

Procedure for Release of Public Records

The purpose of this section is to establish an addendum to Policy 810, Release of Records and Information, to establish procedures for the release of public records.

PROCEDURE

1. The Department will provide proper and reasonable opportunities for on site inspection and examination of records during usual business hours. A Department representative will be present during any inspection and examination of records.
2. The Department may require that any request for copies or inspection of public records be made in writing. Department forms may also be required in some areas to streamline the information necessary to process each request. Requests may be sent to the Department by mail, fax, email or delivered in person.
3. Each Bureau, Division, Section, Unit and/or Business area will be responsible for the release of public records created, used and/or maintained by their area. Bureaus, Divisions, Sections, Units and/or Business areas may work together to coordinate release of appropriate records.
4. The Department will separate non-exempt materials from any records exempt from disclosure and make the non-exempt material available to the requestor.
5. Upon request, the Department will retrieve and make available nonexempt computer or electronically stored data and information through computer software or programs in use by the Department. The Department is not responsible to the requestor to develop or acquire new or additional software or programs in order to retrieve the requested information.
6. Upon receipt of a written request to inspect a public record or receive a copy, the Department will respond as soon as practicable and without unreasonable delay. The Department may request additional information from the requestor in order to expedite the Department's response. The response to the requestor must acknowledge receipt of their request and include one of the following:
 - A. A statement that the Department does not possess, or is not the custodian of, the public record.
 - B. Copies of all requested public records for which the Department does not claim an exemption from disclosure under ORS 192.410 to 192.505.

- C. A statement that the Department is the custodian of at least some of the requested public records, an estimate of the time that the Department requires before the public records may be inspected or copies provided and an estimate of the fees that the requestor must pay to receive or inspect the public records.
 - D. A statement that the Department is the custodian of at least some of the requested public records and that the Department will provide an estimate of the time and fees for disclosure of the public records within a reasonable time.
 - E. A statement that the Department is uncertain whether they possess the public record and that the Department will search for the record and provide an appropriate response as soon as practicable.
 - F. A statement that state or federal law prohibits the Department from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. This statement must cite the state or federal law relied upon by the Department.
7. The Department does not furnish copies of the DMV Oregon Police Traffic Crash Report, Form 735-46. A requestor may obtain a copy of a crash report from the Division of Motor Vehicles Accident Records Unit, 1905 Lana Avenue NE, Salem, OR 97314, or call 503-945-5098.
 8. The Department will notify the affected officer whenever a request is received for release of materials in which there is a recognizable image of a current public safety officer of the Department. The Department may not release the photograph of the public safety officer without the officer's written consent. This image could be present in a video, DVD, digital photograph or other types of media. This requirement does not apply to the use by the Department of a photograph of a public safety officer. The Department will provide a courtesy notification to non-sworn employees upon the release of recognizable images in response to public record requests.
 9. A notice will be sent to current public safety officers of the Department whenever a request is received for release of materials exempt from disclosure as specified under ORS 192.502 and ORS 181.854.

Public Record Fee Structure

1. Upon request, the Department will provide and make available to the public, public records which are not exempt from disclosure. The Department will charge the requestor actual costs to provide and make these records available. Actual costs may include, but is not limited to, a charge for:
 - A. Staff time spent to locate, review, segregate or redact exempt materials from requested records, copy, certify or mail records or supervise inspection of original documents.
 - 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 in regard to the application of Oregon's public record law into the Department's fees.
 - F. Supply costs for materials used to produce information on audio tapes, video tapes, microfilm, magnetic tape, photo paper, CDs, DVDs 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, State Services Division, Department of Administrative Services.
 - H. Costs to mail or ship requested records.
2. The Department will charge for staff time at the cost of current salaries, including other payroll expenses of staff given these duties, unless otherwise stated in the fee schedule. Portions of hours will be pro-rated in intervals of 15 minutes.
 3. For any work requiring staff overtime, the Department may charge one and one half (1 ½) times actual staff time or staff time as specified in the fee schedule. Portions of hours will be pro-rated. The Department may not use overtime hours to respond to a record request or supervise record inspection unless the requestor approves this expenditure in advance.
 4. 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. Charges may be pro-rated for portions of time less than one hour.
 5. 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.
 6. The Department will notify a requestor of the estimated costs to make records available for inspection or to provide copies of records to the requestor. If the estimated costs exceed \$25, the Department will provide written notice and will not act further to respond to the request until the requestor directs the Department to proceed with making the public record available and pays the estimated fee.
 7. Upon receipt of payment, Department staff will start to process a request for public records.

