



Blount County Sheriff's Office

General Order — 6.05.08



Written Directive Subject: <i>Public Records</i>	Type/Action: ☐ New ☒ Amends ☐ Rescinds
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Subject Index: Records	Distribution: <i>All Personnel</i>
By order of: Sheriff James L. Berrong	

6.05.08 Public Records

- A. This section shall constitute the Public Records Policy of the Blount County Sheriff's Office pursuant to *TCA §10-7-503(g)* to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (TPRA) in *TCA §10-7-501, et seq.* This policy is available for inspection and duplication in the Records Office.
- B. The TPRA provides that all county records shall, at all times during regular office hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. See *TCA §10-7-503(a)(2)(A)*. Accordingly, the public records of BCSO are presumed to be open for inspection unless otherwise provided by law.
- C. Authorized BCSO personnel shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of public records. No provisions of this policy shall be used to hinder access to open public records. However, the integrity and organization of public records, as well as the efficient and safe operation of BCSO, shall be protected as provided by current law. Concerns about this policy should be addressed to the BCSO Public Records Request Coordinator (PRRC) or to the Tennessee Office of Open Records Counsel (OORC).
- D. Definitions:
1. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See *TCA §10-7-503(a)(1)(C)*. The records custodian is not necessarily the original preparer or receiver of the record.
 2. 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 the transaction of official business by any governmental agency. See *TCA §10-7-503(a)(1)(A)*.
3. Public Records Request Coordinator: The individual, or individuals, designated in Section F.1.c of this policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. See *TCA §10-7-503(a)(1)(B)*.
 4. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

E. Requesting Access to Public Records

1. Public record requests shall be made to the PRRC or his/her designee in order to ensure public record requests are routed to the appropriate records custodian and fulfilled in a timely manner.
2. Requests for inspection only cannot be required to be made in writing. The PRRC may request a mailing [or email] address from the requestor for providing any written communication required under the TPRA.
3. Requests for inspection may be made orally, in person, or in writing using the Public Records Request Form (located at the end of this policy), at the Blount County Sheriff's Office Records Office, 940 East Lamar Alexander Parkway, Maryville, TN 37804, via fax at 865-273-5019, via email at openrecords@bcso.com, or by phone at 865-273-5000.
4. Requests for copies, or requests for inspection and copies, shall be made in writing using the Public Records Request Form (located at the end of this policy), at Blount County Sheriff's Office Records Division, 940 East Lamar Alexander Parkway, Maryville, TN 37804.
5. Proof of Tennessee citizenship by presentation of a valid Tennessee driver's license (or alternative acceptable form of ID) is required as a condition to inspect or receive copies of public records, unless a non-resident requestor is a named party in the public record being requested.
6. Listings of current inmates and outstanding warrants may be accessed by the public at any time via the Internet at www.bcs0.com.

F. Responding to Public Records Requests

1. Public Record Request Coordinator
 - a. The PRRC shall review public record requests and make an initial determination of the following:
 - i. If the requestor provided evidence of Tennessee citizenship (*if required*);
 - ii. If the records requested are described with sufficient specificity to identify them; and
 - iii. If BCSO is the custodian of the records.
 - b. The PRRC shall acknowledge receipt of the request and take any of the following appropriate action(s):

i. Advise the requestor of this Policy and the elections made regarding:

1. Proof of Tennessee citizenship;
2. Form(s) required for copies;
3. Fees (and labor threshold and waivers, if applicable); and
4. Aggregation of multiple or frequent requests.

ii. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:

1. The requestor is not, or has not presented evidence of being, a Tennessee citizen (*if proof of citizenship is required*).
2. The request lacks specificity (offer to assist in clarification).
3. An exemption makes the record not subject to disclosure under the TPRA. (Provide the exemption in written denial)
4. BCSO is not the custodian of the requested records.
5. The records do not exist.

iii. If appropriate, contact the requestor to see if the request can be narrowed.

iv. Forward the records request to the appropriate records custodian in [Name of the Governmental Entity].

v. If requested records are in the custody of a different governmental entity, and the PRRC knows the correct governmental entity, advise the requestor of the correct governmental entity and PRRC for that entity if known.

c. The designated PRRC is the BCSO Chief Deputy, 940 East Lamar Alexander Parkway, Maryville, TN 37804; phone 865-273-5000; fax 865-273-5019; email openrecords@bcso.com.

d. The PRRC shall report to the Sheriff on an annual basis about BCSO's compliance with the TPRA pursuant to this Policy and shall make recommendations, if any, for improvement or changes to this Policy.

