

*THE BENEFITS OF
ELECTRONIC DISCOVERY*

CASE STUDY

King County Prosecuting Attorney's Office
Washington State



PROSECUTORS' CENTER FOR
EXCELLENCE

ACKNOWLEDGEMENTS

This paper could not have been written without the exceptional help and insight of Prosecuting Attorney Dan Satterberg, Chief Deputy Prosecuting Attorney Mark Larson, Assistant Chief Deputy Prosecuting Attorney Erin Ehlert, Legal Services Supervisor Cheryl Woods, and Legal Services Manager Maureen Galloway.

The work by Kristine Hamann, Executive Director of Prosecutors' Center for Excellence was supported by Grant No.2015-DP-BX-K004 awarded by the Bureau of Justice Assistance/Department of Justice to Justice & Security Strategies. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in these materials are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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Electronic Discovery

Overview

Prosecutors are obligated to provide timely and complete discovery, particularly with regard to exculpatory and impeachment material. The discovery process can be complex and time consuming. Failure to properly record discovery documents provided to the defense can jeopardize cases and put prosecutors at risk of being charged with ethical violations. Thus, prosecutors are turning to technology to streamline the discovery process and to create a reliable record of what was turned over to the defense and when. Though the development of an electronic discovery system requires an initial investment of time and funding, it will significantly benefit a prosecutor's office by providing accurate records, a speedier process and appropriate accountability for all parties.

The King County Prosecuting Attorney's Office (KCPAO), which is located in Seattle, Washington, provides an excellent example of how a prosecutor's office has created a useful electronic discovery system. Their system continues to evolve and improve as experience suggests new approaches and as the available technology advances. The short-term costs associated with developing an electronic discovery system are far outweighed by the long-term gains.

Advantages of Electronic Discovery

There are many benefits to electronic discovery. They include:

- Creating an electronic record of the discovery material
- Creating an audit trail of who handled the discovery within the prosecutor's office
- Tracking the disclosure of Brady/Giglio information
- Flags for Brady/Giglio witnesses
- Creating a record of when the discovery materials were turned over to the defense, what was turned over, and when the materials were downloaded by the defense.
- Saving time by easily re-sending materials to the defense, the court, or a newly assigned prosecutor, when needed
- Integrating the information into other parts of the office's case management system.

Challenges of Electronic Discovery

As with all improvements, there are also challenges. The challenges include:

- Funding to develop the technology needed to collect and send the discovery
- Funding for licenses for the technology used
- Obtaining electronic records from the police. This is particularly difficult in jurisdictions with many small departments who may not have an electronic records management system.
- Staffing in the prosecutor's office for a variety of tasks such as:
 - Scanning records that are not received electronically
 - Entering data into the prosecutor's records tracking system
 - Creating a discovery package
 - Obtaining discovery materials from the police and others
 - Processing the growing volume of digital evidence, including videos from police worn cameras.
 - IT support
- Training staff, prosecutors and defense counsel on how to use the system
- Defense attorney capacity to receive electronic discovery. Some defense attorneys have old computer systems, or do not have the skills to receive electronic discovery.

Discovery in King County, Washington

Introduction

The King County Prosecuting Attorney's Office (KCPAO) has both civil and criminal jurisdiction and has 156 lawyers in the Criminal Division. The KCPAO handles arrests from 40 police departments, with 70% of the arrests coming from the Seattle Police Department and the King County Sheriff. The office files about 5000 misdemeanors and just over 6,000 felonies a year.

In 2013, the KCPAO partnered with the King County IT Department to build a program for police agencies to submit their cases electronically to the prosecutor. The program launched in 2015 by creating the electronic flow of police paperwork from King County's police departments to the prosecutor. Though some of the smaller police departments in King County do not yet send their documents electronically, once hard copies of documents are received, the KCPAO scans the documents into their case management system and includes them in the electronic discovery process. (See Appendix for a flow chart of the discovery process).

Washington State's discovery statute provides for early and broad discovery. Prosecutors rarely redact discovery. By statute, redactions are usually left up to the defense attorney who are required to make "appropriate redactions" before providing a copy of the discovery to the defendant. The redactions have to be approved by the prosecutor. (See Appendix for Washington's discovery statute (CrR4.7).) Barring witness safety issues, the philosophy of the KCPAO is to provide full discovery early in the process, often earlier than required by statute.

How a Case Moves from the Police to the Prosecutor

When the police submit a case referral to the KCPAO it is entered into the KCPAO case management system and assigned to a prosecutor for filing review.

Where a case referral involves a subject who is arrested and booked into the county jail, the subject may be detained for a maximum of 72 hours (excluding weekends and holidays). If the prosecutor wishes to keep the suspect in custody, the prosecutor must "rush" file charges and obtain an arrest warrant before the expiration of the 72-hours. If charges are not filed within the 72-hour time period, the subject must be released.

For subjects that are not initially arrested and booked, the police will submit a case referral to the KCPAO and filing reviews will be prioritized depending upon the severity of the case. In the more serious cases, the prosecutor can “rush file” to obtain an arrest warrant for an out-of-custody subject.

The KCPAO electronically submits their case filings to the court. Subsequent documents provided to the court are provided electronically or by hard copy.

Case Management System and Adobe Acrobat Pro

In 2013, the KCPAO moved to Prosecutor by Karpel (PbK), a proprietary electronic case management system. PbK tracks events related to a prosecution.

A case is initiated in PbK when police submit a case referral to KCPAO. The police submit the case referral electronically or by hard copy. Hard copy submissions are scanned into PbK by KCPAO staff.

Adobe Acrobat Pro is integrated into PbK. It is software developed to view, create, manipulate, print and manage files in Portable Document Format (PDF). Adobe Acrobat Pro has a number of capabilities that can help with discovery; they include:

- Combining all materials into one pdf document
- Sequentially numbering the materials
- Adding the case number and defendant’s name to the materials at the bottom of the page
- Reducing the size of the documents so the pagination, case number and defendant’s name can be seen at the bottom of the page
- Redaction tools that can redact sensitive information, such as the address of a witness who may be at risk.
- Indexing the text in the documents, so the documents are searchable. (In KCPAO, PbK does the indexing and not Adobe Acrobat Pro.)

Adobe Acrobat Pro can be used for electronic discovery, even if it is not integrated into a case management system, such as PbK. However, if it is used as a stand-alone system, it requires a license for each user. More information about how to use Adobe Acrobat Pro can be found at this link: [Adobe Acrobat User Guide](#).

Filing and Records Units

To assist with various phases of a case, the KCPAO has a Filing Unit and a Record Unit in their office locations in Seattle and Kent.

The Filing Unit

The Filing Units consist of approximately nine non-attorney staff and two supervisors, as well as a number of prosecutors who are assigned to the Filing Unit on a rotating basis. The Filing Units (also known in some jurisdictions as Intake Units) receive and input new case referrals from the police into PbK. The referrals are assigned to prosecutors who review the case and prepare the necessary documents for charging. Once the review is completed, the filing staff electronically files the charging documents with the court, processes and delivers arrest warrants to law enforcement and ensures that defendants are docketed for arraignment hearings.

In addition to creating charging documents, prosecutors also enter an initial discovery approval code in PbK at the time of filing. Once the Filing Unit staff has gathered other necessary information, including the defendants' criminal history, it will send a notice to the Discovery Unit that discovery needs to be processed. PbK organizes this notice by arraignment date in a Discovery Unit queue within PbK. This queue guides the work of the Discovery Unit.

