

# **MASSACHUSETTS STATE POLICE CRIME LABORATORY**

## **Laboratory Materials Request Policy**

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# 1 INTRODUCTION

The Massachusetts State Police Crime Laboratory (MSPCL) is responsible for fulfilling discovery requests.

The Case Management Unit (CMU) processes discovery requests for all units within the MSPCL, with the exception of Office of Alcohol Testing (OAT) and Postmortem Toxicology (PMT). Each request is reviewed and fulfilled by the CMU. Consultation with the MSPCL Legal Section and applicable Laboratory Sections may be necessary during this process.

Requests for discovery for the PMT Unit must be made to the Office of the Chief Medical Examiner (OCME). CMU will receive and process these requests through the OCME.

All PMT discovery requests should be mailed directly to the OCME. The OCME may be contacted at the following:

Lisa Riccobene  
Mail: Office of the Chief Medical Examiner  
720 Albany Street, Boston, MA 02118  
Phone: 617-267-6767

All OAT discovery materials requests should be directed to OAT. OAT can be contacted at the following:

Email: [OATDiscoveryRequest@mass.gov](mailto:OATDiscoveryRequest@mass.gov)

Requests for public records will be handled and fulfilled by the MSPCL Legal Section. The CMU and/or pertinent laboratory units may assist with gathering materials to fulfill these requests.

These guidelines describe the standard materials provided within a basic discovery packet and outline additional materials that may or may not be provided upon request. These guidelines do not apply to the OAT. Refer to Discovery Materials Policy for the Office of Alcohol Testing.

# 2 DISCOVERY REQUESTS

- 2.1 All requests for discovery materials shall be directed to the Case Management Unit, with the exception of Office of Alcohol Testing (OAT) and Postmortem Toxicology (PMT) Unit requests.

The Case Management Unit can be contacted at the following:

Phone: 978-451-3440

Fax: 978-451-3459  
Email: [MSPCLcmu@mass.gov](mailto:MSPCLcmu@mass.gov)

- 2.2 Requests must be received from a prosecuting attorney's office or in the form of a subpoena or court order.
- 2.3 Each request should include the laboratory case number, the materials requested, and the contact information (mailing address and phone number at a minimum) of the requestor.
- 2.4 The Lab requests at least **60 days** to fulfill all discovery requests.
  - 2.4.1 If a packet is required in less than 60 days due to court compliance, please include the reason and compliance date on the request.
  - 2.4.2 The CMU will make every effort to fulfill requests by the date specified, however, please be advised it is dependent upon each request and the capability of the unit.
- 2.5 The discovery request and any subsequent correspondences will be retained by the Case Management Unit.

### **3 STANDARD DISCOVERY PACKET**

- 3.1 A standard discovery packet shall include the following, if applicable:
  - 3.1.1 Electronic scanned copy of the original case file folder(s) requested;
  - 3.1.2 Electronic copy of all photographs associated with the case;
  - 3.1.3 Case Conversation Log and QA Notes;
  - 3.1.4 Drug Weight Variance Reports;
  - 3.1.5 Laboratory Information Management System (LIMS) Document Correspondence;
  - 3.1.6 Electronic scanned copy of the original batch file folders associated with the case;
  - 3.1.7 Chain of Custody Report;
  - 3.1.8 For cases involving CODIS: electronic scanned copy of any original case file folder associated with the CODIS LIMS case number and any documents listed above that are stored under that LIMS case number; and
  - 3.1.9 Discovery packet letter outlining the materials provided.

