

Public Records Request Guide and Templates

We created this guide as part of a series of resources to support community advocates in building state and local campaigns to abolish youth fees and fines by sharing strategies from Debt Free Justice (DFJ) campaigns. See more resources at debtfreejustice.org/resources.

This is a guide to requesting public records informally and formally that includes [background](#) and tips for [research](#), [drafting](#), [sending](#), and [following up](#) on requests. If you have questions about this resource, write to info@debtfreejustice.org.

Background

What are Public Records?

- Public records, broadly speaking, can be requested for everything a government worker or entity does related to their official duties or everything that government dollars touch. Relevant to DFJ campaigns, this includes court activities, documents, and other data sources.
- Every state has legislation that authorizes access to public records based on the idea that the public has a fundamental and necessary right to information concerning public business. Public Records Act (PRA) is the term used in this document, but it is not necessarily the most common term. The legal terminology varies [state by state](#) (Public Records Policy, Open Records Law, etc.). The [Freedom of Information Act](#) (FOIA) is the term for the federal authorization of public records.
- There may be local ordinances that apply to your request. Local ordinances generally build on state law—they are more expansive regarding what you can access and receive. Often, court rules may apply to your request, mainly if you are interested in data or information held by local courts.
- The [Open Government Guide](#) from the Reporters Committee for Freedom of the Press is one resource with in-depth guidance on each state's public records acts.

Why Request Public Records?

- Requesting public records can be a valuable tool for gathering evidence on the impact fees and fines have on youth and their families. In the advocacy context, data and records from public records requests serve as critical information for research, advocacy, and litigation.
- Examples of how data from public records requests have helped past campaigns:
 - [For research](#): By asking for data on the amount collected and spent on collections for youth fees, past campaigns showed that collection costs equaled or sometimes outweighed the amount collected from youth and their families. This demonstrated that youth fees and fines are financially irresponsible and are not worth the cost of collection.
 - [For advocacy](#): By asking for data on the number of youth in the juvenile system, broken down by demographics, and the average of certain probation conditions (electronic monitoring, detention, etc.), past campaigns calculated average fee amounts imposed by race/ethnicity. Advocates calculated the average length of detention for a Black youth as compared to a White youth and multiplied that by fixed fee amounts. This demonstrated that fees and fines exacerbate racial disparities in the system.
 - [For litigation](#): A past campaign asked for records related to fees charged to youth and families and received a fee schedule showing the imposition of a certain fee in the adult

(criminal) system against youth in the delinquency system. This demonstrated that fees and fines were imposed unlawfully.

When Should You Ask for Records Informally or Formally?

- *Start with informal conversations with stakeholders* to find out what data is already available before turning to more formal mechanisms such as a Public Records Act request. For context, most of this data will be protected, because it involves youth, and in many cases requires redacting language. Consider that:
 - Many agencies and departments—especially when you speak to individual staff—may be willing to hand over relevant data or information without a formal request. In the worst case, they tell you you must submit a formal request. Still, it allows you to ask what data or information they track and to whom to send a request.
 - By resorting to more formal mechanisms, you may run the risk of an agency, court, county, or department taking a more defensive posture and/or looping in counsel, which may slow the turnaround of records and impede your ability to ask relevant actors questions.
 - Consider the messenger: Some entities may be more resistant – or in some cases, more willing – to provide data to out-of-state organizations. Consider who may be the best individual or organization to send the request.

Where Can I See Examples of Formal Public Records Requests from Other DFJ Campaigns?

- Browse debtfreejustice.org/resources to see examples of formal public records requests and responses to public records requests from past DFJ campaigns.

How to Write and Send a Records Request

This section walks you through the four steps for sending an effective formal records request:



1. [Research & Plan](#)



2. [Draft Informal or Formal Request](#)



3. [Send](#)



4. [Follow Up](#)



See the [Public Records Request Training Video](#) at debtfreejustice.org/resources created by the Policy Advocacy Clinic to train law and public policy students on how to send public records requests for campaigns to eliminate youth fees and fines.



Step 1: Research & Plan

Decide what type of information you want and who you'll need to ask for it.

