



THE Source

Society of Professional Journalists
Oklahoma Pro Chapter

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Open records access explored by reporters

By *Diana Baldwin*
SPJ board member

Results of a statewide access project released last month probably didn't surprise most Oklahoma journalists. Law enforcement officials and reporters don't always read the Open Records Act the same way.

In fact, the three-pronged survey found at least one sheriff who admitted he had never read law passed in 1985. A city attorney, who advised the police chief to deny a request for the police dispatch log, said he had not studied the statute.

Help may be on the way. Attorney General Drew Edmondson said he plans to conduct more seminars about the state's openness laws across the state. Joe Walsh, Oklahoma

Sheriff's Association executive director, and Jim Cox, Oklahoma Police Chiefs Association executive director, both said they hope to increase law enforcement training on the openness laws.

The purpose of the project was to examine how the state's Open Records Act is working. The project was conducted by the Oklahoma Press Association, FOI Oklahoma Inc., The Oklahoman and Tulsa World.

Results were released in newspapers statewide on Aug. 31.

The project included three components:

Citizen survey: A private citizen's requests for financial reports were granted in each of the 41 towns he visited.

Mail survey: A large majority of 1,454 government agencies sur-

veyed followed the law, filling requests for meeting agendas. Only 1 percent denied the requests.

Media survey: Reporters obtained municipal meeting agendas from each of the 77 county seats. Requests for school contracts were denied in eight county seats. Gaining access to the police radio logs and sheriffs' jail blotters was more difficult, although eventually more than 70 percent of requests were granted.

Results showed only 17 percent of the 308 cities, schools and law enforcement agencies surveyed complied with all five legal requirements of the act.

In separate surveys, records were requested in person by reporters who identified them-

See "FOIO," p. 2



Annual SPJ meeting set for Sept. 24

By *Sue Hinton*
SPJ Secretary

Wander down to Norman on about 5 p.m. Sunday, Sept. 24, for the annual SPJ party and election of officers. The election won't take long, leaving most of the evening to indulge in good food, good beer and good company.

Musician Nelson Austin will bring his guitar and lead a raucous sing-along.

So bring a friend, or a spouse, or a recruit for the SPJ cause — or all three.

Barbara Hoberock will be preparing her famous manicotti.

The event will be held in the home of Mick and Sue Hinton, just east of the University of Oklahoma campus at 614 Okmulgee Street, across the street from that notorious Norman watering hole called The Mont.

If you can make it, call Mick or Sue 447-9421 so we can be sure to borrow enough chairs and silverware.

NEXT Board Meeting, Sept. 24

The next SPJ meeting is 5 p.m., Sept. 24 at the home of Mick and Sue Hinton.

It's the annual meeting and officers will be elected. Food will be served.

For details, see the story on page 1.

SPJ needs you and your ideas so make plans to attend. We look forward to seeing you there!

Directions: Go south on Interstate-35 to Norman and exit on Lindsay. Go east, past the duck pond, to Classen Boulevard and turn left (north). Pass the signal light at Brooks, go two more blocks to Okmulgee Street. Turn right (east). The Hinton's live at 614 Okmulgee. their phone number is 447-9421.

SPJ group looks at open meeting laws

By **Mick Hinton**
SPJ Board Member

SPJ is exploring areas of state law dealing with open meetings, with the intent of surveying political candidates about their views.

The First Amendment Committee of SPJ also is looking at rules governing how the Legislature conducts public meetings, in comparison with other states.

State law says all meetings of public bodies shall be open to the public. And "public body" is defined as... "boards of public and higher education in the State of Oklahoma and all boards, bureaus, commissions, agencies, trusteeships, authorities, coun-

cils, committees, public trusts, task forces or study groups."

However, the attorney general's office, apparently referring to AG's opinions, has concluded in some instances that committees of state boards are not subject to the open meeting act if they are only a recommending body.

The SPJ committee is working to get a better explanation of this from the attorney general's office.

Also, there are differences between how the state House and Senate conduct committee meetings. For example, in the Senate, all recorded roll call votes are taken in committee. But in the House, committee votes of

individual members are taken only if a member of the committee requests that the votes be recorded individually.

A Senate rule states that "subject to such exceptions... the Senate shall comply with provisions of the Oklahoma Open Meeting Act."

The state Legislature, by law, exempts itself from the Open Meetings Act. As far as rules, it also can exempt itself from those provisions.

Meanwhile, the SPJ committee is working to obtain information from other states about how they conduct their business.

A New York Times reporter told SPJ member Barbara Hoberock, a

Tulsa World reporter, that in New York, "whether a bill is going to pass, and in what form is decided behind closed doors by two or three legislative leaders."

