

 <b>City of Norfolk</b>	Administrative General Order – 455	Virginia Freedom of Information Act
	<b>Department of Police General Order</b>	
	CALEA: none	
VLEPSC: ADM.22.03		
LEGAL REVIEW DATE: 11/1/2010	PRESCRIBED DATE: 1-4-11 <sup>lv3</sup>	
City Attorney: <i>Tasha D. Scott</i>	City Manager/Director of Public Safety: <i>James H. Belland</i>	
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE: <i>[Signature]</i>		

Office of Preparation: Strategic Management Division / acb

**Purpose**

The purpose of this order is to outline policy as it relates to the handling and response to requests under The Freedom of Information Act (FOIA).

**Policy**

The Norfolk Department of Police will adhere and fully cooperate with all requests made through the Freedom of Information Act guidelines in a timely and just manner.

**Supersedes:**

1. G.O. ADM-455, dated May 14, 2009
2. Any previously issued directive conflicting with this order

**Order Contents:**

- I. General
- II. Receiving and Processing Requests
- III. Processing Responses

I. General (VLEPSC ADM.22.03)

- A. The Virginia Freedom of Information Act enacted on July 1, 1968, and amended by the 1999 session of the General Assembly, ensures access of official records to the citizens of Virginia. The Act does not require that the requestor mention the Freedom of Information Act when making a request. However, once a request for records has been received, a response must be made to the requestor within five (5) working days.
- B. Failure to respond within the required time frame is deemed a denial, constituting a violation of the Act, and requires the Courts to award the person who filed the lawsuit monetary damages payable by the public body failing to comply.
- C. The Freedom of Information Act allows for certain exemptions to the requirements for disclosure; however, due to the complexity of determining such exemptions, all requests will be forwarded to the Chief's office and a determination of exemption will be made after consultation with the City Attorney.

II. Receiving and Processing Requests

In order to satisfy these requirements in an efficient and timely manner, the following procedures are established within the department:

- A. Receiving Requests
  - 1. Any citizen of the Commonwealth, representative of newspapers and magazines with circulation in the Commonwealth, or representative of radio and television stations broadcasting in the Commonwealth may request to inspect or copy public documents.
  - 2. The person receiving the request may require the requestor to provide his name and legal address.
  - 3. The requestor will be encouraged to file their request in writing by either:
    - a. submitting a letter to the Chief of Police, or
    - b. securing and completing an FOIA Request for Public Records form (Attachment A), available at the Police Operations Center, or Police Administration Building (during normal working hours). These forms are also available at the City Clerk's office and the office of the City Attorney.

4. If the requester refuses to submit their request in writing then the person receiving the request will transmit the verbal request to the applicable forms referenced in II.A.3.b.

B. Processing Requests

1. The person receiving the completed form will ensure that the request is legible, and that the public records sought are identified with reasonable specificity.
2. The completed FOIA Request for Public Records form, or other written request, will be immediately forwarded to the Chief's office, by FAX or other electronic means, for handling. Since these requests require a rapid response, it is critical they be sent to the Chief's office without delay.

III. Processing Responses

- A. When the Chief's office receives an FOIA request, a determination will be immediately directed, by FAX or other electronic means, to the commanding officer of the division having custody of the records. The request, along with an FOIA Response Form (Attachment B), will be directed to the commanding officer of the division housing the documents.
- B. The Response Form, indicating the availability of the requested records, as well as any known disclosure exceptions and response expenses, will be completed immediately and sent to the City Attorney, by FAX or other electronic means, and a copy sent to the Chief's office by FAX or other electronic means.
- C. The completed Response Form will be returned to the City Attorney for disposition. A copy of the completed Response Form will also be returned to the Chief's office.
- D. Section 33-43 of the Norfolk City Code (Attachment C) specifies the fee schedule to be used in determining the estimated response expense to be entered on the Response Form. Following receipt and review of the Response Form, the City Attorney will provide further direction concerning the records to be provided.