The Record Unit

KCPAO also has two Record Units, staffed by approximately 13 non-attorney staff and two supervisors. The Record Units track cases after filing and ensures that defendants are docketed for court appearances, including defendants booked into jail for failure to appear at previous court hearings.

Entering Documents into PbK

Police documents are generally uploaded into PbK by the Filing Unit staff prior to filing. Some documents are uploaded electronically, and others must be manually scanned into PbK. Any document that is received post-filing is usually scanned directly into PbK by the Discovery Unit staff; or if set for trial, by the trial paralegal. Most documents entered into PbK are individually listed and also given a category. The categories include, among other things, law enforcement reports, ("LE Reports"), audio files, photographs, criminal history, as well as documents that are not discoverable documents ("NOTDISC").

Screen Shot: Categories of Documents

Category	Select	File Name This Case	Created	Authorized	Sent	Size
LE REPORTS	<input type="checkbox"/>	Supplemental Narrative 17-006564 Spencer 20170112 140642.pdf	12-01-2017			575 KB
LE REPORTS	<input type="checkbox"/>	0027 AUDIO Surveillance Footage Full Lobby 17-006564 Spencer...	12-01-2017			12,610...
LE REPORTS	<input type="checkbox"/>	0027 AUDIO Surveillance Footage Lobby 17-006564 Spencer 201...	12-01-2017			6,077 KB
LE REPORTS	<input type="checkbox"/>	0027 AUDIO Surveillance Footage Concessions 17-006564 Spenc...	12-01-2017			11,521...
LE REPORTS	<input type="checkbox"/>	0027 AUDIO Surveillance Footage Outside B 17-006564 Spencer...	12-01-2017			16,481...
LE REPORTS	<input type="checkbox"/>	0027 AUDIO Surveillance Footage Outside A 17-006564 Spencer...	12-01-2017			11,658...
INVBOOKDOC	<input type="checkbox"/>	Investigation Packet.pdf	12-01-2017			1,238 KB
NOTDISC	<input type="checkbox"/>	Gun Case Data Sheet Thursday Nov 30 2017 at 01:36:38 PM.docx	11-30-2017			17 KB
NOTDISC	<input type="checkbox"/>	PAO Database Research Prior to Issuance of Warrant Thursday Nov...	11-30-2017			15 KB
LE REPORTS	<input type="checkbox"/>	Police Report 17-006564.pdf	11-30-2017		*	1,439 KB
CRIMHIST	<input type="checkbox"/>	NCIC SPENCER.pdf	11-30-2017		*	1,192 KB
NOTDISC	<input type="checkbox"/>	Cert 17-006564 - Copy.pdf	11-30-2017			142 KB
CRIMHIST	<input type="checkbox"/>	DCH SPENCER.pdf	11-30-2017			94 KB
NOTDISC	<input type="checkbox"/>	Det Comment Sheet.pdf	11-30-2017			38 KB
CRIMHIST	<input type="checkbox"/>	JIMS SPENCER.pdf	11-30-2017			9 KB

Prosecutor Review of Discovery

At the time of filing, the filing prosecutor will approve initial discovery through an entry in PbK, noting if there are any redactions to be made or special notices to be given to the defense.

Screen Shot: Entry that Prosecutor Has Reviewed and Approved Discovery

Event Entry
11-02-2017 MOTPC Motion finding of probable cause generated.
11-02-2017 PLINFO Information generated.
11-02-2017 CHGDEC Filing charges decided
11-02-2017 DISCRVW Discovery review by DPA completed, No redactions.
11-01-2017 FRFILNOT Filing Worksheet generated.
11-01-2017 ASSIGNFL Assign RUSH case to filing DPA
11-01-2017 HR2AP Second Appearance set in GBINV on 11-02-2017 02:45 PM.
11-01-2017 LECSREC Law enforcement case received.

If PbK does not have an entry from the prosecutor approving the discovery, the Discovery Unit staff will follow-up with the assigned attorney to obtain the needed discovery approval.

Discovery Unit

The Discovery unit consists of three legal assistants, two paralegals and two part-time legal assistants split between Seattle and Kent.

Discovery Package

The main function of the Discovery Unit is to create the discovery package. After a case has been filed, and documents are entered into PbK, the Discovery Unit staff will select the documents for the initial discovery package, based on the prosecutor's approval. The discoverable items are usually placed in a standard order by the staff and combined into one document. Though the combined documents may contain many different types of reports or materials, the entire document is paginated sequentially.

Adobe Acrobat Pro can make each page slightly smaller, so that the page number and the defendant's name can be clearly seen at the bottom of the page and does not print over pre-existing text. (See Appendix for a sample discovery package.) PbK tracks the creation date for the discovery package, as well as the various options for what can be done with the document. These options include sending the document, redacting, saving and deleting. An asterisk in PbK indicates that the individual document was included in the discovery package. The staff has to take care not to select documents, such as drafts, that are not discoverable and should not be included in the discovery package.

Screen Shot: Tracking Discovery and Options for Discovery Documents

Category	Select	File Name	Created	Authorized	Sent	Size
DISCOVERY	<input checked="" type="checkbox"/>	Initial Discovery Packet.pdf	02-05-2015			
DISCOVERY	<input type="checkbox"/>	Discovery Cover Sheet Thursday Feb 05 2015 at 014322....	02-05-2015			* 28 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Tuesday Feb 03 2015 at 03....	02-03-2015			* 37 KB
ORDERS	<input type="checkbox"/>	No Contact and Surrender Weapons Orders Monday Feb....	02-02-2015			* 42 KB
ORDERS	<input type="checkbox"/>	No Contact and Surrender Weapons Orders Monday Feb....	02-02-2015			* 42 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Friday Jan 30 2015 at 09541....	01-30-2015			* 36 KB
ORDERS	<input type="checkbox"/>	No Contact Order Friday Jan 30 2015 at 095311 AM.docx	01-30-2015			29 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Thursday Jan 30 2015 at 095311 AM.docx	01-30-2015			37 KB

Buttons: Send Selected Docs, Redact Selected Docs, Discovery Invoicing, Save, Delete Docs, Copy Docs, Scan, Attach File

Electronic Material

Currently large digital files, such as surveillance videos, in-car video, and body-worn video, are not uploaded into the PbK system. However, smaller digital files such as audio files and photos can be stored in PbK. The KCPAO does not have enough server space to store extremely large electronic evidence; so instead those materials are stored on DVDs. If this evidence is part of discovery, these large files are burned onto a DVD and made available for pick-up by the defense. To keep track of the disclosed electronic evidence, the staff will copy and scan the front of the DVD and include

that document in the paginated discovery package that is sent to the defense through PbK. The Discovery Cover Sheet for the discovery package also indicates how many discs are included in the package. (See Appendix for sample cover sheet)

Screen Shot: Xerox of DVD that is Included in Discovery Package



Police Worn Cameras

Body Worn Cameras (BWC) are being gradually phased into the Seattle Police Department (SPD) and other agencies within King County. SPD is using the Axon system which allows the transmission of body worn camera recordings through an electronic link in the Axon system called Evidence.com. This link is sent to the defense through an email. A copy of the email, which provides the date and method of transmitting the body worn camera video to the defense, is included in the electronic discovery package and sequentially numbered along with the other discovery documents.



Timing of Sending Discovery

When the defendant is held in custody, there is an arraignment within 14 days. The prosecutors aim to provide the available discovery prior to arraignment; or as soon as possible thereafter. The KCPAO usually turns over discovery earlier than required by the statute.

