



Dyersburg Public Safety Communications General Order

Subject: Retention and Release of Records	Number 3-1	Review Frequency Annually
Authorizing Signature: <i>Bob Veal</i>	Effective 03/15/09	New X Amended Supersedes All Others

POLICY:

The State of Tennessee has enacted statutory requirements governing the security, privacy and dissemination of public safety records information. All personnel of the PSCC will understand and comply with these laws, rules and regulations.

PURPOSE:

The purpose of this general order is to establish guidelines to insure the security, privacy and proper dissemination of public safety records information by all personnel of the PSCC.

DEFINITIONS:

1. General

a. PSCC Records

Records of the PSCC that deal with law enforcement incidents shall be considered as a part of the law enforcement record. Records of fire/ems incidents shall be considered as part of the fire record. Employee evaluations, disciplinary action, training records, application, employment background, etc are considered as part of the PSCC employee 201 file. All other files used by the PSCC are considered as general purpose records.

b. Confidential Records

(1) The following records are to be maintained as "confidential" for use by the appropriate service provider agency for legal purposes only:

aa. Any records that are relevant to any pending or contemplated criminal action. (Appman v. Worthington, Tenn. Sup. Ct. 1987);

bb. Child sex abuse reports; TCA 37-1-612;

cc. Identity of persons reporting adult abuse; 71-6-118;

dd. Juvenile records TCA 37-1-154 ;

- ee. Any information received from a government provider whose rules and regulations prohibit the public dissemination of such information. (ie NCIC/TCIC, etc.);
- ff. Any information from any document, that would identify the home or work address, any telephone numbers, social security numbers, and any other information that could reasonably be used to locate the whereabouts of a victim of domestic violence, or location of a safehouse, TCA 10-7-504;
- gg. Personal information of any undercover police officer that would identify his or her address, home telephone number and or family members, where if the release of information has potential to threaten the safety of the officer or their immediate family, TCA 10-7-504; and
- hh. Personal information from employee files (unpublished telephone numbers, financial and medical information, social security numbers, drivers license information, and immediate household or family members, and Employee Assistance Program participation), TCA 10-7-504.

PROCEDURES:

1. Release of Information

It is recognized that the State of Tennessee has an open records act that provides for the inspection of records in the possession of government service providers. The PSCC will cooperate with the request for the release and inspection of any information, when authorized by Tennessee law.

- a. The Communications Supervisor has been designated as the official records custodian for the DPSCC. When a request for an inspection or copy of records is received, the records custodian shall have no more than (7) days to review and/or complete the request. In the event that the review/approval takes more than (7) seven days, then the requestor must be notified. The records custodian should strive to respond to all records requests in the most time and cost efficient manner possible.
- b. Confidential information or confidential records as defined in "Definitions", shall not be released. Exceptions include public safety (ie police, fire, ems, Attorney General). When a court order has been issued for the release of a confidential record, and said record involves a criminal matter, then the Attorney General and the affected public safety department head shall be notified immediately; if the court order request involves a civil matter, then the City Attorney and the affected public safety department head shall be contacted immediately.
- c. Regarding inspection of records: due to the nature of the 911 operations, the following records are not available for open and/or unsupervised inspection: CAD, audio recordings, and employee personnel files. Open inspections are not allowed due to substantial likelihood of information that is legally classified as confidential, the security of computer systems, and/or release of potential harmful information. All other records are available for open and unsupervised inspection.
- d. Public Safety responders who need copies of records for documentation or investigation shall be directed to the records custodian who will arrange for the requested data. Copies of voice recordings shall require approval of the requesting party's supervisor. There is no requirement for completion for a Request for Inspection Form.
- e. No member of the PSCC, shall divulge any information from the records of the operation, unless under court order or with the permission of the Department Head.

