

# **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 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.

The guidelines herein describe the case related materials provided within a standard discovery packet, analyst and laboratory materials available through an online platform to authorized personnel, and additional materials that may or may not be provided upon request. Section 2 governs requests outside the scope of this protocol.

## 2 REQUESTS OUTSIDE OF SCOPE

### 2.1 Postmortem Toxicology Requests

2.1.1 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.

2.1.2 All PMT discovery requests should be sent directly to the OCME at:

Office of the Chief Medical Examiner – Legal Department  
720 Albany Street, Boston, MA 02118  
Phone: 857-377-2245

### 2.2 Office of Alcohol Testing Requests

2.2.1 This Policy does not apply to the Office of Alcohol Testing (OAT). Refer to Discovery Materials Policy for the Office of Alcohol Testing for information regarding fulfillment of these types of requests.

2.2.2 All requests for discovery materials from OAT should be submitted using the online MSPCL Office of Alcohol Testing Discovery Request Form available on [www.mass.gov](http://www.mass.gov).

If a request involves a Discovery Motion, please submit the motion via email to [OATDiscoveryRequest@mass.gov](mailto:OATDiscoveryRequest@mass.gov) and indicate you emailed the motion on the MSPCL Office of Alcohol Testing Discovery Request Form.

### 2.3 Public Record Requests

- 2.3.1 All public records requests should be forwarded to the MSP Legal Counsel for handling and fulfillment. The CMU and/or pertinent laboratory units may assist with identifying and gathering responsive materials.
- 2.3.2 The MSP Legal Counsel will review all public records requests, determine if the laboratory is in possession of responsive documents, investigate whether the public records law permits disclosure or requires redactions, and provide a written response to the requestor.

### 3 DISCOVERY REQUESTS

- 3.1 All requests for discovery materials shall be directed to the Case Management Unit, except for Postmortem Toxicology (PMT) Unit requests, which should be requested in the manner described in Section 2.1, above.
- 3.2 Requests should be submitted using the online MSPCL Discovery Request Form available on [www.mass.gov](http://www.mass.gov).
- 3.2.1 If a request involves a Discovery Motion, please submit via email to [mspclcmu@mass.gov](mailto:mspclcmu@mass.gov) and indicate you emailed the motion on the MSPCL Discovery Request Form.
- 3.3 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)
- 3.4 Requests must be received from a prosecuting attorney's office or in the form of a subpoena or court order.
- 3.5 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.
- 3.6 The Lab requests at least **90 days** to fulfill all discovery requests.
- 3.6.1 If a packet is required in less than 90 days due to court compliance, please include the reason and compliance date on the request.
- 3.6.2 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.
- 3.7 The discovery request and any subsequent correspondence will be retained by the Case Management Unit.

### 4 STANDARD DISCOVERY PACKET

- 4.1 A standard discovery packet shall include the following case-related documents, if applicable:
  - 4.1.1 Electronic scanned copy of the original case file folder(s) requested
  - 4.1.2 Electronic copy of all photographs associated with the case
  - 4.1.3 Case Conversation Log and QA Notes
  - 4.1.4 Drug Weight Variance Reports
  - 4.1.5 Laboratory Information Management System (LIMS) Document Correspondence
- 4.1.6 Electronic scanned copy of the original batch file folders associated with the case
  - 4.1.6.1 If the associated DNA Batch File(s) does not contain printed copies of the known DNA standard electropherograms, the reported electronic DNA data (e-data) for the known samples and associated controls will be provided automatically.
- 4.1.7 Chain of Custody Report
- 4.1.8 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
- 4.1.9 Discovery packet letter outlining the materials provided

## **5 ANALYST AND LABORATORY MATERIALS**

- 5.1 The following items are available through an online ADA SharePoint portal, which is accessible by authorized personnel.
- 5.2 District Attorney's Offices are authorized to access the ADA SharePoint portal. Each District Attorney's Office has established employee permissions.
- 5.3 The materials available through the ADA SharePoint portal will be updated according to the timeframes listed below.
- 5.4 Additional information regarding the documents can be found within the applicable folder by selecting the document labeled "READ FIRST".
- 5.5 Materials available on the ADA SharePoint portal include:
  - 5.5.1 Curriculum Vitae (CV) of Laboratory Personnel

- 5.5.1.1 CVs posted are for current MSPCL employees only and are updated on a quarterly basis. The date of the latest update will be reflected in the file/folder names.

## 5.5.2 Proficiency Testing (PT) Records

- 5.5.2.1 Proficiency Tests available through the ADA SharePoint portal will include graded Proficiency Test Case Files and any associated Notes to File and QA Notes.
- 5.5.2.2 The PT files will contain the analyst documentation associated with the test, as well as the expected results and the results of the grading performed by the laboratory (i.e., evaluation of the results and work performed on the test).
- 5.5.2.3 The PT files may not include batch files or electronically stored information such as chain of custody, electronically stored photos, or electronic DNA data; however, these records can be provided upon request.
- 5.5.2.4 Test information will be provided on a PT Summary Form if a Proficiency Test case file no longer exists due to record retention laws.

