



DEPARTMENT OF STATE POLICE

RELEASE OF PUBLIC RECORDS

Effective Date: July 24, 2024	Supersedes Date: April 6, 2023	Policy Number: 201.3
Reference/Laws/Statutory Authority: ORS chapter 192; ORS 192.311-192.478; DAS Statewide Policy 107-001-030; OAR; Dept. Manual; Attorney General's Public Records and Meetings Manual.		
Applies to: <input checked="" type="checkbox"/> All Personnel <input type="checkbox"/> All Management <input type="checkbox"/> Sworn Personnel <input type="checkbox"/> Non Sworn Personnel <input type="checkbox"/> Other <input type="text"/>		
Issuing Authority: Superintendent of State Police		No. Pages 5

I. PURPOSE

The purpose of this policy is to outline appropriate handling and response to public record requests.

II. POLICY STATEMENT

The Department of the State Police complies with all applicable laws and rules related to the right of the public to review or obtain public records maintained by the Department. Upon request, the Department will provide and make available all public records which are not exempt from disclosure under law.

III. PROCEDURES

A. PUBLIC RECORDS REQUEST PROCEDURE

1. Each bureau, division, section, unit, and/or business area within the Department may create and maintain additional written procedures applicable to release of their unique area records supported by statutory regulations and requirements on confidentiality and exemption from release. These procedures augment the Department's policies and must be approved by the Department Risk Manager.

2. All requests for public records should be sent to the Central Records Section of the Oregon State Police on the "Request for Oregon State Police Records" form.
3. The Central Records Section of the Oregon State Police will process all public records requests. Each division, section or business unit shall identify a Public Record contact person. Central Records will coordinate with the appropriate contact person in each division when processing a public records request.
4. Central Records will send a response to the requester, acknowledging receipt of the request form (referenced in #2 above) within 5 business days after receiving the request. The response shall include the following as appropriate:
 - a) A statement that Oregon State Police does not possess the requested records.
 - b) A statement that Oregon State Police is the custodian of the requested records.
 - c) A statement that it is uncertain if Oregon State Police is the custodian of the requested records.
 - d) An estimate of time in which copies will be provided or when the records will be available for inspection and an estimate of the fees the requester must pay.
5. Central Records will comply with the request or provide the reason for denial as soon as practicable and without reasonable delay.
6. If the request is ambiguous such that the Department cannot reasonably identify what records are being requested, Central Records Section will ask that the requester provide additional clarifying information. A request is overbroad when an unreasonable fiscal burden would be placed on the Department to fully respond to the request. If a request is overbroad, Central Records Section will ask the requester to narrow the scope of the request.
7. If a requester fails to respond to inquiries for clarification, narrowing of scope, or cost estimates the request will be closed after 60 days.

B. LIMITATIONS

1. The Department does not furnish copies of the DMV Oregon Police Traffic Crash Report, Form 735-466. A requester may obtain a copy of a crash report from the Division of Motor Vehicles Accident Records Unit. Exceptions may be made at the discretion of local area commands for crash victims, depending on the availability of the information and workload of professional staff.

2. Requests for Oregon State Medical Examiner's Records should be made directly to the Oregon State Medical Examiner's office.
3. Exempt/Conditionally Exempt Records:
 - a) According to the Attorney General's Public Records and Meetings Manual, Oregon's Public Records Law is primarily a disclosure law, not a confidentiality law.
 - b) Notwithstanding a presumption to disclose records, some public records are statutorily exempt or conditionally exempt from disclosure. Exempt records may not be disclosed. Conditionally exempt records are generally exempt but may be disclosed if the public interest requires disclosure in a particular instance. The Central Records Section will carefully consider whether any records are exempt or conditionally exempt as allowable under statute. Records that are exempt and not exempt existing in the same record will be separated and the non-exempt portion will be disclosed.

E. FEES FOR PUBLIC RECORDS RESPONSES

1. The Department adheres to DAS Policy Number 107-001-030 regarding fees (waivers and charges).
2. Fees are calculated based on the actual staff time or a flat fee as specified in the Oregon State Police public record fee schedule.
3. Staff time may include:
 - a) Staff time spent to locate, review, segregate, and/or redact exempt materials from requested records.
 - b) Staff time spent to locate, download, format, copy, or transfer records that require electronic reproduction or conversion to an electronic format.
 - c) Staff time spent to search for and review records, even if the located records are subsequently determined to be exempt from disclosure or no records can be found.
 - d) Staff time and mileage (current state mileage rate) spent in traveling to pick up and deliver records or requests for record reproduction.
 - e) Time spent by legal counsel to review, segregate, or redact exempt materials from requested records. The Department will not incorporate the cost of consultation with legal counsel regarding the application of Oregon's Public Record law into the Department's fees.

- f) Supplies and materials used to produce information on audio tapes, video tapes, microfilm, magnetic tape, photo paper, CD, DVD, or other media, unless the cost is included in the fee schedule.
 - g) Printing cost of manuals or other materials produced by outside sources, such as Publishing and Distribution, Enterprise Goods and Services, Department of Administrative Services.
 - h) Mailing or shipping requested records.
4. For any work requiring staff overtime, the Department may charge one and one half (1½) times actual staff time or staff time as specified in the fee schedule. Portions of hours will be pro-rated. The Department will not use overtime hours to respond to a record request or supervise record inspection unless the requester approves this expenditure in advance.
 5. The Department will charge for staff time for supervision of record inspection on an hourly basis for all time spent associated with the completion of the request. Portions of hours will be pro-rated in intervals of 15 minutes.
 6. If, for operational or other reasons, the Department uses the services of an outside source to replicate or produce electronic copies of requested records, the Department will charge the actual costs incurred.
 7. The Department will notify a requester of the estimated costs to make records available for inspection or to provide copies of records. If the estimated costs exceed \$25, the Department will provide written notice to the requester, and the Department will not take further actions to respond to the request until the requester directs the Department to proceed with making the public record available and pays the estimated fee.
 8. Generally, payment for charges for supplying records or information will be required before the Department provides the requested records.
 9. The Department will not include charges for any additional costs incurred to provide records in an alternative format to individuals with vision or hearing impairments when required by the Americans with Disabilities Act.

IV. DEFINITIONS

1. 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.

2. Writing: means handwriting, typewriting, printing, photographing and every means of recording including, letters, words, pictures, sounds, symbols, or combination thereof, and all papers, maps, files, facsimiles, or electronic recordings.

V. RULES

ORS Chapter 192.311-192.478, Attorney General's Public Records and Meetings Manual.