


Atlanta Police Department Policy Manual		Standard Operating Procedure
Effective Date December 30, 2020		APD.SOP.1061 Open Records Unit
Applicable To: All employees		Review Due: 2024
Approval Authority: Chief Rodney Bryant		
Signature: Signed by RB		Date Signed: 12/30/2020

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## 1. PURPOSE

To establish procedures for employees to follow when receiving an Open Records request in accordance with the Georgia Open Records Act or a subpoena for documentation.

## 2. POLICY

2.1 The Atlanta Police Department will handle Open Records Act requests in full compliance with the Georgia Open Records Act. The Georgia Open Records Act encourages public access to information in order to foster confidence in government through openness to the public. The Act also permits withholding of limited categories of information where nondisclosure is in the public interest. O.C.G.A 50-18-72

2.2 The Atlanta Police Department will handle subpoenas for documentation in full compliance with Georgia Law by verifying the authenticity of official court orders, ensuring the information requested is released consistent with due process (discovery), and by receiving counsel from the Law Department as necessary and appropriate.

## 3. RESPONSIBILITIES

3.1 The Administrative Operations Commander under the Chief Administrative Officer will monitor the Open Records Unit to ensure the unit is acting in compliance with Federal and Georgia open records laws.

3.2 The Open Records Unit Commander is responsible for compliance with the Georgia Open Records Act and will ensure that command staff is appropriately informed regarding requests that may reflect unfavorably on the Department.



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- 3.3 The Public Affairs Unit will be responsible for preparing and coordinating Departmental responses to all Open Records Requests made by members of the media in accordance with the Georgia Open Records Act and APD.SOP.1060. (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
- 3.4 The Open Records Officer (ORO) is responsible for:
1. Maintaining the Record Production Log,
  2. Coordinating the retrieval of documents,
  3. Establishing the estimated retrieval cost,
  4. Documenting communication with the requestor,
  5. Meeting the response time outlined in the Georgia Open Records Act,
  6. Verifying proper redaction before releasing records,
  7. Keeping the SSP Commander apprised of potential issues, and
  8. Notifying the Public Affairs Director upon receipt of an open record request from the media.
- 3.5 The Central Records Unit commander is responsible for compliance with the Georgia Open Records Act and for processing Open Records requests and subpoenas for documentation in accordance with the Central Records Unit policy and procedure.
- 3.6 The Communications Division Director is responsible for handling subpoenas for records and requests from outside law enforcement agencies and prosecutors in accordance with the Communications Division policy and procedure. Upon receipt of a request from the private sector regarding 911 tapes and/or communications records, the requestor will be directed to submit an Open Records Request through the Open Records Unit.
- 3.7 The Photo Lab is responsible for handling subpoenas for photographs or records and requests from outside law enforcement agencies and prosecutors in accordance with the Photo Lab policy and procedure. Upon receipt of a request from the private sector regarding photographs or records, the requestor will be directed to submit an Open Records Request through the Open Records Unit.
- 3.8 The Identification Unit is responsible for the handling of subpoenas for release of criminal history records from outside law enforcement agencies and prosecutors in accordance with the Identification Unit policy and procedure and the GCIC Rules and Regulations. Upon receipt of a request from the private sector regarding criminal history records, the requestor will be directed to submit an Open Records Request through the Open Records Unit. (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
- 3.9 Division and section commanders are responsible for ensuring that open records request and subpoenas for documentation are handled responsibly and expeditiously.
- 3.9.1 Commanders will identify employees under their command who will be designated as Open Records Liaison (ORL) Officers.



