

## ***The Virginia Freedom of Information Act and the Records of the Lancaster Sheriff's Office***

### **Purpose of the Act**

*The Virginia Freedom of Information Act (FOIA) is to ensure that the citizens of the Commonwealth and representatives of the media have ready access to public records that are under the control of this Office. The policy of the Act is to promote an increased awareness by all persons of governmental activities. In furthering this policy, the Act requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly. The Act may be found at [§2.2-3700](#) et. seq. of the Code of Virginia.*

*The Federal Freedom of Information Act applies only to federal agencies and not to this Office or other local or state agencies.*

### **What Are Public Records?**

*The public records of this office are any writing or recording regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format that is prepared or owned by, or in the possession of this office or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption or other law applies to those records. The Act requires that these records, unless specified as exempt, are available for inspection or copying during normal business hours.*

### **What Are Normal Business Hours?**

*While the Sheriff's Office provides services 24 hours daily, the administration office is open Monday through Fridays, 8 a.m. until 4:30 p.m. The administration office is closed on federal and state holidays, at additional times as ordered by the Governor of Virginia, and during emergency closings of Lancaster County government offices due to extreme weather. Should you arrive at the sheriff's office outside of normal business hours, you may give your request to any deputy, who will ensure that one of the two FOIA designated officers receive your request.*

### **Your FOIA Rights**

*You have the right to request to inspect or receive copies of public records, or both.*

*You have the right to request in advance an estimate of costs for the requested records.*

*If you believe that your FOIA rights have been violated you may file a petition in district or circuit court to compel compliance with FOIA.*

### **Requesting Records from this Office**

*You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. The Act does not require that your request be in writing, nor do you need to state specifically that you are requesting records under the Act.*

*You may [print and complete this form](#) to mail or fax your records request to the sheriff's office.*

*From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives the Office a clear statement of what records you are requesting, so that there are no misunderstandings over a verbal request. However, the Office cannot refuse to respond to your FOIA request if you decide not to put your request in writing.*

*You must provide your name and legal address so that the records can be mailed to you if necessary.*

*Your request must identify the records you are seeking with "reasonable specificity." It does not refer to or limit the volume or number of records that you are requesting. It requires that you be specific enough so that the Office can identify and locate the records you are seeking.*

*Your request must ask for records or documents. The Act gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the Office.*

*You may choose to receive electronic records in any format used by the Office in the normal course of business. The records may be sent to you electronically in the same format. The Office is not required to convert the records to a different format of your choice.*

*You may choose to provide a portable storage device (CD-ROM, DVD-ROM, "flash drive," etc.) to receive the electronic records. Should you do so, the Office has the right to scan electronically your device for malware, viruses, and hidden programs that may infect the Office's computer system. The cost for the time to conduct such a scan will be included in the costs for providing the records. The Office reserves the right not to use your portable storage device, but may use its own writable CD-ROM or DVD-ROM, the cost of which will be charged as part of providing the records.*

*If the Office has questions about your request, please cooperate with the staff's efforts to clarify the type of records you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but the Office may need to discuss your request with you to ensure that it understands what records you are seeking.*

**Where to Send A FOIA Requests or Questions Regarding FOIA:**

Lancaster County Sheriff's Office

Attention: FOIA

8293 Mary Ball Road

Lancaster, VA 22503

FOIA Staff: Major William A. Webb, Jr., Chief Deputy  
Mr. Martin Shirilla, Records Analyst

Telephone: 804-462-5111

Fax: 804-462-7046

E-mail: [foia@lancastersheriff.net](mailto:foia@lancastersheriff.net)

*NOTE: Requests sent by e-mail are not "received" until the e-mail is actually opened. All such e-mail requests are acknowledged by the records officer who opens the e-mail. Similarly, requests sent by facsimile are not "received" until the facsimile is actually printed. All facsimile requests are acknowledged by either a telephone call to the requestor or by return facsimile acknowledging the date and time of receipt of the request.*

### **The Office's Responsibilities in Responding to Your Request**

*The Office must respond to your request within five (5) working days of receiving it. "Day One" is the day after your request is received. The five-day period does not include weekends or holidays.*

*The reason for your request for public records is irrelevant. The Office cannot ask you why you want the records before responding to your request.*

*The Act does allow the Office to ask you to provide your name and legal address.*

*The Act requires that the Office make one of the following responses to your request within the five-day time period:*

