



## GEORGIA DEPARTMENT OF LAW

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July 17, 2023

**Via Email Correspondence: michaelhowardlaw@ymail.com**

Michael Howard, Esquire  
McMillan, Rawlings & Howard, LLP  
120 North Harris Street  
Post Office Box 5746  
Sandersville, Georgia 31082

RE: *Open Records Act Complaint from Billy Blume regarding the Wadley Police Department*

Dear Mr. Howard:

I am writing regarding an Open Records Act complaint our office received from Mr. Billy Blume about the Wadley Police Department ("police department"). Mr. Blume states that he verbally requested Officer Matthew Morin's body camera footage from the police department on May 11, 2023. Mr. Blume says that after not hearing back from the police department, he sent follow-up email correspondence on June 2. The police department responded on June 5 that nothing had been found at the time but that it would continue to search. Mr. Blume sent email correspondence to the police department on June 19 to follow-up again on his request, and the police department responded to clarify the scope of his request and indicate that a third party vendor held the requested footage. The police department emailed Mr. Blume again on June 20, stating as follows: "I'm waiting on that body cam company to get back in touch with me. I've told you previously that we no longer have access to that body camera system." The police department provided Mr. Blume with a letter on June 22 from the body camera footage company that the requested footage was no longer held by the company. I have attached a copy of Mr. Blume's complaint for your review.

Under Georgia law, the Attorney General, as an independent constitutional officer, has the discretionary authority to enforce the Open Records Act and the Open Meetings Act. O.C.G.A. §§ 50-14-5(a) and 50-18-73(a). The Attorney General has chosen to exercise that discretion by establishing a mediation program where citizens may raise issues and concerns with us regarding the Acts, and we will attempt to resolve disputes between citizens and local

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government. This office also reserves the right to pursue litigation in these matters where it deems doing so is appropriate.

The Open Records Act (“Act”) requires the police department to respond to a records request within three business days. O.C.G.A. § 50-18-71(b)(1)(A). Within those three days, the police department should either make the records available to the requestor or provide a description of the records and a timeline for their production, with access to the records to be granted “as soon as practicable.” O.C.G.A. § 50-18-71(b)(1)(A). Further, the Act allows a requestor to make a request either orally or in writing. O.C.G.A. § 50-18-71(b)(1)(B). The Act also provides that “if an agency contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records and that the vendor does not impede public record access and method of delivery ....” O.C.G.A. § 50-18-71(h). While our office is not charged with enforcing retention schedules, we would like to remind the police department of its obligation to ensure that public records are kept in an open and accessible manner.

Of course, I am not aware of all of the circumstances surrounding the request, and I am not assuming that the police department violated the law. I ask that the police department provide a response to the allegations within the next ten business days. Thank you for your attention to this matter.

Sincerely,

/s/ Kristen Settlemire

KRISTEN SETTLEMIRE  
Assistant Attorney General

cc: Mr. Billy Blume (via email correspondence)