

*"Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods."*

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE**

**2302.6, PUBLIC RECORDS REQUESTS**

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**POLICY:**

It is the policy of the Orlando Police Department to assure the free flow of information to the public provided that such information does not jeopardize active investigations, prejudice the accused right to a fair trial, or violate the law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. A custodian of public records and his or her designee must acknowledge requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees within the agency whether such a record exists and, if so, the location at which the record can be accessed (F.S. 119.07 (1)(a) (c)).

They may include audio recordings, 9-1-1 calls and dispatch recordings, electronic mail, video tapes, handwritten notes, some drafts, investigators' files, telephone message slips, post-it notes, and any other record which transfers information from one person to another.

Persons requesting public records may not be required to identify themselves or to advise the agency why they want the public record prior to the documents being released.

**PROCEDURES:**

**1. DEFINITIONS**

Criminal Intelligence Information: Information collected by OPD or any other criminal justice agency with respect to an identifiable person or groups of persons in an effort to anticipate, prevent, or monitor possible criminal activity. 119.011 (a), Fla. Stat.

This information is considered active as long as it is related to intelligence gathering that is conducted with a reasonable, good faith belief that it will lead to detection of ongoing or reasonably anticipated criminal activities. It is not a public record

while active, but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Criminal Investigative Information: Information with respect to an identifiable person or group of persons compiled by OPD or any other criminal justice agency in the course of conducting a criminal investigation of a specific act or omission. The term includes, but is not limited to, information derived from laboratory tests, reports of investigations or information, or from any type of surveillance. 119.011 (b), Florida Statutes (2001).

This information is considered active as long as it is related to an ongoing investigation which is continuing with a reasonable, good faith anticipation of securing an arrest or prosecution in the foreseeable future. It remains active throughout criminal prosecution and direct appeals. It is not a public record while "active," but may be released with permission of the investigator or officer who is assigned to the case. Once released, it loses its exempt status.

Public Records (PRR): All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software (information), or other material (regardless of its physical form, characteristics or means of transmission) which are made or received pursuant to law or ordinance or in connection with the transaction of official business of this Department. The fact that a particular item is designated a "public record" does NOT mean that it is open to public inspection, but rather that it belongs to a public agency. Public records generally are available for inspection by the public at some point in time but there are limitations as to when that occurs.

## **2. PROCESSING PUBLIC RECORDS REQUESTS**

All public records requests from outside sources for readily available documents will be referred to the Records Management Section or Police Legal Advisor for processing except for information concerning fast-breaking events that will be handled per the current issue of P&P 2304, Release of Information to the Media. Readily available documents that are public in nature will be generally handled by the OPD Records Unit. The City Records Manager shall manage all other requests for records.

### 2.1 REQUESTS FOR READILY AVAILABLE DOCUMENTS

"Readily Available Documents" are those that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information, such as most charging affidavits, incident reports, closed case file reports, closed disciplinary files, etc. Any Records employee who receives a request for this type of information should comply immediately by providing review and/or a copy of the information as requested. Information regarding any unusual requests should be emailed to the City Records Manager, after production, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as indicated below.

### 2.2 REQUESTS FOR OTHER DOCUMENTS

- a. Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing. This will assist OPD staff in clarifying the exact scope of the request. Requestors should specify whether they wish to simply inspect records or obtain copies.
- b. These requests should be forwarded by email or faxed to the City Records Manager at 407-246-2624.
- c. As soon as reasonably possible after the receipt of a Public Records Request (PRR) request, the Records Manager will acknowledge the request and forward it to appropriate City Departments which may have records responsive to the request.
- d. OPD staff receiving an emailed PRR directly from the City Records Manager or as a forward from the Legal Advisor's Office will respond to the City Records Manager as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive

documents are stored off site, the office will immediately notify the City Records Manager to request the retrieval of the responsive records. If the request is received as a forward from the Police Legal Advisor's Office, copies of responsive email communications should be sent to the PLA. Public Record Requests (PRR) can be submitted via online at [www.cityoforlando.net](http://www.cityoforlando.net)

