
Records Maintenance and Release

1004.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of office records. Protected information is separately covered in the Protected Information Policy.

1004.2 POLICY

The Montgomery County Sheriff's Office is committed to providing public access to records in a manner that is consistent with public records laws.

1004.3 CUSTODIAN OF RECORDS

The responsibilities of the Support Services Director include, but are not limited to:

- (a) Managing the records management system for the Office, including the retention, archiving, release and authorized destruction of office public records.
- (b) Maintaining and updating the office records retention schedule, including:
 - 1. Identifying the minimum length of time the Office must keep records.
 - 2. Identifying the office unit responsible for the original record.
 - 3. Identifying proper times and procedures for destruction of records.
- (c) Establishing rules regarding the inspection and copying of office public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring a current schedule of fees for public records as allowed by law.
- (g) Establishing rules for the redaction of confidential contents from public records.
- (h) Establishing rules for permitting another public agency to inspect, examine or copy records.
- (i) Establishing rules for the proper maintenance, safety and security of records.

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1004.4 PROCESSING REQUESTS OR PUBLIC RECORDS

Any office member who receives a request for records shall route the request to the Records Section Manager, or the authorized designee unless the information requested is known to be public knowledge or has already been approved for release to the public.

1004.4.1 REQUESTS FOR RECORDS

The processing of requests for records is subject to the following:

- (a) The Office is not required to create records that do not exist.
- (b) When a record contains both material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
- (c) No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.
- (d) Persons requesting copies of public records may elect to obtain them in any and all media in which the Office is capable of providing them. No request for copies of public records in a particular medium shall be denied on the grounds that the Office prefers to make the public records available in another medium.

1004.4.2 DENIALS

A person whose records request is denied may be advised if they are unfamiliar with the request process that they may apply to the appropriate court for an order compelling disclosure of the records.

1004.4.3 CAMPUS POLICE AGENCY RECORDS

Upon request and subject to the Jeanne Clery Campus Security Act Policy and Campus Crime Statistics Act, certain information maintained by the Montgomery County Sheriff's Office may be inspected at reasonable times and under reasonable supervision, as detailed by current law.

1004.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Identifying information, including an individual's driver's license photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or office record, including traffic crash reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose.

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- (b) Records of criminal investigations or records of criminal intelligence information are confidential; basic arrest and criminal violation information may be released unless the basic information will jeopardize an investigation or suspect apprehension.
- (c) The Office shall temporarily withhold witness information if it is likely that the release would pose a threat.
- (d) Information related to juveniles.
- (e) Child abuse information.
- (f) Confidential portions of employee personnel records.
- (g) Confidential communications of a government body.
- (h) Address Confidentiality Program information.
- (i) Controlled Substances Reporting System information.
- (j) Confidential information listed in N.C.G.S. § 132-1.2.
- (k) Confidential informant information.
- (l) 9-1-1 database information.
- (m) Sensitive public security information.

1004.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum, judge's court order or discovery request for records will promptly contact a supervisor, agency legal counsel and the Support Services Director for review and processing. Any request for restricted information shall be immediately reported to command staff.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the prosecutor and agency legal counsel.

All questions regarding compliance with any subpoena duces tecum or discovery request must be promptly referred so that a timely response can be prepared.

1004.7 RELEASED RECORDS TO BE MARKED

Each page of any record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the office name and to whom the record was released.

1004.8 EXPUNGEMENT

Expungement orders received by the Office shall be submitted to the Support Services Director for appropriate redaction. The Support Services Director shall expunge such records as ordered by the court. Once expunged, members shall respond to any inquiry as though the record did not exist.