



# NORTON POLICE DEPARTMENT

82 EAST MAIN STREET  
NORTON, MASSACHUSETTS 02766

BRIAN M CLARK  
CHIEF OF POLICE

ADMINISTRATIVE (508) 285-3300  
ADMINISTRATIVE FAX (508) 285-3337  
PATROL FAX (508)-285-3338  
DETECTIVE FAX (508) 285-3339

January 30, 2024

Re: Public Records Request

The Town of Norton Police Department ("Police Department") is in receipt of your January 16, 2024 record request, received by the Norton Police Department on January 17, 2024, for records in the custody of the school district. Attached, Please find the Police Department's response to the request in accordance with Public Records Law.

### Summary of Request

The request received by the Norton Police Department is the following:

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):



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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.



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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

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Filed via MuckRock.com  
E-mail (Preferred): 157029-05559476@requests.muckrock.com

PLEASE NOTE OUR NEW ADDRESS  
For mailed responses, please address (see note):  
MuckRock News  
DEPT MR 157029  
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

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 Town is not required to answer questions in response to a public records request. Please be advised that the Norton Police Department has carefully review your request and the response is below.

1. The Norton Police Department database does not have an extract to provide the requested information regarding school referrals and arrests. There were 2 arrests from 2018-2022 that involved school related incidents.
2. The Norton Police Department does not have school incident reports in its care and custody. Juvenile arrest reports will be withheld pursuant to the exemptions and state law below.
3. Please find the attached MOU between the Norton police Department and the Norton Public schools in the care and custody of the Norton Police Department.
4. The SRO Policy 1.24 and PMAM records for staff training are the records in the care and custody of the Norton Police Department.
5. Budget records responsive to the request that the Police Department has in its care and custody are attached.



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6. The Norton Police Department has 2 full time School Resource Officers and 2 part time trained School Resource Officers assigned to the Norton Public Schools.
7. The Norton Police summary log for the Norton Public Schools are attached for the schools years 2018-2019, 2019-2020 and 2020-2021 and 2021-2022.
8. There are no records in the care and custody of the Norton Police Department for a proposed budget for mental, social or emotional health support personnel for the school district.

Please be advised that without specific authorization the police records requested in number 2 will be withheld under exemptions of the Public Records Law or state law. G.L. c.4, §7(26); G.L. c.214, §1B. Although exemptions to the Public Records Law are cited herein, the Police Department expressly reserves the right to assert, at its discretion, the application of other exemptions, should the same prove applicable at a future time.

The Norton Police Department withheld the above-referenced records in number 1 of your request for incident reports related to arrests involving juveniles due to the applicability of the following exemptions and the reasons set forth below.

The requested documents may be withheld pursuant to G.L. c.214, §1B as that statute operates through exemption (a). Massachusetts G.L. c. 214, § 1B affords individuals a right against the unreasonable, substantial or serious interference with their privacy. Under Exemption (a), records that are "specifically or by necessary implication exempted from disclosure by statute" may be withheld from disclosure. G.L. c. 4, §7(26)(a). Exemption (a) has been interpreted to mean that requested materials may be withheld where the language of the statute of exemption relied upon expressly states or necessarily implies that the public's right to inspect records under the Public Records Law is restricted. The provisions of G.L. c.214, §1B permit withholding of responsive records through operation of exemption (a) in this instance. This statute affords individuals a right against the unreasonable, substantial or serious interference with their privacy.

Further, requested documents may also be withheld pursuant to Exemption (c) of the Public Records Law (G.L. c. 4, §7(26)), permits a records custodian to withhold records. 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. Such information



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contains intimate details and the privacy interests involved outweigh the public interests in the disclosure of said information. Specifically, the second clause of exemption (c) permits withholding or redaction of records "relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy." Like exemption (a), the second clause of exemption (c) operates to protect personal privacy interests. Thus, records that are being withheld pursuant to G.L. c. 214, §1B through operation of exemption (a), as noted above, are similarly being withheld from disclosure under the second clause of exemption (c).

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).

Sincerely,

Michelle L. Goodwin  
Records Administrator

January 16, 2024

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