



CHATHAM COUNTY POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES

SOP # ADM-003:
PUBLIC RECORDS

EFFECTIVE: 09/27/21

PURPOSE

To establish a system wherein all documents, papers, letters, maps, books, tapes, photographs, computer-based or generated information, or similar material, prepared or received and maintained in the course of the operation of the Chatham County Police Department (CCPD), may be released in accordance with O.C.G.A. § 50-18-70 thru 50-18-77.

POLICY

The CCPD will comply with all state statutes requiring cities and other governmental agencies to provide public access to documents. The public will be granted the right to personal inspection of all public records not explicitly exempted from disclosure under this law. The CCPD has the responsibility to serve as custodian of the records and must protect them from permanent removal or alteration by an individual member of the public. Employees of CCPD will comply with Open Records requests within three business working days as required by Georgia law.

PROCEDURE

I. POLICE REPORTS

- A. Before releasing police incident reports, arrest reports, or open case files involving juveniles, the Chatham County Attorney's Office must approve the release of the report.
- B. The confidentiality of reports of child abuse records and the restricted access to the records is found in O.C.G.A. § 49-5-40 (b) which provides that every record concerning reports of child abuse and child controlled substance or marijuana abuse which is in the custody of the department or other state or local agency is declared to be confidential, and access thereto is prohibited except as provided in O.C.G.A. § 49-5-41 and 49-5-41.1.
- C. Any person or entity whose name or other identifying information is contained in an Incident Report may receive a copy of the report. The person or entity is entitled to a copy of the report without showing need in writing or otherwise.
- D. A fee of 10 cents per page shall be charged for copying.
- E. Police Officers who need reports shall retrieve them through the Department approved Records Management System (RMS) unless the report has not been entered.

II. GEORGIA UNIFORM ACCIDENT REPORTS

- A. Any person or entity whose name or other identifying information is contained in a Georgia Motor Vehicle Accident Report may receive, either directly or through a representative, a copy of the report. The person or entity is entitled to a copy of the report without showing need in writing or otherwise.

1. A Statement of Need will be required for those requesting a copy of the report that does not meet the above criteria. The Statement of Need will be made in writing and may be requested electronically.
 - a. Requests that are made electronically may also be responded to electronically, and there will be no fee associated with this type of request.
- B. Georgia Uniform Motor Vehicle Accident Reports will not be made available in bulk for inspection or copying by any person absent a written statement showing a “need” for each report. The term “need” is defined in O.C.G.A. § 50-18-72 (a) (5).
- C. A fee of 10 cents per page will be charged for copying.

III. DIGITAL MULTIMEDIA EVIDENCE

- A. This section is to ensure adherence to the Open Records Act as it relates to disseminating Digital Multimedia Evidence under the Freedom of Information Act. Digital Multimedia Evidence or DME consists of all digital recordings, to include but not limited to audio, video, photographs, and their associated metadata.
 1. Metadata includes any digital identifiers that are captured as part of the actual recording, such as date/time, GPS coordinates, labeling, etc.

IV. OPEN RECORDS

- A. All Open Records Request (ORR) received by CCPD personnel will be forwarded to the Custodian of Records as well as the Office of Professional Standards for their review. After which, the request will be completed by CCPD’s Records Unit.
 1. The CCPD’s Custodian of Records is appointed by the Support Services Division Commander or their designee.
- B. Requests made under the authority of the Georgia Open Records Act may be made orally, in writing, or electronically. Any request made will be directed to the Custodian of Records, 295 Police Memorial Drive, Savannah, GA 31405, through the CCPD web page <https://police.chathamcountyga.gov/Records/RecordsRequest> or through the Records Unit e-mail at CCPDRecords@chathamcounty.org.
 1. If any open records request is received by any sworn or non-sworn personnel that has not been received by the Custodian of Records, will be immediately brought to the attention of the Custodian of Records.
- C. Request received through the County Attorney’s Office should be processed in the following manner:
 1. The Records Unit will respond to all requests immediately. This will allow the County Attorney’s Office to respond to the requestor within three business days.
 2. The Custodian of Records will scan and send (via e-mail) the requested documents to the County Attorney’s Office and the Commander of the Office of Professional Standards.
 - a. The County Attorney’s Office will review, redact, and provide the final documents to the Requester.
 3. The Records Unit will respond by one of the following methods to the County Attorney’s Office:
 - a. Respond to the County Attorney’s Office in writing, advising of the associated costs and timetable for completion of the request. If the estimated

costs for production of the records exceed \$500.00, the Department will require prepayment of the fees prior to beginning the search, retrieval, review, or production of the records.

