

 NASHVILLE SHERIFF <small>DAVIDSON COUNTY SHERIFF'S OFFICE</small> <small>Daron Hall, Sheriff</small>	<u>Chapter</u> Administration and Management	<u>Page</u> 1 of 3
	<u>Title</u> Public Records	<u>Effective Date</u> 8/30/16
<u>Index Number</u> 1-1.504	<u>Related Standards</u> 2-CO-1A-16, 24, 1E-06, 07, 08, 1F-06;	<u>Approved By</u> 
<u>Supersedes</u> Policy 1-1.504	<u>Title</u> Public Records	<u>Prior Effective Date</u> 6/16/14

PURPOSE

To summarize rules and rights related to inspecting public records maintained by the Davidson County Sheriff's Office (DCSO), and to establish fees for copies of such records.

POLICY

The DCSO grants Tennessee citizens access to public records as required by state and federal law, and assesses charges for copies of such records as provided by the "Schedule of Reasonable Charges for Copies of Public Records" established by the state's Office of Open Records Counsel.

CO-1A-16, 24, 1F-06

DEFINITIONS

Confidential Public Record - Public records unavailable to citizens because they are designated as confidential by statute, and/or include information, matters, or records considered privileged.

Public Records - All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with transacting official business by any governmental agency.

PROCEDURAL GUIDELINES

Requests to review records the DCSO originates, creates, or maintains are assessed in light of state statutes, federal statutes and regulations, and case law in effect at the time of the request.

Records that originate from another agency such as judgment orders, arrest warrants, and mugshots must be requested from that agency.

Public Inspection of DCSO Records

Public records maintained by the DCSO are open for personal inspection by Tennessee citizens, Monday through Friday between 0730 hours and 1530 hours, excepting holidays, and there is no charge for viewing. CO-1E-06; CO-1F-06

Most records are available for inspection at the DCSO Records Division. Inmate access to public records is generally governed by the rules and rights that apply to members of the public. Personnel records are available for inspection at the DCSO Human Resources Office. See DCSO Policy # 1-1.355, "Personnel Files," for information about access to personnel records. CO-1E-08

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Records are reviewed in a non-secure area under the supervision of records or human resources personnel. If the reviewer attempts to remove or destroy an item or document, the staff member promptly ends the review and documents the incident in the Sensitive Access Incident Report module of the DCSO intranet application, the Dashboard. Investigative personnel are notified to determine whether criminal charges should be sought.

If a public record is unavailable for immediate inspection, the records director/designee:

- makes it available to the requestor within seven working days;
- denies the request in writing; or,
- notifies the requestor of when the record or information will be available.

Employees forward public record requests to the records director or administrative counsel to prevent unauthorized or improper disclosure.

Records maintained by the DCSO not specified by law as confidential, including inmate institutional records, most policies and procedures, most emails, most information from the Jail Management System, and incident reports, are available to the public.

Confidential Records

State and federal laws require that many records be treated as confidential or partially confidential. Confidential records are released only by subpoena or court order. See DCSO Policy # 1-1.355, "Personnel Files," for information about confidentiality of personnel records. **CO-1E-06**

Categories of confidential records maintained by DCSO include:

- information and records directly related to the security of a government building, except that surveillance video is released to law enforcement agencies investigating criminal activity or a matter of public safety;
- DCSO policies related to gang intelligence, inmate riots, escapes, and emergency transports;
- medical and substance abuse treatment records;
- orders of protection; and,
- records related to gang intelligence.

Copies of Records

Requests for copies of personnel files are submitted to the human resources division. Records requests by the media are referred to the director of communications. Other requests for copies of records are submitted to the records director/designee, or in some cases, administrative counsel. The DCSO does not provide copies of materials controlled by copyright. **CO-1E-06, 07, 1F-06**

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Requests must be in writing and may be sent via email, standard mail, or hand-delivered. If copies cannot be provided immediately, the DCSO official handling the request notifies the requestor in writing of a date, within seven working days, that the copies records will be ready.

Copy Fee

Except as specified below, copies cost \$0.15 per page. Copies of audiotapes are \$5.00, and electronic storage media, such as compact discs or videotapes, are \$10.00. When a record is copied onto electronic media for delivery, the fee is based on the charge for the original media. Fees for collections of scanned paper records are charged at the per-page cost. **CO-1E-06**

If the DCSO uses an outside resource to duplicate a record, the copy fee includes DCSO's cost for doing so.

Copy fees are waived for governmental agencies and for any request where the fee would total less than \$5.00.

Payment for Copies

Payment may be made by check, money order, or cash, upon delivery. In certain circumstances, depending on the volume of records, partial or full advanced payment may be required. Checks and money orders are made payable to the Metropolitan Government or the Davidson County Sheriff's Office. Identification is required for personal checks. Mailing costs may be assessed if the duplicated records are mailed to the requestor.

Research Requests and Fees

The DCSO provides copies of records readily available from existing recordkeeping sources and search tools. Labor/staff time may be charged to a requestor for all time in excess of one (1) hour for work that has been done by the custodian producing the requested material. Requests seeking records requiring creation of a query not used in the regular course of business are submitted to the Metropolitan Department of Law to determine if the request should be fulfilled under state or federal law. If so, the Department of Law determines what the cost should be.

Inmate Requests

When an inmate requests copies of records, the case manager completes a charge receipt, and the inmate signs it before the requested copies are made. The case manager sends the charge receipt to the finance division so copy fees can be deducted from the inmate's account.

If an inmate requests copies of records directly related to a court case in which the inmate represents himself against the Metropolitan Government and lacks funds to pay copying fees, he may request a temporary exemption through his case manager. The fee is deducted if/when funds are available. If an inmate is released still owing the fee, the amount is deducted from funds available if he returns to DCSO custody in the future.

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