

From Beth Bezio <chief@ashfield.org>  
Subject **RE: ACLU Public Records Request**  
To Emiliano Falcon-Morano <efalcon@aclum.org>  
Date Tue, 7 Apr 2020 17:40:07 +0000

Emiliano,

With respect to your request, please be advised that this Department does not have possession, custody or control of the records requested. The mandatory disclosure provision of the Public Records Law only applies to information that is in the custody of the Department at the time the request is received. As a result, there is no obligation for a Department to create a record for a requester to honor a request. See G.L. c. 4, section 7(26) (defining "public records" as materials which have already been "made or received" by a public entity); see also 32 Op. Att'y Gen. 157, 165 (May 18, 1977) (custodian is not obliged to create a record in response to a request for information); see also A Guide to the Massachusetts Public Records Law, Secretary of the Commonwealth, Division of Public Records, p. 7 (January 2013) (hereinafter Public Records Guide). As a result, the Department is unable to respond to your request.

**Beth Bezio**  
Chief of Police

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**KINDLY REMEMBER THE SECRETARY OF STATE HAS DEEMED EMAIL A PUBLIC RECORD**

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**From:** Emiliano Falcon-Morano <efalcon@aclum.org>  
**Sent:** Monday, April 06, 2020 17:07  
**To:** Kade Crockford <kcrockford@aclum.org>; Taisha Lazare <tlazare@aclum.org>  
**Subject:** ACLU Public Records Request

Good Afternoon,

Please see attached.

Best,

Emiliano

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**Emiliano Falcon-Morano**  
Pronouns: he, him, his

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