- e. If OPD has responsive records in their possession, and the retrieval and production will require more than one half hour, OPD shall advise the City Records Manager, who will then contact the requestor with an estimated labor charge for the retrieval. OPD personnel should provide Records with the name and hourly pay rate of the employee who will be doing the retrieval. They should select the lowest paid employee capable of efficiently retrieving the records. No benefits multiplier shall be added to the labor charge.
- f. The City Records Manager shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the labor charges and copying charges, if any. Records will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests (those requiring more than \$100 in labor charges or more than \$100 in copy charges), the City shall require an advance deposit prior to beginning retrieval.
- g. The City shall make every effort to respond fully to all Public Records Requests within 48 hours of their receipt and the Records Manager shall be responsible for monitoring compliance with the 48 hour performance standard.
- h. Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary by Police Legal Advisor, or the Office of Legal Affairs.
- i. Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the Records and Archives Manager for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. **In no event shall staff proceed with destruction of records that are the subject of a current Public Records Request or records that are currently at issue in pending litigation.**
- j. When a public records request is made for records specifically relating to any employee of the Orlando Police Department, the employee shall be notified via email, by the person receiving the Public Records Request. The types of records for which such notification may be made include, but are not limited to: requests to inspect Internal Affairs discipline files of a specific officer or set of officers; requests to view training records or response to resistance forms of a specific employee or set of employees; requests to inspect personnel records, payroll records, transfer histories, or similar records pertaining to the work history of a specific employee or set of employees; and requests to view arrest or work records dealing specifically with a particular employee or set of employees.

### 3. STATUTE REQUIREMENTS

All public records requests for information must comply with provisions established in Florida State Statutes, Chapter 119, Public Records, state and federal laws, and all regulations and procedures of the Orlando Police Department. Requests for information do not have to be made in writing.

### 4. MANAGEMENT

The Records Management Section Manager or designee will review all public records requests and determine if the records are subject to release. The manager will consult with the Police Legal Advisor if necessary.

## 5. RECORDS UNIT FUNCTION

It is the responsibility of the Records Unit to collect, preserve, maintain, retrieve, and disseminate all case-related information generated and received by employees of the Orlando Police Department. This will be accomplished in accordance with agency directives, administrative procedures, and all applicable law. The following is a list of the Records Unit functions and responsibilities:

- a. Telephone and service counter requests for readily available documents from the public or Department employees should be promptly met during normal business hours.
- b. Local record checks are performed to identify an individual's criminal history with the Orlando Police Department. Record checks shall be completed at the service counter while the customer waits. Payment must be made with credit card, debit card and/or money order.
- c. Record check requests submitted by mail shall be processed as soon as possible. By mail, payment shall be by money order, or check. Record checks shall not include FCIC/NCIC inquiries.
- d. Mail-in requests for copies of readily available reports/documents shall be processed as soon as possible. Payment may be made by money order, or check.
- e. Walk-in requests for copies of readily available reports/documents shall be completed while the customer waits if the request can be reasonably met in that time frame. Payment must be made with credit card, debit card and/or money order.
- f. Imaging of reports/documents will be accomplished as space requirements dictate.
- g. Records Unit personnel shall use the standardized request/response forms when appropriate.

## 6. DUPLICATION AND REPRODUCTION FEES

A fee will be charged the public for the duplication of Department records and documents.

### 6.1 STANDARD SIZE DOCUMENTS

The charge for duplication of a letter size (8 1/2" x 11"), legal size (8 1/2" x 14") or oversize (11" x 17") document, capable of being reproduced on existing City equipment, is \$.15 per copy. Duplication of two-sided pages is \$.20.

### 6.2 LARGE DOCUMENTS

For large, single documents not covered above (i.e., blueprints, maps, plats, etc.), the charge shall be the actual cost to the City for reproduction.

### 6.3 BOOKS/MULTIPAGE VOLUMES

For books and other multi-page volumes printed by the City (i.e., annual budget, growth management plan, various financial reports), the charge shall be as established by City Council; if referred for outside reproduction, the charge shall be the cost to the City.

### 6.4 MUG SHOTS

The cost for providing a mug shot of an individual is \$5.00. Mug shots of persons whose photographs are prohibited from disclosure may not be subject to release. See Section 9, below.

### 6.5 CASSETTE/VIDEOTAPES/OTHER MEDIA

The fee for copies of cassette tapes, videotapes, or other media shall be the cost to the City plus applicable labor charges.

