

4.34 Records Management and Requests



RECORDS MANAGEMENT AND REQUESTS

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POLICY

Every record made or received by the Police Department is presumed to be a public record, unless it is subject to an exemption as outlined in Section VII of this policy. The Massachusetts Public Records Law provides that every person has an absolute right of access to public information.¹ This right of access includes the right to inspect, copy or have copies of records provided upon the payment of a reasonable fee.² Therefore, it shall be the policy of the Police Department to adhere to the requirements of the Public Record Law as well as the applicable regulations promulgated by the Secretary of the Commonwealth.

PROCEDURES

I. DEFINITIONS

A. **Commercial Purpose:** means "the sale or resale of any portion of the public record or the use of information from the public record to advance the requester's strategic business interests in a manner that the requester can reasonably expect to

¹ [G.L. Chapter 66, § 10](#)

² [Id.](#)

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make a profit, and shall not include gathering or reporting news or gathering information to promote citizen oversight or further the understanding of the operation or activities of government or for academic, scientific, journalistic or public research or education.”³

- B. Public Records:** includes “all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of any political subdivision thereof, or of any authority established by the general court to serve a public purpose, or any person, corporation, association, partnership or other legal entity which receives or expends public funds for the payment or administration of pensions for any current or former employees of the commonwealth or any political subdivision as defined in section 1 of chapter 32...”⁴ This includes those records which are created by electronic means.⁵
- C. Records Access Officer:** “the employee designated within a governmental entity to perform the duties described in 950 CMR 32.00 including coordinating a response to requests for access to public records, assisting individuals seeking public records in identifying the records requested, and preparing guidelines that enable requesters to make informed requests regarding the availability of such public records electronically or otherwise.”⁶
- D. Redact:** means to delete, or otherwise expurgate that part of a public record that is exempt from disclosure under G.L. c. 4, § 7(26) or other legally applicable privileges from non-exempt material.⁷
- E. Requester:** any person or entity making a request for records pursuant to the Public Records Law.
- F. Segregation Time:** means the time used to review records to determine what portions are subject to redaction or withholding under G.L. c. 4, § 7(26) or other legally applicable privileges. Segregation time shall not include time expended to review records for accuracy and correct errors.⁸

³ G.L. c. 66, § 10(d)(ix); see also 950 CMR 32.02.

⁴ G.L. c. 4, § 7(26).

⁵ G.L. c. 66, § 3.

⁶ 950 CMR 32.02.

⁷ 950 CMR 32.02.

⁸ 950 CMR 32.02.

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- G. Record Retention: All records in the custody of the police department shall be retained and/or destroyed in accordance with the standards of the Office of the Secretary of the Commonwealth. [82.1.3]**

II. RECORDS ACCESS OFFICERS

- A. At least one employee of the Department will be designated as the Records Access Officer (RAO) for the Department. Such designation shall be made by the Chief of Police.
- B. The employee(s) designated as RAO for the Department shall be identified in a notice, conspicuously displayed in the Department lobby and the Department website, if one exists. The notice shall include name, title, business address, business telephone number, and business email address of each records access officer.⁹
- C. If an RAO is scheduled to be out of the office for a period of time, a substitute RAO shall be designated to handle requests for public records.
- D. The RAO for the Department shall be responsible for the following tasks:
1. Accepting all requests for public records;
 2. Responding thoroughly to all requests in a timely manner;
 3. Assisting requesters in identifying the records sought;
 4. Assisting in the preservation of public records in accordance with all applicable laws, rules, regulations and retention schedules;
 5. Preparing guidelines that enable the requester to make informed requests regarding the availability of such public records electronically or otherwise. The guidelines shall include a list of categories of public records maintained by the Department and such list shall be updated periodically. The guidelines shall be posted on the Department website if one exists; and
 6. Posting commonly available public record documents on the Department website if one exists.

III. REQUESTS FOR PUBLIC RECORDS

⁹ G.L. c. 66, § 6A(c); 950 CMR 32.04(4).

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- A. The Department shall accept all requests for public records made in writing (via mail, courier, electronic mail, hand delivery or facsimile) and made orally (in-person or over the telephone).¹⁰
- B. A requester shall not be required to complete any particular form, however, the Department may make one available to assist requesters.¹¹
- C. A requester shall not be required to make a personal inspection of the record prior to receiving a copy.¹²
- D. If the request is unclear or the requester is unsure as to the requested records, the RAO shall assist the requester in determining what records are sought.
- E. As an alternative to obtaining copies, a requester shall be permitted, to the extent feasible, and at reasonable times:¹³
 - 1. To view and inspect records prior to obtaining copies; or
 - 2. To use a personal device such as a camera or portable scanner to copy records.
- F. The RAO shall not require the requester to specify the purpose for a request, except:¹⁴
 - 1. when the requested records concern information which may be exempt from disclosure under exemption (n);
 - 2. to determine whether the records are requested for a **commercial purpose**; or
 - 3. whether to grant a request for a fee waiver.

