

A. Purpose:

To outline the steps required when a Discovery or FOIA (Freedom of Information Act) request is made to provide a redacted (i.e. removal of child pornographic images and/or videos) copy of work product or attachment media.

B. Responsibility:

Forensic Examiners (however titled)

C. Procedure:

- 1) Upon receiving a discovery request from an outside agency, the examiner will notify the Unit Lead and the request will be referred to Case Management per (CM WI-06) and GL-11 (Control of Records).
- 2) Prior to release of the copy requested, a careful review of the attachment media data contained on the Work Product media will be made using an approved forensic software tool. The examiner will complete Quality Record CC-52 "Verification Record – Discovery/FOIA Request for Redacted Attachment Data".
- 3) All image and video type files contained within the attachment data will be reviewed for suspected child pornographic content. In circumstances, where triage type reports are included as attachment materials, all associated exported data will be reviewed. There may also be reports containing embedded image data (i.e. C4All reports) which may not be directly viewable upon loading into a forensic tool; in these cases, a new report excluding the image data will be generated.
- 4) All files which contain suspected child pornography will be identified and removed from the attachment data and a new copy of the attachment will be generated on the appropriate media. Following completion of the new copy, the examiner will review the final product to confirm removal of all child pornographic containing files.
- 5) Upon completion and review of the redacted copy of the attachment by the examiner, the case will be reviewed by the technical reviewer of the case or if not available by another examiner. The media copy will be initialed as verified by the examiner and reviewer.
- 6) Procedures for control and returning the discovery media to the requesting agency will be followed as detailed in CC SOP-29. A copy of the media produced will be retained in the case jacket and itemized in Justice Trax.

Approved by Director: Dr. Guy Vallaro

The itemized media that is to be released will be transferred to Evidence Receiving for the completion of the Discovery Request.

- 7) In Case Management WI-06, the examiner notification form is normally signed by Legal Representative receiving the Discovery materials. In the case of electronic media being requested, the evidence receipt will act as the acknowledgement of receipt of materials.
- 8) In the case of a FOIA, the media produced will be stored in the case jacket rather than on the S: drive. The Unit Lead will review the media and generate and sign the "True and Accurate" letter. The electronic media that was produced for the requestor, will be handled as indicated in Section 6 of this SOP.

A copy of the "True and Accurate" letter will be scanned into the S: drive and the original will be placed into the main case file in Evidence Receiving. A copy of the letter may be retained in the Unit case jacket. The electronic media produced for a FOIA will be transferred in Justice Trax to Legal Affairs personnel or into "mail transport" for delivery.