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The Government Has Information FOIA (For Ya):

An Analysis of Requesting Police Records in Collegedale, Tennessee and Athens, Georgia

Tierra Hayes

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Abstract

The Freedom of Information Act first went into effect in 1967 and was intended to give the general public of the United States more access to information and documents held by government entities. Since enactment, this act has given specifically journalists a means of approach to request previously undisclosed or hard to access materials including, but not limited to, police reports, body camera footage, court filings, budgets, salaries, and other documents held by various government offices. While there are restrictions with considerations such as national security, this access can be seen on national, state, and, as assessed in this research, local governments. This research analyzes the processes of requesting police reports in the college towns of Athens, Georgia and Collegedale, Tennessee, both of whose approaches differ likely due to the nature of the towns' locations, sizes, and available resources.

They've Got Some Information FOIA: An Analysis of Requesting Police Records in Collegedale, Tennessee and Athens, Georgia

When journalists at the Chattanooga Times Free Press were informed that records they had requested months prior had recently been destroyed, they used their platform to inform the public, with even larger, more national news sources like the Associated Press and the New York Times featuring articles about the missing records (Taylor, 2020). But why would a records denial in one town in one state in one corner of the county make national news? Likely because disruptions in the process of requesting records from the government can have larger implications for journalists and society alike. Issues surrounding the difficulty of requesting information from the government have made national headlines as journalists practice transparency with how they get information and what the process looks like. Much of the access journalists are given to government-held information is by way of the Freedom of Information Act [See Appendix A](FOIA).

The Freedom of Information Act was first passed in 1966 before being enacted on July 4, 1967. The act was first proposed after an era of Cold War Secrecy in 1955 by John Moss, a democratic senator from California. Although President Lyndon B. Johnson was not in favor of the act, congressional support led him to sign it in 1966 (History of FOIA). But there were many reports of government agencies charging high costs and doing whatever was possible to make the process of requesting records inaccessible (FOIA Legislative History). Since this time, the act has seen many revisions, mainly strengthening its power. After the Watergate Scandal, in 1974 the first amendment was made to the act expanding it to look more like what it is today. This set time requirements, worked to lessen fees, and put more power back into the hands of requesters.

Since then the act was amended again in 1976, 1986, 1996, 2002, and in 2007 (History of FOIA)(FOIA Legislative History).

While records requests and the functionality of this act are available to citizens in general, FOIA has proven to be a useful tool for journalists to learn more about and report on government agencies, budgets, and workers. But while FOIA is a helpful tool, many researchers would argue that it is flawed. Sometimes making a records request is not as simple as it may seem on the surface. According to Logan Jaffe, a reporter for ProPublica, the process can be tangled. “Although filing a FOIA request seems pretty straightforward — technically, all you need to do is send a letter or email to the FOIA officer detailing your request — we can vouch for the fact that, sometimes, the process can be anything but” (Jaffe). In his 2016 review of the law, lawyer David McCraw expresses his belief that if there was information government entities wanted to share, that they would, a process that is many times done by way of a press release. To him, this inherently makes government agencies wary of releasing any more information than they have too, making the process more difficult for citizens and journalists (McCraw).

The government also has the power to offer denials of requests that can happen for various reasons. Those include considerations for national security, privileged communication, trade secrets and other reasons that would have FOIA come into conflict with other laws. While government agencies have the right to deny journalists and requesters access to certain documents, requesters retain the right to appeal and sue if they feel that they have a legal right to the information (Lucas, 2018).

Access to information laws and protocols for records requests vary somewhat depending on local, state, and specific agency guidelines as states have developed their own freedom of

information rules. This research will focus specifically on communities in the states of Tennessee [See Appendix B] and Georgia [See Appendix C]. This research will address these two major questions: How have local governments conceptualized FOI laws for their own purposes? How do police record request protocols between Athens, Georgia and Collegedale, Tennessee differ? The researcher selected these two towns because she has lived and attended universities in both areas.

Athens-Clarke County is a consolidated city-county with a unified government, located in northeast Georgia. With a population of more than 125,000, the town is home to the University of Georgia, a 4-year public research institution with an enrollment just shy of 40,000 (US Census Bureau)(University of Georgia).