IV. RESPONSES TO REQUESTS FOR PUBLIC RECORDS

- A. The RAO shall respond to each request for public records within **10 business days** following the receipt of the request.

¹⁰ G.L. c. 66, § 10(a); 950 CMR 32.06(1)(c).

¹¹ 950 CMR 32.06(1)(d).

¹² 950 CMR 32.06(1)(e).

¹³ 950 CMR 32.07(1)(b).

¹⁴ G.L. c. 66, § 10(d)(viii).

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- B. For written requests, the calculation of time begins on the first business day following receipt of the request. For oral requests, the calculation of time begins on the day the request was made.¹⁵
- C. The RAO shall provide a written response to the requester unless the RAO has provided the requester with a copy of all of the requested documents in un-redacted format or has permitted the requester to inspect the requested documents in un-redacted format.
- D. A written response shall be made via electronic mail, if preferred, or via first-class mail.
- E. The RAO and requester may enter into an agreement to extend the time required to respond to the request.¹⁶ The RAO shall document any such agreements in writing.
- F. The written response shall include the following:¹⁷
1. confirm receipt of the request;
 2. identify any records or categories of records sought that are not within the department's possession, custody, or control (*if applicable*);
 3. identify the agency or municipality that may be in possession, custody or control of the record sought, if known (*if applicable*);
 4. identify any records, categories of records or portions of records that the department intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based (*if applicable*);
 5. identify any records, categories of records, or portions of records that the department intends to produce, and provide a detailed statement describing why the magnitude or difficulty of the request unduly burdens the other responsibilities of the department and therefore requires additional time to produce the public records sought (*if applicable*);
 6. identify a reasonable timeframe (no more than **25 business days** following the initial receipt of the request **for municipal police departments**) in which the records will be produced;

¹⁵ 950 CMR 32.06(2)(e).

¹⁶ 950 CMR 32.06(i).

¹⁷ G.L. c. 66, § 10(b); 950 CMR 32.06(3)(a) & (c).

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7. suggest a reasonable modification of the scope of the request or offer to assist the requester to modify the scope of the request if doing so would enable the entity to produce records sought more efficiently and affordably (*if applicable*);
 8. include an itemized, good faith estimate of any fees that may be charged to produce the records (*if applicable*); and
 9. include a statement informing the requester of the right of appeal to the supervisor of records under subsection (a) of section 10A and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of section 10A.
- G. The RAO shall provide public records to a requester in electronic format unless the record is not available in electronic form, or the requester does not have the ability to receive or access the records in electronic format, or the requester prefers the records in another format. In the absence of a preferred format, the records shall be provided in a searchable machine-readable form.¹⁸ Where the requester is an individual held in custody in any correctional facility, the RAO shall presume that the requester does not have the ability to receive or access records in electronic form.
- H. The RAO may furnish records by providing reasonable assistance in locating the records on an appropriately indexed and searchable public website, if available.
- I. If the record is withheld or redacted on the basis of the attorney-client privilege, the RAO shall provide the following information in the response: (1) a detailed description of the record; (2) the names of the authors and recipients; and (3) in general terms, the subject matter of the withheld information.¹⁹
- J. The RAO may deny requests from a requester who has previously failed to pay for records already produced. In such instances, the RAO shall provide an explanation of the reason for the denial and the amounts owed in the written response.²⁰ The requested records may be withheld until any reasonable fee is paid.

V. EXTENSIONS TO RESPOND TO REQUESTS

A. Obtaining a First Extension

¹⁸ G.L. c. 66, § 6A(d).

¹⁹ 950 CMR. 32.06(3)(d).

²⁰ G.L. c. 66, § 10(d)(vi) & (vii); 950 CMR 32.07(2)(n).