- At this point, you likely already know the landscape of youth fees and fines and available data from your exploratory research. Identify gaps in the information you have about youth fees and fines in practice. See the table on the next page for examples of data you might request.
- Reverse engineer what you want to say, e.g., if you are interested in showing racial disparities in the justice system or that fees are rarely collected, what data or records would help make that case?
- If you are unsure which department or agency has the information you want, consider starting with informal conversations before making informal or formal requests. You may need to reach out to multiple entities. Past campaigns often send informal or formal requests to State Supreme Court, juvenile courts, juvenile justice departments or department of corrections, court administrative organizations, probation departments, local government actors (Boards of Supervisors, County Commissioners, etc.), and state, county, or local collections offices.
- Note that many agencies or departments have designated public information officers or attorneys who respond to formal public records requests. Some even use designated online portals. Be sure to research how the department or agency you are interested in prefers to receive any request via mail, fax, or email directly to a designated contact.

Choose who will ask for the information strategically.

- Work with your partners to decide who should reach out to the agency or department.
- In past DFJ campaigns, a national organization, a state organization, the bill sponsor, or a local organization sent data requests. Consider the local landscape and existing relationships and choose a sender in good or neutral standing with the agency.
- In one past campaign, a local organization formally requested data from a state agency and didn't receive a sufficient response. When the bill sponsor submitted the same request, the agency responded more quickly and satisfactorily.

Examples of Records to Request

Topic	Data/Information Requested <i>bold = priority data point</i>
Assessments	<ul style="list-style-type: none"> ● Amount assessed ● Number of youth and/or families charged ● Number of accounts ● Fee schedules (types of fees and amounts, discretionary/mandatory, etc.) <ul style="list-style-type: none"> ○ <u>Note</u>: Sometimes these are hidden, but you may want to visit juvenile court websites, probation websites, and even local boards of supervisors/commissioner websites to find this information. ○ <u>Note</u>: Many courts or localities do not have fee schedules, and you may need to compile/create one based on what you learn. ● Demographic information on the youth and families assessed fees and fines
Collections	<ul style="list-style-type: none"> ● Amount collected ● Number of youth and/or families who paid ● Number of accounts ● Collection practices, including policy collection guidelines or regulations regarding referrals to county or state agencies, terms of payment plans, etc.
Cost of Collections	<ul style="list-style-type: none"> ● Amount spent on collections ● Number of court, probation, and/or collections staff involved ● Job descriptions for staff involved, including salaries or hourly pay, and hours worked on collections ● Resources involved ● See the DFJ Cost of Collections Estimate Guide and Case Studies resource at debtfreejustice.org/resources for details.
Outstanding Debt	<ul style="list-style-type: none"> ● Amount outstanding ● Number of youth and/or families who have outstanding debt ● Number of accounts ● Date of oldest debt ● Length of outstanding debt over time
Ability to Pay, Waivers, and Payment Plans	<ul style="list-style-type: none"> ● Number of ability to pay determinations conducted ● Number of youth and/or families who had an ability to pay determination but did not receive any reductions or waivers ● Amount waived or reduced based on ability to pay ● Number of youth and/or families who received reductions ● Number of youth and/or families who received waivers in full ● Number of youth and/or families placed on a payment plan ● Non-payment policies, including consequences of nonpayment, such as wage garnishment, civil judgments, tax intercepts, bank levies, limitations on record sealing or expungement, impact on credit, etc.

Topic	Data/Information Requested <i>bold = priority data point</i>
Assessments	<ul style="list-style-type: none"> ● Amount assessed ● Number of youth and/or families charged ● Number of accounts ● Fee schedules (types of fees and amounts, discretionary/mandatory, etc.) <ul style="list-style-type: none"> ○ <u>Note</u>: Sometimes these are hidden, but you may want to visit juvenile court websites, probation websites, and even local boards of supervisors/commissioner websites to find this information. ○ <u>Note</u>: Many courts or localities do not have fee schedules, and you may need to compile/create one based on what you learn. ● Demographic information on the youth and families assessed fees and fines
Third Parties	<ul style="list-style-type: none"> ● Information on third-party involvement, including any contracts, bids, agreements, etc., relating to services for which juvenile fees are assessed and collected.



Step 2: Draft Informal or Formal Request

Tips for Drafting Informal Requests

Emphasize the research angle of your request and not the advocacy angle.

- Consider framing your inquiry as a neutral research exploration to understand how youth fees and fines work in the state. For example, it is recommended that you not criticize the practice of charging fees and fines in your email, which could put your recipient on the defensive and deter them from sharing anything.

