

**Subject:** Public Access to Records

**Revision date:** 1-01-2017

**Topic:** Responding to requests for public records.

**Discussion:**

The Maine Freedom of Access Act (“FOAA”) grants the people of this state a broad right of access to public records while protecting legitimate governmental interests and the privacy rights of individual citizens.

For more detailed information on FOAA you may review the Maine Chiefs of Police model policy on Public Access to Records at;

<http://www.maine.gov/dps/mcja/links/documents/1-8PublicAccessstoRecords2-11-2005.doc>

The Maine Criminal Justice Academy (MCJA) currently receives a majority of FOAA requests in the area of impaired driving enforcement. The typical request involves a defense attorney requesting training and certification information on the arresting officer involved in an Operating Under the Influence (OUI) case. Requests for other training such as Electronic Speed Measurement Devices (ESMD) Firearms training and specific investigative courses are received less frequently.

This procedure outlines the process established for researching and processing FOAA requests. **Keep in mind that information of a personal nature is privileged, (ie: Officers SS#, DOB, Home address, etc) an should not be given out.** Requests for manuals that are copyrighted must comply with copyright provisions. As an example the Breath Testing Device training manual includes a copyright provision. The manual is used in our training programs and therefore it is a public document and available under the FOAA if copyright provisions are adhered to.

**I Process by Requesting Party:**

- A. FOAA requests should be sent in written format via mail or fax.

*Note: (although written requests are not required by statute, a written copy helps to speed research, and is helpful for archive and billing purposes)*

B. FOAA Requests should be addressed to:

Maine Criminal Justice Academy  
Attn: Training Records Request  
15 Oak Grove Road  
Vassalboro, Maine 04989

*Note: The use of fax to: 207-877-8027 will expedite the process*

C. Requests should include;

1. The officers full name and agency.
2. The specific record requested (certification dates, specific certification, manuals, etc)
3. A \$10 check or billing information with each request  
(Checks payable to: Treasurer, State of Maine)

*Note: Requests with multiple officers will be researched and billed separately. Most basic requests will include 1 page faxed back to the requesting party and the \$10 fee will cover the request. More detailed requests such as manuals are billed according to the DPS Freedom of Access Act Fee Schedule.*

**II. Process by Staff:**

- A. Receive either a faxed or mailed FOAA request. FOAA requests received over the phone or via e-mail should be discouraged (see section I-A). If a request is received via phone or e-mail, encourage a faxed or mailed copy to streamline the research, billing and archive process. If that is not agreeable to the requesting party, record the information requested or print the e-mail.
- B. Stamp the receive date on mailed requests or confirm the proper date for faxed requests. Record the check number, if included, on the request. If no check is sent, note that billing will be required.
- C. Review the request to determine if it can be answered quickly or will require extensive research. The FOAA requires that a written answer be provided within 5 days of the receipt of the request indicating whether we intend to comply with the request.
  1. For basic requests that can be researched in our records management System (RMS), (currently Informa) the research should be completed and the results returned within 5 days.

2. Detailed requests such as printing of manuals, researching archived records or other extensive research and printing, may take longer. For these extensive requests, a written response should be sent to the requesting party indicating that we intend to comply with the request although it will take longer than five days.

D. Provide only the information requested.

E. Most information can be researched within our RMS. Occasionally course or student research must be done in archives which usually involves photocopying records

**Note: We do not provide personal information, exams or answers to exams.**

F. Look up the officers training records in the RMS.

G. Document the information on the request for future processing by clerical staff.

H. If an officer has a lapsed certification or has not received proficiency in SFST, the Training Coordinator responsible for impaired driving programs will check the record for inconsistencies.

1. If it is confirmed that the officer has no certification, or a lapsed certification, the Training Coordinator determines if an e-mail alert is appropriate

I. The clerical staff prepares a letter to the requesting party outlining the information requested

J. A copy of the letter is faxed and one kept for archiving purposes. If the letter indicated that the officer was not certified, an e-mail notice should be sent or a cc should be mailed to the officer.

K. Requests are \$10 for the first 25 pages. Refer to the DPS fee schedule for larger requests.

1. Record checks received on the appropriate tracking ledger and submit to front office staff for deposit.

2. Prepare billing sheet for Attorney's to be billed and submit to front office for processing.

NOTES: Last minute requests or emergency requests will be processed at the discretion of the staff. Attempt to minimize these requests as some will abuse the system.,