



Carlo DeMaria  
Mayor

**CITY OF EVERETT  
EVERETT POLICE DEPARTMENT  
OFFICE OF THE CHIEF OF POLICE  
45 ELM STREET  
EVERETT, MASSACHUSETTS 02149**

Tel: 617-389-2120  
Fax: 617-394-2379

January 31, 2022

Mr. Joshua Dankoff  
Director of Strategic, Initiatives, Citizens for Juvenile Justice  
Muckrock News

Re: Public Records Request-City of Everett Police Department

Dear Mr. Dankoff:

The City of Everett Police Department ("Police Department") is in receipt of your public records request to the Police Department, dated January 20, 2022, sent by fax and received on January 21, 2022. Enclosed please find the Police Department's response to the request.

1. Data sharing and cooperation agreements or memorandums of understanding between your police department and:
  - a. Federal immigration authorities,
  - b. Regional intelligence centers, including the Boston Regional Intelligence Center ("BRIC") or the Massachusetts Commonwealth Fusion Center.
  - c. School districts or individual schools in your jurisdiction, including policies that guide practice of School Resource Officers.
2. Policies concerning gathering and storing of gang information (or 'security threat group' or other related names of high risk individuals), including:
  - a. Policies for identifying and labeling gang members or individuals suspected of gang affiliation,
  - b. Policies for maintaining and verifying information contained in any "gang database."
  - c. Policies for individuals to appeal listing on such a database
  - d. Policies related to the sharing of database information with other local or federal authorities.
3. Policies concerning stop and frisk and/or field interrogation.
4. For the time period January 1, 2016 to the date of this request, data for any person under the age of 21, all police documents sent to, transmitted to, or otherwise made available or accessible to:
  - a. BRIC and/or the Massachusetts Commonwealth Fusion Center.
  - b. Federal immigration authorities (including ICE, USCIS and/or any of their employees or agents.)

5. Stop and frisk and/or field interrogation data for all stop and frisk / field interrogation incidents from 2016 through when the search is conducted in 2021 is requested. To the extent possible, we request raw data with personal identifying information redacted to protect privacy. However, we request that any redactions of personally identifiable information do not extend any further than necessary. In particular, we request incident-level data in CSV or excel format (or, if necessary another electronic format) that includes:

- Sex of individual(s) encountered
- Age of individual(s) encountered
- Race of individual(s) encountered
- Ethnicity of individual(s) encountered
- Location of incident
- Time and date of incident
- Source of the field incident report (ie did this report come in via a 911 call, or other means)
- Whether the field incident included a search of individuals.
- Outcome of field interrogation be included in the release, including whether it led to an arrest or not.
- Name of officer filing the field incident report (or other similarly named report)
- Badge number of officer filing the field incident report (or other similarly named report)
- Name of other officers listed in the report, if any
- Badge numbers of other officers listed in the report, if any

6. Data regarding how many people have been identified by your department as gang affiliated, gang involved, or part of a 'threat risk group'. To the extent possible, we request raw data with personal identifying information and addresses redacted to protect privacy. We request that any redactions of personally identifiable information do not extend any further than necessary.

Specifically, we request an extract of your department's gang member database (or associated list) to include the following columns:

- Sex of individual(s) on the list
- Age of individual(s) on the list
- Race of individual(s) on the list
- Ethnicity of individual(s) on the list
- Whether the individual on the list is a resident of your municipality or not
- Name of officer who entered the information determined that the individual fulfilled the gang assessment criteria
- Badge number of the officer who determined that the individual fulfilled the gang assessment criteria
- Date individual entered the gang database,
- Most recent date gang related information for the individual was reviewed or entered.

7. Under the Criminal Justice Reform Act (An Act Relative to Criminal Justice Reform, 2018 Mass. Acts Ch. 69.), 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). (G.L. c. 71 § 37P(b)). In turn, the Department of Elementary and Secondary Education "shall collect and publish disaggregated data in a like manner as school discipline data made available for public review." Id.

Please produce copies of the following public records,

- a. Data on each school-related arrest conducted during the 2018-19 school year, and the 2019-20 school year per DESE's collection;
- b. Data on each school-related arrest and referral to law enforcement conducted during the 2017-18 school year, per the U.S. Department of Education's Civil Rights Data Collection for that year;

Definitions of the terms "school related arrest" and "referral to law enforcement" can be found from U.S. Department of Education, Master List of 2015-2016 CRDC Definitions 18 & 20, at <https://ocrdata.ed.gov/Downloads/Master-List-of-CRDC-Definitions.pdf>. See also Massachusetts Department of Elementary and Secondary Education, School Safety and Discipline Report Data Handbook v. 20.0, at <http://www.doe.mass.edu/infoservices/data/ssdr/>.  
<http://profiles.doe.mass.edu/statereport/ssdr.aspx>

8. Where no such records in the above categories exist, please provide a written statement to that effect.

Disclosure of the requested policies and data is in the public interest because it is likely to contribute to public understanding of the intersection of school policing, immigration policy, and the juvenile justice system. To the extent there are the costs associated with the production of these documents, we request they be waived considering that we are a non-profit organization. Should you determine that some portions of the documents are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note for any such redactions the applicable statutory exemption and explain why it applies to the redacted or withheld information. 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.