8. Fees are charged to all requestors. The Department may waive fees to:
- A. Furnish copies to Governmental entities.
 - B. Provide a closed and adjudicated investigative report to relatives of deceased person(s).
 - C. Furnish copies of closed and adjudicated investigative reports to victims named in crime reports.
 - D. Answer a request in which the nature of the records provided is diminutive.
 - E. Answer any other request in which the Department chooses to waive fees.
9. The Department may refer persons interested in inspecting or obtaining copies of Department records or viewing the fee schedule to:

Oregon State Police Web site
<http://www.oregon.gov/OSP>
 Telephone 503-378-3720

10. Fee schedule for records, reports and publications.
- A. Fees include labor and materials, unless otherwise stated.
 - B. The Department will determine fees for all other requested records, reports or publications not listed on the fee schedule on a case-by-case basis.
 - C. The Department may update the manner and method in which fees are determined at any time to reflect actual costs to make records available.

Fee Schedule

Black & White Photocopy	
Whenever possible, the Department will provide double-sided copies and the fee for a double-sided copy will be the same as the cost of a single page.	\$.15 per page
Color Photocopy	\$1.00 each side
Investigative Reports	
Flat rate if staff time to find and process record request does not exceed 20 minutes. Includes up to 10 pages.	\$10.00 each case file
If staff time exceeds 20 minutes or the responsive records exceed 10 pages, additional per page charges and staff fees will apply. Portions of hours will be pro-rated in intervals of 15 minutes.	\$25.00/hour
Officer Notebook	

Flat rate if staff time to find and process record request does not exceed 30 minutes. Includes up to 10 pages of notes.	\$25.00
If staff time exceeds 30 minutes or the responsive records exceed 10 pages, additional per page charges and staff fees will apply. Portions of hours will be pro-rated in intervals of 15 minutes.	\$40.00/hour
Video/Audio Tapes or DVDs/CDs w/photographs/video clips, etc.	\$30.00 each
If redaction of images and/or audio is necessary, additional staff fees will apply and portions of hours will be pro-rated in intervals of 15 minutes.	\$30.00/hour
Official Maintenance Records specific to one radar/laser unit	\$10.00
Dispatch Communication Audio Cassette Tape or other Electronic Media (as it becomes available)	
Flat rate if staff time to find and process requested conversations does not exceed one hour and redaction of audio is not necessary.	\$30.00 each
If research exceeds one hour or redaction of audio is necessary, additional staff fees will apply. Portions of hours will be pro-rated in intervals of 15 minutes..	\$30.00/hour
Master Record Media Replacement Fee	\$12.00
Forensics/Implied Consent Program	
DRE Pre-School Student Manual	\$8.00
DRE 7-Day School Student Manual	\$36.00
DRE Instructor Manual	\$44.00
Drugs That Impair Driving Student Manual	\$9.00
DWI Standardized Field Sobriety Testing Manual (Student or Instructor)	\$30.00
Intoxilyzer 1400 or Intoxilyzer 5000 Operator's Manual	\$6.00
Copy of electronic DNA data on CD Rom	\$100.00
Medical Examiner	
Medical Examiner Records – may include Medical Examiner Investigative Report, Autopsy or Examination transcription, Toxicology and Histology reports. Includes staff time to find and process record request and the cost of mail distribution.	\$25.00
Fee to Certify Autopsy Report	\$10.00