

**MY TURN: Sheriff Ted Sexton :**  
**Who is really concerned with public safety here?**  
**May 17, 2005**

**Prior to this lawsuit [filed by The Tuscaloosa News over sheriff's office records], my office routinely gave out information about each and every crime committed in this county. We routinely gave out the type of offense, the general location where the offense occurred, the date and time of the occurrence, the property and or injuries involved in the offense as well as various other facts concerning the offense. In fact, my office was one of the first in the country to create a Web site for the general public that contained this information. Even better still, my office prepared a "blotter" that contained this information specifically for The Tuscaloosa News. The problem arose when The News decided this wasn't good enough. They insisted that they were entitled to all the information contained on the front page of the incident/offense report because it was a "public document."**

**Generally in our state, documents created by and used in the course of business by government agencies are public documents under our Open Records Act. However, our state Legislature has passed more than 85 statutory exemptions from the Open Records Act. In the instant case, the Legislature passed a statute in 1998 that said, "Law Enforcement Investigative Reports and related materials are not public records." See Ala. Code Section 12-21-3.1(b). Mr. [Doug] Ray [Tuscaloosa News executive editor] simply cannot accept that the Alabama Legislature has already weighed the public's right to know about crimes with a victim's right to privacy, a criminal's right to a fair trial, and law enforcement's right to perform an unhindered investigation. What did they determine? That the public's right to know the specific details of crimes which are contained on the front page of incident/offense reports is outweighed by the latter three.**

**Unfortunately for The News, the court found that the aforementioned statute gave law enforcement the discretion to say what is investigative material protected under the statute. Unfortunately for me, the court also said that I could not provide The News or the public with "same as" information about crimes. In other words, I had to either give them the actual incident/offense report itself or withhold it as investigative. Basically, the court said that the "blotter" and Web site I gave them was no substitute for the document itself if they requested the document.**

**As sheriff, I want to protect the citizens of this county. I see no need for a victim of a crime to be "re-victimized" in the newspaper. I see no need to give out people's home telephone numbers and Social Security numbers simply because they were subjects of a crime and reported it to my office. I do not believe it is a good practice to give out the names and contact information of witnesses to crimes as this would subject those witnesses to intimidation and possible harm by criminals looking to escape conviction. My goal is to solve crimes, not give out the sensitive information that would jeopardize this. Myriad other reasons why this information should not be made public exist, but the most compelling one is that our elected officials in the Alabama Legislature have passed a law declaring these incident/offense reports not to be public records if they will jeopardize law enforcement investigations. And now a court has ordered that I use my**

**discretion in determining whether the release of information might jeopardize an investigation.**

**Do I withhold these reports because I don't want The News to publish information about crimes? No. In fact, I think it's extremely important that the public know about crime in this community as well as to how my office investigates crime, and that is exactly why I used to create a "blotter" specifically for The News. The problem is that I cannot limit access of these incident/offense reports to one member of the public, namely The Tuscaloosa News. If I give the incident/offense report to The News, I have to give it to anyone else who requests it. If a rapist, sex offender, burglar, murderer, thief or arsonist requested the front page of the report, I would have to give it to him. In fact, one of the fastest-growing areas of crime is identity theft. Is this increasing the "public safety" that Douglas Ray speaks of so valiantly [Tuscaloosa News, 5/15/05]? Therefore, I exercise my discretion each and every day as to what would compromise our investigations of crimes and what can be released to the public, as the judge has directed me to do. My office has regular contact with television and radio news outlets as well. Those agencies have not had a problem reporting accurately on crime in Tuscaloosa County.**

**Still today, Doug Ray and [Tuscaloosa News Managing Editor] Gregory Enns claim that I am breaking the law and violating court orders and refusing to protect the public safety. What they will not tell you is that The News does not get copies of incident/offense reports from the Tuscaloosa or Northport city police departments either. In Montgomery, Birmingham, Huntsville and other cities throughout Alabama, they have asked their fellow journalists to write articles attacking my office and giving only one side of the argument. The News had an opportunity to appeal the decision of the court if they really believed that the judge had erred.**

**Just recently, Doug Ray wrote that "there is not broad cry among law enforcement agencies" to change the Alabama Uniform Incident/Offense Reports in order to protect the sensitive information contained in them. Mr. Ray could not be more wrong. In fact, the Alabama Criminal Justice Information System, which produces the statewide/incident/offense report, met last month to discuss how to change the report in order to protect the private information of victims of crimes and witnesses to crimes. Dennis Bailey, legal counsel for the Alabama Press Association, was in attendance at that meeting. Yet another example of how The News is attempting to mislead the public.**

**I want the citizens of this county to know that the attack on me by The News was born of frustration. The Alabama Legislature has spoken. The News did not like what it heard. They therefore have chosen to localize the fight with me instead of calling their state representative. Ask yourself why The News in its so-called quest for "public safety" hasn't sued other law enforcement agencies for not giving them copies of the front page of the incident//offense report. Are they not worried about the public safety of the citizens of the city of Tuscaloosa or the city of Northport? I have spoken with the other law enforcement agencies in this area, and they do not give The News copies of the incident/offense reports.**

**The News attempted to win attorney fees in their failed lawsuit against me. In this endeavor, they failed again. In fact, the circuit court did not even award them the fee they paid to file their complaint. Despite the misleading article by Mr. Ray, the court has already determined that my office is not in contempt of its order. If The News is unhappy with the result, then they should have appealed the case. If they truly believe I am in violation of the court's order, then there are certainly legal remedies for that. Instead, out of frustration, they write yet another misleading and contemptuous article about my failure to be concerned with "public safety." I believe the citizens of Tuscaloosa see through the smokescreen The News has created.**

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