

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF THE TRIAL COURT**

BERKSHIRE, SS

SUPERIOR COURT  
DOCKET NO.

AMERICAN CIVIL LIBERTIES	)	
UNION OF MASSACHUSETTS, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT FOR DECLARATORY</b>
	)	<b>AND INJUNCTIVE RELIEF</b>
CITY OF PITTSFIELD,	)	
	)	
Defendant	)	
	)	
	)	

1. Pursuant to G.L. c. 66, § 10A (“Public Records Law”), the American Civil Liberties Union of Massachusetts, Inc. (“ACLUM”) files this complaint against the City of Pittsfield (“the City”) for its failure to respond within ten business days as required by law to ACLUM’s two public records requests related to the Pittsfield Police Department’s policies, procedures, and records of street-level interactions.

2. The Supreme Judicial Court has made clear that “the public has an interest in knowing whether public servants are carrying out their duties in an efficient and law-abiding manner, and that greater access to information about the actions of public officers and institutions is increasingly . . . an essential ingredient of public confidence in government.” *Att’y Gen. v. Dist. Att’y for Plymouth Dist.*, 484 Mass. 260, 262–63 (2020) (internal marks and citations omitted). The City’s failure to respond and adhere to the Public Records Law degrades public confidence in government.

3. Through its public records requests., ACLUM sought records of interactions between Pittsfield police officers and private individuals, from stops and frisks to traffic stops to arrests. The public has a right to know how the Pittsfield police are carrying out their duties, and access to these types of records is critical to informing the public's understanding about how their police are performing in their communities. *See Comm. v. Long*, 485 Mass. 711, 734 (2020) (noting that “[t]his type of data collection would help protect drivers from racially discriminatory traffic stops, and also would protect police officers who do not engage in such discriminatory stops”). The records sought by ACLUM will help advance the public discourse around policing reform and help inform individuals in their complaints about or commendations of officers.

4. Despite multiple follow-up attempts on behalf of ACLUM, to date, the City has failed to produce any documents in response to the public records requests dated November 19, 2020 and July 8, 2021.

5. ACLUM now files this action for injunctive and declaratory relief to obtain the requested records.

### PARTIES

6. Plaintiff American Civil Liberties Union of Massachusetts, Inc. is a non-profit membership organization with a principal place of business in Boston dedicated to the protection of civil rights and civil liberties. To advance the interests of open government and police accountability, ACLUM works to shed light on law enforcement practices.

7. Defendant City of Pittsfield is a municipality in Massachusetts that is subject to suit and the Public Records Law and is a custodian of the records plaintiff seeks.

## JURISDICTION AND VENUE

8. Jurisdiction and venue are proper pursuant to G.L. c. 66, § 10A(c), G.L. c. 212, § 4, G.L. c. 214, § 1, and c. 231A, § 1.

## FACTS

### ***The November 19, 2020 Request***

9. On November 19, 2020, a public records request was submitted on behalf of ACLUM (“November 19 Request”) to the City seeking documents related to policies regarding the reporting of street-level interactions between officers and private individuals; use of force policies and procedures; traffic stop policies; and misconduct policies. A copy of the November 19 Request is attached as Exhibit A.

10. The Public Records Law requires that the City must respond to such requests by either producing documents within 10 business days or by informing the requestor in writing that the City will not produce responsive documents. The Public Records law provides that, if a response is not provided within the required time, the City “shall not charge a fee for a public record.” G.L. c. 66, § 10(e).

11. The City failed to either produce documents or provide ACLUM with anything in writing regarding the November 19 Request within 10 business days.

12. Counsel on behalf of ACLUM contacted the City on December 8, 2020, December 15, 2020, and December 28, 2020, in an attempt to obtain the requested public records. For several weeks they received no response.

13. On January 7, 2021, 31 business days after the request was submitted, the City sent a fee estimate for the documents. That same day, counsel on behalf of ACLUM replied to the City stating that G.L. c. 66, § 10(e) statutorily prohibits the City from charging fees because

it did not respond within the statutorily required timeframe. A true and correct copy of the fee estimate and follow-up communications is attached as Exhibit B.

14. The City did not respond to the January 7 email nor did it produce any documents in response to the November 19 Request.

15. To date, no further communications have been received from the City in response to the November 19 Request and no documents have been received.

