

1983 WL 181828 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1983

**\*1 SUBJECT: South Carolina Freedom of Information Act Incident Reports—Jail Book and Log as Public Information**

(1) Section 30-4-50(8) states that incident reports disclosing the nature, substance, and location of any reported actual or alleged crime are declared public information.

(2) When an incident report contains information exempt under Sections 30-4-20(c), 30-4-40, and 30-4-70, or any other legal exemption, the law enforcement agency may delete that information prior to disclosing an incident report.

(3) The South Carolina Supreme Court has ruled that the jail book and log are public record.

(4) Arrest warrants are public information, although any information exempt under Section 30-4-20(c), 30-4-40, and 30-4-70, or any other legal exemption contained in the warrant, may be deleted prior to disclosure of the warrant.

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Chief of Police  
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QUESTION:

If an arrest warrant is to be issued for an individual based on the information received and recorded in an incident report, does that information become a matter of public record?

OPINION:

Yes. Incident reports were specifically declared public information by an Amendment to the South Carolina Freedom of Information Act effective May 25, 1982. If the information contained in an incident report is transferred to an arrest warrant, that transfer, of course, does not cloak the information with an exemption. Rather, the presumption of disclosure follows the information unless that information is subject to deletion from the incident report as otherwise provided by law.

QUESTION:

If a subject is arrested at the scene of a crime without a warrant, is information on the subject public record?

OPINION:

Yes. All information on an incident report is public information unless it may be deleted as not being in the public interest under Section 30-4-20(c), as constituting an unreasonable invasion of personal privacy under Section 30-4-40(2), or as being otherwise exempted from disclosure by statute or law under Section 30-4-40(4), as being harmful to the agency in question by:

(A) Disclosing the identity of informants not otherwise known;

- (B) The premature release of information to be used in a prospective law enforcement action;
- (C) Disclosing investigatory techniques not otherwise known outside the government; and
- (D) By endangering the life, health or property of any person.

QUESTION:

Is the jail book and log a matter of public record when it contains information concerning persons not yet tried in court?

OPINION:

Yes. The South Carolina Supreme Court has ruled in [Florence Morning News v. Building Commission of City and County of Florence](#) 265 S.C. 389, 218 S.E.2d 881 (1975) that the jail book and log are matters of public record. Consideration should be given, however, to [Section 17-7-40, South Carolina Code](#) of laws (1976), which states that after discharge, dismissal or finding of innocent, criminal records should be destroyed. Attorney General's Opinion No. 78-96, Page 125, states in this context that arrest and jail log entries relating to nonconviction dispositions should be obliterated.

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