

**CM WI-06 Discovery and Freedom of Information Act  
(FOIA) Requests**

*Approved by Director: Dr. Guy Vallaro*

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**Freedom of Information Act (FOIA's) and Discoveries:**

1. FOIA requests for copies of case files (notes, data, photos, etc.) are received from the CT Department of Emergency Services and Public Protection Legal Affairs Unit via email, fax, US mail or subpoena. Any FOIA request received at the CT Division of Scientific Services (from an attorney, correctional facility inmate, news agency or citizen) will be forwarded via email or hand delivered to the CT Department of Emergency Services and Public Protection Legal Affairs Unit ([DESPP.legal@ct.gov](mailto:DESPP.legal@ct.gov)).
2. Discovery requests for copies of case files (notes, data, photos, etc.) are received via email, fax, US mail or subpoena from State's Attorney's Offices and other sources.
3. For FOIA/Discovery requests a folder is made for each case request on the lab shared drive (S drive) in the Case Management folder for discoveries and FOIA's. The folder will be named using the DSS case number (i.e., DSS-21-1234). Breathalyzer FOIA/Discovery requests will be handled separately by the Toxicology Unit.
4. In LIMS-plus, add a request under "Case Management Unit" section, select either service request "FOIA" or "Discovery", and assign to the CMU Lead or designee. The CMU Lead or designee will create the appropriate section specific child requests from the parent assignment using "FOIA Unit Request" or "Discovery Unit Request". The child requests(s) will be assigned to the person scanning the documents for that section.
5. Documents should be scanned in color when appropriate (i.e., photographs, graphs, charts, etc. are present). The scanned copies are saved with the case number and the Unit name after the case number (i.e., DSS-21-1234FB).
6. For DNA, copies of appropriate worksheets will need to be redacted to remove any information not related to the case (i.e., samples ran in a batch). For Latent Print files, refer to LP SOP-37 Case File Scanning for Discoveries for additional guidance. The redacted copies need to be verified by the case examiner or designee for accuracy. Case files containing DNA information will be initially reviewed and redacted by DSS staff in accordance with:
  - Current DSS and FBI/NDIS MOU
  - Federal Identification Act of 1994 (42 U.S. Code § 14132/ 34 U.S Code § 12592) sec-12592.pdf (justia.com)

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- Connecticut General Statutes CGA Search ([state.ct.us](http://state.ct.us))
- Redact items pursuant to CGS Section 1-210(b)(3)

DNA casefiles will be redacted and released according to the request type and the requestor's status. DNA records are defined as DNA electropherographs and allele tables. Other Unit files may also need redactions and shall be redacted and verified as noted above. Note: Office of the Chief Medical Examiner (OCME) reports and victim photographs will not be released for FOIA requests (refer to Conn. Gen. Stat. Title 1, Section 210(b)(27) and Title 19a, Section 411(b)). FOIA requests regarding the OCME should be directed to the OCME.

Other FOIA redaction guidance:

- Requestor is an Attorney for a suspect or inmate (i.e., – Innocence Project, Habeas)
  - Redact unrelated case numbers and batch IDs.
- Requestor is a defendant/inmate who is currently incarcerated
  - Allowable under Federal DNA Act 34 U.S Code § 12592(b)(3)(C). Confirm inmate is incarcerated for case being requested.
  - Redact the following items pursuant to CGS Section 1-210(b)(3)
    - Victim's name and DNA records
    - Witness's name and DNA records
  - Verify with CT Department of Emergency Services and Public Protection Legal Affairs Unit whether or not Co-offender name(s) and DNA records should be redacted.
  - Release documents to inmate through DOC FOI Supervisor.
- All other requestors (i.e., - media outlets, private citizen)
  - Redact items pursuant to CGS Section 1-210(b)(3)
    - Victim's name and DNA records
    - Witness's name and DNA records
  - Redact items pursuant to CGS Section 1-210(b)(10)
    - Hospital paperwork from sexual assault kits
- All other requestors:
  - If requestor's identity is confirmed, release requestor's DNA records; CGS § 54-102j
  - Redact all DNA records, including evidentiary and known sample information; 34 USC § 12592(b)(3)
  - Redact all unrelated case numbers and batch IDs.

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7. Once the section file has been scanned and placed in the appropriate folder on the shared drive, the LIMS-plus child request will be released using the Draft Complete milestone. For DNA files, the preparer will “Edit Findings” once the file has been scanned and redacted. The reviewer can document the review has been completed by placing their initials and date in the Reviewer box of the Notes Section of the request. Once reviewed, the preparer will release the request using the Draft Complete milestone. The parent request will be released in LIMS-plus using the Draft Complete milestone after all the child requests have been released and the documents have been provided to the requestor.

8. Upon completion of the FOIA/Discovery, the files are shared using Microsoft OneDrive. A special request can be made to burn the documents to a CD for the requestor.

9. The requestor is notified electronically when the documents are uploaded to Microsoft OneDrive. If the documents are scanned to CD, an item in LIMS-plus is created for each CD. Upon retrieval, a signature is obtained from the agency representative receiving the CD(s) after they are returned in LIMS-plus.

10. Copies may be emailed to the requestor if the FOIA/Discovery is of limited nature. A delivery receipt is attached to the email as proof of receipt.

NOTE: If a “Litigation Hold” notice is received ordering that documents and electronically stored information may not be destroyed or altered, all files are prepared as above and a CD is stored in Administration. For notification purposes, in LIMS-plus at the case level add “Litigation Hold” in the case message window (– Case Info Tab – Select Case – Case Message).