

Spokane Police Department Public Record Requests

Authority and Purpose:

RCW 42.56.070(1) of the Public Records Act requires each state or local agency to make available for inspection and copying nonexempt “public records” in accordance with published rule. RCW 42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

The purpose of this document is to describe the procedures the Spokane Police Department will follow in order to respond to requests made for records under the Act. This document provides information to persons wishing to request access to public records of the Spokane Police Department and describes processes for both requestors and Spokane Police Department staff that are designed to best assist members of the public in obtaining such access.

The purpose of the Act is to provide the public full access to non-exempt records concerning government conduct, to the extent such records are not made exempt by the Act, in a manner that does not unduly impair the public’s entitlement to receive effective and efficient performance of the Spokane Police Department’s governmental duties and functions, and that respects legally-protected privacy rights. The Act and these considerations will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the Spokane Police Department will be guided by the provisions of the Act describing its purposes and interpretation.

REFERENCES

Chapter 42.56 RCW
WAC Ch. 44-14 Public Records Act – Model Rules
Mayoral Executive Order EO 2008-05 – Public Records Index

DEFINITIONS

“Public record” includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

“Writing” means handwriting, typewriting, printing, Photostatting, photographing, and every other means of recording any form of communication or representation, including but not limited to; letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

PROCEDURE

Agency Description – Contact Information – Public Records Officer

The Spokane Police Department Records Division is located at 1100 W. Mallon Ave., Spokane, WA 99260. Hours of public window services are Tuesday – Friday, 8:30am – 3:50pm.

Any person wishing to request access to public records of the Spokane Police Department, or seeking assistance in making such a request should contact the Spokane Police Records Division.

Crystal Rodgers
Public Records Officer
1100 W. Mallon Ave.
Spokane, WA 99260
(509) 625-4030
(509) 625-4059 FAX
SPDRecordsInfoRequest@SpokanePolice.org

Information is also available at the Spokane Police Department web site:
<https://my.spokanecity.org/police/information/>

The public records officer will oversee compliance with the Act, but another City staff member may process the request. Therefore, this policy will refer to the public records officer “or designee”. The public records officer or designee and the Spokane Police Department will provide “the fullest assistance” to requestors; ensure that public records are protected from damage or disorganization, and help prevent fulfilling public records requests from causing excessive interference with essential functions of the Spokane Police Department.

Availability of Public Records

Public records are available for inspection and copying by appointment during normal business hours of the Spokane Police Department Records Division: Tuesday – Friday, 8:30am – 3:50pm, excluding holidays. Records must be inspected at the offices of the Spokane Police Department. The Spokane Police Department and the requestor can make mutually agreeable arrangements for the times of inspection and copying.

Records Index

The Spokane Police Department does not maintain a records index pursuant to mayoral executive order EO 2008-05.

Organization/Protection of Records

The Spokane Police Department will maintain its records in a reasonably organized manner consistent with available resources. The Spokane Police Department public records officer may take any steps deemed necessary to protect and preserve records from damage, alteration, or disorganization.

A requestor shall not alter, disorganize, damage, take or remove Spokane Police Department records from the Spokane Police Department offices or custody without the express written permission of the public records officer or designee. In the event of such unauthorized action, the Spokane Police Department reserves the right to recover from all persons responsible, all costs of record recovery, including direct costs as well as all claims for consequential loss or damage, in addition to prosecution under the law.

Making a request for public records

Any person wishing to inspect or copy public records of the Spokane Police Department may make the request in writing on the Spokane Police Department's request form, or by letter, fax, or e-mail addressed to the public records officer.

Including the following information within the request will help with processing:

- Name of requestor
- Address of requestor
- Other contact information for requestor, including telephone number and/or e-mail address
- Identification of the public records adequate for the public records officer or designee to locate the records, including the date of the incident, report number, and name(s) of individual(s) included in the report
- The date and time of the request

A request for body worn camera recordings must:

- Specifically identify a name of a person or persons involved in the incident;
- Provide the incident or case number;
- Provide the date, time, and location of the incident or incidents; or
- Identify a law enforcement or corrections officer involved in the incident or incidents.

A question or a request for information is not a request for a record.

If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or pay a deposit pursuant to RCW 42.56.120.

