

EXEMPT INFORMATION AND RECORDS REGARDING OFFICER INVOLVED SHOOTING OF JOSE PEREZ IN LOWELL

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, 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).

Police reports prepared as part of this investigation include some reports that are barred from disclosure by this Office. See G. L. c. 119, § 51E.

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). In addition, medical information regarding the decedent before his death has been redacted, as it is also exempt from disclosure under exemption (c).

Also exempt from disclosure are the case notes and internal memoranda created by the assigned Assistant District Attorney. These records are subject to exemption (d) (deliberative process) as they constitute work product. G. L. c. 4, § 7(26)(d); see DaRosa v. City of New Bedford, 471 Mass. 446, 448 (2015). In addition, these materials are protected from disclosure by the attorney work product and attorney-client privileges.

Our case file for this matter further includes the autopsy report and other reports 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”).

Our investigatory file further contains documents from the Registry of Motor Vehicles. These records are barred from disclosure pursuant to 18 U.S.C. § 2721.

Our investigatory file contains documents concerning court appearances by the decedent obtained in the course of the investigation. These records are exempt from public disclosure pursuant to exemption (c) of the Public Records Law, as disclosure of these records would constitute an unwarranted invasion of privacy. G. L. c. 4, § 7(26)(c).