

3/17/25

Steve Stewart, Chief of Police
Keene Police Department
400 Marlboro Street
Keene, NH 03431

RE: Demand for Compliance with RSA 91-A Records Request – Records of Robert Lamontagne

Dear Chief Stewart,

I am writing to formally demand immediate compliance with my records request submitted to your department on January 21, 2025, pursuant to New Hampshire RSA 91-A, the Right-to-Know Law. As of today, March 17, 2025—55 days since my initial request—I have received neither the requested records pertaining to Mr. Robert Lamontagne nor a legally compliant response as required by statute.

This delay constitutes a clear violation of RSA 91-A, and I hereby request resolution within five (5) business days, by March 24, 2025, to avoid further action.

Background

On January 21, 2025, I submitted a written request to your office for all Keene Police Department records related to Mr. Robert Lamontagne, explicitly invoking RSA Chapter 91-A. On January 24, 2025, Assistant Cheshire County Attorney Tim Donovan responded that the records could not be located, and on January 27, 2025, he stated the request was forwarded to the Keene Police Records Department. Notably, he also asserted that my request was not being treated as a 91-A request—a position I find legally untenable given my clear reference to the statute.

Subsequent follow-ups on February 21, 2025, and March 8, 2025, yielded only vague assurances that the Records Department was “working on it,” with no estimate of time for fulfillment provided. This pattern of delay and non-responsiveness persists despite my patience and Mr. Lamontagne’s pressing need for these records to investigate potential prosecutorial and investigative misconduct in his case, including possible Brady violations tied to Detective James McLaughlin’s credibility.

Legal Violation

RSA 91-A:4, IV mandates that within five (5) business days of a request—by January 28, 2025, in this case—a public agency must: (1) make the records available; (2) deny the request in writing with specific legal reasons; or (3) provide a written acknowledgment with an estimate of the time reasonably necessary to comply. The Keene Police Department has done none of these. The assertion that my request does not fall under RSA 91-A is baseless; New Hampshire courts have consistently held that requests need not explicitly cite the statute to trigger its protections when seeking public records (*ATF v. City of Nashua*, 156 N.H. 437, 2007). My letter’s reference to RSA 91-A leaves no ambiguity. Moreover, the failure to provide a timeline estimate violates RSA 91-A:4, IV(b)(3), a point reinforced by *Murray v. N.H. Division of State Police* (154 N.H. 579, 2006), where the court emphasized that

agencies must act promptly and transparently.

Your department's inaction for over seven weeks exceeds any reasonable interpretation of "prompt" compliance.

Demand for Action

I demand that, by close of business on March 24, 2025, the Keene Police Department:

1. Produce all records pertaining to Mr. Robert Lamontagne as requested on January 21, 2025; or
2. Provide a written statement, compliant with RSA 91-A:4, IV, detailing the time reasonably necessary to fulfill the request and a commitment to produce the records by that date.

Should this deadline pass without compliance, I am prepared to petition the Cheshire County Superior Court under RSA 91-A:7 for injunctive relief, seeking both the records and attorney's fees as authorized by RSA 91-A:8 for knowing violations.

I sincerely hope to resolve this without litigation, which would unnecessarily burden Keene taxpayers due to what appears to be a straightforward failure to follow the law.

Request for Explanation

Additionally, I request a written explanation of the legal authority relied upon to not treat my request as a 91-A matter, as stated by Attorney Donovan. This will help clarify the department's position and inform Mr. Lamontagne, who grows increasingly concerned that this delay may reflect an intent to obscure records critical to his case.

Please respond in writing to this demand by March 24, 2025, via email to bbrad121@gmail.com or mail to my home address below. I am available to discuss this matter at 603-682-3287 if a resolution can be reached sooner.

Thank you for your prompt attention to this urgent request.

Respectfully,

Bradley Jardis
10 Congress Street #302
Amesbury, MA 01913

cc: Assistant Cheshire County Attorney Tim Donovan (via .PDF attachment to e-mail)