

**ABERDEEN POLICE DEPARTMENT
PUBLIC RECORD REQUEST FORM**

SECTION 1 -- MUST BE COMPLETED BY THE REQUESTING PERSON, BUSINESS, OR AGENCY.

NAME: _____ ID OR OL NO. & STATE: _____

AGENCY: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

DAYTIME PHONE: _____ CELL PHONE: _____

RECORD(S) REQUESTED: This must describe a specific identifiable record. This is not intended for general inquiries.

Case Report No. _____ Photos CD (\$10) Other (explain below)

REASON FOR REQUEST (REQUIRED):

Involved party Parent/Guardian Attorney for Involved Party
 Registered Owner Insurance Company Other: _____

ACTION REQUESTED: INSPECTION COPY

ACKNOWLEDGEMENT OF PAYMENT

I agree to pay a fee of \$4.00 for a copy of any major accident report included with my request. There is no fee for a short minor accident report. For other requested reports, I agree to pay all copy charges at 25 cents per page (whether copied, faxed, e-mailed, or mailed), any costs for requested photos or CD's, postage fees if required, and administrative staff time for any requests requiring staff time in excess of one hour for the location, assembly, or reproduction of the public record(s) requested. I understand a cost estimate for any request reasonably likely to involve a fee in excess of fifty dollars will be provided and that records agreed to be released will be provided following payment of fees. I understand there may also be a fee charged for retrieval of documents of records that are not required or permitted to be made public upon request. I understand the City will respond within 10 business days after receiving my request, and that the City may take an extension of an additional 10 business days if needed. *If the record or report from the Aberdeen Police Department is not completed at the time of my request, I understand that my request becomes effective on the date the record or report is complete.*

CERTIFICATE OF NON-LITIGATION AFFILIATION

I hereby certify that I am not involved in litigation with the City of Aberdeen or another public agency to which the requested record is relevant, and that I am not acting on behalf of or otherwise representing any person who is involved in litigation with the City of Aberdeen or another public agency to which the requested record is relevant. I certify under penalty of perjury, that the foregoing statements are true.

Signature of Requestor: _____ **Date:** _____

This estimate will involve a fee in excess of \$50.00. The cost estimate for this request is \$ _____.
(Requester must confirm in writing acceptance of cost estimate.)

I agree to pay the estimated fee disclosed above.

Signature of Requestor _____ Date: _____

I do not agree to pay the estimated fee disclosed above and am canceling my request.

Signature of Requestor _____ Date: _____

Fees may be waived or reduced if determined to be in the public interest.

SECTION 2: TO BE COMPLETED BY CUSTODIAN OF THE RECORDS REQUESTED.

Received by: _____ ID No. _____

REQUEST ACCEPTED Date Completed: _____ Request Filed

Date Fee Received: _____ Amount: _____ Receipt No. _____

Picked Up Signature: _____

Mailed Faxed E-mailed Other _____

REQUEST DENIED Requestor Advised Denial Filed

REASON FOR DENIAL:

No identifiable record can be located.

The record you requested is exempt from disclosure by law. *(See exemptions.)* List section(s). _____

Portions of the document(s) you requested are exempt from disclosure and have been redacted. *(See exemptions.)* List section(s). _____

Additional time is needed to process your request due to the following reason(s).

Additional clarification is needed as to the nature and scope of your request. Please more accurately define the records being requested. (Your response is required within ten days):

Additional time is needed to locate and assemble the information requested, to notify any third persons or government agencies affected by your request, and/or to determine whether any of the information requested is not subject to disclosure and whether a denial should be made as to all or part of your request.

This is a partial release. Full release of documents will not be provided if fees are not received.

I anticipate the requested documents or additional documents, if any, will be released on

_____. Full payment required before release.

Please contact the Police Records Division at (605) 626-7060 if you have any questions about your request.

THE FOLLOWING RECORDS ARE EXEMPT BY STATE LAW AND NOT OPEN TO INSPECTION AND COPYING:

1-27-1.10. Redaction of certain information. In response to any request pursuant to § 1-27-36 or 1-27-37, a public record officer may redact any portion of a document which contains information precluded from public disclosure by § 1-27-3 or which would unreasonably invade personal privacy, threaten public safety and security, disclose proprietary information, or disrupt normal government operations. A redaction under this section is considered a partial denial for the application of § 1-27-37.

Source: SL 2009, ch 10, § 15

1-27-3. Records declared confidential or secret. Section 1-27-1 shall not apply to such records as are specifically enjoined to be held confidential or secret by the laws requiring them to be so kept.

Source: SDC 1939, § 48.0701; SL 1977, ch 16, § 1

1-27-1.7. Certain drafts, notes, and memoranda exempt from disclosure. Drafts, notes, recommendations, and memoranda in which opinions are expressed or policies formulated or recommended are exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15, inclusive.

Source: SL 2009, ch 10, § 8.

1-27-1.8. Certain records relevant to court actions exempt from disclosure. Any record that is relevant to a controversy to which a public body is a party but which record would not be available to another party under the rules of pretrial discovery for causes pending in circuit court are exempt from disclosure pursuant to §§ 1-27-1 to 1-27-1.15, inclusive.

Source: SL 2009, ch 10, § 9.

1-27-1.9. Documents or communications used for decisional process arising from person's official duties not subject to compulsory disclosure. No elected or appointed official or employee of the state or any political subdivision may be compelled to provide documents, records, or communications used for the purpose of the decisional or deliberative process relating to any decision arising from that person's official duties.

Source: SL 2009, ch 10, § 14.