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1. If the Department is unable to respond within 10 business days as a result of the undue burden placed upon the other responsibilities of the Department due to the magnitude or difficulty of the request, or of multiple requests from the same requester, the Department may obtain an extension to do so.
2. The extension may be for up to, but no more than, **25 business days** following the initial receipt of the request.
3. The written response must include all of the items listed in Section IV(F) of this policy and must be provided no later than 10 business days after the initial receipt of the request.²¹

B. Requesting a Second Extension

1. If the Department requires more than 25 business days to respond to the request as a result of the undue burden placed upon the other responsibilities of the Department due to the magnitude or difficulty of the request, or of multiple requests from the same requester, the Department may file a petition with the Supervisor of Public Records in order to obtain a second extension.²²
2. The Supervisor may grant a single extension of up to **30 business days** to respond upon a showing of good cause.²³ The Supervisor also has discretion to grant a longer extension or to relieve the Department of its obligation to comply with the request if the Supervisor determines that the request is frivolous or designed to intimidate or harass, and the request is not intended for the broad dissemination of information to the public about actual or alleged government activity.²⁴
3. The petition must be filed within 20 business days after the initial receipt of the request or within 10 business days after receipt of a determination by the Supervisor of Public Records that the requested record constitutes a public record. The requester must be provided with a copy of the petition.²⁵
4. The petition must address the following factors probative to good cause:²⁶
 - a. the need to search for, collect, segregate or examine records;

²¹ G.L. c. 66, § 10(b).

²² G.L. c. 66, § 10(c); 950 CMR 32.06(4).

²³ G.L. c. 66, § 10(c); 950 CMR 32.06(4).

²⁴ G.L. c. 66, § 10(c); 950 CMR 32.06(4).

²⁵ G.L. c. 66, § 10(c); 950 CMR 32.06(4).

²⁶ G.L. c. 66, § 10(c); 950 CMR 32.06(4).

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- b. the scope of redaction required;
- c. the capacity or the normal business hours of operation of the Department;
- d. efforts undertaken by the department to fulfill request;
- e. whether the request is frivolous or intended to harass or intimidate the department; and
- f. the public interest served by expeditious disclosure.

VI. CHARGING FEES

A. Generally

1. The RAO may only assess such fees as are reasonable and assessed pursuant to this policy.²⁷
2. The RAO shall provide a requester with a written, good faith estimate within 10 business days of the request being made if the RAO intends to charge any fee.²⁸
3. No fees shall be charged if the RAO fails to provide a written response to a request within 10 business days.²⁹
4. Requested records may be withheld until the fee is paid, if any.
5. Any and all fees obtained in connection with this policy shall be accounted for and forwarded to the Office of the [INSERT APPROPRIATE TITLE HERE – e.g. Treasurer; Collector].

B. Copy Costs

1. The RAO may only assess the following copy costs:
 - a. A maximum of \$0.05 per page for single and double-sided black and white paper copies or printouts of public records susceptible to reproduction by ordinary means.³⁰

²⁷ G.L. c. 66, § 10(d).

²⁸ 950 CMR 32.07(2)(b).

²⁹ G.L. c. 66, § 10(e).

³⁰ G.L. c. 66, § 10(d)(i); 950 CMR 32.07(2)(e).

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- b. The actual cost of reproduction for records which are not susceptible to reproduction by ordinary means.³¹
2. No copy costs shall be charged for records provided electronically or by facsimile.³²

C. Search and Segregation Fees

1. The RAO may only charge a fee for search and segregation time if:³³
 - a. The Department is required to devote more than 2 hours of time to search for, compile, segregate, redact or reproduce a record; and
 - b. The segregation or redaction of records is required by law or the fee is approved by the Supervisor of Public Records.
2. The search and segregation fee must be calculated using the hourly rate equal to or less than the hourly rate of the lowest paid employee who has the necessary skill to complete the search and segregation, but shall not exceed \$25.00 per hour unless approved by the Supervisor of Public Records.³⁴
3. **[FOR MUNICIPALITIES WITH OVER 20,000 PEOPLE]** The first 2 hours shall not be charged.

[FOR MUNICIPALITIES WITH 20,000 PEOPLE OR LESS] The first 2 hours may be charged.

D. Postage Costs

The RAO may charge the actual cost of postage to mail copies of public records, but only if:³⁵

1. The requester specifically requests that records be mailed or is unable to receive copies in person; and
2. The RAO charges the lowest cost available for such mailing, at the discretion of the requester.

³¹ 950 CMR 32.07(2)(h).

³² 950 CMR 32.07(2)(f).

³³ G.L. c. 66, § 10(d); 950 CMR 32.07(2)(d) & (m).

³⁴ G.L. c. 66, § 10(d); 950 CMR 32.07(2)(i) & (m).

