



Brunswick County Sheriff's Office

Freedom Of Information Act Guidelines

1. All Freedom of Information Act requests must be made in writing, legible and reasonably specific, and delivered to the Office of the Brunswick County Sheriff.
2. Individuals requesting copies of any documents can be charged twenty-five cents (\$.25) per page for such copies.
3. Persons making Freedom of Information Act document requests that require fifteen (15) minutes or less of staff time for a response shall not be charged for search time, but can be charged for any copies received.
4. Individuals making Freedom of Information Act document requests, which require more than fifteen (15) minutes of staff time for a response shall be charged at the hourly rate of the individual employee performing the search. These charges shall be calculated in fifteen (15) minute increments, in addition to charges made for copies and other expenses incurred by the Sheriff's Office as allowed by the Virginia Freedom of Information Act, but any such charges shall not exceed the actual cost to the Sheriff's Office in supplying the records. In any case where the Sheriff's Office determines that the search and copying charges for producing the requested information are likely to exceed two hundred dollars (\$200.00), the Sheriff's Office may, before continuing to process the request, require the requestor to agree to payment of an amount not to exceed the advance determination by five percent (5%).
5. Procedures for payment of the charges authorized by this policy shall be in accordance with the Virginia Freedom of Information Act.

Pursuant to VA. Code Ann. 2.2-3706, certain documents and records are excluded from the Virginia Freedom of Information Act's disclosure provisions. Except where specifically prohibited by law, disclosure of the following records remains within the discretion of the Brunswick Sheriff's Office:

1. Memorandum, correspondence, evidence and complaints related to criminal investigations.
2. Adult arrestee photographs when necessary to avoid jeopardizing an

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investigation in felony cases until such time as the release of such photograph will no longer jeopardize the investigation.

3. Reports submitted, to the state or local police, to investigators authorized pursuant to VA. Code Ann 53.1-16 and to campus police departments or public institutions for higher education.
4. Portions of records of local government crime commissions that would identify individuals providing information about crimes or criminal activities under a promise of anonymity.
5. Records of relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such departments under a promise of confidentiality.
6. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment.
7. The identities of victims, witnesses or undercover officers, need not be disclosed, but may be at the discretion of the agency.
8. The identities of persons providing information about a crime or criminal activity under a promise of anonymity will not be disclosed.
9. Engineering and architectural drawings; operational, procedural, tactical planning or training manuals; or staff meeting minutes or other records which would reveal surveillance techniques, personnel deployments, alarm system technologies, or operational or transportation plans or procedures when disclosure would jeopardize the security or employee safety of any courthouse, jail, or law enforcement facility.
10. Law enforcement agency records containing specific tactical plans when their disclosure would jeopardize the safety or security of law enforcement personnel or the general public. Also included in this exemption are records of emergency services agencies containing specific tactical plans related to anti-terrorist activity.

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11. Any information describing the design, function, operation or access control features of any security system used to control access to or use of any automated data processing or telecommunications system.

Pursuant to VA. Code Ann. 2.2-3706, the following information related to criminal investigations shall be disclosed:

1. Information in the custody of law-enforcement officials, including the status of the charge or arrest, relative to the identity of any individual other than a juvenile who is arrested and charged.
2. Generally, criminal incident information relating to felony offenses shall be disclosed. However, where the release of criminal incident information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, causes a suspect to flee or evade detection, or results in the destruction of evidence, such information may be withheld until the above referenced damage is no longer likely to occur from release of the information. The term, "criminal incident information," for Virginia of Information Act purposes, means a general description of criminal activity reported, the date and general location the alleged crime was committed, the identity of the investigating officer and the general description of any injuries suffered or property damage or stolen. However, the identity of any victim, witness, undercover officer, or investigative techniques or procedures need not, but may be disclosed, unless disclosure is prohibited or restricted. Under VA Code the identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

Pursuant to Virginia Code, the following standards have been established regarding requests and responses. These standards include time limitations and methods of addressing these limitations.

1. An initial response must be made within five (5) working days, after the request has been received.
2. There must be one of the following four responses:
 - a. Make the requested record(s) available;

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- b. Decline in writing to furnish the requested records, citing the specific part of FOIA, which exempts them or any other statute, which prohibits their release (e.g. Section 16.1-301, which restricts the release of juvenile records.)
- c. If only a portion of the records requested are exempt from disclosure, delete or excise the portion which need not be disclosed and make the rest available accompanied by a written statement identifying that portion of FOIA or other state statute that allows the exemption;
- d. Respond in writing that the requested records cannot be identified within the five (5) working, thereby allowing an additional seven (7) working days to identify the records and respond to the request. In highly unusual circumstances, a petition may be made to the circuit court for even more time to respond, if an accommodation cannot be reached between the agency and the requestor.

The Freedom of Information Act does not provide for “standing requests,” as for all future “criminal incident information” reports an agency may produce. FOIA can be applied only to records that already are in existence.

Persons incarcerated in either a state or federal correctional facility cannot request records under FOIA, but do retain the right to call for records which may be used as evidence in criminal prosecution in which they are involved.

FOIA does not require an agency to produce a new document if the requested information is not recorded. However, if the request can be fulfilled by adapting an existing document it must be done.