Collegedale, Tennessee is in the Southern region of the state, about 20 miles from Chattanooga, Tennessee. A part of Hamilton County, the city of around 12,000 residents is home to Southern Adventist University, a 4-year private liberal arts institution affiliated with the Seventh-day Adventist Church (University)(US Census Bureau).

Methods

To begin this project, the researcher identified the individual processes for requesting police records from the local governments of Athens, Georgia and Collegedale, Tennessee. After locating the protocols for both areas, the processes were compared.

The researcher, overtime, compiled a list of possible requests and proceeded to submit them to officials through the proper channels. The responses, response times, and overall processes were contrasted against each other and against the coded laws to which they should comply.

Findings

Collegedale

Between January 2020 through April 2020, four separate records requests were filed with the Collegedale Police Department. In the city of Collegedale, requests are made by filling out a physical or digital copy of a PDF “Public Records Request Form” that requires the governmental entity name, the name and contact information for the Public Records Request Coordinator, the requester’s name and contact information. The form then asks if the requester is a Tennessee citizen. After personal information, options are given for how the requester would like to receive the requested information. These options include inspection or copy/duplicate. If one chooses inspection, the form states that the government agency cannot assess fees. For copy/duplication, one can give a max monetary amount he or she is willing to pay if “cost for copies is assessed.” Under the same request section, one can select the method of delivery, whether that be electronic, by mail, or by on-site pick-up.

The form then provides space for the requester to list details about what record(s) are being sought. The form reads as follows:

Provide a detailed description of the record(s) requested, including: (1) type of record; (2) timeframe or dates for the records sought; and (3) subject matter or key words related to the records. Under the TPRA, record requests must be sufficiently detailed to enable a governmental entity to identify the specific records sought. As such, your record request must provide enough detail to enable the records custodian responding to the request to identify the specific records you are seeking.

There is then space for the requester to sign and date the form. [See Appendix D]. This form can be found on the city's website, collegedaletn.gov. After completing the form, it can either be dropped off at the local city hall, mailed, or emailed to the corresponding Public Records Request Coordinator.

For all requests completed by the researcher, within the first 24 hours, a response was returned by email. The researcher asked that all reports be returned electronically, and for the volume and nature of said requests, no fees were assessed.

[NOTE: The researcher intentionally avoided making requests that might accrue fees and extended turn-around times due to the time frame of the research and impacts of the novel coronavirus, SARS-CoV-2.]

For request one, on February 7, 2020, the researcher made the following request:

“This request is for the police report for the incident that occurred on Thursday, February 6 from around 5:10 p.m. to about 9:10 p.m. at the residence at [REDACTED].”

The Collegedale Police Department's records clerk responded that same day at 9:30 a.m. with this response: “I have received your request and the response is attached. I will update you when records are available.” The response also included a Public Record Response form, detailing why the records could not be immediately returned. The form said that records could be expected within the next 7 business days once an investigation had been completed. The researcher received the requested police report by email on Tuesday, February 11 at 8:46 a.m., four days after making the initial request.

For report two, on February 19, 2020, the researcher requested “police report in reference to the thefts at Southern Adventist University on 1/1/2020, 1/13/2020-1/14/2020 in the Hulsey Wellness Center and the McKee Library” to be returned by email. A response was returned on February 2, 2020 at 8:05 a.m. The records clerk informed the researcher that records did not exist for one of the requested dates but provided records for another date that seemed to fit the request. The response read: “I did not locate records for 1/1/20 but I did for the other dates you requested and also for 1/21/20.” The researcher replied that the school Clery record, a law mandated record of all criminal incidents on a university’s campus, had likely been logged incorrectly as the university had not been in session on the mentioned dates.

For request three, on March 3, 2020, at 9:44 a.m., the researcher requested “reports for all drug-related incidents on the campus of Southern Adventist University from Jan. 1, 2020 to March 3, 2020, including, but not limited to, the incident on 2/16/2020 in the Talge Parking Lot.” The clerk informed the researcher in an email on March 3, 2020, at 1:32 p.m. that “The requested report for 2/16/20 is attached. There are no other reported offenses at this time for the time period and location you requested.”

