

One of the hardest things to do as resources get stretched is to figure out what records a government holds. Once you know that, it is easier to fight the public records battle. As always, it's important to know the law. I'm going to focus on state government, not regional federal government today. But the general themes can be used in both places.

What is FOIA?

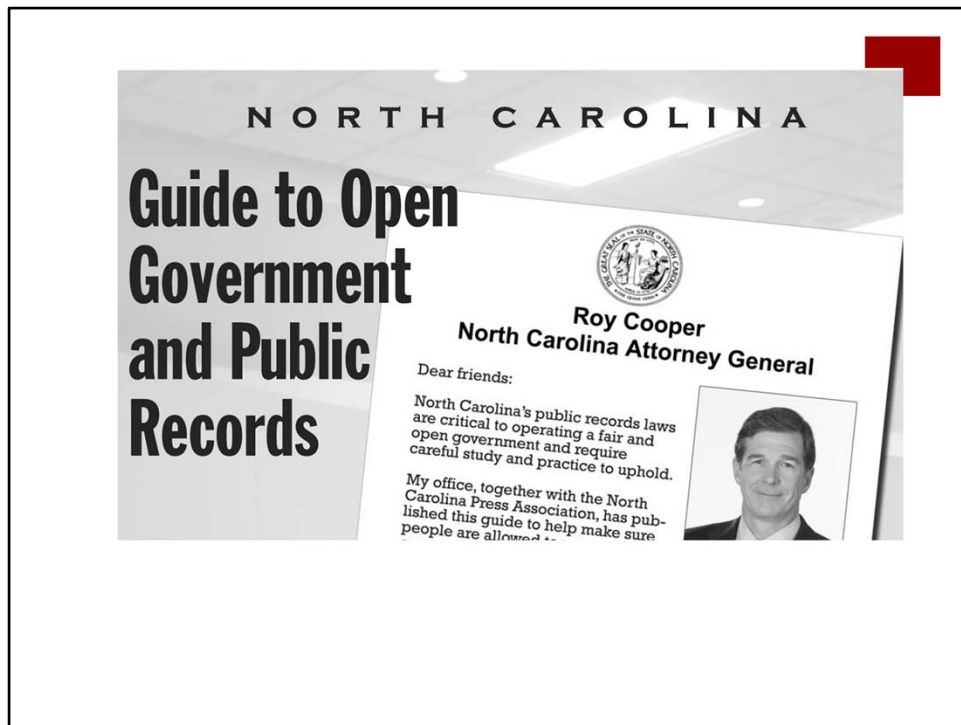
- FOIA IS:

- A law created to ensure access to documents and other artifacts created and held by government agencies
- A formal process to obtain records

- FOIA IS NOT:

- An efficient process
- A well understood or consistently administered law
- The right to “information.” It only gives you the right to records that already exist, not to questions you might have.





Most state press associations have worked with the government to produce open records guides that make the law simple for reporters. In North Carolina, the guide is available for free from the Press Association's website. Another site to find common records and what the status is in your state is the Reporters' Committee for the Freedom of the Press.

Open Government Guide

Published by [The Reporters Committee for Freedom of the Press](#)

Purchase a [print or electronic copy](#) • [Jump to front page](#)

The **Open Government Guide** is a complete compendium of information on every state's open records and open meetings laws. Each state's section is arranged according to a standard outline, making it easy to compare laws in various states. If you're a new user of this guide, be sure to read the Introductory Note and User's Guide.

Background: • [Introduction](#) • [User's Guide](#) • [Credits](#)

BROWSE

Read through the outline for one state.

Alabama	Florida	Louisiana	Nebraska	Oklahoma	Vermont
Alaska	Georgia	Maine	Nevada	Oregon	Virginia
Arizona	Hawaii	Maryland	New Hampshire	Pennsylvania	Washington
Arkansas	Idaho	Massachusetts	New Jersey	Rhode Island	West Virginia
California	Illinois	Michigan	New Mexico	South Carolina	Wisconsin
Colorado	Indiana	Minnesota	New York	South Dakota	Wyoming
Connecticut	Iowa	Mississippi	North Carolina	Tennessee	
D.C.	Kansas	Missouri	North Dakota	Texas	
Delaware	Kentucky	Montana	Ohio	Utah	

SEARCH

Perform a full-text search of all 50 states.

