
GUIDELINES FOR RELEASING INFORMATION

Policy #1102-R09 (09/21/21)

Applies to all staff.

1. The Criminal Records Section Manager is Responsible for the Routine Release of Incident Reports That are Not Exempt from Disclosure.

The Public Information Officer will normally respond to requests from the media for incident reports per policy 1103.

2. A Person Requesting Public Records Must Complete a Public Records Request Form.

A paper request form may be obtained from the Criminal Records Section or the Public Information Officer; or requests may be submitted online at www.wcsheriff-or.com/records.

3. All Public Records Requests Will be Acknowledged Within Five Business Days After Receipt.

WCSO staff must process all records requests through the GovQA system, must acknowledge receipt of each request in writing within 5 business days, and must inform the requestor whether the WCSO holds the requested record or if more research is required.

4. Copyrighted Material May be Inspected, But Not Copied.

If a person requests public information that is protected by copyright, the WCSO must permit the person to inspect the copyrighted material, unless prohibited by the copyright holder or if the material is otherwise exempt from disclosure (such as being considered a trade secret). Staff must not make, or allow to be made, copies of the copyrighted material without the consent of the copyright holder.

5. Per ORS 192.345(3), Basic Information is Always Releasable on Arrested Adults.

- An arrested person's name, age, address, telephone number, occupation, family status, the charge and bail amount, if any
- The name of the deputy or official making the arrest
- The investigating or arresting agency
- The circumstances of the arrest including date, time, location, pursuit or resistance, or the use or possession of weapons
- Prior arrests by WCSO deputies obtained through WCSO records systems. Prior conviction information should be obtained from the courts
- Prior incarcerations in Washington County Jail obtained through the jail records system

Note: Per ORS 419A.255(8) juvenile records and information can only be released by the Juvenile Department, Oregon Youth Authority, or a court.

6. Booking Photos Post-Conviction May be Released to Anyone if the Person in the Photo was Convicted of a Crime Related to the Arrest When the Booking Photo Was Obtained.

See Oregon HB 3273, Booking Photos (2022).

Supersedes: 1102-R08 (09/21/21)

Position responsible for updates: Public Information Officer and Records Section Manager

CALEA: 54.1.1, 82.1.1, 82.1.2

OJS: A-201, A-202

7. Booking Photos Pre-Conviction May Only be Released in Very Limited Circumstances to Specific Persons.

Staff may release a booking photo only to—

- a. the person depicted in the booking photo*
- b. another law enforcement agency
- c. the public if the WCSO determines there is a law enforcement purpose for the release; examples include assisting with the apprehension of a fugitive or a suspect in a criminal investigation, identifying additional criminal activity, etc.
- d. the state mental hospital upon the admission of the person depicted in the photo
- e. the DA, defense attorney, or a party in a criminal proceeding resulting from the arrest during which the booking photo was obtained
- f. the victim of the offense for which the person in the booking photo was arrested

**Media requests for booking photos will be processed by a WCSO public information officer.*

See Oregon HB 3273, Booking Photos (2022).

8. Certain Incidents Reports are Immediately Releasable by Records Staff:

- Non-criminal accident reports
- Property crime reports that contain no suspect information
- Tow reports

9. Certain Information May be Releasable With the Approval of a Division Commander, a Records Manager, or the Assigned Detective.

Requests that require approval may not be immediately available and may be partially redacted.

- Sex crimes involving an adult victim
- Property crimes reports on cases actively being worked by an investigator (to the victim of the crime for insurance claim purposes only)
- Missing persons reports
- Identity of a suspect prior to arrest if it could aid in apprehension of the suspect or to serve to warn the public of a potential danger
- Probable cause affidavits
- Information received from other law enforcement agencies
- DUII reports
- Risk Analysis performed prior to serving an arrest or search warrant
- Any other reports that a staff member has a question or a reservation about releasing

10. All Reports are Available Upon Adjudication With Proper Redaction.

Exceptions include when court orders prohibit the release, when a juvenile is the victim or suspect, or when the case involves elder abuse.