- b. In any instance in which the costs of production are expected to fall within the range of \$25.00 to \$499.99, the Department may notify the County Attorney's Office of the estimated costs. The search and retrieval of the records may be delayed until the requester agrees to pay those costs; provided, however, that where the requester has stated in his request a willingness to pay an amount that exceeds the search and retrieval costs, this provision will not apply.
 - c. Complete the request and email the documents to the County Attorney's Office.
 - d. Notify the requester that documents sought are not subject to release. When denying any request, the Records Unit shall, if access to such record or records is denied in whole or in part, specify in writing the specific legal authority exempting such record or records from disclosure, by Code Section, subsection, and a paragraph within O.C.G.A. § 50-18-72. (See Appendix 1 for a list of exemptions). Note the requester may alter their request based on provisions in the Georgia Open Records Act.
 - e. Notify the County Attorney's Office in writing that the department has no records that are responsive to the request.
- D. CCPD will not prepare reports, summaries, charts, graphs, etc. that are requested pursuant to the Open Records Act if the same were not in existence at the time of the request. CCPD is not required to recreate records that do not exist at the time of a request.
- E. Police reports can be emailed to the recipient if the requester provides a valid email address. There are no charges incurred for this method of delivery.
 - 1. All reports will be electronically redacted using appropriate redacting software and saved in a redacted reports folder as a PDF for easy retrieval.
 - 2. The redacted PDF will be emailed to the recipient with a "read receipt" attached.
- F. If the request includes photographs and is approved, the Forensics unit will:
 - 1. Copy the photographs to a disc.
 - 2. All original photographs or negatives remain property of the CCPD.
- G. The costs associated with the production of any records, including search, retrieval, review, redaction, and reproduction of the records or audio or video recordings, will be \$14.36 per hour with no charge for the first 15 minutes. There will be a charge of 10 cents per page for any standard document that is copied. A fee of \$.33 per CD or DVD for any audio or video recordings that are copied, as applicable; the cost of any reproductions made by third-party, private vendors will be charged to the requester.
- H. Bulk report requests, which take longer than 15 minutes to redact, will be subject to a \$14.36 per hour production fee.
- I. Public disclosure is not required for records that would reveal the home address, telephone number, social security number, insurance or medical information of law enforcement officers and civilians employed by the Chatham County Police Department. To include identification of immediate family members or dependents. All such private

and confidential information shall be redacted from any record produced pursuant to the Open Records Act.

V. MEDIA RECORDS REQUESTS

- A. Members of the media will be granted access to public records per OPS-025 Media Relations policy and all applicable laws.

BY ORDER OF:

Electronically Signed in PowerDMS on 09/27/2021

Jeffrey M. Hadley
Chief of Police

Information Exempt from Public Disclosure Public disclosure is not required for certain records and information. The following is a list of records and information exempt from release and the corresponding legal authority. Any agency or person who provides access to information in good faith reliance on the requirements of the Open Records Act shall not be liable in any action on account of having provided access.

Before relying on an exemption, you must assure yourself that it applies

| EXEMPTION | AUTHORITY |
|---|--|
| 911 Records containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point, which information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation. Unless the request is made by the accused in a criminal case or by his or her attorney. In addition, audio recordings of a 911 call which contain the speech in distress or cries in extremis of a caller who died during the call or the speech or cries of a person who was a minor at the time of the call unless an appropriate affidavit is submitted pursuant to O.C.G.A. §50-18-72(a)(26.1)(A)-(F). | §§ 50-18-72(a) (26)-(26.1) and § 46-5-122 |
| AIDS/HIV Information | 50-18-72(a)(2), 31-22-9.1(a)(2), 24-9-47(b) |
| Autopsy photographs (unless from a family member with proof of kinship) | 45-16-27(d) |
| Background investigations of applicants to the Lottery Corporation | 50-27-12(e) |
| Birth certificates | 31-10-25(a) |
| Burglar/fire alarm information | 50-18-72(a)(19) |
| Carpooling information | 50-18-72(a)(24) |
| Confidential informants | 50-18-72(a)(3) |
| Credit report | 15 U.S.C. 1681b(a)(4)(D) |
| Confidential evaluations or examinations in connection with new appointments or hires | 50-18-72-(a)(7) |
| Confidential records concerning reports of child abuse | 49-5-40(b) but disclosure may be required by juvenile court order under 49-5-41(b) or by law if a child is deceased pursuant to 49-5-41(c) |
| Confidential grand jury testimony | Federal Rule Criminal Procedure 6(e), Kessler v. State, 249 Ga. 462, 474 (1982) |