[Search tips & advanced search](#)

This guide will not only tell you what the law is in your area, but is a good refresher about what kinds of records are typically requested by reporters...

2. [Geographic Information Systems.](#)

H. [On-line dissemination.](#)

V. RECORD CATEGORIES -- OPEN OR CLOSED

A. [Autopsy reports.](#)

B. [Bank records.](#)

C. [Business records, financial data, trade secrets.](#)

D. [Contracts, proposals and bids.](#)

E. [Collective bargaining records.](#)

F. [Coroners reports.](#)

G. [Election records.](#)

H. [Gun permits.](#)

I. [Hospital reports.](#)

J. [Personnel records.](#)

1. [Salary.](#)

2. [Disciplinary records.](#)

3. [Applications.](#)

4. [Other.](#)

K. [Police records.](#)

1. [Accident reports.](#)


2. [Police blotter.](#)

3. [911 tapes.](#)

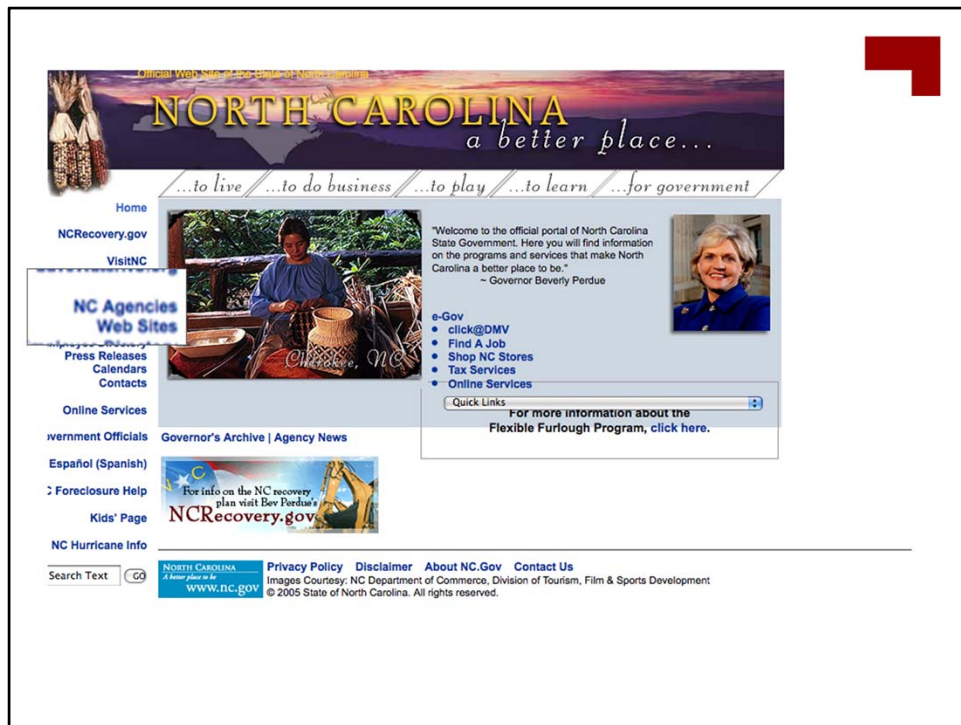
4. [Investigatory records.](#)

5. [Arrest records.](#)

