

FREEDOM OF INFORMATION ACT



KALAMAZOO COUNTY SHERIFF'S OFFICE

1500 LAMONT
KALAMAZOO, MICHIGAN 49048

Written Directive 6.3.1 FOIA

I. PURPOSE

To establish consistent and uniform procedures for disseminating information upon request within the period as required by law.

II. POLICY

The Freedom of Information Act (FOIA) provides that all person are entitled to full and complete information regarding the affairs of government and official acts of those who represent them. The Act has been amended to exclude those persons incarcerated in state or local corrections facilities.

III. PROCEDURE

A request for information contained within a writing (i.e. report, record, tape or other source prepared by KCSO), shall be considered a request pursuant to FOIA.

A. Receipt of FOIA Request

1. All requests for information should be treated at a FOIA request
2. Requests may be received I person, from the website, email, FAX, or U.S. Mail.
3. Requests received via electronic submission will not considered received until the next business day.
4. A "Request for Examination or Copy of Records" form will be supplied by the Sheriff's Office upon request. Sheriff's Office personnel will assist persons in completing the form if necessary.
5. Requests for information must be specific enough to accurately comply with the request. The requesting person shall provide the following information:
 - a. Date of request
 - b. Name of requestor

- c. Address of requestor
 - d. Telephone number of requestor
 - e. Type of incident being requested
 - f. Location of the incident
 - g. If applicable, a statement requesting the records for inspection or copying.
 - h. Whether the requestor wants the record(s) stamped "Attest: True Copy".
6. All FOIA requests will be immediately forwarded to the Records Section for tracking and processing.
- B. Response to FOIA Request
1. All requests for information will be processed in compliance with the Freedom of Information Act.
 2. Pursuant to MCL 15.235, the Sheriff's Office will respond within five (5) business days with the first day beginning the day after the request was submitted.
 3. If document processing requires extra time to prepare, an extension of up to ten (10) business days may be requested.
 4. If document processing cannot be completed within the ten (10) day extension, the Sheriff's Office Records Section FOIA coordinator shall contact the requestor and ask for an extension. All contacts and agreements must be documented in the tracking record.
- C. FOIA Content
1. All FOIA requests shall be in compliance with the Crime Victims Act. In all instances where victims addresses, phone numbers, social security numbers, or drivers license number are indicated, they shall be deleted if the victim is a person and not a business. In public order crimes where "society" may be the victim, the person perceived as the victim may be indicated as "informational" or "complainant", and the information will be deleted from those persons as well.
 2. UD-10 accident report requests should be directed to the accident report retrieval website <https://authorizetransaction.com/> . A link to that website and the FOIA summary should be provided. Closed UD-10 accident reports and supplemental reports may be released in their entirety to a person or company associated with the accident with the following exceptions:
 - a. Social Security numbers shall be deleted from all persons.
 - b. Victim/witness date of birth, drivers license number, and telephone number shall be deleted.
 - c. Fatal accident reports must be approved by the County Attorney or designee.
 - d. When a charge is sought for one of the drivers with a penalty of a crime that exceeds one year, the home address, telephone number, work address, and work phone number must be deleted of the driver who will not be charged with a crime.

- e. If a request comes from a person who is not affiliated with the accident in any manner, the names, addresses, drivers license numbers, social security numbers and telephone numbers must be deleted from all person within the report.
3. Closed property crimes with no suspect reports may be released in their entirety with the following exceptions:
 - a. Social Security numbers must be deleted for all persons in the report.
 - b. Drivers License numbers must be deleted from all persons in the report with the exception of the requestor.
 - c. Victims home and work addresses, home and work telephone numbers, Social Security numbers and Drivers License numbers must be deleted from all cases unless the victim is the requestor.
4. The County Attorney or designee must approve the following materials for release:
 - a. Written Directives, Rules, Regulations, Policies, Procedures, Action Plans, Guidelines, Security Plans, Investigative Procedures, or other law enforcement writings that may be sensitive or compromise the mission of the Sheriff's Office, or the health and safety of KCSO personnel.
 - b. LEIN information.
 - c. Crime Victims personal information including home and work addresses and telephone numbers.
 - d. Closed crimes against persons and crimes with a suspect indicated or identified.
 - e. Open reports including personal injury accidents.
 - f. Requests for "all reports involving" a specific person or location.
 - g. Requests for information of a sensitive nature, whether indicated as a crime or not. (These may include suicides or attempts, requests for medical assistance, and other "assistance" type incidents.
 - h. All requests for video and audio recordings unless prior approval for release is given by the County Attorney or designee.
 - i. The above are not inclusive. When doubts arise, Support Division personnel and the Sheriff's Office FOIA coordinator are directed to contact the Support Division Captain or designee. The issue may then be forwarded to the County Attorney or designee for release authorization.
5. Other documents that contain certain information that must be deleted are, but not limited to:
 - a. Non –public records
 - b. Medical information
 - c. Polygraph results
 - d. Photographs of crime victims
 - e. Pistol sales record information
 - f. Bank account and credit card information
 - g. Identities of juvenile CSC crime victims
 - h. Proprietary information

