

## **EXEMPT INFORMATION AND RECORDS REGARDING OFFICER INVOLVED SHOOTING OF BRENDAN REILLY IN LEXINGTON**

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 limited personal information concerning witnesses and parties other than those who disclosed such information during inquest proceedings has been redacted as disclosure of this information would constitute an unwarranted invasion of privacy. G. L. c. 4, § 7(26)(c) (medical and privacy exemption). This information includes social security numbers, personal addresses, dates of birth, phone numbers and email addresses. The faces of civilians who appear in video footage obtained in the course of the investigation have also been blurred under exemption (c) to respect civilian and juveniles' privacy, and the faces of voluntary witnesses who appear in video footage of interviews with investigators have also been blurred under this exemption to protect their privacy.

The names and other identifying information of individuals named in prior police reports not directly concerning the incident have been redacted to protect the privacy of those under exemption (c) and as witness identifying information under exemption (f) (investigatory). Any Criminal Offender Record Information (CORI) concerning third parties in these prior reports has also been redacted pursuant to exemption (a) and the statutory scheme barring disclosure of CORI. G.L. c. 6, § 167. Reports subject to the provisions of G.L. c. 41, § 97, are also barred from disclosure by this Office and have been excluded pursuant to exemption (a). G. L. c. 4, § 7(26).

Cell phone records obtained in the course of the investigation are further subject to the privacy exemption (c). G.L. c. 4, § 7(26)(c). Both federal and state law provide rigorous protection against the compelled production of the content of private electronic communications and other phone records due to the high expectation of privacy that citizens have in their conversations. See 18 U.S.C. §§ 2701-2712 (providing broad protection for the compelled disclosure of the content of electronic communications); Carpenter v. United States, 138 S.Ct. 2206 (2018) (discussing protections afforded to the content of electronic communications). The public disclosure of an individual's cell phone records would constitute a direct invasion of privacy.

Our case file for this matter further includes the autopsy report produced by the Office of the Chief Medical Examiner which are exempt from disclosure by this Office under exemption (a). See G. L. c. 38, § 2; 505 C.M.R. 1.00 ("Disclosure of Autopsy Reports"). Autopsy photos and fingerprints of the decedent taken during the autopsy are further exempt from disclosure under the medical and privacy exemption (c). G.L. c. 4, § 7(26).

Medical records of the decedent and records of the Disabled Persons Protection Commission concerning the decedent are also exempt from disclosure under exemption (a) pursuant to G.L. c. 111, § 70 (treatment records of department of public health licensed facilities), G.L. c. 123, § 36 (patient records), and G.L. c. 19C, § 3 (DPPC records). These records are further subject to exemption (c) as medical records. G.L. c. 4, § 7(26).