

The Virginia Freedom of Information Act and the Records of the Lancaster Sheriff's Office

Purpose of the Act

The Virginia Freedom of Information Act (FOIA) is to ensure that the citizens of the Commonwealth and representatives of the media have ready access to public records under the control of this office. The policy of the Act is to promote an increased awareness by all persons of governmental activities. In furthering the policy, the Act requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly. The Act may be found at [§2.2-3700](#) et. seq. of the Code of Virginia.

What are Public Records?

The public records of this office are any writing or recording regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format that is prepared or owned by, or in the possession of this office or its officers, employees or agents in the transaction of business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption or other law applies to the records. The Act requires that these records, unless specified as exempt, are available for inspection or copying during normal business hours.

What are Normal Business Hours?

While the Sheriff's Office provides services 24 hours daily, the administrative office is open Monday through Fridays, 8:00 a.m. until 4:30 p.m. The administrative office is closed on federal and state holidays, at additional times as ordered by the Governor of Virginia, and during emergency closings of Lancaster County government offices due to extreme weather. Should you arrive at the sheriff's office outside of normal business hours, you may give your request to any deputy, who will ensure that one of two FOIA designated officers receive your request.

Your FOIA Rights

You have the right to request to inspect or receive copies of records, or both.

You have the right to request in advance an estimate of costs for the requested records.

If you believe your FOIA rights have been violated, you may file a petition in the district or circuit court to compel compliance with FOIA.

Requesting Records from this Office

You may request records by U.S. mail, facsimile message, e-mail, in person, or over the telephone. The Act does not require that your request be in writing, nor do you need to state specifically that you are requesting records under the Act.

From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives the Office a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, the Office cannot refuse to respond to your FOIA request if you decide not to put your request in writing.

You must provide your name and legal address so that the records can be mailed to you if necessary.

Your request must identify the records you are seeking with “reasonable specificity.” It does not refer to or limit the volume or number of records that you are requesting. It requires that you be specific enough so that the Office can identify and locate the records you are seeking.

Your request must ask for records or documents. The Act gives you a right to inspect or copy records; it does not apply to situations where you are asking general questions about the work of the Office.

You may choose to receive electronic records in any format used by the Office in the normal course of business. The records may be sent to you electronically in the same format. The Office is not required to convert the records to a different format of your choice.

You may choose to provide a portable storage device (CD-ROM, DVD-ROM, “flash drive, etc.) to receive the electronic records. Should you do so, the Office has the right to scan electronically your device for malware, viruses, and hidden programs that may infect the Office’s computer system. The cost for time to conduct such a scan will be included in the costs for providing the records. The Office reserves the right not to use your portable storage device, but may use its own writeable CD-ROM, DVD-ROM, or flash drive, the cost of which will be charged as part of providing the records.

If the Office has questions about your request, please cooperate with the staff’s efforts to clarify the type of records you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but the Office may need to discuss your request with you to ensure that it understands what records you are seeking.

Where to Send FOIA Requests or Questions Regarding FOIA

Lancaster County Sheriff’s Office

Attention: FOIA

8293 Mary Ball Road

Lancaster, VA 22503

FOIA Staff: Maj. James E. Smith, Chief Deputy

smith@lancastersheriff.net

Capt. (ret.) Martin R. Shirilla, Records Analyst

shirilla@lancastersheriff.net

Telephone: 804-462-5111

Facsimile: 804-462-7046

NOTE: Requests sent by email are not considered “received” until the email is actually opened by the recipient. All such email requests are acknowledged by the records officer who opens the email. Similarly, requests sent by facsimile are not considered “received” until the facsimile is actually printed. All facsimile requests are acknowledged by either a telephone call to the requestor or by return facsimile acknowledging the date and time of receipt of the request.

Freedom of Information Act Portal

The sheriff may maintain an online portal for submission of requests for records and receipt of responses to such requests. With limited exception, requests received from all means (in person, by mail, text, telephone call, etc.) are subject to being posted for public access online. There is no

guarantee expressed or implied that the requestor's name and contact information will be forever shielded from public view via such portal.

The Office's Responsibilities in Responding to Your Request

The Office must respond to your request within five (5) working days of receiving it. "Day One" is the day after your request is received. The five-day period does not include weekends, holidays, or closure of local government offices due to extreme weather.

The reason for your request for public records is irrelevant. The Office cannot ask you why you want the records before responding to your request. The Act does allow the Office to ask you to provide your name and legal address

The Act requires that the Office make one of the following responses to your request within the five-day time period:

1. Provide you with the records that you have requested in their entirety.
2. Withhold all of the records you have requested, because all of the records are subject to specific statutory exemptions. If all of the records are withheld, the Office must send to you a response in writing. That writing must identify the volume and subject matter of the records withheld, and state the specific section of the Code of Virginia or other law that allows or requires the withholding of the records.
3. Provide some of the records that you requested, but withhold other records. The Office cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, the Office may redact (blank out or overwrite) the portion of the record that may be withheld., and must provide you with the remainder of the record. The Office must provide you with a written response stating the specific section of the Code of Virginia or other law that allows or requires portions of the requested records withheld.
4. If it is impossible for the Office to respond to your request within the five-day period, the Office must state this in writing, explaining the conditions that make the response impossible. This provision will allow the Office seven (7) additional working days to respond to your request, giving the Office twelve (12) working days to respond to your request.
5. If you make a request for a large number of records, and the Office believes that it cannot provide the records to you within twelve (12) days without disrupting other organizational responsibilities, the Office may petition the court for additional time to respond to your request. However, the Act requires the Office make a reasonable effort to reach an agreement with you concerning the production of the records before it goes to court to ask for more time.