For request four, on April 5, 2020, at 1:58 p.m., the researcher submitted a final request for “all available police reports /documents pertaining to [REDACTED], including, but not necessarily limited to incidents that took place in October 2018.” The records clerk emailed the researcher back on April 6, 2020, with a request-response form stating that the records the researcher was seeking did not exist.

Athens

Over a period of four months, between January 2020 through April 2020, four separate records requests were filed with the Athens-Clarke County Police Department. For the city of Athens, requesters can either call, email, or physically mail information or even submit an online, interactive form for records. When emailing or physically mailing requests for police reports, the focus of this research, there is a PDF form that one must fill out. The form requests one's name, company name, address, and contact information. It has spaces for filling in the report number, the date, the location, and the names of people and birthdays of people involved, if that information is known, for the incident that pertains to the record request. The bottom of the form states that requesters will be contacted within three business days with records or a cost and/or time estimate [See Appendix E].

The online interactive form, found at athensclarkecounty.com, allows requesters to create an account to save some of their prior information and their progress on pending requests. This form has fields like the ones listed on the printed or emailed forms but leaves the actual request as an open-ended box rather than explicitly requesting specific fields such as names or dates.

For all reports, a response was returned on each request within the first 24 hours. In addition, a response was returned on each request. The requester asked that all reports be returned electronically, and for the volume and nature of said requests, no fees were assessed.

[NOTE: The researcher intentionally avoided making requests that might accrue fees and extended turnaround times due to the time frame of the research and impacts of the novel coronavirus, SARS-CoV-2.]

For request one, the researcher sent the following:

“This request is for digital copies of all available police records/reports concerning [REDACTED], the subject of multiple arrests in early 2019.”

The request was made on Sunday, April 5, 2020 at 1:41 P.M. An autoreply email from the online form was sent right after this submission. On Monday, April 6, 2020, a personalized email was sent from the city’s open records clerk, confirming her receipt of my request, and stating that she was working to get the records to the researcher. On Monday, April 6, 2020, the open records clerk emailed two PDF documents containing the requested police reports.

For requests two, three, and four, the researcher sent the following requests simultaneously:

- 2: “This request is for all reports related to a house fire on [REDACTED] that took place on April 11, 2020.”
- 3: This request is for all police reports pertaining to a shooting that happened on October 1, 2018 on [REDACTED].
- 4: This request is for any reports pertaining to issued citations or warnings for violations of shelter-in-place protocols from March 19, 2020 until April 29,2020.

The requests were made on Wednesday, April 29, 2020 at 1:32 P.M. Autoreply emails from the online form were sent right after this submission. On Wednesday, April 29, 2020, a personalized email was sent from the city’s open records clerk, confirming her receipt of the researcher’s requests, and asking for additional, identifying information for requests two and three. The emails read:

“I do have some questions:

Were you involved? Names of the person or people involved?

If so, what is your date of birth?

Do you have a case number?

Is [REDACTED] the house number?"

On Thursday, April 30, 2020, another personal email was sent inquiring whether or not the researcher had received the previous email, which was then followed up by a personal call prompting the researcher to clarify and provide more information about requests 2, 3 and 4.

For request three, the researcher attempted to identify one of the involved persons and the location, providing a first name and a closer address for said incident. The clerk responded, "Please let me know if this is not the correct report because the information you provided are a little off and I want to make sure I am sending you the right information" and attached a PDF to the email. On inspection, the record was what the researcher was looking for.

For request two, the clerk expressed that the police department did not respond to the incident, but the researcher was sent records containing dispatch records detailing conversations about the incident over police communication lines, which were all that the department had. The researcher was then redirected to the correct department for further inquiry into the records.

For request four, asking for reports of citations issued for shelter-in-place violations during the novel coronavirus pandemic, rather than being provided documents, the researcher was given this summary: "Private residential numbers the ST-8Verbal, only 9 ST-8Verbal were for businesses, and there were 5 issued to private residents."