2. Records Custodian

- a. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with *TCA §10-7-503*. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC or the OORC.
- b. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then a records custodian shall, within seven (7) business days from the records custodian's receipt of the request, send the requestor a completed Public Records Request Response Form, a sample

of which is attached at the end of this policy, and which is based on the form developed by the OORC.

- c. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section F.1.b.ii using the Public Records Request Response Form.
- d. If a records custodian reasonably determines production of records should be segmented because the records request is for a large volume of records, or additional time is necessary to prepare the records for access, the records custodian shall use the Public Records Request Response Form to notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the records custodian should contact the requestor to see if the request can be narrowed.
- e. If a records custodian discovers records responsive to a records request were omitted, the records custodian should contact the requestor concerning the omission and produce the records as quickly as practical.

3. Redaction

- a. If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. If questions arise concerning redaction, the records custodian should coordinate with counsel or other appropriate parties regarding review and redaction of records. The records custodian and the PRRC may also consult with the OORC.
- b. Whenever a redacted record is provided, a records custodian should provide the requestor with the basis for redaction. The basis given for redaction shall be general in nature and not disclose confidential information.

4. Release of Juvenile Records

As stipulated in *TCA §37-1-154*, juvenile records may be open to public inspection only under the following conditions:

- a. A charge of delinquency is transferred for criminal prosecution under *TCA §37-1-134*.
- b. The interest of national security requires it.
- c. A court order requiring juvenile records opened for inspection.

5. Release of Law Enforcement Personnel Records

- a. Public inspection of law enforcement personnel records shall be governed by *TCA §10-7-504(g)*.
- b. Whenever personnel records of a law enforcement officer are inspected as above, the officer shall be notified in accordance with *TCA §10-7-503(c)(1)*.

6. Restrictions on the Release of Certain Other Records

- a. The identity of a person who reports domestic abuse, neglect or exploitation and the information so reported shall not be disclosed.

- b. All records concerning reports of child sexual abuse shall not be disclosed per *TCA §37-1-612(a)*.
- c. All records used in or relating to teen court proceedings shall not be disclosed per *TCA §37-1-705(d)*.
- d. All reports and the identity of persons filing reports concerning statutory rape shall not be disclosed per *TCA §38-1-304*.
- e. Medical records of deceased persons, law enforcement investigative reports, and photographs, video and other images of deceased persons shall not be public records per *TCA §38-7-110(c)*.
- f. The identity of any person who provides evidence or other information that results in an eviction or other termination of residency, where the premises or the area immediately surrounding the premises are knowingly used in violation of criminal statutes prohibiting drug use and prostitution, shall not be disclosed per *TCA §66-7-107*.
- g. Investigative files for pending or contemplated criminal action are not subject to public release per Rule 16 of the Tennessee Rules of Criminal Procedure (*The Tennessean et al. v. Metropolitan Government of Nashville and Davidson County et al.*, M2014-00524-SC-R11-CV (Tenn. 2016)).
- h. All riot, escape, and emergency transport plans incorporated in policy and procedure manuals for the county jails, shall not be disclosed per *TCA §10-7-504(a)(14)*.
- i. All contingency plans of law enforcement agencies prepared to respond to or prevent any violent incident, bomb threat, ongoing act of violence at a school or business, ongoing act of violence at a place of public gathering, threat involving a weapon of mass destruction, or terrorist incident, shall not be open to inspection per *TCA §10-7-503(e)* and *TCA §10-7-504(a)(21)(A)(ii)*.

7. Inspection of Records

- a. There shall be no charge for inspection of open public records.
- b. The location for inspection of records within the BCSO offices should be determined by either the PRRC or the records custodian.
- c. Under reasonable circumstances, the PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location.

8. Copies of Records

- a. A records custodian shall promptly respond to a public record request for copies in the most economic and efficient manner practicable.
- b. Copies will be available for pickup at the Records Office.
- c. On large request for documents, upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- d. Requestors will not be allowed to make copies of records with personal equipment. To ensure the integrity of the BCSO computer systems, the use of requestor-supplied digital media of all types (*i.e.* DVDs, thumb drives, external hard drives, etc.), and, the direct connection of a requestor's computer device via any means to BCSO equipment, are strictly prohibited.

