

## Berkshire District Attorney's Office Guidelines for Requesting Public Records

- The Berkshire District Attorney's Office maintains records related to criminal investigations and prosecutions.
- When submitting a Public Records Request to this Office, please be as specific as possible when describing the records you seek. The more specific you are, the more efficiently we can respond to your request. For example, if you ask for "any and all records" it will take more time (and will likely be more costly) than if you request "all police reports," because we will be required to locate and review a higher volume of records.
- Please note that certain records or portions thereof are **exempt** from disclosure under the public records law and those records will be **withheld**. Examples of exempt records include:
  - materials pertaining to on-going investigations or prosecutions (G.L. c. 4, § 7(26)(f));
  - personal identifying information (G.L. c. 4, § 7 (26)(c));
  - grand jury minutes and related materials (G.L. c. 4, § 7(26)(a) & (f); Mass. R. Crim. P. 5(d));
  - medical, health, and hospital records (G.L. c. 4, § 7 (26)(c));
  - autopsy reports (G.L. c. 4, § 7 (26)(a) & (c); G.L. c. 38, § 2);
  - attorney work product and materials protected by the attorney client privilege (G.L. c. 4 § 7 (26)(d); *DaRosa v. City of New Bedford*, 471 Mass. 446 (2015); *Suffolk Construction Co., Inc. v. Division of Capital Asset Management*, 449 Mass. 444 (2007));
  - materials pertaining to juvenile delinquency cases (G.L. c. 119, § 60A);
  - Criminal Offender Record Information ("CORI") (G.L. c. 4, § 7(26)(a); G.L. c. 6, §§167A, 172);
  - reports of rape, sexual assault, or domestic violence (G.L. c. 4, § 7(26)(a); G.L. c. 41, § 97D); and
  - personnel files (G.L. c. 4, § 7 (26)(c)) .

For a complete listing of the exemptions to the Public Records Law, please see "A Guide to the Massachusetts Public Records Law," available at:

<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>.

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- In keeping with the exemptions noted above, some records will be produced in **redacted** form. You will receive a letter from this Office explaining the particular exemptions that apply to your request.
- In accordance with G.L. c. 66, § 10(d), you may be assessed a fee for the costs associated with the production of public records. This Office will contact you regarding the charges applicable to your request.
- Under the Massachusetts Statewide Record Retention schedule, this Office is only obligated to retain records for prescribed lengths of time. The Massachusetts Statewide Records Retention Schedule is available at:  
[https://www.sec.state.ma.us/arc/arcpdf/MA\\_Statewide\\_Records\\_Schedule.pdf](https://www.sec.state.ma.us/arc/arcpdf/MA_Statewide_Records_Schedule.pdf).
- Please be advised that certified copies of court records are not available from this Office. You may be able to obtain such records from the clerk's office in the applicable district court or the superior court in your county. For a listing of judicial records that may be available from the appropriate clerk's office, please see the "Guidelines on the Public's Right of Access to Judicial Proceedings and Records," available at:  
<http://www.masscourts.org/eservices/home.page.2>.
- If you are attempting to obtain a copy of your own criminal history, please contact the Department of Criminal Justice Information Services. Contact information for DCJIS is available at: <http://www.mass.gov/eopss/agencies/dcjis/>. If you are seeking information related to the sealing or expungement of records, please see "A Guide to Public Access, Sealing & Expungement of District Court Records," available at :  
<http://www.mass.gov/courts/docs/courts-and-judges/courts/district-court/pubaccesscourtrecords.pdf>.