### ***The July 8, 2021 Request***

16. On July 8, 2021, a second public records request (“July 8 Request”) was submitted on behalf of ACLUM to the City seeking records of street-level interactions between officers and private individuals; traffic stop and racially profiling data; misconduct complaints and records of investigations; arrest records; and warrants, including affidavits, submitted by specific police department units. A copy of the July 8 Request is attached as Exhibit C.

17. On July 15, 2021, the City responded to the July 8 Request stating that the Department would produce the requested records within 25 business days following the initial receipt of the request. A copy of this correspondence is attached as Exhibit D.

18. The City did not produce the requested records within 25 business days.

19. Instead, to date, the City has not produced any records responsive to the July 8 Request and no further communications from the City have been received regarding this request.

20. In an attempt to resolve this dispute without the need for litigation, counsel on behalf of ACLUM sent a letter to the City on November 7, 2021, requesting that the City provide records responsive to the November 19 and July 8 requests by December 6, 2021. The City did not respond to the letter, not even to request additional time to comply.

## CLAIMS FOR RELIEF

### COUNT I – PUBLIC RECORDS LAW – G.L. c. 66, § 10

21. Plaintiff incorporates by reference and re-alleges all of the allegations in the preceding paragraphs.

22. The Public Records Law strongly favors disclosure by creating a presumption that all government records are public records. The purpose of the Public Records Law is to enable the public to hold their government officials accountable for their conduct.

23. Under the Public Records Law, Defendant was required to respond to Plaintiff's requests within ten business days, to conduct an adequate search for responsive documents, and to demonstrate application of any exemptions. G.L. c. 66, § 10(a)-(b).

24. Defendant has custody of the public records requested by Plaintiff.

25. Defendant failed to produce records or otherwise respond to Plaintiff's requests within the ten business days provided by the Public Records Law. Indeed, more than 24 months after the November 19 request and more than 17 months after the July 8 request, Defendant still has not produced a single document responsive to the requests.

26. Plaintiff is entitled to injunctive relief requiring Defendant to produce the requested records post-haste. G.L. c. 66, § 10A(c)-(d).

27. Plaintiff is entitled to injunctive relief prohibiting Defendant from charging any fee for the production of the records sought. G.L. c. 66, §§ 10(e), 10A(c)-(d).

28. Plaintiff is entitled to an award of reasonable attorney fees and costs. G.L. c. 66, § 10A(d)(2).

COUNT II – DECLARATORY JUDGMENT – G.L. C. 231A

29. Plaintiff incorporates by reference and re-alleges all of the allegations in the preceding paragraphs.

30. There is an actual controversy between Plaintiff and Defendant regarding the production of the requested records.

31. Pursuant to G.L. c. 231A and the Public Records Law, Plaintiff is entitled to a declaration that the records it requests are public records within the meaning of G. L. c. 66, § 10 and that their release is required by law.

PRAYERS FOR RELIEF

Wherefore, Plaintiff ACLUM asks this Court to GRANT the following relief:

32. Issue a declaratory judgment pursuant to G. L. c. 23 IA that records Plaintiff has requested are public records within the meaning of G. L. c. 66, § 10 and that their release is required by law;

33. Issue a declaratory judgment pursuant to G. L. c. 231A that Defendant has violated G.L. c. 66, § 10 by not responding substantively to the request within 10 business days, including because it did not comply with all conditions set forth in G.L. c. 66, § 10(b);

34. Enter permanent injunction ordering Defendant to immediately produce records responsive to the request without charge;

35. Award Plaintiff costs and reasonable attorney fees in the action; and

36. Grant such other relief as the Court may deem just and proper.

December 14, 2022

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION OF  
MASSACHUSETTS, INC.

By its attorneys,

/s/ Shannon Liss-Riordan

Shannon Liss-Riordan, BBO #640716

Matthew Patton, BBO #703798

LICHTEN & LISS-RIORDAN, P.C.

729 Boylston Street, Suite 2000

Boston, MA 02116

(617) 994-5800

Email: [sliss@llrlaw.com](mailto:sliss@llrlaw.com), [mpatton@llrlaw.com](mailto:mpatton@llrlaw.com)

# EXHIBIT A



# L I C H T E N   &   L I S S - R I O R D A N ,   P . C .

ATTORNEYS AT LAW

HAROLD L. LICHTEN\*  
SHANNON LISS-RIORDAN\*<sup>Δ</sup><sup>◇</sup>  
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729 BOYLSTON STREET, SUITE 2000  
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ZACHARY RUBIN\*<sup>◇</sup><sup>•</sup>  
ANASTASIA DOHERTY\*