**6.6 MICROFILMED DOCUMENTS**

The fee for copies of documents on microfilm/microfiche shall be \$.25 each.

**6.7 CERTIFIED COPY OF PUBLIC RECORD**

The fee to certify a copy of a public record is \$1.00 per record, plus the applicable copying charge.

**6.8 RECORDS CHECK**

The fee for providing a records check for an individual will be \$10.00.

**6.9 EXTRAORDINARY REQUESTS**

For extraordinary requests requiring more than 30 minutes of staff time, a labor charge will be imposed. That charge shall be the result of the employee's hourly rate of pay, multiplied by the actual time worked to accommodate the request, and measured in tenths of an hour.

**6.10 COMPUTER PRINTOUT REQUESTS**

Upon receiving a public records request necessitating a computer printout the Records Management Section Manager, or designee, will determine if the request can be processed by one of the standard computer programs available to the Records Section. Any request that cannot be processed by the Records Section will be referred to the Crime Analysis Unit for review and processing. If the Crime Analysis Unit cannot process the request using one of the standard CAU computer programs, it will be forwarded to the Police Planning Administrator who will inform the requestor of the Department's inability to provide the requested information. The Police Planning Administrator will inform the requestor of any information that can be provided via standard computer reports. Any employee who processes computer printout requests for non-law enforcement entities will contact the Records Unit to ensure non-public information is not inadvertently released.

Community Relations officers will receive training from the Records Unit on how to run the Public Statistics program. This program deletes automatically non-public information. This information may be released to Neighborhood Watch leaders or prospective Neighborhood Watch members. This same information may be released to City Commissioners to assist them in addressing issues in their districts.

**6.11 SPECIFICATION OF THE REQUEST**

It will be the responsibility of the individual making the request to define the specifications of the request. This may include elements such as time frame (dates), geographic locations (street address, grid, or subgrid), call type (signal), or offense type. Assistance will be provided to the person making the request to aid in this task.

**6.12 COMPLETED COMPUTER REQUESTS**

Upon completion of the request, it will be the responsibility of the Records Management Section Manager, or designee, to notify the individual that the request has been processed and is ready for pickup at the Records Unit front counter.

**6.13 COMPUTER PRINTOUT CHARGES**

A computer charge shall be imposed for the extensive use of information technology. When the City's Central Processing Unit (CPU) time used exceeds 300 seconds (five minutes) the charge shall be \$.15 per CPU second for the entire run time of each individual request. When the CPU time used is 300 seconds or less, there will be no charge.

A charge for printed copies shall be \$.15 per page. A charge for Crash Reports shall be \$2.00. A charge for a Traffic Homicide reports shall be \$25.00. The charge for output to any other medium (i.e., diskette, tape cartridge, tape reel, etc.) shall be the cost to the City. This charge will apply regardless of the CPU time used to complete the request.

#### 6.14 COLLECTION OF FEES

It will be the responsibility of the Records Unit to collect all fees for the cost of public records requests. Fees will be collected prior to relinquishing any document/printout to the individual. A receipt for payment of costs associated with public records requests shall be given to the requestor upon payment of the levied fee.

A deposit may be required in advance of copying and editing the public record if the cost of providing a public record (labor, copying costs, etc.) is anticipated to exceed \$25.00. The deposit should cover the anticipated costs involved. Any overpayment will be returned to the person making the request.

### **7. STANDARDS FOR DISCLOSURE AND DISTRIBUTION OF INFORMATION AND RECORDS**

Release of readily accessible police report records to the public (including all crash reports, incident reports, supplements, statements, arrest affidavits, etc.) is to be made only through the Records Unit, Airport Division office (property crimes only), Media Relations, or the Police Legal Advisor. No one else is authorized to release these records. Members of the public may obtain copies for a fee (see Section 6) or review the records during regular business hours. (34.02c) Law enforcement personnel may obtain unedited copies of documents/reports for official use with no fees assessed. The law enforcement agent requesting said copies is responsible for their proper disposal and will ensure they are not released to the public. Records Unit personnel should refer to Section 6 of this policy when assessing costs for documents. Records Unit personnel shall review each document or report and shall sanitize documents and reports in accordance with this policy prior to release.