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- 3.9.2 Upon receipt of an Open Records Request or subpoena for documentation, the ORL will immediately forward the Open Records Act Request along with any responsive documents in their custody to the Open Records Unit.
- 3.9.3 In the event the requested documents are exempt from release pursuant to O.C.G.A. 50-18-72 or if the unit receiving the request is not the custodian of the requested records a memorandum stating so should be forwarded to the Open Records Unit.
- 3.10 All employees not assigned to Central Records, the Communications Division, the Photo Lab, or the Identification Unit will immediately forward all Open Records Requests to the Open Records Unit or will direct individuals or agencies who wish to submit an Open Records Request to the Open Records Unit. (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
- 3.11 All employees assigned to Central Records, the Communications Division, the Photo Lab, or the Identification Unit will forward Open Records Requests as directed by their respective unit policy and procedure. (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
- 3.12 All employees who receive an Open Records Request or subpoena for documents must comply with this directive as it pertains to the "Three-Day Rule" as outlined in Georgia Code 50-18-70 to determine if records are subject to access. If the request is verbal in nature and received by any employee other than the Open Records Unit, the receiving officer is directed to comply with section 4.1.3 subsection 2 of this directive.
- 3.13 Open Records Liaison Officers designated by division and section commanders will promptly assist the Open Records Unit in responding to Open Records requests.
  - 3.13.1 The Open Records Liaison Officer (ORL) is responsible for:
    - 1. Retrieving;
    - 2. Redacting (if necessary);
    - 3. Delivering records promptly to the Open Records Unit; and
    - 4. Being in compliance with the "Three-Day Rule" (See Section 5.6 for definition).
  - 3.13.2 If a request cannot be completed in three days, then the ORL will provide the Open Records Unit with an estimated time frame and cost for completion.
  - 3.13.3 An employee identified as an Open Records Liaison Officer must receive training prepared by the Law Department or POST within 30-days of appointment.
- 4. ACTION
  - 4.1 Receiving Request for Information
    - 4.1.1 In many cases, information maintained by the Atlanta Police Department and available under the Georgia Open Records Act can be made available without the requestor having to resort to filing an Open Records Request. On a daily basis, information is routinely requested and made available to the public without reference to the Georgia Open Records Act. Incident reports, accident reports, and crime statistics are made available upon request without filing an "Open Records Request."



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- 4.1.2 In order for the Atlanta Police Department to differentiate between an information request and an Open Records Request, the requestor must indicate either verbally or in writing that the request for information is an "Open Records Request." This notification will allow the Department to manage the request as mandated by the Georgia Open Records Act.
- 4.1.3 Individuals or agencies may submit an Open Records Request regarding any person, incident or issue connected with the Atlanta Police Department verbally or in writing.
1. A written request must be mailed, emailed or faxed to:  
  
Atlanta Police Department  
Open Records Unit  
Atlanta Public Safety Headquarters  
226 Peachtree St. S.W. 2<sup>nd</sup> floor  
Atlanta, GA 30303  
  
Requests may be emailed to [OpenRecords-Police@AtlantaGa.gov](mailto:OpenRecords-Police@AtlantaGa.gov)  
  
Requests may be faxed to (404) 653-7987
  2. A verbal request must be documented by the receiving employee and faxed to the Open Records Unit immediately.
- 4.1.4 Send requests titled as "Third Party Requests" in litigation to the Law Department as soon as possible. They can only be handled by the Law Department. Send the requested records to the Law Department as soon as possible.
- 4.2 Open Records Act Requests and Subpoenas
- 4.2.1 All Open Records Act requests and subpoenas for documentation (i.e. in person and written request by mail, fax, or hand delivered), that are not received by the Central Records Unit, the Communications Division, the Photo Lab, or the Identification Unit will be immediately forwarded (before attempting to fill the request) to the Open Records Unit.
- 4.2.2 The Open Records Unit is responsible for handling all Open Records Act requests and subpoenas for documentation. The Open Records Unit will make every effort to comply with the "Three-Day Rule" as outlined in Georgia Code 50-18-70 and meet deadlines on the subpoenas.
- 4.2.3 Upon receiving an Open Records Act request or subpoena for documentation, the Open Records Unit will:
1. Assign each request an Open Records number and log it into the open records database.
  2. Review the request to determine whether the requested records are lawfully available in accordance with the Georgia Open Records Act.
  3. Determine whether the records exist and are still maintained by the Atlanta Police Department and determine the organizational component that has custody of the records.
  4. Inform the requestor of the status in writing if the request pertains to records that are no longer on file or cannot be located.



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5. Notify the requestor in writing of the records that cannot be made available and the justification for the exemption citing the appropriate Georgia Code Section if the request pertains to records that are exempt.
6. If records are available and not exempt, contact the custodian unit and forward a written notification along with a copy of the Open Record Request or subpoena to determine:
  - a. Accessibility;
  - b. Volume or quantity of records; and
  - c. Estimated time of retrieval and the projected cost to collect, copy, and deliver the requested documents to the Open Records Unit.

