



Laura Belin &lt;laurarbelin@bleedingheartland.com&gt;

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**public records request**

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

Mon, Aug 21, 2023 at 9:22 AM

Laura,

I too appreciate the dialogue.

Agreed. You are entitled to the immediate facts. If you don't have it already, I will get you a copy of the criminal complaint, which contains those immediate items you referenced in your email.

I advise all county officials on responses to public records requests, the Sheriff included. I am speaking for him on this matter.

Ben

Ben Smith

Sac County Attorney

(712) 662-4791

[ben.smith@saccountyiowa.gov](mailto:ben.smith@saccountyiowa.gov)

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**From:** Laura Belin <laurarbelin@bleedingheartland.com>  
**Date:** Monday, August 21, 2023 at 8:02 AM  
**To:** Ben Smith <ben.smith@saccountyiowa.gov>, Ken McClure <kmcclure@saccountyiowa.gov>  
**Subject:** Re: FW: public records request

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Mr. Smith,

I appreciate this dialogue and have considered the points you raised.

Just to clarify, I submitted my public records request to the Sac County Sheriff's Office. I understand that the Sac County Attorney's Office would hesitate to produce records of a pending case, because of your ethical obligations to ensure a fair trial. But I do not believe your obligations as the Sac County attorney come into play in my request for records in the possession of the Sac County sheriff.

Going back to the text of Iowa Code Chapter 22.7(5), relating to peace officer investigative reports, it contains this language:

However, the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident shall not be kept confidential under [this section](#), except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.

This part of section 22.7(5) makes clear that a sheriff cannot withhold the portion of a record that includes the "immediate facts and circumstances of a crime or incident," unless it would "seriously jeopardize" an investigation or threaten someone's safety.

If there is body camera footage of the encounter with Senator Dickey that gave rise to the charge of interference with official acts, that video would plainly show "immediate facts and circumstances surrounding a crime." Accordingly, I ask Sheriff McClure to produce, at a minimum, any video of the encounter with Senator Dickey that includes the "immediate facts and circumstances" of the crime he has been charged with.

Thank you for your consideration.

Yours,

Laura

On Thu, Aug 17, 2023 at 12:29 PM Ben Smith <[ben.smith@saccountyiowa.gov](mailto:ben.smith@saccountyiowa.gov)> wrote:

You are welcome.

I believe it is necessary and appropriate to reconsider if/when the facts and circumstances underlying my opinion/decision change. I can't guarantee the records will be disclosed after a final disposition in the criminal case is entered, but the same would certainly merit reconsideration.

Ben Smith

Sac County Attorney

(712) 662-4791

[ben.smith@saccountyiowa.gov](mailto:ben.smith@saccountyiowa.gov)

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**From:** Laura Belin <[laurabelin@bleedingheartland.com](mailto:laurabelin@bleedingheartland.com)>

**Date:** Thursday, August 17, 2023 at 12:13 PM

**To:** Ben Smith <[ben.smith@saccountyiowa.gov](mailto:ben.smith@saccountyiowa.gov)>

**Subject:** Re: FW: public records request

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Thank you for clarifying.

Does that mean you will consider releasing the records after the trial?

On Thu, Aug 17, 2023 at 12:04 PM Ben Smith <[ben.smith@saccountyiowa.gov](mailto:ben.smith@saccountyiowa.gov)> wrote:

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@sacountyiowa.gov](mailto:ben.smith@sacountyiowa.gov)

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**From:** Laura Belin <[laurarbelin@bleedingheartland.com](mailto:laurarbelin@bleedingheartland.com)>

**Date:** Thursday, August 17, 2023 at 11:17 AM

**To:** Ben Smith <[ben.smith@sacountyiowa.gov](mailto:ben.smith@sacountyiowa.gov)>

**Subject:** Re: FW: public records request

**CAUTION:** WARNING! This email originated from outside of Sac County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Smith,

I am working on an article about the county's refusal to disclose these records. Can you explain