In the following circumstances, the request for records will be referred to the Police Records Manager/Designee and, if necessary, the Police Legal Advisor: (34.02c)

- a. Where there is any dispute as to the proper categorization of any public record.
- b. Sealed records.
- c. Any request for records that requires more than 30 minutes staff time to copy.
- d. Any request for records that requires research to gather the records or data.
- e. Requests needing clarification for records (e.g., a request to see "all correspondence" or "all records" of a certain type).
- f. Any individual who contests a denial to review or receive a requested record.

This policy does not apply to the release of information and records to a criminal justice agency or in response to a judicial order. A criminal justice agency means any law enforcement agency, court, or prosecutor. It also includes any other agency charged by law with law enforcement duties, or any agency having custody of criminal intelligence information or criminal investigative information for the purpose of assisting such law enforcement agencies in the conduct of active criminal investigation or prosecution. The term also includes the Department of Corrections.

NOTE: When a document contains both public and exempt information, the exempt information will be redacted by lining through and recopying the document. Only the redacted copy will be released. If exempt or confidential information is redacted from a record, the statutory reason for doing so must be provided to the requestor in writing (e.g., "information was redacted in accordance with the provisions of §119.07(6)(i), Florida Statutes, relating to release of confidential information regarding law enforcement personnel and their families").

Social security numbers are not public record, but may be disclosed to other governmental entities. Social security numbers may be disclosed to a commercial entity in limited circumstances provided the numbers will be used only in the normal course of business for legitimate business purposes (verification of personal information; use in civil, criminal, or administrative proceedings; identifying and preventing fraud; law enforcement and investigative purposes; verification of data). Bulk sale of lists of social security numbers is NOT a legitimate public purpose. This information may be released to a commercial entity only if requested in writing, under oath, and legibly signed by an authorized officer, employee, or agent of the entity. The written request must include the name, business mailing address and physical address, telephone number, and statement of the specific purpose for which the social security numbers are needed and how they will be

used in the normal course of business for legitimate business purposes. The written requests must be maintained and, beginning January 31, 2004, annual reports must be filed with the Secretary of State with a listing of all commercial entities that have requested social security numbers during the preceding calendar year. If no disclosure requests were made, a report to that effect must be filed with the Department of State. (Ch. 2002-256, Laws of Florida; §119.072, Fla.Stat.)

## **8. RELEASE OF REPORTS TO OUTSIDE AGENCIES**

Specific reports are routinely distributed to outside agencies. These reports are as follows:

Domestic Violence reports are forwarded to Outreach Program within 24 hours after receipt by the Records Manager or his or her designee. (requirement under FSS 741.29)

Animal Cruelty reports are forwarded to the Orlando Humane Society by the Records Manager or his or her designee.

Attempted Suicide reports are forwarded to We Care, Inc. by the Report Review Supervisor.

## **9. INFORMATION AND RECORDS CLASSIFICATIONS**

For the purpose of this order, all information and records are divided into three types.

### 9.1 TYPE I PROHIBITED OR RESTRICTED INFORMATION

Type I Information is generally prohibited from being released and may be released to any person only after review by the Police Legal Advisor and/or authorization by the Chief of Police or his or her designee.

Type I Information consists of:

- a. Photographs, name, address, or other fact or information which reveals the identity of the victim of any sexual battery, child abuse, or lewd, lascivious, or indecent assault upon or in the presence of a child. This includes cases that have been classified as unfounded. (§119.07(6)(f), Fla. Stat.)
- b. Any information gathered during an Internal Affairs investigation until the case is no longer active or the case has concluded. (§112.533, Fla. Stat.)
- c. Any criminal history record derived from state or federal records systems. Requests for state criminal history records (FCIC) should be referred to FDLE. Requests for national criminal history records (NCIC) should be referred to the FBI. No individual may see or receive a copy of his or her own criminal history record. (§943.045 – 943.08, Fla. Stat., and Ch. 28, Code of Federal Regulations)
- d. All information contained on a BA-52 form pertaining to patients transported for mental health treatment under the Baker Act. (Incident report information is public information.) (§394.4615, Fla. Stat.)
- e. Information which reveals the home or employment telephone number, home or employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence is exempt from public records law disclosure for a period of five years upon written request of the victim. Victims who want to take advantage of this exemption must fill out the Exemption from Public Records Disclosure form that will then be routed to the Records Unit for filing. These forms are available in the Supply Unit. (§119.07(6)(s), Fla. Stat.)
- f. Certain information in our possession can become exempt if a qualified individual files a written request with our agency. For instance, if a law enforcement officer from another agency submits a written request to keep confidential his or her photograph, home address, telephone number, and social security number, we must redact that information prior to public release. (§119.07(6)(i)4) The same is true if any qualified public officer,

employee, justice, judge, or other person specified in §119.07(6)(i)1 – 119.07(6)(i)3 files a confidentiality request.