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| Criminal History records other than in-Georgia felony convictions | 35-3-34(a)(1)(A), 35-3-34 (d.1), 35-3-38, 28 U.S.C. §534 (NCIC record) (but see Chapter III(G) of the Law Enforcement Officer's Guide to Open Records in Georgia regarding disclosure when in closed case file and Chapter IV(G) when in a personnel file). |
| Deferred compensation salary deductions | 45-18-36(b) |
| Department of Corrections (classified inmate files) | 42-5-36(c) |
| Department of Corrections (classified investigative reports and intelligence data prepared by Internal Affairs) | 42-5-36(b) |
| Department of Human Resources clinical records | 37-3-166(a) |
| Driver's license information to the extent it is obtained from Department of Motor Vehicle Safety | 40-5-2(b) |
| Federal records required by the federal government to be kept confidential | 50-18-72(a)(1), but see Georgia Hospital Association v. Ledbetter, 260 Ga. 477 (1990) (no requirement "that a report generated by or used by the state for state purposes be exempted from disclosure merely because the report would be kept confidential if generated or used by the federal government.") |
| Flexible employee benefit plan | 45-18-53(b) |
| Home address, home telephone number, social security number, and insurance or medical information of public employees | 50-18-72(a)(21) |
| Information received from an insurance company investigating a fire loss of real or personal property | 25-2-33(d) |
| Information, the disclosure of which would constitute an actionable invasion of privacy | 50-18-72(a)(2); Harris v. Cox Enterprises, 256 Ga. 299 (1986); Athens Observer v. Anderson, 245 Ga. 63 (1980) ("where an incident is a matter of public interest or the subject matter of a public investigation a publication in connection therewith can be a violation of no one's legal right of privacy") |
| Confidential juvenile records | 15-11-82(b), but see Chapter V of this manual for a list of crimes for which disclosure is required |
| Medical records | 50-18-72(a)(2),(20), (21) |
| Military discharge (DD-214) | 15-6-72-(c) (1) |

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| Name/ID of the rape victim | O.C.G.A. § 50-18-72. (a) Public disclosure shall not be required for records that are: (4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; Doe v. Board of Regents of the University System of Georgia, 215 Ga. App. 684 (1994) Macon Telegraph, supra, 263 Ga. At 678 |
| The identities of the resident, the alleged perpetrator, and persons making a report or providing information or evidence, of abuse or exploitation of residents in long-term care facilities | 31-8-86 |
| Open investigation/pending prosecution | 50-18-72(a)(4) |
| Pardons and Parole Board (classified records) | 42-9-53(c) |
| Probation records (classified records) | 42-8-40 |
| Social Security number, mother's maiden name, day and month of birth, and credit, bank account, insurance, and medical information | 50-18-72(a)(20)(21) |
| Confidential surveillance/investigation | 50-18-72(a)(3) |
| Confidential tax information | 48-7-60(a), 48-7-61(a)(b)(c), Bowers v. Shelton, 265 Ga.247 (1995) |
| Vehicle tag number and registration to the extent it is obtained from the Department of Motor Vehicle Safety | 40-2-130(c) |
| Whistleblower's identity (public employee issuing a complaint or providing information concerning the possible existence of any activity constituting fraud, waste, and abuse in or relating to any state programs and operations) | 45-1-4(c) |
| Wiretap (technical data) | 16-11-64(b)(8), 50-18-72(a)(3) |
| Wiretap (records/documents of) | 16-11-64(b)(8) |