TELEPHONE 617-994-5800  
FACSIMILE 617-994-5801

OF COUNSEL

MATTHEW D. CARLSON<sup>Δ</sup><sup>◇</sup>  
BENJAMIN J. WEBER\*<sup>◇</sup>

\* ADMITTED IN MASSACHUSETTS

Δ ADMITTED IN CALIFORNIA

◇ ADMITTED IN NEW YORK

• ADMITTED IN NEW JERSEY

◆ ADMITTED IN CONNECTICUT

△ ADMITTED IN DISTRICT OF COLUMBIA

□ ADMITTED IN TENNESSEE

November 19, 2020

Via Electronic Mail

Kerri Striebel  
Pittsfield Police Department Records Access Officer  
39 Allen Street  
Pittsfield, MA 01201  
[records@pittsfieldpd.org](mailto:records@pittsfieldpd.org)

Re: Public records request

Dear Ms. Striebel,

Please accept this letter as a request under the Massachusetts Public Records Law, G.L. c. 66, § 10, on behalf of the American Civil Liberties Union of Massachusetts, Inc. (“ACLU”).

We request records<sup>1</sup> relating to the Pittsfield Police Department (“PPD”)’s policies and procedures for street-level interactions between officers and residents, use of force, traffic stops, and officer misconduct, as well as other key PPD policies. We also seek any and all blank forms used to carry out such operations.

**Records requested:**

Please disclose all such records, including but not limited to:

**1. Blank Interview Report Forms & Policies and Blank Arrest Forms & Arrest Policies**

- a. A blank version of any forms used to make a field/patrol interview report.

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<sup>1</sup> Throughout this request, the term “**records**” includes but is not limited to any paper or electronic information, reports, evaluations, memoranda, correspondence, letters, emails, charts, graphs, flyers, meeting agendas, meeting minutes, training materials, diagrams, forms, DVDs, tapes, CDs, notes, or other similar materials.

- b. Any and all policies, procedures, training material, and/or other documents relied upon by PPD officers when determining whether to record a field interrogation and/or other interaction in a field/patrol interview report.
- c. Any other forms, documents, policies, procedures, and/or training material relied upon by the PPD Anti-Crime Unit/Anti-Street Crime Unit to log interactions with civilians.
- d. A blank version of any forms used to make an arrest report.
- e. Any and all policies, procedures, training material, and/or other documents relied upon by PPD officers when determining whether and how to record an arrest.

## **2. Use of Force Policies and Procedures**

- a. PPD's current Use of Force Policies & Procedures, including any policies/procedures that govern an officer's actions and reporting procedures, as well as relevant training documents.
- b. A blank version of any forms used to make a use of force report.
- c. All records and communications describing, discussing, containing, or reflecting the use by PPD of chemical agents, including but not limited to, pepper spray, tear gas, and pepper balls or other chemical agents contained in a projectile weapon, in Pittsfield since 2017.

## **3. Traffic Stop Policies**

- a. Any policies and procedures governing the following:
  - i. when officers may conduct traffic stops;
  - ii. what information the department requires officers to collect when they conduct traffic stops and whether that information varies depending on whether a citation or warning is issued;
  - iii. how officers collect and report information from traffic stops;
  - iv. how the department maintains any recorded information from traffic stops;
  - v. who has access to this information; and
  - vi. how the department investigates misconduct allegations where the misconduct occurs during a traffic stop, including claims of racial or gender profiling.

## **4. Misconduct Policies**

- a. All policies and procedures of the PPD in effect from 2017 to the present, and any amendments, exhibits, and addenda thereto, concerning the operation of the Department of Internal Affairs.

- b. All policies and procedures of the PPD in effect from 2019 to the present, and any amendments, exhibits, and addenda thereto, concerning the operation of the Police Advisory and Review Board (PARB).
- c. All policies and procedures of the PPD in effect from 2017 to the present, and any amendments, exhibits, and addenda thereto, concerning the investigation or resolution of complaints or other allegations of misconduct against PPD officers.
- d. A blank copy of all forms used from 2017 to the present to document the investigation or review of complaints or other allegations of misconduct against PPD officers. Any documents that show how the public may access these forms to make a complaint or allegation.
- e. A blank copy of any form used from 2017 to the present to document the resolution of complaints or other allegations of misconduct against PPD officers.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. 950 C.M.R. 32.07. ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before determining which portions to copy. We prefer the documents in electronic format. If a fee is associated with this disclosure of these records please provide a quote prior to completing this request.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions and/or exempt record. If you have questions about this request, please contact me at 617-994-5819 or mpatton@llrlaw.com.