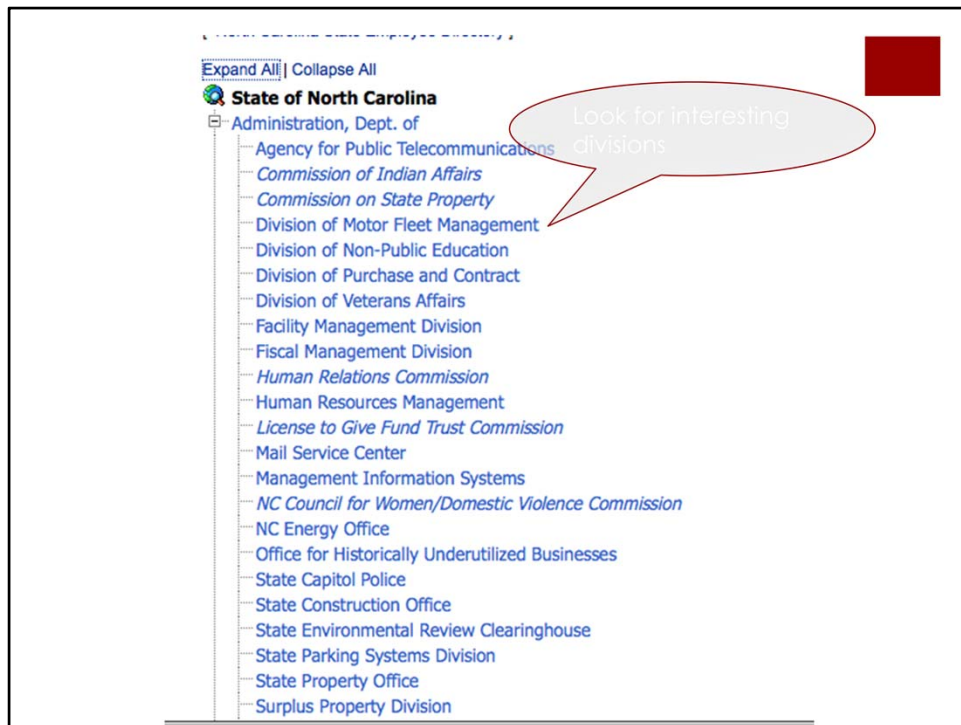
6. [Cmoilations of criminal](#)



This will give you an overview of your states' laws. You can even compare certain sections to other states when you move.



One of the biggest problems in digging for data and documents is understanding what the government actually has – once you do, it's easy to figure out what is public, or should be. This is especially true if you are working on a beat as large as all of state government. One approach is to take a really detailed tour through the state government website, followed up by an actual physical tour of any agency that strikes your fancy. The goal of this tour isn't to see what's new or find latest information. It's to get a handle on what the agency does, and also what kinds of records it has that it wants you to know about. Rule #1 – ignore all of the things that are trying to push you into specific roles. Instead, go straight to the agency map.



Just looking at the names of the agencies can help you figure out what kinds of records there might be – or what kinds of problems the state has focused on in the past. Right here, there are divisions that you might want to pursue in your work.

NORTH CAROLINA
Department of Administration

NCDOA Home | Agencies and Commissions | Motor Fleet | **Vehicle Misuse Complaint Form**

Vehicle Misuse Complaint Form

Submitter Information
Please fill out the information below.

Name

E-mail Address

Telephone Number

Complaint Information
All of the items below are required to submit the complaint electronically. * Required Fields

Date of Occurrence * Required Format: MM/DD/YYYY

Time of Occurrence * Required Format: 4:15 PM

Place / Location *

City *

State *

Then, as you dig deeper, start looking for three things. The first is online forms – either for you or for other parts of the government. This one shows you that there is a form for the public to complain about state employees misusing government vehicles. Because it is an online form, you know there are either documents (printouts) or databases that contain at least this much information, and probably more. It also gives you the name of a form “Vehicle Misuse Complaint Form”, which lets you know what to ask for.

Hearings Division

Beginning on October 1, 2009, OAH will charge a filing fee for certain types of contested cases. This fee will be payable at the time the petition is filed. Additional details will be posted on this web site as the rules concerning the filing fee are established.



A copy of the emergency rules which have been approved for the OAH filing fees (commencing October 1, 2009) can be seen by [clicking here](#). Rule changes are indicated by underlined text in the document. The public can comment on these rules during the public comment period (September 14 - October 14), or in person at the public hearing to be held October 14 at the Office of Administrative Hearings offices at 1711 New Hope Church Rd at 9:00 AM. Comments should be directed to Eugene Cella, General Counsel, at (919) 431-3000 or email gene.cella@oah.nc.gov.

Forms

- H-05 ~ Subpoena Forms
- H-06 ~ General Petition Form
- H-06A ~ Personnel Petition Form
- H-06B ~ Child Support-Tax Intercept Petition Form
- H-06C ~ Child Support-Distribution Petition Form
- H-06D ~ Child Support-Credit Report Petition Form
- H-06E ~ Special Education Petition Form
- H-06F ~ Contested Tax Petition Form (do not use this form for Tax Intercept cases)
- H-08 ~ Designation Of Mediator
- H-08A ~ Report Of Mediator
- H-14 Form~ Motion By Out-of-State Attorney to Practice Before OAH
- H-14 Statute
- H-25B ~ Hearing Tapes Request Form
- H-25C ~ Transcript Request Form
- H-25D ~ Special Education Transcript Request Form


Other

- Frequently Asked Questions
- Regulatory Procedures
- Decisions
- Mediator List
- Filing A Contested Case
- Before The Hearing
- The Hearing
- After The Hearing
- Appeal Of A Decision
- Staff

Always look for collections of forms. This example is of the administrative hearing division in North Carolina, and just seeing the names of them tells you a lot about what is held.

