



PUBLIC INFORMATION RECORDS REQUESTS

POLICY.

The Deschutes County Sheriff's Office – Adult Jail (AJ) is committed to providing public information regarding operations to the community in compliance with the Inspection of Public Records Act and other state law governing records access. By providing information, we can foster a relationship of mutual trust and cooperation.

PURPOSE.

The purpose of this policy is to provide members with guidelines regarding the release of public information.

OREGON JAIL STANDARDS:

- A-201 Public Records Requirements
- A-202 Duty to Classify Public Records
- A-203 Access to Public Records
- A-204 Records Inspection, Duplication, and Fees
- A-205 Records Retention

REFERENCES:

- DCSO Policy 3.70 *Law Enforcement Media Relations*
- DCSO Policy 4.40 *Records and Case Tracking*.
- ORS 192.311 to ORS 192.607 Definition of Public Record
- ORS 192.450 Petition to review denial of right to inspect state public record
- ORS 192.415 Procedure to review denial of right to inspect other public records
- ORS 192.480 Procedure to review denial by elected official of right to inspect public records
- ORS 192.501 Public records conditionally exempt from disclosure
- ORS 192.311 to ORS 192.607 Records exempt from disclosure
- ORS 192.558 Use or disclosure by health care provider
- OAR 166-150-0135, County and Special District General Records Retention Schedule

DEFINITIONS:

Public Record. See Oregon Public Records Act (ORS 192.311 to 192.607) for description of inclusive records and records that are exempted from disclosure.

PROCEDURES.

SECTION A: ROLE OF THE SHERIFF'S OFFICE

A-1. The AJ will release and disseminate public information in accordance with applicable law, OAR, *DCSO Policy 3.70 Law Enforcement Media Relations* and *DCSO Policy 4.40 Records and Case Tracking*. The Sheriff or designee is the primary person responsible for the release of public information regarding incidents or activities in the Sheriff's Office.

SECTION B: DISCLOSURE OF PUBLIC RECORDS

B-1. Unless specifically exempt by statute or policy, information contained in AJ records is public information, which may be inspected pursuant to the Oregon Public Records Law and this policy.

- a. Records will be reviewed by Sheriff's Office Legal Counsel prior to release.
- b. Only records generated or retained by the AJ may be disclosed. Persons requesting reports or documents from other agencies not generated or retained by the AJ will be referred to the issuing agency.

B-2. The AJ is only obligated to provide public records in the format in which they exist.

- a. If the public records are readable only with specific programs or computers, the AJ must make the program or computer available to view the records.
- b. If the public records are only in one format, such as an audio recording, the AJ is not obligated to provide the records in a written format, but may choose to do so.
- c. If a person requests a public record in an alternative format due to a disability, the person processing the request must consult with Sheriff's Office Legal Counsel before proceeding.
- d. The AJ must acknowledge every public records request within 5 days of receipt, as required by ORS 192.324.
- e. The AJ must respond to all public records requests as soon as practical and without unreasonable delay.
- f. The AJ response to a public records request includes required language from ORS 192.329.

B-3. The following records will be provided upon request unless any one or more reasons listed in Section C: Exemptions exist:

- a. Booking sheets, including the arrested person's name, date of birth, residence, employment, physical description, involved offense(s), and arresting agency
- b. State Identification Numbers (SID)
- c. Court dates, reports, detainers, offense disposition
- d. Property receipts, except those items taken into evidence

- e. Inmate mugshot
- f. Bail information, including name of individual posting bail and amount
- g. Incident reports

B-4. Inmates may be denied access to records if providing such documents would be contrary to the public good or jeopardize the safety and security of the AJ.

SECTION C: EXEMPTIONS

C-1. There are numerous public records that are exempt from disclosure. Consult with Sheriff's Office Legal Counsel on whether an exemption applies. Some of those exemptions are as follows:

- a. ***Personal Safety.*** If a person requests, in writing, that a public body not disclose the phone number or address of the individual, the public body is prohibited from disclosing the information.
- b. ***Pending Litigation.*** If a public body is involved in litigation, or if litigation is reasonably likely in the future, the public records relating to the litigation are exempt from disclosure.
- c. ***Personnel Discipline Actions.*** Public records relating to a disciplinary action, materials or documents supporting that action are exempt from disclosure, unless public interest in disclosure outweighs the public interest in confidentiality.
- d. ***Personal Privacy Exemption.*** Personal information, such as that kept in a medical or personal file is exempt from disclosure if disclosure would be an unreasonable invasion of privacy.
- e. ***Public Employee Address and Telephone numbers.*** Addresses and phone numbers of public employees and volunteers maintained by the public body in personnel files are exempt from disclosure.
- f. ***Confidential Information Submitted by Citizens.*** Information voluntarily submitted by citizens, where the information should reasonably be considered confidential and the public body has, in good faith, obliged itself to keep the information confidential, is exempt from disclosure.
- g. ***Social Security Numbers.*** No social security number should be disclosed without prior consultation with legal counsel. If a public record contains a social security number, the number should be blacked out prior to disclosure.

