

EXHIBIT M



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

VIA Email

March 23, 2023

Gilles Bissonnette
ACLU-NH, Legal Director
18 Low Avenue
Concord, NH 03301

Dear Attorney Bissonnette,

I am writing this letter to provide a final response to your March 16, 2023 request made pursuant to Part I, Article 8 of the New Hampshire Constitution for the following:

1. Of the apprehensions that occurred in the Swanton sector from October 1, 2022 to December 31, 2022, documents sufficient to identify how many of the individuals apprehended had crossed the Canadian border at or around the time of the apprehension, thus constituting a “cross-border” apprehension.
2. Documents sufficient to identify how many of the apprehensions from October 1, 2022 to December 31, 2022 occurred in New Hampshire—including in the New Hampshire counties of the Swanton sector (Coos, Grafton, and Carroll Counties)—relative to the total number of apprehensions by the sector during that three-month time period.
3. Of these October 1, 2022 to December 31, 2022 apprehensions in New Hampshire identified in Request No. 2, documents sufficient to identify (i) the municipality of the apprehension and (ii) how many occurred within 25 miles of the New Hampshire border or at the border.
4. Of these October 1, 2022 to December 31, 2022 apprehensions in New Hampshire identified in Request No. 2, documents sufficient to identify how many of the individuals apprehended had crossed the Canadian border at or around the time of the apprehension, thus constituting a “cross-border” apprehension.
5. Of these October 1, 2022 to December 31, 2022 apprehensions in New Hampshire identified in Request No. 2, documents sufficient to identify how many of the individuals apprehended involved the filing of criminal charges under state or federal law, including a breakdown of those alleged offenses (e.g., possession of alleged contraband)?

6. Of the 367 apprehensions that occurred in the Swanton sector in January 2023, documents sufficient to identify how many of the 367 individuals apprehended had crossed the Canadian border at or around the time of the apprehension, thus constituting a “cross-border” apprehension.
7. Documents sufficient to identify how many of these 367 January 2023 apprehensions occurred in New Hampshire, including in the New Hampshire counties of the Swanton sector (Coos, Grafton, and Carroll Counties).
8. Of these January 2023 apprehensions in New Hampshire identified in Request No. 7, documents sufficient to identify (i) the municipality of the apprehension and (ii) how many occurred within 25 miles of the New Hampshire border or at the border.
9. Of these January 2023 apprehensions in New Hampshire identified in Request No. 7, documents sufficient to identify how many of the individuals apprehended had crossed the Canadian border at or around the time of the apprehension, thus constituting a “cross-border” apprehension.
10. Of these January 2023 apprehensions in New Hampshire identified in Request No. 7, documents sufficient to identify how many of the individuals apprehended involved the filing of criminal charges under state or federal law, including a breakdown of those alleged offenses (e.g., possession of alleged contraband)?

Please be advised that it is the long-standing position of the New Hampshire Department of Justice that RSA 91-A does not apply to the Governor’s Office. Our office responds to such requests as inquiries pursuant to Part I, Article 8 of the New Hampshire Constitution to the extent applicable and subject to all privileges and defenses under New Hampshire law. While this office is therefore not subject to the 5-day timeline provided for in RSA 91-A, we endeavor to respond to all requests as soon as possible.

After reviewing your request, it has been determined that our office is not in possession of any governmental records that would be responsive to your request. If you have any additional questions, please do not hesitate to contact me.

Sincerely,


James Scully
Legal Counsel