

Ms. Kate Silvia, Primary RAO
MA Department of Corrections
50 Maple Street
Milford, MA 01757
(508) 422-3436; kate.silvia@state.ma.us

March 5, 2022

Re: Nov. 16, 2021 Public Records Request and SPR 22/0272

Dear Ms. Silvia:

This is an initial response to your March 2, 2022, letter (Exh. A) concerning my November 16, 2021, public records request to the Department of Correction (DOC). While I have several concerns with your letter, for the sake of efficiency, I wanted to point out one clear error that should be easy to rectify. I will detail my other objections in a separate letter.

In the second paragraph of page one of your letter, you state that concerning my requests nos. 6 and 7, “there are no lawsuits, grievances and/or other arbitrated or mediated conflicts *pertaining to video visits* commenced on or after January 1, 2018 to the present in which the [DOC] and/or MCI-Norfolk was a party, and therefore, there are no records responsive to your request” (*italics added*).

However, the two referenced requests were not limited to lawsuits, grievances and/or other arbitrated or mediated conflicts *pertaining only* to video visits. As set forth in request no. 6, the information sought covers *all* lawsuits, grievances, or other conflicts involving DOC and/or MCI-Norfolk, no matter the subject matter. Aside from the time constraints (January 1, 2018, to the present), the only delimiting language in request no. 6 concerns the nature of the legal claims involved. Namely, my requests seek information on cases where the opposing party has asserted one or more claims of (i) tortious interference with business or contractual relations (or any state or federal analog thereto), and/or (ii) intentional infliction of emotional distress (or any state or federal analog thereto). The underlying facts or circumstances of any such lawsuit or grievance are not germane to the scope of information sought.

Similarly, request no. 7 concerns lawsuits or grievances as defined in request no. 6. Request no. 7 simply details the specific categories of information sought, including (among other things) party names; relevant forum; dates of commencement and resolution; manner of resolution; amounts paid, if any, to settle or otherwise reach resolution; legal fees and costs incurred; etc.

Given this clarification of request nos. 6 and 7, I would ask that you review your records and provide responsive documents within ten business days, as required by our state public records law and related regulations. *See* M.G.L. c. 66, §10(a)-(b); 950 CMR 32.06(2)(b). Please do not hesitate to contact me if you have any questions or need further clarification concerning the above. Thank you for your anticipated prompt attention to this matter.

Sincerely,

/s/ M. Claire Masinton

M. Claire Masinton
Newton, MA 02458
(617) 257-9560; mcm4801@outlook.com

CC: Fredson Sossavi (Fredson.Sossavi@state.ma.us)
MA Secretary of the Commonwealth, Public Records Division (pre@sec.state.ma.us)

EXHIBIT A



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

TERRENCE M. REIDY
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety & Security

Department of Correction
50 Maple Street, Suite 3
Milford, MA 01757
Tel: (508) 422-3300
www.mass.gov/doc



CAROL A. MICI
Commissioner

KELLEY J. CORREIRA
PATRICK T. DEPALO, JR.
ROBERT P. HIGGINS
MITZI S. PETERSON
THOMAS J. PRESTON
Deputy Commissioners

March 2, 2022

SENT VIA EMAIL TO: 121330-02247515@requests.muckrock.com

MuckRock News
DEPT MR 121330
411A Highland Ave
Somerville, MA 02144-2516

RE: Second records request

Dear Ms. Masinton,

I am in receipt of your second records request dated November 16, 2021, seeking information regarding video visits at MCI-Norfolk that was earlier requested by you on March 11, 2021. Please be advised that all responsive public records have been produced to you.

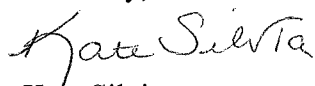
By way of an update concerning your request nos. 6 and 7, there are no lawsuits, grievances and/or other arbitrated or mediated conflicts pertaining to video visits commenced on or after January 1, 2018 to the present in which the Massachusetts DOC and/or MCI-Norfolk was a party, and therefore, there are no records responsive to your request.

Regarding request no. 8, in which you seek policies, processes or procedures governing review of video visits, please be advised that there are no records responsive to your request. These video visits are regularly monitored by the MCI-Norfolk Director of Security for any inappropriate behavior as part of his general duties and responsibilities for the Department and in the interests of safety and security. As for your request for specific information as to how these visits are monitored by the Director of Security, your request is denied as the information is exempt from disclosure under the public records law. Specifically, the requested information is

exempt from disclosure pursuant to G.L. c. 6, sec. 167 as Intelligence Information, and therefore falls under statutory exemption (a) of G.L. c. 4, sec. 7(26)(a). The information is also exempt pursuant to G.L. c. 4, sec. 7(26)(f) and exemption (f), "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." I reiterate that the Department's Visiting Procedures regulation, 103 CMR 483.00, *et seq.* is followed regarding actions taken for visitor misconduct.

Please be advised that should you object to this response, you may appeal to the Supervisor of Records in accordance with G.L. c. 66, §10(b) and 950 CMR 32.00.

Sincerely,

A handwritten signature in cursive script that reads "Kate Silvia".

Kate Silvia
Director of Communications

Enc.

cc: SPR 22/0272