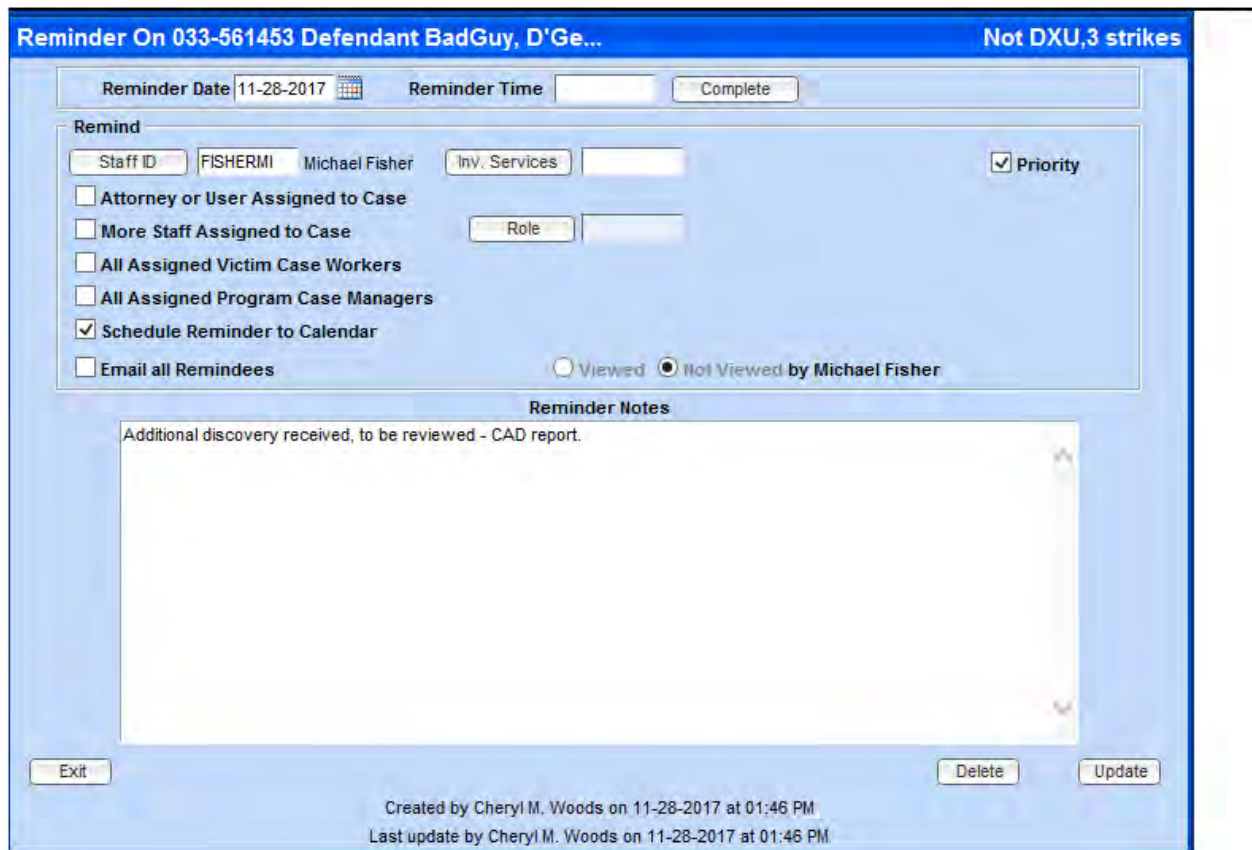
Additional Discovery

If additional discovery is received by KCPAO after the initial discovery packet has been sent to defense, the Discovery Unit will review the new material, determine what is discoverable, scan the materials into PbK, and then send a reminder to the assigned prosecutor that there is follow-up discovery to be approved. If the prosecutor does not respond within seven days, the follow-up discovery is automatically provided to defense. Pagination of the additional discovery will continue from the last page of the previous discovery packet. Thus, every piece of discovery, including additional discovery, is labeled with the defendant's name and sequentially numbered pages.

Screen Shot: Alert to Prosecutor to Review Additional Discovery



Screen Shot: Reminder to Prosecutor to Review Discovery



How to Send Discovery to the Defense

The Discovery Unit monitors when a defense attorney files a Notice of Appearance so they know where the discovery should be sent. However, in order to get electronic discovery, the defense attorney has to sign up with KCPAO and provide an email address to which the electronic discovery package can be transmitted. When a request is received, the Discovery Unit supervisor will do a test to make sure that the transmission route works and, if so, will approve the defense attorney for electronic

discovery. The most common error with electronic discovery, is that the discovery email is routed to the defense attorney's spam folder. Once that is fixed, the process usually runs smoothly. (See Appendix for a description of the sign-up process for defense attorneys and a letter to the defense attorney explaining electronic discovery.)

For cases assigned to a public defense attorney, the discovery package will be electronically sent to the assigned defense attorney, as well as to a general email address for the defense attorney's discovery staff. This allows their staff to be notified immediately that there is new discovery to be uploaded, thus making the process more efficient. Some private defense attorneys have asked that their staff email addresses be included in their discovery transmissions as well.

A Discovery Cover Sheet is included with every discovery package; it lists the number of pages and discs included in the package. The cover sheet also reminds the defense attorney of their obligation to redact discovery when they want to provide a copy of the materials to the defendant. (see Appendix for the full text of the Discovery Cover Sheet.)

Screen Shot: [Top Portion of the Prosecutor's Discovery Cover Sheet](#)

ARR 01/29/18

DISCOVERY COVER SHEET

Defendant:		Defense Attorney:	
Cause:		Agency:	

Attached:

Date Generated:

Bates Stamp Pages:

Number of Discs Included:

The PbK system can see when the discovery package is sent and when it was opened by defense counsel. The file can only be accessed by the defense for 15 days, so if the email is not opened within that time, the discovery package must be re-sent at an additional cost. PbK charges the KCPAO one dollar for every discovery transmission that is sent and opened.

Screen Shot: The Date the Discovery Package was Sent to the Defense and the Date and Time the File was Downloaded by the Defense



Category	Select	File Name	Created	Authorized	Sent	Size
DISCOVERY	<input type="checkbox"/>	Initial Discovery Packet.pdf	02-05-2015		02-05-2015	+
DISCOVERY	<input type="checkbox"/>	Discovery Cover Sheet Thursday Feb 05 2015 at 014322...	02-05-2015			* 28 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Tuesday Feb 03 2015 at 03...	02-03-2015			

File Downloaded on 02-05-2015 at 04:40 PM

Non-Electronic Discovery

If a defense attorney does not sign up for electronic discovery, a hard copy of the discovery packet will be provided for pick-up by the defense. The overall Discovery Unit process for electronic and non-electronic discovery is the same, except for the manner of delivering the package to the defense. The non-electronic packet is printed out with the standard Discovery Cover Sheet (see Appendix) along with hard copies of the documents. Digital evidence, such as surveillance videos or audio files, are provided on discs or thumb drives. Whether the discovery package is picked up or electronically delivered, a notation is made in PbK stating the manner in which the discovery was provided and when.

Brady/Giglio Information for Recurring Witnesses

The KCPAO has a Brady Committee Protocol which provides a robust system of identifying and tracking potential Brady/Giglio material regarding recurring witnesses who, “due to their profession, are likely to testify in future cases.” (See Appendix for a copy of the full protocol). These recurring witnesses include police officers, employees of a crime lab and some expert witnesses. Brady/Giglio information is received by the KCPAO in a variety of ways, but regardless of the route traveled, the information about such witnesses is brought to the Brady Committee. The committee will determine whether the witness should be placed on the Brady List.

