PISCATAQUIS COUNTY SHERIFF'S OFFICE

FREEDOM of ACCESS ACT REQUEST [FOAA]

Policy – 8

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I. PURPOSE

This policy establishes guidelines for responding to requests for documents or records under the Maine Freedom of Access Act (FOAA). 1 M.R.S. chapter 13, subchapter 1.

II. POLICY

The policy of the Piscataquis County Sheriff's Office [PCSO] is to ensure that any person requesting access to any public record in the agency's custody and control will be provided with the record within a reasonable period of time, and to ensure that documents or records that are confidential by law will remain protected and not publicly disseminated.

III. DEFINITIONS

As used in this policy, unless the context otherwise indicates, the following terms have the following meanings:
A. Administration of Criminal Justice: Activities relating to the anticipation, prevention, detection, monitoring, or investigation of known, suspected, or possible crimes. It includes collecting, storing, and disseminating intelligence and investigative record information relating to the administration of criminal justice.
B. Criminal History Record Information: Information of record collected by a criminal justice agency or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency that connects a specific, identifiable person with formal involvement in the criminal justice system either as an accused person or as a convicted criminal offender.
C. Criminal Justice Agency: A federal, state, or State of Maine government agency or any subunit of a government agency at any governmental level that performs the administration of criminal justice under a statute or executive order. "Criminal justice agency" includes the Department of the Attorney General, district attorneys' offices, and the equivalent departments or offices in any federal or state jurisdiction. "Criminal justice agency" also includes any equivalent agency at any level of the Canadian government and the government of any federally recognized Indian tribe and, for purposes of this policy, includes Adult Community Corrections and Juvenile Community Corrections of the Maine Department of Corrections.

D. Dissemination: The transmission of information by any means, including but not limited to orally, in writing, or electronically, by or to anyone outside the criminal justice agency that maintains the information.
E. Intelligence and Investigative Record Information: Information of record collected by or prepared by or at the direction of a criminal justice agency or kept in the custody of a criminal justice agency while performing the administration of criminal justice or, exclusively for the Office of the Attorney General and the offices of the district attorneys, the administration of civil justice. It does not include criminal history record information or information collected or kept while performing the administration of juvenile justice.
F. Investigative Record: Any record maintained in paper, electronic, video, or audio format prepared by, prepared at the direction of, or kept in the custody of this agency that includes or itself constitutes intelligence and investigative record information. For purposes of this policy, investigative records include records containing or themselves constituting intelligence information.
G. Prosecutorial Agency: For purposes of this policy, the offices of the eight Maine district attorneys, the Maine Office of the Attorney General, the Office of the United States Attorney for the District of Maine, and Adult Community Corrections and Juvenile Community Corrections of the Maine Department of Corrections.
H. Public Access Officer (PAO): The employee(s) designated by the Chief Law Enforcement Officer to serve as the agency's contact for persons requesting access to agency records.
I. Public Records: Any written, printed, or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible to visual or aural comprehension, in the possession or custody of this agency and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business. The term does not include records designated confidential by statute.

IV. PROCEDURES

A. Unless specifically authorized by this policy, a request for access to or release of any records of this agency must be referred to the Public Access Officer.
B. Public Access Officer
    1. The Sheriff shall designate an employee(s) of this agency as Public Access Officer to serve as the agency's contact for persons requesting access to agency records.
    2. The person(s) so designated shall complete a course of training on the requirements of the Freedom of Access Act relating to public records no later than the 120th day after the date the person(s) is designated as a Public Access Officer or assumes the duties of a Public Access Officer. A Public Access Officer should complete refresher training annually.
    3. The person(s) so designated are responsible for ensuring that each public record request is acknowledged within five working days of the receipt of the request and that a good-faith estimate of when the response will be complete is provided. The Public Access Officer shall serve as a resource within the agency on Freedom of Information Act questions and compliance matters.
C. General right of the public to access records.
    1. Any person has the right to access or be provided a copy of any public record in

the custody of this agency during the regular business hours of the agency and within a reasonable period after requesting access.

2. A written or verbal request made by a person to access an agency record is presumed to be a request made under the Freedom of Access Act, regardless of whether the person expressly cites that law in making the request.

3. A person requesting access to public records is neither required to provide the person's identity nor provide the reason for the request.

4. Only records existing and in the custody of this agency, as of the date a request is received, are subject to consideration in response to such a request. This agency does not maintain "standing" or "rolling" requests that would require consideration of the production of records on a continuing basis after the date of a given request. However, this does not preclude any person from making additional requests at a later time, including a previous request that was denied in whole or in part at the time of the original request.

D. Permissible release of investigative records by employees of this agency without referral to a Public Access Officer.

1. Another criminal justice agency. Investigative reports may be released to another criminal justice agency for the administration of criminal justice and criminal justice employment.

2. Mandated reporting information. Investigative reports may be released to comply with statutorily mandated reporting in certain situations, e.g., child protective and adult protective.

3. Secretary of State. Investigative reports may be released to the Secretary of State for use in determining and issuing a driver's license suspension.

4. A sexual assault counselor or a domestic violence victim's advocate. Investigative reports may be released to a sexual assault counselor or a domestic violence victim's advocate.

E. Criminal History Record Information (CHRI). A person requesting access to criminal history record information should be referred to the State Bureau of Identification to ensure that only updated and accurate information is disseminated, or the person may request a copy of such information via the Internet at the following website: https://apps1.web.maine.gov/online/pcr/.

F. E-911 system records. A person requesting access to E-911 system records or information, including 911 recordings or transcripts, should be referred to the respective Public Safety Answering Point (PSAP) agency.

G. Personal communication systems or devices. The purpose and intent of the Freedom of Access Act, i.e., to permit public access to public records, may not be frustrated through employee use of personal communications systems or devices, e.g., personal email accounts or personal cell phones, to conduct official business.

Sheriff Robert Young