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Study highlights need for FOI training for frontline workers

By C.S. Murphy  
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A study demonstrating that many local agencies withhold public documents highlights the need for more training for workers who handle requests under Virginia's Freedom of Information Act, officials representing local governments say.

Albemarle County Sheriff Terry W. Hawkins said he isn't surprised that only 16 percent of the Virginia's city and county law enforcement offices complied with a request to hand over a crime incident report.

That's because most officers have never received training on what information must be provided to residents, he said.

Hawkins, who was president of the Virginia Sheriff's Association when the statewide newspaper survey was conducted, suggested such education become a part of the state's mandatory training program that all officers complete before they become officers and then repeat every two years.

"It's not the chiefs and the sheriffs that you have to worry about. You have to enlighten and educate the ones that are working the counters," he said.

In an August survey, employees from newspapers around the state sought a set of five documents from all 135 cities and counties to gauge the degree of access to public information. The employees did not identify themselves as reporters. The survey found a 58 percent compliance rate.

Del. Clifton "Chip" Woodrum, chairman of the FOIA subcommittee, said the study will offer the subcommittee useful clues about the effectiveness of the current law. "How else are we going to find out if somebody doesn't do a test?" said Woodrum, D-Roanoke.

Ralph "Bill" Axselle Jr., who headed a subcommittee that redrafted Virginia's FOIA in 1989, said the study's results are "somewhat discouraging" because they show that "public information prepared by public bodies with public dollars is not available to the public."

Axselle, who represented Henrico County in the Virginia House of Delegates from 1974 to 1990, said the study gave a true picture of how government employees are complying with the act. "You're dealing with the people with whom citizens interface on a regular basis," said Axselle, who is a Richmond attorney and a lobbyist for several business groups.

Frank Barham, executive director of the Virginia School Boards Association, was unhappy with the study, saying it was "bordering on unethical" because participants didn't identify themselves as reporters. "In the name of openness, you were secretive and devious," he said. "It's about your own personal honesty."

Axselle disagreed. "It should make no difference if the person asking for the information is a reporter or a citizen," he said. "The Freedom of Information Act isn't designed for reporters. It is designed for the public, which includes reporters."

Despite his frustration with the study's method, Barham said it may prompt changes in the way Virginia schools release information. He plans to recommend that school systems create standard FOIA forms so that people requesting information have to provide names, addresses and proof of Virginia residency or press credentials. The forms, he said, would reduce the confusion that FOIA requests now cause in school offices by providing a more formal procedure to follow. They would also allow school officials to keep track of who's asking for information.

"You've illustrated a weakness in our system," he said.

Woodrum said he was pleased to hear that more standard FOIA forms may be created.

But, he said he doesn't believe government offices should ask citizens for their names, addresses and phone numbers.

"They are not entitled to ask who you are," he said. "They have a right to confirm that you're a Virginia resident, but they're asking for information that's personal to the inquirer."

Forty-six percent of school offices supplied documentation of the head football coach's salary and compensation, and 72 percent supplied copies of a state-mandated school crime report. Barham said many school officials were "cautious" when giving out information because they work in an environment where violence, terrorism and other crimes against children are becoming more common. "They err on the side of safety for the kids," he said.

Barham said he believes study participants would have seen 100 percent compliance if participants, most of whom were from out of town, had identified themselves as reporters. "You were a stranger in all these areas," he said.

He said it doesn't surprise him that some school officials and coaches called reporters at home to ask them why they requested salary information, which is often perceived as personal information. Barham said his policy has always been to inform employees when someone requests their salary information.

"I would tell them who asked for it and give them the telephone number if I had it," he said. "I just think that's a good personnel practice."

Ceci Benfer, president of the Virginia Government Communicators, said the study indicates that too many government employees don't know how to respond to FOIA requests.

"It's just not standard fare for the average government employee," said Ms. Benfer, office administrator for the Virginia Resources Authority. Ms. Benfer said her group, a network of public information officers, will use the study results to promote change.



"I think that a lot is going to be learned and a lot of people will benefit from it," she said. "It might be painful for some people because they'll have to start a new learning curve."

Michael Amyx, executive director of the Virginia Municipal League, said that although he was heartened to hear that most municipalities complied with the law, he would like to see 100 percent compliance.

"I think the lesson . . . is that we need to redouble our efforts to make sure all our local officials understand our FOIA laws inside and out," he said.

He said his organization has worked hard over the years to educate its membership about FOIA by conducting annual workshops, sending out printed FOIA materials and providing training to newly appointed and elected officials.

"We strongly encourage full compliance both in the letter and the spirit of the law," he said.

Charles Curry, president of the Virginia Association of Counties, said he too was pleased that 80 percent of city managers and county administrators supplied copies of their most recent travel expense reports.

"That's pretty high. I think we're doing a pretty good job getting the word out to the localities," he said.

Curry said his organization may use the survey results as a teaching tool during future FOIA workshops.

Deputy Attorney General Frank Ferguson said the study demonstrates that "there's still room for better education of the public generally and government officials particularly."

The state attorney general's office conducted FOIA workshops statewide after the General Assembly passed a resolution in 1989 requesting them, Ferguson said. But the office won't likely do that again until the legislative subcommittee studying the law releases its finding.

The office conducts FOIA training when local governments request it, however, he said.

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