- 1. Provide you with the records that you have requested in their entirety.*
- 2. Withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are withheld, the Office must send to you a response in writing. That writing must identify the volume and subject matter of the records withheld, and state the specific section of the Code of Virginia or other law that allows or requires the withholding of the records.*
- 3. Provide some of the records that you have requested, but withhold other records. The Office cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the Office may redact (blank out or overwrite) the portion of the record that may be withheld, and must provide you with the remainder of the record. The Office must provide you with a written response stating the specific section of the Code of Virginia or other law that allows or requires portions of the requested records withheld.*
- 4. If it is impossible for the Office to respond to your request within the five-day period, the Office must state this in writing, explaining the conditions that make the response impossible. This provision will allow the Office seven (7) additional working days to respond to your request, giving the Office twelve (12) working days to respond to your request.*
- 5. If you make a request for a very large number of records, and the Office believes that it cannot provide the records to you within 12 days without disrupting other organizational responsibilities, the Office may petition the court for additional time to respond to your request. However, the Act requires that the Office make a reasonable effort to reach an agreement with you concerning the production or the records before it goes to court to ask for more time.*

*The Office is not required to create a record that does not already exist. However, the Office may abstract or*

summarize information under terms and conditions as agreed upon by the requester and the Office.

### **Costs**

*A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of [§2.2-3704](#) of the Code of Virginia. (This specific wording is required by law.)*

*The costs are at the hourly rate of the employee assigned to answer the request; printed pages and photocopies are \$.50 per page. DVD-R/CD-R disk with case are \$1.10 each. If the estimated costs for answering a request for records are \$200 or more, the office may require the payment of the estimated costs before beginning any work to answer the request for records. Any balance unpaid after 30 days may prevent additional records from being released.*

### **Additional Resource for Questions**

*The Freedom of Information Advisory Council is available to answer any questions you may have about the Act. The Council may be contacted by e-mail at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov), or by phone at toll free 1-866-448-4100.*

### **General Summary of Records Maintained by the Office and FOIA Requests**

*This is a summary of the records of this office. Equipment installation and operation manuals are not records within the meaning of the Act.*

*Files marked \* are subject to mandatory release pursuant to §2.2-3706 A 1 -4.*

*Files marked \*\* The sheriff reserves his discretionary authority not to release these records pursuant to §2.2-3706 B 1-10.*

*Files marked \*\*\* are subject to redactions pursuant to §2.2-3706 D.*

Accident Reports: please contact the [Virginia Department of Motor Vehicles](#)

Administrative Investigations (Internal Affairs)\*\*

Agency Policies and Procedures\*\*: see also [Virginia Law Enforcement Professional Standards Commission](#)

Assets & Forfeitures

Budget and Financial

Cell Tower Access Logs

Civil Process Records

Criminal Process Records \*

Communication Records (E911, etc.)\*\*\*

Community Programs (Neighborhood Watch, etc.)\*\* & \*\*\*

Contracts

Correspondence  
Court Case Dispositions & Orders\*\*  
Court Security Plans\*\*  
Criminal History Records: release controlled pursuant to §19.2-389  
Criminal Incident Reports\*  
Criminal Intelligence Files: see Title 28 Code of Federal Regulations, Part 23  
Criminal Investigative Files\*\*  
Evidence and Property\*\*  
Expunged Records: file cover only subject to release; contents sealed by court order  
Extradition Expense Records  
Fireworks Permits\*\*\*  
FOIA Requests  
Grant Program Files  
Inmate Incarceration Records\*\*  
Insurance Policies  
Interagency Agreements\*\*  
Internal Affairs Investigations\*\*  
Jail Audits, Logs and Standards\*\*  
Jail Canteen Records  
Jail Food Service Records  
Jury Lists: exempt from release pursuant to [§2.2-3703](#)  
Labor Laws  
Master Forms  
NCIC/VCIN Records: access and release limited to criminal justice purposes only pursuant to NCIC/VCIN policy  
Personnel Records: mandatorily excluded pursuant to [§2.2-3705.1](#)  
Pest Control Inspections and Treatment  
Planning and Research  
SOP Manual/Directives\*\*  
Surveillance Equipment Records\*\*  
Traffic Summons\*\*\*  
Towed/Impounded Vehicles\*\* &\*\*\*  
Undercover Operations Records\*\*  
Vacation and Work Schedules\*\*  
Worker's Compensation Injury Reporting: prohibited pursuant to [§2.2-3705.1](#)

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