Thank you for your cooperation. We look forward to your response within 10 business days as required under the statute.

Sincerely,

/s/

Shannon Liss-Riordan, Attorney  
Lichten & Liss-Riordan, P.C.

/s/

Matthew Patton, Attorney  
Lichten & Liss-Riordan, P.C.

# EXHIBIT B

**From:** [Matthew Patton](#)  
**To:** [Striebel, Kerri](#)  
**Subject:** RE: Public Records Request  
**Date:** Thursday, January 7, 2021 5:10:00 PM

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Kerri,

Thank you for the response.

As you are aware we sent our request on November 19, 2020 and subsequently requested an update on that request on December 8, 2020, December 15, 2020, and December 28, 2020. We received no response to our request or subsequent correspondence.

A response is statutorily required within 10 business days. MGL c. 66, § 10(a) and (b). As no response was provided a fee cannot be charged. MGL c. 66, s. 10(e) and 950 CMR 32.06(2)(c).

As your response took 31 business days the records must be produced without a fee.

Further, as your response took almost three times what is statutorily permitted please provide a date in which the records will be produced.

Matt

---

**From:** Striebel, Kerri <kstriebel@cityofpittsfield.org>  
**Sent:** Thursday, January 7, 2021 9:53 AM  
**To:** Matthew Patton <mpatton@llrlaw.com>  
**Subject:** RE: Public Records Request

Good morning, please see the attached with regards to your request. Thank you

**From:** Matthew Patton <[mpatton@llrlaw.com](mailto:mpatton@llrlaw.com)>  
**Sent:** Thursday, November 19, 2020 10:40 AM  
**To:** Police Department Records <[records@cityofpittsfield.org](mailto:records@cityofpittsfield.org)>  
**Subject:** Public Records Request

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Striebel,

Please accept this email and attached letter as a request under the Massachusetts Public Records Law, G.L. c. 66, § 10.

Thank you for your cooperation in this request.

Matt

Matthew D. Patton  
Lichten & Liss-Riordan, P.C.  
729 Boylston St., Suite 2000  
Boston, MA 02116  
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Kerri Striebel  
Records Access Officer

Police Department  
City of Pittsfield  
39 Allen Street  
Pittsfield, MA 01201  
(413) 448-9700 x506  
[kstriebel@cityofpittsfield.org](mailto:kstriebel@cityofpittsfield.org)  
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**CITY OF PITTSFIELD POLICE  
DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201

Record Bureau

(413) 448-9711

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

**To:** Matthew Patton

**Date:** January 7, 2021

**Re:** Request for Public Records, MGL c 66 § 10

Dear Attorney Patton,

We have received your records request for the following records:

**1. Blank Interview Report Forms & Policies and Blank Arrest Forms & Arrest Policies**

- a. A blank version of any forms used to make a field/patrol interview report.
- b. Any and all policies, procedures, training material, and/or other documents relied upon by PPD officers when determining whether to record a field interrogation and/or other interaction in a field/patrol interview report.
- c. Any other forms, documents, policies, procedures, and/or training material relied upon by the PPD Anti-Crime Unit/Anti-Street Crime Unit to log interactions with civilians.
- d. A blank version of any forms used to make an arrest report.
- e. Any and all policies, procedures, training material, and/or other documents relied upon by PPD officers when determining whether and how to record an arrest.

*\*In accordance with 950 CMR 32.00 this decision may be appealed to the Supervisor of Records, Office of the State Secretary, One Ashburton Place, room 1719, Boston MA 02108. (617)727-2832.*

**"DEDICATED TO EXCELLENCE"**

## **2. Use of Force Policies and Procedures**

- a. PPD's current Use of Force Policies & Procedures, including any policies/procedures that govern an officer's actions and reporting procedures, as well as relevant training documents.
- b. A blank version of any forms used to make a use of force report.
- c. All records and communications describing, discussing, containing, or reflecting the use by PPD of chemical agents, including but not limited to, pepper spray, tear gas, and pepper balls or other chemical agents contained in a projectile weapon, in Pittsfield since 2017.

## **3. Traffic Stop Policies**

- a. Any policies and procedures governing the following:
  - i. when officers may conduct traffic stops;
  - ii. what information the department requires officers to collect when they conduct traffic stops and whether that information varies depending on whether a citation or warning is issued;
  - iii. how officers collect and report information from traffic stops;
  - iv. how the department maintains any recorded information from traffic stops;
  - v. who has access to this information; and
  - vi. how the department investigates misconduct allegations where the misconduct occurs during a traffic stop, including claims of racial or gender profiling.