³⁵ G.L. c. 66, § 10(d)(i); 950 CMR 32.07(2)(c) & (g).

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E. Medium Costs

The actual cost of any storage device requested may be charged to the requester.³⁶

F. Discretion to Waive Fees

The RAO shall have the discretion to waive or reduce fees. Such waiver or reduction may be granted where it is shown that:³⁷

1. Disclosure of a requested record is in the public interest;
2. The request is not primarily in the commercial interest of the requester; or
3. The requester lacks the financial ability to pay the full amount of the reasonable fee.

G. Petitions to Charge Fees

1. If the RAO wishes to charge: (i) an hourly fee in excess of \$25, or (ii) the time spent segregating or redacting documents not required by law, the RAO shall file a petition with the Supervisor of Public Records to that effect, and the RAO shall provide the requester with a copy of the petition.³⁸
2. The supervisor may approve the petition if:³⁹
 - a. the request is for a **commercial purpose**; or
 - b. the fee represents an actual and good faith representation to comply with the request, the fee is necessary, the amount of the fee is reasonable and the fee is not designed to limit, deter or prevent access to requested public records.

VII. EXEMPTIONS

The RAO shall ensure that if any portion of a record is redacted or withheld pursuant to one of the exemptions to the Public Records Law, the RAO shall provide the requester with the applicable exemption and describe, with specificity, how it applies to the particular record.

³⁶ G.L. c. 66, § 10(d)(i); 950 CMR 32.07(2)(c) & (g).

³⁷ G.L. c. 66, § 10(d)(v); 950 CMR 32.07(2)(k).

³⁸ G.L. c. 66, § 10(d)(iv); 950 CMR 32.06(4).

³⁹ G.L. c. 66, § 10(d)(iv); 950 CMR 32.06(4).

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A. Exemption (a)

1. Exemption (a) applies to records that are specifically or by necessary implication exempted from disclosure by statute.⁴⁰
2. As an example, the following statutes may provide the basis to withhold records under exemption (a):⁴¹
 - Criminal Offender Record Information: G.L. c. 6, § 167.
 - Delinquency, Sealing by Commissioner of Probation: G.L. c. 276, § 100B.
 - Department of Youth Services Records: G.L. c. 120, § 21.
 - Home Addresses, Telephone Numbers and Personal E-Mail Addresses of Public Safety Personnel: G.L. c. 66, § 10B.
 - Name, Home Addresses, Telephone Numbers and Personal E-Mail Addresses of Family Members of Public Safety Personnel: G.L. c. 66, § 10B.
 - Home Addresses, Telephone Numbers, Place of Employment or Education and Personal E-Mail of Victims of Adjudicated Crimes, Domestic Violence Victims and Persons Providing Family Planning Services: G.L. c. 66, § 10B.
 - Name, Home Addresses, Telephone Numbers, Place of Employment or Education and Personal E-Mail of Family Members of Victims of Adjudicated Crimes, Domestic Violence Victims and Persons Providing Family Planning Services: G.L. c. 66, § 10B.
 - Juvenile Delinquency Case Records: G. L. c. 119, § 60A.
 - Rape and Domestic Abuse Reports: G. L. c. 41, § 97D.

B. Exemption (b)

1. Exemption (b) applies to records that are related solely to internal personnel rules and practices of the government unit, provided however, that such records shall be withheld only to the extent that proper performance of necessary governmental functions requires such withholding.⁴²
2. For exemption (b) to apply, the RAO shall demonstrate not only that the records relate solely to the internal personnel practices of the government entity, but

⁴⁰ G.L. c. 4, § 7(26)(a).

⁴¹ This list is not meant to be exhaustive.

⁴² G.L. c. 4, § 7(26)(b).

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also that proper performance of necessary government functions will be inhibited by disclosure.

C. Exemption (c)

Exemption (c) 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.⁴³

D. Exemption (d)

Exemption (d) applies to inter-agency or intra-agency memoranda or letters relating to policy positions being developed by the agency; but this subclause shall not apply to reasonably completed factual studies or reports on which the development of such policy positions has been or may be based.⁴⁴

E. Exemption (e)

Exemption (e) applies to notebooks and other materials prepared by an employee of the commonwealth which are personal to him and not maintained as part of the files of the governmental unit.⁴⁵

F. Exemption (f)

1. Exemption (f) applies to 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.⁴⁶
2. The RAO shall not use exemption (f) as a blanket exemption for all records that investigative officials create or maintain.
3. The RAO must demonstrate that the release of the requested records would result in the prejudice to investigative efforts by showing one of the following in order to apply exemption (f) to a particular request:
 - a. The requested records relate to an ongoing investigation, which if disclosed, could potentially alert suspects to the activities of investigative officials.

