
From: James Kreidler <jkreidler@townsend.ma.us>
Sent: Tuesday, August 22, 2017 11:03 AM
To: 'Stephen Sheldon'; rao@townsend.ma.us; Kellymkelly@comcast.net
Cc: Cindy King; Gordy Clark; James M. Kreidler; Kelly Merrill; Sue Lisio
Subject: RE: Public Records Request

Dear Mr. Sheldon,

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

From: Stephen Sheldon [mailto:sjs488@comcast.net]

Sent: Monday, August 21, 2017 2:49 PM

To: rao@townsend.ma.us; jkreidler@townsend.ma.us; Kellymkelly@comcast.net

Subject: Public Records Request

Today's Date: August 21, 2017

To: RAO, Town Administrator

Town of Townsend

Massachusetts, 01469

RE: Massachusetts Public Records Request

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). I request that I be provided with the following:

The internal investigation into Patricia A. Clark of 4 Libra lane, Townsend, MA. former employee at the Townsend Police Department. This investigation was referenced publicly at the disciplinary hearing for Lt. Mark Giancotti. .

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. Electronic copies instead of paper would be acceptable. If you need me to supply a thumb-drive, let me know.

If you expect costs to exceed \$10.00 each, please provide a detailed fee estimate for EACH request before proceeding.

The Public Records Law requires you to provide me with a written response within 10 calendar days. If you cannot comply with my request, you are statutorily required to provide an explanation in writing.

Please respond to this email when you receive it in your office so I may have a record of your receipt for my records.

Sincerely;

Stephen J Sheldon

18 Horseshoe Dr