

**METROPOLITAN NASHVILLE POLICE DEPARTMENT
PUBLIC RECORDS POLICY**

PURPOSE:

Pursuant to Tenn. Code Ann. § 10-7-503(g), every governmental entity subject to the Tennessee Public Records Act (“TPRA”) (Tenn. Code Ann. § 10-7-501 et seq.), must establish a written public records policy properly adopted by the appropriate governing authority by July 1, 2017. The policy adopted shall not impose requirements on those requesting records that are more burdensome than state law and shall include:

- The process for requesting access to public records and any required form(s);
- The process for responding to requests, including redaction practices;
- A statement of any fees charged for copies of public records and the procedures for billing and payment; and
- The name or title and contact information of the individual or individuals designated as the Public Records Request Coordinator(s).

Pursuant to Tenn. Code Ann. § 8-4-604(a)(1)(4), the Office of Open Records Counsel (“OORC”) is required to establish a model best practices and public records policy for use by a records custodian in compliance with Tenn. Code Ann. § 10-7-503. The following Model Public Records Policy serves as guidance for records custodians and their respective governmental entities in developing a public records policy and fulfilling their duties under the TPRA. The OORC encourages and will provide assistance for governmental associations and groups to develop model public records policies tailored to their specific governmental entity subgroup.

POLICY:

**PUBLIC RECORDS POLICY
FOR
METROPOLITAN NASHVILLE POLICE DEPARTMENT**

Pursuant to Tenn. Code Ann. § 10-7-503(g), the following Public Records Policy for the Metro Nashville Police Department is hereby adopted by the Metro Government of Nashville & Davidson County, Tennessee to provide economical and efficient access to public records as provided under the Tennessee Public Records Act (“TPRA”) in Tenn. Code Ann. § 10-7-501, et seq.

The TPRA provides that all state, county and municipal records shall, at all times during business hours, which for public inspection shall be during the business hours of their administrative offices, 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 Tenn. Code Ann. § 10-7-503(a)(2)(A). Accordingly, the public records of the Metro Nashville Police Department are presumed to be open for inspection unless otherwise provided by law.

Personnel of the Metro Nashville Police Department 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 the Metro Nashville Police Department, shall be protected as provided by current law. Concerns about this Policy should be addressed to the Public Records Request Coordinator for the Metro Nashville Police Department or to the Tennessee Office of Open Records Counsel (“OORC”).

This Policy is available for inspection and duplication in the Central Records Division of the Metro Nashville Police Department. This Policy is posted online at www.nashville.gov/Police-Department/Administrative-Services/Records. This Policy shall be reviewed every two (2) years.

This Policy shall be applied consistently throughout the various offices, departments, and/or divisions of Metro Nashville Police Department with the following exception

- a. The MNPD Public Affairs Office may receive, be provided, and process some substantive requests utilizing their own policy of completion and distribution, while complying with all applicable laws and policy. Access to documentation of compliance with the MNPD Public Records Policy will be available to the Public Records Request Coordinator (PRC) upon request for compliance review.

I. Definitions:

- A. Records Custodian: The office, official or employee lawfully responsible for the direct custody and care of a public record. See Tenn. Code Ann. § 10-7-503(a)(1)(C). The records custodian is not necessarily the original preparer or receiver of the record.
- B. 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 Tenn. Code Ann. § 10-7-503(a)(1)(A).
- C. Public Records Request Coordinator: The individual, or individuals, designated in Section III, A.3 of this Policy who has, or have, the responsibility to ensure public record requests are routed to the appropriate personnel and are fulfilled in accordance with the TPRA. See Tenn. Code Ann. § 10-7-503(a)(1)(B). The Public Records Request Coordinator may also be a records custodian.
- D. Requestor: A person seeking access to a public record, whether it is for inspection or duplication.

II. Requesting Access to Public Records

- A. Public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests are routed to the appropriate personnel and fulfilled in a timely manner.
- B. Requests for inspection only cannot be required to be made in writing. The PRRC should request a mailing address from the requestor for providing any written communication required under the TPRA.
- C. Requests for inspection may be made orally or in writing (using the attached MNPDP Form 720) at The Central Records Division of the MNPDP located at 811 Anderson Lane, Suite 100, Madison, TN 37115.
- D. Requests for copies, or requests for inspection and copies, shall be made in writing utilizing the attached MNPDP 720 form at The Central Records Division of the MNPDP located at 811 Anderson Lane, Suite 100, Madison, TN 37115 or email address: public.recordsrequests@nashville.gov. The form attached may be required for any request seeking copies as permitted by Tenn. Code Ann. § 10-7-503(g).
- E. 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.

