

MUCKROCK NEWS
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BOSTON, MA 02115

000158-3 T2 P1
LAWRENCE POLICE DEPARTMENT
PRL OFFICE
90 LOWELL ST
LAWRENCE, MA 01840-1210



July 20, 2022

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Massachusetts Public Records Law request, copied below, and originally submitted on May 16, 2022. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

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PLEASE NOTE OUR NEW ADDRESS
For mailed responses, please address (see note):
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263 Huntington Ave
Boston, MA 02115

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On June 3, 2022:

Subject: RE: Massachusetts Public Records Law Request: School-Based Arrest Data Request (Lawrence Police Department)

This is a follow up to our request dated 5/12/22 seeking public records pursuant to the Public Records Act, M. G. L. c.66, § 10. Anyone denied access to public records has the right of appeal to the Supervisor of Records. If we do not receive response by Friday, June 10, 2022, we will be filing an appeal to the Supervisor of Records.

If you need to speak to me about this request, please contact me at: (605)-405-6229.

Thank you for your cooperation.

On May 12, 2022:

Subject: Massachusetts Public Records Law Request: School-Based Arrest Data Request (Lawrence Police Department)

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law, I hereby request the following records:

To whoever it may concern:

This letter constitutes a request pursuant to the Public Records Act, M. G. L.c.66, §10, for public records in the custody of your police department. 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 M. 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 police reports and school incident reports on each school-related arrest conducted during the 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).

3. Please provide an unduplicated count of arrested students for each school year including 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).

4. If such an extract of the database in question 1 is not possible, please provide police reports and school incident reports on 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), per the U.S. Department of Education's Civil Rights Data Collection for that year. For each referral to law enforcement, please include the school, demographic, and incident information described in DESE's School Safety and Discipline Report Data Handbook v. 20.0.

5. Please also provide an unduplicated counts of referrals to law enforcement (as defined above) for each school year including 2018-2019, 2019-2020, 2020-2021, and 2021-2022 school year (up until the day the records are produced).

6. A copy of any active memorandum of agreement and/or standard operating procedures between your police department and local school districts regarding police placement or activity in schools.

7. 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,

8. Any records instructing or informing police personnel of, or otherwise describing, data reporting requirements and procedures for complying with M. G. L.c. 71 § 37P(b).

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



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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 police department 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. M. 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. Thank you in advance for your prompt response to this request.

Sincerely,
Erin Stewart
Citizens for Juvenile Justice
(617) 338-1050

I also request that, if appropriate, fees be waived as we believe this request is in the public interest, as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

I expect the request to be filled in an accessible format, including for screen readers, which provide text-to-speech for persons unable to read print. Files that are not accessible to screen readers include, for example, .pdf image files as well as physical documents.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

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Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,

Erin Stewart

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