FOAA Request — September 12, 2025 BPD Surveillance Recording, Production History, and Related Records

2 messages

The Maine Mirror editor@themainemirror.com Tue, Sep 22, 2026 at 6:08 PM
<editor@themainemirror.com>
To: "Matt Tarasevich" <mtarasevich@bernsteinshur.com>, "Arthur Capello - Berwick Town Manager" <townmanager@berwickmaine.gov>, "Timothy Towne" <chief@berwickmainepolice.gov>, "townclerk@berwickmaine.gov" <townclerk@berwickmaine.gov>, "mlaterreura@berwickmaine.gov" <mlaterreura@berwickmaine.gov>, "mlatterreur@berwickmaine.gov" <mlatterreur@berwickmaine.gov>

Pursuant to Maine's Freedom of Access Act, 1 M.R.S. §§ 400 et seq., I am requesting access to and copies of existing public records concerning the Berwick Police Department surveillance recording of my September 12, 2025 interaction at the Department, its subsequent preservation and processing, the investigation arising from that incident, and the copy ultimately provided to me on September 22, 2026.

This request follows the preservation notice I transmitted today.

As explained separately to Town counsel, after successfully accessing the recording provided to me today, I compared it with my own contemporaneous recording of the September 12, 2025 encounter and identified apparent discrepancies between the two recordings.

I am not asking the Town through this request to explain why those discrepancies exist, draw conclusions, answer interrogatories, or create records that do not already exist. I am requesting existing records that will allow the underlying facts to be established.

1. Original/Native Recording and Versions

Please provide:

1. The original/native surveillance recording, in the form presently maintained by the Town or Berwick Police Department, capturing my September 12, 2025 interaction with Administrative Assistant Denise Dunn.
2. All existing exported, copied, converted, clipped, redacted, edited, processed, or derivative versions of that recording.
3. To the extent maintained separately from the files themselves, existing metadata associated with the original/native recording and each responsive derivative or exported version, including available creation, modification, export, file-size, duration, format, and timestamp information.

2. Access, Export, Processing, and Production Records

Please provide existing records sufficient to establish:

4. When the September 12, 2025 surveillance recording was first accessed or reviewed following my complaint concerning that encounter.
5. Each occasion reflected in existing records on which the recording was exported, copied, converted, downloaded, transferred, processed, redacted, clipped, trimmed, muted, modified, or otherwise prepared for production.
6. Who performed or authorized each such action, to the extent reflected in existing records.
7. When and how the specific copy ultimately provided to me on September 22, 2026 was created.

8. The source file or version from which that September 22, 2026 copy was created, to the extent reflected in existing records.
9. Existing audit logs, access logs, export logs, system logs, file-history records, or similar system-generated records reflecting access to, playback of, copying of, exporting of, processing of, modification of, or deletion involving the responsive surveillance recording.

3. September 22, 2026 Copy and Prior Testing

Please provide:

10. Records concerning the preparation, creation, copying, testing, or verification of the disc provided to me on September 22, 2026.
11. Records concerning any prior unsuccessful or replacement copies of this recording prepared or provided in response to my requests.
12. Records concerning the administrative assistant's reported testing or viewing of the recording at the Berwick Public Library, including communications concerning that testing or viewing and records identifying which copy or version was taken to the library.

4. September 12, 2025 Complaint and Subsequent Investigation

Chief Timothy Towne stated in his September 23, 2025 written response to me that he had investigated my allegation that Administrative Assistant Denise Dunn threw my written complaint onto the floor on September 12, 2025 and determined my complaints to be unfounded.
Please provide:

13. Existing records documenting that investigation.
14. Existing records identifying the evidence obtained, reviewed, accessed, or considered in reaching that determination.
15. Existing records reflecting whether the Berwick Police Department surveillance recording of the September 12 encounter was reviewed as part of that investigation and, if so, when and by whom.
16. Investigative notes, reports, memoranda, emails, internal communications, or other nonexempt records concerning that investigation and determination.

5. Direction That Officer Not View Recording

During my September 22, 2026 interaction with the responding Berwick Police Department officer, the officer stated on multiple occasions that he had been directed not to view the recording.
Please provide:

17. Existing records concerning any instruction, direction, request, guidance, or communication that the responding officer—or any other Berwick Police Department employee—should not view, review, watch, access, or discuss the September 12, 2025 recording.
18. Existing records identifying who issued or communicated such an instruction, when it was issued, and its stated purpose, if those facts are reflected in existing records.

This request does not ask the Town to create an explanation where none presently exists. I am requesting existing records memorializing or relating to any such instruction.

6. Policies and Retention Records

Please provide copies of the policies, procedures, directives, or retention schedules in effect and applicable during the relevant period concerning:

19. Retention and preservation of Police Department surveillance recordings.
20. Access to and export of Police Department surveillance recordings.
21. Processing, redaction, and production of video or audio records in response to FOAA requests.
22. Preservation of records associated with citizen complaints, investigations, pending public-record requests, or reasonably anticipated disputes.

23. Investigation and disposition of complaints concerning Police Department personnel or administrative employees.

Format

For electronic records, I request production electronically and, where reasonably available, in their native electronic format or in a format that preserves associated metadata.

For the surveillance recording itself, I specifically request the original/native file as presently maintained, rather than only another converted disc copy, to the extent that file remains available and is subject to disclosure.

If native production is not reasonably available, please identify the format in which the record is maintained and the format in which it will be produced.

Partial Production and Withholding

If portions of responsive records are confidential or otherwise exempt from disclosure, please produce the reasonably segregable nonexempt portions.

For any record or portion of a record withheld, please provide the written notice required by 1 M.R.S. § 408-A, including the reason for the denial and the statutory authority relied upon.

If no responsive records exist for a particular numbered category, please simply state that no responsive records were located for that category. I am not requesting that a new record be created to answer it.

Fees

If the Town anticipates that fulfilling this request will result in fees, please provide the required good-faith cost estimate before incurring chargeable costs beyond any amount available without charge under Maine law.

Because these records concern the handling of a municipal police surveillance record, the investigation of a citizen complaint, the subsequent production of that governmental record, and the accuracy and completeness of records produced to a requester, I also request that the Town consider waiver or reduction of applicable fees on the basis that disclosure is in the public interest and is sought for journalistic reporting through The Maine Mirror.

Preservation

As stated in my separate preservation notice, please preserve potentially responsive records while this request is pending, including original/native electronic information and associated system-generated information that might otherwise be subject to routine deletion or overwriting.

Please acknowledge receipt of this request in accordance with 1 M.R.S. § 408-A and provide the applicable good-faith time and cost estimates.

Thank you,

Ryan Michaels
Editor-in-Chief
The Maine Mirror

Titan Mail Delivery <notifications@titan.email> Tue, Sep 22, 2026 at 6:08 PM
To: "editor" <editor@themainemirror.com>

Flock

TITAN

Email could not be sent to [mlatterreur@berwickmaine.gov, mlaterreura@berwickmaine.gov]

We were not able to send this mail to [mlatterreur@berwickmaine.gov, mlaterreura@berwickmaine.gov] as the recipient(s') email address seems to be invalid. Please check if there are any typos in the email id before trying to send it again.
In case you need any clarifications or assistance, feel free to reach out to our support team.

Best Regards,
Team Titan