- g. Any request from another law enforcement agency to inspect or copy an OPD record, any responsible correspondence, and any other information that would identify the type and nature of that request or the records produced is exempt as long as such information is considered by the requesting agency to be active criminal investigative or active criminal intelligence information. The fact of the request, any document to that fact, and the information itself remain exempt until we are notified by the requesting agency that the intelligence or investigative information is no longer active. (§119.07(6)(b)2
- h. All social security numbers are prohibited from disclosure except as provided in Section 7, above. Social security numbers may be released to another governmental entity if disclosure is necessary for that entity to perform its duties and responsibilities. (§119.0721, Fla. Stat.)

## 9.2 TYPE II EXEMPT INFORMATION

Type II Information is information which is not required by law to be released, but which may be released within the discretion of certain persons. Type II Information may be released as follows:

- a. If the information pertains to an active criminal investigation, the release may be made by the State Attorney's Office, or
- b. By the investigator assigned to the case upon review by the Police Legal Advisor.
- c. If the information does not pertain to an active criminal investigation, it may be released by the custodian of the documents after approval by the Police Legal Advisor.

Type II Information is all information and records which do not fall within Type I and fall within any of the following categories:

- a. Active criminal investigation information including information contained on mug shot photos. Mug shots of law enforcement personnel or other qualified persons may be confidential under §119.07(6)(i). See subsections “q” and “r” below.
- b. Active criminal intelligence information.
- c. Any information revealing the identity of confidential informants or sources.
- d. The identity, testimony, or credibility of any prospective witnesses.
- e. Any information revealing surveillance techniques or procedures or personnel.
- f. Any information revealing undercover personnel of any criminal justice agency.
- g. Any intelligence or investigative information which reveals the personal assets of the victim of a crime, other than property stolen or destroyed during the commission of a crime.
- h. All criminal intelligence and criminal investigative information, whether active or inactive, received by a criminal justice agency before January 25, 1979.
- i. Examination questions and answer sheets of examinations administered by OPD or the City of Orlando for purposes of licensure, certification, or employment (examinees are to be allowed to review their own individual examinations).
- j. The existence or contents of admissions or confessions made by individuals, or the refusal or failure of the accused to make any statement.

- k. Home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Families and the Department of Health whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from public records disclosure.
- l. Home addresses, telephone numbers, and photographs of firefighters certified in compliance with §633.35, Fla. Stat.; the home addresses, telephone numbers, photographs, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from public records disclosure.
- m. Home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from public records disclosure.
- n. Home addresses, telephone numbers, social security numbers, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from public records disclosure.
- o. The home addresses, photographs, social security numbers, and home telephone numbers of county and municipal code inspectors and code enforcement officers are confidential and exempt from the provisions of §119.07(1), Fla. Stat., and §24(a), Fla. Stat., Art. 1 of the State Constitution. These exemptions are subject to the Open Government Sunset Review Act in accordance with §119.15, Fla. Stat.
- p. Criminal investigative and intelligence information received from non-Florida and federal criminal justice agencies under assurances of confidentiality. Such information may be released only in accordance with the conditions imposed by the providing agency.
- q. If OPD is in possession of potentially exempt information and the City of Orlando is NOT the employer of the individual, the confidentiality of the personal information (photograph, home address, telephone number, etc.) shall be maintained only if the affected individual files a WRITTEN request with the City or OPD. §119.07(6)(i)(4)
- r. If the City is the employer of a person whose personal information is exempt by virtue of their position with the City (e.g., firefighter, law enforcement employee, code enforcement officer, etc.), the confidential nature of the information must be maintained even in the absence of a written request.