## **4 ADDITIONAL MATERIALS PROVIDED**

- 4.1 The below listed materials associated and/or applicable to the case or testing will be provided in the discovery packet, if requested:
  - 4.1.1 Case Jacket Report;
  - 4.1.2 Reported electronic DNA data (e-data), samples and associated controls;
  - 4.1.3 Curriculum Vitae (CVs) of Assigned Analyst(s) and technical reviewer/verifier;
  - 4.1.4 Proficiency Test (PT) records for the Assigned Analyst(s);
  - 4.1.5 Electronic version(s) of the following applicable documents in effect at the time the casework testing was performed:
    - 4.1.5.1 Standard operating procedures (SOPs) and/or protocols utilized;
    - 4.1.5.2 Laboratory Quality Assurance Manual;
    - 4.1.5.3 Evidence Handling and Submission Manual;
    - 4.1.5.4 Laboratory Information Management System (LIMS) Manual;
    - 4.1.5.5 Proficiency Testing Program; and
  - 4.1.6 Website information where the Laboratory's Accreditation Documents can be accessed.
- 4.2 Requests for any additional information shall be reviewed by MSPCL Legal Counsel in consultation with the applicable technical personnel.

## **5 MATERIALS TO BE VIEWED/PROVIDED**

- 5.1 In certain circumstances, the volume of records in the laboratory's possession that are responsive to a request may be such that photocopying and/or electronically scanning said records is prohibitive. In such cases, these records may be made available for viewing at the laboratory by a defense representative.
- 5.2 Upon receipt of a request for the following, the laboratory will determine the volume of records responsive to the request and arrange to either provide them in the discovery packet or, if voluminous, schedule an appointment for defense representatives to view the material:
  - 5.2.1 Quality Control data (e.g. temperature/calibration/maintenance logs of equipment and instrumentation)

- 5.2.1.1 QC data for one week before/after the date of analysis will be provided;
  - 5.2.2 Validation studies / Performance Checks;
  - 5.2.3 Corrective action documentation;
  - 5.2.4 Contamination logs;
  - 5.2.5 Summary of analyst training records; and
  - 5.2.6 Equipment, instrument and reagent information.
- 5.3 Requests for any additional information shall be reviewed by MSPCL Legal Counsel in consultation with the applicable technical personnel. Requests for Data Not Reported (DNR) are unit-specific and may require consultation with technical staff.

## **6 ADDITIONAL MATERIALS NOT PROVIDED**

- 6.1 The below listed materials will not be provided in a discovery packet and are not viewable upon request:
- 6.1.1 Published information regarding population databases used for statistical calculations;
  - 6.1.2 Software used for data interpretation and statistical calculations;
  - 6.1.3 Docket numbers or court transcripts of previous Analysts'/Chemists' testimony;
  - 6.1.4 Published studies on technology and developmental validations; and
  - 6.1.5 Documents that are not applicable to the case or analysis performed in the case.

## **7 DELIVERY OF DISCOVERY PACKET**

- 7.1 The complete discovery packet will be sent electronically to the requesting prosecuting attorney's office, or other parties as specified by subpoena or court order, via OneDrive.
- 7.2 Discovery materials will be available on OneDrive for a period of fourteen (14) calendar days before being removed by the CMU.
- 7.3 Alternatively, discovery materials may be mailed via the United Parcel Service (UPS).

## **8 DEFINITION OF EXCULPATORY EVIDENCE**

- 8.1 The definition of exculpatory evidence is “evidence tending to establish a criminal defendant’s innocence. The prosecution has a duty to disclose evidence in its possession or control when the evidence may be material to the outcome of the case.” Black’s Law Dictionary, 7<sup>th</sup> edition.
- 8.2 “The prosecution had a duty to inquire concerning the existence of scientific tests, at least those conducted by the Commonwealth's own crime laboratory.” Commonwealth v. Martin, 427 Mass. 816, 824 (1998). As a result, the obligation to disclose exculpatory evidence applies to State Police Crime Laboratory case-related documents.

## **9 PUBLIC RECORDS REQUESTS**

- 9.1 All public records requests should be forwarded to the MSPCL Legal Counsel.
- 9.2 The MSPCL Legal Counsel will review the request and determine if the laboratory is in possession of the information/documents requested and if the public records law permits disclosure.