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PEACE OFFICER STANDARDS AND TRAINING COMMISSION

March 18, 2022

By Electronic Mail

Mr. Andrew Quemere
Aquemere0@gmail.com

Dear Mr. Quemere,

Pursuant to M.G.L. c. 66 and 950 C.M.R. 32.00, the Peace Officer Standards and Training Commission (“Commission”) hereby responds to your public records request of March 4, 2022. Therein, you stated as follows:

Pursuant to the Massachusetts Public Records Law (M.G.L. c.66, §10), I hereby request the following records:

*All data regarding misconduct investigations of members of the Massachusetts State Police Department; please provide this data in the form of a spreadsheet, preferably in Excel format

The Commission understands your request to call for the creation of a new spreadsheet that compiles all data regarding any Commission investigations into misconduct by members of the Massachusetts State Police. The Commission declines to do so. The public records law does not obligate the Commission to create a new spreadsheet of the type that you have requested. See M.G.L. c. 66, § 6A(d). Moreover, to the extent that such a spreadsheet would constitute a record, or result from a compilation of records, “relating to a preliminary inquiry or initial staff review used to determine whether to initiate an inquiry [by the Commission],” it would “be confidential,” M.G.L. c. 6E, § 8(c)(2), and thus “specifically or by necessary implication exempted from disclosure by statute” and outside the definition of “public records,” M.G.L. c. 4, § 7, cl. 26.

You have a right of administrative appeal to the Supervisor of Public Records under M.G.L. c. 66, § 10A(a) and 950 C.M.R. 32.08(1), and a right to seek judicial review of an unfavorable decision by commencing a civil action in the Massachusetts Superior Court under M.G.L. c. 66, § 10A(c).

Nothing contained herein should be construed as a waiver of any rights, privileges, protections, immunities, claims, or defenses that may be available to the Commission, all of which are expressly preserved.

Sincerely,



Randall E. Ravitz
General Counsel

cc: Enrique A. Zuniga, Executive Director