



JONATHAN W. BLODGETT
District Attorney

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE
DISTRICT ATTORNEY FOR THE ESSEX DISTRICT
SALEM NEWBURYPORT LAWRENCE

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April 8, 2021

Re: Disclosure of potential impeachment material regarding police officers

Dear Chief,

As you are aware, prosecutors have constitutional, rule-based, and ethical obligations to disclose to defense counsel in criminal cases potential impeachment material concerning law enforcement witnesses. See Matter of A Grand Jury Investigation, 485 Mass. 641, 650-653 (2020); Mass. R. Crim. P. 14 (a) (1) (A)(iii); Mass. R. Prof. C. 3.8. The obligation extends to information in the hands of police. Id.

Attached is a copy of the “Essex District Attorney Policy on Potential Impeachment Material Concerning Law Enforcement Agency Witnesses,” which more fully describes the disclosure obligation and the policy of this Office for meeting the obligation. The policy discusses the nature of the information that may require disclosure, the centralized database to facilitate required disclosures in individual criminal cases, and the admissibility and confidentiality of the information.

Please note that, while legal and ethical obligations must always take precedence, I am cognizant of the significant professional and reputational stake individual officers have in these matters. Accordingly, Section V of the policy provides a protocol whereby officers may petition to be removed from the database on meritorious grounds including but not limited to the fact that a finding of misconduct was later overturned.

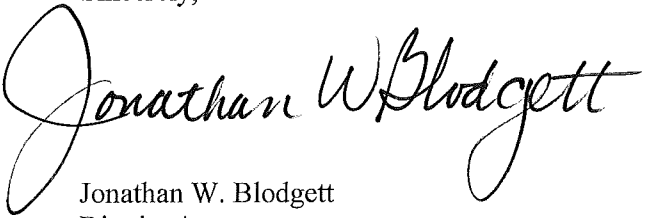
Of course, meeting our obligations requires your cooperation. To that end, I request that you phone First Assistant Mary-Alice Doyle, Deputy First Assistant Kim Faitella, or Deputy Appeals Chief David O’Sullivan at the main Office if and when you become aware of any of the following kinds of information concerning an officer, or any similar information:

1. Any convictions and continuations without a finding of any criminal offense in which the officer was a defendant;
2. Any open criminal cases against an officer;
3. Any final findings of untruthfulness or other misconduct implicating credibility;
4. Any final findings that an officer has engaged in bias, racial or ethnic profiling, or discrimination;
5. Any final findings that an officer has utilized excessive or unreasonable force.

Following a phone conversation, we will determine an appropriate course of action.

Please do not hesitate to contact the above-named staff with questions. I greatly appreciate your full compliance with this disclosure requirement, which is essential to meeting our common goal of protecting the citizens of Essex County.

Sincerely,

A handwritten signature in black ink that reads "Jonathan W. Blodgett". The signature is written in a cursive style with a large, looping initial "J".

Jonathan W. Blodgett
District Attorney