⁴³ G.L. c. 4, § 7(26)(c).

⁴⁴ G.L. c. 4, § 7(26)(d).

⁴⁵ G.L. c. 4, § 7(26)(e).

⁴⁶ G.L. c. 4, § 7(26)(f).

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- b. The requested records contain confidential investigative techniques, the disclosure of which would prejudice future law enforcement efforts.
- c. The requested records contain information, which if disclosed, creates a grave risk of directly or indirectly identifying a private citizen as a witness.
[55.1.3 (b)]

G. Exemption (g)

Exemption (g) is not applicable to the records maintained by the Department.

H. Exemption (h)

Exemption (h) applies to proposals and bids to enter into any contract or agreement until the time for the opening of bids in the case of proposals or bids to be opened publicly, and until the time for the receipt of bids or proposals has expired in all other cases; and inter-agency or intra-agency communications made in connection with an evaluation process for reviewing bids or proposals, prior to a decision to enter into negotiations with or to award a contract to, a particular person.⁴⁷

I. Exemption (i)

Exemption (i) is not applicable to the records maintained by the Department.

J. Exemption (j)

Exemption (j) applies to the names and addresses of any persons contained in, or referred to in, any applications for any licenses to carry or possess firearms issued pursuant to chapter one hundred and forty or any firearms identification cards issued pursuant to said chapter one hundred and forty and the names and addresses on sales or transfers of any firearms, rifles, shotguns, or machine guns or ammunition therefor, as defined in said chapter one hundred and forty and the names and addresses on said licenses or cards.⁴⁸

K. Exemption (k)

Exemption (k) was repealed.

L. Exemption (l)

⁴⁷ G.L. c. 4, § 7(26)(h).

⁴⁸ G.L. c. 4, § 7(26)(j).

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Exemption (l) applies to questions and answers, scoring keys and sheets and other materials used to develop, administer or score a test, examination or assessment instrument; provided, however, that such materials are intended to be used for another test, examination or assessment instrument.⁴⁹

M. Exemption (m)

Exemption (m) is not applicable to the records maintained by the Department.

N. Exemption (n)

1. Exemption (n) applies to records, including, but not limited to, blueprints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons or buildings, structures, facilities, utilities, transportation or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the record custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety and cyber security.⁵⁰
2. For all requests in which exemption (n) applies, the RAO may ask the requester for the purpose of making the request.
3. The RAO is not prevented from engaging the requester in conversation by asking the requester to voluntarily provide additional information in order to reach a reasonable judgment," but the RAO may not require the requester to provide personal information.⁵¹
4. The determination of whether exemption (n) will be used to withhold records shall be based upon the totality of circumstances of the requester including the purpose for making the request.

O. Exemption (o)

Exemption (o) applies to the home address, personal email address and home telephone number of an employee of the judicial branch, an unelected employee of the general court, an agency, executive office, department, board, commission, bureau, division or authority of the commonwealth, or of a political subdivision thereof or of an authority established by the general court to serve a public purpose,

⁴⁹ G.L. c. 4, § 7(26)(l).

⁵⁰ G.L. c. 4, § 7(26)(n).

⁵¹ See SPR Bulletin No. 04-03 (April 1, 2003).

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in the custody of a government agency which maintains records identifying persons as falling within those categories; provided that the information may be disclosed to an employee organization under chapter 150E, a nonprofit organization for retired public employees under chapter 180, or a criminal justice agency as defined in section 167 of chapter 6.⁵²

P. Exemption (p)

Exemption (p) applies to the name, home address, personal email address and home telephone number of a family member of a commonwealth employee, contained in a record in the custody of a government agency which maintains records identifying persons as falling within the categories listed in subclause (o).⁵³

Q. Exemption (q)

Exemption (q) is not applicable to the records maintained by the Department.

R. Exemption (r)

Exemption (r) applies to information and records acquired under chapter 18C by the office of the child advocate.⁵⁴

S. Exemption (s)

Exemption (s) is not applicable to the records maintained by the Department.

T. Exemption (t)

Exemption (t) applies to statements filed under section 20C of chapter 32⁵⁵

U. Exemption (u)

Exemption (u) is not applicable to the records maintained by the Department.

VIII. TRAINING

⁵² G.L. c. 4, § 7(26)(o).

