

# PORT HURON POLICE DEPARTMENT POLICY AND PROCEDURAL ORDER

			ORDER NO: 82-13
SUBJECT: Information - Freedom of Information Act (FOIA) Requests			
EFFECTIVE DATE: May 1, 1991	DISTRIBUTION: A	REVIEWED: REVISED:	Annual
REQUIREMENTS:			
ISSUED BY: Chief Joseph A. Platzer		FORMS: FOIA Public Records Request Form	

I. PURPOSE

The purpose of this order is to provide the Records Bureau with guidelines for the release of police reports and other information as a result of a request pursuant to the Freedom of Information Act.

II. POLICY

It is the policy of the Port Huron Police Department to distribute and release police reports and other information in compliance with applicable laws.

III. DEFINITIONS

The Michigan Freedom of Information Act (F.O.I.A.) authorizes public access to certain records and exempts others. In compliance with the Act, certain rules and procedures are necessary and are listed below.

IV. PROCEDURE FOR COMPLIANCE WITH THE REQUIREMENTS OF THE F.O.I.A.

A. Freedom of Information Act (FOIA) requests may be made in person, over the phone, by email, fax or in writing. All requests will be processed by the Records Section.

1. Upon receipt of an F.O.I.A. request, Records personnel will complete a F.O.I.A. request form (F-155). Upon request the person taking the request they will advise the requester that the information must be reviewed prior to a decision on its release. They will obtain information on how to re-contact the person and advise them they will be re-contacted with an answer to their request.

- a. Whenever a F.O.I.A. request is received the requestor must provide:
    - 1) Name of person involved.
    - 2) Approximate date of incident.
    - 3) Type of incident.
  - b. Whenever we are provided with just a name and they are requesting anything we have on file for that person the request normally will be denied because the request lacks specificity as to what the individual needs and the time frame of the request is too broad. We do not have to create files through the Freedom of Information Act.
2. Locate the document(s) if they are in records and forward the redacted document(s) and the F.O.I.A. request form to the Records Administrative Supervisor or delegate. If unable to locate the document(s) or the document(s) in records the Records Administrative Supervisor will be so notified. The Records Administrative Supervisor or delegate will be responsible to determine if the requested material exists.
  3. If the request involves other material that has been located, such as memorandums, tape records, etc., the Record Administrative Supervisor or delegate will be responsible to contact the supervisor(s) most knowledgeable about whether the materials can be released or not.
  4. Based on the F.O.I.A. and the material received from those consulted, a proposed answer to the F.O.I.A. requester will be prepared by the Records Administrative Supervisor or delegate.
  5. As of 12/27/2012, the Crime Victim's Rights Act privacy protections for victim has expanded in child abuse and sexual assault cases when the victim is under 18 years old. Those guidelines will also be followed per Act No. 457 and House Bill No. 4725 amending 1985 PA 87.
  6. The proposed letter to the requester will indicate the specific reasons why any material is not being disclosed, if that is the case, as well as information necessary such as fees, contacting the Records Section to obtain the requested material, that the record(s) will be mailed when the fee is received, right to judicial review of the response to their request, etc.
- B. If it is determined that the record(s) in whole or in part can be released and the requester only wants to view the record(s) or portion approved they will not be allowed to do so without payment.

- C. A copy of the records viewed or obtained by anyone will be kept in the F.O.I.A. file. Where a copy cannot be placed into the Records F.O.I.A. file of the material involved, such as a video tape, a memorandum they will not be included in the Records F.O.I.A. file.
- D. Upon receipt of the fee required, where the material is to be mailed to a requester, or where it is mailed under the F.O.I.A. section that allows someone on public assistance to avoid paying for a record or portion thereof, the material will be mailed in the self addressed, stamped envelope if provided.

The fee schedule for obtaining information from the Police Department under the F.O.I.A. will be established by City policy.

- E. The law is very specific on the time limits of a F.O.I.A. request. If a FOIA is received in person or by mail a response must be given no later than five (5) business days after the day the request is received; or if a FOIA is received by fax or email a response must be given no later than six (6) business days after the request is received unless other arrangements are made or a ten (10) day extension can be filed. It is the responsibility of all involved to see such requests are handled at their stage in a timely manner. The Records Supervisor is responsible to see the time limits required under the law are met.
  - 1. The date a written or oral F.O.I.A. request is received in the Police Department will be considered the beginning of the time constraints involved. Where a request is received on a Monday, and no holidays are involved the response would be due no later than the following Tuesday or Wednesday depending on the receipt of the request.
  - 2. The date a response is made by the Police Department will be the day after receiving the U.S. Postmark on the envelope of a written response or by fax.
- F. Upon agreement of the response to the requester the information will be considered finalized. If it is several days before the request is picked up, or before the fee is received to mail the request and additional material concerning the request, such as supplements to an open police report are written the release of that material will require a new F.O.I.A. request.

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