

**BEFORE THE MISSISSIPPI ETHICS COMMISSION**

**DALE LONG**

**COMPLAINANT**

**VS.**

**PUBLIC RECORDS CASE NO. R-19-040**

**CITY OF JACKSON**

**RESPONDENT**

**FINAL ORDER**

This matter came before the Mississippi Ethics Commission through a Public Records Complaint filed by Dale Long against the City of Jackson (the “city”). The Ethics Commission has jurisdiction over this matter pursuant to Section 25-61-13, Miss. Code of 1972. In accordance with Rule 5.6, Rules of the Mississippi Ethics Commission, the hearing officer prepared and presented a Preliminary Report and Recommendation to the Ethics Commission at its regular meeting on March 6, 2020. The respondent did not object to the Preliminary Report and Recommendation and has thereby waived a right to a hearing on the merits. Accordingly, the hearing officer enters this Final Order in accordance with Rule 5.6, Rules of the Mississippi Ethics Commission.

**I. FINDINGS OF FACT**

1.1 On June 13, 2019, Dale Long filed a public records request with the City of Jackson through its online public records portal for “video of the holding cell that Twanna Guyton was in at the Jackson Police Department on April 19, 2019. The time frame is between 5pm-10pm. The video should indicate that she was assaulted by an AMR employee while she was experiencing a seizure.” Mr. Long received an acknowledgement from the city’s GovQA system on the same day.

1.2 On July 1, 2019, Mr. Long requested a status update through the city’s GovQA system, which stated “In Progress.” Receiving no response from the city, Mr. Long filed a public records complaint with the Ethics Commission on July 15, 2019, for failure to respond to his request.

1.3 On July 31, 2019, the city filed a response. In its response, the city stated:

... The delay in responding to the Request was not intentional as there are an influx of requests that come in daily and no one person has the sole job of answering public records request. [sic] The City of Jackson strives daily to respond to each request timely and efficiently. We do however sincerely apologize for this oversight.

...

In response to Public Record Request W008556-061419 the City of Jackson denied the public records request on July 31, 2019. (see attached history).

Section 25-61-12(2)(a) of the Mississippi Code Annotated (1972), as amended, states:

When in the possession of a law enforcement agency, investigative reports shall be exempt from the provisions of this chapter; however a law enforcement agency, in its discretion, may choose to make public all or any part of any investigative report.

For the above reasons, the City acted in good faith and under the belief that all actions taken were in substantial compliance with the Mississippi Public Records Act of 1983, as amended.

1.6 Attached to the city's response was some information from the city's GovQA system tracking history for Mr. Long's public records request. No records were provided prior to July 16, 2019. However, in records dated July 18, 2019, it appears that Allice Lattimore assigned the public records request to Chasitye Brinson on June 13, 2019. On July 23, 2019, Ms. Brinson indicated in the GovQA notes that "I still need the exemption for this request." On July 31, 2019, Ms. Brinson uploaded a file for internal legal review, which was performed by Bridgette Morgan, Deputy City Attorney, on the same day.

## II. CONCLUSIONS OF LAW

2.1 The Mississippi Public Records Act of 1983 (the "Act") declares that public records shall be available for inspection or copying by any person unless a statute or court decision "specifically declares" a public record to be confidential, privileged, or exempt. Section 25-61-5(1)(a) mandates that "[n]o public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of receipt of the request for the production of the record." That is, written denials must occur within seven working days after receiving the request.

2.2 "A public body's failure to provide a written denial is a violation of the act. See Section 25-61-5(3)." Comment 4.3(4), Rule 4, Mississippi Model Public Records Rules. Further, "[a] 'denial' of a request can occur when a public body . . . [f]ails to respond to a request. . . ." Comment 4.4(4), Rule 4, Mississippi Model Public Records Rules.

2.3 Based on the record before the Ethics Commission, it appears the city failed to communicate a denial of the request in writing to the requestor within the statutory seven working day period. As a result, the city violated the Public Records Act.

## III. CONCLUSION

WHEREFORE, IT IS HEREBY ORDERED as follows:

3.1 The Ethics Commission finds that the City of Jackson violated Section 25-61-5 by failing to timely deny Dale Long's public records request.

3.2 The Ethics Commission orders the City of Jackson, through its officials and employees, to strictly comply with the statutory deadlines and procedures set forth in Section 25-61-5.

3.3 The Ethics Commission recommends that the City of Jackson designate a Public Records Officer pursuant to the Mississippi Model Public Records Rules, Rule 2.

SO ORDERED, this the 19<sup>th</sup> day of March, 2020.

---

TOM HOOD, Hearing Officer  
Mississippi Ethics Commission