



**GEORGIA FIRST
AMENDMENT
FOUNDATION**
your right to know

May 22, 2008

Chief Charles Walters
Gwinnett County Police Department
P.O. Box 602
770 Hi-Hope Road
Lawrenceville, Georgia 30046
VIA FACSIMILE (770) 513-5006

Dear Chief Walters:

I am writing on behalf of the Georgia First Amendment Foundation. We are an organization that seeks to advance the cause of open government and monitors freedom of information issues throughout this state.

We have recently learned that your department is denying access to police incident reports, based upon your efforts to implement a paperless system. However, while your goals are laudable, even a temporary denial of access to public records violates the state's Open Records Act. *See Athens Observers, Inc. v Anderson*, 245 Ga. 63 (1980) (purpose of open records act to encourage public access to information so public can evaluate proper functioning of its institutions and to foster confidence in government through openness). The Open Records statute itself defines access. "All public records of an agency ... shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen." O.C.G.A. § 50-18-70(b).

We are concerned that your denial of access is contrary to the state's public policy and open records law. Georgia's Open Records Act provides that police incident reports are always open to inspection regardless of the status of any pending investigation. *See* O.C.G.A. § 50-17-72(a)(4).

I have enclosed a copy of *Georgia Law Enforcement And the Open Records Act*, which discusses this issue and well as other similar ones. We would appreciate an explanation as to what will be done to remedy this violation that goes against the interest of the public, and look forward to hearing from you at your earliest convenience in this regard. Thank you.

Sincerely,

Hollie Manheimer
Executive Director

Cc: GFAP Board

150 East Ponce de Leon Avenue, Suite 230, Decatur, GA 30030 • (404) 525-3646 • (404) 377-0486 (fax)
E-mail: info@gfaf.org • <http://www.gfaf.org>

"Because public men and women are amenable 'at all times' to the people, they must conduct the public's business out in the open."
The late Charles L. Weltner Sr., Chief Justice, Georgia Supreme Court

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