Be mindful of how the email represents the relationship between organizations.

- This particularly applies to the relationship between your national organization and whoever sends the email. For example, you and your partners may decide that referencing the DFJ national campaign wouldn't be received well. Alternatively, if one of your partners has a contentious history with the recipient entity, you may not want to mention their organization.

Informal Records Request Email Template

The informal email template below is designed as a starting point and should be modified to fit your campaign's context and needs.

Good [AFTERNOON/MORNING] [NAME],

Identify yourself: This will look different depending on who is sending the message.

I'm from [ORGANIZATION NAME], and we are researching youth fees and fines.

Identify why you're writing to them, specifically them.

[SOURCE] referred to you as the key person to discuss [DATA YOU'RE SEEKING, ex: youth fees and fines, court collections, etc.].

Ask for a meeting

Do you have 30 minutes to speak with me next week with me about available data?

Ask for other contacts

If you're not the right person for this topic, do you have any ideas of who I should reach out to?

Contact Information

Please let me know here or you can also reach me at [PHONE NUMBER]. Looking forward to connecting.

Thank you,

[NAME]

Tips for Drafting Formal Requests Authorized by a Public Records Law

See the [template](#) below for examples of what to include in each section of your request. As you begin filling out this template, consider the following:

Use correct formatting and terminology.

- Per your state public records act, send your request to the relevant agency or department in the form stated under law or indicated by said agency or department. Some will ask to be mailed, faxed, or emailed directly to a designated contact, while others have electronic portals. Some even allow oral requests for records. Adhering to this format may be especially important for those requesting data outside of their state.
- Be sure to use correct terminology when referring to your state's offices and jurisdictions. For instance, one state's county may be another's judicial unit or parish.

Define and be accurate with your terms.

The definition of a "public record" is relatively broad, but that does not mean a broad request will be successful. In addition to using the state-specific term for public records:

- Define the types of "public" records you want. Records are not always literal writings but can be data, analyses, emails, video, audio, etc., depending on the jurisdiction.
- If you aren't sure what records may exist, you may want to reach out to the agency or department you are interested in getting records from, as they may be able to assist you in focusing a request. For example, in California, you do not have to identify records, and agencies are required to "assist the member of the public [to] make a focused and effective request."

Include disclaimers.

- Include disclaimers, particularly in states where public records request exemptions call for clarification. For example, you can affirmatively preempt rejection of your request by stating that you are only interested in information in the aggregate, not confidential records or personally identifiable information - highlight this prominently and in the official email. Also consider stating that you will not use any data you receive for commercial purposes.

Be as simple and clear as possible.

- Evaluate when you need this information, recognizing that responses can take time. If you need a quick turnaround, consider prioritizing certain pieces of data rather than a broad request or asking for information from a friendly central entity rather than a bunch of counties.
 - Example: Arizona just requires a "prompt" response, while California requires agencies to respond within 10 days about the status of a request (not necessarily records) and essentially unlimited extensions for a "reasonable period of time."
- Be sure to include contact information should they have questions about your request. Also, indicate where you would like the records sent (if different from the contact information).
- Remember that there is a person on the receiving end of any request. To the extent possible, make it easy for them to understand your request. Huge, complex requests can make for unhappy people, which may hurt the success of your request.

Formal Records Request Template

The template record request below is designed as a starting point and should be modified to fit your state's PRA requirements and your campaign's needs.

[YOUR ORGANIZATION'S LETTERHEAD]
[DATE]
[RECIPIENT] [TITLE] [ADDRESS/EMAIL ADDRESS]
VIA [US MAIL, EMAIL, FACSIMILE]
Re: Request for State [AGENCY/DEPARTMENT/BRANCH] Records
Dear [RECIPIENT] ,
Intro Paragraph: Reference the Public Records Act and what you're trying to find out.
Pursuant to [APPLICABLE LAW] , I am writing to request the records detailed below. We are researching how the [AGENCY/DEPARTMENT/BRANCH] and its employees assess, collect, and administer fees imposed on youth and their families ("juvenile fees") in the juvenile delinquency system.
Term Definitions: Define your terms (like "juvenile fees") to ensure your understanding of specific terms is what the recipient understands it to be.
For the purposes of this request, juvenile fees are any fee, surcharge, or cost that can be charged by order of a court or probation, specifically costs charged to a youth and/or a parent or guardian for representation by counsel, detention or incarceration in a state institution or local facility, placement in an outside facility, probation supervision, diversion programs, counseling and treatment programs, drug or alcohol screening or testing, collection or payment plans, administrative assessments, and any other monetary sanctions imposed on a youth for their involvement in the delinquency system.
Description of Records: Describe what records you're interested in.
To the extent that you are aware of records that may be directly related or relevant to this request, but which we do not specifically describe, we request that you provide these records as well. Records relevant to this request include but are not limited to judicial resolutions, policy interpretation memoranda, internal email correspondence, accounting documents and reports, and fee schedules.

