



# Maine State Police Crime Laboratory

## Discovery

### 1. **Scope**

The laboratory routinely receives requests for case related information via discovery requests, FOAA (Freedom of Access Act) and post-conviction review. Any copies made in response to these requests are provided as a service and fees will be levied for this service.

### 2. **Request for Information**

2.1 Any laboratory staff member who receives a request for materials related to discovery, FOAA or post-conviction review must submit a copy of that request to the Laboratory Sergeant.

2.2 All FOAA requests and discovery requests for civil cases will be coordinated with the State Police Staff Attorney, who is responsible for responding to the request.

2.3 The laboratory will not release information on pending criminal investigations.

### 3. **Criminal Discovery and Post Conviction Information Requests**

3.1 Criminal Discovery and Post Conviction Review requests are given high priority and must be answered in a timely manner.

3.2 All information requests will be tracked by the Laboratory Sergeant.

3.3 The prosecuting attorney will be contacted to ensure that the attorney is aware of the request, that there are no objections to the request, and that the attorney is aware that the defense (or person making the request) will be charged a fee for this service unless proof is provided that their client is indigent. The investigating agency will also be notified of the disclosure request.

3.4 The following are materials that will be copied and provided via an information request:

- Copies of bench notes
- Copies of photographs
- Curriculum vitae of the scientists involved

3.5 Electronic data and digital images will be provided when specifically requested.

3.6 The Laboratory will not provide copies of protocol manuals, accreditation documents, etc, except on a limited basis. For example, a request for one specific protocol would be granted. Otherwise, the individual requesting the information will be invited to the laboratory to review the documents.



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- 3.7 The Laboratory will not provide copyrighted or proprietary materials.
- 3.8 The Laboratory will not provide public information, such as journal articles, etc. that can be obtained by other means.
- 3.9 The Laboratory Sergeant will coordinate with the appropriate scientists to have the materials copied in a timely manner. One copy is made for the requestor and one copy for the prosecuting attorney.
- 3.10 All information is compiled and submitted to the prosecuting attorney along with an invoice for the cost of time, copying and disks. The following is the fee schedule:
- \$15.00 per hour of labor, the first hour is free
  - \$10 for every 25 pages of copying, i.e. 1-25 = \$10, 26-50 = \$20, etc.
  - \$6 for every disk
  - \$2 for 4 X 6 photos which will only be provided from 35 mm film
  - \$2 for 8 ½ X 11 prints made from digital photos
- 3.11 If the bill for the discovery packet exceeds \$100 or if the attorney has a delinquent outstanding balance, pre-payment will be required prior to the release of the information.
- 3.12 A letter will be included with the discovery packet which will issue an invitation to the requestor to come to the laboratory to review any information not provided.
- 3.12.1 The purpose of scheduling a meeting to review the documents or records requested is an effort to isolate specific items for copying. The laboratory maintains a large volume of documents and records relevant to the quality assurance system and operation of the laboratory. Copying each and every one is not reasonable and is overly burdensome.
- 3.12.2 Should the defense counsel choose to review documents or records at the laboratory, an appointment will be made with the Laboratory Sergeant well in advance of any trial date.
- 3.12.3 The defense counsel will not be allowed unfettered access to the laboratory and will be supervised at all times.
- 3.12.4 Whenever possible, the review of documents or records will be conducted in an unrestricted area of the laboratory such as the conference room.



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- 3.12.5 Access to the documents or records will be allowed only during normal business hours and should be completed in a reasonable time frame.
- 3.12.6 Generally, any document or record produced by the crime laboratory is available for review. However, the laboratory reserves the right to redact any information that may compromise laboratory security, investigative work product or an individual's privacy. Additionally, the laboratory will not allow duplication of any copyrighted materials.
- 3.12.7 Should the defense counsel wish to make photocopies of any records, the laboratory reserves the right to assess a fee for the copies or require the defense attorney to make the photocopies.
- 3.12.8 The prosecuting attorney may request a copy of anything that is taken by the defense counsel. The Laboratory Sergeant will be responsible for making those copies.
- 3.11.9 An appointment can be scheduled with the Director to discuss additional arrangements if the defense counsel's needs have not been met.