A form is available for use by requestors at the office of the public records officer and online at: <https://my.spokanecity.org/police/information/>

The public records officer or designee may accept requests for public records that contain the above information by mail, e-mail, fax, or verbal requests made by phone or in person.

If the public records officer accepts such verbal request, he or she may confirm receipt of the information and the substance of the request in writing. If the public records officer does so, the

written confirmation will be deemed the correct statement of the scope of the request unless the requestor responds with a different statement of the scope.

The public records officer does not monitor social media sites or voicemail for public record requests. Public record requests will not be accepted via social media or voicemail.

PROCEDURE

The Spokane Police Department is charged by statute with adopting rules which provide for how it will “provide full access to public records”, “protect records from damage or disorganization”, “prevent excessive interference with other essential functions of the agency”, provide “fullest assistance” to requestors, and provide the “most timely possible action” on public record requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

The public records officer or designee will acknowledge receipt of the request within five (5) business days by one of the following:

- Make the records available for inspection or copying in whole or in part; or
- If the copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor; or
- Provide a reasonable estimate of when records will be available if not furnished in part or in whole; or
- If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer may revise the estimate of when records will be available; or
- Deny the request, in whole or part.

In the Event of No Response

If the Spokane Police Department does not respond in writing within five (5) business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to ensure that the request was received and to determine the reason for the failure to respond.

Protecting the rights of others

In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

Records exempt from disclosure

Some records are exempt from disclosure, in whole or in part. If the Spokane Police Department determines that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the non-exempt portions, and indicate to the requestor why portions of the record are being redacted. An "exemption log", which cites the portion(s) of the record redacted and the statute(s) that provides the exemption will accompany the public records. The public records officer may explain to the requestor that the redaction process will take additional time to complete and invite the requestor to focus or narrow the scope of the request in order to save time and help better serve the requestor's needs.

Inspection of records

Consistent with other demands and resources, the Spokane Police Department shall provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the Spokane Police Department to copy. The Spokane Police Department and the requestor can make mutually agreeable arrangements for the times of inspection.

The requestor must claim or review the assembled records within thirty (30) days of the Spokane Police Department's notification that the records are available for inspection or copying. The Spokane Police Department will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the Spokane Police Department to make arrangements to claim or review the records. If the requestor fails to claim or review the records within thirty (30) days, the requestor fails to inspect the entire set of records or one (1) or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

Providing records in installments

When a request is made for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty (30) days, the requestor fails to inspect the entire set of records or one (1) or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

Completion of inspection

When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the Spokane Police Department has completed a diligent search for the requested records and made any located non-exempt records available for inspection or copying.

Closing withdrawn or abandoned requests

When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request.

Later discovered documents

If, after the Spokane Police Department has informed the requestor that it has provided all available records, the Spokane Police Department becomes aware of additional responsive document(s) which existed at the time of the request, it will promptly inform the requestor of the additional document(s) and shall provide them on an expedited basis.

Ongoing requests

“Ongoing” or continuous requests for records are not honored. Records are searched at the time the request is made. A new request is required for records created after the time of the initial request.

Processing of public record requests – electronic records

The process for requesting electronic records is the same as for requesting paper public records.

Providing electronic records

When a requestor requests records in an electronic format, the public records officer or designee will provide the non-exempt records or non-exempt portions of such records that are reasonably locatable in an electronic format that is used by the Spokane Police Department and is generally commercially available, or in a format that is reasonably translatable from the format in which the Department keeps the records, as long as it is reasonable and technologically feasible for the Department to do so. The Spokane Police Department is not required to produce records in an electronic format when redactions are required and the Department must print the records in order to make the redactions.

Customized access to databases

With the consent of the requestor, the Spokane Police Department may provide customized access under RCW 43.105.355 if the record is not reasonably locatable or not reasonably translatable into the format requested. The Spokane Police Department will first consult with the requestor before undertaking steps needed for specialized access. The Spokane Police Department may charge a fee consistent with RCW 42.56.120(3)(b) for such customized access only if it has first notified the requestor of the customized access service charge, including an explanation of why the charge applies, a description of the specific expertise, and a reasonable estimate of the charge. The requestor will also be notified that s/he may amend his/her request in order to avoid or reduce the customized access charge.

