

**CUMBERLAND COUNTY DISTRICT ATTORNEY'S OFFICE POLICY FOR
LAW ENFORCEMENT OFFICERS
FREEDOM OF ACCESS REQUESTS**

I. POLICY

The policy of the Cumberland County District Attorney's Office is to ensure that any person requesting access to any public record in this agency's custody will be provided with the record within a reasonable period and to ensure that documents or records that are confidential by law will remain protected and not publicly disseminated. This policy is already in place for the District Attorney's Office.

II. PURPOSE

This policy establishes guidelines for responding to requests for documents or records under the Freedom of Access Act (FOAA).

III. PROCEDURES

- A. Unless specifically authorized by this policy, a request for access to, or release of, any records of this agency must be referred to the District Attorney.
- B. The District Attorney is responsible for ensuring that each public record request is acknowledged within five (5) working days of the receipt of the request and that a good faith estimate of when the response will be complete is provided.
- C. A person has the right to access or be provided with a copy of any public record in the custody of this agency during the regular business hours of the agency and within a reasonable period after requesting access. They do not need to provide their identity or a reason for the request.
- D. A written or verbal request made by a person to access an agency record is presumed to be a request made under the Freedom of Access Act, regardless of whether the person expressly cites that law in making the request.
- E. Only records existing and in the custody of this agency, as of the date a request is received, are subject to consideration in response to such a request. This agency does not maintain "standing" or "rolling" requests that would require consideration of the production of records on a continuing basis after the date of a given request. However, this does not preclude any person from making additional requests at a later time, including a previous request that was denied in whole or in part at the time of the original request.
- F. It is permissible to release information as follows:

- a. To another criminal justice agency for a purpose related directly to administration of criminal justice or related employment.
 - b. Mandated reporting as required by statute, for minors and for incapacitated individuals.
 - c. Investigative reports may be released to the Secretary of State for use in determining and issuing a driver's license suspension.
 - d. A sexual assault counselor or a domestic violence victim's advocate. Investigative reports may be released to a sexual assault counselor or a domestic violence victim's advocate.
- G. A person requesting access to criminal history record information should be referred to the State Bureau of Identification to ensure that only updated information is disseminated, or the person may request a copy of such information via the Internet at the following website: <https://apps1.web.maine.gov/online/pcr/>
- H. E-9-1-1 system records. A person requesting access to E-9-1-1 system records or information, including 9-1-1 recordings or transcripts, should be referred to the supervisor of the agency's communications center.
- I. Personal communication systems or devices. The purpose and intent of the Freedom of Access Act, i.e., to permit public access to public records, may not be circumvented through employee use of personal communications systems or devices, e.g., personal email accounts or personal cell phones, to conduct official business.
- J. All business and official communication should be done on an office phone, office email, and other official channels. Personal devices should not be used for any communication related to investigations.