The Brady Committee and the Brady List

The Brady Committee is made up of senior prosecutors and is chaired by an Assistant Chief of the Criminal Division. The purpose of the committee is to assess potential Brady/Giglio information about a witness and to determine whether a witness should be placed on the Brady List. (See the Appendix for the Brady Committee Protocols).

Once a witness is on the Brady List, the Brady/Giglio information about that witness must be disclosed to the defense whenever the witness appears in a case.

The Brady Committee will place the information received about a witness in four categories:

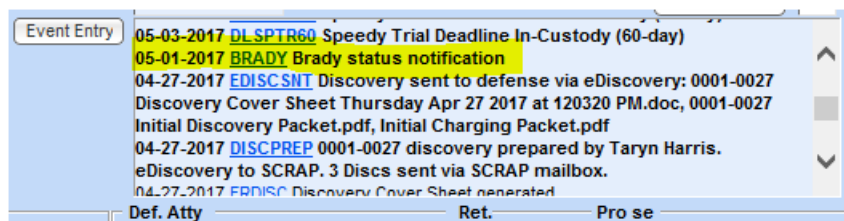
- A criminal conviction
- Other Brady/Giglio information that includes allegations of dishonesty or bias
- Pending review (information that is still under consideration)
- Reviewed but not Brady/Giglio

The KCPAO maintains a secure electronic database which contains information about the witnesses that the Brady Committee has designated for inclusion. A hard copy of the material reviewed by the Committee is also maintained in a single secure location. There are currently about 100 witnesses on the KCPAO Brady list, most are police officers.

The Brady List and PbK

As part of its regular case management system, PbK has a section for witnesses that includes all police officers from departments that work with the KCPAO. Most other witnesses, particularly testifying witnesses, will also be maintained in PbK. Witnesses on the Brady List will be entered into PbK with a specific Brady flag. Any new witness who is added to the Brady List is promptly included in the system.

Screen Shot: PbK Event Entry Indicating When the Prosecutor was Notified of a Witness on the Brady List



When a witness on the Brady List is entered into PbK in connection with a new case, it triggers a notification alerting the assigned prosecutor that a witness in the case is on the Brady List. This reminds the prosecutor to gather information from the Brady Committee about the witness and to provide the Brady Committee with any newly discovered information. In addition to alerting the prosecutor about the witness, PbK also tracks when the Brady/Giglio information was sent to the defense. As with all

other discovery, the Brady materials that are sent to the defense are scanned into PbK and categorized in the system as “Brady Material”. The documents are added to the discovery package, numbered and processed in the same way as regular discovery. Thus, PbK can track what Brady/Giglio materials have been provided to the defense, when they were sent, and when the defense opened the file.

Screen Shot: Brady Flag Alerting Prosecutor to the Existence of a Witness on the Brady List

Reminder Date 05-04-2017 Reminder Time Complete Completed By FYALLCH on 05-01-2017...

Remind

Staff ID FYALLCH Christopher A. ... Inv. Services Priority

Attorney or User Assigned to Case

More Staff Assigned to Case Role

All Assigned Victim Case Workers

All Assigned Program Case Managers

Schedule Reminder to Calendar

Email all Remindees Viewed Not Viewed by Christopher A. Fyall

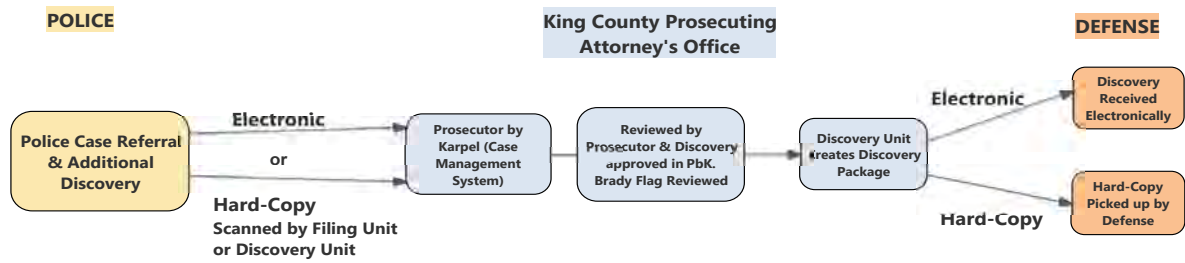
Reminder Notes

Conclusion

Creating a robust electronic discovery system has significant benefits to prosecutors in a variety of ways. First, it ensures that justice is served through an organized, transparent discovery system. Secondly, it provides a reliable record of the discovery process. Finally, it can provide efficiencies to an office that will inure to the benefit of all aspects of a prosecution. Though developing such a system takes time and resources, it is an important component of an evolving, modern prosecutor’s office.

Appendix

Discovery Flow Chart



Washington State Discovery Statute

CrRLJ4.7 governs discovery in the state of Washington. It provides for broad and early discovery to the defense. Relevant passages from the statute include:

“(a) Prosecuting Authority's Obligations.

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting authority shall, upon written demand, disclose to the defendant the following material and information within his or her possession or control concerning:

(i) the names and addresses of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial, together with any written or recorded statements and the substance of any oral statements of such witnesses;

(ii) any written or recorded statements and the substance of any oral statements made by the defendant, or made by a codefendant if the trial is to be a joint one;

(iii) any reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and scientific tests, experiments, or comparisons;

(iv) any books, papers, documents, photographs, or tangible objects which the prosecuting authority intends to use in the hearing or trial or which were obtained from or belonged to the defendant;

(v) any record of prior criminal convictions known to the prosecuting authority of the defendant and of persons whom the prosecuting authority intends to call as witnesses at the hearing or trial;

(vi) any electronic surveillance, including wiretapping, of the defendant's premises or conversations to which the defendant was a party and any record thereof;

(vii) any expert witnesses whom the prosecuting authority will call at the hearing or trial, the subject of their testimony, and any reports relating to the subject of their testimony that they have submitted to the prosecuting authority;

(viii) any information indicating entrapment of the defendant;

(ix) specified searches and seizures;

(x) the acquisition of specified statements from the defendant; and

(xi) the relationship, if any, of specified persons to the prosecuting authority.

(2) Unless the court orders otherwise, discoverable materials shall be made available for inspection and copying within 21 days of arraignment or within 21 days of receipt of the demand by the prosecuting authority, whichever is later.

(3) Except as otherwise provided by protective orders, the prosecuting authority shall disclose to defendant's lawyer any material or information within his or her knowledge which tends to negate defendant's guilt as to the offense charged.

(4) The prosecuting authority's obligation under this section is limited to material and information within the actual knowledge, possession, or control of members of his or her staff.”

CrR4.7 outlines the obligations of the defense attorney regarding discovery. Most notably, the defense attorney must redact the discovered materials, with the approval of the prosecutor, before the materials can be given to the defendant.

“**Custody of Materials:** Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party’s side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting attorney or order of the court.”

