

From "PlymouthDA, Public Records (PLY)" <PlymouthDA.PublicRecords@MassMail.State.MA.US>  
Subject **RE: Public records request: Brady information 22-0018**  
To "Andrew Quemere" <aquemere0@gmail.com>  
Date January 26, 2022 5:47:20 PM EST

RE: Public Records Request of January 11, 2022, Reference # R000400-011222

Dear Andrew Quemere,

The Plymouth County MA District Attorney's Office received a Public Records Request from you on January 11, 2022. Your request mentioned:

**"I hereby request the following records:**

- **The office's Brady list, which refers to a list of law enforcement officers who have credibility issues or other concerns that might need to be disclosed to defendants in criminal cases**
- **All Brady information, meaning all records concerning individual law enforcement officers that might need to be, or have been, disclosed to defendants in criminal cases**
- **All communications with criminal defendants and/or defense counsel advising them of the existence of Brady information or an officer's placement on a Brady list**
- **All communications with police departments or individual officers regarding the existence or disclosure of Brady information or an officer's placement, or potential placement, on a Brady list**

In order to comply with your request, the Plymouth County District Attorney's Office would like to suggest a reasonable modification to the scope of the request. In addition, we are providing a good faith fee estimate for the request as it is now. Please let us know how you would like to proceed.

1. The office's Brady list, which refers to a list of law enforcement officers who have credibility issues or other concerns that might need to be disclosed to defendants in criminal cases.

- We are currently working with the newly established POST Commission to determine what records are public records. We have requested from them a ruling as to what is public information. The POST Commission was established as part of the criminal justice reform enacted in [Chapter 253 of the Acts of 2020](#).

2. All Brady information, meaning all records concerning individual law enforcement officers that might need to be, or have been, disclosed to defendants in criminal cases.

- Our office does have available a copy of a template used by ADA's to make *Brady* disclosures. However, we do not have a central depository for each specific *Brady* notice of disclosure made.

To obtain copies of notices of disclosures we would have to determine which cases each officer was involved in, pull the files and boxes, and search for any copies of a notice of disclosure. Further compounding the difficulty in doing so is that our internal DAMION case management system only tracks officers who are summonsed on a case. A review of our internal system would provide an incomplete list of cases in which a *Brady* disclosure may have been made because we are not able to determine all of the cases in which an officer was involved; only the ones in which he or she was summonsed. A case in which a *Brady* disclosure was made prior to the case reaching an event where officers would be summonsed would not be captured in a review of our internal case management system. We would need to work with each individual police department to secure a list of every case an officer was involved in, search our internal case management system, and locate and review each trial folder or box for *Brady* notices.

If you have the name(s) of specific cases, this would greatly expedite the process.

A records custodian is permitted to charge a reasonable fee to cover the costs of complying with a public records request. See G.L. c. 66, § 10 (a) and (d); 950 C.M.R. 32.07. The first 4 hours of time searching, compiling, segregating, redacting and reproducing requested records may not be charged. G.L. c. 66, § 10 (d) (ii); 950 C.M.R. 32.07 (2) (l). A fee equal to or less than the hourly rate of the lowest paid employee with the necessary skill required to complete the request, but no more than \$25 per hour, may be assessed, excluding time spent segregating or redacting, unless such segregation or redaction is approved by the supervisor of records or is required by law. G.L. c. 66, § 10 (d) (ii); 950 C.M.R. 32.07 (2) (l). In addition, a fee of \$0.05 for either single and double-sided black and white paper copies or printouts may be assessed. G.L. c. 66, § 10 (d) (i); 950 C.M.R. 32.07 (2) (e).

