



**The Commonwealth of Massachusetts**  
William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Manza Arthur  
Supervisor of Records

April 21, 2023  
**SPR23/0717**

Lori De Los Santos  
City of Revere Police Department  
400 Revere Beach Parkway  
Revere, MA 02151

Dear Ms. De Los Santos:

I have received the petition of William Bono appealing the response of the Revere Police Department (Department) to a request for public records. See G. L. c. 66, § 10A; see also 950 C.M.R. 32.08(1). On March 21, 2023, Mr. Bono requested records regarding “[t]he [Department’s] Police Details on North Shore Rd. on March 2, 2023 [b]etween Revere Street and York St. Please include the following:

- [1] The request for details;
- [2] Was the detail filled;
- [3] What company/any other made the request for a detail;
- [4] Address of the work;
- [5] Type/scope of the work;
- [6] Signed time cards;
- [7] How many officers were assigned;
- [8] Detail pay rate;
- [9] Car/cruiser number;
- [10] Did the detail officer use a marked [Department] Cruiser;
- [11] Did the officer use/activate the FLASHING [LIGHTS] ON THE CRUISE;
- [12] Does the Car/Cruiser that was in use have GPS Tracking; and,
- [13] The name and badge number of the officer that staffed the detail.”

On March 22, 2023, the Department provided a response to Mr. Bono’s request referenced above. The Department answered all thirteen of Mr. Bono’s inquiries. As a result of the Department’s March 22<sup>nd</sup> response, Mr. Bono petitioned the Supervisor of Records (Supervisor), and this appeal was opened. The basis of Mr. Bono’s petition for an appeal, is the Department’s answers to his Request Number 6 (signed time cards) and Request Number 8 (Detail pay rate). The Department answered: “This information is not available.”

### ***The Public Records Law***

The Public Records Law strongly favors disclosure by creating a presumption that all governmental records are public records. G. L. c. 66, § 10A(d); 950 C.M.R. 32.03(4). “Public records” is broadly defined to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any agency or municipality of the Commonwealth, unless falling within a statutory exemption. G. L. c. 4, § 7(26).

It is the burden of the records custodian to demonstrate the application of an exemption in order to withhold a requested record. G. L. c. 66, § 10(b)(iv) (written response must “identify any records, categories of records or portions of records that the agency or municipality intends to withhold, and provide the specific reasons for such withholding, including the specific exemption or exemptions upon which the withholding is based...”); 950 C.M.R. 32.06(3); see also *Dist. Attorney for the Norfolk Dist. v. Flatley*, 419 Mass. 507, 511 (1995) (custodian has the burden of establishing the applicability of an exemption).

If there are any fees associated with a response a written, good faith estimate must be provided. G. L. c. 66, § 10(b)(viii); see also 950 C.M.R. 32.07(2). Once fees are paid, a records custodian must provide the responsive records.

Based on the Department’s March 22<sup>nd</sup> response regarding Request Numbers 6 and 8, stating, “[t]his information is not available[,]” It is unclear whether the Department made a diligent search for signed time cards and the detail pay rate. It is also uncertain whether the Department keeps such records for police details. The duty to comply with requests for records extends to those records that exist and are in the possession, custody, or control of the custodian of records at the time of the request. See G. L. c. 66, § 10(a)(ii). In accordance with the Public Records Law, custodians are expected to use their superior knowledge of the records in their custody to assist requestors in obtaining the desired information. See 950 C.M.R. 32.04(5). The Department must clarify this issue.

### ***Conclusion***

Accordingly, the Department is ordered to provide Mr. Bono with a response to his request in a manner consistent with this order, the Public Records Law, and its Regulations within ten (10) business days. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of the response to this office at [pre@sec.state.ma.us](mailto:pre@sec.state.ma.us).

Lori De Los Santos  
Page 3  
April 21, 2023

SPR23/0717

Sincerely,

A handwritten signature in black ink, appearing to read "Manza Arthur". The signature is written in a cursive style with a large, prominent initial "M".

Manza Arthur  
Supervisor of Records

cc: William Bono