

Police Chief Randolph E. Brashears
UMass Lowell Police Department
University Crossing, Second Floor
One University Avenue
Lowell, MA 01854

November 8, 2011

Chief Brashears,

This is a request under the Massachusetts Public Records Law (M. G. L. Chapter 66, Section 10). As you may be aware, 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.

We recently communicated about an incident during which UMass Lowell police officer Noberto Melendez threatened a student for video-recording him. During our correspondence, you were helpful and provided some information to me, however, I feel that there are certain details about this incident that the public should be informed about that you have yet to disclose.

In our previous correspondence, you said that you had investigated Officer Melendez over his conduct. I would like for you to provide me with copies of all documents related to this investigation.

You also said that you had sustained allegations against Officer Melendez and had plans to discipline him "in accordance with University policy and the Teamsters union." However, you did not say how you planned to discipline him. I would like to know in advance whether or not the file on the investigation contains specific information about what discipline Officer Melendez will be subjected to.

You may be aware that there is an exemption to the public records law for personnel information, however, you should also be aware that this exemption does not apply to documents related to internal investigations by police agencies. The Massachusetts Appeals Court has ruled that "materials in an internal affairs investigation are different in kind from the ordinary evaluations, performance assessments and disciplinary determinations encompassed in the public records exemption for 'personnel [file] or information'" and are subject to disclosure under the public records law (*Worcester Telegram & Gazette Corporation vs. Chief of Police of Worcester & another.* (AC 02-P-1632) 58 Mass. App. Ct. 1 (2003)).

In our previous correspondence, you also mentioned that your department has been "retrain[ed]... concerning recent court decisions that allow citizens to film police and victims of crime who are interacting with the police." I would like copies of any documents related to this training including but not limited to policy memos circulated within the department. I would also like a copy of the department's written policy on dealing with members of the public who record police officers.

I recognize that you may charge reasonable costs for copies, as well as for personnel time needed to comply with this request. If you expect costs to exceed \$10.00, please provide a detailed fee estimate. I would appreciate it if you waived any fees associated with the fulfillment of this request as I believe the release of these documents is in the public interest.

I appreciate you taking time to read over and consider this public records request. I look forward to hearing back from you soon.

Sincerely,

[personal info redacted]

[personal info redacted]

[personal info redacted]

[personal info redacted]