



ACLU OF MAINE FOUNDATION
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January 5, 2017

VIA ELECTRONIC AND CERTIFIED MAIL

Chief Edward Googins
South Portland Police Department
30 Anthoine St.
South Portland, ME 04106
egoogins@southportland.org

Re: Request for Inspection and Copying of Public Records Pursuant to the Maine Freedom of Access Act, 1 M.R.S.A. § 408

Dear Chief Googins:

Happy New Year. Please regard this letter as a request for inspection and copying of public records pursuant to 1 M.R.S.A. § 408 filed on behalf of the American Civil Liberties Union of Maine Foundation.

Please be advised that, under § 402(3) of the Freedom of Access Act, the term “public record” is broadly defined as including:

any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, ...and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business....

It should be noted that the term “public record” includes, but is not limited to, electronic data stored on computers and electronic communications such as e-mail. Information “received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental

business..." includes, but is not limited to, information stored on the home computers of government officials and employees.

On January 4, 2017, on the South Portland Police Department Facebook page and the South Portland Police Department website, the Department announced that it is "on the verge of implementing a body camera program within the department." This program will, according to the Department, entail officers "wearing cameras during calls for service and contacts with the public."

This request is limited to public records in the possession of the Police Chief or the Deputy Chief. Specifically, I request an opportunity to inspect the following public record:

- 1) The South Portland Police Department policy governing the use of body cameras;
- 2) Any draft policies that were prepared or reviewed in the course of developing the department policy;
- 3) Any correspondence discussing or commenting on the policy or the development of the policy.

Under the Maine Freedom of Access Act, you have five (5) working days to respond to this request. I request that responsive material be provided on a rolling basis as it is collected.

The requested record is not exempt from disclosure. If you deny all or any part of this request, please cite each specific applicable FOAA exemption and notify us of appeal procedures available under the law.

The requester is entitled to waiver of any fees under 1 M.R.S.A. §408(6)(B), as release of the records requested is in the public interest because they are likely to contribute significantly to public understanding of the operations or activities of government and are not primarily in the commercial interest of the requester. To the extent that fee-waiver is not granted, please notify the requester if the costs for retrieval, compiling and copying will be more than \$200.

For public records stored on computer, please verify that records have not been deleted by confirming the results of searches against the computer back-up system currently in use. In addition, please be advised that destruction of public records contrary to the retention rules promulgated by the Maine State Archivist's Office is a Class E crime.

Thank you for your anticipated cooperation. I look forward to hearing from you as soon as possible.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Zachary L. Heiden', with a stylized flourish at the end.

Zachary L. Heiden,
Legal Director