January 26, 2024

Katherine Stathulis, Esq.
Center for Public Interest, Advocacy, and Collaboration
Northeastern University School of Law

RE: Public Records Request dated January 16, 2024

 Response of Records Access Officer

Dear Attorney Stathulis:

On January 16, 2024 we received your request pursuant to the Massachusetts Public Records Law for the following records:

**1. An extract of your records management system or database that includes each school-related arrest and each referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced). Specifically, we request an extract of the database to include the following columns:
a. Date of arrest or referral to law enforcement
b. Time of arrest or referral to law enforcement
c. Charge (or charges)
d. Whether the individual(s) was arrested or referred to law enforcement
e. Sex of individual(s) arrested or referred to law enforcement
f. Age of individual(s) arrested or referred to law enforcement
g. Race of individual(s) arrested or referred to law enforcement
h. Ethnicity of individual(s) arrested or referred to law enforcement
i. Disability status of the individual(s) arrested or referred to law enforcement
j. Whether the individual arrested or referred to law enforcement is a student at the school.
k. Name of arresting officer, if applicable, and
l. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.**

With respect to your request, please be advised that this Department does not have possession, custody or control of the records requested. Specifically we do not have a way to extract from our records management system/database the information you are requesting. The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the Department at the time the request is received. As a result, there is no obligation for a Department to create a record for a requester to honor a request. See G.L. c. 4, section 7(26) (defining "public records" as materials which have already been "made or received" by a public entity); see also 32 Op. Att'y Gen. 157, 165 (May 18, 1977) (custodian is not obliged to create a record in response to a request for information); see also A Guide to the Massachusetts Public Records Law, Secretary of the Commonwealth, Division of Public Records, p. 8 (March 2020). As a result, the Department in unable to respond to your request. However, we are able to provide you with a satisfactory response to request #2.

**2. If such an extract of the database in question 1 is not possible, please provide school incident reports on each school-related arrest and referral to law enforcement conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).**

The Department has had 0 Arrests and 6 Summons. The School District does not track the incident reports in their database. The Police Department keeps track of this information. I’ve uploaded 6 incident reports relating to school-related arrests which will provide you with A. Date of arrest, B. Time of arrest, C. Charges, D. all incidents were Summons, E. the sex of the individual arrested, F. age of the individual arrested, G. race of the individual, J. all individuals were students of the school, K. name of the arresting officer and L. Badge number of the arresting officer. The 6 incident reports should satisfy request #2.

**3. A copy of any active standard operating procedures developed with the police department and/or other law enforcement agencies regarding police placement or activity in your corresponding school**

The Department has uploaded our Standard Operating Procedures regarding the School Resource Officer within the Carver Public Schools. This document should satisfy request #3.

**4. Any records instructing or informing police personnel of, or otherwise describing data reporting requirements and procedures for complying with G.L. c. 71 § 37P(b)**

The Department has uploaded the Notification of Exposure to Trauma document. This document should satisfy request #4.

**5. The cost to the school district of assigning a school resource officer to each school**

There is NO COST to the school district of assigning a school resource officer to each school.

**6. The total number of school resource officers and total number of guidance counselors for each school in your district for school years 2018-2019, 2019-2020, 2020-2021**

There has been 1(one) school resource officer for all of Carvers School District for school years 2018-2019, 2019-2020, and 2020-2021

The number of guidance counselors for each school in Carvers District is as follows:

**2018-2019:**
**8** Total at Carver Middle High -- 3 Guidance Counselors, 4 Adjustment Counselors, 1 Psychologist
**3** Total at Carver Elementary -- 2 Adjustment Counselors, 1 Psychologist

**2019-2020:
8**Total at Carver Middle High --  3 Guidance Counselors, 4 Adjustment Counselors, 1 Psychologist

**3**Total at Carver Middle High --  2 Adjustment Counselors, 1 Psychologist

**1** Totaldistrictwide employee -- 1 Adjustment Counselor

**2020-2021
7** Totalat Carver Middle High --  3 Guidance Counselors, 3 Adjustment Counselors, 1 Psychologist

**3**Total at Carver Middle High --  2 Adjustment Counselors, 1 Psychologist

**1**Totaldistrictwide employee -- 1 Adjustment Counselor

**2021-2022:
9**Total at Carver Middle High --  3 Guidance Counselors, 5 Adjustment Counselors, 1 Psychologist

**4**Total at Carver Middle High --  3 Adjustment Counselors, 1 Psychologist

**7. The total number and a brief description of 911 calls from schools in your district to local police departments conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022**

The Department has uploaded this information titled 911 Calls from District Schools. This document should satisfy request #7.

**8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district.**

The Department has uploaded this information titled FOIA Mental Social Emotional Staff proposed FY25

Please be advised that pursuant to 950 CMR 32.00 and G.L. c. 66, section 10A(a) you have the right to appeal this decision to the Supervisor of Public Records within 90 calendar days. Such appeal shall be in writing, and shall include a copy of the letter by which the request was made and, if available, a copy of the letter by which the custodian responded. The Supervisor shall accept an appeal only from a person who had made his or her record request in writing. Pursuant to G.L. c. 66, section 10A(c), you also have the right to seek judicial review by commencing a civil action in the superior court.

Should you have any questions, please do not hesitate to contact me.

Regards,

Michelle Sheehan

Michelle Sheehan

Records Access Officer

Carver Police Department

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