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STATE OF VERMONT  
OFFICE OF THE ATTORNEY GENERAL  
109 STATE STREET  
MONTPELIER, VT  
05609-1001

February 15, 2017

VIA U.S. MAIL

Eric Daniel Jackson  
Southern State Correctional Facility  
700 Charlestown Rd.  
Springfield, Vermont 05156

Re: Public Records Request

Dear Mr. Jackson:

I am writing in response to your request for records that was received by the Vermont Attorney General's Office on February 1, 2017.

Request

Your request was for "access to all records related to: The Investigation of Vermont State Troopers Dennis Giraurd, and Seth Loomis in connection with the 5/28/2014, shooting of Eric D. Jackson (DOB 11/23/1986)."

Response to Request

In response to your request, we have identified records that appear to be responsive to your request. I have separated these records into two categories.

*1. Records subject to inspection*

The Vermont Attorney General's Office has identified 203 pages of documents and 483 photographs that are responsive to your request and subject to inspection. The Attorney General's Office is providing copies of these records at no charge to you. Please find copies of these records enclosed with this letter.

Vermont law provides for the redaction of information in criminal records that "could reasonably be expected to constitute an unwarranted invasion of personal privacy," 1 V.S.A. § 315(c)(5)(A)(iii), or "could reasonably be expected to endanger the life or physical safety of any individual," *id.* § 315(c)(5)(A)(vi). In addition, pursuant to 1 V.S.A. § 315(c)(5)(D), "a public agency shall not reveal ... the

identity of a private individual who is a witness to or victim of a crime[.]” Notwithstanding these provisions, we have not redacted the names of individuals where it is apparent from the records that they are already known to you. We also have not redacted information where it is apparent from the records that the information is otherwise publicly available. See Vt. Rules for Pub. Access to Ct. Records § 6. Additionally, while federal courts interpreting the federal Freedom of Information Act have authorized the redaction of the names of investigating law enforcement officers and personnel employed by law enforcement agencies, we have not reacted those names in this instance.

Certain information in the records we are providing has been redacted pursuant to the provisions discussed above. In addition, social security numbers within these records have been redacted because disclosure could constitute an unwarranted invasion of personal privacy and would reveal information relating to personal finances. See 1 V.S.A. §§ 317(c)(5)(A)(iii), 317(c)(7), 318(e); see also Vt. Rules for Pub. Access to Ct. Records § 6(b)(29).

## *2. Records not subject to inspection*

The Attorney General’s Office has identified additional records in its possession that are responsive to your request but are exempt from disclosure under Vermont’s Public Records Act. Certain records are exempt pursuant to 1 V.S.A. § 315(c)(5)(A)(iii) (exempting criminal investigation records that “could reasonably be expected to constitute an unwarranted invasion of personal privacy”) and § 315(c)(5)(A)(vi) (exempting criminal investigation records that “could reasonably be expected to endanger the life or physical safety of any individual”). Some of these records are exempt from production pursuant to 1 V.S.A. § 317(c)(7), which exempts from public inspection and copying “[p]ersonal documents” and “information in any files relating to personal finances.”

### Further review

In addition to the records that are being provided to you, the Attorney General’s Office has identified video and audio recordings that may be responsive to your request. Comprehensively reviewing these recordings to identify responsive records, distinguish exempt records from non-exempt records, and redact exempt information will be a lengthy process, as there remains a need to “appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request.” 1 V.S.A. § 318(a)(5)(B).

As the time directly involved in fully reviewing the file and complying with your request will exceed 30 minutes, the Vermont Attorney General’s Office will charge and collect the cost of staff time associated with complying with your request pursuant to 1 V.S.A. § 316(c)(1).

Complying with your request will require senior-level staff to examine all of the records to determine whether responsive documents are exempt from production pursuant to 1 V.S.A. § 317(c) and to redact records that are not exempt in their entirety. We estimate that this process will take 15 hours of senior-level staff time, and would charge you the rate determined by the Vermont Secretary of State pursuant to 1 V.S.A. § 316(d). That rate is currently \$.57 per minute. See "Uniform Schedule of Public Records Charges for State Agencies" Vermont Secretary of State, available at <https://www.sec.state.vt.us/archives-records/certifications-fees/uniform-fee-schedule.aspx>. The Vermont Attorney General's Office estimates that the total cost of complying with your request would be \$513 for senior-level staff time, plus additional copying charges as provided for in 1 V.S.A. § 316(b)—as we do not know how many records would ultimately be produced, we are presently unable to estimate copying charges.

The Vermont Attorney General's Office will require that you provide \$513 in advance if you wish for the Office to proceed with a comprehensive review of the recordings in the investigation file to identify and produce "all records related to: The Investigation of Vermont State Troopers Dennis Giraurd, and Seth Loomis in connection with the 5/28/2014, shooting of Eric d. Jackson (DOB 11/23/1986)."

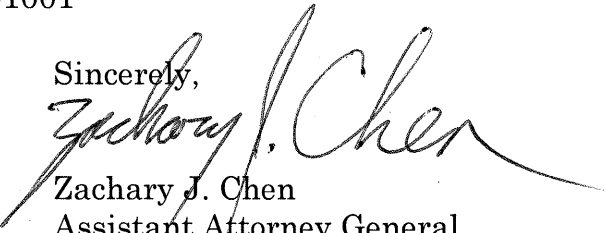
In the event that complying with your request requires less than 15 hours of senior-level staff time, we would refund a corresponding portion of the fee to you. In the event that complying with your request requires more than 15 hours of senior-level staff time and additional fees are required, we would notify you as soon as practicable before proceeding further and charging an additional amount.

#### Right to Appeal

To the extent you consider that this response constitutes a denial of your request, you may appeal to the Deputy Attorney General. Any appeal should be in writing and addressed to:

Joshua Diamond, Esq.  
Deputy Attorney General  
109 State Street  
Montpelier, VT 05609-1001

Sincerely,

  
Zachary J. Chen  
Assistant Attorney General  
Criminal Division

Enc.  
cc: file