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EIGHTH JUDICIAL CIRCUIT OF FLORIDA
SERVING
ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY
AND UNION COUNTIES

PLEASE REPLY TO:

Office of the State Attorney Policy on Electronic Media

Statement of Policy

The Office of the State Attorney for the Eighth Judicial Circuit shall provide the opportunity for any defendant or defense counsel to view, copy, or inspect electronic media in the possession of this office. Courtesy copies of electronic media will no longer be given to any defendant except as provided herein. This office will provide a methodology of payment for copying service for those who cannot come to this office to inspect, copy or view electronic media. The Office of the State Attorney is obligated to, and shall, provide a viewable copy of any form of electronic media in its possession, and provide equipment upon which that media can be viewed. It is not the policy of this office to acquire electronic media that is in the possession of other law enforcement agencies unless: the item of electronic media is reasonably believed to contain exculpatory information; or The State of Florida intends to introduce the content of the electronic media during trial. Some forms of electronic media are not readily able to be copied. In this event, the defendant or defense counsel may be required to view such media on the device that created the media, and at the location where that device is located. This office will provide a private space and a power source for any defendant or defense counsel who wishes to utilize his or her own equipment to view, copy or inspect media. Such space shall be suitable for attorney-client privileged conversations.

Physical Layout

Each office shall provide a designated area for use by defendants and or defense counsel and inspect electronic media. To the extent reasonably and financially possible, the Office of the State Attorney shall provide copying equipment (such as a computer or dedicated disc copier) in each office. Copy equipment shall be located in the area of the office set aside for the purpose of defendant's viewing, copying, or inspecting electronic media. The use of this equipment will be free of charge. The Office of the State Attorney does not provide technical support for those persons attempting to copy media regardless of what equipment is being utilized to do so, other than to insure that all electronic media is viewable within this office.

Staffing

There shall be created within the Office of the State Attorney the position of Electronic Media Specialist. The electronic media copy area will be staffed by an Electronic Media Specialist in each office. An electronic media specialist may have other duties and responsibilities not related to copying of electronic media. There shall be created for each office a Microsoft Outlook account for the purpose of scheduling the viewing, copying and inspecting of electronic media. Each outlook account shall be titled: `ecopyalachua@sao8.org`; `ecopylevy@sao8.org`, etc. The Electronic Media Specialist for each office shall monitor the Outlook account for the purpose of scheduling use of the designated copy room.

Procedures

The Electronic Media Copy room may be utilized by defendants, defense attorneys, and the designee of any defense attorney. In the event that a defendant does not wish to copy media him or herself, a written proxy may be submitted to this office and any designated person may copy media on behalf of a defendant. This requirement shall not be necessary for defense attorneys' staff, paid or unpaid, to copy media. The Electronic Media Specialist for each office will be designated as the contact person for copying of electronic media. The Electronic Media Specialist will monitor the dedicated Outlook account that will be used to schedule viewing copying and inspection of electronic media. The Electronic Media Specialist will communicate with defendants and defense counsel to confirm requests to copy media. Appointments can also be made by telephone by calling each individual office and making such a request. Request may also be made by letter, memo, or email.

The Electronic Media Specialist shall complete the "Electronic Media Copying Verification" form. The Electronic Media Specialist will request that the person copying media sign the form, but this is not required for use or access to the media copy room. A copy of this form will be included in the case file of each case when media is copied.

Defendants and defense counsel should, when possible, request use of the copy room not less than 24 hours prior to the requested date; however, there is no requirement that a defendant or a defense attorney have an appointment to use the media copy room. If a defendant or a defense attorney has made an appointment, then the Electronic Media Specialist will gather all media that the defendant or defense attorney wishes to copy prior to his or her arrival. If a defendant or a defense attorney requests use of the electronic media room without an appointment, access will be granted on a "first come, first served" basis.

Electronic media requested without an appointment will be located and provided in a reasonable time frame.

Any defendant or defense attorney may request that this office prepare a copy of electronic media on a fee for services basis. The intended purpose of providing copying service on a fee for services basis is to accommodate a defendant or defense attorney who is located too far away from the office where the media is located for travel to that office to be reasonable; however, any defendant or defense attorney may utilize the fee for service copying without providing an explanation as to why he or she chooses to do so. The fee to copy any single item is presumed to be \$10.00. The cost of shipping or postage will be assessed separately. The exact cost of postage or shipping shall be assessed. There is no additional fee associated with mailing or shipping electronic media. The copying fee may be adjusted, higher or lower, by the State Attorney, the Chief Assistant State Attorney and the Executive Director on a case by case basis. Factors that may be considered in fee adjustment include, but are not limited to: financial hardship upon the defendant, the complexity of the copying to be performed, and financial cost to this office.

Nothing set forth herein prohibits any individual Assistant State Attorney from modifying this policy on a case by case basis when necessary to advance progress on a case. Nothing herein shall prevent an Assistant State Attorney from seeking additional restriction of copying of sensitive electronic media such as: financial information, or photographs and video of victims.

