



# TALLAHASSEE POLICE DEPARTMENT GENERAL ORDERS

 Proudly Policing Since 1841	<b>SUBJECT</b>  Records Management	 Nationally Accredited 1986	
	<b>CHIEF OF POLICE</b>  		
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## AUTHORITY/RELATED REFERENCES

FS Chapter 119, Public Records  
 General Records Schedule GS1-SL For State and Local Government Agencies  
 General Records Schedule GS2 For Law Enforcement  
 Florida Administrative Code 1B-24.003, Public Records Scheduling/Disposition  
 COT Administrative Policy 206, Public Records Release Procedures  
 RCD-1, Records Section  
 RCD-2, Document and File Description/Retention Periods

## ACCREDITATION REFERENCES

CALEA Chapter 82  
 CFA Chapter 26

## KEY WORD INDEX

<b>Destruction of Records – Approval Authority</b> <b>Destruction of Records – General Guidelines</b> <b>General Schedule of Fees</b> <b>Fees and Deposits Required</b> <b>Inspecting and Photographing Public Records</b> <b>Maintenance of Records</b> <b>Public Records – Information and Explanation</b> <b>Public Records Law Training</b> <b>Public Records Requests – General Information</b> <b>Public Records Requests – Member Responsibilities</b> <b>Retention Timeframe of Requested Documents</b>	Procedure X Procedure IX Appendix One Procedure VI Procedure V Procedure I Procedure II Procedure VIII Procedure III Procedure IV Procedure VII
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## POLICY

Department members shall comply with all requirements for the maintenance,

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release, and destruction of public records in accordance with applicable Florida Statutes, Florida Administrative Codes, State of Florida General Records Schedules, and any other applicable administrative requirements.

### DEFINITIONS

**Extensive Request:** When the nature or volume of a public records request to inspect, examine, or copy a record requires extensive use of information technology resources and/or extensive clerical or supervisory assistance, and fulfilling the request exceeds 15 minutes. See Appendix One for examples of an extensive request.

**Public Record:** Per FS 119, any document, paper, letter, map, book, tape, photograph, film, sound recording, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any public agency/entity in the State of Florida. See section II for additional information, including documents which are not considered public record.

**Public Records Liaison:** A member assigned to represent their work unit in coordinating with the Records Custodian for the release of Department public records.

**Records Custodian:** The member assigned to the Records Section to provide managerial oversight of the release of Department public records.

### PROCEDURES

#### I. MAINTENANCE OF RECORDS

- A. The Records Section is the central repository for the following Department records:
1. Incident and offense reports,
  2. Arrest affidavits,
  3. Property receipts,
  4. Traffic crash reports, and
  5. Unissued uniform traffic citations and their issuance records.

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- B. Unless subject to a specific exemption, records maintained in the Records Section which are public record include, but are not necessarily limited to:
1. Traffic crash reports,
  2. Arrest/complaint affidavits,
  3. Names on the RMS master name index,
  4. Incident/Offense reports (to include field interview reports and trespass warning reports),
  5. Property receipts, and
  6. Computer Aided Dispatch printouts (i.e., computer printouts of daily activity/calls for service).
- C. Other Department work units are authorized to maintain records attendant to their function within the agency (e.g., Internal Affairs, Employee Resources, Criminal Intelligence, Training).
- D. While Department investigative units are permitted to maintain separate case files in accordance with their bureau's standard operating procedures, all *original* reports listed in A 1 – 4 above shall be maintained in the Records Section.

## II. PUBLIC RECORDS – INFORMATION AND EXPLANATION

- A. Public records include e-mails, texts, and similar messages.
1. If the message was prepared or received in connection with official Department business, it is considered public record.
  2. The fact an e-mail, text, or similar message is sent from a private e-mail account and/or telephone or it was sent utilizing a personal computer and/or telephone is not relevant in determining whether or not the message is a public record.
  3. If a member utilizes personally-owned equipment to capture or create photographs/digital images, videos, or sound recordings as explained in General Order 78 (Social Media Protocols), and the information collected is later subject to a public records request, the

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only information subject to inspection or release is the information directly related to official Department business.

4. If a member utilizes a personally-owned device to prepare or receive information which is work-related and the information is later subject to a public records request, the only information subject to inspection or release is the information directly related to official Department business.