Clarifications and Specifications: Clarify that you're not asking for confidential records and describe specific details of the state's PRA.

We are not requesting closed, confidential, sensitive, or personally identifiable information for any persons; only anonymized data, or redacted documents, where applicable. Although we are not requesting closed, confidential, sensitive, or personally identifiable information, we will nevertheless maintain any aggregate or compiled data received on a separate, secure server accessible only by approved clinical faculty, staff, and students.

Timeframe: Describe the timeframe for your requested information. Note: Getting data for at least five years can help you get a sense of the ebbs and flows of assessment and collection. You should try to get at least one full year's worth of data, but obviously, take anything you can get.

We are requesting all records from [TIMESPAN] regarding:

Requested Records: Describe your requested information.

1. **Types of fees and amounts:** Types and amounts of fees and costs in juvenile delinquency matters that can be charged to a youth and/or their parent, guardian or other family member.
2. **Fee setting practices:** Policies, procedures, and practices for setting the amounts charged for fees and costs in juvenile delinquency matters including but not limited to requests, explanations, or decisions to raise, lower, or otherwise change the amount, assessment, and/or collection of juvenile fees over which the State Judicial Branch has discretion.
3. **Ability to pay guidance for Judges:** Policies, procedures, practices, training materials, and all other charts and instruments for Judges about fees and costs in juvenile delinquency matters, including but not limited to the determination of ability to pay, fee waivers, and non-payment.
4. **Collections Investigators:** Policies, procedures, practices, training materials, and forms for Collections Investigators about fees and costs in juvenile delinquency matters, including but not limited to the determination of ability to pay, fee waivers, non-payment, collections enforcement, required findings and outcomes, notices provided to youth and families, and the consequences of non-payment (including when youth are no longer under the jurisdiction of the Juvenile Court).
5. **Probation employees:** Policies, procedures, practices, and training materials for Probation employees about fees and costs in juvenile delinquency matters, including but not limited to the determination of ability to pay, fee waivers, non-payment, notices provided to youth and families, and the consequences of non-payment (including when youth are no longer under the jurisdiction of the Juvenile Court).
6. **Total amounts:** Total amounts of fees and costs, sorted by type of fee, assessed and collected in juvenile delinquency matters, annually by judicial district.

7. **Administrative costs:** Financial costs associated with assessing, collecting, and otherwise administering fees and costs in juvenile delinquency matters, including but not limited to personnel costs (salaries and benefits of judges, collections investigators, probation employees, and any other staff involved by percentage of time) and non-personnel expenses (space, equipment, supplies, etc.) devoted to assessing, collecting, and administering such fees and costs, annually by judicial district.
8. **Outstanding debt:** Total outstanding debt owed by youth and families for fees and costs in juvenile delinquency matters, annually by judicial district, lead charge in the case, type of fee, age of debt, and the number of families and/or accounts with outstanding debt.
9. **Demographic data:** Records relating to:
 - a. The number and demographics (including but not limited to race, gender, and income) of youth in juvenile delinquency matters, annually by judicial district.
 - b. The number and demographics (including but not limited to race, gender, and income) of youth and families assessed fees and costs in juvenile delinquency matters, annually by judicial district.
 - c. The number and demographics (including but not limited to race, gender, and income) of youth and families for whom fees and costs in juvenile delinquency matters were waived, reduced, or suspended, annually by judicial district
10. **Private collection:** Fees and costs in juvenile delinquency matters that were referred to private collection agencies annually by judicial district, including type of fee/cost, fee/cost amounts, to which agency, when referrals were made, and all agreements and correspondence with private collections agencies, including payment to collection agencies (excluding prohibited personal identifying information).
11. **Third-party contracts:** All contracts, bids for contracts, agreements, and communications relating to all services for which youth and/or their families are assessed fees and costs in juvenile delinquency matters (for example, electronic monitoring, drug and alcohol testing, diversion programs, fingerprinting, treatment programs, community service programs, work programs, etc.).

