

# **MASSACHUSETTS STATE POLICE CRIME LABORATORY**

## **CASE MANAGEMENT UNIT**

### **Laboratory Materials Request Policy**

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# 1 INTRODUCTION

The Massachusetts State Police Crime Laboratory (MSPCL) is responsible for fulfilling discovery requests and Freedom of Information Act (FOIA) requests.

Discovery requests for all units within the MSPCL, with the exception of Office of Alcohol Testing (OAT) are received, reviewed, and fulfilled by the Case Management Unit (CMU). Consultation with the MSP Legal Section may be necessary during this process.

Freedom of Information Act (FOIA) requests 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.

# 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) requests.

2.1.1 Case Management Unit can be contacted at the following:

2.1.1.1 Phone: 978-451-3440

Fax: 978-451-3459

Email: [Pol-dl-casemanagement@massmail.state.ma.us](mailto:Pol-dl-casemanagement@massmail.state.ma.us)

2.1.2 All OAT discovery materials should be directed to OAT. OAT May be contacted at the following:

2.1.2.1 Fax: 857-377-3035.

Email: [pol-dl-oat@massmail.state.ma.us](mailto:pol-dl-oat@massmail.state.ma.us)

2.2 Requests must be received from a District Attorney's Office or in the form of an approved 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 **30 days** notice to fulfill all discovery requests.

2.4.1 If a packet is required in less than the requested 30 days due to court

compliance, please include the required by 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:
  - 3.1.1 Photocopy or electronic scanned version of the original case file folder(s)
  - 3.1.2 Copy of all photographs associated with the case
  - 3.1.3 Case Conversation Log and QA Notes
  - 3.1.4 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 Chain of Custody Report
  - 4.1.2 Case Jacket Report
  - 4.1.3 Reported electronic DNA data (e-data), samples and associated controls.
  - 4.1.4 Curriculum Vitae (CVs) of Assigned Analyst/Examiner(s) and technical reviewer/verifier.
  - 4.1.5 Proficiency Test (PT) summary sheets (2 cycles closest to the time of testing) applicable to the analysis performed for the assigned analyst/examiner directly involved with the laboratory testing and the technical reviewer/verifier.
  - 4.1.6 Electronic version(s) of the following applicable documents in effect at the time the casework testing was performed:
    - 4.1.6.1 Standard operating procedures (SOPs) and/or protocols utilized
    - 4.1.6.2 Laboratory Quality Assurance Manual

- 4.1.6.3 Evidence Handling and Submission Manual
- 4.1.7 Website information where the Laboratory's Accreditation Documents can be accessed
- 4.1.8 Additional requested information will be provided at the discretion of the Section Manager or designee

## **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
  - 5.2.3 Corrective action documentation
  - 5.2.4 Contamination logs
  - 5.2.5 Analyst training records
  - 5.2.6 Additional requested information may be viewed at the discretion of the Section Manager or designee

## **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 Data Not Reported (DNR)
  - 6.1.2 Equipment, instrument and reagent user's manuals

- 6.1.3 Error rates
- 6.1.4 Published information regarding population databases used for statistical calculations
- 6.1.5 Software used for data interpretation and statistical calculations
- 6.1.6 Docket numbers or court transcripts of previous Analysts'/Chemists' testimony
- 6.1.7 Published studies on technology and developmental validations
- 6.1.8 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 mailed via United Parcel Service (UPS) to the requesting District Attorney's Office or other parties by court order.
  - 7.1.1 The UPS tracking number will be logged into the Laboratory Information Management System and is available upon request.
- 7.2 Discovery packets will typically be sent using 2-day ground shipping.
  - 7.2.1 If an expedited request is made due to a court compliance date, approval may be granted by the CMU supervisor or designee to either send via UPS overnight, have a designee of the DA's office pick up the packet at the laboratory or to scan the discovery packet and send via email (if scanned, a hard copy of the packet will also be mailed via UPS).

## **8 FREEDOM OF INFORMATION ACT REQUESTS**

- 8.1 All Freedom of Information Act (FOIA) Requests should be forwarded to the laboratory Legal Counsel.
- 8.2 The laboratory Legal Counsel will review the request and determine if the laboratory is in possession of the information/documents requested.

## **9 REVISION HISTORY**

<b>REVISION DATE</b>	<b>VERSION</b>	<b>TOTAL PAGES</b>	<b>REVISION</b>
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7/24/15	1.0	7	Original-created from CMU-D005.
6/23/16	2.0	8	See tracked changes on file in QA.
8/1/16	2.1	8	Amended standard discovery packet to include case conversation log and QA notes.

**SIGNATURES ON FILE AT QUALITY ASSURANCE OFFICE**

**10 MANUAL REVIEW**

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**SHERRI R. ANDERSON**  
**SUPERVISOR CASE MANAGEMENT UNIT**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**STEFANY E. HARMAN**  
**ACTING SECTION MANAGER OF FORENSIC BIOLOGY**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**LYNN A. SCHNEEWEIS**  
**DEPUTY DIRECTOR OF FORENSIC BIOLOGY**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**KIMBERLY A. ANDERSON**  
**QUALITY ASSURANCE MANAGER**

\_\_\_\_\_  
**DATE**

**11 AUTHORIZATION**

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**KRISTEN L. SULLIVAN**  
**LABORATORY DIRECTOR**

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**DATE**