

SCLCrR 4.7(h) Regulation of Discovery.

(1) – (2) Reserved.

(3) *Custody of Materials.*

Upon providing discovery to the defense, the state has 7 days to note and file a motion to further redact and/or restrict the provision of discovery to the defendant. If a motion is timely filed, the defense shall not provide any discovery to the defendant until the matter is addressed by the court.

If no timely motion has been filed, the defense may provide the defendant with discovery 10 days after receipt, subject to the following redaction rules and consistent with CrR 4.7.

This rule only regulates what materials may be placed in the physical or digital possession of the defendant. The defendant may view all discovery in their attorney's possession, absent court order limiting that right.

All redactions under this rule must be done in a way in which the defendant or others may not readily manipulate the discovery to remove the redactions.

Required Redactions:

1. Names of all minors, sexual assault victims, or anyone subject to a protective order that has been sealed, shall be replaced with initials. If a witness or victim is currently an adult but was a minor at any point during the allegations or investigation, their name will be replaced with initials.
2. Birthdates shall be redacted to exclude all but the year of birth, except for the defendant's date of birth.
3. Addresses of all potential civilian witnesses shall be redacted to show only city and state. Such redaction shall not be required of addresses of the defendant, business addresses of law enforcement, or business addresses of professional witnesses.
4. Phone numbers and email addresses of potential witnesses, other than the defendant, shall be redacted in full.
5. Social Security Numbers, Federal Taxpayer Identification Numbers, state driver's license/identification card numbers, passports, and other documents containing government-issued identification numbers shall be fully redacted.
6. Credit card numbers, debit card numbers, bank account numbers, or any other financial account numbers shall be redacted in full.
7. Driver's license and identification numbers, except for those of the defendant.

8. Vehicle Identification Numbers (VIN), other than the last 4 digits.
9. Firearm serial numbers, other than the last 4 digits.
10. Transcripts of audio or video discovery shall be redacted in conformity with the guidelines herein.
11. Photographs shall be redacted in conformity with these guidelines. For example if a photo shows the address of a house other than the defendant's, it shall be redacted. If a photograph shows a credit card, the number shall be redacted.
12. The following will not be provided to defendants, absent specific agreement between the parties or court order:
 - a. Electronic copies of Call Detail Records, cell phone searches, social media searches, 911 calls, surveillance videos, jail calls, audio/video interviews, body-cam footage, other audio/video discovery;
 - b. Autopsy records, including any photographs or videos from or connected with the autopsy;
 - c. Medical records, other than those of the defendant;
 - d. Mental health and counseling records, other than those of the defendant;
 - e. CPS records;
 - f. All photographs, CDs, DVDs, videos, or other digital images that include any image of a minor, or any image of a minor's body;
 - g. All photographs, CDs, DVDs, videos, or digital images exposing breasts, buttocks, or genitalia of any person other than the defendant, or depicting any person other than the defendant dressed in underclothing (underwear, panties, bra, etc...);
 - h. Any discovery provided under protective order;
 - i. Any child forensic interview (audio, video, or transcript); and
 - j. JABS, III, NCIC criminal history information of anyone other than the defendant.