## **4. Misconduct Policies**

- a. All policies and procedures of the PPD in effect from 2017 to the present, and any amendments, exhibits, and addenda thereto, concerning the operation of the Department of Internal Affairs.
- b. All policies and procedures of the PPD in effect from 2019 to the present, and any amendments, exhibits, and addenda thereto, concerning the operation of the Police Advisory and Review Board (PARB).

*\*In accordance with 950 CMR 32.00 this decision may be appealed to the Supervisor of Records, Office of the State Secretary, One Ashburton Place, room 1719, Boston MA 02108. (617)727-2832.*

**"DEDICATED TO EXCELLENCE"**



c. All policies and procedures of the PPD in effect from 2017 to the present, and any amendments, exhibits, and addenda thereto, concerning the investigation or resolution of complaints or other allegations of misconduct against PPD officers.

d. A blank copy of all forms used from 2017 to the present to document the investigation or review of complaints or other allegations of misconduct against PPD officers. Any documents that show how the public may access these forms to make a complaint or allegation.

e. A blank copy of any form used from 2017 to the present to document the resolution of complaints or other allegations of misconduct against PPD officers.

**The estimated fee for electronic production of your request will be \$350.00 (16 hours total/ 14 hours at \$25.00 per hour/first two hours/no fee). Please make a check or money order payable to The City of Pittsfield. Payment is due prior to the record search.**

Sincerely,

*Kerri*

Kerri Striebel  
Records Bureau

*\*In accordance with 950 CMR 32.00 this decision may be appealed to the Supervisor of Records, Office of the State Secretary, One Ashburton Place, room 1719, Boston MA 02108. (617)727-2832.*

**"DEDICATED TO EXCELLENCE"**

# EXHIBIT C

# L I C H T E N   &   L I S S - R I O R D A N ,   P . C .

ATTORNEYS AT LAW

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SHANNON LISS-RIORDAN\*<sup>Δ</sup>  
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ZACHARY RUBIN\*<sup>◇</sup><sup>Δ</sup><sup>▲</sup>  
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BENJAMIN J. WEBER\*<sup>□</sup> OF COUNSEL

TELEPHONE 617-994-5800  
FACSIMILE 617-994-5801

× ADMITTED IN MASSACHUSETTS  
Δ ADMITTED IN CALIFORNIA  
◇ ADMITTED IN NEW YORK  
■ ADMITTED IN PENNSYLVANIA  
^ ADMITTED IN NEW JERSEY  
◆ ADMITTED IN CONNECTICUT  
☆ ADMITTED IN DISTRICT OF COLUMBIA  
□ ADMITTED IN TENNESSEE

July 8, 2021

Via Electronic Mail

Kerri Striebel  
Pittsfield Police Department Records Access Officer  
39 Allen Street  
Pittsfield, MA 01201  
[records@pittsfieldpd.org](mailto:records@pittsfieldpd.org)

Re: Public records request

Dear Ms. Striebel,

Please accept this letter as a request under the Massachusetts Public Records Law, M.G.L. c. 66, § 10, on behalf of the American Civil Liberties Union of Massachusetts, Inc. (“ACLU”).

We hereby request the following records from the Pittsfield Police Department (“PPD”):

**Records requested:**

Please disclose all such records, including but not limited to:

**I. Reports of street-level interactions between officers and residents**

1. All Field Interview Reports (“FIR”)<sup>1</sup> recorded and/or modified between January 1, 2018 and the date of production.
2. Records of street-level encounters (or “field contacts”) that did not result in a FIR where the encounter or contact occurred on or after January 1, 2018.
3. Spreadsheet(s) reflecting any field contacts or interviews recorded and/or modified on or after January 1, 2018.

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<sup>1</sup> To the extent the PPD refers to these reports by other names, such as Patrol Interview Report, “Field Interrogation, Observation, Frisk and/or Search (FIOFS)” reports, “Field Interrogation and Observation (FIO)” reports, or “Field Interaction/Observation/Encounter (FIOE)” reports, they are included in this request.

