




# POLICE DEPARTMENT TOWN OF FOXBOROUGH



William D. Baker  
Chief of Police

Telephone: (508) 543-4343  
Fax: (508) 543-2112

To: Media Outlets

From: William D. Baker   
Chief of Police  
Foxboro, MA

Date: February 6, 2018 at 1630

**Re: Response to Public Records Request to Town of Foxborough, dated February 06, 2018 and general release of redacted public records.**

In my capacity as Records Access Officer for the Town of Foxborough, I hereby formally respond to your public records request, received via email or text on February 06, 2018, in accordance with applicable provisions of G.L. c.66, §10 and G.L. c. 4, §7 (26). You have requested: 911 Audio tape of Gronkowski burglary call and or a copy of our initial investigative report.

With respect to “documents” or “reports” maintained by the Town with respect to this matter, the Town has identified the following: 911 Audio Tape and Incident Report # 18-182-OF.

Upon review of said documents, we assert that they contain certain information that is exempt from public release and dissemination pursuant to G.L. c.4 §7(26)(c), the so-called Privacy Exemption, and G.L. c.4 §7(26)(f), the so-called Investigatory Exemption, to the Massachusetts Public Record Statute. These exemptions apply as follows:

### **Exemption (c) - Privacy exemption**

Exemption (c), the privacy exemption, applies to:

*“Personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy.”*

The second clause of the privacy exemption applies to requests for records that implicate privacy interests. Its application is limited to “intimate details of a highly personal nature”. Portions of records containing such information are exempt unless there is a paramount public interest in disclosure. When applying the second clause of this exemption to requested records it is necessary to perform a two-step analysis: first, determine whether the information constitutes an “intimate detail” and second, determine whether the public interest in disclosure outweighs the privacy interest associated with disclosure. I deem

information set forth in the subject documents which identifies the possible victim(s) of a crime and potential witnesses in the ongoing investigation relative to the incident to be intimate details of a highly personal nature and, thus, exempt from disclosure. The attached records have been redacted to secure this information from public release.

**Exemption (f) - The Investigatory Exemption**

Exemption (f), the investigatory exemption, provides custodians a basis for withholding:

*“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. “*

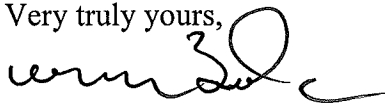
The exemption allows investigative officials to withhold materials that could compromise investigative efforts if disclosed. A records custodian must demonstrate a prejudice to investigative efforts in order to withhold requested materials. With respect to the subject incident, which is the subject of a fresh and ongoing investigation by law enforcement authorities, I believe that any information relating to said ongoing investigation that could potentially alert suspects to the scope of activities of investigative officials would be exempt from public disclosure. This exemption is designed to allow investigative officials to provide an assurance of confidentiality to private citizens so that they will speak openly about matters under investigation. I, thus, believe that details in witness statements or reports which, if released, would create a risk of directly or indirectly identifying a private citizen who volunteers as a witness or the specific nature of the alleged criminal activity under investigation are exempt from disclosure.

Upon balancing the afore-mentioned interests with the acknowledged general and broad right of the public to review Town records, I believe that producing the enclosed records, as redacted, and the withholding of the redacted information pursuant to G.L. c.4 §7 (26) (c) and (f) strikes an appropriate balance among these interests.

Should you wish to seek further redress with respect to this response to your records request, you may do so pursuant to the administrative process provided by the Supervisor of Records set forth in 950 CMR 32.08(1).

Thank you for your attention to this matter.

Very truly yours,



William D. Baker  
Chief of Police



Foxborough Police Department  
Incident Report

Incident #: 18-182-OF  
Call #: 18-2098

Date/Time Reported: 02/05/2018 1818  
Report Date/Time: 02/05/2018 2308  
Status: Incident Open

Reporting Officer: [REDACTED]

Signature: \_\_\_\_\_

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Residence/Home/Apt./Condo 7 CONGDON CIR FOXBOROUGH MA 02035		Zone: North Sector
1	B&E NIGHTTIME FOR FELONY 266/16/A	N	Felony
	266 16 OCCURRED: 02/04/2018 2050 MODUS OPERANDI: Entry-Broke Window		

#	VICTIM(S)	SEX	RACE	AGE	SSN	PHONE
1	GOON, ROBERT A [REDACTED] [REDACTED] DOB: [REDACTED] ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Non Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 CONTACT INFORMATION: Home Phone [REDACTED]	M	W	37	[REDACTED]	[REDACTED]
2	GRONKOWSKI, ROBERT J [REDACTED] [REDACTED] DOB: [REDACTED] ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 CONTACT INFORMATION: CallBack Number (Primary) [REDACTED] CallBack Number [REDACTED]	M	W	28	[REDACTED]	[REDACTED]
3	RUCKDASCHEL, NATHAN O [REDACTED] [REDACTED] DOB: [REDACTED] ETHNICITY: Not of Hispanic Origin RESIDENT STATUS: Resident VICTIM CONNECTED TO OFFENSE NUMBER(S): 1 CONTACT INFORMATION: Home Phone (Primary) [REDACTED]	M	W	29	[REDACTED]	[REDACTED]

Foxborough Police Department  
Incident Report

Page: 2  
02/06/2018

Incident #: 18-182-OF  
Call #: 18-2098

# OTHER PROPERTIES PROPERTY # STATUS

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	[REDACTED] QUANTITY: 1 [REDACTED] DATE: 02/05/2018 [REDACTED] OWNER: GOON, ROBERT A STATE NUMBER: [REDACTED]	VALUE: \$500.00	Stolen

NARRATIVE FOR PATROLMAN [REDACTED]

Ref: 18-182-OF

Entered: 02/05/2018 @ 2321      Entry ID: 0972  
Modified: 02/06/2018 @ 0053      Modified ID: 0972

On Monday 2/5/18 at approx 1820 hours Sgt Chamberlin and I were dispatched to Congdon Circle for a B&E of the residence. On arrival we spoke with the homeowner and caller, Robert Gronkowski. His two other house mates Robert Goon and Nathan Ruckdashel were also present. Rob stated that shortly after he arrived home earlier today he noticed [REDACTED]. Upon seeing this, all 3 went upstairs to their respective rooms to investigate further.

Gronkowski's room (far end of the hallway) was locked and secured.

Nathan's room (first door on the right) was unlocked. Nathan stated that [REDACTED] were stolen [REDACTED]. He estimated both items to be worth several hundred dollars,

Goon's room (first door on the left) had been breeched open. [REDACTED] Goon had conducted an inventory of his room prior to our arrival and stated that the following was missing/stolen:

The following items were in individual [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

The following items were [REDACTED]

[REDACTED]      [REDACTED]  
[REDACTED]      [REDACTED]  
\* [REDACTED]      [REDACTED]  
[REDACTED]      [REDACTED]  
[REDACTED]

Entry into the house was made through [REDACTED] the house. There was [REDACTED] that appeared to have been used [REDACTED] in order to exit [REDACTED]

The timeline of events pieced together [REDACTED] are as follows:

\*Gronkowski left for Minneapolis on 1/29/18.

\*Goon and Nathan left for Minneapolis on 2/1/18 @ 0915 hrs. Both Goon and Nathan stated that the doors and windows were all secure prior to leaving [REDACTED]

[REDACTED]