Related Document: G.O. ADM-130: News Media Policy

Attachments:

- A. Freedom of Information Act Request for Public Records
- B. Freedom of Information Act Response Form
- C. Norfolk City Code, Section 33-43. Charges for Certain Reports and Services

FREEDOM OF INFORMATION ACT (FOIA)  
REQUEST FOR PUBLIC RECORDS  
Section 2.2-3700, Code of Virginia

1. DATE OF REQUEST: \_\_\_\_\_

2. INDIVIDUAL REQUESTING INFORMATION

Full Name: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

Telephone: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_

3. RECORDS REQUESTED (Provide as much detail as available):

Date(s) / Time(s) of record(s) (Ex. 01/01/2004 at 3:45 p.m.) \_\_\_\_\_

Detailed Description of Request: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. PURSUANT TO VIRGINIA CODE §2.2-3704(F), IT WILL BE NECESSARY FOR YOU TO REIMBURSE THE CITY FOR ALL COSTS INCURRED IN THE PRODUCTION OF THESE RECORDS.

SIGNATURE OF REQUESTER: \_\_\_\_\_

OFFICE USE ONLY

Request Delivered to Office of City Attorney:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ By: \_\_\_\_\_

FREEDOM OF INFORMATION ACT

RESPONSE FORM

FOIA FILE NO.: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

NAME OF REQUESTER: \_\_\_\_\_

DATE REQUEST RECEIVED BY DEPT. \_\_\_\_\_

REQUEST RECEIVED BY: \_\_\_\_\_

1. Do requested records presently exist? Yes \_\_\_\_\_ No \_\_\_\_\_  
Do Not Know \_\_\_\_\_

2. Does Department possess requested records? Yes \_\_\_\_\_ No \_\_\_\_\_

3. Can copies of requested records be provided within two business days? Yes \_\_\_\_\_ No \_\_\_\_\_

4. If no, how many days will be required? \_\_\_\_\_

5. Are requested records in excess of ten (10) pages?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

6. Do any of the exceptions to mandatory disclosure apply?  
Yes \_\_\_\_\_ No \_\_\_\_\_ Do Not Know \_\_\_\_\_

If yes, briefly explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Are there any other objections to the release of these records?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, briefly explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Sec. 33-43. - Charges for certain reports and services.

- (a) Unless otherwise prohibited by law, the department of police is hereby authorized to furnish photostatic copies of accident reports, offense reports (front only), photographs of motor vehicle accidents (only after all criminal charges are disposed of by court), and other photographs, to make record checks and reports (local record only), take fingerprints of individuals on request, to make concealed weapon record checks, to process special officer commissions, allow offense reports to be viewed, and to provide copies of other records required by the Virginia Freedom of Information Act and by subpoena duces tecum.
- (b) The reports of accidents and photographs shall be furnished only to any person involved or injured in the accident or his attorney or any authorized representative of any insurance carrier reasonably anticipating exposure to civil liability as a consequence of the accident. The furnishing of other reports and information, subject to the requirements of the Virginia Freedom of Information Act and subpoena duces tecum, shall be permitted or allowed only to persons having a legitimate interest therefor, and the chief of police or his agent may refuse any of the above records or services to any person he has reason to believe may use same for other than legitimate purposes.
- (c) The above services shall be furnished only between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday. The above services will not be furnished on Saturdays, Sundays and holidays.
- (d) For the above services, a fee may be charged as follows:
  - (1) *Production of records:* A fee may be charged at a rate not to exceed the actual cost incurred to search for, access, duplicate, and supply the requested records.
  - (2) *Processing services:* Fingerprinting of individuals on request (\$5.00); and concealed weapon applications (\$30.00).
- (e) Reserved.
- (f) The aforesaid charges shall be collected when the service is rendered and a receipt shall be given. All sums collected shall be turned over to the city treasurer in the same manner as other city funds.

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*(Ord. No. 30,959, § 1, 1-27-81; Ord. No. 31,385, § 1, 10-20-81; Ord. No. 31,997, § 1, 10-19-82; Ord. No. 32,457, § 1, 7-19-83; Ord. No. 35,057, § 1, 5-24-88; Ord. No. 35,457, § 2, 4-11-89; Ord. No. 37,240, § 1, 5-18-93; Ord. No. 38,396, § 1, 5-28-96; Ord. No. 40,532, § 1, 11-27-01; Ord. No. 42,590, § 1, 3-6-07)*

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