

**Resolution 2011-11**  
**ASHLAND CITY POLICE DEPARTMENT**  
**GENERAL ORDER**

<b>Subject:</b> <b>PUBLIC ACCESS TO POLICE RECORDS</b>	<b>Procedure:</b> General Order #003	<b>Total Pages:</b> 4
<b>Authorizing Signature:</b>  _____ Marc Coulon, Chief of Police	<b>Effective:</b> November 9, 2011 <input checked="" type="checkbox"/> <b>New</b> <input type="checkbox"/> <b>Amended</b> <input type="checkbox"/> <b>Rescinds</b>	

**I. POLICY**

The Ashland City Police Department's Central Records Section is responsible for the maintenance and security of certain departmental records. This General Order establishes privacy and security precautions for the Central Records function. The Department shall comply with state code in regards to public access to police records.

**II. GENERAL**

Tennessee Code Annotated 10-7-503 states "All state, county, and municipal records...shall at all times, during business hours, be open for personal inspection by any citizen of Tennessee, and those in charge of such records shall not refuse such right to inspection to any citizen, unless otherwise provided by state statutes..."

Police investigative files that are closed are included in this statute, as a result of the 1986 decision in Memphis Publishing Company v. John D. Holt.

**III. DEFINITIONS**

**A. Police Record**

Any reports or accounts put down in writing or other permanent form (e.g., photograph) as a means of preserving information or knowledge.

**B. "Open File"**

Any file where a criminal prosecution is pending or can be reasonably anticipated. Likewise, even where there has been a conviction, the file is deemed open until all possible appeal processes have been exhausted or are barred.

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## C. Closed File

Any file where the investigation is closed, a conviction and the appeal process is completed, or the case has been dismissed and no further action is pending or contemplated.

IV. CONFIDENTIAL POLICE RECORDS

## A. The following police records are to be maintained as "confidential" for use by law enforcement officers/agencies for law enforcement purposes only:

1. Any police records that are relevant to any pending or contemplated criminal action. (Appman v. Worthington, Tenn. Sup. Ct. 1987);
2. Arrest histories, investigative reports and intelligence information relating to an arrest that has been expunged pursuant to T.C.A. 40-32-101;
3. Child sex abuse reports, T.C.A. 37-1-612;
4. Mandatory child abuse reports, T.C.A. 37-1-409;
5. Records obtained during official polygraph examinations, T.C.A. 62-27-124 (c); and
6. Any information received from a government provider whose rules and regulations prohibit the public dissemination of such information. (Criminal history information not accrued by this department.)

V. PROCEDURE

## A. Closed Investigative Files

1. Persons requesting to inspect any closed investigative files will be referred to the Chief of Police, or his designee. A thorough review of its contents will be made. If the record contains sensitive information that falls within one of the below listed guidelines, the District Attorney Representative and/or the Town of Ashland City Attorney will be contacted and a joint decision will be made as to whether any of the contents should be withheld. Sensitive information which should be reviewed and possibly withheld before the record is released includes, but is not limited to the following:
  - a. Investigatory records compiled for law enforcement purposes, but only to the extent that the production of such records would:

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- 1) Disclose the identity of a confidential source;
  - 2) Disclose investigative techniques and procedures; or
  - 3) Endanger the life or physical safety of law enforcement personnel.
2. In all situations where a portion of a record to be released for inspection contains sensitive information, as described in the preceding section, this material will be removed and placed in an auxiliary file. This auxiliary file will be kept and maintained with the original file but will not be released for public inspection. In all situations where a portion of the record is removed and placed in an auxiliary file, an appropriate notation will be made in the original file. Where possible, a copy of the removed material will be placed in the original file with only that portion of the page containing the sensitive material, appropriately excised. This should be accomplished by cutting and physically removing that portion of the page or by marking through that portion of the page with an opaque marker and then placing a copy of the marked page in the original file.

## B. Open Investigative Files

Open Investigative Files are deemed "**confidential**" (see section IV, A-1) and are not open to public inspection.

## C. Inspection of Police Records

1. Persons requesting to inspect any police record shall be required to do so, in person, at the Ashland City Police Department, during the business hours of the Central Records Section, which are Monday through Friday, 8:00 A.M. to 4:30 P.M.
2. All records which are being inspected by any citizen shall not leave the custody and control of a representative of the Central Records Section. All such inspection of records shall be done under the immediate supervision of a representative of the Central Records Section.
3. All persons inspecting records shall have the right to take extracts (in their own handwriting on paper supplied by the person inspecting), or make copies thereof, and to make photographs or Photostats of the records while such records are in the custody and control of the Ashland City Police Department. (T.C.A. 10-7-506). No such record shall leave the immediate control of a representative of the Central Records Section, nor shall such records leave the designated areas in

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which records are to be inspected. The fee for Photostats of records shall be \$0.15 per copy.

4. Persons requesting to inspect police records will be required to complete a request form (Request to Inspect Public Records). This form will be used to identify the person as a citizen of Tennessee, and having a right to inspect public records of the Ashland City Police Department. The form will also provide a record that a request to inspect public records was made, by whom the request was made, to whom the request was made, and whether the request was approved or denied.
5. Records personnel will attach a copy of the request form to any police file where a request to inspect is made. The original request form will be filed and maintained in the Central Records Section.

D. Criminal History Records

Only criminal history accrued by the Ashland City Police Department is authorized to be viewed, copied or given to the public. No NCIC records are to be viewed, copied or given to the public.

NOW, THEREFORE, BE IT RESOLVED, that this ordinance shall take effect from and after its passage the public welfare requiring it.

Adopted this 8<sup>th</sup> day of November, 2011

  
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Gary Norwood, Mayor

  
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Phyllis Schaeffer, City Recorder

