

	LOM 1.15 Release of Information	
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	Document Manager: John Bowen	Approved By: Ryan Larrison

LOM 1.15 Release of Information

The submitting or requesting law enforcement agency shall be notified prior to placing case information from the laboratory into the public domain (e.g. Media, FOIA, and Information Requests). Documentation of the notification shall be placed into the case details object repository of the Laboratory Information Management System (LIMS). An exception to the customer notification may be given if it is prohibited by law.

Information obtained about the customer (submitting agency) from an outside source shall be confidential between the customer and FSD. The source of the information shall be confidential to FSD and not shared with the customer.

Any person visiting or working in the laboratory shall be notified of FSD's confidentiality policy and shall hold all information obtained or created confidential to the same extent as a laboratory employee, except as provided by law. This shall be accomplished through the official visitor log form ([FS-01](#)) available on Qualtrax. The log form shall include the following language:

By signing this visitor log, you acknowledge that FSD's confidential information may not be removed, duplicated, photographed, transmitted, shared or disclosed at any time or in any manner to any individual or entity without FSD's written permission. By signing the visitor log, you further acknowledge and agree that if FSD provides you with confidential information, for any purpose, that you will keep such confidential information strictly confidential and will refrain from any action or conduct which can or will compromise its confidentiality.

For purposes of this policy, written requests for information, Discovery Requests and Discover Orders are treated equally.

1.15.1 Media Requests

Media requests for information, including interviews, pertaining to crime scene investigations and/or case analysis, shall be handled by the Laboratory Director. The Laboratory Director, with approval from the Forensic Science Division or the Public Affairs Office, may decide to accommodate requests from the media. Media inquiries for information about a criminal investigation should be forwarded to the investigating agency. (See Official Order No. 20)

1.15.2 Releasing Reports

Laboratory reports shall only be released to the submitting agency unless authorization is given by the submitting agency to release the report to another entity or person. Exceptions include releasing reports to the prosecutor's office when requested by the prosecuting attorney, and NIBIN reports to the ATF. The authorization to release a report must be documented in the case file unless it is a standing request (i.e. Wayne County Prosecutor's Office).

The release of laboratory reports is automated by the Forensic Advantage software system. Reports are not to be released in any other manner, unless CJIS guidelines for the protection of Personally Identifiable Information (PII) and Criminal Justice Information (CJI) are followed in the report delivery. Sending a report as an attachment to an email message without additional precautions is not acceptable.

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1.15.3 Requests for Information

Laboratories may receive requests for information in the form of a general request in writing, Discovery Order, or a Discovery Request. A Discovery Order is a request for information that has been reviewed and signed by a judge. A Discovery Request is a request for information from an attorney in the form of a Discovery Order that has not been reviewed and signed by a judge.

Requests for information from anyone other than the submitting law enforcement agency, defense attorney on record or the prosecuting attorney (e.g. defendant, inmate, family member, general public etc.) shall be forwarded to the Department's Records Retention Unit (LOM 1.15.5). Requests for information from the submitting law enforcement agency, defense attorney on record or the prosecuting attorney shall be evaluated, in consultation with the Laboratory Director and/or Technical Leader, prior to responding. For purposes of adequate documentation within the case record, all requests for information shall be in writing and maintained in the case record. Emails are an acceptable means of documentation.

Requests for information, whether in the form of a written request, Discovery Order or Discovery Request are to be considered as requests and evaluated on the scope/volume of the materials requested, ability to respond to the request and the overall relevance to the case in question. Requests for information that are commonly provided include:

- Current and historical copies of the Laboratory Operations, Quality Assurance, Training and Procedure manuals
- Proficiency test summaries
- Validation summaries
- Curriculum Vitae/Statement of Qualifications
- Case file contents

Requests for information from Defense Attorneys of record may be provided directly to them upon confirmation of their representation of the defendant. Confirmation of their status shall be maintained in the case file. Duplicate materials shall be sent to the corresponding prosecuting attorney.

1.15.4 Discovery Requests - Civil Lawsuits

FSD staff receiving a discovery request from an attorney representing either the department or a FSD staff member at department expense shall fulfill the request. A discovery request from another attorney or party in a case in which the department is a party or the FSD staff member is a party shall immediately forward the request to the Forensic Science Division and Office of the Director. FSD staff shall not respond to any other discovery requests made by another attorney or party unless directed to do so by the Office of the Director or an attorney representing the department.

FSD staff receiving a discovery request in a civil lawsuit related to department work, but where the department or FSD member is not a party shall contact the Forensic Science Division for guidance prior to contacting the Office of the Director for guidance. Refer to Official Order No. 34.

1.15.5 Freedom of Information Act (FOIA) Compliance

All Freedom of Information Act (FOIA) requests shall be immediately forwarded to the MSP Records Retention Unit and further handled in accordance to Official Order No. 20. The Laboratory Director, or their designee, is responsible for receiving and filling all Freedom of Information Act (FOIA) requests.

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FOIA requests requiring documentation maintained at the Division level, shall be forwarded to the FSD's Assistant Director of Laboratory Operations. All information requested in a FOIA request shall be provided to the MSP Records Retention Unit, if it exists.

1.15.6 Investigative Subpoenas

All investigative subpoenas received by an employee should be followed upon obtaining supervisory direction.