



## The Commonwealth of Massachusetts

William Francis Galvin, Secretary of the Commonwealth  
Public Records Division

Alan N. Cote  
Supervisor of Records

August 4, 2009  
**SPR09/163**

Mr. Peter Frei  
101 Maybrook Road  
Holland, MA 01521

Dear Mr. Frei:

I have received your correspondence appealing the response of the Department of State Police (Department) to your April 24, 2009 public records request. See G. L. c. 66, § 10(b) (2006 ed.); see also 950 C.M.R. 32.08(2). Specifically, you requested copies of records concerning a "larceny that happened at the Police Department in Holland, MA 01521."

### **Exemption (f)**

By letter dated May 12, 2009, Department Associate Chief Legal Counsel, Ms. Joan O'Brien, informed you that the responsive report was being withheld pursuant to Exemption (f). Exemption (f) of the Massachusetts Public Records Law 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.

G. L. c. 4, § 7(26)(f) (2006 ed.).

The general purposes of Exemption (f) include the avoidance of premature disclosure of the Commonwealth's case prior to trial and the prevention of disclosure of confidential techniques, procedures, or sources of information. WBZ-TV4 v. District Attorney for the Suffolk District, 408 Mass. 595, 603 (1990); Bougas v. Chief of Police of Lexington, 371 Mass. 59, 62 (1976).

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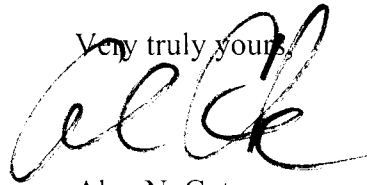
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In a July 6, 2009 telephone conversation with Ms. Collin McDonald, an attorney in this office, Attorney O'Brien informed her that the requested records concern an ongoing case, and disclosure of the Department's investigative files could jeopardize the prosecution of same. Please be advised that it is the practice of this office not to make determinations regarding records which are the subject of ongoing litigation. See 950 C.M.R. 32.08(2).

Accordingly, as the records responsive to your request are part of an ongoing case, the disclosure of which would jeopardize said case, this office will consider your administrative appeal closed.

Upon conclusion of the case, however, be advised that you may request these records, and they may be subject to disclosure, redacted in accordance with the exemptions to the Massachusetts Public Records Law.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alan N. Cote', written over the typed name and title.

Alan N. Cote  
Supervisor of Public Records

cc: Ms. Joan O'Brien, Esq.