



Laura Belin <laurarbelin@bleedingheartland.com>

public records request

Ben Smith <ben.smith@saccountyiowa.gov>
To: Laura Belin <laurarbelin@bleedingheartland.com>

Thu, Aug 17, 2023 at 12:04 PM

Laura,

First, to avoid confusion, you are requesting records that are confidential under Iowa law.

I believe many considerations outweigh the public's interest in knowing. Foremost is ensuring the defendant has a fair trial. As in all criminal prosecutions, real concerns exist that the public disclosure of evidence will prejudice a defendant's right to a fair trial. As a prosecutor, I have an ethical obligation under our rules to refrain from taking action that will have a substantial likelihood of heightening public condemnation of the accused. Put simply, an Iowa citizen's Constitutional right to a fair trial outweighs the disclosure of confidential information.

If you disagree, you are encouraged to seek all avenues of appeal, including the IPIB appeals process.

The IPIB URL is as follows: <https://ipib.iowa.gov/provided>

Good luck with your article.

Ben Smith

Sac County Attorney

(712) 662-4791

ben.smith@saccountyiowa.gov

From: Laura Belin <laurarbelin@bleedingheartland.com>

Date: Thursday, August 17, 2023 at 11:17 AM
To: Ben Smith <ben.smith@saccountyiowa.gov>
Subject: Re: FW: public records request

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Dear Mr. Smith,

I am working on an article about the county's refusal to disclose these records. Can you explain what "limitations and constraints," in your mind, justify not using the balancing test the Iowa Supreme Court has laid out for such decisions?

Are you saying these records should not be subject to a balancing test? Or are you saying after considering the balancing test, you feel the factors weigh against disclosure? If the latter, what are the considerations that outweigh the public's interest in knowing what precipitated the arrest of someone who represents more than 60,000 Iowans in the state Senate?

Thank you in advance for clarifying.

Yours,

Laura

On Thu, Aug 17, 2023 at 10:22 AM Ben Smith <ben.smith@saccountyiowa.gov> wrote:

Laura,

I sincerely appreciate the time and effort you have put into your renewed Ch. 22 request. Your argument for accessing the requested information is well thought out and demonstrates your dedication to journalism. You gave me much to think about. After careful consideration, however, my position remains the same.

While I recognize the importance of transparency and the role of the media in informing the public, there are certain limitations and constraints to which I must adhere. Please know this decision was not made lightly, and I truly value the work that you do in keeping the public

informed. If there are alternative ways in which we can assist you or if you have any further questions, please do not hesitate to contact me. I remain open to engaging in constructive dialogue and finding common ground where possible.

Thank you once again for your understanding and passionate journalist endeavors.

Ben

Ben Smith

Sac County Attorney

(712) 662-4791

ben.smith@sacountyiowa.gov

From: Laura Belin <laurabelin@bleedingheartland.com>
Date: Wednesday, August 16, 2023 at 4:48 PM
To: Ben Smith <ben.smith@sacountyiowa.gov>
Cc: Sac County Attorney Office <saccoaty@sacountyiowa.gov>, Ken McClure <kmclure@sacountyiowa.gov>
Subject: Re: FW: public records request

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Hello again Mr. Smith,

I'm circling back on this matter and hope to receive the materials I have requested soon.

Yours,

Laura