- 5.5.2.5 Proficiency Testing Records are updated weekly,

## 5.5.3 Audit Documentation

- 5.5.3.1 External audits completed since the 2022 re-accreditation assessment of the laboratory will be available.
- 5.5.3.2 If additional audit documentation is required, please contact the CMU directly.

## 5.5.4 Non-Conformity Log

The Non-conformity log, which is a summary of nonconforming work, will be provided in a searchable Excel spreadsheet which will be updated weekly. The date of the latest update will be reflected in the file name.

# 6 ADDITIONAL MATERIALS AVAILABLE UPON REQUEST

- 6.1 The below listed materials associated and/or applicable to the case or testing will be provided only if specifically requested.

## 6.1.1 Case Jacket Report

6.1.2 Reported electronic DNA data (e-data), samples and associated controls

6.1.3 Summary of training records

6.1.4 Electronic version(s) of the following applicable documents in effect at the time the casework testing was performed:

6.1.4.1 Standard operating procedures (SOPs) and/or protocols utilized

6.1.4.2 Laboratory Quality Assurance Manual

6.1.4.3 Evidence Handling and Submission Manual

6.1.4.4 Laboratory Information Management System (LIMS) Manual

6.1.4.5 Proficiency Testing Program

6.1.5 The MSPCL's current Accreditation Documents can be located at [www.anab.ansi.org](http://www.anab.ansi.org).

6.2 In certain circumstances, the records in the laboratory's possession that are responsive to a request may be voluminous in nature, and/or are not maintained in an electronic format such that photocopying and/or electronically scanning said records is prohibitive or they may contain privileged or confidential information. In such cases, these records may be made available for viewing at the laboratory by a defense representative.

6.3 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 or contain privileged or confidential information, schedule an appointment for defense representatives to view the material.

6.3.1 Internal and External Audit Documentation

6.3.2 Training and/or competency supporting documentation records

6.3.3 Corrective Actions

6.3.4 Non-conforming work documentation

6.3.5 Quality Evaluations

6.3.6 Quality Control protocols and data (e.g. temperature calibration / maintenance logs of equipment and instrumentation)

6.3.6.1 QC data for one week before/after the date of analysis will be provided

6.3.7 Validation studies / Performance checks

6.3.8 Contamination logs

6.3.9 Equipment, instrument, and reagent information

6.4 Requests for any additional information shall be reviewed by MSP Legal Counsel in consultation with the applicable technical personnel.

6.5 Requests for Data Not Reported (DNR) are unit-specific and may require consultation with technical staff.

## **7 ADDITIONAL MATERIALS NOT PROVIDED**

7.1 The below listed materials will not be provided in a discovery packet and are not viewable upon request:

7.1.1 Published information regarding population databases used for statistical calculations

7.1.2 Software used for data interpretation and statistical calculations

7.1.3 Published studies on technology and developmental validations

7.1.4 Documents that are not applicable to the case or analysis performed in the case

## **8 DELIVERY OF DISCOVERY PACKET**

8.1 The case related materials will be provided in a discovery packet on the ADA SharePoint portal.

8.2 An email will be sent once the materials are available to the requesting prosecuting attorney's office, or other parties as specified by subpoena or court order.

Requests received from prosecuting agencies outside of the Commonwealth District Attorney's Offices will receive access to both case-related materials and analyst/laboratory materials via a SharePoint Link provided through email.

## **9 EXCULPATORY EVIDENCE/ ITEMS AND INFORMATION FAVORABLE TO THE DEFENSE**



- 9.1 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.” *Exculpatory Evidence*, Black’s Law Dictionary (11<sup>th</sup> ed. 2019).
- 9.2 Additionally, Brady v. Maryland defines exculpatory evidence as information that is “favorable to an accused” and “is material either to guilt or to punishment”. Brady v. Maryland, 373 U.S. 83, 87 (1963).
- 9.3 The MSPCL recognizes that the prosecutor is required to “disclose to the defense, and permit the defense to discover, inspect, and copy, all items and information favorable to the defense in the possession, custody, or control of . . . any member of the prosecution team . . . without regard to whether the prosecutor considers the items or information credible, reliable, or admissible and without regard to whether any such information has been reduced to tangible form.” Mass. R. Crim. P. 14(a)(2)(b)(2)(B).
- 9.4 Items and Information Favorable to the Defense is Defined in Rule 14(a)(2)(b)(2)(B), which is available [here](#).
- 9.5 “Forensic analysts, crime laboratory personnel, and criminalists employed or retained by state or local government who were or are involved in the investigation or prosecution of the case” are members of the prosecution team for pretrial discovery purposes. Mass. R. Crim. P. 14(a)(1)(C).
- 9.6 “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. See also Mass. R. Crim. P. 14(a)(1)(C) and (b)(1).