Position Summary

This summary describes the organization, duties, and requirements of a State of Michigan vacancy. The official position description for this position is available from the HR office for the agency.

Position Code: DEPTALTER51Y

Civil Service Class and Level: Departmental Analyst-E

Working Title (What the agency calls the position): Assistant FOIA Coordinator

Name and Position Code Description of Direct Supervisor: GACKSTETTER, LANCE E; DEPARTMENTAL MANAGER-3

Department/Agency: STATE POLICE

Work Area: Transparency & Accountability Division

Work Location/Hours of Work: 7150 HARRIS DR; DIMONDALE, MI 48821 / Monday-Friday 8 a.m. to 5 p.m.

General Summary of Function/Purpose of Position: Assistant Freedom of Information Act (FOIA) coordinators independently administer the Freedom of Information Act (FOIA). The assistant FOIA coordinator (AFC) is responsible for accepting and processing requests for Michigan State Police (MSP) public records under the Freedom of Information Act. AFC's also process civil, third-party subpoenas received by the MSP.
The AFC must have a thorough knowledge of existing, new, and revised Michigan complied laws, as well as public acts, legislative bills, Attorney General Opinions, court opinions and decisions, and Michigan State Police methods of operation. AFC's must explain FOIA exemptions and relevant case law to requesters, investigators, prosecutors, attorneys, and the public.

Assigned duties and tasks for each duty.

Duty 1 **Percentage: 55**

Review all records, determine the appropriate course of action, and process all FOIA requests accurately and timely

- Read and review all records.
- Consult with department investigators, other law enforcement agencies, and prosecutors to determine what documents can/should be released.
- Research and interpret Michigan compiled laws governing public disclosure.
- Apply laws, court decisions, and attorney general opinions to FOIA requests, using balancing tests. The analyst must consider the interest in public disclosure versus the interest in non-disclosure in each instance.
- Independently determine what exemptions, if any, should be taken consistent with the FOIA statute, Michigan Complied Laws, public acts, legislative bills, and court opinions and decisions.
- Analyzes and evaluates records using the appropriate balancing test found in the FOIA statute. When deciding on whether a record should be disclosed, the AFC must balance the interest in public disclosure with the privacy interest of the individual in non-disclosure.
- Evaluates personnel records, and independently determines if disclosure is warranted. The AFC must consider the interest in disclosure versus the interest in non-disclosure “in the particular instance”. They must consider the privacy of the employee, the seriousness of any discipline, applicable laws, the reputation of the trooper and the impact of disclosure on their ability to effectively enforce the law in the community, and the need for transparency.
- Reviews and evaluates internal affairs investigative reports to determine if disclosure is required. In addition to the required balancing tests, the AFC must consider the outcome of the investigation (sustained, not sustained, exonerated, unfounded) and any discipline imposed on the employee, in making the determination.
- Reviews criminal investigations, including those involving minor victims to determine what information can be released. The AFC must independently apply the privacy balancing test in conjunction with additional statutory considerations such as the Wiiliam Van Roegenmorter Crime Victim’s Rights Act.
- Use a software program to redact paper records in compliance with statutory requirements.
- Use a specialized software program to apply audio and visual redactions to media types including, but not limited, in-car cameras, body-worn cameras, dispatch recordings, interviews, surveillance video, photographs, etc.
- When necessary, utilize specialized duplication and formatting software to duplicate, shorten, stabilize, or enhance multimedia recordings.
- Notify management of requests that seek sensitive or high-profile records.
- Document fees in compliance with the FOIA statute and prepare invoices as appropriate.
- Ensure timely responses in compliance with the FOIA statute, section policies and procedures, and section metrics.
- Draft special letters to requesters in situations where the standard form letter is insufficient, where legal justifications must be explained, or where a specialized response to a request is required.
- Explain exemptions and current case law to prosecutors, requesters, attorneys, and members of the public.

Duty 2 **Percentage: 25**

Search for, retrieve, and compile all requested records.

- Independently examine and analyze all assigned FOIA requests and determine what information is needed to satisfy the request.
- Search for and gather requested information by accessing appropriate programs/databases.
- Retrieve records not centrally available by contacting the appropriate MSP units and divisions.
- Compile all records and prepare for review.

Duty 3 **Percentage: 10**

Maintain sufficient working knowledge and provide subject matter expert assistance as needed.

- Monitor legislative changes to the FOIA and related statutes that impact the processing of public records requests.
- Track and interpret court decisions that impact MSP records and the processing of public records requests.
- Attend training and conferences as requested by management to maintain and enhance skill level.
- Implement new knowledge and apply enhanced skills and experience to business processes in pursuit of increased efficiency and accuracy.

Duty 4 **Percentage: 10**

Miscellaneous

- Participate in department meetings and serve on department wide task forces to ensure that FOIA concerns are considered and addressed.
- Prepare affidavits and testify in court as needed.
- Coordinate requests with other members of the section.
- Complete special projects as assigned.
- Other duties as assigned.

Types of decisions made independently and whom or what those decisions affect: Considerable independent judgment is used in determining the nature and amount of information released. Independent judgment is also required involving the amount of research time to be expended to locate records or documents, and regarding which requests are of such a nature as to require notification or involvement of bureau management, the Director or others. This position must ensure compliance with applicable laws, rules, guidelines and policies as denials or overcharging can result in litigation.

Types of decisions that require the supervisor's review: Conflicting or unclear guidelines, rules, or policies; when new guidelines, policies, laws or rules are introduced. All special letters require management review before release.

Physical effort used to perform this job and environmental conditions of this position: Physical activities: standing, sitting, kneeling, lifting boxes (10-20 lbs.), carrying and bending.
Mental stress due to statutorily mandated response times.
Daily work volume / occasional court ordered appearances.
Reviewing accident, autopsy and crime scene reports, photos, audio, and video, some of which may be disturbing.

Names and classes and levels of employees whom this position immediately supervises:

Essential functions of this position: Assistant Freedom of Information Act (FOIA) coordinators independently administer the Freedom of Information Act (FOIA). The assistant FOIA coordinator (AFC) is responsible for accepting and processing requests for Michigan State Police (MSP) public records under the Freedom of Information Act. AFC's also process civil, third-party subpoenas received by the MSP. AFC's are subject matter experts in law enforcement records, public records requests, and Michigan State Police functions and organizational structure.

Function of the work area: Assistant Freedom of Information Act (FOIA) coordinators independently administer the Freedom of Information Act (FOIA). The assistant FOIA coordinator (AFC) is responsible for accepting and processing requests for Michigan State Police (MSP) public records under the Freedom of Information Act. AFC's also process civil, third-party subpoenas received by the MSP. AFC's are subject matter experts in law enforcement records, public records requests, and Michigan State Police functions and organizational structure.

Education, experience, and credentials typically needed to perform the position's essential functions [Equivalent combinations of education and experience can also be evaluated on an individual basis for applications providing sufficiently detailed descriptions of the other experience.]:

EDUCATION:
Possession of a bachelor's degree in any major.

EXPERIENCE:

Departmental Analyst 9
No specific type or amount is required.

Departmental Analyst 10
One year of professional experience.

Departmental Analyst P11
Two years of professional experience, including one year of experience equivalent to the intermediate (10) level in state service.

KNOWLEDGE, SKILLS, AND ABILITIES:

Considerable knowledge of the Michigan Freedom of Information Act and other state and federal laws concerning privacy, records, and information release.

Knowledge and ability related to research, statutory interpretation, and analytical skills.

Experience with, or ability to learn, specialized software including audio/video processing software.

CERTIFICATES, LICENSES, REGISTRATIONS:
N/A