CM WI-06 Discovery and Freedom of Information Act (FOIA) Requests	Document ID: 2059
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Freedom of Information Act (FOIA's) and Discovery Request:

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, GovQA portal 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).

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 (i.e., breathalyzer requests generally come in from defense attorneys).

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, DR-XXXX-1234) or other unique identifier.

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 preparing the documents for that section. If documents are being requested for just one section, a child request may not be necessary.

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. When an entire page(s) is not releasable, a blank page should be inserted in its place. The page will have language indicating "this page is not releasable".

7. For all discovery and FOIA requests, the Case Management Unit or designee will redact Latent Print "Non-Releasable Records" and all CODIS "no match" information. Unrelated case numbers will not be redacted.

    a. FOIA Requestor is an Attorney for a suspect or inmate
        i. redact only Non-Releasable Records and no-match information

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State of Connecticut Department of Emergency Services and Public Protection
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    b. FOIA Requestor is a defendant/inmate who is currently incarcerated
       i. Redact victim and witness DNA records in all lab section case files.

    c. All other FOIA requestors (i.e., - media outlets, private citizen)
       i. Redact all DNA records in all lab section case files.

    d. If applicable, it is the responsibility of the States Attorney's Office or the CT Department of Emergency Services and Public Protection Legal Affairs Unit to redact hospital records from Sexual Assault cases and any victim or confidential informants associated with the case including Office of the Chief Medical Examiner (OCME) reports and victim photographs (refer to Conn. Gen. Stat. Title 1, Section 210(b)(27) and Title 19a, Section 411(b)).

    e. Unrelated case numbers will not be redacted by the laboratory.

    f. Case Management staff will reach out to the respective section manager with questions pertaining to redactions. Staff must receive approval from a section manager or the Director before redacting that does not fall under one of the reasons above. The approval to redact outside the reasons above will be documented in the case synopsis.

8. 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. 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.

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

10. 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.

11. 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.

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12. 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).

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