A Kansas reporter says that caucus meetings of the Democrats and Republicans are open, but there are some glitches in their laws.

The Kansas Legislature apparently passed legislation regarding open meetings after a series ran in Kansas newspapers regarding access.

Those working on this project include Mick Hinton, Jim Campbell, Paul English, Barbara Hoberock, Brian Ford, Marie Price, Jane Hainey and Tim Talley.

Open records compliance examined closely by journalists

"FOI," cont. from p. 1

selves as news media representatives in the 77 county seats, in letters signed "T.M. Clark" mailed to 1,454 various governing bodies and by a retired school teacher who made requests as a citizen.

In the media survey, reporters sought five public records: a sheriff's jail blotter and police radio log from May 27, copies of employment contracts for the school superintendent and head high school football coach, and an agenda for the most recent city council or commission meeting.

The reporters' survey examined compliance with five requirements of the open records law - accessibility, limited costs, having records custodians on duty, establishment of formal records procedures and whether requesters were asked why they wanted records.

Sheriffs in 57 of the 77 counties provided copies of jail blotters, which is a list of names of prisoners. Eleven police radio logs also were provided from sheriff's departments that dispatch for the local police department.

Although 74 percent of the 154 city and county law enforcement agencies surveyed eventually provided requested documents, only 14 of those agencies met all five legal requirements.

In their survey, reporters found city clerks had a perfect record, granting every request. Most schools also complied, denying records in just eight counties. Local law enforcement agencies were the least forthcoming.

One in four city and county law enforcement agencies did not comply with requests for public documents.

The mail survey found 90 percent of governing

bodies mailed requested copies of agendas for May meetings. More than 70 percent replied within a week of the request. Only about 1 percent denied the request, violating the Open Records Act.

The citizen's survey had even better results. Retired teacher Don Young found government officials were eager to help in the 41 Oklahoma towns — none larger than 2,800 population — that he visited in June.

Young said he faced no negative reactions and no one denied his requests for financial reports.

Officials in some cases made obtaining records difficult, practices Edmondson said can have "a chilling effect" on public access rights guaranteed by the Open Records Act.

In some cases, reporters seeking public records were told they had to get court orders, subpoenas or permission from district

attorneys or city attorneys, none of which is required by the Open Records Act. They were asked for employment identification at 17 law enforcement agencies. Some were required to hand over their driver's licenses and at least one reporter was followed by officers when he left their department.

Some law enforcement officials said it was up to government lawyers to decide if records were public, while some district attorneys or city attorneys said it was up to law enforcement.

Stories, photographs and graphics can be seen at www.oklahoman.com and www.tulsaworld.com

Reprints of the stories published statewide about the project are being printed by The Oklahoman and Tulsa World. Copies may be obtained by e-mail at dbaldwin@oklahoman.com



Oklahoma Pro Board

✧ President

Jim Campbell
Capitol News Bureau
(405) 524-4426

✧ Vice-President

Kim Morava
Shawnee News-Star
(405) 214-3962
kmorava@news-star.com

✧ Treasurer

Carter Bradley
Capitol News Bureau
(405) 525-2320
carterwbradley@yahoo.com

✧ Secretary

Ronna Austin
Oklahoma City
Community College
(405) 682-1611, ext. 7307
raustin@okc.cc.ok.us

✧ Member

Diana Baldwin
The Daily Oklahoman
(405) 475-3384
dbaldwin@oklahoman.com

✧ Member

Barbara Hoberock
Tulsa World
(405) 528-2465
tcapitol@ionet.net

✧ Member

Paul English
The Daily Oklahoman
(405) 475-3942
eenglish@oklahoman.com

✧ Member

Harry Culver
Capitol News Bureau
(405) 942-6820
hculver.okc.worldnet@att.net

✧ Member

Mick Hinton
The Daily Oklahoman
(405) 475-3105
mhinton@oklahoman.com

✧ Member

Mark Hanebutt
(405) 341-2989, ext. 5576
mhanebutt@yahoo.com

SPJ News & Views

There's still time to enter contest

By *Kim Morava*
SPJ vice president

The first deadline for the SPJ 2000 Open Awards Annual Contest has passed. All contest submissions postmarked after Sept. 12 will cost an additional \$5 per entry.

Late entries will be accepted until Oct. 1.

All contest submissions must have been published or broadcast between July 1, 1999, and June 30,

2000. A complete list of categories, contest rules and guidelines, as well as an entry blank, is available on the Oklahoma SPJ chapters's website at www.geocities.com/oklahomaspj

A list of frequently asked questions is also posted on the site.

As always, the contest is open to anyone wishing to enter — including those who are not SPJ members.

