



March 1, 2021

VIA EMAIL

Records Division
Canadian County Sheriff's Office
208 West Rogers
El Reno, OK 73036
sheriff@ccsheriff.net

Re: Open Records Act Request

Dear Records Access Officer:

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

On January 6, 2021, Sheriff Chris West of Canadian County, Oklahoma, reportedly participated in the rally outside of the U.S. Capitol, from which a riotous crowd stormed the building. Sheriff West stated he did not enter the Capitol building.¹ In a Facebook post, a man named Bryan Harter stated he went to Washington, D.C., with Sheriff West and “[w]e literally pushed past the police said we are here and left.”² Later after Oklahoma News 4 inquired about the post, Harter texted them that he meant they were together in D.C., and he believes Sheriff West did not storm the Capitol.³

American Oversight seeks records with the potential to shed light on Sheriff West's potential participation, knowledge of, and involvement in an attempt to overturn the results of the 2020 presidential election.

Requested Records

American Oversight requests that Canadian County Sheriff Office produce the following records within five business days:

- 1) All email communications (including email messages, complete email chains, email attachments, calendar invitations, and calendar attachments) sent by Sheriff Chris West containing any of the key terms listed below.

¹Jessica Bruno, *New Questions Surrounding Canadian County Sheriff's Social Media Posts Amid His Attendance of DC Trump Rally Turned to Riot*, Okla.'s News 4, (Jan 11, 2021, 6:27 PM),

<https://kfor.com/news/local/new-questions-surrounding-canadian-county-sheriffs-social-media-posts-amid-his-attendance-of-dc-trump-rally-turned-to-riot/>.

² *Id.*

³ *Id.*



Please provide all responsive records from January 1, 2021, through the date a search is conducted.

Key terms:

- i. Capitol
- ii. "Stop the steal"
- iii. "Save America"
- iv. Storm
- v. Trump
- vi. Biden
- vii. Congress
- viii. DC
- ix. D.C.
- x. Washington
- xi. RNC
- xii. DNC
- xiii. Patriot
- xiv. Pelosi
- xv. Schumer
- xvi. Pence
- xvii. "Our House"
- xviii. MAGA
- xix. KAG
- xx. "great again"
- xxi. Caravan
- xxii. Revolution
- xxiii. 1776

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited Item 1 of its request to communications sent by Sheriff West. This means, for example, that both Sheriff West's response to an email containing one of the listed key terms and the initial received message are responsive to this request and should be produced.

- 2) All text message chains/conversations, or messages on similar applications (such as Signal, WhatsApp, or Facebook Messenger) sent to or received by Sheriff Chris West containing any of the key terms listed in Item 1 above.

Please provide all responsive records from January 1, 2021, through the date a search is conducted.

American Oversight requests complete text threads/conversations. This means, for example, if Sheriff Chris West sent or received a text message containing any of the key terms listed above, any messages in the thread for the 48 hours before/after the key term appears should be produced, and not just the message containing the key term.

- 3) Records reflecting any and all expenditures from Sheriff Chris West's trip on or about January 6, 2021, to Washington, D.C., including, but not limited to, records of any reimbursements submitted by or on behalf of Sheriff West.

Responsive records would include, but are not limited to, hotel or other lodging invoices or receipts; charge card or travel card reports; receipts from airlines, rental car, or other transportation companies; records reflecting the cost of government transportation; receipts or other records reflecting the cost of meals or refreshments; or records reflecting per diem payments.

Please provide all responsive records from January 1, 2021, through the date a search is conducted.

- 4) Any complaints (including but not limited to those containing use of force allegations) submitted to your agency concerning the conduct of Sheriff Chris West from February 11, 2020, to the date the search is conducted.
- 5) Records sufficient to identify any disciplinary action taken based upon any complaint responsive to part 4 of this request.

Fee Waiver Request

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records "is in the public interest," because American Oversight, in accordance with its organizational mission, makes this request "to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."⁴ Specifically, the requested records have the potential to shed light on whether and to what extent Sheriff West might have prepared for or participated in the January 6, 2021 assault on the Capitol building while acting in a professional capacity, including whether and to what extent he communicated about the event on his professional devices and accounts, and/or sought public reimbursement for his travel.⁵ The requested records also have the potential to shed light on whether any complaints have been submitted concerning Sheriff West and, if so, whether and to what extent any disciplinary action resulted. Records with the potential to shed light on this issue would contribute significantly to public understanding of how public servants are fulfilling their duties, including whether Sheriff West used Canadian County funds and resources to support his participation in the events of January 6, 2021, as well as whether any credible complaints have been submitted against him.

American Oversight's work is aimed solely at serving the public interest.⁶ As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of

⁴ O.S. tit. 51, § 24A.5(4).

⁵ See Bruno, *supra* note 1.

⁶ See O.S. tit. 51, § 24A.5(4).

the information requested is not in American Oversight's financial interest. Rather, American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to members of the news media, American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.⁷ American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.⁸

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public's understanding of the government's activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight's analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

Guidance Regarding the Search & Processing of Requested Records

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

⁷ American Oversight currently has approximately 15,713 page likes on Facebook and 105,600 followers on Twitter. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Feb. 4, 2021); American Oversight (@weareoversight), Twitter, <https://twitter.com/weareoversight> (last visited Feb. 4, 2021).

⁸ *See generally News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; *see also, e.g., State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

- Please search all locations and systems likely to have responsive records, regardless of format, medium, or physical characteristics.
- In conducting your search, please understand the terms “record,” “document,” and “information” in their broadest sense, to include any written, typed, recorded, graphic, printed, or audio material of any kind. We seek records of any kind, including electronic records, audiotapes, videotapes, and photographs, as well as letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions.
- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.⁹ If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

Conclusion

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

⁹ O.S. tit. 51, § 24A.5(2).

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Christine Monahan at records@americanoversight.org or (202) 869-5244.

Sincerely,

/s/Christine Monahan
Christine Monahan
on behalf of
American Oversight