From: Patrick Conant <patrick@prcapps.com>
Sent: 5/23/2018 12:04:32 PM
To: sterwilliger@ashevillenc.gov
Cc: mburleson@ashevillenc.gov, sbarnwell@ashevillenc.gov
Subject: Re: [#108524] Use of Force Data

Hi Sarah,

Thank you for the clarification - that helps me better understand the situation. I'll be able to learn more as we move forward with the Open data requests, and I understand that this request will likely be "on hold" as we work out those details - that's fine.Â

Thank you,

Patrick Conant
patrick@prcapps.com
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> On Wed, 23 May at 7:51 AM , Sarah Terwilliger <sterwilliger@ashevillenc.gov> wrote:
> Good morning,Â
>
> The reports as they are currently collected and stored today are not Public Records pursuant to G.S. 160A-168, Privacy of Employee Personnel Records.
>
> However, we are working on identifying specific data fields that can be pulled from the underlying database into a dataset that can be made publicly available. This work is being done as part of the ongoing open data request which has significant overlap with the public records request. There are strict security considerations related to the database. Consequently, this will require more effort and time but the work is ongoing.
>
> If clarification is needed regarding the public records aspect, please contact the City Attorney at RCurrin@ashevillenc.gov .
>
> ThankÂ you,Â
> SarahÂ
>
> Sarah TerwilligerÂ
> Deputy City Clerk
> Interim Public Records Officer
> City of AshevilleÂ
> (828) 259-5839
>
> THECITYOF ASHEVILLE
>
> > On Sun, May 20, 2018 at 11:26 AM, Patrick Conant <patrick@prcapps.com> wrote:
> > Hi Sarah,
> >
> > I have to insist that this request not be closed with the response provided.Â
> >
> > As you said on March 15th:
> >
> > "This request was initially interpreted to be for the Use of Force reports which may be used in disciplinary action and in the officerâ€™s personnel file. Reports that are used by the department to evaluate the employee are confidential pursuant to G.S. 160A-168. However, report data that is used to track trends are public record(s)."

From that clarification, it seems that we are in agreement that data exists that are public records - the report "data" that is used to track trends. The request was never for the reports themselves - we are asking for public records that exist in the database.Â

It does not matter whether APD makes that information "publicly available," because a public records request can be for information that is public record, regardless of whether the City makes that information easily accessible and "publicly available."

While I understand that APD is working to create publicly available data sets, that process should not hold up this public records request. I want to repeat that this public records request is for all publicly available information, which will probably be more information than is included in the feed due to privacy concerns.Â

Since these data records exist and have been confirmed to be public records, they need to be provided in a machine readable formatÂ under NC Public Records law. The blank form is not the only public record that exists at this time - the data exists and should be provided.Â

Please let me know if you will proceed in moving this request forward, and if so, I need a timeline from APD as to when they expect to complete the request.Â

Thank you,

Patrick Conant
patrick@prcapps.com
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> On Sun, 20 May at 10:56 AM , Sarah Terwilliger <sterwilliger@ashevillenc.gov> wrote:
> Correct, this request was only recently sent directly APD.Â Â In response, I received the blank Use of Force Form from APD and sent to the Sunshine mailbox Friday (5/18) afternoon.Â This is the only responsiveÂ public record at this time, and I have closed out this request.Â Â
> To help clarify, this original request was interpreted to be for all individual Use of Force reports filled out following use of force incidents and reviewed by the APD chain of command in 2017. Reports pertaining to individual use of force incidents are considered confidential personnel information as defined by N.C. Gen. Stat. 160A-168, and as such, are not public records. This information was relayed to the requesting party on March 14, 2018.Â
> To be clear, no information, or data, contained in individual use of force reports is publicly available at this time. The APD is currently working on the development of a number of data sets pertaining to policing, including possible anonymized data pertaining to use of force incidents; however, as you noted,Â that effort is a separate request.Â
>
> Thank you,Â
> SarahÂ
>
> Sarah TerwilligerÂ
> Deputy City Clerk
> Interim Public Records Officer
> City of AshevilleÂ
> (828) 259-5839
>
> THECITYOF ASHEVILLE
>
> > On Sat, May 19, 2018 at 10:45 AM, Patrick Conant <patrick@prcapps.com> wrote:
> > Hi Sarah,
> >
> > Thank you for this response.
> >
> > For the benefit of Scott and Maggie, I want to include this link to the Sunshine Request, where you can see the entire thread of communication since this request started:
> >
> > http://sunshinerequest.com/records_request/public-records-related-2017-use-force-incidents/
> >
> > I want to be clear that this request is for all fields containing public record data contained in the City's Use of Force database. This could possibly be more information than the City decides to publish in their Open Data Feed, and it is a separate request.
> >
> > To clarify, are you saying that you did not forward this request to an APD crime analyst until recently? We clarified and you confirmed that the data we are requesting

is a public record on March 15th, but I understand there may have been confusion due to similar efforts related to Code for Asheville's petition.Â

At this point, I simply want to confirm that APD has been asked to complete this request separately from their Open Data efforts, and, considering the significant time that has passed since this request was first submitted, would ask for a firm timeline from APD as to the completion of the request.Â

Thank you,

Patrick Conant
patrick@prcapps.com
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