Expectations: Describe your expectations for the response and when. NOTE: A state’s public records act will outline various requirements for sending a record request and when and how recipients (state or local government departments and agencies) must respond to any request.

Please provide specific justifications for any redactions or non-disclosure to ensure they are within the parameters outlined by [RELEVANT LAW]. These justifications can be requested pursuant to [RELEVANT LAW].

Please acknowledge receipt of this request and respond within [X] days, either by providing all the requested records or by providing a written response communicating your finding that extenuating circumstances exist and stating when the documents will be made available.

Preferences: Describe the requested format of records and data and address the cost of records. NOTE: Agencies sometimes charge the requester for the costs associated with pulling records. Some states have a provision requiring these fees not to exceed a “reasonable” amount. Still, it is a good practice to add a line to your request asking the agency to contact you before proceeding if there will be any fees or costs over a certain amount.

We ask that, where possible, you provide responsive electronic records in their native file format or a generally accessible electronic format (e.g. for tabular data, XLS or CSV). We have limited funds to reimburse your agency for the costs associated with finding and sending these records. If you anticipate that these costs will exceed [SXX], or that the time needed to provide these records will delay their release, please contact me so that I can arrange to inspect the document or decide which documents I wish to have sent. Otherwise, please communicate which documents cannot be sent digitally and copy and send them as soon as possible.

Contact Information: Provide contact information.

If I can provide any clarification that will help identify responsive documents or focus this request, please contact me at [EMAIL] or [PHONE NUMBER].

Thank you for your time and attention to this matter.

Sincerely,
[NAME]

Step 3: Send

Submit your request!

- Save the request you sent to the agency or department and any acknowledgment of receipt.
- If you are sending multiple requests to different agencies, using a spreadsheet to track this information can be helpful. See the [Records Request Sending and Response Tracker Template](#) resource at debtfreejustice.org/resources.
- For formal requests:
 - Consider creating a shared Gmail account so everyone can access the requests and responses more easily. Use a generic email address, such as arjuvenilefinesandfees@gmail.com for Arkansas.
 - Consider using a “mail merge” to send records requests in bulk to a large number of counties, courts, etc.
 - If you are submitting through a portal, be sure to write down and remember your username and password so you can access the information and any updates.



Step 4: Follow Up

Track responses.

- Plan to follow up if you don't hear back by the deadline indicated in applicable law. Response times may vary - some campaigns have gone back and forth with agencies for over a year, while agencies in other campaigns have willingly passed over information immediately.
- Put a calendar reminder for yourself on the date the recipient should respond under state law.
- Each time you ask for an update about your request—whether by phone or email—be sure to document your conversation, including:
 - Date of the email/conversation
 - Who you spoke with
 - Any response or update provided
 - Other applicable notes
- Note: Showing that you've done your research even if counties don't respond has strategic benefits. A state's failure to track fees and fines shows a lack of fiscal accountability. This can motivate legislators to make direct data requests and pressure stakeholders to respond to outstanding requests. Even a lack of data can be compelling—a state's failure to track fines and fees shows a lack of fiscal accountability.

Evaluate the responses to your request.

See the following strategies for responding to common responses to record requests.

Response	Potential Follow-up
Records and documents requested	Ask if you can and in what manner you can ask clarifying questions about the information provided.
Request for extension to provide records	Ask if records can be provided as they become available or a projection of when records will be available.
Request to narrow or broaden the scope	Consider what is key to your work and what can be achieved through our means or on a longer timeline
Request for payment for copies and/or mailing of records	Decide on how much you are willing to pay for the information or figure out other means for getting the records (considering narrowing the scope of your request, offering to come in and copy the records yourself, asking if records can be sent electronically, etc.)
Request for sender to physically come in to review records	Consider if this is feasible and other options if it is not.
Invocation of exceptions to provide records	Verify that the exception applies and what pushback (if any) you might have (clarify that you are not interested in confidential records, ask if certain pieces be redacted, etc.)
No response	Review your remedies to appeal the request and, if necessary, whether any legal organizations might be willing to assist with your appeal.