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Region's compliance with FOI slightly better than statewide rate

By Patrick Lee Plaisance
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The state Freedom of Information Act is alive and kicking in King and Queen County but bedridden in Williamsburg and York, Isle of Wight and Surry counties, according to the results of a statewide project to assess how well local government officials comply with the law.

The responses of local public employees on the Peninsula, the Middle Peninsula and in communities south of the James River, when asked for five documents that should be available to Virginia citizens under the law, ranged from cheerful compliance to outright contempt.

Overall, officials in the region's 16 localities complied with the requests nearly 64 percent of the time, which is slightly more than the 58-percent compliance rate the project found statewide.

The statewide project involved reporters and other employees of the Daily Press and several news organizations who fanned out to every city and county in the state one week in August. They all asked for the same five documents - a travel-expense report for the city or county administrator, the crime log for one day, the salary package for a high-school football coach, the health-inspection report for a local restaurant and the standardized statistical report of violence in schools. None of the documents fall under any of the exemptions detailed in Virginia's Freedom of Information law.

Since state law requires only that people requesting public information be Virginia citizens, the participants did not identify their newspaper affiliations except when pressed by the officials they sought documents from.

In King and Queen, officials provided copies of all five documents - the only locality in the region to score 100 percent. Officials in most of the 15 other cities and counties provided three or four of the documents. Five localities provided only two: Williamsburg, Suffolk and York, Isle of Wight and Surry counties.

Neither urban versus rural nor big counties or small appeared to be good indicators of FOIA compliance. While King and Queen topped the list, officials in the similarly rural, smaller population counties of Surry and Isle of Wight clearly behaved differently. Newport News officials provided four of the five, and Hampton officials provided three.

In many cases, the documents that were provided were released immediately. In others, officials required their visitors to file formal Freedom of Information Act requests, which allowed them five working days to respond.

But in a large number of cases, officials appeared to violate the law by denying the requests, using a variety of excuses. Several said separating

the public information from the confidential material and retrieving it from files and computer databases would be a hassle. Others said the information was not stored in the form of a single document.

In Williamsburg, a police department clerk said "only the press" could see any crime reports. In Hampton, a police official said only people directly involved in a crime or accident could see the reports.

And some were verbally abusive when asked for the information; a sergeant in the New Kent County Sheriff's Office yelled that the information was not public - "Not in New Kent County, not today," he said - and slammed the door.

Many officials, confronted with a request they'd rarely heard before and not fully versed in the law, erred on the side of secrecy. In York, for example, school officials refused to release the compensation package for a football coach, arguing it was "personal" information.

"That is an issue of education," said York schools Superintendent Steven R. Staples last week, acknowledging that the information should have been released. "What's allowable is confusing. So, quite often, someone would view personal information as confidential, when there are portions of it that are public information. The lack of response is due to the lack of understanding of what is personal and what is public."

Every locality in the region complied with the request for a health-inspection report on a local restaurant. The vast majority - 80 percent - released the statistical report on school violence. Three-quarters also provided the latest travel-expense information for city and county administrators.

But nearly half refused to disclose the complete salary package of the high-school football coach. And only two county sheriff's offices provided any crime information.

"I hope this will get people out of denial that there is a problem," said Forrest Landon, executive director of the Virginia Coalition for Open Government, a group that monitors public-access issues. "It demonstrates the great need for training and a much clearer law, so folks can't possibly misunderstand or misconstrue it."

Staples said that while all school employees are briefed in the Freedom of Information Act as part of their training, the county handbook detailing how to respond to formal FOIA requests may lead some to discount more informal, verbal requests for information. He said school employees need to be taught that those less formal requests count just as much.

"Most of the training is for formal requests," Staples said. "We don't have a handbook for a person informally walking in. I'm wondering if our folks don't view verbal requests as official."

Patrick Lee Plaisance can be reached at 247-7821 or by e-mail at pplaisance@dailypress.com