Exemptions

The Public Records Act provides that a number of types of documents are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any “other statute” exempts or prohibits disclosure. Requestors should be aware of the exemption, outside of the Public Records Act, that restricts the availability of some documents held by the Spokane Police Department for inspection and copying. The list is a partial list only, and there may be other statutes that restrict or limit the disclosure to the public. These exemptions are located in Attachment B.

The Spokane Police Department is prohibited by statute from disclosing lists of individuals for commercial purposes. If a requestor asks for a list of individuals or a requestor seeks records which include a list of individuals, the public records officer is to determine if there is any indication that the requested list may be used for commercial purposes. If the officer determines that there is such an indication, the requestor will be asked to complete a “Commercial Purpose Declaration” (Attachment D). If the requestor asserts some “commercial” purpose to the request, the Spokane Police Department is forbidden by state law from providing the requested records.

The Spokane Police Department is not required to create a record where one does not exist.

Costs of providing copies of public records

The Spokane Police Department adheres to the City of Spokane Public Record Act Fee Schedule, as set forth in Attachment C.

No fee shall be charged for the inspection of public records. No fee shall be charged for locating public documents and making them available for copying.

Under RCW 42.56.120, an agency need not calculate the actual costs it charges for providing public records if the agency has rules or regulations declaring the reasons for doing so would be unduly burdensome. To the extent an agency has not determined the actual costs of copying public records, an agency may use the statutory default copy fee schedule set forth in RCW 42.56.120. Based on the following findings, the City will charge fees for copies of records pursuant to the default fees in RCW 42.56.120(2) (b) and (c) and as described in Attachment C.

- a. Calculating the actual cost of providing public records would be unduly burdensome because funds were not allocated for performing a study to determine actual copying costs.
- b. The City lacks the necessary funds and staff resources to conduct a comprehensive study to determine its actual copying costs.
- c. To conduct such a cost study would interfere with the City’s other essential agency functions.

Costs for electronic records

The cost of electronic copies of records shall be as set forth in Attachment C.

Costs for mailing records

The Spokane Police Department may also charge actual costs of mailing, including the cost of the shipping container.

Before beginning to make photo, printed, and/or scanned copies, the public records officer may require a deposit of up to ten percent (10%) of the estimated costs of doing so for all the records selected by the requestor. The public records officer may also require the payment of the remainder of all costs chargeable under this policy for fulfilling the requestor's request, before providing all the records, or the public records officer may require payment of the chargeable costs under this policy for providing a partial installment of records, before providing that installment to the requestor. The Spokane Police Department will not assess sales tax on any cost otherwise chargeable to the requestor under this policy.

If materials need to be copied by an outside source, the requestor shall pay the actual amount invoiced to the Spokane Police Department by the vendor.

Body worn camera video charges

Washington State law allows local law enforcement agencies to charge for reasonable costs for redacting video [see RCW 42.56.240(14)]. Exempt from the charges are:

- A person directly involved in a recorded incident and their attorney;
- A person or his/her attorney who requests a body worn camera recording relevant to a criminal case involving that person;
- Executive Directors with the Washington State Commission on African-American Affairs, Asian-Pacific American Affairs, or Hispanic Affairs; and
- Attorneys who represent a person in a potential or existing civil cause of action involving the denial of civil rights under the federal or state constitution, or a violation of a United States Department of Justice settlement agreement and explain the relevancy of the requested video.

Payment

Payment may be made by case, check, debit/credit card, or money order payable to the Spokane Police Department. Bad checks are treated as non-payment and referred to collection.

Review of denials of public records

Any person who objects to the initial denial or partial denial of a record request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

The public records officer shall promptly provide the petition and any other relevant information to the City Hearing Examiner, with a copy to the City Attorney for City Police records and to the Chief Deputy Attorney for County Sheriff records. The City Attorney or designee or Chief Deputy Attorney for County Sheriff or designee may file a response to the petition with the Hearing Examiner. Any response to the petition must be filed with the Hearing Examiner within five (5) business days following the City's receipt of the appeal. The Hearing Examiner will consider the petition and either affirm, modify, or reverse the denial within ten (10) business days following the Spokane Police Department's receipt of the petition, or within such greater period of time as the Spokane Police Department and the requestor mutually agree to.

