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Police deny request for Ayla Reynolds 911 call, transcript

Police say releasing the 911 tape of the call that reported Ayla Reynolds missing could get in the way of the investigation.

BY BEN MCCANNA



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WATERVILLE — Police have denied a request by the Morning Sentinel for an audio recording and written transcript of the 911 call that reported 21-month-old Ayla Reynolds missing, saying it could get in the way of the investigation.

Last week, a Morning Sentinel reporter submitted a written request at the police station. On Wednesday, Deputy Chief Charles Rumsey responded to the request by letter, saying the police denied it “after consultation with City Solicitor William Lee and careful consideration.”

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Ayla Reynolds was reported missing at 8:51 a.m., Dec. 17, via a call through the 911 system, according to police records. During a press conference on Dec. 18, Chief Joseph Massey said Ayla's father, Justin DiPietro, placed the call.

Rumsey said that audio recordings are confidential under law and releasing the transcripts would interfere with "law-enforcement proceedings."

One of the statutes cited by Rumsey in the decision is Title 25 Maine Revised Statute 2929, which says that audio recordings are confidential, but the information in them is public information and transcripts must be released, although names, addresses, telephone numbers and medical conditions must be removed.

City Solicitor William A. Lee said Wednesday the statute contains a phrase that allows police to apply another overriding statute, Title 16 Revised Statute 614, which states that any information that is "declared to be confidential under other law" can be withheld.

Rumsey said the information in the 911 call constitutes "intelligence and investigative information," but added that people should not read anything into the decision to withhold it.

Rather, Rumsey said, keeping the information confidential helps police determine the trustworthiness of tips and sources in the investigation.

"If we know information hasn't been reported publicly, we can have a higher degree of confidence that the person we're talking to knows what they're talking about and isn't regurgitating what they've seen in the news or on a comment forum or on a blog," he said.

Sigmund Schutz, counsel to MaineToday Media on media law, said Lee's reasoning is sound but the law compels police to offer a fuller explanation for their decision.

"Generally, 911 transcripts are public records in Maine, and I think the burden is on the police to offer a more complete explanation of why they think the information would interfere with their investigation," Schutz said Wednesday.

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