



PUBLIC INFORMATION RECORDS REQUESTS

POLICY.

The Sheriff's Office is committed to providing public information regarding the Corrections Division 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 all employees 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:

- ORS 192.410(4) Definition of Public Record
- ORS 192.450 Petition to review denial of right to inspect state public record
- ORS 192.460 Procedure to review denial of right to inspect other public records; effect of disclosure
- 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 192.502 Records exempt from disclosure
- OAR 166-150-0135, County and Special District General Records Retention Schedule

DEFINITIONS:

Corrections Division. Includes Deschutes County Adult Jail and Deschutes County Work Center.

Public Record. Includes any writing that contains information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records, prepared, owned, used or retained by a public body regardless of physical form or characteristics. "Public record" does not include any writing that does not relate to the conduct of the public's business and that is contained on a privately owned computer.

PROCEDURES.

SECTION A: RESPONSIBLE PERSONS

- A-1.** The Sheriff must be the primary person responsible for the release of public information regarding incidents or activities of the Corrections Division. In the absence of the Sheriff, the highest-ranking person at an incident must perform the public information duties.
- A-2.** The Sheriff is the primary person responsible for the release of public information regarding other Sheriff's Office matters such as personnel issues, office operations, internal investigations, etc. If the Sheriff is unavailable, the Captain is responsible for authorizing public record releases.
- A-3.** Any request for access to records maintained by the Corrections Division or the Sheriff's Office may be referred to Sheriff's Legal Counsel for review before a response is issued or records are provided for inspection or copying. Any request for records which involves litigation or any form of administrative proceeding or arbitration to which the County is a party or reasonably likely to become a party, shall be referred to Sheriff's Legal Counsel for review and response.

SECTION B: DISCLOSURE OF PUBLIC RECORDS

- B-1.** Unless specifically exempt by statute or policy, information contained in the records of the Corrections Division is public information, which may be inspected pursuant to the Oregon Public Records Law and this policy.
 - a. Only records generated or retained by the Deschutes County Sheriff's Office and the Corrections Division will be released. Persons requesting reports or documents from other agencies not generated or retained by the Deschutes County Sheriff's Office or the Corrections Division will be referred to the issuing agency.
- B-2.** The Corrections Division 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 Corrections Division must make the program or computer available to view the records.
 - b. If the public records are only in one format, such as an audiotape, the Corrections Division 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 Legal Counsel before proceeding.
- 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 facility.

SECTION C: EXEMPTIONS

- C-1.** There are numerous public records that are exempt from disclosure. Consult with Sheriff's Office Legal Counsel if there is any question 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 that are 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 Corrections Division policy and procedure that if released could jeopardize the safety and security of the facilities, employees, or inmates.
- C-3.** Communications 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 jail inmates to jail personnel)
 - 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 192.525 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 to the Administrative Lieutenant or Administrative Records unit in the lieutenant's absence.

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. The fee to be charged for providing records in response to a public records request will be in accordance with the fee schedule adopted by the County, which is in effect at the time the request is submitted to the County.
- E-2.** The cost of providing requested records must 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. Staff must 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 Corrections staff 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 must 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.

E-3. The Corrections Division may waive or reduce fees if it is determined that the general public is the primary beneficiary of the information. The Corrections Division has the discretion to deny the request so long as it has reasonable grounds for the denial. The person making the request to waive fees should submit the request in writing to the Administrative Lieutenant. Criteria used to waive or reduce the fees may be, but are not limited to, the following:

- a. The fee waiver or reduction is in the public's general interest and not solely to the benefit of the person making the request.
- b. The person requesting the fee waiver or reduction has the ability to relay the information to the general public in an effective and meaningful manner.
- c. The information is not readily available to the general public.

SECTION F: COLLABORATION WITH CRIMINAL JUSTICE AGENCIES

F-1. Corrections personnel 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 staff must not make, or allow to be made, copies of the copyrighted material without the consent of the copyright holder.

SECTION H: DENIALS OF PUBLIC RECORDS REQUEST

H-1. If the Sheriff's Office (Sheriff or designee) denies a public record request, the person making the request may appeal the decision to the Circuit Court, as provided in ORS 192.480. 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 192.460.

SECTION I: RECORDS RETENTION

I-1. Correction Division 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.

FORMS USED:

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