Judicial review

Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.520(4) at the conclusion of two (2) business days after the initial denial regardless of any internal administrative appeal.

APPENDICES

Attachment A: Public Records Request Form

Attachment B: List of Documents Exempt From Public Inspection and Copying Outside the Public Records Act

Attachment C: Fee Schedule

Attachment D: Commercial Purpose Declaration

APPROVED BY:

DATE:



**Spokane Police – Spokane County Sheriff – Spokane Valley Police
Request for Release of Records**



TODAY'S DATE	REPORT/CASE #
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REQUESTING COPIES
 REQUESTING VIEWING

NOTE: We will respond within five business days of your request. We will acknowledge confirmation of receipt of your request, as well as provide a time estimate for completion. If clarification is needed or questions arise concerning your request, you will be notified accordingly. Reports are released pursuant to public records dissemination statutes, including but not limited to RCW 10.97, 13.50, 42.56 and 46.52.

Requests may also be made through our online portal at: <https://my.spokanecity.org/police/information/>

TYPE OF REPORT/DOCUMENTS REQUESTED

INCIDENT TYPE: _____ DATE OF INCIDENT: _____

INCIDENT TYPE: _____ DATE OF INCIDENT: _____

OTHER DOCUMENTS BEING REQUESTED _____

COLLISION REPORTS ARE AVAILABLE FROM: <http://www.wsp.wa.gov/driver/collision-records/>

EXACT STREET ADDRESS OF INCIDENT

NAMES OF INVOLVED PEOPLE			
NAME: LAST, FIRST MIDDLE (ALIAS)	RACE	SEX	DOB/AGE
NAME: LAST, FIRST MIDDLE (ALIAS)	RACE	SEX	DOB/AGE

*CLIENT YOU REPRESENT (FOR ATTORNEY/INSURANCE USE ONLY)

E-MAIL ADDRESS

REQUESTED BY (Please Print):

NAME _____ PHONE _____

ADDRESS (STREET, CITY, STATE, ZIP)

I understand that Washington State law (RCW 42.56) prohibits the use of lists of individuals for commercial purposes. If applicable to this request, I hereby declare, under penalty of perjury pursuant to the laws of the State of Washington, that I will not use this Request for commercial purposes. If applicable, I also acknowledge that I am solely responsible for any consequences or damages arising from my commercial use of the information I am obtaining.

REQUESTOR'S SIGNATURE _____ DATE _____

VICTIM SUSPECT INSURANCE COMPANY ATTORNEY UNINVOLVED OTHER _____

FOR RECORDS USE ONLY		
LOGGED:	DETECTIVE CHECK:	5-DAY LETTER:
INITIAL / DATE	INITIAL / DATE	INITIAL / DATE
REDACTED:		
INITIAL / DATE		

List of Documents Exempt From Public Inspection and Copying
Outside the Public Records Act

Washington State Statutes

Citation	Records
RCW 2.64.111	Documents regarding discipline/retirement of judges
RCW2.64.113	Confidentiality - violations
RCW4.24.250	Hospital Review Records on professional staff
RCW 4.24.601, .611	Trade secrets and confidential research
RCW4.92.210	Information in centralized risk management system
RCW5.60.060	Privileged communications, including attorney-client privilege
RCW5.60.070	Court-ordered mediation records
RCW 7.07.050(5).070	Mediation communications
RCW 7.68.140	Records re: victims of crimes
RCW 7.69A.030(4)	Child victims and witnesses - protection of identity
RCW 7.69A.050	Rights of child victims and witnesses - addresses
RCW 7.75.050	Records of Dispute Resolution Centers
RCW7.77.140	Collaborative law process information
RCW9.02.100	Reproductive privacy
RCW9.41.129	Concealed pistol license applications
RCW9.51.050	Disclosing transaction of grand jury
RCW9.51.060	Disclosure of grand jury deposition
RCW 9.73.090(1)(c)	Prohibition regarding specified emergency response personnel recordings
RCW 9.73.230	Names of confidential informants
RCW 9A.82.170	Financial institution records - wrongful disclosure
RCW 10.27.090	Grand jury testimony/evidence
RCW 10.27.160	Grand jury reports - release to public only by judicial order
RCW 10.29.030	Organized crime special inquiry judge
RCW 10.29.090	Records of special inquiry judge proceedings
RCW 10.52.100	Records identifying child victim of sexual assault
RCW 10.77.210	Records of persons committed for criminal insanity
RCW 10.97.040	Criminal history information released must include disposition
RCW 10.97.050	Conviction and criminal history information
RCW 10.97.060	Deletion of certain criminal history record information, conditions
RCW 10.97.070	Disclosure of identity of suspect to victim
RCW 10.97.080	Inspection of criminal record by subject
RCW 10.101.020	Indigent defense information
RCW 13.32A.090	Crisis residential centers notice to parent about child
RCW 13.34.115	Court dependency proceedings
RCW 13.40.217	Juveniles adjudicated of sex offenses - release of information
RCW 13.50.010	Maintenance of and access to juvenile records
RCW 13.50.050	Juvenile offenders
RCW 13.50.100	Juvenile/children records not relating to offenses