III. Responding to Public Records Requests

A. Public Record Request Coordinator

1. The PRRC or designee shall review public record requests and make an initial determination of the following:
 - a. If the requestor provided evidence of Tennessee citizenship;
 - b. If the records requested are described with sufficient specificity to identify them; and
 - c. If the governmental entity is the custodian of the records.
2. The PRRC or designee shall acknowledge receipt of the request and take any of the following appropriate action(s):
 - a. Advise the requestor of this Policy and the elections made regarding:
 - i. Proof of Tennessee citizenship; (Generally)
 - ii. Form(s) required for copies;
 - iii. Fees (and labor threshold and waivers, if applicable); and
 - iv. Aggregation of multiple or frequent requests.
 - b. If appropriate, deny the request in writing, providing the appropriate ground such as one of the following:
 - i. the requestor is not, or has not presented evidence of being, a Tennessee citizen;
 - ii. the request lacks specificity;
 - iii. an exemption makes the record not subject to disclosure under the TPRA (provide the exemption in written denial);
 - iv. the governmental entity is not the custodian of the requested records;
or
 - v. the records do not exist.
 - c. If appropriate, contact the requestor to see if the request can be narrowed.
 - d. Forward the records request to the appropriate personnel in the appropriate MNP Division in order to obtain the appropriate records.
 - e. 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.

3. The designated PRRC(s) is(are):

a. Public Records Coordinator / Administrative Services Officer III

b. Contact information:

Address: MNPD Central Records Division
811 Anderson Lane, Suite 100
Madison, TN 37115

Phone Number: 615-862-7631

Email Address: MNPDPublicRecordsRequestCoordinator@Nashville.gov

4. The PRRC(s) shall report to the governing authority on an annual basis about the governmental entity's compliance with the TPRA pursuant to this policy and shall make recommendations, if any, for improvement or changes to this policy.

B. Records Custodian

1. Upon receiving a public records request, a records custodian shall promptly make requested public records available in accordance with Tenn. Code Ann. § 10-7-503. If the records custodian is uncertain that an applicable exemption applies, the custodian may consult with the PRRC, counsel, or the OORC.
2. 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 which is attached, based on the form developed by the OORC.
3. If a records custodian denies a public record request, he or she shall deny the request in writing as provided in Section III.A.2.b using the Public Records Request Response Form.
4. 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 production letter 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.

5. 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 practicable.

C. Redaction

1. 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.
2. 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.

IV. Inspection of Records

- A. There shall be no charge for inspection (without copies) of open public records
- B. The location for inspection of records within the offices of the Metro Nashville Police Department should be determined by either the PRRC or the records custodian.
- C. The PRRC or a records custodian may require an appointment for inspection or may require inspection of records at an alternate location. If an appointment is needed, it must be during regular business.

V. 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 a location specified by the records custodian. Most records will be made available for pick up at the following location:

The Central Records Division
811 Anderson Lane, Suite 100,
Madison, TN 37115

- C. Upon payment for postage, copies will be delivered to the requestor's home address by the United States Postal Service.
- D. A requestor will not be allowed to make copies of records with personal equipment.

VI. Fees and Charges and Procedures for Billing and Payment

- A. Fees and charges for copies of public records should not be used to hinder access to public records.
- B. Records custodians shall provide requestors with an itemized estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- C. Fees and charges for copies are as follows:
 - 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. “Labor” when time exceeds one (1) hour. “Labor” is the time (in hours) reasonably necessary to produce requested records, including the time spent locating, retrieving, reviewing, redacting, and reproducing records.
 - 4. There will be no charge for documents released by email unless there is a labor fee.
 - 5. If an outside vendor is used, the actual costs assessed by the vendor.
 - 6. Any applicable shipping or postage.
- D. Generally, no duplication costs will be charged for requests from other Law Enforcement or Government agencies.
- E. Payment is to be made in cash, by personal check, or by credit card payable to The Metro Nashville Police Department or Central Records Division presented at the Central Records Public counter.
- F. Payment in advance will be required.
- G. The records custodian may charge its actual out-of-pocket cost for flash drives or similar style devices on which electronic copies are provided.
- H. Aggregation of Frequent and Multiple Requests
 - 1. The Metro Nashville Police Department may aggregate record requests in accordance with the Frequent and Multiple Request Policy promulgated by the OORC when more than (4) requests are received within a calendar month (either from a single individual or a group of individuals deemed working in concert).