2. Restricted Access Information

- a. NCIC information is restricted to law enforcement use only. Public dissemination is prohibited. NCIC rules require certain data to be recorded when criminal history information is requested. The dispatcher shall ensure that all NCIC logs are complete and accurate, as required by NCIC. All NCIC/TCIC, and other "confidential printed reports" that the member generates during the work-day shall be shredded before the member is relieved at the end of their duty shift.
- b. TCA 10-7-504 allows public release of 911 data base records, with exception of "unpublished" telephone numbers. Both "published and unpublished" numbers shall be provided to the local county election commission as requested. Although allowed by TCA, the employees of this agency shall treat all 911 data-base records as confidential and shall not release any information from the records to the general public. This is due in part to the agencies inability to distinguish a "published" number from an "unpublished" number. Information may be released to law enforcement for investigative purposes, and may be released to the county election commission.

3. Fee Collection for Records

- a. The following types of releases shall be accomplished without any document fee assessment:
 - (1) Any court ordered (subpoena) release of records used
 - (2) Request by public safety providers
 - (3) Public request for open inspection of records
- b. The following types of releases shall be accomplished with document copy fee assessment:
 - (1) Public request for copies of records
- c. The following "document fee" schedule shall be used:
 - (1) Fee schedule shall be in accordance with the Tennessee Office of Open Records schedule of reasonable fees for public records. The PSCC "Document Calculation Form" shall be used in calculating the cost for the requested records.
 - (2) The records custodian reserves the authority to "waive" document fees for request that result in little research and/or no reproduction materials.

4. Releasing the Records

- a. When a "Request for Records" form is received, the records custodian shall:
 - (1) Review the request and estimate the cost for required records, where applicable.
 - (2) Review the records for confidential information.
 - (3) Notify the requestor if the records can/cannot be released, the estimated cost, and where to pay the required fee.
 - (4) After the fee has been paid, then the records custodian shall send the request form to the appropriate police/fire authority for final approval.

(5) Once approved, then the requestor will be contacted to pick up their copies.

- b. All subpoena, attorney or other requests for voice recordings that may be used in legal proceedings shall be provided on agency approved media, with security validation. Non legal request may be e-mailed, or placed on agency approved media.

5. Records Retention Schedule

- a. The following retention schedule shall be used:

- (1) Radio and telephone voice recordings shall be retained for 5 years.

- (2) Tow service logs, agency memos, long distance telephone logs, Union Mission Clearance logs, repo logs, hot sheet, roll call briefings, and all other records not listed in this section, shall be maintained for (5) five years.

- (3) Personnel files shall be maintained indefinitely.

- (4) NCIC records shall be maintained according to the NCIC rules for records retention.

- (5) CAD records shall be maintained indefinitely.

- b. Special attention must be given to the manner in which records are destroyed. It is extremely important to ensure that expired records are properly disposed of. All expired records shall be either burned, or shredded. The Communications Supervisor shall witness the destruction.

6. Media Relations

Every effort shall be made to ensure that cooperation is extended to the media, regarding media inquires and press releases. Only the Department Head and or their designee, shall have the authority to issue any release of information to the media, about PSCC operations. The following procedures for media release shall be followed:

- a. All employees shall direct media inquires to the Department Herd.

- b. The Department Head shall assist the media in covering stories that involve 911 operations.

- c. The Department Head, or his designee, shall be available for media inquires at all times.

- d. Prepare and distribute media releases as required.

- e. Arranging and assisting with news conferences, as required.

- f. No information about victims, suspects or wittiness's will be released by the PSCC. These type of media inquires must be authorized and coordinated through the applicable Police and/or Fire Media Public Information Officer.

- g. Assisting the media during agency crisis situations.

- h. No information shall be released regarding any active confidential internal agency investigation. Only an acknowledgement of an investigation shall be made, when there is a media inquiry. At the conclusion of an internal investigation, certain information may be released so long as it does not violate other

provisions of this policy and/or applicable state laws. Special care shall be given to ensure that confidential information is protected (see section 1b of this policy).

- i. No information shall be released about confidential agency operations.
- j. Media inquires that involve the Dyersburg Police and or Dyersburg Fire Department, shall be directed to the applicable Public Information Officer within those departments. No information shall be released until it has been authorized by either the agency Chief, and/or coordinated through the applicable department Public Information Officer.