### 9.3 TYPE III INFORMATION

Documents that contain only Type III information must be made available on demand to any person for inspection and examination. No authorization for release is required. Copies of these documents must be given to the requesting party, but can only be released through the City Records Manager, the OPD Records Unit, the Police Legal Advisor, Media Relations, or the Airport Division office (property crimes only).

Type III Information includes:

- a. All information not included in Types I or II, with the exception of information about juveniles, or the abuse of aged or disabled victims. (See Sections 10-12 below.)
- b. The date, time, location, and nature of a reported crime.
- c. The name, sex, age, and address of a person arrested (except juveniles under certain conditions, see Section 10).
- d. The name, sex, age, and address of a victim of a crime, except for a victim of a sexual offense or child abuse. If the victim requests non-disclosure in stalking, harassment, or domestic violence cases, then all victim identifying information is exempt from public record.
- e. The time, date, and location of the incident (unless the location otherwise reveals exempt or confidential information).
- f. The crime charged.
- g. Documents given or required to be given to the person arrested, except those portions of documents that would disclose otherwise exempt or confidential information. (This usually is limited to the charging affidavit.)
- h. Information on prior arrests and/or convictions; however, no NCIC/FCIC record may be released.
- i. Photographs (X-image, mug shot) of the arrestee. If the arrestee is a law enforcement officer, photos maintained by the employing agency may not be disclosed.
- j. Photographs of the suspect/accused, if deemed necessary for protection of the public, or to obtain public assistance in the apprehension.
- k. Any information which falls within the definition of public records which is not otherwise exempt.
- l. Most arrest affidavits except specific information, i.e., defendant or victim information which is otherwise protected.

NOTE: Witness names may qualify as exempt criminal investigative information and may be treated as exempt information as long as the case is active.

## **10. JUVENILE RECORDS - DELINQUENCY CASES**

The identity, address, and photograph of any juvenile taken into custody for a felony may be released by a law enforcement agency, regardless of the age of the juvenile. The identity, address, and photograph of any juvenile taken into custody for a misdemeanor shall not be released by a law enforcement agency, regardless of the age of the juvenile.

### 10.1 JUVENILE RECORDS PRIOR TO OCTOBER 1, 1994

For juveniles taken into custody prior to October 1, 1994, the identity, address, and photograph of juvenile arrestees for any pre-October 1, 1994 offense may only be released pursuant to the old law, which allowed disclosure under the following circumstances:

- a. If the child taken into custody was 16 years of age or older and was taken into custody for a felony offense.
- b. If the child was 16 years of age or older and had been adjudicated guilty by a court of a capital felony, life felony, first degree felony, or a second degree felony involving violence against another.

Additionally, information may be released in the following circumstances:

- a. If the person requesting the information was entitled to receive same, (e.g., any judge or court employee, other law enforcement agencies, the Department of Corrections, Juvenile Justice Commission or gang prevention councils, persons involved in assessing or treating the child, school superintendents, or such others as ordered by the court) §39.045, Fla. Stat. (1993).
- b. If the records relate to traffic infractions committed by a juvenile or traffic accidents involving a juvenile.
- c. If a copy of a Property Supplement Report is requested by the victim or victim's insurance company, it may be released. However, names of juvenile defendants which do not fall into the category detailed in Section 10 Juvenile Records-Delinquency Cases should be censored.
- d. On all closed cases, names of juvenile suspects are confidential and shall not be released. However, arrestee names which fall into the categories detailed in this section may be released.
- e. Names of juvenile witnesses may be released, unless the case is active. Refer to Type II Information in Section 9.2.

The disclosure of identifying data on juveniles before or after October 1, 1994 still depends on whether the child was taken into custody. At-large case reports or other types of reports containing juvenile suspect information may not be subject to public records release.

#### 10.2 VICTIM ACCESS TO JUVENILE RECORDS

The legislature has authorized the victim to have access to information and proceedings in a juvenile case. Nothing in the law prohibits release of information to:

- a. The victim of the offense.
- b. The victim's parent or guardian if the victim is a minor.
- c. The lawful representative of the victim or of the victim's parent or guardian if the victim is a minor.
- d. The next of kin if the victim is a homicide victim. The release of the juvenile offense report by a law enforcement agency to the victim of the offense is not prohibited.

