

LAW OFFICES
SMITH AND DAVENPORT

9253 LEE AVENUE
MANASSAS, VA 20110

ROBERT W. BENDALL
MARTIN R. CRIM

KRISTI M. CATURANO

VOICE (703) 368-8148
FAX (703) 368-7745

TURNER TALIAFERRO SMITH
(1912 - 2001)

JAMES P. DAVENPORT
RETIRED

February 26, 2007

*Via electronic mail and
Hand Delivery at City Council meeting on 2/26/07*

Mr. Mike Stollenwerk


Dear Mr. Stollenwerk:

This office has been requested by the City of Manassas to respond to your request for certain records submitted by email dated February 18, 2007, and directed to the City's Chief of Police, John Skinner, and made in accordance with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). As I explained to you by telephone, on February 22, 2007, I have personally reviewed your original FOIA request (January 14, 2007) and your second most recent FOIA request (February 18, 2007) and the responses you have received from the City. I have personally reviewed the records produced by the City including the redacted portions thereof.

The City responds to your second request (February 18, 2007) with the attached response. Please be advised that portions of the records you have requested relating to Officer R. Clodfelter's private email address is being withheld from release and is exempt from disclosure under Va. Code Section 2.2-3706 (G) (1) as a record of a portion of an investigative report or material containing identifying information of a personal or financial nature provided to the City law enforcement agency where the release of such information would jeopardize the safety or privacy of the Officer or person under the Act. While the initial response to your first FOIA may not have been as clear to you on this issue, Captain Stephen Bamford's letter dated February 6, 2007, clearly identifies, with specificity, this exemption. To limit an Officer's ability to communicate with the City's police personnel under his command from only publicly maintained email accounts and not from the privacy of his home account would impede law enforcement's ability to effectively conduct or offer memoranda, or correspondence relating to criminal investigations between law enforcement personnel. Therefore, this portion has been and continues to be redacted from the records being released to you.

Mr. Mike Stollenwerk
February 26, 2007
Page 2

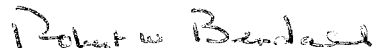
In response to your second FOIA request to produce an unredacted copy of police email screens showing laptop communications the night of January 13, 2007, initially produced with redactions on January 26, 2007, I have rereviewed the Police Department's redactions. Upon review, I have concluded the redacted records relate to an unrelated ongoing criminal investigation or other criminal incident occurring at the same time of your initial FOIA inquiry in another part of the City. The release of the criminal incident information is likely to jeopardize an ongoing investigation or prosecution and jeopardize the safety of certain police officers, which may in turn cause suspects to evade detection, arrest and prosecution. These records are excluded from the provisions of FOIA by Va. Code Section 2.2-3706 (B) and (D). Therefore, these portions have been and continue to be redacted from the records being released to you.

Finally, there is one personal communication by an officer regarding a check on a sick relative that was redacted and excluded from disclosure under Va. Code Section 2.2-3706 (G) (1) on the basis that it is a noncriminal incident record or material containing identifying information of a personal or medical nature provided to fellow law enforcement personnel that where released would jeopardize the privacy of an officer and/or a relative of such officer. Therefore, these portions have been and continue to be redacted from the records being released to you.

I trust this fully responds to your most recent concerns.

Sincerely,

SMITH AND DAVENPORT



Robert W. Bendall
City Attorney

RWB:lac
Enclosures
cc: John J. Skinner, Chief of Police
City Clerk