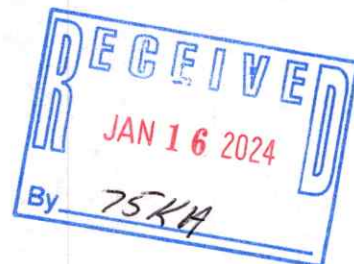


Ken Antanavica

From: 156996-46646952@requests.muckrock.com
Sent: Tuesday, January 16, 2024 7:38 AM
To: Jim Hurley
Subject: Massachusetts Public Records Law Request: Public Records Request for Data on School Policing (Leicester Police Department)

Leicester Police Department
PRL Office
90 South Main Street
Leicester, MA 01524



January 16, 2024

To whoever it may concern:

This letter constitutes a request pursuant to the Public Records Act, G.L. c.66, §10, for public records in the custody of your school district. Under the Criminal Justice Reform Act, school districts and law enforcement agencies must “specify the manner and division of responsibility for collecting and reporting the school-based arrests, citations and court referrals of students to the Department of Elementary and Secondary Education” (DESE). DESE began collecting data on school-related arrests in the 2018-19 school year. In the 2019-20 school year, DESE has expanded that collection to include data on all referrals to law enforcement. DESE has defined these terms as follows, borrowing the same definitions used by the U.S. Department of Education since its 2009 Civil Rights Data Collection.

A school-related arrest “[r]efers to an arrest of a student for any activity conducted on school grounds, during off campus school activities (including while taking school transportation), or due to a referral by any school official. All school-related arrests are considered referrals to law enforcement.”

A referral to law enforcement “[i]s an action by which a student is reported to any law enforcement agency or official, including a school police unit, for an incident that occurs on school grounds, during school-related events, or while taking school transportation, regardless of whether official action is taken. Citations, tickets, court referrals, and school-related arrests are considered referrals to law enforcement.”

I request the following public records, as defined in G. L. c. 4, § 7 (twenty-sixth):

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.

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; and,

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; and,

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, and,

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, and,

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

As this request involves a matter of public interest and will not be used for any commercial purpose, we ask that all fees associated with this request be waived pursuant to 950 C.M.R. 32.07(2)(k). The purpose of this request is to determine whether your school district and police department are complying with their reporting obligations under the Criminal Justice Reform Act. "The public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner."

It would be ill-advised to impose a fee for data that your school district may have failed to report in violation of statutory and regulatory duty. Moreover, as you know, municipalities with a population of over 20,000 may not assess a fee for the first 2 hours of time spent searching for, compiling, segregating, redacting and reproducing a requested record. Finally, pursuant to 950 C.M.R. 32.07(2)(i), a records access officer shall assess no fee greater than the lowest hourly rate of a person capable of compiling, segregating, redacting and reproducing a requested record. In the event that a charge is incurred for this request which you will not waive, please so indicate and include an itemization of estimated good faith costs.

Please provide public records to a requestor in an electronic format unless the record is not available in an electronic format. G.L.c. 66, § 6A(d).

The Public Records Act requires that you comply with this request within ten (10) business days following receipt. If you believe that documents or data responsive to any request herein is not public record and thus not subject to disclosure, please set forth in writing the specific reasons for such assertion, including the specific exemption or exemptions that you believe apply. To the extent that you determine that records need to be redacted in order to be produced under any law protecting the privacy of named individuals, please do so rather than withholding them in their entirety.

If you have any questions about this request, or need additional time to respond, please contact me by phone at (617)-373-5862 or by email at k.stathulis@northeastern.edu. Thank you in advance for your prompt response to this request.

Sincerely,

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

View request history, upload responsive documents, and report problems here:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fleicester-police-department-588%252Fpublic-records-request-for-data-on-school-policing-leicester-police-department-156996%252F%253Femail%253Dhurleyj%252540leicesterpd.org&url_auth_token=AABMlynu0LAJi2qjTnI3K3NAaOE%3A1rPihH%3AfNg1XlyehCsIERI23JDi20w8wL9GUalb5Vwapyggu3Y

If prompted for a passcode, please enter:

VCGCAVPY

Filed via MuckRock.com

E-mail (Preferred): 156996-46646952@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS

For mailed responses, please address (see note):

MuckRock News

DEPT MR 156996

263 Huntington Ave

Boston, MA 02115

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.





Leicester Police Department

90 South Main Street
Leicester, MA 01524

www.leicesterpd.org



Chief

Kenneth M. Antanavica

antanavicak@leicesterpd.org

Emergency: 911

Non-Emergency: 508-892-7009

Non-Emergency: 508-892-7010

Fax: 508-892-7012

January 19, 2024

Katherine Stathulis, Esquire
Center for Public Interest, Advocacy and Collaboration
Northeast University School of Law
k.stathulis@northeastern.edu

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: "This letter constitutes a request pursuant to the Public Records Act, G.L. c.66, §10, for public records in the custody of your school district."

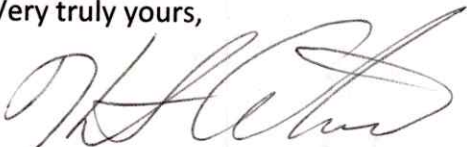
The Leicester Police Department is not the keeper of records or records access officer for the school district so I cannot ascertain what records they currently have in their custody. With respect to your request, please be advised that this Department does not have possession, custody or control of 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 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, 8 (March 2020).

As a result, the Department is unable to respond to your request. However, the records requested may be in the possession, custody, control of the following department/agency: Leicester Public Schools 3 Washburn Sq (3rd Floor) Leicester Ma 01524. The superintendent can be reached via e-mail at kustigianb@lpsma.net.

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 black ink, appearing to read 'K. Antanavica', written in a cursive style.

*Chief Kenneth M Antanavica
Leicester Police Department
90 S. Main St.
Leicester, Ma 01524
(508) 892-7010 ext 2010
Fax (508) 892-7012*