

# UOF - Johnston County Oklahoma

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 [muckrock.com/foi/johnston-county-26620/uof-johnston-county-oklahoma-133120](https://muckrock.com/foi/johnston-county-26620/uof-johnston-county-oklahoma-133120)

From: 1999 OK AG 55

08/29/2022

Subject: Oklahoma Open Records Act Request: UOF - Johnston County Oklahoma

[Mail](#)

To Whom It May Concern:

Pursuant to the Oklahoma Open Records Act, I hereby request the following records:

## REPORTING GUIDANCE

Any and all instructions, guidance, and policies related to the reporting of uses of force by any member or representative of this agency.

## FORMS, CODES, and OTHER GUIDANCE

All forms, codes, guides, and guidance used in the reporting and review of uses of force or weapons, including:

Any list of codes or definitions for terms or tags used in the reporting, collection, or review of uses of force.

A blank version of each form, log, and other documentation used to report or track uses of force by this agency.

A blank version of each form, log, and other documentation used to report or track the borrowing or use of lethal, less-lethal, and non-lethal weapons

A blank version of each form, log, and other documentation used to report or track any discharge of force from firearms, tools, or weapons employed by this agency

A copy of any guidance, requirements, laws, and policies issued by the state, including those issued as part of grant or other funding requirements, regarding this agency's responsibilities for reportings uses of force or weapons

A copy of any guidance, requirements, laws, and policies issued by the federal government, including those issued as part of grant or other funding requirements, regarding this agency's responsibilities for reportings uses of force or weapons

## USE OF FORCE DATA

For the period from January 1, 2020 through August 29, 2022, data on the each use of force by representatives of this agency, including but not limited to:

Date, time: The date (month, day, year) and time of the incident

Location: Street address, block, and other relevant location information

Subject(s) information: race, ethnicity, national origin, age, gender, resultant or related injuries sustained or alleged, weapon type (if applicable) in the possession of each involved

individual, arrests or charges associated with the incident  
Officer information (for each involved officer): employee number or other unique identifier used for the officer, race, resultant or related physical injuries, title/position  
Incident details: incident or other unique identification number for the use of force incident  
Type of force details: a description of each type of force used  
Body camera or other footage: Inventory of any video record was created of the incident and/or a copy of the captured footage from all present cameras  
Disposition of investigation into the incident: The current or final status of each use of force incident, including whether challenges to the use of force were sustained or dismissed or if the incident had no or is currently under investigation  
Please provide the information as a csv spreadsheet, if possible, and if not possible, please provide incident reports sufficient to show the requested data.

#### EQUIPMENT DISCHARGE DATA

For the period from January 1, 2020 through August 29, 2022, data on each discharge of a firearm and other weapons by representatives of this agency, including but not limited to:  
Date, time: The date (month, day, year) and time of the incident  
Location: Street address, block, and other relevant location information  
Incident description and details  
Tool or weapon used, including any unique identifier or identification number  
Officer information (for each involved officer): employee number or other unique identifier used for the officer, race, resultant or related physical injuries, title/position  
Number of discharges  
Subject(s) information: race, ethnicity, national origin, age, gender, resultant or related injuries sustained or alleged, weapon type (if applicable) in the possession of each involved individual, arrests or charges associated with the incident  
Officer information (for each involved officer): employee number or other unique identifier used for the officer, race, resultant or related physical injuries, patrol division, unit  
Type of force details: a description of each type of force used  
Disposition or status of any investigation or follow-up review of the incident  
Please provide the information as a csv spreadsheet, if possible, and if not possible, please provide incident reports sufficient to show the requested data.

The Act requires that public bodies provide “prompt, reasonable access to its records,” which Attorney General Drew Edmondson in 1999 defined as meaning “only the time required to locate and compile the public records.”

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 business days.

Sincerely,

1999 OK AG 55

From: Muckrock Staff

09/16/2022

From: Muckrock Staff

10/03/2022

From: Muckrock Staff

10/18/2022

From: Muckrock Staff

11/02/2022

From: Muckrock Staff

11/17/2022

From: Muckrock Staff

12/02/2022

From:

12/12/2022

Subject: JOHNSTON COUNTY SHERIFF'S OFFICE

Email

Please find the enclosed document as sent certified mail to your location on November 4, 2022.

