



**Michael F. Luth**  
*Chief of Police*

## GROTON POLICE DEPARTMENT

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**Rachael E. Bielecki**  
*Deputy Chief*

February 21, 2024

Katherine Stathulis  
Northeastern University School of Law

**RE: Public Records Request dated January 16, 2024  
Response of Records Access Officer**

Dear Katherine,

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

- “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).”
- “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).”
- “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”.
- “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 cost to the school district of assigning a school resource officer to each school”.
- “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”.
- “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”.
- “A description of the proposed budget for mental, social, or emotional health support personnel for the school district”.

With respect to your request, please be advised that this Department does not have possession, custody, or control of all of the records requested. 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 requestor 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 is unable to respond to your full request. However, the following records requested may be in the possession, custody or control of the following department/agency:

- “The cost to the school district of assigning a school resource officer to each school”.
  - The Groton school district does not have any costs associated with the assignment of a school resource officer to the district.
- “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, and 2021-2022”.
  - During the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school years, the Groton Police Department had a total of two (2) Officers assigned as school resource officers to the school district. You may contact the Groton-Dunstable Regional School District to obtain information on the total number of guidance counselors.
- “A description of the proposed budget for mental, social, or emotional health support personnel for the school district”.
  - The Department does not have possession, custody or control of this information. You may contact the Groton-Dunstable Regional School District for this information.

Otherwise, with respect to your request, the Department intends to redact the rest of the records requested. The Department intends to redact the above-referenced requested records due to the applicability of the following exemptions and the reasons set forth below:

1. Exemption (a): This exemption applies to records that are “specifically or by necessary implication exempt from disclosure by statute.”

#### **CRIMINAL OFFENDER RECORD INFORMATION**

In particular, G.L. c. 6, section 167-178B, and related regulations, requires that criminal justice agencies withhold any records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, previous hearings conducted pursuant to section 58A of chapter 276 where the defendant was detained prior to trial or released with conditions under subsection (2) of section 58A of chapter 276, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded in criminal proceedings that are not dismissed before arraignment. Criminal offender record information shall not include evaluative information, statistical and analytical reports and files in which individuals are not directly or indirectly identifiable, or intelligence information. Criminal offender record information shall be limited to information concerning persons who have attained the age of 18 and shall not include any information concerning criminal offenses or acts of delinquency committed by any person before he attained the age of 18; provided, however, that if a person under the age of 18 is adjudicated as an adult, information relating to such criminal offense shall be criminal offender record information. Criminal offender record information shall not include information concerning any offenses which are not punishable by incarceration.

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.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jim Water".

Records Access Officer  
Groton Police Department