Out-of-state SPJ chapters will judge the contest.

All entrants will be notified of results by mail in January.

Banquet plans for Feb. 24 at the Embassy Suites Hotel are ongoing. More information about the banquet will be released soon.

For more information, contact contest coordinators Ronna Austin at raustin@okc.cc.ok.us or (405) 793-2774, or Kim Morava at kmorava@news-star.com or (405) 214-5520.

Newspaper, television station fight for closed juvenile record

By *Barbara Hoberock*
SPJ board member

As more and more juveniles make headlines for crimes, Oklahoma media outlets are turning up the legal heat to open up juvenile records.

The Tulsa World and KOTV Channel 6 in Tulsa recently filed suit in Creek County seeking the juvenile records of Robert Wayne Rotramel, 19.

Rotramel is charged with the first-degree murder of Christi Blevins, 7, and rape of her 12-year-old friend on Aug. 19 in a crime which shocked the community of Oilton.

A former employee of the L.E. Rader Center in Sand Springs told the newspaper Rotramel had spent time at the facility as a sex offender and was being treated for child molestation offenses.

The suit is pending.

The World filed a similar successful motion for the records of Seth Trickey, a juvenile who on Dec. 6, 1999, opened fire at Fort Gibson Middle School, wounding five students and bringing school violence home to educators, parents and community leaders.

But a district judge refused to release the record of Slint Tate, who was 16 when he was charged with shooting to death Delaware County sheriff reserve

deputy Vernie Milford Roberts, 65. Tate has pleaded innocent. Prosecutors are seeking the death penalty.

The Oklahoma Supreme Court in February declined to assume original jurisdiction in the suit by World Publishing Co. against District Judge Robert G. Haney, who refused to turn over Tate's juvenile records.

The 1996 law provides that juvenile records are open to the public after a juvenile is charged as an adult with murder, first-degree rape, kidnapping and other violent crimes.

In the midst of the World's fight for Tate's records, the Office of Juvenile Affairs in January asked lawmakers to clarify the law, but it was never done.

Joe Worley, Tulsa World executive editor, said the Oklahoma Press Association has made opening juvenile records in such cases a top priority next legislative session.

"We think juvenile crime is an important issue for Oklahomans," Worley said. "It didn't always use to be that way. But now, some of our most horrendous crimes are committed by juveniles."

Newspapers are becoming more aggressive in seeking juvenile records in cases which are the most violent, said

See "Juveniles," p. 4

Juvenile offenders' records should be available to public

"Juveniles," cont. from p. 1

Mark Thomas, Oklahoma Press Association executive vice president.

"Many times, their juvenile record shows a complete pattern of this type of behavior and the juvenile system is not equipped to handle it," Thomas said.

Those who are critical of opening juvenile records say keeping them closed prevents a troubled youth undergoing rehabilitation from being traumatized if the information about the crime is made public.

"My concern is for the trauma of the victims, family, friends and relatives," Thomas said.

"They are the ones that are traumatized. Let's not forget them. I am less concerned about traumatiz-

ing and permanently scarring a child who has picked up a gun and shot five classmates. There is already something wrong there."

Originally, concerns about rehabilitation of juveniles dealt with not placing juveniles offenders in facilities with adults, Thomas said.

"That only makes them worse," Thomas said. "And that rehabilitative ideal is probably accurate and correct."

But that ideal has been expanded to say don't incarcerate juveniles with adults, but also keep the records closed, Thomas said.

"Since it has expanded over time to include secret juvenile records, juvenile crime has skyrocketed," Thomas said.

And advocates for more openness say it is needed to measure the success of rehabilitation programs and determine whether or not the juvenile system is working.

Thomas agrees that he law needs to be clarified.

"The Office of Juvenile Affairs has said this law needs to be clarified and improved," Thomas said. "And we think so too. They made a statement that it needs to be done."

"There wasn't a good vehicle available to amend the law. You can only amend laws in which statutes are mentioned."

Thomas said it has always seemed odd to him that in Oklahoma, if a juvenile gets a traffic ticket or is cited for trying to buy tobacco, the records are open and anyone can

have access.

"But if that same person gets a gun and shoots someone, all of a sudden the records are closed because we are trying to protect and not traumatize the juvenile," Thomas said. "Something is wrong with that picture."

"We let the public know all these minor things... they were caught trying to by cigarettes at the local 7- Eleven."

"But let them get drunk and kill somebody on the highway, then the public and everybody is shut out from knowing anything about it and the system takes over."

"We can't improve that system unless we know what is going on."

"There is something strange about the way we handle juvenile records."



Society of Professional Journalists
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860 Van Vleet Oval
Norman, OK 73019-2051

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