

May 22, 2024

Daniel L. McFadden
Managing Attorney, ACLUM
dmcfadden@aclum.org

RE: Public Records Request dated May 8, 2024 Response of Records Access Officer

Dear Attorney McFadden:

On May 9, 2024, we received your request (attached) pursuant to the Massachusetts Public Records Law for records related to the

“evening of May 7 and/or morning of May 8, 2024, the UMass Police Department (“UMPD”) participated in an action to remove and arrest protestors in and around the University of Massachusetts Amherst (the “UMass Amherst Action”).”

With respect to your request, the Department intends to withhold/redact the requested records due to the applicability of the following exemptions and the reasons set forth below:

Exemption (a): CORI protected information that,

- (1) concerns an identifiable individual
- (2) relates to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release
- (3) is recorded in criminal proceedings that are not dismissed before arraignment
- (4) concerns a person who has attained the age of 18 (or acts of juvenile delinquency if the person was adjudicated as an adult) and
- (5) concerns an offense which is punishable by incarceration.

The arraignments for all persons arrested have not yet been completed and are at this time exempt under this clause.

Exemption (f): This exemption applies to "investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest." While this exemption is not a blanket exemption it applies to such information, the disclosure of which would prejudice investigative efforts. In particular, it applies to information related to ongoing investigations, confidential investigative techniques and information which directly or indirectly identifies witnesses or informants. The disclosure of the requested records

would prejudice an ongoing investigation. As such, the Department may permissibly withhold these responsive records from disclosure under exemption (f). As a result, such information must be redacted/withheld under the law. If there is a change in the status of the investigation that could impact the applicability of this exemption, your request will be reevaluated.

There continues to be ongoing investigation into the actions of persons arrested during this event and as such are exempt under this clause.

Please do not hesitate to contact me if you have any questions.

Thank you,

Ian Cyr, Deputy Chief of Police.