

August 9, 1976

Honorable Frank Roberts
Mayor of Phenix City, Alabama
P.O. Box 1207
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Mayor Roberts asked Attorney General Bill Baxley three defining questions regarding release of police information to the media:

1. Does the city face any special liability with regard to the release of information contained in investigation reports?

Answer: The news media has no greater right of access to police investigation reports than that accorded the public.

2. Does a newspaper reporter have a constitutional right of access to police reports which are not available to the general public?

Answer: No. The US Supreme Court answered that question, "It is generally held that the First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally...."

Branzburg vs Hayes 408 US 665, 684, 33 L.Ed2d, 626, 641, 92S Ct 2646 (1972)

3. May a police department form a uniform policy with regard to releasing information contained in its reports?

Answer: Yes. From what has been said above, it is obvious that a uniformly applied policy with regard to investigative reports will stand constitutional muster. Such a policy could make all reports available, some reports available or none available, so long as it was equally applied. There are, however, at least three reasons for keeping police reports confidential. These are: (1) to protect police investigations (2) to protect and encourage witnesses and (3) to protect the constitutional rights of those ultimately charged.