



The Commonwealth of Massachusetts

BERKSHIRE DISTRICT ATTORNEY



DAVID F. CAPELESS
DISTRICT ATTORNEY

7 NORTH STREET - P.O. BOX 1969
PITTSFIELD, MA 01202
(413) 443-5951 FAX (413) 499-6349

February 23, 2011

John Reinstein, Legal Director
A.C.L.U. of Massachusetts
211 Congress Street
Boston, MA 02110

Re: Public Records Request / Administrative Subpoenas

Dear Mr. Reinstein:

In response to your letter of January 13, 2011, requesting public records information regarding the issuance of administrative subpoenas pursuant to M.G.L. c. 271 §17B, please be advised of the following:

There were 472 administrative subpoenas issued pursuant to the statute in 2009, and 564 subpoenas issued in 2010. We have no records for the number of subpoenas issued in 2008. I have attached copies of the records indicating the dates and the carrier/provider to whom each subpoena was issued.

Attached is a copy of the Administrative Subpoena Request Form used by this Office. There is no written procedure for approval. It is the standard practice for all administrative subpoenas issued by this Office to request that the carrier/provider not disclose the request to the service recipient.

We have no records: specifying the particular offenses underlying the investigations for which subpoenas were issued; whether notice was made to the service recipient who was the subject of any subpoena; specifying the name and/or docket number of cases in which a motion to suppress has been filed regarding the issuance of an administrative subpoena; or, whether any such motions have been filed.

Sincerely,

A handwritten signature in black ink, appearing to read "David F. Capeless", written over a horizontal line.

David F. Capeless
District Attorney

Attachments