



# Town of Dartmouth

## DARTMOUTH POLICE DEPARTMENT

1390 Tucker Road  
Dartmouth, MA 02747  
Phone: 508-910-1700  
Fax: 508-910-1714  
[www.dartmouthpd.org](http://www.dartmouthpd.org)



January 29, 2024

Katherine Stathulis, Esq.

Center for Public Interest, Advocacy, and Collaboration  
Northeastern University School of Law

Re: Public Records Request

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Atty. Stathulis,

On January 11, 2024, the Dartmouth Police Department 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.
1. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.
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).
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.
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).
5. The 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 the school years 2018-2019, 2019-2020, and 2020-2021.
7. The total number and a brief description of 911 calls from schools in your district to local police departments conducted during 2018-2019, 2019-2020, 2020-2021, and 2021-2022.
8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district.

The Dartmouth Police Department has provided unredacted copies of the following in lieu of this request:

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. **See attached Procedure 400, Procedure 900 Juvenile Procedures and Policy 901 Temporary Custody of Juveniles.**
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). **See Attached Policy 433 School Resource Officers.**



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6. The total number of school resource officers for each school in your district for the school years 2018-2019, 2019-2020 and 2020-2021. **There were a total of 2 (two) School Resource Officers between 2018-2021: one assigned to Dartmouth High School and one assigned to Dartmouth Middle School. As of August 29, 2022, a third SRO was assigned to the 3(three) Elementary Schools.**

The Dartmouth Police Department has provided redacted copies (#7.) of 911 call logs from schools in our district during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year in lieu of this request. The record(s) requested contained juvenile information, social security number(s), date(s) of birth, license number(s) and telephone number(s); which are personal and intimate in nature and information utilized by Dartmouth Police Department from the RMV. As a result, such information must be redacted under law following the guidelines of Public Record Law M.G.L. c. 66, § 10 and using:

Exemption (c): This exemption applies to "personnel and medical files or information; also, any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy". The records requested contain information which, if disclosed, would constitute an unwarranted invasion of personal privacy and the privacy interests involved outweigh the public interests in the disclosure of that information.

Driver's Privacy Protection Act: The DPPA prohibits the release or use by any State... (officer) of personal information about an individual obtained by the department in connection with a motor vehicle record. The Drivers Privacy Protection Act requires all States to protect the privacy of personal information contained in an individual's motor vehicle record.

With respect to your request dated January 11, 2024, the Dartmouth Police Department **does not** have possession, custody, or control of the referenced record(s):

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:
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  - k. Name of arresting officer, if applicable.
  - l. Badge number of the arresting officer or the officer that referred the youth to law enforcement, as applicable.
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).
5. The cost to the school district of assigning a school resource officer to each school.
6. Total number of guidance counselors for each school in your district for the school years 2018-2019, 2019-2020, and 2020-2021.
8. A description of the proposed budget for mental, social, or emotional health support personnel for the school district, that you have requested.



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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. 7 (January 2013) (hereinafter Public Records Guide). As a result, the Dartmouth Police Department is unable to respond to that portion of your request. However, the records you seek may be in the care and custody of Dartmouth Public School District at 8 Bush Street Dartmouth, MA 02748.

Pursuant to 950 CMR 32.00 and G.L. c. 66, § 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.

The estimate of fees and costs associated with this request have been waived. Should you have any questions, please feel free to contact our Records Division at 508-910-1774.

Thank You,

Records Clerk  
Dartmouth Police Department  
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Dartmouth MA 02747  
Phone: (508) 910-1774 | Fax: (508) 910-1714  
[records@dartmouthpd.org](mailto:records@dartmouthpd.org)

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