



Clark County Sheriff's Office

707 West 13th Street • PO Box 410 • Vancouver, WA 98666 • (360) 397-2211 • Fax (360) 397-6074

Chuck E. Atkins, Sheriff

5/1/2018

Richard Colwell
rlcgm2gmail.com
Vancouver, WA 98662

Re: Your public records request reference number P010847-050118 received May 1, 2018 for:
On April 27, 2018, Greg Cheney, a lawyer for a plaintiff in a civil suit, alleged to Judge Lewis while in court in the Clark County Courthouse that his client was the victim of an attempted kidnapping. This was in reference to a case known as Gellatly vs. Colwell. I am requesting any and all documents this department may have on an attempted kidnapping of the potential victim named David Robert Gellatly, DOB 11-24-1982. Please also send a courtesy copy by postal mail to: Judge Robert Lewis Department 9, Clark County Superior court 1200 Franklin St, Vancouver WA 98660. Thank you.

Dear Mr. Colwell:

Your request was denied based on the following exemption(s) pertaining to public disclosure:

- We are unable to locate the records you requested based on the information you provided.
- Record has been destroyed: the report/document you have requested has been destroyed under RCW 40.14, Washington State General Records Retention Schedules.
- Under investigation: the requested records are exempt from disclosure under the Public Records Act RCW 42.56.240(1). The case is still under investigation; nondisclosure of the records is essential to effective law enforcement. Upon completion of the investigation, you are welcome to re-submit your request. See also *Newman v. King County*, 133 Wn.2d 565 (1997).
- Juvenile offense record: Records relating to the commission of a juvenile offense are exempt from disclosure as confidential under RCW 13.50.050(3).
- Booking photo/docket: An individual's booking docket and/or booking photo may be released only to the subject of the photo/docket and only after a Waiver form is signed by that individual. (RCW 70.48.100(2)(f) - Jail register, open to the public-Records confidential. Exception (f) Upon the written permission of the person).
- We do not have documents that are responsive to your request. Clark County Code 2.70.080(3) states, "Lack of Existing Records. County employees are not required to create documents in response to a public records request or to perform research, retrieve data, provide analysis, information or any report relating to the conduct of County business when no document exists that is responsive to the request." See also *Citizens v. Dep't of Corr.*, 117 Wn. App. 411, 435 (2003).
- Other: You may want to check with the Vancouver Police Records Department to see if they have any records that may pertain to your request. To make a public records request for a Vancouver Police record, send a request to vpdpr@cityofvancouver.us or PO Box 1995 Vancouver, WA 98668.

For further legal explanation of these RCW's (Revised Code of Washington), please visit the Washington State Legislature page at <http://apps.leg.wa.gov/rcw/>

If you believe that the records have been denied incorrectly or in error, you may file a written appeal within five business days from the date of this letter. The appeal must include your name and address, a copy of this letter together with a brief statement identifying the basis of the appeal. Please mail or deliver your appeal to:

Clark County Sheriff's Office
Attention: Records Manager
P.O. Box 410 / 707 W 13th St
Vancouver, WA 98666



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Chuck E. Atkins, Sheriff

If you have any questions please contact our Public Disclosure line at (360) 397-2101.

Sincerely,

Public Records Unit
Clark County Sheriff's Office
KL 4707

cc: File