6. All responses shall contain a link to the KCSO FOIA Summary document on the Sheriff's website.
 7. If a requested record does not exist, an affidavit of non-existence must be prepared and sent to the requestor.
 8. If a public document requires no redactions, copy the document and provide the complete documents and a link to the FOIA Summary on the Sheriff's website.
 9. **If deletions are made, a detailed explanation must be provided indicating the subject matter that was deleted as part of the FOIA response.**
- D. Release to Other Criminal Justice Agencies for Criminal Investigation Purposes.
1. The Support Division or FOIA coordinator may release law enforcement reports to other criminal justice agencies for the purpose of criminal investigations. Prior to release the report shall include the stamp: "This document is for authorized Law Enforcement Agency personnel use only and is not to be duplicated." This stamp prohibits the agency from secondary dissemination of Sheriff's Office records.
- E. Release to Other Governmental Non-Criminal Justice Agencies.
1. Release of law enforcement reports to other governmental non criminal justice agencies may be made by Support Division personnel or FOIA Coordinator and will include the stamp: "Investigation purposes only. Release or dissemination of information contained is prohibited without the written consent of the Kalamazoo County Sheriff's Office".
- F. Administrative Purposes
1. The Sheriff or designee may give authorization for release of a report to a criminal justice or governmental agency for purposes such as an administrative review.
- G. When a report is released pursuant to Sections C-F above, written documentation regarding the release must be provided and filed under the original case number. Documentation may be in the form of a written request, FAX cover sheet or supplemental report. All FOIA request forms will be kept on file for not less than one year.

IV: Fee Calculation and Deposits

- A. Items that are free of charge:
1. Documents available on the website.
 2. Responsive documents that are five double sided pages or less.
 3. Retrieval, separation, redaction that takes less than 15 minutes to complete.
 4. Qualifying non-profits.
 5. Proof of indigent status with an affidavit affords a \$20.00 discount for two requests per calendar year.
- B. All other FOIA requests are charged the actual costs, with the labor rate of the lowest paid employee capable of performing the task, and in 15 minute

increments rounded down. The labor rate is the hourly wage plus fringe benefits up to 50% of the wage.

- C. KCSO Billing Worksheet shall be utilized to calculate all fees.
- D. Responses will be provided upon receipt of payment in full.
- E. Deposits
 - 1. If the cost of a response exceeds \$50.00, a 50% deposit may be required before a response is prepared.
 - 2. If the requestor has failed to pay for a previously granted request within the past year, a 100% deposit is required as provided by law.

V: Appeals

- A. Content based appeals
 - 1. If a requestor receives an affidavit of non-existence, or deleted records in response to their request, they may file an appeal by sending a letter entitled "Appeal" to the Kalamazoo County Sheriff 1500 Lamont St, Kalamazoo, MI 49048.
 - 2. The requestor has the right to file an action with the Circuit Court of Kalamazoo county to compel disclosure without first filing an appeal with the Sheriff. The Circuit Court action must be filed within 180 days of the date of the response.
- B. Fee based appeals
 - 1. If the FOIA fee exceeds the amount permitted by law or KCSO procedures, the requestor may file an appeal of fees with the Sheriff. Within 10 days of receipt of a notice of appeal of fees, the Sheriff will uphold, reduce, or waive the fee. If the Sheriff fails to respond to the appeal, an action may be filed in the Circuit Court of Kalamazoo County for a fee reduction. This action must be filed within 45 days of receiving the determination of the appeal.