



OFFICE OF TOWN CLERK

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31 North Street, Williamstown, MA 01267

January 29, 2024

BY ELECTRONIC MAIL ONLY

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

Re: Public Records Request to the Williamstown Police Department, dated January 12, 2024

Dear Attorney Stathulis:

The Williamstown Police Department (the "Police Department") is in receipt of your public records request, dated January 12, 2024, and received on January 13, 2024, seeking the below records. Please find below a response to these requests in accordance with the Public Records Law.

Summary of Request

In your request you seek:

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)," including: "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 the first record is not available, you seek in the alternative: "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."
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."

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

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 its custody, 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,” December 2022, published by the Secretary of the Commonwealth, at page 41. Where permitted by law, however, please be advised that such records or material contained therein may be withheld or redacted under any of the exemptions to the Public Records Law, other applicable provisions of law, and/or common law privileges, such as the attorney-client privilege. See, e.g., G.L. c. 4, § 7(26); Suffolk Construction Co. v. Div. of Capital Asset Management, 449 Mass. 444, 449-450 (2007); 950 CMR 32.06(3). Nothing herein shall limit the Police Department’s ability to redact or withhold information in accordance with state or federal law and/or the attorney-client privilege. See G.L. c. 66, § 10(b)(iv).

After review, the Police has records responsive to some of your requests. Specifically, please find attached records responsive to requests 1, 3, and 7. With respect to requests 2, 4, 5, 6, and 8, upon a good faith search it has been determined that the Police Department has no records responsive to these requests.

Bases for Redactions

Please be advised that several categories of documents which contain information you have requested will be redacted at this time under Exemptions (a), (c), and (f) of the Public Records Law, as specified in detail herein. Although certain 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.

Exemption (a)

Exemption (a) to the Public Records Law, G.L. c. 4, § 7(26)(a), applies to records which are “specifically or by necessary implication exempted from disclosure by statute.” The requested records, which contain information regarding identified minors, 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. Moreover, the statutes providing for the protection and care of children and proceedings against them, including G.L. c.119, §§38, 60, 60A, and 65, provide by necessary implication for

the redaction or withholding of call logs and/or police reports of public safety officers working with juveniles, as these documents may relate to juvenile delinquency case records.

While it does not appear from your request that you are seeking the names of minors/students, where the requested records contain identifying information regarding minors, such information is specifically exempt from disclosure and has been redacted.

Exemption (c)

Exemption (c) to the Public Records Law, G.L. c. 4, § 7(26)(c), covers “personnel and medical files or information and any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy...” Exemption (c) protects both personnel and medical information, as well as “intimate details of a highly personal nature.” Aside from personnel and medical information, the courts have held that Exemption (c) is designed to protect from public disclosure a variety of personal information, including: marital status, paternity, substance abuse, government assistance, family disputes and reputation. People for the Ethical Treatment of Animals (PETA) v. Dep’t of Agric. Res., 477 Mass 280, 292 (2017). In deciding whether there is a privacy interest in requested records and the weight to be accorded any such interest, “we have looked to three factors ... : (1) whether disclosure would result in personal embarrassment to an individual of normal sensibilities; (2) whether the materials sought contain intimate details of a highly personal nature; and (3) whether the same information is available from other sources” (footnote omitted). PETA, 477 Mass. at 292, *citing* Globe Newspaper Co. v. Police Comm’r of Boston, 419 Mass. 852, 858 (1995) (“Police Comm’r of Boston”). “ [O]ther case-specific relevant factors’ may [also] influence the calculus.” PETA, *supra*, *quoting* Police Comm’r of Boston, *supra*.

In this instance, after careful consideration of the PETA factors identified above and after a detailed review of the records at issue, the above-referenced police records have been redacted under Exemption (c), as they contain details of a highly personal nature, including, but not limited to, medical information, third-party’s identifying and other information provided to the Police Department, and details that if disclosed would implicate the privacy interests of other individuals.

Exemption (f)

Moreover, requested records have been redacted from pursuant to Exemption (f) of the Public Records Law, G.L. c. 4, § 7(26)(f). One purpose of this exemption is to avoid the disclosure of investigatory information or other process for resolving the matters being investigated, and the prevention of disclosure of confidential investigative techniques, procedures, or sources of information. WBZ-TV4 v. District Attorney for the Suffolk District, 408 Mass. 595, 601 (1990); Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (1976). Exemption (f) has also been held to allow investigative officials to provide an assurance of confidentiality to persons so that they will speak openly about matters under investigation. Bougas, 371 Mass. at 62. For that reason, the name, address, and identifying details of a voluntary witness or complainant may therefore be withheld from disclosure permanently. Reinstein v. Police Comm’r of Boston, 378 Mass. 281, 290 (1979).

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 ten (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,

Nicole E. Beverly

Nicole E. Beverly
Town Clerk & Records Access Officer

Enc.