

Freedom of Information Act Request Guide

Hello

Thank you for your interest in submitting a Freedom of Information Request (FOIA) for your Friend or Loved One. This packet will provide you with all of the information that you will need to properly create, submit, and receive a FOIA request.

What is a FOIA request?

By definition, a Freedom of Information Act request is a "**written request that describes a public record sufficiently to enable the public body to find the public record.**" MCL 15.243(1). This refers only to government entities such as police departments, prosecutor offices, and other government agencies, such as the MDOC.

Michigan is only 1 of 3 States that does not allow incarcerated individuals to access to their government files. Our organization assists individuals in obtaining this information. Due to the volume of FOIA requests that we receive, we have developed an instruction packet for those incarcerated individuals who have a Friend or Family Member to assist them with their FOIA request.

What is *not* covered by a FOIA request?

Court documents, like transcripts, are not subject to FOIA laws. Prisoners can write the court's clerk and request those documents on their own. Due to the high volume of requests for assistance at our organization, we do not assist with requests for court documents. However, if a prisoner writes to the court's clerk requesting court documents and does not receive a response within 90 days, we are happy to follow up with the clerk's office on behalf of the prisoner to ensure that the clerk received their request, and we will ask them to respond to the prisoner's request. *VIDEO FROM INSIDE MDOC IS EXEMPT FROM FOIA FOR SECURITY REASONS

What are considered Court documents?

Court documents include but may not be limited to:

Any document generated by a Judge, Clerk, Prosecution, or Defense Council.

These documents include but may not be limited to:

Register of actions, pre-sentence investigation report, sentencing report, and audio/video of Court proceedings.

Medical Records

Since your personal medical records are available to you, they do not require a FOIA request. The personal medical records of another individual would only be available to you through a Court Order from a Judge and are otherwise exempt from FOIA and protected under HIPPA laws. You are able to file a FOIA request for any autopsy report through a County's Medical Examiner's office. However, due to the nature of these records, they may be heavily redacted when you receive them.

Sample FOIA Requests

Included you will find sample FOIA requests to help you with formatting your own FOIA request. When filing a FOIA request, please keep your request brief and to the point. In these instances, less is better. You can usually go online and get the address of the FOIA Coordinator of the Agency that you are seeking the information from. If you cannot obtain the information online, you may have to call that particular agency for their contact information. Note: most agencies provide an online option for submitting requests and we highly recommend that!

For more information on all things FOIA-related (**including files that would be EXEMPT from FOIA requests**), go to: <https://www.michigan.gov/ag/-/media/Project/Websites/AG/FOIA/FOIA-Handbook-January-2023.pdf?rev=1e665e0ce0de400386fd327310c13598>

Sample FOIA Request for a Prosecutor's File

Go to: <https://www.waynecounty.com/county/foia-request-form.aspx>

OR write to:

FOIA Coordinator
Wayne County Prosecutor
500 Griswold
Detroit, MI, 48226

Dear FOIA Coordinator:

This is a request under the Freedom of Information Act.

From: The Wayne County Prosecutor.

Requesting: A copy of the Full and Complete Prosecutor File #00-0000-FC, the People v. John Doe. To include all Documents obtained and used in the Discovery.

The Michigan Freedom of Information Act requires a response to this request within five days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. Please advise our office in regards to any cost for the requested documents before you process this request. If possible, emailing the records to me is preferred.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you, in advance, for your attention to this matter.

Sincerely,

Your First and Last Name
Your Address
City, State, Zip Code
Phone Number
Email Address

* When submitting a request for the prosecutor file, we highly recommend including a request for the discovery as well. The discovery is a file that is kept by the Prosecutor throughout the entire trial. It includes all evidence that he has accumulated throughout the court's process. This file must also be shared with the Defense. The Prosecutor can add new evidence at any time. Once the trial concludes, all of the evidence in the discovery is returned to the agencies that supplied it. Therefore, the documents that were used in the discovery may be very useful to you.

Sample FOIA Request for a Police File

Go to: <https://detroitmi.gov/departments/law-department/submit-foia-request/police-freedom-information-act-request>

OR write to

City of Detroit Police Department Law Unit
Coleman A. Young Municipal Building
2 Woodward Ave. Ste. 500
Detroit, MI, 48226

Fax No.: (313) 224-5505

Email Address: DPDFOIA@detroitmi.gov

Dear FOIA Coordinator:

This is a request under the Freedom of Information Act.

From: The Detroit Police Department.

Requesting: The Full and Complete Police File stemming from the incident that took place on 12-22-2001 at 1200 Main St, Detroit, MI., that resulted in the arrest of John Doe (DOB: 10-07-1967). To include all Police Statements, notes, and miscellaneous files and notes, all witness statements and evidence.

The Michigan Freedom of Information Act requires a response to this request within five days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. Please advise our office in regards to any cost for the requested documents before you process this request. If possible, emailing the records to me is preferred.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you, in advance, for your attention to this matter.

Sincerely,

Your First and Last Name

Your Address

City, State, Zip Code

Phone Number

Email Address

* For Police Department FOIA requests **only**, please include the name(s) of the victim(s) if they are available to you.

Sample FOIA Request for the MDOC (Parole Board)

Go to: <https://www.michigan.gov/corrections/public-information/mdoc-foia-process>

OR write to:

MDOC FOIA Coordinator
Michigan Department of Corrections
P.O. Box 30003
Lansing, MI, 48909
Phone: (517) 335-4194
Fax: (517) 335-4193

Dear FOIA Coordinator:

This is a request under the Freedom of Information Act.

From: MDOC- Parole Board

Requesting: A copy of all documents created by the Parole Board during their (*insert date*) review of (*insert name and 6 digit number*). Specifically requested are all notes and documents created in the review process.

The Michigan Freedom of Information Act requires a response to this request within five days. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records. Please advise our office in regards to any cost for the requested documents before you process this request. If possible, emailing the records to me is preferred.

If you deny any or all of this request, please cite each specific exemption you feel justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you, in advance, for your attention to this matter.

Sincerely,

Your First and Last Name
Your Address
City, State, Zip Code
Phone Number
Email Address

* We have found that if a prisoner sends a notarized letter stating that the individual submitting the FOIA request on their behalf is authorized to receive their personal information from their Parole Board file, that will allow you to get a less redacted version.

For use requesting PB records only

Sample Notarized Form

Date: _____

I, _____, Michigan Department of Corrections # _____, do hereby give _____ permission to access all information in my MDOC file.

Signed:

Notary:

Acknowledged by _____ before me on the _____ day of _____, _____

Signature _____

Printed name _____

Notary public, State of Michigan, County of _____

My commission expires _____