

## **Spokane Police Department Public Record Requests**

Effective Date: 1/1/2009

Revision Date: 4/1/2009

### **GENERAL**

#### **Authority and Purpose**

RCW 42.56.070 (1) of the Public Records Act requires each state or local agency to make available for inspection and copying nonexempt "public records" in accordance with published rule. RCW 42.56.070 (2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

The purpose of this policy is to establish the procedures the Spokane Police Department will follow in order to provide full access to public records. This policy provides information to persons wishing to request access to public records of the Spokane Police Department and establishes processes for both requestors and Spokane Police Department staff that are designed to best assist member of the public in obtaining such access.

The purpose of the Act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The Act and this policy will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Spokane Police Department will be guided by the provisions of the act describing its purposes and interpretation.

### **REFERECES**

Chapter 42.56 RCW

### **DEFINITIONS**

"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

"Writing" means handwriting, typewriting, printing, Photostating, photographing, and every other means of recording any form of communication or representation, including but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings and other

documents including existing data compilations from which information may be obtained or translated.

## POLICY

### Agency Description – Contact Information – Public Records Officer

The Spokane Police Department Records Division is located at 1100 W. Mallon, Spokane, WA. 99260. Hours of Public Window services are Monday – Friday, 8:30am – 4:00pm.

Any person wishing to request access to public records of the Spokane Police Department, or seeking assistance in making such a request should contact the Spokane Police Records Division.

Theresa Giannetto  
Records Manager  
Spokane Police Department  
1100 W. Mallon  
Spokane, WA 99260  
(509) 625-4032  
(509) 625-4059 FAX  
[tgiannetto@spokanepolice.org](mailto:tgiannetto@spokanepolice.org)

Information is also available at the Spokane Police web site at [www.spokanepolice.org](http://www.spokanepolice.org)

The public records officer will oversee compliance with the Act but another City staff member may process the request. Therefore, this policy will refer to the public records officer “or designee.” The public records officer or designee and the Spokane Police Department will provide the “fullest assistance” to requestors; ensure that public records are protected from damage or disorganization’ and prevent fulfilling public records requests from causing excessive interference with essential functions of the Spokane Police Department.

### Availability of Public Records

Public records are available for inspection and copying during normal business hours of the Spokane Police Department, Monday through Friday, 8:30am to 4:00pm., excluding holidays. Records must be inspected at the offices of the Spokane Police Department. The Spokane Police Department and the requestor can make mutually agreeable arrangements for the times of inspection and copying.

### Records Index

The Spokane Police Department does not maintain a records index pursuant to mayoral executive order EO 2008-05.

## Organization / Protection of Records

The Spokane Police Department will maintain its records in a reasonably organized manner consistent with available resources. The Spokane Police Department public records officer may take any steps deemed necessary to protect and preserve records from damage, alteration or disorganization.

A requestor shall not alter, disorganize, damage, take or remove Spokane Police Department records from the Spokane Police Department offices or custody without the express written permission of the public records officer or designee. In the event of such unauthorized action, the Spokane Police Department reserves the right to recover from all persons responsible, all costs of record recovery, including direct costs as well as all claims for consequential loss or damage, in addition to prosecution under the law.

### Making a request for public records

Any person wishing to inspect or copy public records of the Spokane Police Department should make the request in writing on the Spokane Police Departments request form, or by letter, fax, or e-mail addressed to the public records officer.

The requests should include the following information:

- Name of requestor
- Address of requestor
- Other contact information including telephone number and/or e-mail address
- Identification of the public records adequate for the public records officer or designee to locate the records including date of incident, report number, and names of individuals included in the report
- The date and time of the request

A question or a request for information is not a request for a record.

If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit pursuant to RCW 42.56.120.

A form is available for use by requestors at the office of the public records officer and on-line at [www.spokanepolice.org](http://www.spokanepolice.org)

The public records officer or designee may accept requests for public record requests that contain the above information by mail, e-mail, fax, or in person.

## PROCEDURE

The Spokane Police Department is charged by statute with adopting rules which provide for how it will “provide full access to public records,” “protect records from damage or disorganization,” “prevent excessive interference with other essential function of the agency,” provide “fullest assistance” to requestors, and provide the “most timely possible action” on public record requests. The public records officer or designee will process requests in the order allowing the most requests to be process in the most efficient manner.

