

1973 S.C. Op. Atty. Gen. 80 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3490, 1973 WL 20953

Office of the Attorney General

State of South Carolina

Opinion No. 3490

March 12, 1973

**\*1 1. What is commonly referred to as the ‘Jail Book’ of a city or county prison most probably comes within the purview of the Freedom of Information Act and is therefore available for public inspection.**

**2. Complaints filed in writing with a police department and sheriff's department are most probably not public as disclosure of such matters are contrary to the public interest.**

**3. Reports of automobile accidents filed in city police departments are made confidential and may not therefore be disclosed.**

Senator

You have inquired as to whether certain matters referred to in a letter dated February 12, 1973, and directed to you by Mr. Henry M. Stewart of *The Seneca Journal/Tugaloo Tribune* are public records and therefore open to public inspection under the Freedom of Information Act of 1972. [§ 120.1, Code of Laws, 1962, as amended.]

The first question posed is with respect to whether day-to-day operational records of a city or county jail, including information relating to who has been placed in jail, including his name, age and address, the charges placed against him, the date and time of his arrest, the name of the arresting officer, the amount of his bail bond, and, when applicable, the time of his release.

It is my opinion that what is commonly referred to as the ‘Jail Book’ of a city or county prison most probably comes within the purview of the Freedom of Information Act and is therefore available for public inspection. This would include the data referred to in the letter of inquiry if such data is normally included in the Jail Book records. I am not advised as to what is meant by the ‘operational records of a city or county jail’ and express no opinion thereon, but I assume that it has reference to the ordinary Jail Book.

The above conclusion is subject to the right of the city to show that the disclosure of Jail Book records would be contrary to the public interest and, while I doubt the validity of such a contention, the final determination of whether the public interest is adversely affected by disclosure rests in a court for determination in proceedings instituted pursuant to the provisions of the Freedom of Information Act.

My conclusion is also subject to a resolution adopted by the General Convention of Justices and Judges of this State on August 26, 1971, which sets forth guidelines governing the release of information relating to the commission of crimes. This document has been widely distributed to the various police agents of the State and they are familiar therewith.

A further question is asked with respect to whether complaints filed in writing with a police department and sheriff's department are public records.

It is my opinion that such records are most probably not public as, in my view, the disclosure of such matters is contrary to the public interest and, in many instances, would not be in compliance with the resolution referred to above.

**\*2 Finally, it is asked: Are reports of automobile accidents filed in city police departments to be considered public records?**

In accordance with the provisions of Sections 46–333, 335, these records are made confidential and may not therefore be disclosed. The Freedom of Information Act specifically excludes from its coverage those records ‘which by law are required to be closed to the public.’

*Beckon v. Emory*, 153 N. W. 2d 501

*People v. Harnett*, 226 N.Y.S. 338 (1927)

76 C.J.S. *Records* ¶36

66 Am. Jur. (2d) *Records and Recording Laws* ¶27

*Cook v. Willingham*, 400 F. 2d 885

*Tarlton v. United States*, 430 F. 2d 1351

*Rhodes v. Meyer*, 225 F. Supp. 80

*Weisberg v. Police Department of Village of Lynxrook*, 260 N. Y. S. (2d) 554

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