Discussion

One similarity between making requests in the two towns was how forthcoming the records clerks seemed to be with information. When the researcher gave inadequate or inaccurate information concerning a request, they both provided records that they thought fit the description, rather than just fulfilling what was explicitly requested. These trends may be due to the nature of the requests. In other words, the researcher was not “digging” for potentially sensitive or complex documents. Had this been the case, the records clerks may have ignored or denied the researcher’s requests.

A major difference between Athens and Collegedale was the methods of request. While the most technologically advanced method of requesting records in Collegedale was filling out and emailing a form, Athens had an online form that immediately emailed back a confirmation of receipt. While in both Georgia’s and Tennessee’s open records laws, there is the allowance for online forms, only Athens provided one. This may have resulted from the differences in allocation and volume of resources between the two towns. With almost ten times as many people, Athens certainly has a higher annual budget, likely allowing for more resources to be put into a maintainable online form system. Being a small, partially rural town, it is no surprise that Collegedale does not offer the latest in submission technology, and it is likely that it does not have a pressing need for one either. In a large city like Athens, there are likely to be many more requests that come in on a regular basis than in Collegedale, which an online form system would make easier to sort through than filled-up email inboxes where record requests may be easy to lose or overlook.

Unlike the researcher’s requests to Collegedale, the later requests to Athens were met with additional, information-seeking questions. There are many possible reasons for this,

including the volume of records and the researcher's access to incidents prior to requests. When the researcher was requesting documents from Collegedale, Tennessee, all requests directly pertained to Southern Adventist University, where she was enrolled in school. Because of this, the researcher had more knowledge of the incidents that she requested information about. She either had firsthand knowledge of events or was able to use Clery records from her university to provide the records clerk with more information. In contrast, the researcher had less access to information when it came to incidents in Athens, Georgia as she was basing her requests on old incidents she had heard about from her family in Athens or read about in articles from the local paper, the Athens Banner-Herald. Her lack of detail in submitting Athens-based record requests could have led the clerk to ask more clarifying questions. Another possible factor could be the sheer number of records held by each city. As Athens is a larger city with more residents and a higher crime rate, it is likely that Athens's database of police records is vaster than the one in Collegedale. For example, Athens has a crime rate of 36 incidents per every 1,000 residents, while Collegedale has a crime rate of about 16 incidents per every 1,000 residents (NeighborhoodScout). The researcher's requests for Athens' records gave general locations and dates, so it is possible that the details provided to the records clerk could refer to multiple incidents rather than the specific one that the researcher was looking for.

The actual content of the reports varied, and any trends found are likely insignificant due to the small volume of retrieved reports. There was a wide range of topics covered in these eight records from death, shootings, kidnapping, thefts and drugs, but there is very little to compare because there is such a wide variety of incidents and because some of the requests, three out of the eight, didn't return actual police reports. Noticed but statistically insignificant trends were that all reports gotten were about men and were written by men.

When it comes to simple requests for police reports, both Athens and Collegedale Police Departments seem to follow the letter of the law. Since the records clerks responded to all requests within 24-hours, both departments met their local time requirement, even when various social distancing protocols likely caused changes in the day-to-day processes of these government offices. On the Athens record request website and at the end of each email correspondence, a line was included letting requesters know that requests might take more time due to the virus. They specifically stated: “Due to the current national and state emergencies related to the COVID-19 epidemic and the Athens-Clarke County Police Department Records staff working remotely, we do not currently have the ability to process your request as quickly as we would normally be able to. We are working as quickly as possible to provide the materials you requested to you.” In Collegedale, each request was met with the Public Record Request Response Form as mandated by Tennessee’s record laws.

This research highlights the intersections between law and journalism. While there are many specific laws and court precedents pertaining to the practice of journalism, FOIA represents a direct connection of journalism to the law, which allows journalism to be what some would refer to as “the fourth estate.” It is another balance of the federal, judicial, and legislative bodies in the United States. This act allows for more access to journalists to these branches of the government.

Both journalism and law are very alike in disciplinary methods as both rely on heavy research of the past and analyses of how systems should work in comparison to how they actually work. For this interdisciplinary project, the researcher identified and studied law codes that gave power to her journalistic methods. This study allowed the researcher to better engage with the journalistic process as she had never requested records prior to the start of this project.

