

**Coos County Sheriff's Office
GENERAL ORDER**

RECORD REQUESTS (NAME CHECKS AND REPORT REQUESTS) G.O. 11.2

EFFECTIVE: 01-01-10

REVISED: 04-30-2019

POLICY:

It is the intent of the Coos County Sheriff's Office to release information, reports, local agency and name checks requested by law enforcement agencies, criminal justice agencies and to the public requests while maintaining the integrity of investigations in accordance to procedures set forth below.

PURPOSE:

The purpose of this order is to establish guidelines outlining what information must be released per Oregon's Public Records Law and Sheriff's Office Policy that will not place a subject in danger and/or jeopardize an open investigation. Reference: ORS 192.001 to 192.868.

PROCEDURE:

NAME CHECKS – Schedule of fees will be determined and updated per ORS 192.324(4)(c)

1. Criminal Justice Agency Requests
 - a. Name checks are for local agency check only (LAC). LAC inquiries query the database of the Sheriff's Office ONLY, no check will be processed through LEDS/NCIC.
 - b. Criminal Justice Agency is defined as but is not limited to: law enforcement agencies, courts, district attorney offices, juvenile divisions, Department of Corrections, road departments, Department of Motor Vehicles, Department of Human Services (DHS), Oregon Health Authority, (Child Welfare Services, Senior & Disabled Services), Department of Homeland Security, public utility, and the U.S. Armed Forces.
 - c. Any of these agencies may make a written request (mail, fax, email or in person) to the Sheriff's Office and upon receipt of that request, a check will be made of contacts made by our agency **ONLY**. Depending on the nature of the request, at the employee's discretion, it may be disclosed that another agency on the interagency computer system has name entries, however, the requestor must make that inquiry directly to the agency responsible for that record.
 - d. In the response to the requestor, the Sheriff's Office shall reveal the nature of the record, the involvement of the person of inquiry, the case number, and date of incident and sign and date the request and return it in person or by mail, fax or email.
 - e. If the requestor of the name check then requests a copy of the actual report, if one exists, they must do so in writing and that request will be processed according to Requesting a Report (3).
2. Public Requests
 - a. Public Request is defined as but is not limited to requests from private attorneys, defense attorneys, private investigators, insurance companies and investigators, SAIF, Workman's Compensation, employers, school employers, nursing licensing, real estate licensing, student visas and foreign travel.
 - b. Any of these parties may make a written request (mail, fax, email or in person) to the Sheriff's Office and upon receipt of that request, a check will be made of contacts made by our agency **only**.
 - c. Due to the fact that these requests are most often needed for civil purposes rather than criminal cases, such as medical claims for accident injuries, vehicle damage, personal property theft, property damage, neighborhood disputes, child custody disputes and divorces there is usually a

lengthy time involved in researching the many databases, these requests will be processed in a manner that is timely.

- d. Judgment must be exercised to determine if the release of information will jeopardize an investigation or if any of the information falls under the Records Laws for Exemption (Redaction).
- e. In the response to the requestor, the Sheriff's Office shall reveal the nature of the record, the involvement of the person of inquiry, the case number, and date of incident and sign and date the request and return it in person or by mail, fax or email.

REQUEST FOR REPORTS

1. Criminal Justice Agency Requests

- a. Criminal Justice Agency is defined as but is not limited to: law enforcement agencies, courts, district attorney offices, juvenile divisions, Department of Corrections, road departments, Department of Motor Vehicles, Department of Human Resources (Child Welfare Services, Senior & Disabled Services), Department of Homeland Security, public utility, and the U.S. Armed Forces.
- b. Any of these parties may make a written request for a specific case number(s) (mail, fax, email or in person) to the Sheriff's Office and upon receipt of that request the report will be mailed, faxed or hand delivered to the requestor as soon as time allows.

2. Requests from Deputies

Deputies may request, at any time, a copy of their own report or report of another deputy for investigation, follow up and/or for court. For requests with a time constraint, a timely request to the Records Division will ensure the report availability by that date.

3. Public Requests

- a. Public Request is defined as but is not limited to private attorneys, defense attorneys, private investigators, insurance companies and investigators, SAIF, Workman's Compensation, employers, school employers, nursing licensing, real estate licensing, student visas and foreign travel.
- b. Reports that are public record (those wherein adjudication has been completed) can be requested. The exception to this rule is for insurance companies handling medical-accident claims, thefts and burglaries. These reports are given to the insurance industry with the implied understanding that they use the report to the extent to process a medical or loss claim.
- c. **No victim** regardless of the injuries or loss may have a copy of a report until such a time the case is adjudicated in order to ensure the integrity of the investigation. The Crime Victim's Assistance Program of the District Attorney's Office will let a victim read the report, however, to actually receive a copy, the investigation must be closed.
- d. Any of these parties may make a written request (mail, fax, email or in person) to the Sheriff's Office to include the case number(s) and the fee payable to Coos County of \$15.00 for each report (set by County Resolution), as these requests will be completed as soon as time allows and/or adjudication has occurred and the report becomes public record.
- e. The fee to immediate family members requesting a copy of a death investigation is waived. If the request comes from the insurance company they will need to submit the \$15.00 fee such as any other request.

