

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.

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 sent directly to the OCME at:

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

All OAT discovery materials requests should be directed to OAT:

Email: OATDiscoveryRequest@mass.gov

Requests for public records will be handled and fulfilled by the MSP 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.

2.2 The Case Management Unit can be contacted at the following:
Phone: 978-451-3440
Fax: 978-451-3459
Email: MSPCLcmu@mass.gov

- 2.3 Requests must be received from a prosecuting attorney's office or in the form of a subpoena or court order.
- 2.4 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.
- 2.5 The Lab requests at least **90 days** to fulfill all discovery requests.
 - 2.5.1 If a packet is required in less than 90 days due to court compliance, please include the reason and compliance date on the request.
 - 2.5.2 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.
- 2.6 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
 - 3.1.9 Curriculum Vitae (CVs) of Assigned Analyst(s), current MSPCL employees only
 - 3.1.10 Proficiency Test (PT) Records for the Assigned Analyst(s)

3.1.10.1 Proficiency Tests provided through Standard Discovery will include Proficiency Test Case Files for the assigned analyst which are held by the laboratory, and any associated Notes to File and QA Notes. These 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). 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. For Proficiency Tests in which the case file no longer exists due to record retention laws, the test information will be provided on a PT Summary Form.

3.1.11 Discovery packet letter outlining the materials provided

4 ADDITIONAL MATERIALS

4.1 The below listed materials associated and/or applicable to the case or testing will be provided, if requested.

4.1.1 Case Jacket Report

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

4.1.3 Summary of training records

4.1.3.1 Training and/or competency supporting documentation records

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

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

4.1.4.2 Laboratory Quality Assurance Manual

4.1.4.3 Evidence Handling and Submission Manual

4.1.4.4 Laboratory Information Management System (LIMS) Manual

4.1.4.5 Proficiency Testing Program

4.1.5 The MSPCL's Accreditation Documents can be located at www.anab.org.

4.2 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.

- 4.3 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.
 - 4.3.1 Internal and External Audit Documentation
 - 4.3.2 Corrective actions
 - 4.3.3 Non-conforming work documentation
 - 4.3.4 Quality evaluation
 - 4.3.5 Quality Control protocols and data (e.g. temperature calibration / maintenance logs of equipment and instrumentation)
 - 4.3.5.1 QC data for one week before/after the date of analysis will be provided
 - 4.3.6 Validation studies / Performance checks
 - 4.3.7 Contamination logs
 - 4.3.8 Equipment, instrument, and reagent information
- 4.4 Requests for any additional information shall be reviewed by MSP Legal Counsel in consultation with the applicable technical personnel.
- 4.5 Requests for Data Not Reported (DNR) are unit-specific and may require consultation with technical staff.

5 ADDITIONAL MATERIALS NOT PROVIDED

- 5.1 The below listed materials will not be provided in a discovery packet and are not viewable upon request:
 - 5.1.1 Published information regarding population databases used for statistical calculations;
 - 5.1.2 Software used for data interpretation and statistical calculations;
 - 5.1.3 Published studies on technology and developmental validations; and
 - 5.1.4 Documents that are not applicable to the case or analysis performed in the case.

6 DELIVERY OF DISCOVERY PACKET

- 6.1 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.
- 6.2 Alternatively, discovery materials may be mailed.

7 EXCULPATORY EVIDENCE

- 7.1 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 (11th ed. 2019).
- 7.2 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).
- 7.3 "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.

8 PUBLIC RECORDS REQUESTS

- 8.1 All public records requests should be forwarded to the MSP Legal Counsel.
- 8.2 The MSP 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.