NOTE: In accordance with O.C.G.A subsection 50-18-71(d), we do not have to notify requesters of charges less than \$25 in our initial response. If the estimated cost exceeds \$500, we can insist on payment before beginning the search and retrieval of records. If a requester has not paid the charges for a prior request, we can then insist on prepayment for all subsequent requests until the original charges are paid or the issue is otherwise resolved. If the total projected estimated cost of retrieval time, administrative processing and copying exceeds \$500.00, notify the requestor that they will be required to submit payment for half the projected cost to the Open Records Officer who will forward the payment to Central Records Special Request Clerk before the Department will honor the request.

7. Notify the requestor of the estimated cost and time when the records will be available for review or pickup in accordance with the Georgia Open Records Act. If the records are not available within three days, provide a written notification of which records will be delayed, the reason for the delay, and the projected timetable for release.
8. The Open Records officer will obtain a cost estimate from the custodial unit for the requested records. If the cost is over \$10, an invoice with the estimated cost will be forwarded to the requestor for approval before the Department incurs any costs.
9. Receive the records from the APD organizational component(s) having custody of the requested records.
10. Complete the itemized cost sheet indicating the total cost of retrieval, processing and copying the records requested.
11. Arrange the time and location for the requestor to view or receive documents.
  - a. When the requestor reviews documents to determine which records he or she will retain, payment will be made to Central Records after the viewing.
  - b. Otherwise, the records will be forwarded to the Central Records Special Request Clerk, along with the itemized cost sheet for collection of payment prior to release of the records.
  - c. Payment will be made to the Atlanta Police Department at the Central Records customer service window.



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- d. In the case of a Subpoena for documentation, the court may make arrangements for payment through the Open Records Unit.

12. Log the request completed in the Open Records Database and file the request chronologically by the Open Records Number in the file cabinets designated for Open Records Act Requests.

NOTE: In the case of a request that requires mailing, the requestor will coordinate the shipment with the Open Records Officer. If the requestor has a Federal Express Account, the Open Records Officer can forward the records using the requestor's account.

#### 4.3 Open Records Act Exemptions

- 4.3.1 Some information may be withheld from public disclosure by removal from the record (redaction). The rest of the record must be made available. Exemptions for law enforcement agencies include:

1. Records pertaining to open investigations or prosecutions. (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
2. Records that would reveal the identity of:
  - a. a confidential source,
  - b. the existence of confidential surveillance or investigation, or
  - c. material that would endanger the life or physical safety of someone.
3. Records identifying certain categories of victims.
4. Criminal history information on individuals; refer requester to Identification Unit (ID). (CALEA 6<sup>th</sup> ed. Standard 82.1.1c)
5. If in doubt, contact the City Attorney through the Open Records Unit immediately.
6. Selected Personal Data

- 4.3.2 Can redact for any person /citizen records that reveal an individual's:

1. Social Security number,
2. Mother's birth name,
3. Credit card information,
4. Debit card information,
5. Bank account information,
6. Account number,
7. Utility account number,



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8. Password used to access his or her account,
9. Financial data or information,
10. Insurance or medical information in all records,
11. Unlisted telephone number if so designated in a public record,
12. Personal e-mail address or cellular telephone number,
13. Day and month of birth, and
14. Information regarding public utility,
15. Television (Cable, Satellite, or Streaming Service),
16. Internet, or
17. Telephone accounts held by private customers, provided non-itemized bills showing amounts owed and amounts paid shall be available.

NOTE: Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that the news media organization exception in this subparagraph shall not apply to paragraph (21) of O.C.G.A. 50-18-72(a).

4.3.4 Can redact for all public employees records concerning public employees that reveal the public employee's:

1. Home address,
2. Home telephone number,
3. Day and month of birth,
4. Social security number,
5. Insurance or medical information,
6. Mother's birth name,
7. Credit card information,
8. Debit card information,
9. Bank account information,



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10. Account number,
11. Utility account number,
12. Password used to access his or her account,
13. Financial data or information other than compensation by a government agency,
14. Unlisted telephone number if so designated in a public record, and
15. The identity of the public employee's immediate family members or dependents.

NOTE: This paragraph shall not apply to public records that do not specifically identify public employees or their jobs, titles, or offices [O.C.G.A 50-18-72 (a) (20), (21)].