The Office is not required to create a record that does not already exist. However, the Office may abstract or summarize information under terms and condition as agreed upon by the requestor and the Office.

Effect of §2.2-3706 and §2.2-3706.1 July 1, 2026

The Office shall provide the following information:

1. Adult arrestee photographs taken following arrest and as part of the routine booking process;
2. Information about adults (minimum age of 18) arrested and charged, and the status of the charge or arrest;

3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect in the case.
4. A general description of the report of any crime, including date and time of such offense, the name of the case officer or other point of contact, and a description of any injuries suffered or property damaged or stolen.

The sheriff exercises his discretionary authority not to release criminal investigative reports; reports submitted in confidence to the Office; records relating to Neighborhood Watch; records relating to persons incarcerated provided the records relate to such incarceration; records related to tactical plans; cellphone numbers assigned to staff as part of their duties; records relating to undercover operations or protective details, not to include costs related to such operations or details; background investigations of applicants for appointment or employment by the Office; and the identity of any crime victim or witness, and the identity of an undercover officer or informant.

Dispatch call logs are subject to release, however only the names of the persons involved are release with their respective personal identifying and contact information will be redacted before the records are released.

With regard to death investigations, closed investigative case files are subject to release to a family representative (spouse, child, sibling, parent, grandparent, or grandchild, stepparent, stepchild, stepsibling, and adoptive relationships).

Costs and Payment

The Office charges for time and materials to respond to FOIA requests for records. The charges are based on the hourly rate of the staff member who researches, downloads, prints, scans, or does any work towards producing and sending the records, plus mailing costs. The average hourly rate for responding to FOIA requests is \$32.40/hour prorated for the actual staff time used. DVD-ROMs with mailing are \$7.50; flash drives with mailing are \$12.00; paper is \$0.50/page. The sheriff reserves the right to waive costs.

Payments may be made by cash in the administrative office (please bring exact payment as we may not be able to make change), or by check payable to Sheriff of Lancaster County. A receipt will be issued for your payment.

Additional Resources for Questions

The Freedom of Information Act Advisory Council is available to answer any questions you may have about the Act. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov or by telephone call toll free at 1-866-448-4100.

Common Exceptions to FOIA Requests

The Code of Virginia allows any public body to withhold certain records from public disclosure. The Office commonly withholds records subject to the following exceptions:

- Requests by persons incarcerated in any state, local, or federal correctional facility
- Personnel records

- Records subject to attorney-client privilege, or attorney work product
- Tests or examinations used, administered or prepared for purposes of evaluation of any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or qualifications for any license or certificate
- Vendor proprietary information
- Personal information including email addresses for purposes of receiving email from the Office, as well as home address, business address, telephone numbers, and numbers used for electronic communication devices
- Records relating to the negotiation and award of a contract, prior to a contract being awarded
- Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or the Office
- Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system
- Subscriber data provide directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if that data is in a form not made available by the communications provider to the public generally. "Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act ([§ 56-484.12](#) et. seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call ([§ 2.2-3705.2 \(6\) \(7\)](#)).
- Information related to the Statewide Agencies Raid System (STARS) or similar local public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystem of the STARS or similar local communications system or (ii) relates to the radio frequencies, assigned to or used by STARS or other similar local communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or similar local public safety communications system ([§ 2.2-3705.2 \(10\)](#)).
- Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants ([§ 2.2-3705.2 \(14\)](#)).
- **Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation**

systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems ([§ 2.2-3705.2 \(14a\)](#)).

- Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program ([§ 2.2-3705.2 \(14b\)](#)).
- Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with [§ 2.2-3704](#) ([§ 2.2-3705.2 \(14\)](#)).
- Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols ([§ 2.2-3705.2 \(14c\)](#)).
- Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system. ([§ 2.2-3705.2 \(14 d\)](#)).
- The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request. ([§ 2.2-3705.2 \(14\)](#))
- "Critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 671. ([§ 2.2-3705.2 \(14\)](#))

Disclosure of law-enforcement and criminal records [§ 2.2-3706](#)

All public bodies engaged in criminal law-enforcement activities shall provide the following records when requested in accordance with the provisions of this chapter:

1. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation;
2. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest; and
3. Records of completed unattended death investigations to the parent or spouse of the decedent or, if there is no living parent or spouse, to the most immediate family member of the decedent, provided the person is not a person of interest or a suspect. For the purposes of this subdivision, "unattended death" means a death determined to be a suicide, accidental or natural death where no criminal charges will be initiated, and "immediate family" means the decedent's personal representative or, if no personal representative has qualified, the decedent's next of kin in order of intestate succession as set forth in [§ 64.2-200](#).

Discretionary Releases [§ 2.2-3706 B](#)

NOTE: The sheriff exercises his discretionary authority NOT to release the following records.

The following records are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

1. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution not required to be disclosed in accordance with § 2.2-3706.1;
2. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1;
3. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;
4. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;
5. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;
6. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;
7. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;
8. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;
9. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;

10. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

11. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913.