

1979 WL 42720 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1979

***1 RE: Freedom of Information Act-Incident Reports**

W. E. Jenkinson III, Esquire
Law Offices Jenkinson & Jenkinson
120 W. Main Street
Kingstree, South Carolina 29556

Dear Mr. Jenkinson:

Your letter of March 27, 1979, to the Attorney General requesting the Opinion of this office regarding the Freedom of Information Act has been forwarded to me for response. Specifically, you asked what materials, if any, must be released from sheriff's incidental reports. I enclose for your information a copy of a previous Opinion of this office regarding incident reports. This Opinion was drafted prior to the most recent Freedom of Information Act.

You are concerned that there is information and photographs in sheriff's files dealing with murders, and investigatory materials which might prejudice a case if it were later brought to trial. As our previous Opinion indicates, it is our view that the public body may, on the grounds of public interest, refuse to release certain types of information from sheriff's reports. Further, the act specifically exempts investigatory material that was compiled in the process of detecting and investigating crime if the disclosure of the information would harm the agency by:

- (a) Disclosing 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;

- (d) By endangering the life, health or property of any person.

[Section 30-4-10\(3\), South Carolina Code](#) of Laws, 1976, as amended. Certainly much of the information which you inquire about would fall within this category.

The act does permit the separation of exempt from nonexempt material. Section 30-4-40(b).

I hope this has been of some assistance to you. If you have any further questions, please do not hesitate to contact me.
Very truly yours,

Katherine W. Hill
Assistant Attorney General

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