⁵³ G.L. c. 4, § 7(26)(p).

⁵⁴ G.L. c. 4, § 7(26)(r).

⁵⁵ G.L. c. 4, § 7(26)(t).

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- A. All RAOs shall receive initial training on the Public Records Law upon being designated as an RAO consisting of at least four (4) hours. [33.6.1; 33.7.2]
- B. All RAOs shall receive refresher training the Public Records Law on a bi-annual basis. The required hours of training for such refresher course shall be in the discretion of the Chief of Police. [33.6.1; 33.7.2]

IX. Privacy and Security

A. Central records are maintained by the department's records section in compliance with statutes as a public service, as an investigative and administrative aid and to provide statistical data. Department records are confidential; however, criminal records and arrest information will be released upon approval to those persons who qualify as police officers or other authorized public agencies. In addition, the department will provide for a fee, crime and traffic reports and traffic photographs to crime victims, parties to accidents and other sufficiently interested parties. Except as provided by statute, the department will not release criminal and arrest information from its files to prospective employers.

B. RECORDS SUPERVISION & SECURITY:

The Records Supervisor is responsible for maintaining all department records in the secure and locked records section. The records section shall not be open to any public view within that designated area. No unauthorized persons shall be allowed in the records section. Visitors, whether on official or unofficial business, shall not be allowed to enter the records section for the purpose of perusing or reviewing any department records nor shall any officer, clerk or other employee allow or condone this act if observed. One of the below listed persons may escort and remain with maintenance personnel, tradesmen or others granted access for legitimate reasons. The following personnel are authorized to enter the records room: [81.1.1(a)]

1. Chief of Police
2. Lieutenant
3. Designated Court Officer

The records section is the repository for all printed or hard copy documents generated by the department and it is not open on a 24 –7 basis. However, all incident and arrest reports, booking data, booking photos, identification documents as well as documentary attachments such as written statements and

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incident photographs are available to investigative personnel and patrol supervisors

via the computerized RMS system. This system is password protected and is capable of producing access and print logs allowing an audit of record access if needed,

C. DISSEMINATION OF INFORMATION:

Members shall treat official business of the Southborough Police Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Procedures. Additionally, dissemination of department records shall be strictly controlled according to the guidelines of CORI, Criminal Offender Record Information and MGL, Chapter 66, section 10 which relates to the inspection and examination of segregate public records and to the acceptable fees to be charged for photocopies of same. A copy of each of these documents shall be kept in a conspicuous place in the records section and all officers, clerks and employees shall be expected to refer to them if there is any question regarding dissemination of department records.

Dissemination of Records [82.2.4]

1. DAILY: The records section shall disseminate records and reports on a daily basis as follows:
 - a. District Court: Clerk's Office:
 - 1) Charging instruments (application for complaint, criminal citation, etc);
 - 2) Citations- Arrest, Criminal, Drug Violations;
 - 3) Temporary Restraining Orders; and
 - 4) Jenkins Hearing documents
 - b. District Attorney's Office:
 - 1) Reports accompanying an arrest or criminal charges:
 - c. Registry of Motor Vehicles:
 - 1) Motor Vehicle Citations, civil and warnings.
2. WEEKLY: The following reports and documents shall be disseminated on a weekly basis:
 - a. Registry of Motor Vehicles: Collision Reports

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D. 24 HOUR ACCESSIBILITY:

All operational records shall be accessible at all times in order to facilitate investigation and other matters of duty being performed by officers of this department. All officers shall familiarize themselves with the locations of the various types of information stored or filed in the records section so that retrieval will be quick and efficient. [81.1.1(b)]

E. JUVENILE & SEXUAL ASSAULT RECORDS:

There shall exist within the Southborough Police Department a separate file or computer storage section for records of juveniles and for those who have been the victim of a sexual assault. Access to these files is strictly enforced and limited and shall include fingerprints and photographs of all juveniles arrested. The Chief of Police shall authorize access to and the release of juvenile information by the lieutenant. Any detective, with approval of the Chief, Lieutenant may provide the requested juvenile information to other agencies for investigative purposes.

