same vehicles that transport money and guns (b)(7)(E) to (b)(7)(E) are (b)(7)(E) often used to transport drugs into the United States, the system also will assist in the interdiction of northbound illegal drugs that are destined for (b)(7)(E) communities and elsewhere.

Non Responsive

- As an example, a pilot program using LPR cameras recently resulted in the seizure of 21,420 pounds of marijuana from a tractor-trailer, whose license plate number was flagged because it previously had been used to transport cocaine.
- Information can be shared among federal, state and local law enforcement agencies, thereby enhancing interagency cooperation, de-confliction and officer safety.

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 - All queries, regardless of who makes them, must be based on a particular license plate number AND reasonable suspicion of involvement in illegal activity.
 - Tracking a license plate number on any other basis is not allowed.
 - Queries cannot be made based on a person's name or address or a vehicle description, such as "all white pickups."
 - All queries are audited and traceable back to the requestor to detect any misuse of the system.
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13-00007-L
Catherine Crump
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New York, NY 10004