# L I C H T E N   &   L I S S - R I O R D A N ,   P . C .

## **II.   Traffic Stop Data**

4. Data on all traffic stops or motor vehicle inquiries. This request includes but is not limited to the following data about each traffic stop:
  - a. reason for the stop;
  - b. the date, time, and duration of the stop;
  - c. the street address or approximate location of the stop;
  - d. the number of occupants of the vehicle;
  - e. identifying characteristics of the individuals, including the age, race, ethnicity, and gender of the individual;
  - f. whether any investigatory action was initiated, including a frisk or a search of an individual or vehicle, and whether any such investigatory action was conducted with consent;
  - g. whether contraband was found or any materials were seized;
  - h. whether the stop resulted in a warning, citation, arrest or no subsequent action; and
  - i. the name and badge number of the officer initiating the stop.
5. Policies pertaining to PPD's identification and prevention of racial profiling, and any records or data collected pursuant to this policy between January 1, 2018 and the date of production.

## **III.   Misconduct Records**

6. Records of all internal or external complaints of alleged personnel misconduct received, recorded, registered, or investigated between January 1, 2018 and the date of production, including those made pursuant to Pittsfield Police Department Policy 4.01. This request includes all complaints made using the Citizen Complaint Form, any other complaints received and reviewed by the Police Advisory and Review Commission; and any internally generated complaints.
7. Statistical data, spreadsheet(s), and/or other document(s) reflecting internal or external complaints of alleged personnel misconduct between January 1, 2018 and the date of production. This request includes any logs detailing each complaint assigned for investigation as well as annual reports of investigations and complaints.

## **IV.   Arrest Records**

8. Arrest data for 2018-2021.

## **V.   Warrants**

# L I C H T E N   &   L I S S - R I O R D A N ,   P . C .

9. All communication and documents related to warrants between PPD, including its officers and agents, and the following:
  - a. Berkshire County Drug Task Force
  - b. Berkshire County Law Enforcement Task Force
  - c. Berkshire County Special Response Team
  - d. North Adams Police Officer Mark Bailey
  - e. North Adams Police Officer Joshua Zustra
  - f. Berkshire Sheriff's Deputy Joseph Abderhalden
  - g. Berkshire Sheriff's Deputy Brian Foley
  - h. Egremont Police Officer Hans Carlson
  - i. Former Dalton Police Officer John Marley
2. All warrant affidavits and/or warrants submitted and/or prepared by PPD between July 1, 2019 and July 1, 2021.

Because this request involves a matter of public concern and is made on behalf of a nonprofit organization, we ask that you waive any fees. 950 C.M.R. 32.07. ACLUM is a nonprofit §501(c)(3) organization dedicated to the protection of civil rights and liberties for all persons in the Commonwealth of Massachusetts. As the state's affiliate of the American Civil Liberties Union, ACLUM is part of a nationwide network of advocates dedicated to defending and expanding the civil liberties of all.

If you decide not to waive fees, we request that you permit us to examine, at our election, the responsive documents before determining which portions to copy. We prefer the documents in electronic format. If a fee is associated with this disclosure of these records please provide a quote prior to completing this request.

Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt. In addition, please note the applicable statutory exemption and explain why it applies to the redacted portions and/or exempt record. If you have questions about this request, please contact me at 617-994-5819 or mpatton@llrlaw.com.

Thank you for your cooperation. We look forward to your response within 10 business days as required under the statute.

Sincerely,

/s/

Shannon Liss-Riordan, Attorney  
Lichten & Liss-Riordan, P.C.

/s/

Matthew Patton, Attorney  
Lichten & Liss-Riordan, P.C.

# EXHIBIT D



**CITY OF PITTSFIELD POLICE DEPARTMENT**

POLICE HEADQUARTERS, 39 ALLEN STREET, PITTSFIELD, MASSACHUSETTS 01201

RECORDS BUREAU

(413) 448-9711

PROFESSIONALISM • ETHICS • INTEGRITY • SENSITIVITY • ACCOUNTABILITY

July 15, 2021

Shannon Liss-Riordan, Esq.  
Matthew Patton, Esq.  
729 Boylston Street, Ste#2000  
Boston, MA 02116

RE: Records request

Dear Attorney Liss-Riordan & Patton:

This letter is in response to your records request for public information:

Unfortunately, the Department requires additional time beyond the 10 business days allotted under the law in order to respond to this request. The magnitude or difficulty of the request unduly burdens the other responsibilities of the department. As a result, the Department will produce the requested records within 25 business days following the initial receipt of your request, which represents a reasonable timeframe under the law.

Regards,

*Kerri*

Kerri Striebel

Pittsfield Police Department  
Records Access Officer

"DEDICATED TO EXCELLENCE"