North Carolina Department of Correction		
Go to: 1		
Cost of Supervision for fiscal year ending June 30, 2008		
Cost of Prison Incarceration		
	daily cost per inmate	yearly cost per inmate
Minimum Custody	\$60.87	\$22,218
Medium Custody	\$79.27	\$28,934
Close Custody	\$89.17	\$32,547
Average	\$74.77	\$27,911
Cost of Community Corrections Supervision		
	daily cost per offender	yearly cost per offender
Community/Intermediate Supervision	\$2.37	\$866
Intensive Supervision	\$16.71	\$6,099
Electronic House Arrest	\$8.43	\$3,077
Community Service Work Program	\$0.83	\$303
Criminal Justice Partnership Program - Sentenced offenders	\$14.77	\$5,391
Sex Offenders (GPS)	\$25.84	\$9,432
Drug Screening (Cost per drug test)		\$3.88

Look also for something that looks vague, but is really specific – deconstructing what goes on behind a “number” will usually lead you to one of two things: A really flimsy estimate or a lot of very detailed data or documents.



North Carolina Department of
Crime Control & Public Safety

[Home](#)
[Directory](#)
[Contact Us](#)
[Site Map](#)
[Search](#)
[Jobs](#)

CITIZENS
DIVISIONS
EMPLOYEES

Criminal Justice Information Network

▲ Projects
▲ e-Citation®
▲ Mobile Data Network
▲ NCAWARE
▲ SAFIS
▲ VIPER

Divisions
Criminal Justice Information Network
Projects

CJIN Projects

The following projects were an original initiative that have been completed and are now in the maintenance mode:

Ecitation®


Ecitation® automates the issuing of traffic citations in North Carolina (NC). Six hundred law enforcement agencies (LEAs) issued more than one million traffic and infraction citations annually. Prior to the implementation of the Ecitation® system, NC law enforcement officers (LEOs) wrote all citations by hand. Copies of the handwritten citation were given to the recipient, delivered to the local clerk of superior court (CSC) office, and kept on file by both the LEA and CSC involved. This process could be rather cumbersome and lengthy, as it involved entering the same information multiple times in different systems. Additionally, there was a high probability of mistakes being introduced due to illegible handwriting.

North Carolina Juvenile Online Information Network (NC-JOIN)

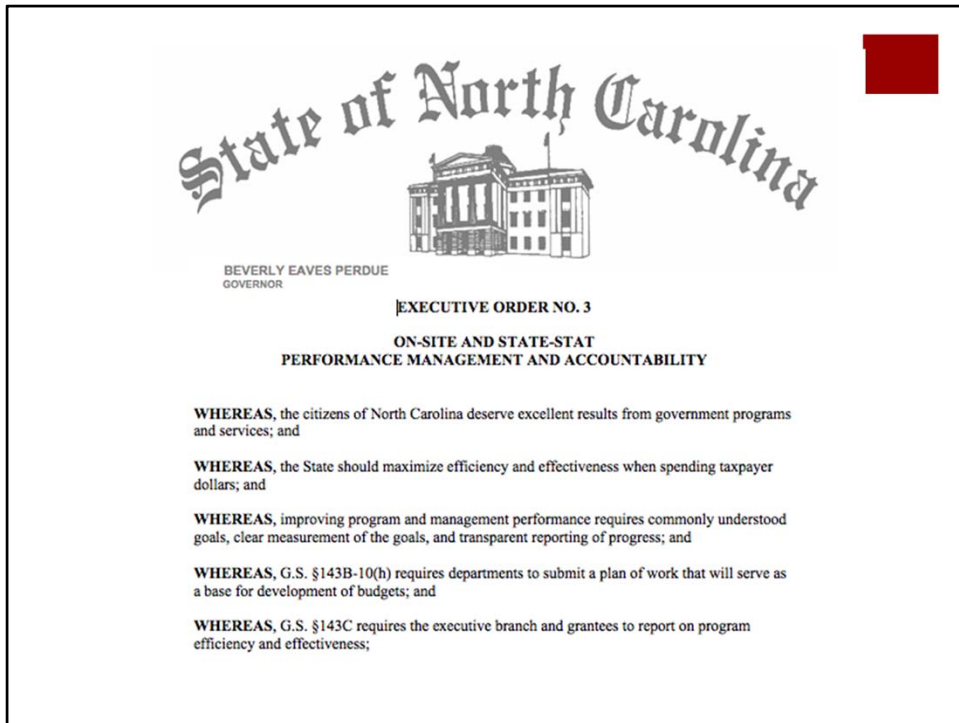
NC-JOIN established an automated statewide system to manage the business of tracking the flow of juveniles through the juvenile justice system. Current users are juvenile court counselors and administrative staff statewide. Youth Development Centers, assessment center, and detention center staff began using NC-JOIN in May 2004. Future phases will expand functionality and improve data sharing with other criminal justice agencies.