Per Attorney Gen. v. Dist. Attorney for Plymouth Dist., 484 Mass. 260, 141 N.E.3d 429 (2020), compiling information from a database is not tantamount to creating a new record that would otherwise be precluded under public records law. Specifically: "Where public records are in electronic form, a public records request that requires a government entity to search its electronic database to extract requested data does not mean that the extracted data constitute the creation of a new record, which would not be required, under the public records law." Id. at 442 to 443. Thus, we request that your department query its database and provide a response to data requests above.

We requested these records previously in June of this year, but received no response. If we do not receive a response to this public records request within ten business days, we will be filing an appeal with the Secretary of the Commonwealth's Public Records Division.

In responding to request 1 the police department would be able to provide you with a response with less than one hour of work effort,

In regards to requests 2 and 3, all policies of the Everett Police Department can be found and located on our website, [www.everettpolice.com](http://www.everettpolice.com)

In regards to request 4, the police department has conducted a search of its archived emails using the email domain extensions @ice.dhs.gov (ICE) @dhs.gov (Department of Homeland Security) @state.ma.us (State Fusion Center) @massmail.state.ma.us (State Fusion Center) and @pd.boston.gov (Bric). To further narrow the search the police department introduced the keyword "gang" to all sent email and has determined that there are approximately 23300 emails in the requested time frame. In order to meet your request it is estimated that it would take approximately 3880 hours to review, redact and process each email.

***"Serving With Pride Since 1870"***

Please be advised that the Police Department's duty to respond to records requests extends only to records that are in existence and in its custody, and the Police Department is under no obligation to create records in response to your request. Furthermore, the police department is not required to answer questions in response to a public records request. Based on its initial good faith review of this request, the Police Department does not have the capability to generate a single document or documents from its existing databases that contain all the information you have requested in items 5 and 6.

In regards to request 7, the police department has estimated that it would take approximately 3 hrs. to complete the requested work.

Please note further that nothing herein shall limit the Police Department's ability to assert applicable exemptions under state or federal law following payment of the fee to locate the records not enclosed with this response. Given the records at issue, based on the initial good faith work associated with this request, the police department anticipates withholding and/or redacting information pursuant to exemptions (a) (c) and (f) of the public records law. Specifically, based on its initial assessment, certain requested records implicate individuals' medical or personnel information and/or individuals' privacy interests; such information will be withheld or redacted pursuant to exemption (c) of the Public Records Law. In addition, the Police Department anticipates withholding and/or redacting the identities of voluntary complainants and witnesses under exemption (f) of the Public Records Law.

As permitted by law, you will be charged for employee search time, which is charged at the hourly rate of the lowest paid person capable of locating the responsive records, in accordance with 950 CMR 32.07(2)(i). The employee time detailed above is charged at the hourly rate of the lowest paid person capable of searching for the responsive records, in accordance with 950 CMR 32.07(2)(i), which shall not exceed \$25.00 per hour, unless otherwise authorized by the Supervisor of Records. Moreover, because the City of Everett has more than 20,000 residents, pursuant to the U.S. Census, you will not be charged for the first two hours of work associated with this request.

Based on the foregoing, upon receipt of your payment in the amount of \$625.00 made payable to the City of Everett, the Police Department will begin the requested work necessary to comply with your request. 950 CMR 32.06(2)(f). The Supervisor of Records has previously determined that the "Public Records Law requires a requester to pay a fee estimate prior to the agency or municipality conducting search, segregation and redaction of records, and prior to receipt of the records." See SPR 17/1005. Furthermore, in accordance with the regulations of the Supervisor, the Police Department is not required to provide you with any public records until all fees related to your requests are paid in full. 950 CMR 32.06(2)(f). The Police Department will provide a further basis if any records, are withheld or redacted in compliance with the Public Records Law, as noted above.

## **Fees Estimate**

Given the volume of potentially responsive records to this request, it is estimated that it will take 3880 hours to search for, locate, review and redact responsive electronic and hard copy records responsive to Items 4 and 3 hours for Item 7 of your request, at a total of 3883 hours. The total cost (deduction of two hours from the total) \$97025.00

## **Modification Suggestion**

In the alternative, the Police Department will certainly work with you to clarify or modify the scope of your request, such as limiting the broad timeframe of the records or type of documents, you are seeking or doing keyword searches for specific matters.

If there is any way to narrow this request, including by keyword or by providing specific time frames, the Police Department will be able to respond more efficiently.

You may appeal this response to the Supervisor of Public Records pursuant to 950 CMR 32.08(1)(d). By law, the Supervisor is required to respond within 10 business days of receipt of your appeal. You may also seek judicial review of an unfavorable response by commencing a civil action in the superior court, under G.L. c. 66, §10A(c)

Thank you,

Sincerely,

Captain Scott Stallbaum  
Commander  
Support Services Division