



The Commonwealth of Massachusetts

*County of Plymouth*  
**Sheriff's Department**

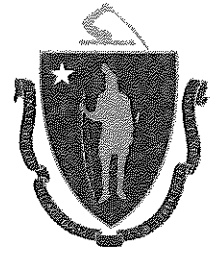
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Joseph D. McDonald, Jr.  
Sheriff

Gerald C. Pudolsky  
Special Sheriff

*Accredited by:*



American Correctional Association

August 18, 2021

Mario N. Parades  
Prisoners' Legal Services  
50 Federal Street  
4<sup>th</sup> Floor  
Boston, MA 02110

Krista Oehlke  
ACLU of Massachusetts  
211 Congress Street  
Boston, Ma 02110

RE: Public Records Request

Dear Ms. Oehlke and Mr. Parades:

I am in receipt of your 5 page records request dated August 12, 2021. In response to your request, the Department states the following:

1. The Department possesses records responsive to this request. The records will need to be redacted to comply with CORI laws. Criminal offender record information (CORI) is exempt from disclosure by statute. G.L. c. 4 §7 cl. Twenty-sixth (a) and c. 6 § 172. The legislature has chosen to use very broad language to define CORI: "records and data **in any communicable form** compiled by a criminal justice agency which concern an identifiable individual and relate to ... incarceration ... ." G.L. c. 6 167 (emphasis added). G.L. c. 6 §172 limits dissemination of such material to criminal justice agencies and such other agencies or individuals authorized by statute to receive it. The Department anticipates the time it will take to run the requested reports and redact the materials for production will be 30 minutes.
2. The Department possesses records responsive to this request. However, to produce reports that reflect past housing assignments, the Department will be required to

research various data sources and generate a query for each requested month. Our IT department estimates that it will take will take approximately 10 hours to research and generate those reports. Again, those reports will also need to be redacted to comply with CORI laws.

3. The Department possesses records responsive to this request. The Department has been compiling similar statistics for the Department of Public Health and the Supreme Judicial Court during the pandemic. These reports can be copied easily and at no cost. The department also possesses records responsive to your request for exposures. These reports will need to be redacted to comply with CORI laws. The Department estimates these redactions will take approximately 30 minutes.
4. The Department possesses records responsive to this request for infections. The Department has been compiling similar statistics for the Department of Public Health and the Supreme Judicial Court during the pandemic. These reports can be copied easily and at no cost. However, please note that these reports do not delineate immigration detainees from other types of pre-trial detainees. If you would like to maintain this request as written, I will need to locate a significant number of records, review them, segregate them and redact them consistent with CORI laws and privacy laws<sup>1</sup>. I can provide a more specific cost estimate if you would like those records provided.
5. The Department possesses records responsive to this request. As it relates to policy, these records can be located and provided.

As it relates to procedures, these records are not public. The request seeks information related solely to internal personnel rules and practices of the government unit, and proper performance of necessary government functions requires withholding of this information. G.L. c. 4 §7 cl. Twenty-sixth (b). The Secretary of the Commonwealth has recognized the need to limit public access to prison records, citing the need to protect the confidential nature of law enforcement methods: “One of the Department’s primary functions is to maintain secure penal institutions. Information regarding the procedures used by correctional officers during law enforcement efforts relates solely to the internal workings of the Department.

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<sup>1</sup> Exemption G. L. c. 4, § 7(26)(c).— The Privacy Exemption

Exemption (c), the privacy exemption, is the most frequently invoked exemption. The language of the exemption limits its application to:

personnel and *medical files* or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy

The privacy exemption is made up of two separate clauses, the first of which exempts personnel and medical files. As a general rule, medical information will always be of a sufficiently personal nature to warrant exemption.

Moreover, disclosures of this information could prove detrimental to the Department's law enforcement efforts, as knowledge of the Department's security response procedures could enable an inmate to circumvent such procedures." (A Guide to the Massachusetts Public Records Law, William Galvin, Secretary of the Commonwealth, publisher, at 16 (March 2020).

Lastly, the reports referenced above, that the Department has been compiling for DPH and the SJC, contain the vaccination statistics you seek except that they do not delineate immigration detainees from other types of pre-trial detainees. If you would like to maintain this request as written, I will need to locate a significant number of records, review them, segregate them and redact them consistent with CORI laws and privacy laws. I can provide a more specific cost estimate if you would like those records provided.

6. The Department possesses records responsive to this request. The Department can provide the policies as requested, but as stated above, would withhold the procedures as they are an exception to public records.
7. The Department possess records responsive to this request contained in a data base. To search for and remove the records, our IT department would need to conduct a search and generate reports. The time for the IT department to conduct these inquiries in contained in the time estimate in our answer to request number 2 above.
8. The Department possesses no records responsive to this request.
9. The Department possesses records responsive to this request. We can provide policies related to request number 5, 6, 9 (a-m), 11, 12, 15, 16, 17, and 18. The Department however, would withhold procedures related to these requests for the reasons explained above. The Department's Operation's staff estimate that it will take approximately 8 hours to review all of our policies and segregate the ones responsive to the above requests.
10. The Department possesses records responsive to this request.
11. The Department possesses records responsive to this request. See answer number 9 above.
12. The Department possesses records responsive to this request. See answer number 9 above.
13. The Department possesses no records responsive to this request. The records you seek may be in the possession of Jurislink.
14. The Department possesses records responsive to this request.
15. The Department possesses records responsive to this request. See answer number 9 above.
16. The Department possesses records responsive to this request. See answer number 9 above.
17. The Department possesses records responsive to this request. See answer number 9 above.
18. The Department possesses records responsive to this request. See answer number 9 above.
19. The Department possesses records responsive to this request. As it relates to this request and requests 10 and 14 above, the Procurement Department has estimated that the time it will take to locate, segregate and possibly redact these records is 2 hours.

Conclusion.

I have provided the DPH and SJC reports referenced above. If you would like to proceed with the request as written, please advise so that I can begin a cost estimate that reflects the work required to produce those records as explained above. If you would like to proceed with the request as I have outlined above (forgoing the request for data related to testing and vaccinations specific to immigration detainees), please submit payment of \$425<sup>2</sup> and I will promptly produce those documents for you. If you would like to discuss other ways to narrow your request, I am happy to speak with you.

To the extent that some of this response is a denial of your request, under G.L. c. 66, you have the right of appeal to the supervisor of records under subsection (a) of section 10A and the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court under subsection (c) of section 10A.

Sincerely,

*/s/ Jessica L. Kenny*

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Plymouth County Sheriff's Department  
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Plymouth, Ma 02360  
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<sup>2</sup> 21 hours minus the first 4 hours = 17 hours at \$25 and hour = \$425. (950 C.M.R. 32.07(2)(l).)