

Hamilton County District Attorney General's Office Public Records Policy

State law requires our office to have a formal Public Records Policy¹. Our policy is to follow the law and to provide public records to you as quickly and efficiently as possible.

If you want access to a public record and you:

- **Are an attorney and the record you want is available through discovery:**
You should contact the prosecutor assigned to your case.
- **Are an attorney and the record you want is not available through discovery:**
You should contact the law enforcement agency that created the record.
- **Are an attorney and want records unrelated to a specific case:**
You should contact our Public Records Request Coordinator
- **Are not an attorney:**
You should contact our Public Records Request Coordinator

Basic Guidelines

- All discovery/evidence is exempt from public inspection until the case is resolved.² Court filings – indictments, motions, orders, etc. – are held by the Hamilton County Criminal Court Clerk and General Sessions Court Clerk.
- If a record does not exist, we are not required to create one³
- Any citizen of Tennessee has access to public records⁴
- In Tennessee, convicted felons are not citizens⁵

¹ Tennessee Code Annotated § 10-7-503(g)

² Tennessee Code Annotated § 10-7-503(a)(2)(A) provides that inspection of government records shall not be denied *unless otherwise provided by state law*. State law includes statutes, the state constitution, common law, rules of court, and administrative rules and regulations. In *Tennessean et al v. Metropolitan Government of Nashville & Davidson County et al*, the Tennessee Supreme Court held that records in pending criminal litigation should not be made public because Tennessee Supreme Court Rule 16 does not provide for disclosure to a third party.

³ Tennessee Code Annotated § 10-7-503(a)(4)

⁴ Tennessee Code Annotated § 10-7-503(a)(2)(a)

⁵ *Cole v. Campbell*, 968 S.W. 2d 274 (Tenn. 1998)

How to Request Access to Inspect Public Records

- Come to our office, OR;
- Call our Public Records Request Coordinator, OR;
- Email our Public Records Request Coordinator

How to Request Copies of Public Records

- Come to our office, OR;
- Call our Public Records Request Coordinator, OR;
- Email our Public Records Request Coordinator
- Send a written request. The law requires that your request be detailed enough for us to identify the specific records you want.⁶ Be sure to include a return address. To speed up the process, provide a working phone number and/or a valid email address. Mail your request to:

How We Will Respond

- **If we do not have the records**, we will tell you the records do not exist or, if the records do exist, we will tell you which agency has the records. We will give you any contact information we have for the Public Records Request Coordinator at that agency.
- **If we do have the records**, we will follow the law⁷, which requires us to promptly make records available. If you come to the office and request to inspect records, you may be asked to make an appointment.
- **If we have the records but they are exempt from public inspection**, we will send you a written response within seven (7) business days, notifying you the request is denied. We will include the legal basis for our decision.
- **If we have the records but they are not immediately available**, we will send a written response within seven (7) business days, notifying you of when the records will be available.

⁶ Tennessee Code Annotated § 10-7-503(a)(4)

⁷ Tennessee Code Annotated § 10-7-503(a)(2)(B)

For practical reasons, it may take time for us to produce certain records. The primary reasons for a delay are:

- The requested records are archived. Closed case files are sent to a county storage facility. These records must be requested, located, and delivered to us before we can determine whether the records need to be redacted.
- The requested records contain confidential information, which must be redacted⁸. All Tennessee Bureau of Investigation (TBI) records are confidential and can only be released by court order.⁹ All other records must be reviewed to ensure all personally identifying information (such as Social Security numbers) and other information not available for public inspection is redacted. When a redacted record is provided, you will be given the basis for the redaction.
- The request is for a large volume of records. If this is the case, we will provide the records in batches. We will give you a records production schedule as quickly as we can. We may contact you to see if your request can be narrowed.

Requested records will be emailed or mailed to you at your request. Otherwise, records will be available for pickup at our office during normal business hours, 8:00am to 4:00pm, Monday through Friday.

Schedule of Fees and Payment Procedures

We do not charge fees unless the records you request fill more than one standard legal file box. If this is the case, we will contact you to see if you want to narrow your request. If you do not want to narrow your request, you will be billed as follows:

1. \$0.15 per page for letter- and legal-size black and white copies
2. \$.050 per page for letter- and legal-size color copies
3. Labor when time exceeds two (2) hours

Payment must be made in advance. If records are provided in batches, you must pay prior to receiving each batch. We accept cash (in the exact amount only), personal checks and cashier's checks made payable to Hamilton County District Attorney's Office.

⁸ Tennessee Code Annotated § 10-7-503(a)(5)

⁹ Tennessee Code Annotated § 10-7-504(a)(2)(A)

Our Public Records Request Coordinator is:

Melydia Clewell
Communications Director
(423) 209-7400
melydia.clewell@hcdatn.org

Our mailing address is:

Hamilton County District Attorney's Office
ATTN: Melydia Clewell
600 Market Street, Suite 310
Chattanooga, TN 37402

Our office is on the third floor of the Chattanooga/Hamilton County Courts Building at 600 Market Street.

Our office hours are 8:00am to 4:00pm, Monday through Friday, excluding U.S. and state holidays.