Superform

27154486

AGENCY: Seattle PD	WASPD0000	CASE NUMBER	FILE NUMBER	PCN NUMBER	SUPERFORM

DATE & TIME OF VIOLATION 7/8/2015 9:30 AM	CRIMINAL TRAFFIC CITATION ATTACHED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	ACCOMPLICES
DATE OF ARREST/TIME 11/11/2015 10:22 AM	ARREST LOCATION King County Jail	

NAME (LAST, FIRST, MIDDLE, JR., SR., 1st, 2nd)		DOB	ALIAS, NICKNAME'S
		1/1/1992	
ARMED/DANGEROUS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IDENTITY IN COURT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CITIZENSHIP	
PHYSICAL DETAILS			
SEX M	HEIGHT 5-00	WEIGHT 150	SKIN TONE B
RACE B	EYE B	HAIR B	SCARS, MARKS, TATTOOS, DEFORMITIES
IDENTIFICATION DETAILS			
CON	PRIOR BA #	AFS #	FBI #
RESIDENCE	STATE ID # WA23896386	DRIVER'S LICENSE #	STATE WA
LAST KNOWN ADDRESS	EMPLOYMENT/SCHOOL	EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)	
RESIDENCE PHONE	BUSINESS PHONE	OCCUPATION	
EMERGENCY CONTACT			
PERSON TO BE CONTACTED IN CASE OF EMERGENCY		RELATIONSHIP	PHONE

OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE	1 - BURGLARY INV	RCW / ORDS 2299	COURT / CAUSE # 1	CITATION #
OFFENSE <input type="checkbox"/> DV <input type="checkbox"/> FUGITIVE		RCW / ORDS	COURT / CAUSE #	CITATION #

WARRANT DATE	WARRANT NUMBER	OFFENSE	AMOUNT OF BAIL	WARRANT TYPE
ORIGINATING POLICE AGENCY		ISSUING AGENCY	WARRANT RELEASED TO: (SERIAL # / UNIT / DATE / TIME)	

LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL			
LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE (SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL #)			
LIST ITEMS ENTERED INTO SAFEKEEPING			
TOTAL CASH OF ARRESTEE \$0.00	WAS CASH TAKEN INTO EVIDENCE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	AMOUNT: \$0.00	SIGNATURE OF JAIL STAFF RECEIVING ITEMS / SERIAL #

ARRESTING OFFICER / SERIAL # St John, Shayne E 6035	TRANSPORTING OFFICER / SERIAL #	SUPERVISOR SIGNATURE / SERIAL #
SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #) St John, Shayne		CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL/PHONE) St John, Shayne 6035 2062337871

SUPERIOR COURT FILING INFO <input type="checkbox"/> IN CUSTODY <input type="checkbox"/> AT LARGE <input type="checkbox"/> OUT ON BOND	COURT CAUSE (STAMP OR WRITE)
COURT/DIST. CT NO	DIST. CT. BOND \$
	SUP. CT. DATE

PERSON APPROVING EXTRADITION	SEAKING LOCAL ONLY WAGC-STATE WIDE <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM ID & OR ONLY <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM OR, ID, MT, WY, GA, NV, VT, CO, AZ, NM, HI, AK <input type="checkbox"/>	NCIC-WILL EXTRADITE FROM FROM ALL 50 STATES <input type="checkbox"/>
E N T R Y	CON NO	DOB	TOE	OP
WAC	DOC	FOG	DP	
NCIC				

STATEMENT OF PROBABLE CAUSE: NON-VUCSA
 CONCISELY SET FORTH FACTS SHOWING PROBABLE CAUSE FOR EACH ELEMENT OF THE OFFENSE AND THAT THE SUSPECT COMMITTED THE OFFENSE.
 IF NOT PROVIDED, THE SUSPECT WILL BE AUTOMATICALLY RELEASED. INDICATE ANY WEAPONS INVOLVED. (DRUG CRIME CERTIFICATE BELOW.)

CAUSE NO. _____



**CERTIFICATION FOR DETERMINATION
OF PROBABLE CAUSE**

GENERAL OFFENSE # 2015-233349
UNIT FILE NUMBER

That Shayne St. John #6035 is a Detective with the Seattle Police Department and has reviewed the investigation conducted in Seattle Police Department Case Number 2015-233349;

There is probable cause to believe that [REDACTED] committed the crime(s) of Residential Burglary within the City of Seattle, County of King, State of Washington.

This belief is predicated on the following facts and circumstances:

On 7/8/15 [REDACTED] unlawfully entered the residence of [REDACTED] with the intent to commit the crime of Theft therein. Forcible entry was made to the residence between the hours of 9:30 am and -3:30 pm. Entry was made via the second story master bedroom window, a window screen was removed and a window fan was pushed in to gain access. Once inside the residence [REDACTED] had unrestricted access to the remainder of the house. [REDACTED] ransacked the master bedroom and stole jewelry belonging to [REDACTED] that had an appraised value of \$50,900. Other items taken from the residence included 2 credit cards and some personal checks that were made out to [REDACTED]. [REDACTED] exited the residence via a downstairs door, which had been deadbolted, but was ajar when [REDACTED] returned home. [REDACTED] called 911 after discovering the Burglary.

Responding officers photographed the scene and processed items for evidence. Officer Meyst was able to locate possible latent fingerprints from a drawer of a jewelry box located in [REDACTED] bedroom. On 11/10/15 I was notified by CLPE Amanda Poast that she was able to obtain a positive hit from the prints lifted from the jewelry box drawer to the left and right middle fingers of [REDACTED]. At 1705 hours I took a taped statement from [REDACTED] and she stated that [REDACTED] is not known to her and that at no time did he have permission to be inside her residence or take/be in possession of any of her property. [REDACTED] is willing to assist with prosecution.

Under penalty of perjury under the laws of the State of Washington, I certify that the foregoing is true and correct to best of my knowledge and belief. Signed and dated by me this 11 day of NOVEMBER, 2015, at Seattle, Washington.

Shayne SML #6035

Sample Discovery Package (page 1 – 7 of 59)



Renton Police Department Case Report Compact

Print Date/Time: 10/01/2017 23:40
Login ID: jrenggli
Case Number: 2017-00012123

***RENTON POLICE DEPARTMENT**
ORI Number: WA0171300

Case Details:

Case Number: 2017-00012123	Incident Type: 0150 Kidnapping
Location: RENTON, WA 98055	Occured From: 09/28/2017 01:30
	Occured Thru: 09/28/2017 04:29
	Reported Date: 09/28/2017 04:30 Thursday
Reporting Officer ID: 11528-Woodward	Status: Open
Assigned Bureau: Prsn Active Inv	Status Date: 09/28/2017

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
1269-Renggli	09/29/2017 07:37	3 Assigned	1269-Renggli	
0376-Harris	09/28/2017 15:23	DV	10767-Bonholzer	

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	100	9A.40.020	KIDNAPPING IN THE 1ST DEGREE	1
2	State	500	10.99.020	Violation No Contact Order - Felony	1

Offense # 1

Group/ORI: State **Crime Code:** 100 **Statute:** 9A.40.020 **Counts:** 1 **Attempt/ Commit Code:** Commit
Description: KIDNAPPING IN THE 1ST DEGREE **Offense Date:** 09/28/2017
NCIC Code: 1099 **Scene Code:** Unknown - Non-Residential **Bias/Motivation:** None
Domestic Code: Yes
IBR Seq. No: 1
Cargo Theft: NO

Aggravated Assault/ Homicide Circumstances #1: Domestic Violence

Evidence Collected **Criminal Activity** **Tools Used** **Security Systems**
 Gang None/Unknown

Weapon Code : Knife/Cutting Instrument

Offense # 2

Group/ORI: State **Crime Code:** 500 **Statute:** 10.99.020 **Counts:** 1 **Attempt/ Commit Code:** Commit
Description: Violation No Contact Order - Felony **Offense Date:** 09/28/2017
Scene Code: Unknown - Residential **Bias/Motivation:** None
Domestic Code: Yes
IBR Seq. No: 2
Cargo Theft: NO

Evidence Collected **Criminal Activity** **Tools Used** **Security Systems**
 Gang None/Unknown