RCW 13.60.020	Missing children information
RCW 13.70.090	Citizen juvenile review board – confidentiality
RCW 18.04.405	Confidentiality of information gained by CPA
RCW 18.19.060	Notification to clients by counselors
RCW 18.20.120	Boarding home licensing records
RCW 18.19.180	Confidential communications with counselors
RCW 19.215.020	Destruction of personal health and financial information
RCW 19.34.240(3)	Private digital signature keys
RCW 19.215.030	Compliance with federal rules
RCW 26.04.175	Name and address of domestic violence victim in marriage records
RCW 26.12.170	Reports of child abuse/neglect with courts
RCW 26.23.050	Child support orders
RCW 26.23.120	Child support records
RCW 26.26.041	Uniform Parentage Act - protection of participants
RCW 26.26.450	Confidentiality of genetic testing
RCW 26.33.330	Sealed court adoption records
RCW 26.33.340	Agency adoption records
RCW 26.33.343	Access to adoption records by confidential intermediary
RCW 26.33.345	Release of name of court for adoption or relinquishment
RCW 26.33.380	Adoption – identity of birth parents confidential
RCW 26.44.010	Privacy of reports on child abuse and neglect
RCW 26.44.020(19)	Unfounded allegations of child abuse or neglect
RCW 26.44.030	Reports of child abuse/neglect
RCW 26.44.125	Right to review and amend abuse finding – confidentiality
RCW 27.53.070	Records identifying the location of archaeological sites
RCW 29A.08.720	Voter registration records - place of registration confidential
RCW 29A.08.710	Voter registration records - certain information exempt
RCW 35.102.145	Municipal business and occupation tax - Confidentiality, privilege, and disclosure RCW 39.10.470(2), Alternative public works contractor information
RCW 39.10.470(3)	Design-build finalist proposals prior to selection
Chapter 40.14 RCW	Preservation and destruction of public records
RCW 40.24.070	Names of persons in domestic violence or sexual assault programs
RCW 42.23.070(4)	Municipal officer disclosure of confidential information prohibited
RCW 42.41.030(7)	Identity of local government whistleblower
RCW 42.41.045	Non-disclosure of protected information (whistleblower)
RCW 42.56.050	Invasion of privacy, when
RCW 42.56.230	Personal Information
RCW 42.56.240	Investigative, law enforcement, and crime victims
RCW 42.56.250	Employment and licensing
RCW 42.56.260	Real estate appraisals
RCW 42.56.270	Financial, commercial and proprietary information
RCW 42.56.280	Preliminary drafts, notes, recommendations, inter-agency memorandum
RCW 42.56.290	Agency part of controversy
RCW 42.56.300	Archaeological sites

