

COMMONWEALTH OF MASSACHUSETTS

Office of

District Attorney Joseph D. Early, Jr.

Worcester County
(Middle District)
(508)-755-8601



Worcester Trial Court
225 Main St. G301 Worcester, MA 01608
www.worcesterda.com

April 29, 2021

Re: Duty of Disclosure

Dear Chief:

Our collaboration in presenting evidence in court depends upon the efficient, capable, and honest performance of our duties. Toward that end, we are required to disclose to defendants material that is "favorable to the accused," whether it is possibly exculpatory or capable of impeaching a witness. See Brady v. Maryland, 373 U.S. 83, 87 (1963), and Giglio v. United States, 405 U.S. 150 (1972). I believe that through current procedures and conscientious efforts, police and prosecutors exceed these discovery obligations in this jurisdiction.

The Supreme Judicial Court, however, recently issued an opinion that creates another specific duty of disclosure. See In the Matter of a Grand Jury Investigation, 485 Mass. 641, 660-61 (2020). In any case where a police officer has prepared a report or is a potential witness, the prosecution must be informed if at any time that officer has "lied to conceal a police officer's unlawful use of excessive force, or lied about a defendant's conduct and thereby allowed a false or inflated criminal charge to be prosecuted." Id. at 661.

To assist you in making this disclosure, I am enclosing a form that you should complete whenever applicable and return to the District Attorney's Office as indicated. By the end of this year, this form will likely be superseded by the public database that will be created by the Massachusetts Division of Police Certification within the newly created Massachusetts Peace Officer Standards and Training Commission. See St. 2020, c. 253, § 30. In the meantime, the information you provide on the form will be disseminated to the defense and may be deemed a public record.

Thank you for your assistance in supporting the fair and diligent administration of justice in Worcester County.

Very truly yours,

A handwritten signature in blue ink that reads "Joseph D. Early Jr." with a stylized flourish at the end.

Joseph D. Early, Jr.
District Attorney

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★ LITIGATION INTEGRITY DIVISION ★

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Witness Conduct Disclosure Form

Name of Officer or Civilian Employee: _____

Police Department: _____

Reason for disclosure (check all that apply):

lied to conceal a police officer's unlawful use of excessive force

lied about a defendant's conduct and thereby allowed a false or inflated criminal charge to be prosecuted

Name: Chief of Police / Supervisor

PLEASE COMPLETE FORM WHENEVER APPLICABLE AND RETURN TO:

Christopher P. Hodgens, Assistant District Attorney
Litigation Integrity Division
District Attorney's Office
Courthouse
225 Main Street
Worcester, MA 01608