Subjects



Renton Police Department Case Report Compact

Print Date/Time: 10/01/2017 23:40
Login ID: jrenggli
Case Number: 2017-00012123

*RENTON POLICE DEPARTMENT
ORI Number: WA0171300

Case Details:

Case Number: 2017-00012123 Incident Type: 0150 Kidnapping
Location: RENTON,WA 98055 Occured From: 09/28/2017 01:30
Occured Thru: 09/28/2017 04:29
Reported Date: 09/28/2017 04:30 Thursday
Reporting Officer ID: 11528-Woodward Status: Open Status Date: 09/28/2017
Assigned Bureau: Prsn Active Inv

Case Assignments:

Assigned Officer	Assignment Date/Time	Assignment Type	Assigned By Officer	Due Date/Time
1269-Renggli	09/29/2017 07:37	3 Assigned	1269-Renggli	
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Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	100	9A.40.020	KIDNAPPING IN THE 1ST DEGREE	1
2	State	500	10.99.020	Violation No Contact Order - Felony	1

Offense # 1

Group/ORI: State Crime Code: 100 Statute: 9A.40.020 Counts: 1 Attempt/ Commit Code: Commit
Description: KIDNAPPING IN THE 1ST DEGREE Offense Date: 09/28/2017
NCIC Code: 1099 Scene Code: Unknown - Non-Residential Bias/Motivation: None
Domestic Code: Yes
IBR Seq. No: 1
Cargo Theft: NO

Aggravated Assault/ Homicide Domestic Violence
Circumstances #1:

Evidence Collected Criminal Activity Tools Used Security Systems
Gang None/Unknown

Weapon Code : Knife/Cutting Instrument

Offense # 2

Group/ORI: State Crime Code: 500 Statute: 10.99.020 Counts: 1 Attempt/ Commit Code: Commit
Description: Violation No Contact Order - Felony Offense Date: 09/28/2017
Scene Code: Unknown - Residential Bias/Motivation: None
Domestic Code: Yes
IBR Seq. No: 2
Cargo Theft: NO

Evidence Collected Criminal Activity Tools Used Security Systems
Gang None/Unknown

Subjects



Renton Police Department Case Report Compact

Print Date/Time: 10/01/2017 23:40
Login ID: jrengli
Case Number: 2017-00012123
Arrest No.: 2123

ORI Number: *RENTON POLICE DEPARTMENT WA0171300

Name	Address	Date/Time	Type	Age
		09/28/2017 00:00	On-View Arrest	19

Height: 5ft 6 in **Weight:** 130.0 lbs.
Eyes: Brown **Hair:** Black

Phone: (999)999-9999

Age at Arrest: 19

Arresting Officers	Bureau	School Resource Officer	Weapon Codes
11528-Woodward		No	Lethal Cutting Instrument

Injury Types
 Severe laceration

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
1	State	500	10.99.020	Violation No Contact Order - Felony
Counts:	1		Charge Date/Time: 09/28/2017 00:00	Attempt/Commit: Commit
Domestic:	Yes			
Other ORI:	No			

Arrest Charges

No.	Group/ORI	Crime Code	Statute	Description
2	State	100	9A.40.020	KIDNAPPING IN THE 1ST DEGREE
Counts:	1		Charge Date/Time: 09/28/2017 00:00	Attempt/Commit: Commit
Domestic:	Yes			
Other ORI:	No			

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
09/28/2017	None	IBR None					
Seq #1							
Property Codes:		Property Type: IBR None	Date Received: 09/28/2017				
None							

Vehicles

No.	Role	Vehicle Type	Year	Make	Model	Color	License Plate	State
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Renton Police Department Case Report Compact

Print Date/Time: 10/01/2017 23:40
Login ID: jrengli
Case Number: 2017-00012123

ORI Number: *RENTON POLICE DEPARTMENT
WA0171300

Routing:

- Insurance Company
- Juvenile Prosecutor
- Renton Municipal Court
- Renton Reporter
- CPS
- Other _____
- Other Jurisdiction
- King County Prosecutor
- DV Advocate
- RMC Prosecutor

Inv. Summary- J Renggli



RENTON POLICE DEPARTMENT Investigation Report – J. Renggli/1269

CASE NO:17-12123

<u>Date</u>	<u>Time</u>	<u>Description</u>
09-28-17	0830	Det. Sgt. Radke advised me that I would be assigned this case once it was in the system.
	1048	Det. Sgt Radke emailed me a copy of Officer Woodward’s PC certification for my review.
	1222	I spoke to _____ and learned that she will be available later today and all day tomorrow if I need to do a follow up interview with her. I told her that I will give her contact information to our DV advocate so they can get connected.
	1315	I assisted Officer Lamothe package and enter evidence. I took photographs of the following items: <ul style="list-style-type: none"> • a black t-shirt with “All Eyez on Me Tupac” written on the front, • black sweats with “Athletic E94 Dept. NYC” written on them- the sweats had blood on the lettering • underwear • socks • black Adidas shoes • a blue Job Corps lanyard that was in two pieces-the ends looked to have been cut with sharp object • a white cloth with blood on it • a black handled kitchen knife with an approximately 5 ½ in blade • deck of red playing cards • bloody wipes • strand of hair from pile of bloody wipes
09-29-17		I reviewed the police reports associated with the case. I also reviewed the prior case (17-11884) from 09-22-17 involving both _____ was arrested for residential burglary and also violated the served protection order. I have attached a copy of that case to this investigation.
	0757	I ran a criminal history on _____



RENTON POLICE DEPARTMENT
Investigation Report – J. Renggli/1269

CASE NO:17-12123

<u>Date</u>	<u>Time</u>	<u>Description</u>
09-29-17	1008	I took a recorded statement from [redacted] See recording for complete details.

[redacted] said that she dated [redacted] for about 3 months starting in June of 2017 and broke up when she got a temporary protection order against him on 09-22-17. She got the protection order because of [redacted] aggressive behavior. She said that in July 2017 [redacted] moved into her residence with her.

[redacted] said that on 09-27-17 about 0300 hours she had returned home and her friend [redacted] i was in her room with her when there was a [redacted] knocked at the door. She opened it and [redacted] was standing there with a knife in each hand. She stepped back, [redacted] pushed the door open and came into her room. He told [redacted] and [redacted] to sit on the bed while [redacted] told [redacted] that she shouldn't have gotten the protection order against him. [redacted] told her that now he needed to hurt her because of the order. [redacted] had asked [redacted] for her cell phone and keys and he collected them. [redacted] had started crying but they were able to talk to [redacted] for several hours calming him down. At times he would get angry and even stabbed the bed with a knife. [redacted] did calm down and apologized to [redacted] He put the knife on a drawer and let her friend leave. [redacted] had [redacted] drive him to Kent for court. She was going to attempt to leave him at court but the court appearance was so quick she didn't feel she had time to leave. They got back in the car and drove back to Renton. [redacted] told him several times throughout the day that there was an order and he shouldn't be with her. She eventually got away from [redacted] when they were at a park and she saw her friends.