RCW 42.56.310	Library records
RCW 42.56.320	Education materials
RCW 42.56.330	Public utilities and transportation
RCW 42.56.335	Public utility districts and municipally owned electrical utilities - Restrictions of access by law enforcement
RCW 42.56.340	Timeshare, condominium, etc. owner lists
RCW 42.56.350	Health professionals
RCW 42.56.360	Health care
RCW 42.56.370	Domestic violence program, rape crisis center clients
RCW 42.56.380	Agriculture and livestock
RCW 42.56.390	Emergency or transitional housing
RCW 42.56.400	Insurance and financial institutions
RCW 42.56.403	Property and casualty insurance statements of actuarial opinion
RCW 42.56.410	Employment security department records, certain purposes
RCW 42.56.420	Security
RCW 42.56.430	Fish and wildlife
RCW 42.56.440	Veteran's discharge papers - Exceptions
RCW 42.56.450	Check cashers and sellers licensing applications
RCW 42.56.460	Fireworks
RCW 42.56.470	Correctional industries workers
RCW 42.56.480	Inactive programs
RCW 46.52.080	Traffic accident reports - confidentiality
RCW 46.52.083	Traffic accident reports - available to interested parties
RCW 46.52.120	Traffic crimes and infractions - confidential use by police and courts
RCW 46.52.130(2)	Abstract of driving record
RCW 46.63.170(g)	Automated traffic safety cameras - Definition
RCW 48.62.101	Local government insurance transactions - access to information
RCW 49.76.040	Employee's information regarding domestic violence
RCW 49.76.090	Domestic violence leave information
RCW 49.86.020(4)	Individual information re family leave program
RCW 50.13.060	Access to employment security records by local government agencies
RCW 50.13.100	Disclosure of non-identifiable information or with consent
RCW 51.28.070	Worker's compensation records
RCW 51.36.060	Physician information on injured workers
RCW 60.70.040	No duty to disclose record of common law lien
RCW 68.50.105	Autopsy reports
RCW 68.50.320	Dental identification records - available to law enforcement agencies
Chapter 70.02 RCW	Medical records - access and disclosure - entire chapter (HC providers)
RCW 70.05.170	Child mortality reviews by local health departments
RCW 70.24.022	Public health agency information regarding sexually transmitted disease investigations - confidential
RCW 70.24.024	Transcripts and records of hearings regarding sexually transmitted diseases

RCW 70.24.105	HIV/STD records
RCW 70.28.020	Local health department TB records – confidential
RCW 70.41.200	Hospital quality improvement committee records and accreditation reports
RCW 70.48.100	Jail records and booking photos
RCW 70.58.055	Birth certificates – certain information confidential
RCW 70.58.104	Vital records, research confidentiality safeguards
RCW 70.94.205	Washington Clean Air Act – confidentiality of data
RCW 70.96A.150	Alcohol and drug abuse treatment programs
RCW 70.123.075	Client records of domestic violence programs
RCW 70.125.065	Records of rape crisis centers in discovery
RCW 71.05.390	Information about mental health consumers
RCW 71.05.395	Ch. 70.02 RCW applies to mental health records
RCW 71.05.400	Information to next of kin or representative
RCW 71.05.425	Notice of release or transfer of committed person after offense dismissal
RCW 71.05.427	Information that can be released
RCW 71.05.430	Statistical data
RCW 71.05.440	Penalties for unauthorized release of information
RCW 71.05.445	Release of mental health information to Department of Corrections
RCW 71.05.620	Authorization requirements and access to court records
RCW 71.05.630	Release of mental health treatment records
RCW 71.05.640	Access to treatment records
RCW 71.05.650	Accounting of disclosures
RCW 71.24.035(5)(g)	Mental health information system - state, county and regional support networks - confidentiality of client records
RCW 71.34.200	Mental health treatment of minors – records confidential
RCW 71.34.210	Court records for minors related to mental health treatment
RCW 71.34.225	Release of mental health services information
RCW 71A.14.070	Records regarding developmental disability - confidentiality
RCW 72.09.345	Notice to public about sex offenders
RCW 72.09.585(3)	Disclosure of inmate records to local agencies – confidentiality
RCW 73.04.030	Veterans discharge papers exemption (see related RCW 42.56.440)
RCW 74.04.060	Applicants and recipients of public assistance
RCW 74.04.520	Food stamp program confidentiality
RCW 74.09.900	Medical assistance
RCW 74.13.121	Financial information of adoptive parents
RCW 74.13.280	Children in out-of-home placements - confidentiality
RCW 74.20.280	Child support enforcement - local agency cooperation, information
RCW 74.34.095	Abuse of vulnerable adults - confidentiality of investigations and reports
RCW 82.32.330	Disclosure of tax information
RCW 84.36.389	Confidential income data in property tax records held by assessor
RCW 84.40.020	Confidential income data supplied to assessor regarding real property