F. INFORMATION TECHNOLOGY RESOURCES:

Employees are reminded that email, text messages, media files and photographs taken in the course of their official duties are considered public records, copies of which may be requested by any member of the public. Employees shall:

- Not be permitted to use personal photographic equipment including cellular phones or other electronic means of photographing or recording crime, crash or incident scenes, detainees or witnesses unless a clear and obvious tactical or investigatory advantage will be lost and only if department issued equipment is unavailable or malfunctioning and supervisory approval has been granted.
- Consider email messages, text messages, media and photographic files generated while on duty or in the performance of their official duties to be the equivalent of letters and or documents sent on official letterhead and will be written in a professional and courteous tone;
- Be aware that emails can be stored, copied, printed, or forwarded by recipients

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- A. Members of the general public who desire to visually review or purchase a photocopy or reproduction of a record must personally request same from an authorized employee of the department.
- B. The general public has immediate access to the following documents upon completion of the investigation and its approval by the Chief of Police:
- a. Incident Reports – face sheet only and redacted to comply with the provisions of the Driver Privacy Protection Act (DPPA) and M.G.L. Chapter 93H.
 - b. Accident Reports – front and back of state accident forms and witness information;
 - c. Arrest sheet – for prior 12 months only;
 - d. Advisement of Rights – adults only, person in interested or his attorney;
 - e. Advisement pursuant to implied consent;
 - f. Vehicle impound report;
 - g. Citations;
 - h. Daily log sheets
- C. Access requests from the general public are processed within 10 working days from the date and time of the initial request. To determine request completion date, a normal work week, Monday through Friday, 0900 to 1700 hrs is used. In this vein, citizen applicants are advised of the date and time after which they can receive whatever records have been approved. [\[81.1.1\(c\)\]](#)
- D. Representatives of outside criminal justice agencies must complete a records request if a photocopy or reproduction of a record leaves the records section or leaves the department. This shall be noted in the CORI Log. Criminal justice agencies have immediate access to all documents requested unless the documents contain names sexual assault victims, analytical, internal affairs, Field Intelligence Reports or refined analytical intelligence documents. Sexual assault reports shall be redacted of all victim information.) **See Section L below for additional restrictions on sexual assault reports).** The Lieutenant and Chief of police are the only personnel authorized to release intelligence information.
- E. Sworn employees of the department shall have immediate access to all documents within the records section, except those restricted by statute on a need to know basis Reference section D above). The Chief of Police authorizes the Business Administrator, records assistant and designated court officer to access the records section with regards to specific duties such as, but not limited

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to, insurance requests, citation editing and filing, district attorney requests, defense attorney requests and information associated with court prosecution.

- F. Any request for copies or to look at police reports from the general public will be routinely screened by the OIC before access is granted.
- G. General Law, Chapter 6, section 167-168 governs the security, inspection, disclosure and dissemination of “criminal offender record information” CORI. As defined by that statute, criminal offender record information must meet all of five characteristics, it must be:
 - a. Records and data in any communicable form (including photographs and fingerprints)
 - b. Compiled by a criminal justice agency.
 - c. Which concern an identifiable individual.
 - d. Which relate to the nature or disposition of a criminal charge, an arrest, a pretrial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation or release.
 - e. Recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto.
- H. It is also important to understand what information and data is specifically excluded from the statutory definition of CORI. CORI does not include:
 - a. Intelligence information – Records and data compiled by a criminal justice agency for the purpose of criminal investigation, including reports of informants, investigators or other persons or from any type of surveillance associated with an identifiable individual; intelligence information also includes records and data compiled by a criminal justice agency for the purpose of investigation a substantial threat of harm to an individual or to the order or security of a correctional facility.
 - b. Evaluation information – records, data or reports concerning individuals charged with crime and compiled by criminal justice agencies, which appraise mental condition, physical condition, extent of social adjustment, rehabilitative progress and the like and which are primarily used in connection with bail, pretrial or post trial release proceedings, sentencing, correctional and rehabilitative planning, probation or parole.
 - c. Statistical and analytical reports and files in which individuals are not directly or indirectly identifiable.

