

COMMONWEALTH OF MASSACHUSETTS

Office of

District Attorney Joseph D. Early, Jr.

Worcester Trial Court  
225 Main St. G301 Worcester, MA 01608  
[www.worcesterda.com](http://www.worcesterda.com)

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



August 20, 2021

Re: Duty of Disclosure

Dear Chief:

In May I wrote to you in regard to our shared obligation to disclose certain information to defendants under Brady v. Maryland, 373 U.S. 83, 87 (1963), and Giqlio v. United States, 405 U.S.150(1972). I am enclosing a copy of that prior communication for your convenience. Given the high demands placed upon each of our agencies during the pandemic, I thought it appropriate to follow up with you on this matter. I am requesting that each department review the updated notification requirements and confirm that you have no personnel meeting the requirements for notice or complete the notice form for each individual to be forwarded to my office.

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

Very truly yours,

Joseph D. Early, Jr.  
District Attorney

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LITIGATION INTEGRITY DIVISION  
Worcester Trial Court  
225 Main St. G301 Worcester, MA 01608  
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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.
- received notice of a disciplinary proceeding that renders the officer/employee presently unavailable for duty.

\_\_\_\_\_  
Name:  
Chief of Police / Supervisor

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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

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# Commonwealth of Massachusetts

Office of

## District Attorney Joseph D. Early, Jr.

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

Worcester County  
Middle District  
508-755-8601

May 3, 2020

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 Gioglio 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 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,

Joseph D. Early, Jr.  
District Attorney