11. Certain Information is Not Releasable Without a Court Order.

The following information is not releasable without a court order:

- Criminal history information on other than WCSO arrests obtained through the National Crime Information Center (NCIC), the Law Enforcement Data Systems (LEDS), or the WCSO records management system
- Social Security numbers

- Investigative reports on any criminal case where the District Attorney has not decided whether the person(s) will be charged
- Any information on an active criminal investigation
- The identity of any critically injured or deceased person prior to notification of next of kin
- The identity of victims or witnesses if such disclosure would prejudice the investigation or place the victim or witness in personal danger
- The identity or information about a person detained for civil detoxification or on a police officer hold, except that it may be released directly to the person who was detained
- Information concerning any investigation of child abuse or child sex abuse is only releasable per ORS 419B.035
- Fingerprints, photograph files, or records of a child, ward, youth, or youth offender per ORS 419A.250(4) and 419A.255(8)
- The identity of any juvenile that is charged solely with a status offense (i.e. minor in possession or runaway)

12. Certain Information May Only be Released Without a Court Order if Contained in a Report That is Approved for Release.

- Statements, admissions, confessions, or alibis attributable to an arrested person, or comments or opinions regarding them
- Statements regarding the credibility, identity, or testimony of prospective witnesses
- Observations about a person's character, reputation, or mental condition
- Personal opinions regarding a person's guilt or innocence
- Investigative procedures such as fingerprints, polygraph examinations, laboratory or blood tests used in a specific case

13. Personal Information on an Adult in Custody Will Not Be Released to a Federal Immigration Authority, Unless an Exception Applies.

- Information that is not releasable includes: any information including contact information, country of birth, custody status, release date, parole, probation or post-prison supervision appointment times, or home or work addresses for any AIC.
- Exceptions: staff shall provide information pursuant to a judicial subpoena (not an ICE subpoena) or compulsory court-issued legal process, or to the extent and in the same manner as the information is available to the public.

See Oregon HB 3265 (2021).

14. Non-Booking Photographs of Adults Held or Accessed by the WCSO May be Released Under Specific Conditions.

- A photograph may be released if it could aid in the investigation, assist with apprehension of a suspect, or benefit the public's safety
- Photographs shall not be released if the release would contaminate the investigation (i.e., prior to a photo lay-down)

15. Non-Booking Photos of Juveniles Shall NOT be Released Unless Authorized by the Juvenile's Parents or the Sheriff.

Photos of juveniles listed as crime victims or missing persons may be released only after written approval to release them is obtained from the victim's parent or legal guardian. The written authorization shall be placed in the case file. *The Sheriff must approve any exceptions.*

16. WCSO Staff Will be Notified if a Public Records Request is Received Specifically for Their Work Communications.

- The WCSO will notify any staff member via e-mail if a request is received for their work communications, such as work e-mail or text messages. Communications requested may include messages to or from other staff. Notice will only be sent to staff member(s) specifically named in the public records request.
- This notification is in addition to legal requirements for the WCSO to notify a qualifying public safety employee if a request is received for their photograph or other information that is exempt from disclosure by law, such as ORS 192.345, ORS 192.355, or ORS 181A.674 (3).

17. Photos of WCSO Staff Contained in Office Files Shall Not be Released Unless There is a Signed Release Form on File in the WCSO Business Operations Office.

The Sheriff must approve any exceptions.

18. Public Records Requests That are Denied May be Appealed Per ORS 192.427.**REFERENCES**

Oregon House Bill 3265, Information and Support Regarding Foreign Born Adults in Custody

Oregon House Bill 3273, Booking Photos

ORS 181A.674, *Disclosure of information about certain public safety employees*

ORS 192.345, *Public records conditionally exempt from disclosure*

ORS 192.355, *Public records exempt from disclosure*

ORS 192.427, *Procedure to review denial by elected official of right to inspect public records*

ORS 419A.250, *Authority; segregation of records; access; etc.*

ORS 419A.255, *Maintenance; disclosure; exceptions to confidentiality*

ORS 419B.035, *Confidentiality of records; when available to others; rules*

WCSO Policy 1103, *Public Information Officer Responsibilities*