1-27-1.5. Certain records not open to inspection and copying. The following records are not subject to §§ 1-27-1, 1-27-1.1, and 1-27-1.3:

(1) Personal information in records regarding any student, prospective student, or former student of any educational institution if such records are maintained by and in the possession of a public entity, other than routine directory information specified and made public consistent with 20 U. S.C. 1232g, as such section existed on January 1, 2009;

(2) Medical records, including all records of drug or alcohol testing, treatment, or counseling, other than records of births and deaths. This law in no way abrogates or changes existing state and federal law pertaining to birth and death records;

(3) Trade secrets, the specific details of bona fide research, applied research, or scholarly or creative artistic projects being conducted at a school, postsecondary institution or laboratory funded in whole or in part by the state, and other proprietary or commercial information which if released would infringe intellectual property rights, give advantage to business competitors, or serve no material public purpose;

(4) Records which consist of attorney work product or which are subject to any privilege recognized in chapter 19-13;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, if the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic

or tactical information used in law enforcement training. However, this subdivision does not apply to records so developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person, and this subdivision does not apply to a 911 recording or a transcript of a 911 recording, if the agency or a court determines that the public interest in disclosure outweighs the interest in nondisclosure. This law in no way abrogates or changes §§ 23-5-7 and 23-5-11 or testimonial privileges applying to the use of information from confidential informants;

(6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property;

(7) Personnel information other than salaries and routine directory information;

(8) Information solely pertaining to protection of the security of public or private property and persons on or within public or private property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts, emergency management or response, or public safety, the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords, and user identification names; guard schedules; lock combinations; or any blueprints, building plans, or infrastructure records regarding any building or facility that expose or create vulnerability through disclosure of the location, configuration, or security of critical systems;

(9) The security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Gaming Commission and those persons or entities with which the commission has entered into contractual relationships. Nothing in this subdivision allows the commission to withhold from the public any information relating to amounts paid persons or entities with which the commission has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the municipality, or county where the prize winner resides;

(10) Personally identified private citizen account payment information, credit information on others supplied in confidence, and customer lists;

(11) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

(12) Correspondence, memoranda, calendars or logs of appointments, working papers, and records of telephone calls of public officials or employees;

(13) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in South Dakota if necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This subdivision does not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, or the federal Native American Graves Protection and Repatriation Act;

(14) Records or portions of records kept by public bodies which maintain collections of archeological, historical, or paleontological significance which nongovernmental donors have requested to remain closed or which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the federal Native American Graves Protection and Repatriation Act and the Archeological Resources Protection Act;

(15) Employment applications and related materials, except for applications and related materials submitted by individuals hired into executive or policymaking positions of any public body;

(16) Social security numbers; credit card, charge card, or debit card numbers and expiration dates; passport numbers, driver license numbers; or other personally identifying numbers or codes; and financial account numbers

supplied to state and local governments by citizens or held by state and local governments regarding employees or contractors;

(17) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel;

(18) Any test questions, scoring keys, results, or other examination data for any examination to obtain licensure, employment, promotion or reclassification, or academic credit;

(19) Personal correspondence, memoranda, notes, calendars or appointment logs, or other personal records or documents of any public official or employee;

(20) Any document declared closed or confidential by court order, contract, or stipulation of the parties to any civil or criminal action or proceeding;

(21) Any list of names or other personally identifying data of occupants of camping or lodging facilities from the Department of Game, Fish and Parks;

(22) Records which, if disclosed, would constitute an unreasonable release of personal information;

(23) Records which, if released, could endanger the life or safety of any person;

(24) Internal agency record or information received by agencies that are not required to be filed with such agencies, if the records do not constitute final statistical or factual tabulations, final instructions to staff that affect the public, or final agency policy or determinations, or any completed state or federal audit and if the information is not otherwise public under other state law, including chapter 15-15A and § 1-26-21;

(25) Records of individual children regarding commitment to the Department of Corrections pursuant to chapters 26-8B and 26-8C;

(26) Records regarding inmate disciplinary matters pursuant to § 1-15-20; and

(27) Any other record made closed or confidential by state or federal statute or rule or as necessary to participate in federal programs and benefits.

Source: SL 2009, ch 10, § 6.

ACCIDENT REPORTS NOT EXEMPT FROM INSPECTION AND COPYING

32-34-13. Accident reports not privileged--Fees for locating and furnishing reports. Reports pursuant to §§ 32-34-7 to 32-34-12, inclusive, and the information contained in such reports is not privileged and may not be held confidential. The secretary of public safety shall collect four dollars for each request to locate a report on file. The secretary shall furnish to any person requesting a search, at no additional cost, any report located by the search. All sums collected shall be deposited in the state highway fund. **Source:** SDC 1939, § 44.0331; SL 1945, ch 190, § 1; SL 1953, ch 232, § 1; SL 1955, ch 172; SL 1957, ch 212, § 76; SL 1961, ch 226; SL 1967, ch 193; SL 1970, ch 175, § 38; SL 1973, ch 215; SL 1977, ch 267, § 4; SL 1985, ch 399, § 21; SL 1991, ch 263, § 1; SL 1999, ch 166, § 1; SL 2004, ch 17, § 148.

32-34-13.1. Fees of local law enforcement personnel for furnishing copies of accident reports. County or municipal law enforcement personnel may collect four dollars for each copy of an accident report furnished to any person by their office. Accident reports furnished to the Department of Public Safety pursuant to § 32-34-10 shall be provided at no cost to the state. For reports supplied by county law enforcement personnel, collected funds shall be accounted for pursuant to chapter 7-11. For reports supplied by municipal law enforcement personnel, collected funds shall be accounted for pursuant to chapter 9-22.