Selected Federal Confidentiality Statutes and Rules

20 USC § 1232g	Family Education Rights and Privacy Act
23 USC § 409	Evidence of certain accident reports
42 USC 290dd-2	Confidentiality of Substance Abuse Records
42 USC 405(c)(2)(vii)(I)	Limits on Use and Disclosure of Social Security Numbers.
42 USC 654(26)	State Plans for Child Support
42 USC 671(a)(8)	State Plans for Foster Care and Adoption Assistance
42 USC 1396a(7)	State Plans for Medical Assistance
7 CFR 272.1(c)	Food Stamp Applicants and Recipients
34 CFR 361.38	State Vocational Rehabilitation Services Programs
42 CFR Part 2 (2.1 - 2.67)	Confidentiality of Alcohol and Drug Abuse Patient Records
42 CFR 431.300 - 307	Safeguarding Information on Applicants and Recipients of Medical Assistance
42 CFR 483.420	Client Protections for Intermediate Care Facilities for the Mentally Retarded
42 CFR 5106a(b)(2)(A)	Grants to States for Child Abuse and Neglect Prevention and Treatment Programs
45 CFR 160-164	HIPAA Privacy Rule
46 CFR 40.321	USCG regulations regarding confidentiality of drug and alcohol test results done by marine employers

Exemptions Specific to Body-Worn Camera Video

RCW 42.56.240(14)(a)(i)(A)(I)	Any areas of a medical facility, counseling, or therapeutic program office where a patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment.
RCW 42.56.240(14)(a)(i)(A)(I)	Health care information is shared with patients, their families, or among the care team
RCW 42.56.240(14)(a)(i)(B)	Protected health information
RCW 42.56.240(14)(a)(ii)	The interior of a place of residence where a person has a reasonable expectation of privacy
RCW 9A.86.010;	
RCW 42.56.240(14)(a)(iii)	An intimate image as defined
RCW 42.56.240(14)(a)(iv)	A minor
RCW 42.56.240(14)(a)(v)	The body of a deceased person
RCW 42.56.240(14)(a)(vi)	The identify of or communications from a victim or witness of an incident involving domestic violence as defined in RCW 10.99.020 or sexual assault as defined in RCW 70.125.030, or disclosure of intimate images as defined in RCW 9A.86.010. If at the time of recording the victim or witness indicate a desire for disclosure or nondisclosure of the recorded identity or communications, such desire shall govern
RCW 42.56.240(14)(a)(vii)	The identifiable location information of a community-based domestic violence program as defined in RCW 70.123.020, or emergency shelter as defined in RCW 70.123.020

CITY OF SPOKANE PUBLIC RECORD ACT *FEE SCHEDULE	
Inspection:	
No fee	Inspection of agency records on agency public internet web site or scheduled at agency office.
No fee	Accessing or downloading records the agency routinely posts on its public internet web site, unless the requestor asks the agency for records to be provided through other means (the following copy charges below then apply).
Copies:	
Paper copies (photocopies or printing electronic records), B&W or color: 8x11; 8x14; 11x17	15 cents per page
Scanned records (converting a record from a paper copy to an electronic format)	10 cents per page
Records uploaded to email, or cloud-based data storage service, or other means of electronic delivery	5 cents each per four electronic files or attachments
Records transmitted in electronic format or for use of agency equipment to send records electronically.	10 cents per gigabyte for transmission of records in an electronic format
Digital storage media or device on which records are saved for delivery: <ul style="list-style-type: none"> • CD • DVD • Thumb drive • Other 	Actual cost
Label, case, and/or sleeve for CD/DVD	Actual cost
Postage or delivery charges – Specific amount based upon postage/delivery charges for specific mailings or deliveries.	Actual cost
Redaction Cost:	
Body-worn video footage	Redaction costs for body-worn video footage will be imposed in accordance with RCW 42.56.240(14) at the rate of \$39.45 per hour.
↑Copy charges above may be combined to the extent more than one type of charge applies to copies responsive to a particular request.	

