

YARMOUTH POLICE DEPARTMENT

PUBLIC RECORDS ACCESS GUIDELINES

The Yarmouth Police Department Records Access Officer (RAO) is Lieutenant Michael Bryant, whose contact information is as follows:

LT. MICHAEL BRYANT
ONE BRAD ERICKSON WAY
WEST YARMOUTH MA 02673
(508) 775-0445 X 2122

EMAIL FOR RECORDS REQUESTS: YPDrecords@yarmouth.ma.us

GENERAL EMAIL: MBryant@Yarmouth.ma.us.

HOW TO SUBMIT A PUBLIC RECORDS REQUEST

Public Records Requests may be submitted:

1. By Mail;
2. By Electronic Mail;
3. By Facsimile; or,
4. In person (by hand).

Telephone requests for Public Records will not be accepted.

To facilitate our response to your request, we require that your request be addressed as follows:

Mail To: Lt. Michael Bryant, Records Division
Yarmouth Police Department
One Brad Erickson Way
West Yarmouth MA 02673

Electronic Mail To: YPDRecords@yarmouth.ma.us

Facsimile Requests To: (508) 862-2721, clearly marked "ATTN: RECORDS DIVISION." This fax machine serves several offices, so the RECORDS DIVISION notation is necessary to ensure that it gets to us.

In-person (in hand) requests at: Yarmouth Police Records Department, Yarmouth Police Headquarters, One Brad Ericson Way, West Yarmouth MA. Records Department office hours are:

Mon. 1:00pm- 4:00pm

Tues-Fri. 9:00am- 12:00pm

Although we do not accept public records requests over the phone, the Records Division will be happy to assist with guidance information by phone. We are generally available at the following extensions from 8:00am to 3:30pm.

Records Officer Nicholas Giammarco: (508) 775-0445 X 2136

Evidence Technician Dotty Lavin: (508) 775-0445 X 2010

Records Clerk Colleen Nixon: (508) 775-0445 x 2121 General Records

Office inquiries: (508) 775-0445 X 2020

PUBLIC RECORDS FEES

Public Records fees are set by Statute and regulations promulgated by the Massachusetts Division of Public Records, Office of the Secretary of the Commonwealth. 950 CMR 32.07 (2). The most commonly applicable provisions of the Regulations are:

- The Records Access Officer may assess a reasonable fee for production of public records.
- The fee may include a copying charge of \$.05 per page.
- Where records are copied onto media, the fee may include the actual cost of the storage media.
- Where the requestor is unable to receive records in hand or electronically, the fee may include the cost of postage.
- There is no copying fee for documents transmitted electronically or via facsimile.
- The records officer may assess a fee for time spent compiling, segregating, redacting and producing the record (s), where the required time exceeds two (2) hours as specified in 950 CMR 32.07 (2) (m).
- Where a fee is to be assessed, the Records Access Officer will furnish the requestor a written itemized good faith estimate before assembling the records.
- The Yarmouth Records Access Officer has waived all fees less than \$5.00 per request from non-commercial requestors.

RECORDS WHICH ARE EXEMPT FROM PUBLIC RECORDS LAW OR WHICH ARE PROHIBITED FROM RELEASE

The Massachusetts Public Records Law, M.G.L. c. 66, exempts many types of information from public access. Some of the more commonly encountered * exceptions are:

1. Crime victim and victim's family information.

2. Personal privacy information, particularly relating to marital status, paternity, substance abuse, government assistance, family disputes and reputation.
3. Personal identity information subject to identity theft.
4. Medical information.
5. Investigatory information which would jeopardize an ongoing investigation or future investigation.
6. The identity and statements of private citizens who provide information to police.
7. Home address email address and telephone number of police department employees.

Other Statutes prohibit release of certain information. Among them* are;

1. M.G.L. c. 6 Sections 167-178B, which makes in a crime to release Criminal Offender Record Information (CORI) under most circumstances.
2. Sex Victim and Rape information. M.G.L. c 265 s. 24C.
3. Domestic Violence Reports. M.G.L. c. 41 Sections 97D & 97F, (Release of prohibited information also a crime).
4. Firearm Information of gun licensees and owners. M.G.L. c. 66 s. 10.
5. Juvenile delinquency information. M.G.L. c. 119 s. 60A.

*These lists of exempt and prohibited information are not complete. There are many additional categories of information which are exempt or prohibited.

In responding to any Public Records Request, the Records Access Officer must review the requested information to determine whether it is exempt or prohibited, and determine whether the requested record, or portions of it, can be released.

CATEGORIES OF COMMONLY REQUESTED RECORDS

Like any large organization, the Yarmouth Police Department creates and keeps many kinds of records. This section lists those records which are most commonly requested, with information on each to aid you to make an informed records request.