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- d. Information about juveniles, persons under 18, unless adjudicated as an adult. Specifically identified juvenile information, records, fingerprints and photographs shall be obtained following department policy relative to arrest and booking. Filed separately and securely, these records may be disseminated following strict state legal requirements. Records shall be purged, expunged or otherwise updated by the records supervisor, as may be ordered by the court and/or in accordance with state regulated retention guidelines.
- e. Criminal justice information concerning offenses not punishable by incarceration.
- I. The CORI statute established a Criminal History Systems Board which promulgates regulations regarding the collection, storage, access, dissemination, content, organization and use of criminal offender record information. The Criminal History Systems Board also certifies those law enforcement and related agencies to which criminal offender record information may be disseminated.
- J. Pursuant to the CORI statute, every criminal justice agency, including police departments, must maintain a listing of the agencies and individuals to which it has released or communicated CORI information.
- K. In addition, the CORI statute and Criminal History Systems Board regulations govern, with considerable specificity, how police departments must handle the collection and storage of CORI information and how they must respond to request for access to CORI information whether the request is from a criminal justice or related agency certified by the Board to receive CORI information or from a member of the public (such as a local newspaper or other media representative) or from a person who is the subject of CORI records and who wants to review the content and accuracy of those records. Generally, under the CORI statute, police have five major concerns:
 - 1. To keep criminal offender records accurate, complete and up to date.
 - 2. To limit access to and dissemination of such records to law enforcement agencies and other agencies certified by the Criminal History Systems Board.
 - 3. To keep a “dissemination log” of every dissemination of criminal offender record information made to parties not employed by the department.
 - 4. To assure the security of criminal offender records from unauthorized disclosure.
 - 5. To allow persons who are the subject of criminal offender records or their authorized representatives to inspect and copy records pertaining to them.

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L. REPORTS OF RAPE AND SEXUAL ASSAULT:

1. MGL Chapter 41, section 97D, requires that reports of rape and sexual assault or attempts to commit those offenses and conversations between police officers and victims of those offenses "shall not be public reports and shall be maintained by the police department in a manner which will assure their confidentiality".

M. **SECURITY** – Under the present procedures used by this agency there is little reason for any "hardcopy" of a report to be removed from the records section. However, on the occasion that an original report may be summonsed to court etc... in order to ensure that these records are returned, the following report removal procedures shall be followed:

1. When a report is to be removed from the files and taken from the records section, the person needing the report shall request the record through the Lieutenant who shall sign it out to the requestor by placing the following info on a report removal control sheet and same shall be placed in the location of the report. That control sheet shall list the following information:
 - The date removed;
 - The name of the officer or person removing it;
 - The incident number of the report;
 - and the purpose for removal
2. The employee to whom the report was released shall return the file or record to the records supervisor who shall return the document(s) to its proper file position in the records section and put the date returned on the control sheet. It shall be the responsibility of the Court Officer to inspect the control sheets at least every five days and to follow up on the whereabouts of reports that have been out for a period exceeding those five days.

X. Juvenile Records

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- A. The Southborough Police Department maintains **segregated adult and juvenile** offender/arrest and identification records in both electronic and hard copy formats.
1. Juvenile records shall be filed in the records file cabinet in the labeled juvenile section. Upon attaining age 18, the department creates a new adult criminal history file for subsequent adult incidents. [82.1.2(a)]
 2. Fingerprint and photograph collection shall be subject to same requirements as adults and shall be retained permanently. [82.1.2(b)]
- B. Juvenile records shall **be physically secured and segregated** from adult records.
1. Hard copy adult records and juvenile records are maintained in the first floor central records area. The Juvenile records are separated and placed in the juvenile section within the cabinet.
 2. **Electronic** record storage shall be **password protected**.
 3. Hard copy juvenile offender records shall only be **accessed** by the following personnel:
 - a. Lieutenant;
 - b. Chief of Police;
 - c. Designated Court Officer
- C. **Dissemination** of juvenile offender information to include, fingerprints, photographs, offense/arrest reports shall only be released to other CORI approved agencies upon approval of the Records Supervisor **AND** one of the following: [82.1.2(c)]
- a. Lieutenant
 - b. Chief of Police
- D. Upon receipt of a judicial order of **expungement** of a juvenile record, the Designated Court Officer shall identify and obtain the record and disposition of juvenile record after reaching adult age. [82.1.2(d)]
2. Hard copy records shall be **destroyed by shredding** and disposition of juvenile records after reaching adult age.

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3. **Electronic records**, files and other data will be **deleted manually** or by using specific expungement or deletion **software programs** in the department's records management software.[[82.1.2\(e\)](#)]
- E. Pursuant to Massachusetts General Laws, Individuals have the right to inspect and, if practical, copy criminal offender record information which refers to him/her and is in the custody of the department. (MGL Chapter 6, Section 175) If an individual believes such information to be inaccurate or incomplete, he may request the department to purge, modify or supplement them. If the department declines to so act, s/he may take further action under Chapter 6, Section 175. The individual may, in writing request a review by the Mass Criminal History Systems Board. The Board may order the record purged, modified or supplemented after an investigation.
- F. The Lieutenant shall be designated as being accountable for the collection, dissemination and retention of juvenile records as provided for by statute.