
From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Tuesday, August 22, 2017 11:02 AM
To: 'Joe Shank'
Cc: 'Cindy King'; gnclark613@gmail.com; 'Kelly Merrill'; rao@townsend.ma.us
Subject: RE: records request all internal police records pertaining to patty clark

Dear Mr. Shank,

There is/are document(s) responsive to your request but they are exempt from disclosure pursuant to exemptions (c) the so called "privacy exemption" and exemption (f) the investigatory exemption, as described below.

The document(s) involve(s) matters that are considered "personnel ...files or information" concerning Mrs. Clark, and as such, are exempt from disclosure under exemption (c), the so-called "privacy exemption":

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. G.L. c.4, §7, cl.26(c)

Records constituting "personnel" records, i.e., information with regard to a particular candidate or employee that would be "useful in making employment decisions," may be withheld as "personnel information" under the first clause of exemption (c) of the Public Records Law. Wakefield Teachers Association v. School Committee of Wakefield, 431 Mass. 792 (2000). Please note, however, that the documents were not part of a formal Police Department internal affairs proceeding. The courts have determined that internal affairs records are not necessarily covered by exemption (c) and not considered to be personnel records. However, no part of the document(s) at issue is/are connected to an internal affairs proceeding.

A portion of the document(s) involve(s) discussions of ongoing investigatory matters that either involve the Police Department or investigations performed by the Police Department. Exemption (f) of the Public Records Law 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.

One purpose of this exemption is to avoid premature disclosure of investigatory information prior to trial 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). In addition, exemption (f) allows the names and identifying details of any voluntary witness and complainant to be redacted and withheld from disclosure. The purpose of such exemption is 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; Reinstein v. Police Commissioner of Boston, 378 Mass. 281, 290 (1979). Because the document(s) involve discussion of ongoing investigations by police and other officials, and disclosure at this time would prejudice the investigations, exemption (f) applies.

When the two exemptions cited above are applied I am asserting that the requested record(s) is/are exempt in its/their entirety and will not be produced.

Pursuant to 950 CMR 32.08, you may appeal this response to the Supervisor of Public Records within 90 calendar days.

Sincerely,

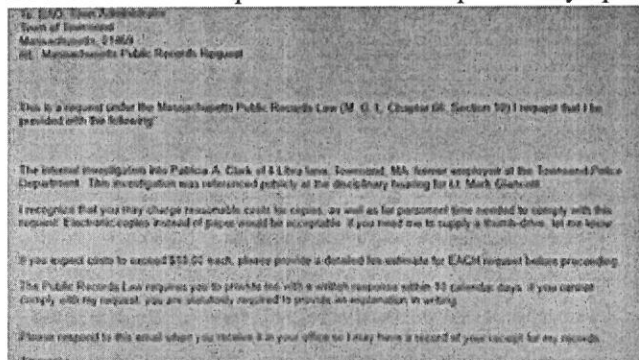
Jim
James M. Kreidler, Jr.
Town Administrator
Town of Townsend
272 Main Street
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jkreidler@townsend.ma.us

If this email is received by a multi-member public board, commission or committee please take care to never "respond to all" as you may inadvertently create a violation of the open meeting law.

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From: Joe Shank [<mailto:joe@harborautobody.com>]
Sent: Monday, August 21, 2017 7:18 PM
To: James Kreidler
Cc: Cindy King; gnclark613@gmail.com; Kelly Merrill; rao@townsend.ma.us
Subject: Re: records request all internal police records pertaining to patty clark

Let me make this public records request very specific see this new request attached



Sent from Joseph Shank

On Aug 21, 2017, at 10:18 AM, James Kreidler <jkreidler@townsend.ma.us> wrote:

Mr. Shank,

The Town does not possess any documents responsive to your request. There are no records related to "Patty Clark internal-police investigation for the past 5 years to date."

If you are dissatisfied with this response you have rights of appeal to the Secretary of State public records division.

Regards,

Jim

James M. Kreidler
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469
(978) 597-1700
jkreidler@townsend.ma.us

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From: Joe Shank [<mailto:joe@harborautobody.com>]
Sent: Tuesday, August 08, 2017 9:49 AM
To: Jim Kreidler; Cindy King; gnclark613@gmail.com; Kelly Merrill
Subject: records request all internal police records pertaining to patty clark

per mass general law i am seeking all records in regards to patty Clark internal-police investigation for the past 5 yrs to date public records request must be filled with in ten business days police internal affair investigation are public record as you just released info to the news paper so i feel my request should be filled

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Joe Shank
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