9. Fees and Charges and Procedures for Billing and Payment

- a. The Deputy Chief of Administration will establish a schedule of fees for the release of copies of records. All fees collected will be by the Business Office and deposited daily.
- b. No charges will be assessed for copies and duplicates unless such costs exceed \$2.00. Fees and charges for copies of public records will not be used to hinder access to public records.
- c. Records custodians shall provide requestors with an itemized estimate of the charges using the Public Records Request Response Form prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- d. When fees for copies and labor do not exceed \$2.00, the fees may be waived. Requests for waivers for fees above \$10.00 must be presented to the PRRC, who is authorized to determine if such waiver is in the best interest of BCSO and for the public good. Fees associated with aggregated records requests will not be waived.
- e. Fees and charges for copies are as follows (*if higher than the amounts authorized by the OORC Schedule of Reasonable Charges, documentation should be attached*):
 1. \$0.15 per page for letter- and legal-size black and white copies.
 2. \$0.50 per page for letter- and legal-size color copies.
 3. Actual costs of audio disks, digital disks, and other materials.
 4. Labor when time exceeds one hour.
 5. \$50.00 per disk for copies of video from in-car video cameras or body-worn cameras. This fee includes the disk and the cost of labor.
- f. Payment is to be made in cash or by personal check payable to the Blount County Sheriff's Office and presented to the Records Office.

10. Aggregation of Frequent and Multiple Requests

- a. BCSO will aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than four requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).
- b. The level at which records requests will be aggregated is by agency.
- c. The PRRC is responsible for making the determination that a group of individuals are working in concert. The PRRC or the records custodian must inform the individuals that they have been deemed to be working in concert and that they have the right to appeal the decision to the OORC.

G. Forms Required

1. Public Records Request Form
2. Public Records Request Response Form

PUBLIC RECORDS REQUEST FORM

The Tennessee Public Records Act (TPRA) grants Tennessee citizens the right to access open public records that exist at the time of the request. The TPRA does not require records custodians to compile information or create or recreate records that do not exist.

To: Blount County Sheriff's Office, Office Manager

From: Name: _____

Contact Information: _____

Is the requestor a Tennessee citizen? ☐ Yes ☐ No

Request: ☐ Inspection (*TPRA does not permit fees or require a written request for inspection only.*)

☐ Copy/Duplicate

If costs for copies are assessed, the requestor has a right to receive an estimate. Do you wish to waive your right to an estimate and agree to pay copying and duplication costs in an amount not to exceed \$ _____? If so, initial here: _____.

Delivery preference: ☐ On-Site Pick-Up ☐ USPS First-Class Mail
☐ Electronic ☐ Other: _____

Records Requested:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

Signature of Requestor

Date Submitted

Signature of Public Records Request Coordinator

Date Received

PUBLIC RECORD REQUEST RESPONSE FORM
Blount County Sheriff's Office
940 East Lamar Alexander Parkway, Maryville, TN 37804
[Date]

[Requestor's Name and Contact Information]:

In response to your records request received on [Date Request Received], our office is taking the action(s)¹ indicated below:

- ☐ The public record(s) responsive to your request will be made available for inspection:
Location: _____
Date & Time: _____
- ☐ Copies of public record(s) responsive to your request are:
 - ☐ Attached;
 - ☐ Available for pickup at the following location:
_____ ; or
 - ☐ Being delivered via: ☐ USPS First-Class Mail ☐ Electronically
 - ☐ Other: _____.
- ☐ The copying and duplication costs of your public record request and/or the amount of labor required to produce your request requires a payment of: \$ _____.
- ☐ Your request is denied on the following grounds:
 - ☐ Your request was not sufficiently detailed to enable identification of the specific requested record(s). You need to provide additional information to identify the requested record(s).
 - ☐ No such record(s) exists or this office does not maintain record(s) responsive to your request.
 - ☐ No proof of Tennessee citizenship was presented with your request. Your request will be reconsidered upon presentation of an adequate form of identification.
 - ☐ You are not a Tennessee citizen.
 - ☐ You have not paid the estimated copying/production fees.
 - ☐ The following state, federal, or other applicable law prohibits disclosure of the requested records:
_____.
- ☐ It is not practicable for the records you requested to be made promptly available for inspection and/or copying because:
 - ☐ It has not yet been determined that records responsive to your request exist; or
 - ☐ The office is still in the process of retrieving, reviewing, and/or redacting the requested records.

The time reasonably necessary to produce the record(s) or information and/or to make a determination of a proper response to your request is:
_____. If you have any additional questions regarding your record request, please contact the Public Records Request Coordinator.

Sincerely,
6.05.08

[Records Custodian or Public Record Request Coordinator]
[Name, Title, and Contact Information]

¹ If all requested records do not have the same response, so indicate.