Therefore, the good faith estimate to complete the request for the emails includes

With an estimation of at least 350 cases and 30 minutes to search our internal case management system, pull the case from archives or the different trial courts, and review for notices of disclosure, the good faith estimate to complete the request for the notices of disclosure includes:

Labor Time: 175 hours  
Labor Charged: \$17.44 per hour  
Total Labor Hours Waived: 4.00  
Estimated Total: \$2,982.24

If the actual cost for production is less than the estimate, we will refund your money respectfully. If the costs are greater, additional payment may be required prior to any further processing.

If you would like to modify your scope, we are willing to work with you to do so and we can adjust the fee accordingly.

3. All communications with criminal defendants and/or defense counsel advising them of the existence of Brady information or an officer's placement on a Brady list.

- Please see our answer to #2. We do not have a record that includes all communication with criminal defendants and/or defense counsel advising them of the existence of *Brady* information. We would have to conduct a similar case-by-case analysis. If you would like to modify your scope, to include the names of specific cases, we are willing to work with you to do so and we can adjust the fee accordingly. Otherwise, we would request the following fee:

With an estimation of at least 350 cases and an *additional* 30 minutes after searching our internal case management system, pulling the case from archives or the different trial courts, and reviewing for communication, the good faith estimate to complete the request for the communication includes an additional:

Labor Time: 175 hours  
Labor Charged: \$17.44 per hour  
Total Labor Hours Waived: 4.00  
Estimated Total: \$2,982.24

If the actual cost for production is less than the estimate, we will refund your money respectfully. If the costs are greater, additional payment may be required prior to any further processing.

4. All communications with police departments or individual officers regarding the existence or disclosure of *Brady* information or an officer's placement, or potential placement, on a *Brady* list.

- We have letter(s) that were sent to the Chiefs of Police in Plymouth County outlining *Brady* obligations.

Under M. G. L. c. 66, section 10A (a), you have the right of appeal to the supervisor of records, and under M. G. L. c. 66, section 10A(c) you have the right to seek judicial review of an unfavorable decision by commencing a civil action in the superior court.

Sincerely,

Patrick Nevins  
Assistant District Attorney  
Records Access Officer  
Plymouth County District Attorney's Office  
508-894-2519

**From:** Andrew Quemere [mailto:aquemere0@gmail.com]  
**Sent:** Monday, January 10, 2022 5:34 PM  
**To:** PlymouthDA, Public Records (PLY) <PlymouthDA.PublicRecords@MassMail.State.MA.US>  
**Subject:** Public records request: *Brady* information 22-0018

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

To Whom It May Concern:

Pursuant to the Massachusetts Public Records Law (M.G.L. c.66, §10), I hereby request the following records:

- The office's *Brady* list, which refers to a list of law enforcement officers who have credibility issues or other concerns that might need to be disclosed to defendants in criminal cases
- All *Brady* information, meaning all records concerning individual law enforcement officers that might need to be, or have been, disclosed to defendants in criminal cases
- All communications with criminal defendants and/or defense counsel advising them of the existence of *Brady* information or an officer's placement on a *Brady* list
- All communications with police departments or individual officers regarding the existence or disclosure of *Brady* information or an officer's placement, or potential placement, on a *Brady* list

I request that these records be provided in an electronic format that is searchable and machine-readable (M.G.L. c.66, §6A; 950 CMR 32.04). The records should be provided in a manner that preserves their original features — e.g., hyperlinks, color, images, etc. Records should not be printed out then scanned or subjected to other processes that would remove searchable, machine-readable text or other features. Furthermore, documents that originated separately should not be combined into a single file.

Please, to the extent feasible, provide all records as email attachments. I decline to use an online portal to request or receive records.

I also request that, if appropriate, fees be waived as suggested but not stipulated by the recommendations of the Massachusetts Supervisor of Public Records as I believe this request is in the public interest.

If you have any questions about my request, please let me know as soon as possible. If you believe my request is overly broad, please provide a description of what responsive records are in your possession so that I can make an informed decision about whether and how to narrow it. The more detail you provide, the easier it will be for me to do so.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days, as the statute requires.

Sincerely,  
Andrew Quemere