Two articles were produced in Southern Adventist University's Southern Accent newspaper based on information obtained from these requests. By looking outside of a journalistic lens, the researcher was able to provide more weight and context not only to current articles made in college, but she has also engaged with a process that will continuously aid her in her future career in journalism.

Conclusion

While it may not be perfect or all-encompassing, the Freedom of Information Act gives citizens and journalists alike important access to government information. While, in an ideal world, the process of requesting documents would be similar to the researcher's experience, simple and easy, there are likely many cases nationwide where certain requests and records are less attainable and the government entities are less accessible. Maintaining this access and bringing attention to when the government is being transparent or not is a key role of journalists who seek to inform the everyday person about what is going on in the world and how it affects various communities. Without records, those in the government would be free to do what they would like as there would be much less accountability.

This study, while small in scope, gives insight into how two local governments bring the Freedom of Information Act to light in terms of requests for police reports. And like these two towns, there are thousands of similar local governments that each have their own way of conceptualizing the statutes that were first passed in 1966, although they have since seen various updates. Every day, all across the United States, people seek to learn more information about those who govern; thus it is important to understand the laws and the processes that represent those laws through which that information is obtained.

Further research into this topic should more thoroughly examine local governments nationwide and increase the scope of requests. There are hundreds of agencies and departments across the country that one can request hundreds of types of records from. From budgets to emails to dashcam footage and more, the Freedom of Information Act intends that citizens not be left completely in the dark about what those who govern do on a day-to-day basis.

References

- Archibald, S., & Archibald, S. (1979). The Freedom of Information Act revisited. *Public Administration Review*, 39(4), 311–318. <https://doi.org/10.2307/976206>
- History of FOIA. (2017, May 18). Retrieved from <https://www.eff.org/issues/transparency/history-of-foia>
- FOIA, Freedom of Information Act. “FOIA.gov (Freedom of Information Act) Home Page.” *Freedom of Information Act*, www.foia.gov/.
- FOIA Legislative History. (n.d.). Retrieved from <https://nsarchive2.gwu.edu/nsa/foialeghistory/legistfoia.htm>
- Freedom of Information - Society of Professional Journalists. (n.d.). Retrieved from <https://www.spj.org/foiabout.asp>
- Jaffe, L. (n.d.). Journalism Made Possible Because of the Freedom of Information Act. Retrieved from <https://www.propublica.org/article/journalism-and-foia-freedom-of-information-act>
- Lucas, J. (2018, July 21). How Times Reporters Use the Freedom of Information Act. Retrieved from <https://www.nytimes.com/2018/07/21/insider/information-freedom-reporters-pruitt.html>
- McCraw, D. E. (n.d.). The "Freedom From Information" Act: A Look Back at Nader, FOIA, and What Went Wrong. Retrieved from <https://www.yalelawjournal.org/forum/the-freedom-from-information-act-a-look-back>
- NeighborhoodScout. (n.d.). Retrieved from <https://www.neighborhoodscout.com/>

Pozen, D. (2017). Freedom Of Information Beyond The Freedom Of Information Act.

University of Pennsylvania Law Review, 165(5), 1097–1158. Retrieved from

<http://search.proquest.com/docview/1900349936/>

Taylor, S. G. (2020, February 2). Hamilton County attorneys destroy public records after Times

Free Press request. Retrieved from

<https://www.timesfreepress.com/news/local/story/2020/feb/01/hamiltcounty-attorneys-destroy-public-records/514665/>

Uhl, K. (2003). The Freedom of Information Act post-9/11: balancing the public’s right to know,

critical infrastructure protection, and homeland security. American University Law

Review, 53(1)

University, S. A. (n.d.). Southern Adventist University: Southern Adventist University.

Retrieved from <http://www.southern.edu/>

University of Georgia: Birthplace of public higher education in America. (n.d.). Retrieved from

<https://www.uga.edu/>

US Census Bureau. (n.d.). Census.gov. Retrieved from <https://www.census.gov/>