**Tip: Obtaining Evidence/Discovery from OSI/Law Enforcement**

- Report of Investigation – this is obvious, but sometimes the ROI isn’t finished until shortly before trial, so remember to disclose the ROI as soon as you obtain it (even if after trial)

- Just like with trial counsel (TC) in a wing legal office, OSI agents are swapped in and out of cases IAW mission needs; *each agent produces investigative product that you’ll need to disclose*

- OSI agents may think some things are not relevant to discovery, or may not want to turn over everything in the case file (*e.g*., Internal Data Pages (IDP), Law Enforcement/ Interrogation Techniques, Confidential Source (CS) Information/Identity, Tradecraft Information)

-- Internal policies of OSI do not dictate what is turned over in discovery, but work with them on the timing of sensitive disclosures

-- TC is subject to different rules and must make an independent assessment of “relevance”

-- Generally, TC should simply turn over everything after redacting privileged and PII/Privacy Act info

--- See [AFJAGS training](JAG%20School%20Discovery%20Managment%20Course) on how to copy/organize OSI files and how to redact PII

- Trial counsel needs to go over to OSI and ask to look through the case file and evidence locker; then ask for other places where case information is stored; look through that too

- OSI case file includes the ROI and additional information (including agent notes)

-- With limited exceptions, the entire case file is discoverable (minus MRE privileged info)

-- Specifically ask about any audio/video recordings and any other electronic media

- OSI evidence locker is the secure storage area for all physical evidence OSI has in all of its cases

-- Go through the OSI evidence custodian to view or remove evidence from the locker

-- Notify defense of any physical evidence at OSI; consider sending a picture of the evidence in your discovery response/notification

- When copying OSI files:

-- Break the PDF into the same volumes that OSI does with the first page being the outside of the manila envelope with a content listing. This ensures nothing is missed

--- See [Managing Discovery Training](JAG%20School%20Discovery%20Managment%20Course/Managing%20Discovery%20Rules,%20Common%20Issues,%20and%20Tips.ppt), slides 8-18

-- OSI is supposed to accomplish case files in a series of volumes; once a volume is "finished," all additional information should follow in a later volume; review as case progresses to ensure nothing was added

-- Note the general parts of a case file to be copied:

--- All volumes including covers

--- All digital media held by the detachment (so long as it is not contraband)

--- All records included in I2MS that might not have been printed and included in the case file

--- All IDPs and all investigative plans

- Ask OSI whether any civilian law enforcement have been involved; if so, ask OSI to obtain all evidence from them. TC may need to coordinate with the civilian prosecutor

- Also visit SFOI to view their case file and evidence locker and obtain any evidence they have

-- If the incident was reported in the Blotter, obtain the blotter, and disclose it to defense