B. The following items are not considered public record:

1. Preliminary drafts or notes prepared for the personal use of the member may constitute mere “precursors” of public records *if* they are not intended to be the final evidence of the knowledge recorded (i.e., final document to be submitted or sent).
2. Members’ notes to themselves which are designed for their own personal use in remembering certain things do not fall within the definition of public records; *however, if the notes are given to another member as a way of communicating knowledge about the issue, the notes are deemed a public record.*
3. Records which are not made or received in connection with the transaction of Department official business do not constitute public records.

C. FS Chapter 119 requires agencies to provide public records which are in their possession. With that guidance, Department members shall:

1. Not create a document to fulfill a public records request, and
2. If the Department does not possess the document or information requested:
  - a. Inform the requester the Department does not possess the document or information requested, and
  - b. If the member knows an agency/entity where the requester might obtain the record/information, provide the person with that information.

D. The following information is applicable to public records in possession of the Department which were received from other agencies:

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1. FS Chapter 119 is applicable to such records.
2. Confidentiality and exemption protocols applicable to records created by the Department and its members are equally applicable to records received from other agencies.
3. In the event a member receives a public records request which includes federal records, the member is responsible for consulting with the Legal Advisor before releasing any such record.

### **III. PUBLIC RECORDS REQUESTS – GENERAL INFORMATION**

- A. All members shall adhere to FS Chapter 119 (i.e., Florida's Public Record Law) and this general order in the receiving, documenting, and fulfilling of public records requests.
- B. With the sole exception of certain documents/information released to the media from the Public Information Office, the Records Section is the only dissemination point for any Department record subject to public release.
- C. The Records Custodian is the Department's point of contact for public records release processes.
- D. Unless a statutory exemption exists (e.g., criminal intelligence), public records are subject to display, reproduction, and distribution to the general public upon request.
- E. Members are prohibited from releasing any Department record which meets the statutory exemption for non-release without the approval of the Chief of Police.
- F. There are penalties for governmental entities which fail to comply with FS Chapter 119.
- G. Members are responsible for being mindful of the following:
  1. The Department may receive public records requests by mail (letters), fax, e-mail, telephone or in person.
  2. A public records request may be made to any member seven days a week, 24 hours a day.
  3. Public records requests do not have to be submitted in writing.

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4. The person making the public records request (i.e., requester) does not have to provide their name or any identifying information, the reason the record is being requested, or their signature on any Department document.
- H. Notwithstanding the information cited in subsection G 4 above, when making a public record request the requester is required to provide:
- a. Information about the document or record requested with sufficient specificity to allow members to identify it and attempt to comply with the request (e.g., time frame/dates, geographic locations/street address, call type, or offense type), and
  - b. How the requester wishes to retrieve the document/record once it is complete ready for release.
- I. The Department and its members are responsible for responding to public records requests in a prudent manner, and completing the request (release or non-release due to exemption) in a reasonable amount of time.
1. A reasonable amount of time is deemed the length of time for the Records Custodian to receive and review the request, retrieve the record, and redact those portions of the records which may be exempt from release.
  2. Members should complete simple public records requests (e.g., request of a single report in the Records Section) on the same day the request is received or as within a reasonable amount of time upon receiving the request.
- J. The Department is responsible for maintaining a public records release management system called JustFOIA.
1. JustFOIA is designed to assign a tracking number to each public records request.
  2. The following information about each request will be maintained in JustFOIA:
    - a. Date the request was received,
    - b. If provided, the identification of the requester,

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- c. Acknowledgement of the receipt to the requester,
  - d. Date the records were provided to the requester; and
  - e. A description of the provided records.
- K. Each Department work unit authorized to maintain records attendant to their function is responsible for cooperating with the Records Section in the prompt *fulfillment* of each public records request. Those work units include, but are not necessarily limited to, the following:
- 1. Criminal Investigations Bureau (e.g., arrest packets),
  - 2. High Risk Offenders Bureau (e.g., crime tracking data),
  - 3. Office of the Chief of Staff (e.g., administrative investigations),
  - 4. Patrol Bureau (e.g., staffing summaries),
  - 5. Internal/External Affairs Bureau (e.g., personnel files), and
  - 6. Operational Support Bureau (e.g., DUI arrest records).
  - 7. Office of Communications and Marketing
- L. There shall be members designated in each work unit to be representatives for working with the Records Custodian in the fulfillment of public records requests. The designated member is referred to as a Public Records Liaison (PRL).
- 1. Each Bureau Commander is responsible for designating PRLs for their bureau.
  - 2. The Deputy Chief of Police is responsible for designating PRLs for the Office of the Chief.