C-2. All or part of any Sheriff's Office or AJ policy and procedure that if released could jeopardize the safety and security of the facilities, members, or inmates.

C-3. Communication within the Sheriff's Office or between the Sheriff's Office and another agency which are advisory in nature to the extent that they cover other than factual materials and are preliminary to any final agency determination of policy or action and to

the extent that maintaining their confidentiality is necessary to encourage frank communication. This information may include, but is not limited to:

- a. Informational Memorandums
- b. Routine Correspondence
- c. Interoffice Memorandums
- d. Inmate kites (forms for written messages from inmates to AJ members)
- e. Deputy incident reports which are not a part of a criminal complaint
- f. Teletypes between agencies

C-4. The following inmate related records will not be released unless there is a valid written release as set out under ORS 192.558 or court order:

- a. Medical screening forms.
- b. Health appraisal forms.
- c. All medical finding, diagnoses, and treatment records.
- d. All inmate requests for treatment records.
- e. All medication and prescription.

SECTION D: PUBLIC RECORDS REQUEST

D-1. A person requesting public records must submit the request in writing using the *Public Records Request Form No. 140* to the Administrative Lieutenant or AJ Administrative members.

SECTION E: FEES

E-1. The Sheriff's Office will charge a fee for the actual costs of making records available unless a fee waiver or reduction is approved by Sheriff or Sheriff's Office Legal Counsel. The fee for providing records in response to a public records request will be in accordance with the Sheriff's Office fee schedule.

E-2. The cost of providing requested records will be estimated using the fee calculation section of the Public Records Request form. The estimated fee must be collected from the requesting party prior to processing the request.

- a. Members will track the amount of time actually spent processing the request.
- b. If the estimated fee is more that \$25, the requestor must confirm they want members to proceed with the request.
- c. If the actual cost is less than the estimated cost paid by the person making the request, the Sheriff's Office will provide the person a refund.
- d. If the actual cost is more than the estimated cost, the person making the request must pay the difference prior to receiving the requested records.

SECTION F: COLLABORATION WITH CRIMINAL JUSTICE AGENCIES

- F-1.** Members will collaborate with criminal justice agencies in information gathering, exchange, and standardization.
- F-2.** Exempt information such as medical records will not be shared with other criminal justice agencies unless doing so is for the purpose for the inmate's continuity of care.

SECTION G: COPYRIGHTED MATERIAL

- G-1.** If a person requests public information that is copyrighted, the Sheriff's Office will direct the requestor to the original author of the copyrighted material. Sheriff's Office members must not make, or allow copies of the copyrighted material without the consent of the copyright holder.

SECTION H: DENIALS OF PUBLIC RECORDS REQUEST

- H-1.** If the Sheriff denies a public record request, the person making the request may appeal the decision to the Circuit Court, as provided in ORS 192.427. If a public records request is denied by someone other than the Sheriff, that decision may be appealed to the Deschutes County District Attorney, as provided in ORS 192.415.

SECTION I: RECORDS RETENTION

- I-1.** AJ records will be maintained and archived according to the Oregon public records statutes and Oregon Administrative Rules OAR 166-150-0135. Minimum retention schedules will be followed for orderly retention and disposition of public records. Records retention will include, but is not limited to:
- a. Administrative, which includes audits, correspondence, policies, security records and work schedules
 - b. Emergency management, which includes disaster preparedness and resource lists
 - c. Equipment and property, which includes equipment maintenance, technical standards, and vehicle usage and expense records
 - d. Financial, which includes budget preparation and adopted budget records, grants, and purchasing and inventory records
 - e. Information and records management, which includes computer system security, forms, and records management
 - f. Law enforcement, which includes incident case files, inmate case files (under which discipline records would also fall), electronic home detention, inmate grievances, inmate visitor records, bail records, booking records, fingerprints, and jail monitoring
 - g. Payroll, which includes employee time records and leave applications
 - h. Personnel, which includes employee personnel records, training program, and volunteer records
 - i. Risk Management, which includes injury reports, personnel accident reports, and safety inspection and compliance records

FORMS USED:

- [Public Records Request Form No. 140](#)