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*SENT VIA EMAIL TO EXECOFC@JUD.STATE.MA.US*

Executive Office of the Trial Court  
One Pemberton Square  
Boston, MA 02108  
Attn: Hon. Heidi E. Brieger

February 25, 2025

**RE: Access to Search Warrants and Applications for Search Warrants**

Dear Chief Justice Brieger,

I'm writing on behalf of the New England First Amendment Coalition. NEFAC is a non-profit non-partisan advocate for public access to government, including the judicial system and its records. Our Board of Directors and advisors include many leading journalists and media attorneys in the state.<sup>1</sup>

We previously wrote to your office about the lack of criminal case information provided online despite a court rule requiring its disclosure — an issue the court responded to and addressed promptly.<sup>2</sup> More recently, we asked your office to make policy changes regarding courthouse kiosks as they are often out-of-service, unreasonably slow or monopolized by individual users for hours at a time.<sup>3</sup> Court Administrator Thomas G. Ambrosino informed us that time limits for kiosk users are being considered and we look forward to an update soon.<sup>4</sup>

There is another concern we believe should be addressed by your office: the inconsistent and often problematic trial court storage practices for search warrants and the applications for those warrants.

*No Existing Policy and Inconsistent Access*

Access to search warrants is critical to the public's right to know about law enforcement and the judicial system. These documents are subject to the public records law and often inform reporting on critical issues in the state. WBUR's recent reporting on accused rapist Alvin Campbell, Jr., brother to Attorney General Andrea Campbell, relied in part on search warrant documents.<sup>5</sup>

While Supreme Judicial Court Rule 1:11 addresses the disposal of court records and papers, the rule does not specify a retention period for search warrants or applications for warrants. As a result, most courts permanently retain search warrants as a matter of practice, Court Administrator Ambrosino informed us in November.<sup>6</sup> He also told us that the Trial Court is considering a specific retention period for search warrants though he could not provide a time by which a decision would be made.

Though we appreciate the consideration given to new retention policies — and look forward to seeing a proposal soon — accessing these documents can still be a challenge

even when they are retained. In their story about Campbell, for example, WBUR reporters had to obtain an application for a search warrant from the Suffolk County district attorney's office because court clerks said they were unable to locate the records. We're also being told of similar experiences at other courts. Retention practices can vary and the records themselves can be stored in locations or files that differ from court to court. In some cases, court clerks are claiming these documents are not public in the first place.

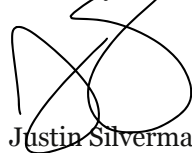
When they do acknowledge that the records are public, court clerks are at times refusing to search for them without a docket number or the date the search warrant was returned. This information is not listed publicly on Mass Courts and there is no index of search warrants to use as reference at courthouses. As a result, members of the public and the newsrooms they rely on are often left without access to records that should be available to them. While public by law, these documents are too often not public in practice.

### *Public Indexes and Guidance Needed*

In addition to a reasonable retention policy for search warrants and applications for warrants, there needs to be a better system for members of the public to access these documents. We respectfully ask that the Trial Court require each courthouse to provide a publicly accessible index of all returned and retained search warrants, including the application documents. With such an index, members of the public can easily identify which search warrants are available at each courthouse and available to them. Guidance to clerks on where search warrants should be stored may be helpful as well as a reminder that the documents themselves are indeed public records.

Thank you for your time and consideration of these issues. We welcome the opportunity to discuss them with you in more detail.

Sincerely,



Justin Silverman  
*Executive Director*

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**1** For a full listing of NEFAC's Board of Directors and Advisors, please visit [nefac.org/about/leadership](https://www.nefac.org/about/leadership).

**2** Read Dec. 21, 2023, letter at: [https://www.nefac.org/wp-content/uploads/2023/12/nefac\\_trial\\_courts\\_rule\\_5.pdf](https://www.nefac.org/wp-content/uploads/2023/12/nefac_trial_courts_rule_5.pdf)

**3** Read Oct. 9, 2024, letter at: [https://www.nefac.org/wp-content/uploads/2024/10/nefac\\_public\\_court\\_terminals.pdf](https://www.nefac.org/wp-content/uploads/2024/10/nefac_public_court_terminals.pdf)

**4** Read Oct. 18, 2024, response at: <https://www.nefac.org/wp-content/uploads/2024/10/Public-Records-First-Amendment-Public-Kiosks.pdf>

**5** See Boston police failed to arrest 'serial rapist' for years despite DNA evidence, WBUR, April 22, 2024 (<https://www.wbur.org/news/2024/04/22/boston-alvin-campbell-rape-case-police>)

**6** Read Nov. 15, 2024, response at: <https://www.nefac.org/wp-content/uploads/2025/02/trial-court-search-warrants-11152024.pdf>