

EXEMPT INFORMATION AND RECORDS REGARDING OFFICER INVOLVED SHOOTING OF WILLIAM EKASALA IN MALDEN

The following information and records concerning this officer involved shooting have been redacted or are wholly exempt from disclosure under the Massachusetts Public Records Law, G.L. c. 66, § 10; G.L. c. 4, § 7(26).

Certain information such as names, addresses, phone numbers, vehicle registration information, and dates of birth for witnesses and other parties involved in the investigation that are contained in the reports is subject to exemption (c) (medical and personal privacy) and has been redacted as disclosure of this information would constitute an unwarranted invasion of privacy. G. L. c. 4, § 7(26)(c).

The names of the decedent's co-conspirators are exempt from public disclosure pursuant to exemption (a) (statutory) of the Public Records Law, M.G.L. c. 4, § 7, cl. twenty-sixth, as they constitute Criminal Offender Record Information (CORI). CORI is defined in relevant part as "records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge... [or] other judicial proceedings." M.G.L. c. 6, § 167; see also 803 C.M.R. 2.03.

The photographs produced during the investigation include sensitive and highly graphic photos of the body and the scene. These are exempt from disclosure under exemption (c) as medical information, and as public disclosure would constitute an unwarranted invasion of privacy. There is a "strong public policy in Massachusetts that favors confidentiality as to medical data about a person's body," and the courts have found that this policy extends to information about a decedent's body and medical condition. See Globe Newspaper Co. v. Chief Medical Examiner, 404 Mass. 132, 134-35 (1989).