



## Law Enforcement Records

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](http://www.mtas.tennessee.edu)

# Table of Contents

Law Enforcement Records .....	3
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**Reference Number:** MTAS-440

While law enforcement records are generally open to public inspection, exceptions have been enacted to safeguard certain law enforcement records. Some of the exceptions include:

- Tenn. R. Crim. P. 16(a)(2) which provides that all records related to an ongoing criminal investigation or prosecution may be maintained as confidential until the conclusion of the criminal action. *Tennessean v. Metropolitan Government of Nashville*, 485 S.W. 3d 857 (Tenn. 2016) and *Schneider v. City of Jackson*, 226 S.W. 3d 332 (Tenn. 2007).
- T.C.A. § 10-7-504(t) provides that when a minor is the victim of a criminal offense, the minor's name, unless a parent or guardian waives confidentiality of the name, home, work and electronic mail address, telephone numbers, Social Security number, any photo or video depiction of the minor, and whether the defendant is related to the minor, unless the relationship is an essential element of the offense, is confidential.
- T.C.A. § 10-7-504(u) makes the recordings from body-worn cameras that capture minors, when taken inside of a school that serves any grades from K-12, the inside of a facility licensed under Title 33 or Title 68, or the interior of a private residence that is not being investigated as part of a crime scene confidential.
- T.C.A. § 37-1-154 makes the law enforcement records related to a juvenile whose case will be prosecuted in juvenile court confidential.

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*DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.*

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