



Coos County Sheriff's Office
Sheriff Gabe Fabrizio

PUBLIC RECORDS REQUEST INSTRUCTIONS

Per ORS 192.318(2) & 192.324(1) the county may set reasonable rules to ensure that record requests are processed efficiently, for the protection of records and prevention of interference with the regular discharge of duties of the custodian. The method the county has chosen is the Coos County Sheriff's Office Records Request webform. All records requests must be submitted in writing utilizing the Coos County Sheriff's Office Records Request webform. The webform is available on the Coos County Sheriff's Office website under Sheriff's Office Records <https://www.co.coos.or.us/sheriff/page/sheriffs-office-records>

The Sheriff's Office will only be able to release records in the possession, custody and control of the Coos County Sheriff's Office. A shared records management system may allow staff to see another agency's records, however, you will be referred to the appropriate agency for their records.

Any records requested in the format of a CD/DVD/Blue Ray or USB drive will be done so utilizing one provided by the Sheriff's Office (appropriate fee will apply, refer to fee schedule), as a personal storage device may contain viruses or malware that could affect the County Network.

Please complete the form with as much information as you can. Although not required, providing the reason you need the information will also help us narrow down the search to provide you information that is pertinent to your request. (For example, are you looking for incidents involving domestic abuse and violent behavior for a divorce or child custody issue?)

Under Oregon Public Records law, CASES STILL UNDER INVESTIGATION OR CRIMINAL ARRESTS PENDING COURT HEARINGS ARE NOT RELEASABLE. 192.345(3)

Requests for cases involving child abuse as defined in ORS 419B.005, requires authorization from the Department of Human Services (CPS) will have to be obtained, prior to any release. Please be advised that obtaining authorization/denial of a request to release may extend beyond the 15 business days set forth in the statute.

Records requests will be processed per ORS 192.324(2) and 192.329. As soon as reasonably possible but not later than 10 business days after the date by which a public body is required to acknowledge receipt of the request (5 days), a public body shall:

- a) Complete its response to the public records request; or
- b) Provide a written statement that the public body is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the information currently available.

RELEVANT OREGON REVISED STATUTES:

- 192.314 Right to inspect public records
- 192.318 Functions of custodian of public records
- 192.324 Copies or inspection of public records
- 192.329 Public body's response to public record requests
- 192.335 Immunity from liability for disclosure of public record

EXEMPTIONS:

- 192.340 Attorney General catalog of exemptions from disclosure
- 192.345 Public records conditionally exempt from disclosure
- 192.345(3) Active Criminal Investigations, with the exception of Name, Age, Residence, crime and any release conditions; identity and biographical information of the victim and the complaining party; the investigating and arresting agency; length of the investigation; circumstances of the arrest, including time, place, resistance, pursuit and weapons used; information necessary to enlist public assistance in apprehending fugitives from justice.

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- 192.345(1). *Records of a public body pertaining to litigation to which the public body is a party if the complaint has been filed, or if the complaint has not been filed, if the public body shows that such litigation is reasonably likely to occur.)*
- 192.345(18) Operations Plans or policies for anticipated threats (hostage situations, protests, jail riots) if disclosure would jeopardize life or safety, or would jeopardize an LE activity, the records are exempt.
- 192.345(22) Sensitive Security Information – records or information that would allow a person to gain unauthorized access, identify structural or operational vulnerability (such as staffing patterns or the face that your evidence room has a wall constructed of 2x4s and sheetrock), or information that would allow someone to interfere with or gain access to public funds, communications or telecommunications systems used or operated by a public body.
- 192.345(23) Security Measures – records or information that would reveal or otherwise identify security measures, or weaknesses in security measures, taken or recommended to protect a person, buildings or IT systems, telecommunication systems, or the information in those systems is exempt. (Such as a copy of a security audit to identify what needs done to prevent hacking of county networks.)
- 192.345(28) Social Security Numbers are exempt from disclosure (ORS 646A.620 Improper disclosure may result in legal liability.)
- 192.345(36) A medical examiner's report, autopsy report or laboratory test report ordered by a medical examiner under ORS 146.117.
- 192.355 (41) Residential addresses, residential telephone numbers, personal cellular telephone numbers, personal electronic mail addresses, driver license numbers, emergency contact information, Social Security numbers, dates of birth and other telephone numbers of individuals currently or previously certified or licensed by the Department of Public Safety Standards and Training contained in the records maintained by the department.
- 192.355(2)(b) Images of a dead body, or parts of a dead body, that are part of a law enforcement agency investigation, if public disclosure would create an unreasonable invasion of privacy of the family of the deceased person, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.
- 192.368. Nondisclosure on request of home address, home telephone number and electronic mail address
- 192.374 Nondisclosure of concealed handgun license records or information
- 192.377 Required redaction of certain personal information --A public body that is the custodian of or is otherwise in possession of information that was submitted to the public body in confidence and is not otherwise required by law to be submitted, must redact all of the following information before making a disclosure described in ORS 192.355 (4):
- (1) Residential address and telephone numbers;
 - (2) Personal electronic mail addresses and personal cellular telephone numbers;
 - (3) Social Security numbers and employer-issued identification card numbers; and
 - (4) Emergency contact information
- 192.385 Nondisclosure of certain public safety officer investigation records
- 192.390 Inspection of records more than 25 years old
- 192.398(1) Records less than 75 years old which contain information about the physical or mental health or psychiatric care or treatment of a living individual, if the public disclosure thereof would constitute an unreasonable invasion of privacy. The party seeking disclosure shall have the burden of showing by clear and convincing evidence that the public interest requires disclosure in the particular instance and that public disclosure would not constitute an unreasonable invasion of privacy. (Mental Holds)
- 192.407 Review of public body's failure to respond or review of public body's response time; timeline for response.
- 192.411 Petition to review denial of right to inspect state public records
- 192.415 Procedure to review denial of right to inspect other public records
- 192.422 Petition form
- 192.431 Court authority in reviewing action denying right to inspect public records

Definition of Child Abuse as Defined by ORS 419B.005: (419B.035 Exempts release of Child Abuse/Sex Abuse)

- A) Any assault as defined in ORS Chapter 163 of a child and any physical injury to a child, which has been caused by other than accidental means, including any injury which appears to be at variance with the explanation given to the injury.

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- B) Any mental injury to a child, which shall include only observable and substantial cruelty to the child, with due regard to the culture of the child.
- C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS Chapter 163.
- D) Sexual abuse, as defined in ORS Chapter 163.
- E) Sexual exploitation, including but not limited to:
 - (i) Contributing to the sexual delinquency of a minor, as defined in ORS Chapter 163, and any other conduct which allows employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or described in ORS 163.665 and including any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or which is designed to serve education or other legitimate purposes; and
 - (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS Chapter 167.
- F) Negligent treatment or maltreatment of a child, including but not limited to the failure to provide adequate food, clothing, and shelter or medical care that is likely to endanger the health or welfare of the child.
- G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
- H) Buying or selling a person under 18 years of age as described in ORS 163.537.