CITY OF SPOKANE PUBLIC RECORD ACT *FEE SCHEDULE	
<u>Records copied by outside source:</u>	Actual cost
If materials need to be copied by an outside source, the requestor pays the actual amount invoiced to the City by the Vendor	Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).
<u>Customized Service:</u>	Data compilations prepared or accessed as a customized service (cost is in addition to above fees for copies).

The Spokane Police Department waives fees for production of records if production totals less than \$1. Production of records does not include actual cost of digital storage media device, envelope, and postage. The Spokane Police Department charges actual costs of digital storage media or device, envelope, and postage (if applicable).

**CITY OF SPOKANE
COMMERCIAL PURPOSE DECLARATION
Public Records Requests under RCW Ch. 42.56 for Lists of Individuals**

Re: Public Records Request dated: _____

You or your organization or business has made a public records request for a list of individuals from the City of Spokane. The Washington State Public Records Act (PRA) at RCW 42.56.070(8) provides that:

This chapter shall not be construed as giving authority to any agency... to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies... shall not do so unless specifically authorized or directed by law...

The PRA at RCW 42.56.080 authorizes agencies to require a requestor to provide information as to the purpose of a request "to establish whether inspection and copying would violate RCW 42.56.070(8)."

The Washington State Court of Appeals ruled that in responding to a public records request that includes a list of individuals, an agency must investigate if that list might be used for commercial purposes, in order to comply with the obligations of RCW 42.56.070(8). *SEIU Healthcare 775NW v. State*, 193 Wn. App. 377, 377 P.3d 214 (2016). The Court also ruled that information to be provided by a requestor to an agency includes the purpose of the request, the identity of the requestor, the nature of the records requested, and other information necessary to determine if the list of individuals can be provided under RCW 42.56.070(8).

Instructions:

In order to ensure compliance with this obligation please complete the declaration on the reverse of this form and return it to the Public Records Officer. If we do not receive a completed declaration, we will be unable to process your request for the list and the request for the list will be administratively closed. If we have questions for you after you complete the declaration, we will contact you. Therefore, make sure you also provide contact information at the bottom of the declaration.

Return this completed declaration form to the Public Records Officer or other designated person at: Spokane Police Records, 1100 W. Mallon Ave., Spokane, WA 99260 or email to SPDRecordsInfoRequest@SpokanePolice.org

This declaration is a public record.

DECLARATION UNDER PENALTY OF PERJURY

1. I have requested a list of individuals from the City of Spokane.
2. I am requesting the list of individuals on behalf of (specify which one applies):

 _____ My Own Personal Behalf (*skip to 3.*)
 _____ Organization or Business (*complete a. - c. before proceeding to 3.*)
 - a. If an organization or business, the name of the organization or business is:
 - b. If an organization or business, the purpose of the organization or business is:
 - c. If an organization or business, the mailing address and website address are:
3. The purpose in making this request for the list of individuals is:
4. I or the organization/business intend to generate revenue or financial benefit, directly or indirectly, from using the list of individuals: _____ Yes _____ No
5. I or the organization/business intend to solicit money or financial support from any of the individuals on the list: Yes No
6. I or the organization/business intend to make individuals on the list aware of business commercial entities, business/financial enterprises or business/financial opportunities: _____ Yes _____ No
7. I or the organization/business intend to supply or sell the list of individuals to any organization or business, third party individual (someone other than myself or the organization or business listed in paragraph 2), or any other entity: Yes No
If yes, to whom:
8. I or my organization/business attest that another law authorizes or directs the agency to provide me or my organization/business the list of individuals requested: _____ Yes _____ No
If yes, provide specific citation:

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. I certify under penalty of perjury that I have read the first page of this declaration form and I understand that a list of individuals cannot be provided to me or to my organization or business by a public agency if the list will be used for a commercial purpose. I certify under penalty of perjury that any list of individuals I or my organization or business receive pursuant to my request dated _____, 20__, to the City of Spokane will not be used for any commercial purpose in violation of RCW 42.56.070(8).

DATED this _____ of _____, 20__ in _____

Signature of Declarant

Print Name

Declarant's Title (if any):

Declarant's contact information (phone number, email, or both):