

RIGHT- TO- KNOW CHECKLIST FOR LAW ENFORCEMENT

STEP ONE:

Yes No : Was the record compiled for law enforcement purposes by a law enforcement agency or an agency with law enforcement functions? (police departments, state police, Fire Marshall, local code enforcement, Fish & Game, Liquor Commission Enforcement Officer, etc.)

IF YOU ANSWERED NO, DO NOT GO TO STEP 2; THE RECORD IS NOT EXEMPT FROM DISCLOSURE AS A LAW ENFORCEMENT RECORD.

STEP TWO: Would disclosure of the law enforcement record result in one of the following six (6) adverse consequences?:

Yes No : **Would releasing the record interfere with law enforcement proceedings?** (Is a law enforcement proceeding pending or prospective? Would release of the information interfere with that law enforcement proceeding?)

Yes No : **Would releasing the record deprive a person of a right to a fair trial?** (Is a trial or adjudication pending or truly imminent? Is it more probable than not that disclosure of the record sought would seriously interfere with the fairness of those proceedings?)

Yes No : **Would releasing the record constitute an unwarranted invasion of privacy?** (Is a privacy interest at stake that would be invaded by the disclosure? Disclosure of the requested information should inform the public about the conduct and activities of their government. Balance the public interest in disclosure against the government's interest in nondisclosure and the individual's privacy interest in nondisclosure)

Yes No : **Would releasing the record disclose the identity of a confidential source or confidential information furnished by a confidential source?** (Was the source given an express promise of confidentiality, or can an assurance of confidentiality be inferred from the circumstances surrounding receipt of the information?)

Yes No : **Would releasing the record disclose investigative techniques or procedures?** (Techniques and procedures are defined as the means by which law enforcement agencies carry out a response to or investigation of criminal activity. This information is protected because disclosure could reasonably be expected to risk circumvention of the law by providing those who wish to engage in criminal activity with the ability to adjust their behaviors in order to avoid detection.)

Yes No : **Would releasing the record endanger the life and safety of an individual?** (This exemption protects any type of information that creates a risk of harm or retaliation to an individual. This exemption would protect information such as: the details of the physical structure and security plans of a Federal Bureau of Prisons facility because of the risks to prison security that would be created by disclosure; the description of a home-made machine gun in an FBI laboratory report.)