#### **IV. PUBLIC RECORDS REQUESTS – MEMBER RESPONSIBILITIES**

- A. Any member receiving a public records request, regardless of assignment, is responsible for accepting the request.
- B. Non-Records Section Members –

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1. When a non-Records Section member receives a public records request, the following protocols are applicable.
  - a. The member shall promptly forward the information received about the request to the Records Custodian by:
    - 1) Sending an e-mail to “TPD RECORDS REQUEST” ([tpdpublicrecords@talgov.com](mailto:tpdpublicrecords@talgov.com)) or
    - 2) Entering the information into JustFOIA.
  - b. The member shall include the following information in the e-mail or JustFOIA entry:
    - 1) Date the request was received,
    - 2) If provided, the identification and contact information of the requester,
    - 3) Acknowledgement of the receipt to the requester, and
    - 4) A description of the records requested.
  - c. If the request is for records under the control of the work unit and/or member receiving the request, the following protocols are applicable:
    - 1) The member receiving the public records request shall ensure the work unit’s Public Records Liaison (PRL) is informed of the request.
    - 2) The PRL shall coordinate the fulfillment of the request, being mindful of the protocols for an extensive request (see subsection VI G and Appendix One), and
    - 3) Once the request is fulfilled, the PRL is responsible for forwarding the records to the Records Custodian or designee for release.
2. A PRL who is asked to fulfill a public records request by the Records Custodian or designee is responsible for the following:
  - a. Acknowledging receipt of the e-mail request as soon as possible,



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- b. Ensuring the requested records are prepared and/or copied (but not redacted),
- c. Once the record is prepared and/or copied, forwarding it to the Records Custodian or designee for processing and release, and
- d. Ensuring any correspondence includes the JustFOIA tracking number.

### C. Records Custodian or Designee –

- 1. When the Records Custodian or designee receives a public record request, they are responsible for:
  - a. Promptly entering the information into JustFOIA,
  - b. Promptly notifying the requester acknowledging receipt of the request (if sufficient information was provided to do so), and
  - c. If request clarification is needed, asking for clarification from the requester prior to attempting to fulfill the request.
- 2. If the request is for records under the control of the Records Section, the member shall fulfill the request.
  - a. Members shall input the needed information into JustFOIA concerning the fulfillment and release (see subsection III J 2 above).
  - b. Members shall adhere to the protocols regarding an extensive request (see subsection VI G and Appendix One).
- 3. If the request is for records NOT under the control of the Records Section, the Records Custodian or designee shall promptly notify the PRL for the affected work unit(s).
  - a. The notification shall be by e-mail.
  - b. The notification shall include enough information to facilitate the fulfillment of the request, to include the PRRTS tracking number.
  - c. If there is a document (e.g., e-mail, letter, form) accompanying the request, the document (or a copy thereof) shall be forwarded to the PRL.

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### D. Redactions –

1. The Records Custodian or designee is responsible for reviewing all records to be released to ascertain if redactions are needed, and if so, making those redactions.
2. The Records Custodian or designee shall consult with the Legal Advisor regarding questions about redactions and/or exemptions.
3. Whenever a public record to be released is redacted, the Records Custodian, or designee shall note the basis of the applicable exemption and FS citation on the document.

## V. **INSPECTING AND PHOTOGRAPHING PUBLIC RECORDS**

- A. FS Chapter 119 allows for a public record to be inspected.
- B. The Records Custodian, or designee, shall permit a public record to be inspected and/or copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the Records Custodian, or designee.
  1. If a record to be inspected is not in the Records Section, the Records Custodian or designee is responsible for coordinating with the PRL of the affected unit to fulfill the mandate of permitting a public record to be inspected and/or copied.
  2. When a record or parts thereof is deemed exempt or confidential, and the person seeking to inspect or copy the record requests it, the Records Custodian, or designee, shall state in writing the reasons for the conclusion the record or parts thereof is exempt or confidential.
- C. Any person may request to photograph a public record.
- D. Photographing public records shall be done under the supervision of the Records Custodian, or designee, who may adopt and enforce reasonable rules governing the photographing of such records.
  1. Except as noted in subsection D 2 below, photographing of public records shall be done in the room where the public records are kept.

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2. Regarding the mandate of subsection D 1 above, if the Records Custodian, or designee, deems photographing in the room containing the public record to be impossible or impracticable, photographing shall be done in another room or place, as nearly adjacent as possible to the room where the public records are kept, as determined by the Records Custodian, or designee.
3. If the photographing is expected to take in excess of 15 minutes, the request is deemed an extensive request and a *special service charge* will be assessed (see subsection VI G and Appendix One).