Public Log.

The Yarmouth Police Department maintains a public log as required by M.G.L. c. 41 S. 98F. The log is chronological, and includes:

1. Police Responses to valid complaints received;
2. Crimes reported;
3. Names and addresses of persons arrested; and,
4. The charges against persons arrested.

However, a limited number of log entries are excluded from the public log pursuant to M.G.L. c 41 S. 98F. These include, but are not limited to:

- Rape and sexual assault.
- Domestic and family restraining order violations.
- Calls involving handicapped individuals.

When requesting the public log, please specify a time frame. We have over thirty five thousand (35,000) log entries per year, so an overly broad request can result in an excessively long response.

Remember that the public log must be chronological. If you request a specific person's log entry information it is no longer a public log and is subject to all the exemptions and prohibitions mentioned above, particularly CORI.

We hope to have the public log posted to the Yarmouth Police Website in the near future. Until then, you may request the public log like any other public record. There is no charge for printouts of the Public Log.

Once the public log is posted on the YPD Website, we will no longer furnish it in response to public record requests, but will direct you to the website posting.

Individual log entries.

Most calls do not result in an Incident or Arrest Report. However, the log entry for that call may contain significant information about the nature of the call, the location of the call and the police response.

When requesting an individual call entry, please identify the person (s) involved, the date, time and location to help us find the entry. As noted above, call entries searched for a particular person will be subject to exemptions and prohibitions, particularly CORI.

Accident Reports.

When an officer investigates a motor vehicle crash which causes over \$1000 in property damage or results in personal injury, the officer may create a Motor Vehicle Crash report, commonly referred to as an accident report. Accident reports are normally available within seventy-two hours of the event unless unusual circumstances delay completion of the report.

The Yarmouth Police Department has partnered with BUY CRASH REPORTS.com to provide accident reports for a convenience fee of \$10. Accident Reports are also available by public records request as described above.

Arrest Reports.

Whenever an officer charges a person with a crime an Arrest Report is created. Most Arrest Reports are CORI and therefore cannot be released to the public. However, where the crime charged is minor and not punishable by a jail sentence CORI does not apply.

Victims of crimes may also receive copies of CORI reports relating to the crime against them. However, the District Attorney's office has asked that we not release arrest reports in cases which are still pending in court.

Victims of domestic abuse and assault crimes and victims of criminal harassment are entitled to the arrest report even if the case is still pending in court.

The subject (arrested person) of an Arrest Report can also obtain a copy of the report after the case is concluded.

In order to request an Arrest report, please identify the person arrested or the location and time of the incident so that we can review the record to determine whether it can be released.

Incident Reports.

When an officer takes a report of a crime or incident and no arrest is made or anticipated, an Incident Report is often created. This report, or portions of it, may be available as a public record so long as it does not involve an exception or prohibition like those mentioned above.

When requesting incident reports, please provide as much information as possible about the address where the incident took place, the names of persons involved, and the nature of the call.

911 Call recordings.

All incoming 911 calls to the Yarmouth Police Department are recorded, and are available as public records so long as they do not involve the exemptions or prohibitions mentioned above.

When requesting 911 recordings please provide, as accurately as possible, the date and time of the call, and the location, and names of people involved. In order to locate the recordings it is necessary to listen to all the calls within the relevant time frame, so the more specific you can be the more likely we are to locate the call.

The Yarmouth Police Dispatch is the 911 PSAP for the Yarmouth Fire Department. This means that 911 calls for fire or medical assistance come first to the Police Department and are then transferred to the Yarmouth Fire Department. The Police 911 recording system only records the call until it is transferred and the police dispatcher hangs up.

Requests for Records Not in Existence.

Sometimes we receive requests for records not in existence, or information which is not contained in an existing public record. For example, if a person wants to know how many male drivers were involved in accidents during the summer of 2016, the YPD does not compile that information and does not have a record containing it.

The Records Access Officer is not required to compile the requested information or to create a record containing the information.

However, the Records Access Officer or his designee will advise the requester what kinds of records are available, and attempt to narrow the request. In this example, the requester might be advised to request all accident reports during the months of July and August, from which the requester could attempt to ascertain the gender of the involved operators.

Criminal Record Information Other than Yarmouth Arrest Reports.

We often receive requests for other criminal history information, commonly referred to as a “Rap sheet.” In Massachusetts, the primary source for this information is a “BOP” (Board of Probation) report. The Yarmouth Police Department is prohibited from releasing BOP report information to the public.

However, the Massachusetts Criminal Department of Criminal Justice Information Services (CJIS) maintains an “iCORI” website which can release varying levels of CORI information to the public, employers, landlords, and the individual who is the subject of the CORI information. Simply google “iCORI” to access this website.