#### 4.4 Redaction of Body Worn Camera (BWC) Footage

4.4.1 All BWC footage will be redacted of all information that is exempt from release in accordance with the Open Records Act as outlined in Section 4.3 of this policy.

4.4.2 The following content will be exempt from release unless approved for release by the Chief of Police, or their designee:

1. The interior of a private residence;
2. Death or serious injury;
3. Persons receiving medical care, such as but not limited to, the inside of an ambulance or hospital; and
4. Displays of nudity.

4.4.3 The redaction of any BWC footage by any employee that has not received authorization by the Open Records Unit Commander is strictly prohibited and will be subject to disciplinary measures.

#### 4.5 Actions by the Open Records Liaison (ORL)

1. Upon notification by the Open Records Unit of an official Open Records request, the ORL of the unit with custody of the requested records will immediately determine the location, accessibility, and volume of records associated with the request. The Open Records Unit will handle all redactions.
2. Within three (3) business days of notification, the ORL will provide a written itemized cost sheet indicating the estimated cost of retrieval to the Open Records Unit. The estimated cost will be determined by the amount of time required to gather and copy the records, and the total number of pages.
3. If the estimated cost is under \$500, the ORL will forward copies of the requested records as soon as possible to the Open Records Unit. If the records cannot be delivered to the Open Records Unit within 48 hours or two business days, the ORL will provide a memorandum signed by a supervisor indicating the reason for the delay and the projected time when the





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records will be delivered. If the estimated cost is over \$500, do not make copies until notified by the Open Records Unit.

4. Upon final delivery of the requested records to the Open Records Unit, the ORL will submit a final written itemized cost sheet indicating the total time spent compiling the records, the total number of pages in the documents provided and the rate charged per hour.

#### 4.6 Payment and Fees

The Atlanta Police Department will charge a fee for providing records associated with an Official Open Records Request and Subpoenas for documentation. Determination of the fee will be made in accordance with the guidelines established in Georgia Code 50-18-71. The Open Records Unit will prepare the final invoice.

1. The invoice will not charge for the first 15 minutes to prepare the records. The hourly rate charged for administrative/clerical tasks may not exceed the salary of the lowest paid, full-time employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request. The charges for copies of records shall be \$.10 per page for copying. Additional cost may apply for audiotapes, videotapes, photographs, computer discs, CDs, or DVDs.
2. All payments will be made to the Atlanta Police Department through the Central Records Unit.

#### 4.7 Limitations for Open Record Requests

1. If the requested document does not exist, the employee does not have to create it.
2. The Department does not have to review and summarize records to create a document responsive to a request.
3. The Act only requires that the records be made available for inspection and copying.

#### 5. DEFINITIONS

- 5.1 Open Record Request: A request for information where the requestor indicates verbally by phone, in person or in writing by mail, fax, or hand delivered that their request is an "Open Records Request." Notification allows the Department to manage the request as mandated by the Georgia Open Records Act.
- 5.2 Open Records Liaisons: Any employee designated as custodian of records or information for a unit.
- 5.3 Public Employee: the term "public employee" means any officer, employee, or former employee of:
  - (a) The State of Georgia or its agencies, departments, or commissions;
  - (b) Any county or municipality or its agencies, departments, or commissions;
  - (c) Other political subdivisions of this state;



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- (d) Teachers in public and charter schools and nonpublic schools; or
- (e) Early care and education programs administered through the Department of Early Care and Learning.

5.4 **Public Record:** All documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, or similar material prepared and maintained or received in the course of the operation of a public office or agency. A 'Public Record' shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure.

5.5 **Redact:** To remove, censor or obscure (part of a text) for legal or security purposes.

5.6 **Three-Day Rule:** In accordance with Georgia Code 50-18-70, records must be made available for inspection and copying within three business days. If unable to comply, give estimated time of availability and the reason for the delay, still within the three-day period.

## 6. CANCELATIONS

APD.SOP.1061 "Open Records Act Requests and Subpoenas for Documentation", effective August 15, 2015

## 7. REFERENCES

Georgia Code Section 50-18-70 through 50-18-77

Commission on Accreditation for Law Enforcement Agencies, Inc. 6th ed., Standard 82.1.1

## 8. SIGNIFICANT CHANGES

Extensive revisions were completed to the entire policy.