

# LABORATORY SERVICES BUREAU

Document: Bureau Quality Assurance Manual

Policy Number:  
914

Revision:  
11

Subject: LSB-QAM-47 Discovery Procedures

Approved:  
Wolf, Jody

PHOENIX POLICE DEPARTMENT Effective: 3/4/2021 9:20:01 AM

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## 1. DISCOVERY PROCEDURES

- A. Documentation may be released or made available for review in response to a discovery or public records request in accordance with the applicable sections of Operations Orders 4.6.
- B. Authorized Receivers of criminal justice information include:
  - (1) Phoenix Police Department officers and detectives.
  - (2) County Attorney's Office, City of Phoenix Prosecutor's Office and US Attorney's Office.
  - (3) Criminal justice agencies, e.g. federal, state and local law enforcement agencies, Adult Probation, Immigration, etc.
    - (a) Release to agencies outside of the R15 discovery process should be coordinated with the applicable investigative detail.
  - (4) The Public Defender's Office and other defense representatives via proper discovery channels and through the appropriate prosecutor's office.
- C. No information will be released to private individuals or companies to include media.
  - (1) Private individuals should be referred to the public records counter of the Code Enforcement Unit or to the Case Agent for that IR Number.
- D. Verbal Release of Information
  - (1) Analysts should verify the identity of the caller prior to release of any information.
  - (2) If any question exists as to the identity of the caller, offer to call the agency back and ask for the person who called.
  - (3) The information released and to whom should be recorded in the case record.
- E. Discovery requests are most often received as requests from the prosecutor (to comply with Arizona Rules of Criminal Procedure 15.1) or court orders submitted by the defense. Material provided in response to discovery requests must be processed through the appropriate prosecutor's office (normally the Maricopa County Attorney's Office or the City of Phoenix Prosecutors Office).
  - (1) Requests for documentation should be written, not verbal.
- F. Material directly related to the time frame of the examinations, the laboratory sections where the work was performed, and the personnel conducting the examinations is appropriate to be provided in response to a discovery request.
  - (1) Discovery requests for material beyond this scope should be coordinated with the assigned prosecuting office and/or the employee's chain of command to determine applicability prior to release.

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- (2) If a discovery request is unclear, appears to be overly broad, or otherwise burdensome, notify the appropriate prosecutor and request the prosecutor evaluate the disclosure request for appropriateness of scope prior to disclosing material.
- G. Documentation released in response to a discovery request shall include at a minimum:
- (1) The LIMS test report(s) including amended reports if applicable.
  - (2) Examination documentation (notes) used in support of the test report to include case notes, batch data, images, diagrams, charts, and etc. (This includes "draft" electronic notes).
  - (3) Case communication records related to the requested reports or notes.
    - (a) This can include communication specific to the analyst's work as well as communication relevant to the entire case.
    - (b) Relevant communication records that should be retained and disclosed include, but may not be limited to, records of new conclusions, statements of results that differ from those present on test reports, and records of discussion with customers regarding what items to test.
    - (c) Communication records with internal or external customers that do not need to be retained or disclosed include those related to administrative tasks such as setting interview times, laboratory case assignments between sections, discussions regarding request status/priority, and providing existing test results to customers. (Records of communication of test results that are not present on a test report do require retention and disclosure).
    - (d) LIMS assignment notifications when containing communications or directions relied on to process the case.
  - (4) Case evaluation notes or records related to the case.
  - (5) Any additional material specifically requested.
- H. The following material can be released in response to a request.
- (1) Uncontrolled copies of controlled documents may be released (e.g. Section protocols). PDF copies of the controlled documents can be found on Qualtrax.
  - (2) Curriculum vitae or directions how to access CVs online.
  - (3) Proficiency result notification forms and summaries.
  - (4) Court testimony-monitoring forms.
  - (5) Accreditation summary reports, certificates or audit compliance notifications.
  - (6) Quality Assurance summary reports

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- (7) Validation summary reports
- I. The following documentation can be voluminous and does not need to be released in hardcopy. Electronic (PDF) copies of the documents, if present, may be provided and the material can also be made available in the laboratory for review.
  - (1) Proficiency files, by appointment with the Quality Manager.
  - (2) Validation study material, by appointment with the Section Supervisor or DNA Technical Leader
  - (3) Equipment and reagent log books, by appointment with the Section Supervisor.
  - (4) Audit documentation, by appointment with the Quality Manager
  - (5) Quality assurance actions and documentation, by appointment with the Quality Manager
  - (6) Training records, studies, reports, technical notes, treatises, certificates of analysis, etc. by appointment with the Section Supervisor.
- J. Copyrighted "©" materials, such as the ISO 17025 standard, will not be released. Purchasing information for the material may be provided.
- K. Multiple releases of documentation to the same entity are not necessarily appropriate. In the event a discovery request is a duplication of a previously answered request, a reference to the prior release can be made in lieu of repeatedly providing the material.
  - (1) Note, Items listed above or additional material may be provided at the direction of the court.
- L. Documentation released, the date released, and the recipient will be noted in the case file or LIMS imager as applicable. The Distribution of Notes Form can be used.

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## 2. PUBLIC RECORDS

- A. Public records requests for information may also be received from the Public Records Section of the Code Enforcement Unit.
- (1) Upon receipt of a Public Records Section records request email notification, the Public Records Liaison in the Administrative section may then delegate the request form to the appropriate personnel in order to respond to the request. Top Management of the respective personnel or sections will be notified of the public records request.
    - (a) The responding (responsible) person will attempt to find and provide the requested information. Sensitive personal information may be redacted in accordance with Operations Order 4.6.3 from pertinent records prior to release.
    - (b) The request form will be completed, signed and returned to the Lab Administrative Liaison to be saved in an electronic format along with the requested material. Top Management will be notified to review the requested material for approval to release.
    - (c) If the requested material is not under the control of the laboratory – it should be clearly stated as such on the form. The form and requested material must still be returned to Code Enforcement.
  - (2) Additional information related to Public Disclosure Requests is available in Ops Orders 5.2 – Media Relations.