

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF MASSACHUSETTS
99 CHAUNCEY STREET, SUITE 310 BOSTON, MASSACHUSETTS 02111

John Reinstein
Legal Director

(617) 482-3170
Fax (617) 451-0009

November 21, 2003

Alan Cote
Supervisor of Public Records
Office of the Secretary of State
John W. McCormack Building
Boston, Massachusetts 02108

Dear Mr. Cote:

This is an appeal from the refusal of the Police Department of the City of Lowell to make available certain public records.

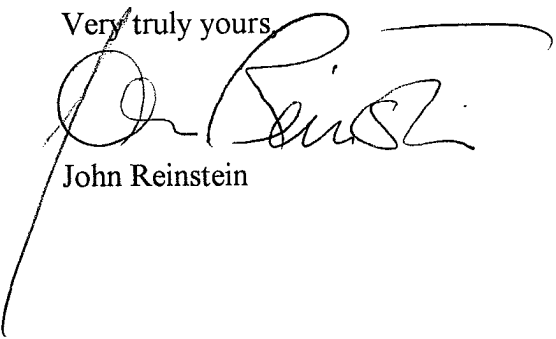
On October 31, 2003, I wrote to Chief of Police Edward F. Davis III on behalf of the American Civil Liberties Union of Massachusetts for the stated purpose of "learning whether the City of Lowell ha[d] entered into an agreement with the Department of Justice or the Federal Bureau of Investigation concerning the department's participation in the Joint Terrorism Task Force ('JTTF')." Toward that end, I requested a copy of the following records made or received by the Lowell Police Department:

1. All records of communications between the FBI and the Lowell Police Department or any officer, employee or attorney of the Lowell Police Department concerning participation in the JTTF by the Lowell Police Department or its police officers; and
2. Any formal intergovernmental agreements, memoranda of understanding or memoranda of agreement concerning participation in the JTTF by the Lowell Police Department or its police officers.

A copy of that letter is attached as Exhibit A. Similar requests were sent to the Massachusetts State Police, the Boston Police Department, the Cambridge Police Department, the Springfield Police Department, the Lawrence Police Department, the New Bedford Police Department, the Fall River Police Department, the Worcester Police Department and the University of Massachusetts.

As of this date, the city of Lowell has failed or refused to reply to this request. I therefore request that the Lowell Police Department be ordered to comply with the requirements of G.L. c. 66, § 10 and to provide us with the records which we have requested.

Very truly yours,



John Reinstein

Encl.

cc: Chief Edward F. Davis III

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October 31, 2003

Edward F. Davis III
Chief of Police
Lowell Police Department
JFK Civic Center
50 Arcand Drive
Lowell, MA 01852

Re: Public Records Request

Dear Chief Davis:

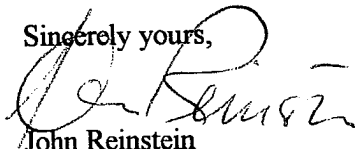
This is a request under the Public Records Law. G.L. c. 66, § 10.

I am interested in learning whether the Police Department of the City of Lowell has entered into an agreement with the Department of Justice or the Federal Bureau of Investigation concerning the department's participation in the Joint Terrorism Task Force ("JTTF"). Would you please provide me with a copy of the following records made or received by the Lowell Police Department

1. All records of communications between the FBI and the Lowell Police Department or any officer, employee or attorney of the Lowell Police Department concerning participation in the JTTF by the Lowell Police Department or its police officers; and
2. Any formal intergovernmental agreements, memoranda of understanding or memoranda of agreement concerning participation in the JTTF by the Lowell Police Department or its police officers.

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.

Sincerely yours,


John Reinstein