On 09-28-17 [redacted] came home about 0000 hours and walked into her room. She looked around the room because she thought that [redacted] may be there. She noticed that the back door was unlocked. She got into bed and turned off the light. She felt the bed move and she turned on her light from her cell phone. She saw [redacted] appear from under the bed and stand at the foot of the bed. He was holding a knife in each hand. She could also see the outline of four more knives in his jacket. I asked her what she was thinking when she saw him standing there and she thought it was real serious now. She could see the disappointment in [redacted] eyes. [redacted] was still lying in bed when [redacted] asked her if she wanted to go with him and if she wanted this the good way or the bad way. She got up out of bed because she was not going to stay with him and [redacted] said "it's going to be the hard way then." He had already started to pack some of [redacted] belongings into a suitcase. [redacted] grabbed a key lanyard that was nearby, cut it and told her to put her hands behind her back. She told him that he was crazy and he pushed her down to the floor. She ended up on



RENTON POLICE DEPARTMENT
Investigation Report – J. Renggli/1269

CASE NO:17-12123

Date Time Description

her back and was on top of her. She told him that she was not going with him and that he was not going to tie her up. put a knife to her stomach and said, "you are going whether you want it or not." told him that she wasn't and used her left hand to push his arm back because she could feel the knife. During the assault received a cut on her right hand in the palm area and extending onto the back of her hand. She also received a laceration to her stomach. After was cut on the stomach moved the knife to her throat and she could feel the blade against her throat. He held the knife against her throat for 30 seconds. He told her that this was for real and that this was not a game.

got up and she put her hands behind her back and tied her hands with the lanyard. grabbed a shirt, put it over her eyes so she couldn't see and then put a white sock in her mouth. said, "we are doing this the bad way then." put more of her belongings into a suitcase and asked her if she needed anything else because they were not coming back. picked up the suitcases and told to walk out to the car in front of him. He told her not to do anything or say anything because he will stab her and she would lay down on the floor because she would be dead.

Before began walking out to the car put a blanket over her so people couldn't see her hands tied behind her back. They began walking out to the car. was carrying two suitcases but he put one down. He put one suitcase in the car and was returning for the second suitcase. At one point checked mouth to see if she could breathe because of the sock in her mouth. He told her that if she screamed she would be dead. realized that phone was in the room so they went back to get it. Once they got it he again checked her mouth and decided to remove the sock. After removed the sock from her mouth he threw it on the roof over the manager's office. made a comment about the sock being evidence because of saliva being on it and that they can't have that around. He continued to hold a knife to her side as they walked.

When they got back to the car put in the back seat and seat belted her in. They drove west toward I5 and she was afraid they were going to get in an accident because he didn't know how to drive. They took the Orilla Road exit off I5 and they were near some soccer fields that her family used to play at. They pulled into a park and he let her get out of the car. He cut the lanyard, freeing her hands and dropped the lanyard on the ground. was walking over to the passenger side so she jumped inside and locked all the doors. banged on the window

Instructions for eDiscovery for Defense Counsel

King County Prosecuting Attorney's Office Instructions for eDiscovery for Defense Counsel

The King County Prosecuting Attorney's Office (KCPAO) is introducing eDiscovery, a module in our case management system, PROSECUTORbyKarpel (PbK). This new system allows our staff to send discovery electronically to defense. This new process should allow us to get discovery to you much quicker than providing it in printed format, and will eliminate the need for you to scan it for electronic storage on your end.

The KCPAO can send electronic discovery to defense attorneys if they are set up for it in PbK. We can also set up multiple email addresses (e.g., attorney and staff) if you prefer to have someone else in your office process the discovery. However, your email address, as the assigned attorney, **MUST** be included.

When we have discovery to send to you on a particular case, our staff will create a PDF file (or files) containing all of the printable discovery. This "discovery packet" file will reside in our document store.

The staff will select the discovery packet and trigger the function to send a copy of the file(s) to you electronically from PbK. The selected file(s) will be uploaded to the discovery server hosted by our vendor at their secure data center.

Category	Select	File Name	Created	Authorized	Sent	Size
DISCOVERY	<input checked="" type="checkbox"/>	Initial Discovery Packet.pdf	02-05-2015			
DISCOVERY	<input type="checkbox"/>	Discovery Cover Sheet Thursday Feb 05 2015 at 014322....	02-05-2015		*	28 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Tuesday Feb 03 2015 at 03...	02-03-2015		*	37 KB
ORDERS	<input type="checkbox"/>	No Contact and Surrender Weapons Orders Monday Feb...	02-02-2015		*	42 KB
ORDERS	<input type="checkbox"/>	No Contact and Surrender Weapons Orders Monday Feb...	02-02-2015		*	42 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Friday Jan 30 2015 at 09541...	01-30-2015		*	36 KB
ORDERS	<input type="checkbox"/>	No Contact Order Friday Jan 30 2015 at 095311 AM.docx	01-30-2015			29 KB
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Thursday Jan 30 2015 at 095311 AM.docx	01-30-2015			27 KB

Buttons: Send Selected Docs, Redact Selected Docs, Discovery Invoicing, Save, Delete Docs, Copy Docs, Scan, Attach File

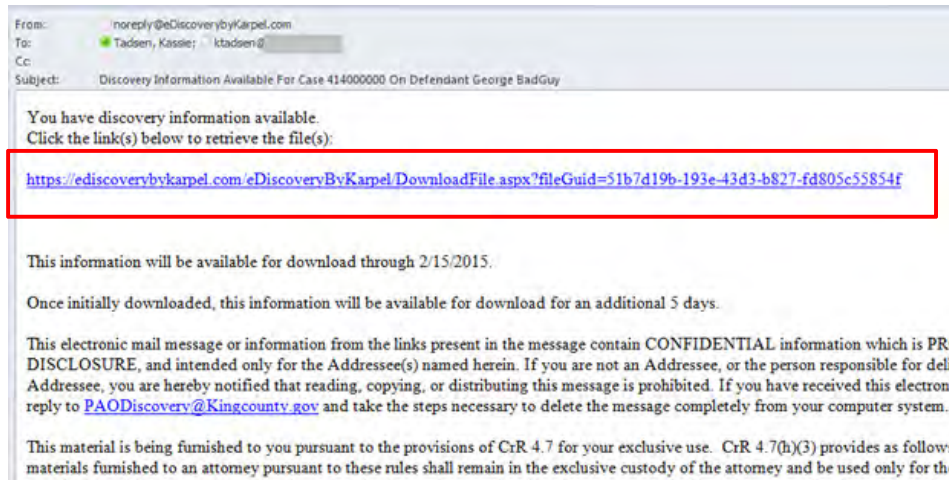
A red question mark ? flag will be placed on the file(s) in PbK, indicating that they were sent, along with the date sent. The flag indicates that the file was uploaded to the server but has not been opened or downloaded yet.

Category	Select	File Name	Created	Authorized	Sent	Size
DISCOVERY	<input type="checkbox"/>	Initial Discovery Packet.pdf	02-05-2015		02-05-2015 ?	

09/12/16

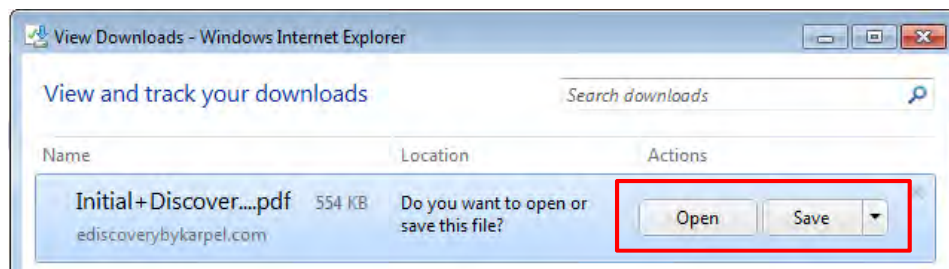
King County Prosecuting Attorney's Office
Instructions for eDiscovery for Defense Counsel

You will receive a NO REPLY email from the system (not from the staff at KCPAO), saying that there is eDiscovery available for you. The email includes the defendant name and cause number. There will be a LINK for each file that you can click to open or download the file.



