

#2017-104

REC'D OCT 10 2017

Nova Dubovik
State Records Committee
Utah State Archives Records and Service
346 S. Rio Grande St., Salt Lake City, Utah

This is a request for a hearing before the Records Committee on the Duchesne County Sheriff's Office's denial on appeal of a Salt Lake Tribune request for communication between select members of the sheriff's staff and specific individuals between Nov. 24, 2016 and Sept. 21, 2017.

Cynthia Wardle – a sheriff's office employee who serves as the appeal officer for the department – denied a Tribune appeal Oct. 2.

In her denial, Ms. Wardle cites two exemptions: 1. 63G-2-201(7)((b)) and 2. 63G-2-201(8)((ii)). The denials fail to accurately reflect Utah's open records law.

Ms. Wardle writes "a governmental entity shall provide a person with a certified copy of record if: (b) the person identifies the record with reasonable specificity."

The records requested are narrowly tailored and identify a targeted set of communications between individuals who had a part in operating or overseeing operations at the county jail during the specific time frame. Nov. 24 is the date of an inmate death. Another inmate died one week later. The second death is still under investigation. Gary DeLand wrote the standards followed by the jail. Cameron Noël at the time was president of the Utah Sheriffs' Association. Kennon Tubbs and Logan Clark oversee the medical side of the jail. The other five are employees of the Duchesne County Sheriff's Office.

To address 63G-2-201(8)(ii). Ms. Wardle says responding to the request would require the office to "compile, format, manipulate, package, summarize or tailor information." (Original emphasis).

The Tribune hasn't asked the office to compile information that isn't subject to release under GRAMA. It has asked for public information that even the department doesn't claim is protected or private under the law. If government entities could exempt release of documents under 63G-2-201(8)((ii)), there would be no way to obtain communications pertaining to the public's business. The exemption doesn't exist to prevent release of public records.

Respectfully,

Taylor W. Anderson
Government Reporter
Salt Lake Tribune
801-257-8736