

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY

CAPE & ISLANDS DISTRICT

MICHAEL D. O'KEEFE
DISTRICT ATTORNEY

3231 MAIN STREET
P.O. BOX 455
BARNSTABLE, MA 02630
(508) 362-8113

February 2, 2011

John Reinstein
Legal Director
American Civil Liberties Union of Massachusetts
211 Congress Street
Boston, MA 02110

Re: Public Records Request

Dear Attorney Reinstein:

Thank you for your inquiry. Attached please find a detailed response to your request:

1 Any written description of the procedure for approval of the issuance by the Cape & Islands District Attorney of an administrative subpoena pursuant to the provisions of § 17B;

We have no records that meet your request. Please be advised that, even if this information was available, it would not necessarily be a public record.

2 A sample of the form of a § 17B administrative subpoena used by the office of the Cape & Island's District Attorney;

A sample form is attached.

3 Records showing the number of § 17B administrative subpoenas issued by the Cape & Island's District Attorney in each year for the years 2008, 2009, and 2010;

We have no records that meet your request. Please be advised that, even if this information was available, it would not necessarily be a public record.

4 Records showing the particular offenses or category of offenses which were the subject of "ongoing criminal investigations" justifying the issuance of a § 17B administrative subpoena in each year for the years 2008, 2009 and 2010 and the number of such subpoenas issued for each offense or category of offense;

We have no records that meet your request. Please also be advised that, even if this information was available, it would not necessarily be a public record.

5 Records showing whether in any case the recipient of a § 17B administrative subpoena was requested not to disclose to the subject of the records that a subpoena for his records had been received;

We have no records that meet your request. The request form provided in #2 speaks for itself.

6 Records showing whether notice of any § 17B administrative subpoena was provided to the person or entity who is the subject of the records;

We have no records that meet your request.

7 Records showing the names of the common carriers or service providers to whom a § 17B administrative subpoenas was issued by the Cape & Island's District Attorney and the number of such subpoenas issued to each in each year for the years 2008, 2009 and 2010;

We have no records that meet your request. Please be advised that, even if this information was available, it would not necessarily be a public record.

8 Any motions to quash a § 17B subpoena which have been filed since October 2008; and

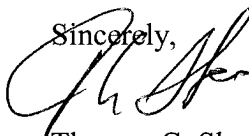
We have no records that meet your request. Please be advised that, even if this information was available, it would not necessarily be a public record.

9 Records showing the name and court docket number of any case in which a motion to suppress evidence obtained as a result of a § 17B subpoena has been filed.

We have no records that meet your request. Please be advised that, even if this information was available, it would not necessarily be a public record.

Please feel free to contact me if I can be of any further assistance.

Sincerely,



Thomas G. Shack, III
Chief of Operations
Assistant District Attorney