Statewide Magistrate System

The system is operational in ninety-eight counties. Both Buncombe and Wake Counties will come onto the NCAWARE system when it is implemented.



Look for bragging about new initiatives. In this case, you now know that there is a central repository for all traffic citations in the state, across 600 law enforcement agencies, and that the name of the system is called “ecitation” and that it is administered by the Dept of Crime Control and Public Safety. You can then see what statistics are generated out of it in other reports.



Another place to look is in reform efforts spearheaded by the governor or the legislature. They often dictate specific records to be created, or say how they have to be kept. (A previous executive order in this collection from Mike Easley addressed e-mail as public records...)

The North Carolina State Budget

SUMMARY OF RECOMMENDATIONS

2009-2011

Office of State Budget and Management
Office of the Governor
Raleigh, North Carolina

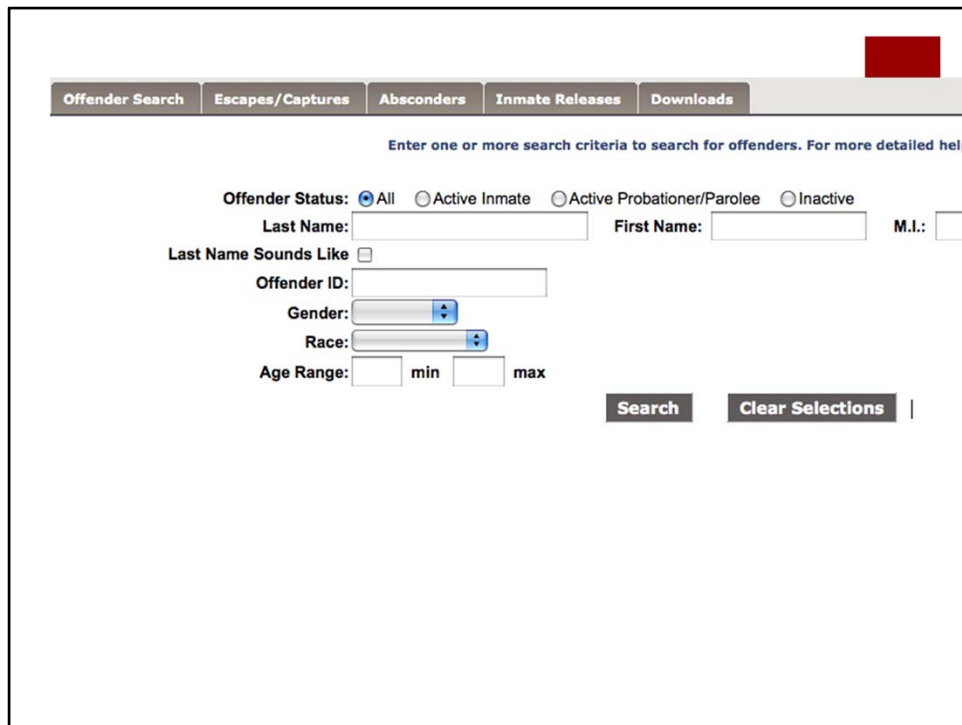
www.osbm.state.nc.us

Charles E. Perusse, State Budget Director
David Brown, Deputy Director for Budget
Jonathan Womer, Deputy Director for Management

March 2009

Historical Data Tables

Get to know the state budget as a starting point – each of the line items has to be backed up with performance information, program information and the history. It tells you a lot about how your government is organized, and how you can find information.