A law enforcement agency may release information deemed relevant to adequately inform the victim. Victims should be advised that they may not release the information to any outside party except as necessary to pursue legal remedies.

Except as provided herein all other public records exemptions apply to juvenile information (i.e., active criminal/intelligence information, etc.)

### **11. JUVENILE RECORDS – DEPENDENCY CASES**

All records concerning reports of child abuse or neglect shall be confidential and exempt from the provisions of public records law and shall not be disclosed except as authorized by Florida State Statutes, Chapter 415. Dissemination of information may be made under the following limited circumstances:

- a. Except for information identifying individuals, records involving the death of a child determined to be a result of abuse, abandonment, or neglect shall be released to the public within ten days after completion of the investigation.
- b. Access to such records, excluding the name of the reporter shall be granted only to the following persons, officials, and agencies:
  1. Employees or agents of the Department of Children and Families responsible for carrying out child or adult protective investigations, protective services, licensure; employees or agents of the Department of Juvenile Justice responsible for the provision of services to children.

2. Criminal justice agencies of appropriate jurisdiction.
  3. The state attorney of the judicial circuit in which the child resides or in which the alleged abuse or neglect occurred.
  4. The parent or custodian of any child who is alleged to have been abused, neglected, or abandoned. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.
  5. Any person alleged in the report as having caused the abuse, neglect, or abandonment of a child. However, any information otherwise made confidential or exempt by law shall not be released pursuant to this paragraph.
  6. To any person designated in a valid court order.
  7. A grand jury, by subpoena, upon its determination that access to such records is necessary in the conduct of its official business.
  8. Any appropriate official of the human rights advocacy committee investigating a report of known or suspected child abuse, abandonment, or neglect, the Auditor General for the purpose of conducting preliminary or compliance reviews pursuant to §11.45, Fla. Stat., or the guardian ad litem for the child as defined in §415.503, Fla. Stat.
  9. Employees of agents of an agency of another state that has comparable jurisdiction to the jurisdiction as described above.
  10. The Public Employees Relations Commission for the sole purpose of obtaining evidence for appeals.
- c. The name of any person reporting child abuse, abandonment, or neglect to the central abuse hotline may not be released to any person other than employees of the department responsible for child protective services, the central abuse hotline, or the appropriate state attorney without the written consent of the person reporting. If the reporter is otherwise a potential witness, their name may be released as a witness, but anything that identifies them as the hotline reporter may not be released without their written consent.

We should not provide copies of records originating from the Department of Children and Families or the Child Protection Team (CPT). We may acknowledge possession to any person requesting such information and refer them to the Department of Children and Families or the CPT.

## **12. RELEASE OF INFORMATION CONCERNING THE ABUSE OF AGED OR DISABLED PERSONS**

The identity of any person reporting adult abuse, neglect, or exploitation to the central abuse hotline may not be released, without that person's written consent, to any person other than employees of the department responsible for adult protective services, the central abuse registry and tracking system, or the appropriate state attorney. This subsection grants protection only for the person who reported the adult abuse, neglect, or exploitation and protects only the fact that the person is the reporter.

NOTE: (There is no longer any statutory authority for withholding identifying information regarding abuse and neglect of aged or disabled adults.)

ATTACHMENT A

PRR # \_\_\_\_\_

**Optional City of Orlando  
Public Records Request form**

**Please note:**

- ▲ **You are not required to make your request in writing.**
  - ▲ *Making a written request may assist you and us to process your request more accurately, efficiently and quickly.*
- ▲ **You are not required to provide your name or contact information in order to make a Public Records Request.**
  - ▲ *Providing contact information will help us to communicate with you regarding your request and to advise you of any fees that may be associated with providing the records you request.*

<b>Date requested:</b>		<b>Time requested:</b>	
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<b>Name:</b>	
<b>E-mail address:</b>	
<b>Company:</b>	
<b>Phone number(s):</b>	
<b>Fax number:</b>	

<b>Records requested: (please be as specific as possible so we may assist you)</b>

<b>For the requested records, I wish to:</b>	<b>Receive copy of records</b>				
<b>Walk in</b>	<b>Phone</b>	<b>E-mail</b>	<b>Mail</b>	<b>Fax</b>	

<b>Request Completed:</b>	<b>Date:</b>	<b>Time:</b>
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