

Public Records Examples and Op-Ed from ACLU-VT

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Dear Esteemed Members of the Vermont Senate Government Operations Committee:

I'm writing in response to Senator Clarkson's recent in-hearing request for positive examples of government entities providing access to public records. I probably make a records request 2-3 times per month on average, so I have a good deal of experience with various types of agencies such as those involved in corrections, education, law enforcement, state's attorneys, and mental health.

Like everyone who spoke at last week's hearing, I have had excellent experiences at the Archives. They are the gold standard.

Still, I have also had several good experiences with police departments. At times, I have sent records request for copies and simply received the responsive records within the statutory timeframe (sometimes after gentle reminders of the request). These entities seem to take a *laissez-faire* view of providing access to public records—focusing on getting the records to the requestor as quickly as possible without worrying whether the information may be embarrassing to public officials. Some send the records electronically, making it even simpler. This has happened with requests for various types of police records, including videos, from Bennington, Brattleboro, St. Albans, and Montpelier, among others departments. None of the requests were enormous, but they undoubtedly took more than the first “free” 30 minutes provided in 1 V.S.A. 316(c).

And, even before the *Doyle* decision, in 2015-16, I made a large request to inspect thousands of pages of DMV records related to the arrest of immigrants applying for driver privilege cards. After seeing a 2012 decision from the Washington Superior Court, which the *Doyle* decision later affirmed, the DMV provided me with access to redacted records at no cost. I then reviewed the records, pulling out those that were most valuable, and I paid a small fee for the records I took copies of. It was orderly, pleasant, and professional.

Unfortunately, those public entities that choose *not* to provide easy access to public records seem to all take a very hardline stance. The Attorney General's Office, City of Burlington, Department of Corrections, and Vermont State Police seem to do everything they can to withhold information, charge as high a fee as possible, and go as slow as possible without flagrantly violating the law in responding to records requests.

Please let me know if you have any additional questions about these instances or others. Although I have not catalogued every request I've done in my career, I could review my files to search for more examples.

Lastly, I'm linking to an op-ed I wrote regarding why fees should not always be charged for accessing public records. <https://www.mountaintimes.info/transparency-is-part-of-governments-job/>. And, I must thank Senator White for the Patrick Henry quote at the top of the op-ed. I first heard it while listening to 2012 recordings of her from the Senate floor.

Sincerely,

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