The public records officer will acknowledge receipt of the request within five (5) business days by one of the following:

- Make the records available for inspection or copying in whole or in part; or
- If copies are requested and payment of a deposit, for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
- Provide a reasonable estimate of when records will be available’ if not furnished or in whole; or
- If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or
- Deny the request, in whole or part.

### Consequences of failure to respond

If the Spokane Police Department does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

### Protecting rights of others

In the event that the requested records contain information that may affect rights of other and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

### Records exempt from disclosure

Some records are exempt from disclosure, in whole or in part. If the Spokane Police Department believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. If the records requested are large and/or if the redactions are voluminous, a “withholding index” which cites the public record and the statute that provides the exemption may accompany the public records. The public records officer may explain to the requestor that

the redaction services will take additional time and invite the requestor to focus or narrow the request to save time and help serve the requestor's needs.

#### Inspection of records

Consistent with other demands and resources, the Spokane Police Department shall provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the Spokane Police Department to copy. The Spokane Police Department and the requestor can make mutually agreeable arrangements for the times of inspection.

The requestor must claim or review the assembled records within thirty (30) days of the Spokane Police Department's notification to him or her that the records are available for inspection or copying. The Spokane Police Department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Spokane Police Department to make arrangements to claim or review the records. If the requestor fails to claim or review the records within thirty (30) days, or to make other arrangements, the Spokane Police Department may close the request. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

#### Providing records in installments

When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one (1) or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

#### Completion of inspection

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Spokane Police Department has completed a diligent search for the requested records and made any located non-exempt records available for inspection or copying.

#### Closing withdrawn or abandoned requests

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request.

#### Later discovered documents

If, after the Spokane Police Department has informed the requestor that it has provided all available records, the Spokane Police Department becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional document and provide them on an expedited basis.

#### On-going requests

“On-going” or continuous requests for records are not honored. A request is searched at the time made. A new request is needed for records created after the time of the initial request.

#### Processing of public record requests – electronic records

The process for requesting electronic records is the same as for requesting paper public records.

#### Providing electronic records

When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the Spokane Police Department and is generally commercially available, or in a format that is reasonably translatable from the format in which the Spokane Police Department keep the records. Costs for providing the electronic record are governed by WAC 44-14-07003.

#### Exemptions

The public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of the exemption, outside of the Public Records Act, that restricts the availability of some documents held by the Spokane Police Department for inspection and copying. The list is a partial list only, and there may be other statutes that restrict or limit the disclosure to the public. These exemptions are located in Attachment B.

The Spokane Police Department is prohibited by statute from disclosing lists of individuals for commercial purposes.

The Spokane Police Department is not required to create a record where one does not exist

#### Costs of Providing Copies of Public Records

The Spokane Police Department charges ninety cents (\$0.90) for the initial page of the report and thirty cents (\$0.30) for subsequent pages of the report. A statement of the factors and the manner used to determine this charge is located in Attachment C.

Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent (10%) of the estimated costs of copying all the records selected by the requestor. The public records officer or designee also requires the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The Spokane Police Department will not charge sales tax when it makes copies of public records.

#### Costs for electronic records

The cost of electronic copies of records shall be as set forth in Attachment C. There will be no charge for e-mailing electronic records to the requestor, unless another cost applies such as a scanning fee.

Cost of mailing

The Spokane Police Department may also charge actual costs of mailing, including the cost of the shipping container.

Payment

Payment may be made by cash, check, or money order to the Spokane Police Department. Bad checks are treated as non-payment and referred to collection.

Review of Denials of Public Records

Any person who objects to the initial denial or partial denial of a record request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

The public records officer shall promptly provide the petition and any other relevant information to the City Legal Department. That person will immediately consider the petition and either affirm or reverse the denial within two (2) business days following the Spokane Police Department's receipt of the petition, or within such other time as the Spokane Police Department and the requestor mutually agree to.

Judicial review

Any person may obtain court review of denials of public records request pursuant to RCW 42.56.550 at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.

APPENDICIES

Attachment A – Public Records Request Form

Attachment B – List of Documents Exempt Form Public Inspection and Copying  
Outside the Public Records Act

Attachment C – 2009 Fee Schedule

APPROVED BY:

  
Records Manager/Public Records Officer

4/11/09  
Date