



NAHANT POLICE DEPARTMENT

198 NAHANT ROAD, NAHANT, MA 01908-1298
TIMOTHY M. FURLONG, CHIEF OF POLICE

TEL. 781-581-1212
FAX 781-581-1907
www.nahantpolice.org

January 16, 2024

Re: Public Records Request Dated January 16, 2024- Town of Nahant Police Department

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

The Town of Nahant Police Department ("Police Department") is in receipt of your public records request, dated January 16, 2024, and received January 16, 2024 via online submission to npdrecords@nahantpolice.org. Enclosed, please find the Police Department's response to the request in accordance with the Public Records Law.

Summary of Request

In your request, you seek the following Police Department records regarding your request below:

Nahant Police Department
PRL Office
198 Nahant Road
Nahant, MA 01908

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."

A COMMUNITY POLICING DEPARTMENT



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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."



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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%252Fnahant-police-department-7738%252Fpublic-records-request-for-data-on-school-policing-nahant-police-department-157043%252F%253Femail%253Dnpdrecords%252540nahantpolice.org&url_auth_token=AAHVWGpWkM6_QKHKHi6dnFYtv_E%3A1rPihQ%3Av6aLi-cJ0FLGugGPS0tGve50AARKiphZ5z6B_Or-GD4

If prompted for a passcode, please enter:
CYEFNNRU

Filed via MuckRock.com
E-mail (Preferred): 157043-27550061@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
MuckRock News
DEPT MR 157043

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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.

Response to Request

As an initial matter, please be advised that the Police Department's duty to respond to records requests extends only to records that are in existence and in the custody of the Police Department, and the Police Department is under no obligation to create records in response to your request. Furthermore, the Police Department is not required to answer questions in response to a public records request. See "A Guide to the Massachusetts Public Records Law," January, 2017, published by the Secretary of the Commonwealth, at page 3.

The Police Department has carefully reviewed your records request, and the responses are listed below:

Response:

The Town of Nahant has one Elementary School within Town Limits
Nahant Johnson Elementary School, 290 Castle Road, Nahant MA 091908

- 1 a-l: No school related- arrest records during 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year.
2. No school related-arrest records during 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year, therefore there are no incident reports that accompany school related-arrest
3. Please see the attached document that was provided from the Nahant Johnson Elementary School for the MOU
4. Information sharing between SRO, School Staff, and other partners.
5. There is no cost associated
6. One Counselor
7. 911 Calls
 - 11/29/18 1457: Medical (Exemption A HIPPA)
 - 12/15/18 2323: Medical (Exemption A HIPPA)
 - 11/1/19 1408: Medical (Exemption A HIPPA)
 - 2/4/2020 0838: Medical (Exemption A HIPPA)
 - 9/20/21 1246: Medical (Exemption A HIPPA)
 - 10/1/2021 1135: Medical (Exemption A HIPPA)
 - 11/15/21 1520: Medical (Exemption A HIPPA)
 - 12/14/21 1039: Improper Use of 911/ Accidental



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1/27/2022 1435: Improper Use of 911/Accidental

2/15/22 1438: Missing Persons (Exemption A & C)

3/8/2022 1003: Medical (Exemption A HIPPA)

7/11/2023 0835: Medical (Exemption A HIPPA)

8/24/2023 1639: Animal Control Department- Loose Dog

8. \$150,902 (From the Nahant Johnson School)

Statement of Appeal Rights

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c).

Please do not hesitate to contact me with any questions.

Sincerely,

Timothy M. Furlong

Chief of Police