

15.04.000 RECORDS AND INFORMATION

15.04.005

RECORDS, RELEASE AND DISCLOSURE: 05/16

Department members shall not release or disclose department records, status of any department investigation, or other information to anyone unless authorized. Inquiries regarding department records and/or information shall be directed to the Records or Public Disclosure Units.

15.04.010

PUBLIC DISCLOSURE AND OTHER RECORDS REQUESTS: 02/15

The Public Records Act

1. Under the Public Records Act (PRA), the Office is required to produce “public records” unless a specific exemption exists that allows redaction or withholding.
2. A “public record” is any writing that contains information that relates to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by our members of our office.
3. It does not matter what format the writing is in. It includes but is not limited to:
 - a. Hard copies,
 - b. Electronic records,
 - c. Emails,
 - d. Text messages,
 - e. Phone messages,
 - f. Logs of phone calls,
 - g. Photographs,
 - h. Audio and video records, and
 - i. Documents in databases.
4. Members should assume that any information that is retrievable in any format is a “writing,” a “public record” and subject to review and release.
5. The PRA is construed very liberally and the agency bears the burden of proving that a document is not subject to release.
6. Members do not have a right of privacy when using government equipment and any document created or stored on county equipment is subject to review and release without a member’s consent.

Responding to Requests for Documents

1. The Sheriff’s Office receives requests for documents under the Public Disclosure Act, subpoenas, discovery in civil litigation, and investigations.
2. The Sheriff’s Office may face substantial penalties and fines if it fails to preserve documents, conduct a diligent search, or produce responsive records. Criminal and civil litigation can also be adversely impacted, including reversal of convictions, judgments, and settlements, and entry of adverse rulings during litigation.
3. All members shall preserve, search for, and produce records when asked to do so by the Public Disclosure Unit, Records Unit, Legal Unit, or the King County Prosecutor’s Office when deputy prosecutors issue “Legal Holds.”
4. If a member does not know how to search for documents, the member shall ask for help from the person who made the request or KCSO IT staff, or both.

Public Records on Private Devices or Stored Off-Site

1. The Sheriff's Office must preserve, search for, review and release non-exempt public records even if those records are stored on a private device, such as a personal cell phone, personal laptop, or home computer, or are stored by a member in their home, car, garage or other location outside of work.
 - The nature of the document determines whether it is a public record, not the device it is stored on.
2. All members should be aware that using a personal cell phone, telephone, laptop, or computer to conduct governmental business renders those documents subject to disclosure.
3. All members who conduct county business on personal equipment or store governmental documents at home or off-site shall preserve and produce those documents if they are responsive to a request.
4. If the member needs assistance to produce those documents, such as emails, texts, or photographs, the member shall contact the staff person who asked for the documents and arrangements will be made to obtain the documents.

Personal Documents Created and Stored on County Equipment

1. While the county allows staff to use county equipment for a **deminimis** amount of personal business, that does not mean that documents created, used or stored on a county device are private or exempt from production.
2. All documents stored on any county device may be reviewed by the Public Disclosure Unit, Records Unit, Legal Unit, and IIU in the course of those units' duties.
3. Members should be aware that very few exemptions exist that allow the agency to redact or withhold records and the agency incurs risk of liability for denying records.
4. Members are highly discouraged from using county equipment to conduct personal business or store personal documents and personal communications. This includes but is not limited to:
 - a. records concerning personal financial or legal matters,
 - b. health and medical conditions of yourself, your family, friends and other members of the Sheriff's Office,
 - c. photographs of family members and friends, social engagements, and personal relationships.
5. All personal business should be conducted according to GOM 14.00.040 and must be **deminimis**.

15.04.015

SEX OFFENDER INFORMATION DISSEMINATION: 05/16

Sex offender information, supplied by the Washington State Department of Corrections or other agencies, will be scrutinized for individuals who are identified as having a potential for posing a threat to the community. Dissemination of this information will follow the following guidelines.

1. DEFINITIONS:

"Homeless or Transient Offender" means an offender required to register but lacking a fixed residence.

"Kidnapping Offender" means a person who has been convicted of Kidnapping 1 or 2 (9A.40.020, or 030) or Unlawful Imprisonment (9A.40.040)...

"Non-Compliant Offender" means an offender failing to comply with registration requirements.

"Sexual Offender" means a person who has been convicted of a "sex offense" as defined by RCW 9A.44.128-145.

"Sexual Predator" means any person defined by RCW 71.09.020.

"Levels of Dissemination"

Level I:	Maintain sexual offender information with the department and disseminate to other agencies or citizens as appropriate.
Level II:	Includes actions within Level I plus public dissemination through website.
Level III:	Includes actions within Levels I and II, plus public notification through press releases as appropriate.
Homeless/Transient:	Includes actions within Level II.
Kidnapping Offender:	Includes actions within Level III.
Non-Compliant:	Includes actions within Level III.

2. PROCEDURES:

- a. All public requests for copies of information on sex offenders shall be referred to the Public Disclosure Unit.
- b. Information regarding the conviction requiring a person to register, as defined by RCW 10.97.030, may be disseminated without restriction.
- c. Information gathered post-sentencing pursuant to RCW 9A.44.130 including, but not limited to, current address, fingerprints, employer and photograph, is information other than conviction data and shall be released only in conformance with state law and this policy.
- d. The Registered Sex Offender Unit shall publish the following registered sex offenders on the King County Sheriff's Office registered sex offender website:
 - Offenders assessed as a risk Level II.
 - Offenders assessed as a risk Level III.
 - Offenders who register as Transient.
 - Offenders who are registering for a Kidnapping or Unlawful Imprisonment conviction.
 - Offenders who are non-compliant with their registration requirement.
- e. The web site shall also contain the following information on each offender.
 - Name and aliases.
 - Offender Watch Registration Number.
 - Risk Level.
 - Physical Description.
 - Most Recent Address Registration Information.
 - Convictions Requiring Registration.
 - Public comments summarizing the conviction.
 - Most recent photo of the offender.
 - Alert if offender is non-complaint.