DISCOVERY REQUEST LANGUAGE FOR BIOLOGICAL TESTING (INCLUDING DNA)

This is a request for disclosure of scientific materials pertaining to biological testing performed in the case of \_\_\_\_\_\_\_ (case number \_\_\_\_\_\_ ). This request applies to all DNA testing, serological testing, presumptive testing and any other biological testing that has been, is currently being, or will be performed in this case. The request is ongoing. In the event that new materials responsive to this request are produced, discovered, or otherwise come into the possession of the prosecution or its agents, said materials should be provided to the defendant without delay. For cases involving multiple agencies or testing laboratories, the prosecution is requested to direct this request to all agencies and/or laboratories that handled items or undertook DNA testing, serological testing, presumptive testing and/or any other kind of biological testing in this case.

For a case involving a cold-hit, the prosecution is requested to direct Request #11 to the laboratory responsible for maintaining the database that reported a hit.

1. Biological testing case file: Please provide a complete copy of the case file including all records made by each laboratory in connection with biological testing in the instant case, including biological screening, serological testing, presumptive testing, microscopy and DNA testing. Please provide documentation of any DNA profile uploaded to a local, state or national DNA database (LDIS, SDIS or NDIS). Please provide photographic quality copies of all photographs in the original case file (including photographs of evidence). Electronic copies of photographs are acceptable.

2. Chain of custody and current disposition of evidence: Please provide copies of all records that document the treatment and handling of biological evidence in the instant case, from the initial point of collection up to the current disposition. This information should include documentation that indicates where and how the materials were stored (temperature and type of container), the amount of evidence material that was consumed in testing, the amount of material that remains, and where and how the remaining evidence is stored. In the event that the chain of custody spans several different agencies or laboratories, please address this request to each agency and/or laboratory that handled said items.

3. Data files: Please provide copies of all computer data files created in the course of performing the DNA testing and analyzing the data in this case (i.e., both raw data and processed data). These data files should include all sample files (“.fsa” and/or ".hid"), project files (“.ser”), matrix files, size standard files and analysis method files. In the event that a particular data file cannot be produced, please provide name of said file with explanation for non‐production.

4. Probabilistic genotyping output: Please provide copies of all computer folders and data files used or created in the course of probabilistic genotyping analysis in this case, referred to as “results” or “analysis output” folders. These folders and files should include all timestamped folders outputted by a probabilistic genotyping system and the folders’ contents, including files with the following file extensions: .xls(x), .pdf, .csv, .txt, .ini, or .html. Please provide all files in their native file format (e.g. digitally on CD, DVD, or flash drive or made available for an internet file transfer).

5. Laboratory protocols, frequency tables and interpretation guidelines: Please provide a copy of the standard operating protocols (SOPs), frequency tables and interpretation guidelines relied upon to perform the testing in the instant case. Interpretation guidelines should include those that address; (i) peak detection threshold(s), (ii) stochastic threshold(s), (iii) interpretation of mixed samples, (iv) declaration of inclusions, exclusions and inconclusive findings, and (v) policies for reporting results and statistics.

6. Validation summaries: Please provide summaries of validation studies conducted to establish peak detection (analytical) thresholds; stochastic thresholds; and interpretation of low-level or mixed samples. Please provide a validation study summary document for any probabilistic genotyping software used in this case. Please note this is a request for the validation summary only, not the entire validation study.

7. Unexpected results and corrective actions: For each laboratory that performed DNA testing in the instant case, please provide copies of the laboratory’s log of unexpected results and corrective actions. The logs should be provided for the time period beginning six months before the start of testing and ending six months after the completion of testing. Documentation should be provided for unexpected result events that arose due to mechanical, chemical and analyst operations, including; contamination, the presence of extraneous DNA, sample handling errors or any other reason. The logs should be provided for all laboratory personnel not just the analyst(s) who performed the testing in the instant case. Please note, this is a request for the logs themselves, not just for entries within the logs that pertain to the instant case.

8. Accreditation: Please provide copies of the following for any laboratory that performed DNA testing in the instant case:

8.1 All licenses or other certificates of accreditation held by the laboratory.

8.2 Quality Assurance Audit Documents bracketing the testing in the instant case, including the last external audit before the start of testing, the first external audit after the completion of testing and all audits, both external and internal, for the time period between. This information should include the audit documents and all communications between the auditing agency and the laboratory being audited. Electronic copies preferred.

9. Laboratory personnel: Please provide background information for each person involved in conducting or reviewing the DNA testing performed in the instant case, including:

9.1 Current resume and job description.

9.2 A summary of proficiency test results.

10. Communications: Please provide a copy of all communications between laboratory personnel and any other party with regard to the instant case, including letters, memos, emails and records of telephone conversations (including communications with regard to any DNA profile uploaded to a local, state or national DNA database (LDIS, SDIS or NDIS)).

THE FOLLOWING LANGUAGE APPLIES TO CASES INVOLVING A COLD HIT AND SHOULD BE ADDRESSED TO THE LABORATORY RESPONSIBLE FOR MAINTAINING THE CONVICTED OFFENDER DATABASE

11. Hit-file: In the event that this case involves a ‘cold hit’ please provide all records pertaining to any sample taken from the defendant for inclusion in a convicted offender genetic database, from the initial collection of said sample to its current disposition. These materials should include, but not be limited to, records of sample collection, chain of custody records, bench-notes for DNA testing (including printed electropherograms), electronic data, computer entry forms, Match Details Reports, unexpected results/corrective actions and any communications pertaining to these samples or searches involving these samples, including letters, emails, memos and records of telephone conversations.