

# FORREST COUNTY SHERIFF'S OFFICE

## GENERAL POLICY



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Distribution:	Review Month:	Reviewing Authority: Sheriff Charlie Sims
Subject: Public Records		
MSLEAC Standards:		

In accordance with the Mississippi Public Records Act ("Act"), codified at Miss Code Ann. 25-61-1 et seq., the Forrest County Sheriff's Office ("FCSO") has adopted the following Public Records Policy ("Policy").

### Authority and Purpose

The purpose of this Policy is to establish the procedures the FCSO will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the FCSO and establish processes for both requestors and FCSO staff that are designed to best assist members of the public in obtaining such access. All records and portions of records not exempt from disclosure will be made available in accordance with the procedures outlined in this Policy. The purpose of the Act is to provide the public full access to public records concerning the conduct of government. The Act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the FCSO will be guided by the provisions of the Act describing its purposes and interpretation.

### Definitions

#### Incident Report:

Defined by Miss. Code Ann. § 25-61-3(e) as "a narrative description, if such narrative description exists and if such narrative description does not contain investigative information, of an alleged offense, and at a minimum shall include the name and identification of each person charged with and arrested for the alleged offense, the time, date and location of the alleged offense, and the property involved, to the extent this information is known."

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### Investigative Report:

Records of a law enforcement agency containing information beyond the scope of the matters contained in an incident report, and generally will include, but not be limited to, the following matters if beyond the scope of the matters contained in an incident report:

- a. Records that are compiled in the process of detecting and investigating any unlawful activity or alleged unlawful activity, the disclosure of which would harm the investigation which may include crime scene reports and demonstrative evidence;
- b. Records that would reveal the identity of informants and/or witnesses;
- c. Records that would prematurely release information that would impede the public body's enforcement, investigative, or detection efforts;
- d. Records that would disclose investigatory techniques and/or results of investigative techniques;
- e. Records that would deprive a person of a right to a fair trial or an impartial adjudication;
- f. Records that would endanger the life or safety of a public official or law enforcement personnel, or confidential informants or witnesses;
- g. Records pertaining to quality control or PEER review activities; or
- h. Records that would impede or jeopardize a prosecutor's ability to prosecute the alleged offense.

### **Procedure**

1. Requests for release of FCSO public records should be made to the FCSO in writing on the Public Records Request Form with as much specificity as possible. Requests that are vague and/or fail to identify the specific incident/ occurrence cannot be completed and will be returned for further clarification. Requests can be submitted via email, US Mail, fax, or hand-delivery.
2. Public Records requests submitted in the proper form shall be responded to within seven (7) working days from the date received with one of the following:
  - a. Provide a cost estimate to the requestor for the search, review, duplication, and, if applicable, mailing for response to the public records request;
  - b. Send the copies of the records to the requestor;
  - c. Make the records available for inspection or copying, if in-person inspection is required;
  - d. Provide a reasonable estimate of when records will be available;
  - e. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor and, if necessary, revise the estimate of when records will be available; or

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- f. Deny the request. If the FCSO does not respond in writing within seven working days of receipt of the request for disclosure, the requestor should consider contacting the department to determine the reason for the failure to respond.

Consistent with the Act and as used in this Policy, a working day is any day other than a weekend, legal holiday, or other day on which by executive order the FCSO is authorized to be closed or all the employees of the Office are authorized to be absent.

Records exempt from disclosure:

Some records are exempt from disclosure, in whole or in part. Miss. Code Ann. § 25-61-3 states that, “when in possession of a law enforcement agency, investigative reports shall be exempt from the provisions of this chapter.” If the FCSO believes that a record is exempt from disclosure and should be withheld, the FCSO will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the FCSO will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

Any public records that are the subject of a chancery court proceeding or civil litigation will not be released directly to the requester. Instead, such records will be submitted to the court with jurisdiction over the matter for proper review, redaction, and authorization for release. The agency will notify the requester of this process and provide the appropriate court contact information, if applicable.

Body-Worn Camera video footage will be released on a case-by-case basis in accordance with Mississippi law.

Per Mississippi Code Section 19-5-319 (2), 911 recordings are entirely exempt and can only be obtained with a court order.

Per Mississippi Code § 43-21-255 (2023), “all records involving children made and retained by law enforcement officers and agencies or by the youth court prosecutor and the contents thereof shall be kept confidential and shall not be disclosed except as provided in Section 43-21-261.”

Inspection of records:

Upon request, the FCSO will provide space to inspect public records. No member of the public may remove a document from the viewing area, or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the public body to copy, provided the requestor makes payment for the costs of search, review, and production in advance. After inspection is complete and payment is made, the FCSO will make the requested copies or arrange for copying.

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### Providing records in installments:

When the request is for a large number of records, the FCSO will publish its response in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If the response is accomplished through in-person inspection, and within 30 days the requestor fails to inspect the entire set of records or one or more of the installments, the FCSO may stop searching for the remaining records and close the request.

### Closing withdrawn or abandoned requests:

When, after 30 days, the requestor either withdraws the request or fails to fulfill his or her obligations or pay the deposit or final payment for the requested copies, the FCSO will close the request.

## **Electronic Records**

When a requestor requests records in an electronic format, the FCSO will provide the nonexempt records or portions of such record that are reasonably locatable in an electronic format that is used by the FCSO and is generally commercially available or in a format that is reasonably translatable from the format in which the FCSO keeps the record. Costs for providing electronic records are described below.

## **Costs of Providing Public Records**

### Rates:

- Any person desiring copies of public records who does not officially represent a public body, as defined in the Act, is entitled to obtain mechanically reproduced copies at a charge of fifteen cents (\$.15) per black and white page, and twenty-five cents (\$.25) per color page.
- Search, Review, Reproduction, Redaction: The actual cost of searching for and reviewing and, if necessary, redacting exempt information from public records should be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task, which will be multiplied by the actual time to complete the task. If the searching, reviewing, duplicating, or separating of non-exempt material from documents, etc., containing exempt material requires less than fifteen minutes of work, the FCSO may waive the cost for searching, reviewing, and redacting.
- Postage: Current rate
- Email files under 25MB: No charge
- USB Flash Drive (Up to 1 GB)/ CD: \$10 each (in addition to charges incurred during the Search, Review, Reproduction, and Redaction)

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- A flat fee of \$5.00 may be charged for the release of reports to involved parties (e.g., victims, complainants, legal representatives, etc.).

**Payment:**

The FCSO requires payment in advance for all costs before providing copies or access to records. Payment may be made by cash, check, or money order to the FCSO.

**Sources:**

Mississippi Public Records Act: [Title 25, Chapter 61, Public Access to Public Records | Mississippi Ethics Commission](#)

Emergency Telephone Service (§§ 19-5-301 — 19-5-319): [Mississippi Code § 19-5-319 \(2023\) - \[Repealed Effective 7/1/2028\] Automatic number and location data base information; taped records of calls; confidentiality; nonidentifying records to be made available to public :: 2023 Mississippi Code :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)

Youth Court Law: [Mississippi Code § 43-21-255 \(2023\) - Law enforcement records :: 2023 Mississippi Code :: U.S. Codes and Statutes :: U.S. Law :: Justia](#)

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