SPECIFIC OREGON REVISED STATUTES

Acknowledgement of a request 192.324(2), Completing request as soon as practical and without unreasonable delay 192.329(5). Must provide written estimate of fees, request is suspended until fees are paid.

The timelines are flexible if you cannot reasonably respond in the requested time due to staffing, other requests. In the event you cannot meet the timelines, you must still acknowledge the request and response as soon as reasonably practical and without unreasonable delay. ORS 192.329(6).

If no written estimate is given, the most you can charge to process a records request is \$25.00.

EXEMPTIONS

Social Security Numbers – You can refuse to disclose social security numbers. ORS 192.345(28) ****
See also ORS 646A.620. **IMPROPER DISCLOSURE MAY RESULT IN LEGAL LIABILITY.**

Email Addresses. Email addresses in the possession of a public body are exempt – except for email addresses of public body employees (work email addresses). ORS 192.355(40).

Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur. 192.345 (1)

Investigatory information compiled for criminal law purposes. The record of an arrest or the report of a crime shall be disclosed unless and only for so long as there is a clear need to delay disclosure in the course of a specific investigation 192.345(3) [Arrested person's name, age, residence, charges, basic press release information]

Photos of Public Safety Employees. A public body may not disclose a photograph of a public safety employee of the public body without the written consent of the employee. 181A.830(2)

Specific Operational Plans – You can withhold ops plans or policies for anticipated threats (hostage situations, protests, jail riots) if disclosure would jeopardize life or safety, or would jeopardize an LE activity. ORS 192.345(18)

Sensitive Security Information – You can withhold records or information that would allow a person to gain unauthorized access, identify structural or operational vulnerability (such as staffing patterns or the fact that your evidence room has a wall constructed of 2x4s and sheetrock), or information that would allow someone to interfere with or gain access to public funds, communications or telecommunications systems used or operated by a public body. ORS 192.345(22)

Security Measures – You can withhold records or information that would reveal or otherwise identify security measures, or weaknesses or potential weaknesses in security measures, taken or recommended to protect a person, buildings or IT systems, telecommunications systems, or the information in those systems. (such as a security audit identifying what needs to be done to prevent hacking of county network) ORS 192.345(23)

Concealed Handgun License Records – Exempt from disclosure except in very narrow circumstances. ORS 192.374. Do not disclose information about a CHL – INCLUDING WHETHER A PERSON HAS OR DOES NOT HAVE A CHL, or whether they formerly had a CHL, without approval from a command officer.

Child Abuse or Neglect Investigations – Reports of child abuse or neglect are not subject to disclosure except to other LE agencies, the DA and the AG. The statute does not allow disclosure even to the victim

or the victim's attorney without DHS consent or a court order. ORS 419B.035. Contact DHS Legal Team for authorization. Keep a copy of their answer with the case file regardless of their approval or denial.

Victims of Sex Crimes – You may decide that this information is an unreasonable invasion of privacy and that the records are exempt from disclosure under ORS 192.355(2).

Medical Examiner's Reports. A medical examiner's report, autopsy report, or lab test ordered by a medical examiner (toxicology report) are all exempt from disclosure. ORS 192.345(36)

192.355 2(b) images of a dead body, or parts of a dead body, that are part of a law enforcement agency investigation, if public disclosure would create an unreasonable invasion of privacy of the family of the deceased person.

Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur.

REDACTION

192.377 Required redaction of certain personal information: A public body that is custodian of or is otherwise in possession of information that was submitted to the public body in confidence and is not otherwise required by law to be submitted, must redact all of the following information before making a disclosure described in ORS 192.355(4):

- 1) Residential address and telephone numbers
- 2) Personal electronic mail addresses and personal cellular telephone numbers;
- 3) Social Security numbers and employer-issued identification numbers; and
- 4) Emergency contact information.

OAR 1028.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Coos County Sheriff's Office on any personal or social networking or other website or web page, without the express authorization of the Sheriff.

This policy supersedes all previous written and unwritten policies of the Coos County Sheriff's Office on the above subject.