2. If aggregating:

- a. The level at which records requests will be aggregated is four (4) requests within a calendar month (whether by agency, entity, department, office or otherwise).
- b. 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.
- c. Some routinely released and readily accessible records may be excluded from aggregation



Metropolitan Nashville Police Department
Central Records Division
811 Anderson Lane, Suite 100,
Madison, TN 37115
615-862-7631



MNPD Open Records Request Form

This form is to be completed for copies of records or files and inspection of
Law Enforcement Personnel Records offered by the Metropolitan Nashville Police Department

Date: _____

This form complies with TENNESSEE CODE ANNOTATED - TITLE 10, CHAPTER 7, PART 5.

Section A

Requestor Information: (Business/Citizen Information)

Business Name: _____

Business Address: _____ City _____ State _____ Zip _____

Business Telephone Number: _____

Print Full Name: _____

Personal Home Address: _____ City _____ State _____ Zip _____

Personal Telephone Number: _____

Email Address: _____

Signature of Requestor: _____

Send Results By: Postal Mail In Person Email

Photo copy of photo ID with address must be attached to this request.

Note: Pursuant to T.C.A. § 10-7-503(a)(2)(B), "In the event it is not practicable for the record to be promptly available for inspection, the custodian shall, within seven (7) business days: (i) Make the information available to the requestor; (ii) Deny the request in writing or by completing a records request response form developed by the office of open records counsel. The response shall include the basis for the denial; or (iii) Furnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce the record or information."

Type of Service Requested: _____ *Section B*

Complaint Number: _____

Background Check Accident Report In Car Camera(s) - Date/Time: _____ / _____ Officer/Car# _____

ARL Records Incident Report Body Worn Camera - Date/Time: _____ / _____ Officer(s) _____

Copy of Case File CAD Report Adoption Letter Mug Shot▪

Personnel File Arrest Report Photos Fingerprints▪

Disciplinary File Visa Letter OPA File: _____ IA/OPA Number if Known _____

*****PLEASE PROVIDE AS MUCH INFORMATION ABOVE AS POSSIBLE TO HELP FULFILL YOUR REQUEST*****

Other (Please explain in detail) _____

**Fingerprints and Mug Shots requests are completed by our Forensic Services Division located at 400 Myatt Drive, Madison, TN 37115*

Section C

Subject of Request (If request is for Inspection of MNPD Personnel Files skip to Section E)

Name (Last) _____ (First) _____ (Middle) _____

A.K.A. Names (Maiden, Other, etc.) _____

1 (Last) _____ (First) _____

2 (Last) _____ (First) _____

Date of Birth _____ Race _____ Sex _____

Social Security Number _____ Driver License Number _____

Street Address: _____ City _____ State _____ Zip _____

(NOTE: The accuracy of the information you provide is critical as all searches are conducted based on the information provided.)

Reason for Request:

For MNPD Personnel Record Requests:

Tenn. Code Ann. § 10-7-503

(c)(1) Except as provided in § 10-7-504(g), all law enforcement **personnel** records shall be open for inspection as provided in subsection (a); however, whenever the personnel records of a law enforcement officer are inspected as provided in subsection (a), the custodian shall make a record of such inspection and provide notice, within three (3) days from the date of the inspection, to the officer whose personnel records have been inspected:

- (A) That such inspection has taken place;
- (B) The name, address and telephone number of the person making such inspection;**
- (C) For whom the inspection was made; and
- (D) The date of such inspection

I request to view the following employee personnel file:

Employee Name (Print)

Assignment (If Known)

Reason for viewing file: If related to criminal or civil litigation, please give case name or other identifying information, i.e., docket #, etc.

Department Use Only:

Date Employee Notified: _____ **Date Inspected:** _____ **Method of Notification:** _____

Assignment Verified: _____

Undercover Comments:

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Department Use Only:

Request Received By (Print)	Name	ENO	Date/Time
Request Processed By (Print)	Name	ENO	Date/Time
Fees Calculated By (Print)	Name	ENO	Date/Time
Total Fees: \$ _____	No. of Fingerprint Cards: _____		
Results: Mail: _____	Faxed: _____	Emailed: _____	
Date	Date	Date	
Placed at counter for pick-up	Picked up		
Date	Date		



John Cooper, Mayor

Steve Anderson
Chief of Police

PUBLIC RECORD REQUEST RESPONSE FORM

Governmental Entity Name and Address: MNPD Central Records Division 811 Anderson Lane, Suite 100 Madison, TN 37115

Date: _____ RE: _____

Requestor's Name and Contact Information: _____

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

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: _____.

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 Public Records Request Coordinator.

Sincerely,

