

1978 WL 34668 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 25, 1978

***1 RE: Police Service Bureau Records Policy**

Joseph A. Earle, Esquire
Greenville County Attorney
301 College Street
Greenville, SC 29601

Dear Mr. Earle:

Yesterday I discussed at length the subject referenced above with Attorney Freeman in Greenville. As you know, Mr. Freeman represents a media group interested in changing, if not legally challenging, the information disclosure policy recently adopted by the Greenville County Police Service Bureau.

I advised Mr. Freeman that I would be more than willing to supply you with some of the research materials which were examined in determining that investigative reports and related data could be kept confidential in harmony with the State's Freedom of Information Act. Mr. Freeman indicated that you and he were currently in the educational process, and that you both desire to examine the various legal authorities in this area so that you might narrow your discussions concerning the policy in question. To this end I am supplying a Xerox copy of my law clerk's notes, in which he has listed some twenty-five (25) or thirty (30) cases, I believe taken from the Dicennial Digest, which deal with denial of access to police investigative reports.

I am also sending you a copy of an Opinion which I submitted to Sheriff Brown, an Opinion submitted by J. C. Coleman to Sheriff Powell here in Richland County, as well as a group of cases which can be relied on to support the position that the custodian of public records has the duty and the authority to administer his records in a manner which insures a minimal disruption of the public function and also insures maximum security of the records in question. The cases relied on for this latter proposition are as follows:

[423 P. 2d 193](#);

[70 N. E. 2d 265](#);

[31 P. 172](#);

[17 S. 2d 607](#);

[134 S. W. 2d 28](#);

[151 N. W. 2d 758](#);

[47 S. W. 2d 56](#);

[43 S. E. 2d 214](#).

See also [84 A. L. R. 2d 1261](#);

76 C. J. S. Records Section 40;

66 Am. Jur. 2d Records and Recording, Section 14.

Based on the legal authorities cited herein, it continues to be my firm belief that the Police Service Bureau can maintain the records control policy which it now operates in harmony with the State's Freedom of Information Act. However, as I discussed both with Bob Elmore and with Attorney Freeman, it is my continuing belief that all administrative forum for discussion and resolution of the dispute should be pursued fully. If such remedies are followed in good faith, I see no reason why the press and Police Service Bureau cannot work out an arrangement whereby the records and investigative reports continue to be protected, and the public continues to have access to those records to which it is legitimately entitled.

I also advised Mr. Freeman that the negotiations should be conducted between you as County Attorney representing the Police Service Bureau, and the related police agencies, and Mr. Freeman as attorney for the public and the media. This Office would be willing and able to advise you as County Attorney only upon a request for such assistance. The Attorney General's Office has no direct interest in participating in this matter individually, nor should we be considered a party at this stage. I would be happy to discuss any aspect of this matter with you at your convenience.

Sincerely,

*2 George C. Beighley
Assistant Attorney General

P.S. Please note also the case of [Houston v. Rutledge](#), 237 Ga. 764, 229 S. E. 2d 624 (1976).

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