### VI. FEES AND DEPOSITS REQUIRED

- A. Providing access to public records is a statutory duty imposed by the Florida Legislature upon all public record custodians and is not a profit-making or revenue-generating operation.
- B. Fees shall be assessed for copies of records released pursuant to FS Chapter 119 and the Department's *General Schedule of Fees*.
- C. A copy of the *General Schedule of Fees* is posted in the Records Section and a copy is available upon request (also see Appendix One).
- D. All fees collected by the Records Section shall be reconciled and submitted to the Financial Management Office daily.
- E. Duplication fees may be charged for records including, but not limited to paper documents, photographs, and DVDs.
- F. FS Chapter 119 permits agencies to charge a reasonable *special service charge* if inspecting and/or copying the requested information will require extensive use of technological resources and/or extensive clerical or supervisory assistance (see definition of an extensive request).
- G. Whenever a public records request is considered an extensive request, the following protocols are applicable:
  1. Members shall take no action to fulfill the request until it is confirmed by the Records Custodian (or designee) the requester will pay the estimated fee (deposit or entire amount).

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2. The Records Custodian (or designee) or the affected PRL shall explain to the requester the estimated time of completion and associated costs/fees.
3. The Records Custodian (or designee) is responsible for communicating to the requester the anticipated fees and deposit requirements in advance of fulfilling the request, and allowing the requester to choose either to pay:
  - a. The entire anticipated fees/charges, or
  - b. A deposit of the anticipated fees/charges based upon the following:
    - 1) \$100.00 - \$5,000.00 fees/charges: 25% deposit, and
    - 2) Above \$5,000.00: 50% deposit.
4. Fee payments may be cash, money order, cashier's check, or personal check (if the deposit is a personal check, the fulfillment of the request will not be started for one business day to allow bank clearance).
5. When the requester pays the deposit or entire amount of fees/charges, the Records Custodian or designee shall notify the PRL(s) to begin processing the request.
6. Upon completion of the public records request, the Records Custodian, or designee, shall document all work time and fees/charges incurred (i.e., cost summary), and:
  - a. Provide a copy of the cost summary to the requester, and
  - b. If needed, request additional funds before the release of the public record(s), or
  - c. If needed, return any excess deposited funds to the requester.

### **VII. RETENTION TIMEFRAME OF REQUESTED DOCUMENTS**

- A. Copies of documents and other records made to meet a public records request are not subject to administrative retention schedules (e.g., GS1-SL, GS2).

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- B. Copies of documents and other records not picked up by the requester within 30 calendar days from the notification that the records were ready for release may be destroyed.

### **VIII. PUBLIC RECORDS LAW TRAINING**

- A. The Department is responsible for providing public records law training to members as directed by the Chief of Police or designee.
- B. Records Section members are required to participate in public records law training, as follows:
  - 1. For newly hired or assigned members, as part of their orientation training, and
  - 2. Refresher training at least once per year.
- C. All members designated as a Public Records Liaison (PRL) are required to participate in public records law training, as follows:
  - 1. Contemporaneous to their assignment as a PRL, and
  - 2. Refresher training at least once per year.

### **IX. DESTRUCTION OF RECORDS – GENERAL GUIDELINES**

- A. Records destruction is authorized only after the applicable state mandates (e.g., Administrative Code 1B-24.003, General Records Schedule GS2) and other administrative requirements (e.g., COT/PBA Agreement, COT policy) have been satisfied.
- B. Administrative retention schedules (e.g., GS1-SL, GS2) generally refer to minimum retention time periods and, unless specifically prohibited by statute, case procedure, agreement/contract, or other document, nothing shall prohibit the Department from maintaining records for longer periods of time.
- C. The member submitting documents for destruction is responsible for ensuring the completion of a Records Disposition Document (RDD) which must accompany each destruction of documents, and shall ensure the RDD:
  - 1. Contains the needed and appropriate information,

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2. Is signed by the submitting member (certification), and
  3. Is signed by the approving member (authorization).
- D. The work unit destroying the records is required to have one member assigned to complete the task, and one member assigned to witness the destruction.
- E. Upon completion of the destruction, the original (completed and signed) RDD shall be provided to the Records Section Supervisor.
- F. The Records Section Supervisor is responsible for properly maintaining the RDDs within the Records Section.
- G. The protocols in this subsection do not apply to the destruction of *duplicate* records (e.g., photocopies of reports, 'working' copies of audio recordings, 'file' copies of photographs), when the original records still exist. Duplicate records may be destroyed as needed.