It was received in Boston, MA. on November 8, 2022 @ 11:17 a.m.

Crystal Alvarez

Administrative Assistant

Johnston County Sheriff's Office

110 N. Capitol

Tishomingo, OK. 73460

(580) 371-2646

(580) 371-9819 fax

[crystal.alvarez@johnstoncountyoksheriff.org](mailto:crystal.alvarez@johnstoncountyoksheriff.org)

MUCKROCK\_01

From: 1999 OK AG 55

12/22/2022

Subject: RE: Oklahoma Open Records Act Request: UOF - Johnston County  
Oklahoma

Email

Johnston County Sheriff's Office  
110 N. Capitol,  
Tishomingo, OK 73460

Administrative Assistant Crystal Alvarez:



Thank you for acknowledging our request for public records.

Although you are correct that *Wagner v. Office of the Sheriff of Custer County* did hold that your office is not “obligated” to email records, the statute does state that there must be ‘prompt, reasonable access’ made available. Your acknowledgement of the request was not mailed until more than 60 days after receipt, and said response failed to address items that were requested, such as:

- Any list of codes or definitions for terms or tags used in reporting, collection, or review of uses of force.
- A blank version of each form, log or other documentation used to report or track any discharge of force from firearms, tools, or weapons employed by this agency.
- A copy of any guidance, requirements, laws, and policies issued by the state, including those issued as part of grant or other funding requirements, regarding this agency’s responsibilities for reportings uses of force or weapons
- A copy of any guidance, requirements, laws, and policies issued by the federal government, including those issued as part of grant or other funding requirements, regarding this agency’s responsibilities for reporting uses of force or weapons

Your response only touched on a willingness to disclose two records without citing any statutory exemptions for the other records requested.

As you are likely aware, neither statute, nor the case quoted in your response, restrict your agency from delivering records via email, you may choose to do so (and have in the past).

In fact, your agency took no issue, and chose to deliver your response via email with Muckrock on 01/21/2022. It leaves one to believe that the sudden change backwards from convenience, towards a process with known delays, is not only contrary to the spirit of the Oklahoma Open Records Act, but appears to be a deliberate effort to chill the request by due to the subject matter.

Also you stated: “I do not personally house the recent completed use of force forms.” If it is the case that you personally do not have possession of such records, then it only seems that the reasonable and prompt response would be to inform us that you have forwarded the request to the individual within your public office that does have access to such records.

We note that Footnote #4 in the case you cited in your reply states:

“the Legislature’s intent that the public body’s records shall be maintained and available at the office where the records are located in the ordinary course of business.”

Your response also stated that you, Crystal Alvarez, are the “Administrative Assistant” and that “the current administration employs the use of a single paper file within the administration offices, of which I do not have immediate access”. It seems either your statement is misleading, or your title is misleading, or your agency is not in compliance with the legislative intent of the Oklahoma Open Records Act.

It was recently confirmed with OSBI that your agency participates in the State Incident-Based Reporting System that collects use of force data across the state of Oklahoma, therefore it seems very misleading that your response claimed you are “not aware of a module in our current reporting system, as provided by the Oklahoma State Bureau of Investigation, for use of force incidents”. This contradicts the fact that your office has participated in the OSBI program in both 2021 and 2022.

Our understanding of your statement is that “current administration” would mean Johnston County Sheriff Gary Dodd. If this is the case, It would only be prompt and reasonable, if your position is unable to access such records, that the request be forwarded directly to the elected official responsible for the public office and such records.

Your public office’s abrupt change in policy on fulfilling record requests in which the outcome only serves to cause delay appears to be completely divorced from the intent by the legislature to ensure ‘prompt, reasonable access’ as intended. It is also notable that your office has not previously, but is now, attempting to elicit a charge for paper copies (that could be avoided by the convenience of email) conveniently around the time that Sheriff Gary Dodd has been experiencing budgetary issues within the department.

Please reply with an invoice for the costs associated with your office fulfilling the request by mail in the same manner in which you provided your acknowledgement. Also please cite in writing any exemptions you will be claiming for any and all records requested but not provided.

Sincerely,  
1999 OK AG 55

