



Gloucester County Sheriff's Office Policy and Procedure Manual



Freedom of Information Act

General Order A520.0 ADM 22.03
Review Date 6-14-2016, Amends/Supersedes:
Approved by: D.W. Warren, Jr. - Sheriff

NOTE: *This order does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial setting.*

GO: A520.0 ADM. 22.03

EFFECTIVE DATE: 1/22/08

REVIEWED/REVISED DATE: reviewed 6/14/2016

REVIEW DATE: Annually

APPROVED BY: D.W. Warren, Jr. - Sheriff

I. PURPOSE

The purpose of this section is to provide guidance in the release of material(s) by Gloucester County Sheriff's Office under the Freedom of Information Act, §2.2, Chapter 37, Code of Virginia.

II. POLICY

It shall be the policy of Gloucester County Sheriff's Office to comply with proper requests received under § 2.2, Chapter 37, of the Code of Virginia, also known as the Freedom of Information Act (FOIA). A proper request is a written request made to the Gloucester County Sheriff's Office that is in compliance with the FOIA, along with any designated fee(s) paid in advance.

III. PROCEDURE

A. All requests for information under the Freedom of Information Act (§2.2- 3700 through §2.2-3706, of the Code of Virginia) shall be forwarded to the Chief Deputy or his designee, and will be handled in a manner consistent with the procedures set forth in this policy. Information will only be released during regular business hours, typically Monday through Friday from 0800-1600 hours. The FOIA does not apply to the release of information to law enforcement agencies.

B. The Chief Deputy or his designee is responsible for logging all FOIA requests and determining to whom, and/or where, the request is to be forwarded for completion.

C. In accordance with § 2.2-3704, Code of Virginia, information requested shall be released to the person(s) making the request, within (5) five business days of Gloucester County Sheriff's Office receipt of original request. If the request cannot be completed within the (5) five day period, Gloucester County Sheriff's Office will notify the requesting person(s) in writing of the delay. An additional time of (7)



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seven business days shall be applied for completion of the requested information.

1. Information protected under § 19.2-389, Code of Virginia, may not be released in whole, or in part; if Gloucester County Sheriff's Office and the Commonwealth Attorney's Office determine that the information requested shall not be released.

2. Notification to the requestor shall be made in writing within the time limits described in section "C" above, and shall specify the code section under which the exemption is claimed.

3. Suspect information such as name, date of birth, pending charges, etc..., shall not be released as part of any information request. This does not include requests from law enforcement agencies.

4. Information requests regarding pending criminal investigations, informant information, internal affairs, juvenile records, or personal employee information shall not be disseminated.

5. The following monetary charges are as follows: \$10 fee charged for Agencies, business etc..., \$5 for Citizens and there is no charge for Gloucester Residents who are victims of crime.

E. The Chief Executive Officer may modify this policy on an individual case basis.