### **X. DESTRUCTION OF RECORDS – APPROVAL AUTHORITY**

- A. Approval authority for destruction of records maintained by the Records Section rests with the Records Section Supervisor.
- B. Approval authority for destruction of records not maintained by the Records Section is as follows:
1. All Bureaus – Bureau Commander or higher authority.
  2. Office of Professional Standards – Chief of Staff or higher authority.
  3. Office of the Chief – Deputy Chief of Police and Chief of Police.

History: previous title (*records maintenance/destruction and criminal history record information procedures*) – issued 03/01/1988, revised 01/31/1992, 11/15/2001 (*change of title - records maintenance and destruction information procedures*), 06/17/2015, 04/17/2017, 08/08/2017.

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## GENERAL ORDER 17 – RECORDS MANAGEMENT APPENDIX ONE

### GENERAL SCHEDULE OF FEES

#### I. AUTHORITY

The fee schedule below complies with COT Administrative Policy 206, Public Records Release Procedures and FS Chapter 119, Public Records.

#### II. PAYMENTS AND EXEMPTIONS

- A. Except as noted in subsections C and D below, prior to the release of any records, payment must be received.
- B. Payments may be received in cash, check, or money order.
- C. There will be no charge for the first seven (7) pages of the requested records.
- D. There will be no charge for an incident report where a listed victim is requesting the report unless the request is considered an extensive request (see definition).
- E. Per FS 316.066 (2)(a) traffic crash report information is confidential and exempt from disclosure for a period of 60 days after the date the crash is reported, but the Department may release traffic crash reports in response to a public records request to certain persons and entities as described in the statute.
  - 1. Persons and entities who may receive a crash report as an exemption to FS 316.066 (2)(a) include: the parties involved in the crash, their legal representatives, their insurance companies and agents, prosecutorial authorities, law enforcement agencies, the Florida Department of Transportation, county traffic operations, victim service programs and certain print and broadcast media as defined in the exemption.
  - 2. In order for the Records Custodian or designee to release a traffic crash report within the 60 days following the crash, the person requesting the information must:

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- a. Present a valid driver's license or other photographic identification,
  - b. Present proof of status or identification which demonstrates their qualifications to access the information, and
  - c. File a written, sworn statement they will not use the information from a crash report for any commercial solicitation of accident victims or knowingly disclose the information to any third party for the purpose of such solicitation.
- F. The requester shall be charged for copies according to the following schedule (first 10 rows):

<b>TYPE</b>	<b>SIZE</b>	<b>QUANTITY</b>	<b>COST</b>
XEROX (1 side)	11x17 or smaller	1 to 7 copies	no charge
XEROX (1 side)	11x17 or smaller	8 <sup>th</sup> & subsequent copies	15¢ per page
XEROX (2 sides)	11x17 or smaller	1 to 7 copies	no charge
XEROX (2 sides)	11x17 or smaller	8 <sup>th</sup> & subsequent copies	20¢ per page
XEROX	larger than 11x17	each	actual cost
Micrographic	8.5x14	each	15¢ per page
Audio Tape	Cassette	each	\$5.00
Compact Disk	Standard	each	\$1.00
DVD/Flash Drive	Standard	each	\$20.00
Miscellaneous Items	Each	actual or best estimated cost	
Background Checks		each	\$5.00
Fingerprinting	Card	each	\$10.00

- G. Additional charges will apply when postage fees are required to provide copies to the requester.
- H. If the requester desires certified copies, the Records Custodian or designee is responsible for adding an additional charge of \$1.00 per document to be certified.
- I. Videotapes and audiotapes will not be certified.
- J. When a public records request is deemed an extensive request (see definition) a *special service charge* will be assessed.
  - 1. The fee is in addition to the cost of the requested record(s).



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2. The fee is based on the lowest hourly rate for the staff member capable of providing and/or redacting the records.
3. Examples of an extensive request include, but are not limited to, the following:
  - a. Extensive preparation of records for inspection by redacting exempted information,
  - b. Extensive transfers of electronic data to disk or tape or other data file transfers,
  - c. Extensive investment of time to retrieve and re-file records for copying or inspection, or
  - d. Extensive investment of time to supervise the inspection of records.

Fee change history: 07/27/2017.