

Office of Corporation Counsel
Michael Goldman, *Corporation Counsel*
Amy R. McNally, *Associate Corporation Counsel*
Nicole M. Albert, *Associate Corporation Counsel*
Rachel Millette, *Associate Corporation Counsel*



October 19, 2023

Corey Bouchard
Online via : Muckrock.com

RE: City of Portland FOAA Request

Dear Mr. Bouchard:

I am writing in response to your request for information from the City of Portland pursuant to Maine's Freedom of Access Act, 1 M.R.S.A. § 401 *et seq.* Specifically, you requested "Correspondence (Emails, Text Messages, Written Communication) from 05/01/2023-08/30/2023 regarding the following keywords: Hutchins Drive, Stroudwater Trail, Cruising, Plain Clothes Officers, Grindr. Police Reports between the same timeframe of 05/01/2023-08/30/2023 regarding any incidents of males being arrested for: "Cruising", propositioning sexual advances to an officer, Indecent exposure that an officer personally witnessed, having sexual relations in a public setting."

Pursuant to Title 1 M.R.S.A. §402, "the term 'public record' means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions ... and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except ... records that have been designated confidential by statute."

The dissemination of police records is governed by the Criminal History Record Information Act [CHRIA], 16 M.R.S.A. §701, *et. seq.* and the Intelligence and Investigative Record Information Act [IIRIA], 16 M.R.S.A. §801, *et.seq.* and other statutes, which limit the public dissemination of confidential criminal history record information and intelligence and investigative information as well as other information designated as confidential. The CHRIA defines "Public criminal history record information" as "...information that is not confidential criminal history record information, including information recorded pursuant to section 706."

In addition, Section 804 of the IIRIA defines intelligence and investigative information as "information collected by criminal justice agencies or at the direction of criminal justice agencies in an effort to anticipate, prevent or monitor possible criminal activity, including

operation plans of the collecting agency or another agency, or information compiled in the course of investigation of known or suspected crimes, civil violations and prospective and pending civil actions.”

Section 804 places limitations on the release of reports or records that contain intelligence and investigative information in certain cases. In most instances, intelligence and investigative information is protected from public dissemination due to the likelihood that dissemination would result in an unwarranted invasion of personal privacy, interfere with on-going criminal investigations or prosecutions, disclose investigative techniques and procedures, or disclose information designated confidential by statute

With respect to the first part of your request, attached please find the results of the email search using the key words you requested, redacted pursuant to Maine law, as well as four (4) police reports which corresponded to your search terms.

I hope this information is useful to you.

Sincerely,

A handwritten signature in blue ink that reads "Nicole M. Albert". The signature is written in a cursive style with a long horizontal flourish extending to the right.

NICOLE M. ALBERT
Associate Corporation Counsel

Attachments