When the link is clicked, a download screen from your browser will open, and you will be prompted to open or save the file. If you are using a different browser or a different version than we are, your download screen could look different. You may need to work with your IT staff to ensure that your browser is configured to allow you to download from the Internet.

NOTE: We ask that you DOWNLOAD AND SAVE the discovery, and not just print it. This will ensure that you have the discovery in electronic format for future use. Our vendor charges us \$1.00 for each time we send discovery electronically, including resending the same file if you make that request. The PAO will be evaluating the costs and benefits of eDiscovery to our office and your input will assist us in making decisions about permanent implementation of this tool.



09/12/16

King County Prosecuting Attorney's Office Instructions for eDiscovery for Defense Counsel

Once you or other emailed staff has opened or downloaded the file, a green plus sign + will appear next to the sent date in PbK. When we hover our cursor over the plus sign, the date and time that the file was downloaded will appear.



Category	Select	File Name	Created	Authorized	Sent	Size
DISCOVERY	<input type="checkbox"/>	Initial Discovery Packet.pdf	02-05-2015		02-05-2015	+
DISCOVERY	<input type="checkbox"/>	Discovery Cover Sheet Thursday Feb 05 2015 at 014322...	02-05-2015		02-05-2015	* 28 KB File Downloaded on 02-05-2015 at 04:40 PM
ORDERS	<input type="checkbox"/>	Order to Surrender Weapons Tuesday Feb 03 2015 at 03...	02-03-2015			

Some other useful things to know:

- The files will be available on the discovery server for **10 days** after they are sent, after which the files will no longer be available.
- Once the recipients have opened or downloaded the files, they will remain on the server for **5 days**, after which they will no longer be available.
- We are able to resend files that were not downloaded before they expired. Again, when we resend files we have to pay the cost, which is why we urge you to download the files as soon as they arrive.
- Currently there is a size limit of 150MB for files stored on our document store. This means that any discs we receive from police agencies that contain very large files (e.g., in-car video, surveillance video, etc.) or large numbers of files (e.g., the contents of a cell phone) cannot be sent via e-discovery. These will be provided to you on disc as before.
- In the future, we will be able to send media files (like audio and video) via e-discovery if they have been uploaded to our document store.
- We will only send eDiscovery for felony criminal cases at this time. If there are discs associated with the case, those will need to be picked up from our Records Units.

09/12/16

3

Electronic Discovery Instruction Letter to the Defense

KING COUNTY PROSECUTING ATTORNEY'S OFFICE



DANIEL T. SATTERBERG
PROSECUTING ATTORNEY

JUSTICE
COMPASSION
PROFESSIONALISM
INTEGRITY
LEADERSHIP

September 2016

Counsel:

I am the Legal Services Supervisor of our Discovery Units in both Seattle and Kent. As you may know, we implemented our new case management system, PROSECUTORbyKarpel (PbK) in June 2013. We are now ready to take the next step of using one of the advanced features of the system – electronic discovery (eDiscovery).

I want to provide you with some information about the process, as well as settings of our eDiscovery module.

The process:

- You will be entered as the defense attorney on your cases in PbK.
- Using the tools in PbK, our staff will create a PDF file (or files) containing all of the printable discovery material. This “discovery packet” file will reside in our document store.
- The staff will select the discovery packet and trigger the function to send a copy of the file(s) to you electronically from PbK.
- The selected file(s) will be uploaded to the discovery server hosted by our vendor at their secure data center.
- An automatic no-reply email containing LINKS to the uploaded files will be sent to you at the email address(es) associated with you in PbK. (The staff that send the file(s) will not have a copy of the email that was sent by the system.).
- A flag will be placed on the file(s) in PbK indicating that they were sent, along with the date sent.
- When you receive the email, you will be able to open or download the files from the server. We ask that you **DOWNLOAD** and **SAVE** these files so that you have them for later use.
- Once you have opened or downloaded a file, the flag on the file will then indicate that the file has been opened, along with the date it was opened.
- The files will be available on the discovery server for **10 days** after they are sent, after which the files will automatically be deleted.
- Once you have opened or downloaded the files, they will remain on the server for **5 days**, after which they will be automatically deleted.

OFFICE OF THE PROSECUTING ATTORNEY • KING COUNTY COURTHOUSE W-554
516 THIRD AVENUE • SEATTLE, WASHINGTON 98104
Tel: (206) 477-1200 • Fax: (206) 296-9013 • www.kingcounty.gov/prosecutor

Discovery Cover Sheet for Defense Counsel

DISCOVERY COVER SHEET

Defendant:

Defense Attorney:

Cause:

Agency:

Attached:

Date Generated:

Bates Stamp Pages:

Number of Discs Included:

NOTICE TO DEFENSE ATTORNEYS

This material is being furnished to you pursuant to the provisions of CrR4.7 for your exclusive use. CrR4.7(b)(3) provides as follows:

"Custody of Materials. Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate redactions which are approved by the prosecuting attorney or order of the court."

Willful violation of this rule, such as by the delivery of copies of this material to other persons, is subject to the sanctions provided by CrR4.7(h)(7).

These discovery materials are being provided unilaterally and in advance of the time required in CrR4.7(a)(1). Early disclosure is intended to promote early disposition of cases pursuant to the Prosecuting Attorney's filing and disposition standards and policies. The state hereby requests that the defendant comply with defendant's discovery obligations in advance of the time required by CrR4.7(b)(1).

The Prosecutor reserves the right to withhold, in an appropriate case, early disclosure either due to the unusual nature of a specific case or due to a particular attorney's past refusal to comply with CrR4.7(h)(3) or defendant's discovery obligation under CrR4.7(b)(1). In such cases, the Prosecutor may exchange discovery materials by the omnibus hearing as provided by CrR4.7.

DISCOVERY NOTICE. The Seattle Police Department has advised us that there may be technical issues related to their COBAN in-car video system. Videos recorded since April 23, 2013, may have dropped frames and may also have audio and video synchronization problems. Forensic expert Grant Fredericks (Forensic Video Solutions; grant@forensicvideosolutions.com; (509) 467-3559) has analyzed the videos and has posted his results on the following website: <https://data.seattle.gov/Public-Safety/Seattle-Police-Department-In-Car-Video-Dropped-Frames-emiw>.

- We are able to resend files that were not downloaded before they expired.

Other information:

- Currently there is a size limit of 150MB for files stored on our document store. This means that any discs we receive from police agencies that contain very large files (e.g., in-car video, surveillance video, etc.) or large numbers of files (e.g., the contents of a cell phone) cannot be sent via eDiscovery. These will be provided to you on disc as before.
- In the future, we will be able to send media files (like audio and video) via eDiscovery if they have been uploaded to our document store.
- Our vendor charges us \$1.00 for each time we send discovery electronically. We ask that you **DOWNLOAD AND SAVE** the discovery, and not just print it. This will ensure that you have the discovery in electronic format for future use. The PAO will be using 2016 to evaluate the costs and benefits of eDiscovery to our office and we will be interested in your feedback.

Beginning in Fall 2016, we will flag your newly filed cases so that Discovery Unit staff and trial paralegals know to use eDiscovery when providing you with discovery. Future discovery on those cases will be sent by eDiscovery and not printed (other than large files, which will be on disc).

If you have any questions, please feel free to contact me.

Sincerely,

Cheryl Woods
Legal Services Supervisor
Discovery Units – Seattle/Kent
206-477-1971