The screenshot shows a web-based search interface for offenders. At the top, there is a navigation bar with tabs: "Offender Search", "Escapes/Captures", "Absconders", "Inmate Releases", and "Downloads". The "Offender Search" tab is currently selected. Below the navigation bar, there is a prompt: "Enter one or more search criteria to search for offenders. For more detailed help".

The search criteria section includes the following fields and options:

- Offender Status:** A group of radio buttons with the following options: "All" (selected), "Active Inmate", "Active Probationer/Parolee", and "Inactive".
- Last Name:** A text input field.
- First Name:** A text input field.
- M.I.:** A text input field.
- Last Name Sounds Like:** A checkbox.
- Offender ID:** A text input field.
- Gender:** A dropdown menu.
- Race:** A dropdown menu.
- Age Range:** Two text input fields labeled "min" and "max".

At the bottom right of the search criteria section, there are two buttons: "Search" and "Clear Selections".

Look for any databases that you can search from your state. In this case, NC has a very open policy on convictions and offenders – much more so than other states. Whenever you see a “download” option take a look at what you can get. There is often an explainer about what is in the data when you see that.




Offender Search	Escapes/Captures	Absconders	Inmate Releases	Downloads
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The files listed below are provided to facilitate users interested in data analysis of North Carolina De can then be imported into their own database software. The files contain all public information on a listed beside the file description. Although the files have been compressed, please be aware that do


17 files found, displaying 1 to 17

	File Description
Download Now	Database Structure (Microsoft PowerPoint)
Download Now	Notes about tables and data elements
Download Now	Probation and Parole Client Profile
Download Now	Impact Scheduling Request
Download Now	Inmate Profile



Log Into North Carolina

- The most valuable Web resource for NC statistical data
- Over 1300 data items from state and federal agencies
- Historical data and projections, 1960s to 2030
- State, county, municipality, township, tract, block group, and block coverage
- Definitions and help screens
- Customized report capabilities
- Preformatted topic reports, including census profiles
- Continual updates incorporating newly released data



All NC Data Services Public Web Sites

- LINC - Log Into North Carolina
- Census Lookup - 2000 Census
- Census Home - All Census Data
- State Demographics - Estimates/Projections
- State Comparisons - All States


Statistics in these broad areas:

- Population and Housing
- Vital Statistics and Health
- Social and Human Services
- Law Enforcement, Courts, and Corrections
- Environment, Recreation, and Resources
- Energy and Utilities
- Government
- Employment and Income
- Business and Industry
- Agriculture
- Transportation

Contact your SDC affiliate for help

Choose a county...

NC State Data Center
Raleigh, North Carolina



Look for your states' State Data Center. I believe all states have one, and it's usually a wealth of information on demographics, etc. It's especially useful to help you with census data and other statistics.

BACKGROUND.....	3
OBJECTIVES, SCOPE, AND METHODOLOGY	3
FINDINGS AND RECOMMENDATIONS.....	7

Performance auditors searched the accounting records of all state agencies that use the North Carolina Accounting System (NCAS) for the period of July 1, 2005, to January 31, 2008, for payment activity associated with the four temporary staffing vendors and noted four additional temporary staffing vendors that received significant payments. Based on the level of payments made to the eight vendors, the Department of Health and Human Services, th

Look for your state auditors' reports, especially on program evaluations. These are the equivalent of GAO reports and look at specific programs in the state. Sometimes there are several related agencies: An inspector general inside the states' attorney's office; a state auditor; and a legislative department of performance evaluation. Sometimes these are all rolled into one. It varies by state. Look for the "methodology" section – you will find ideas about how you can go about something yourself. It might have nothing to do with what the subject of the audit is – in this case, an audit of the use of temp agency workers showed they used the NCAS system, which a simple google search showed ...



.. the whole structure of the state accounting system. This would lead you to procurement, payroll and other records if you needed them. They probably aren't online, but you may be able to get them extracted for you.

The Request

- Too narrow?
- Too broad?
- Quote the law
- Look for precedent on the records – avoid complaints in advance.
- Don't ask for anything you clearly aren't allowed to get
- Acknowledge things they might be able to release, ask anyway.
- For databases, ask for more.
- For documents, ask for less.
- (more)



The request (con't)



- Eager to help refine the request
- Appeal if possible
- Ask for an index to the records, then you can pick the ones you want.
- Ask for a copy of a similar one from the past
- Get a copy from an interest group while your request is being processed.
- Communicate.