

DISCLAIMER: This document is an example from a past legislative campaign that has ended and therefore may not reflect current conditions.

INSERT LETTERHEAD

[DATE]

VIA EMAIL

[Name of Recipient]
[Title of Recipient]
[Affiliation]
[Address Line 1]
[Address Line 2]
[Address Line 3]
[City], [State] [Zip]

[Name of Sender]
[Title of Sender]
[Affiliation]
[Address Line 1]
[Address Line 2]
[Address Line 3]
[City], [State] [Zip]
P: ###-###-####
F: ###-###-####

Re: Public Records Request

Dear [Name],

We are writing to request access to, and copies of, public records in the possession, custody or control of your Court, pursuant to the Tennessee Public Records Act, T.C.A. § 10-7-503(a). Unless otherwise indicated, this request seeks documents from January 1, 2015 to the present.

We submit this request for the purposes of researching fees, fines, and costs associated with Tennessee’s juvenile **and** criminal legal systems. The goal of this research is to better understand the way these are assessed and collected, their impact on young people and their families, and their role within the courts’ and the state’s budget.

This request seeks records regarding the use of fees, fines, and costs in juvenile cases and criminal cases involving juveniles. For the purposes of this request, information about fees and fines should be inclusive of, but not limited to, the following definitions:

- “Juvenile” refers to any individual of any age under juvenile court jurisdiction; **and** any individual from birth to eighteen (18) years of age, whether married or single, under criminal court jurisdiction (i.e., juveniles transferred to criminal court).
- “Financially obligated parties” refers to juveniles and/or any parents, guardians, custodians, or legally obligated persons or entities related to one or many juveniles’ involvement in the juvenile or criminal legal system.
- “Fee” refers to any fee, surcharge, or tax that the government imposes on financially obligated parties, and, for the purposes of this request, is inclusive of all costs.
- “Fine” refers to monetary sanctions ordered by a judge in a juvenile delinquency or criminal proceeding as punishment for an offense.
- “Records” includes but is not limited to all documents, memoranda, notes, studies, plans, minutes, reports, letters, data, emails, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, information stored or maintained electronically or other material, regardless of physical form or characteristics or any copy thereof. Please note that the term “record” refers to those items in your possession, custody, or control, or those items which were, but are no longer, in your possession, custody, or control. Additionally, to the extent that you are aware of records that may be directly related or relevant to this request, but which we do not specifically describe, we request that you provide these records as well.

This request does apply to fees and fines assessed to or collected from any parent, guardian, custodian, or legally obligated person or entity of a juvenile as defined above. This request does not apply to direct restitution orders, though it does include records related to any administrative fees and costs, or fines associated with direct orders of restitution.

To be clear, this request seeks only **non-confidential, non-privileged information** as defined under applicable state and federal law. **This request is not for individual juvenile records with identifying case information, only de-identified and/or aggregate data.** Where responsive records exist that contain both confidential or privileged information and non-confidential or non-privileged information, please redact the confidential information (e.g., personally identifying information) or privileged information and produce the balance of the records.

Please provide copies of the following records:

Assessment of Fees and Fines:

1. **Types of fees and fines assessed and amounts:** All records relating to the number and types of fees that can be charged to financially obligated parties and corresponding dollar amounts per fee that can be charged when a youth is in the juvenile and criminal court systems.
2. **History of fees and fines:** All records relating to requests, explanations, or decisions to raise, lower, or otherwise change the amount, assessment, and/or collection of juvenile fees for which the Court has discretion over.
3. **Number of juveniles:** All records relating to the number of financially obligated parties who have been assessed and/or charged fees, fines, and/or costs by the juvenile or criminal court system, described over time (e.g., by year, month, type and/or amount of fee, fine, or cost) as well as any other categorizations (e.g., if families are assessed new fees for each new case, and if they are billed as they use new services as part of probation).
4. **Demographics of juveniles:** All records relating to the demographics of juveniles assessed fees, fines, and/or costs by the juvenile or criminal court system, including but not limited to age, sex, race, education status, residential zip code, and income level. Please also include any demographic information collected about the families or other financially obligated parties of such juveniles.
5. **Fee and/or fine assessment policy and practice:** All records, policies, practices, and procedures relating to the assessment of juvenile fees, fines, and/or costs by the Court, including the total amount (in dollars) of juvenile fees, fines, and/or costs assessed, charged, waived, and/or reduced, described over time by type and number of juveniles or accounts.
6. **Ability to pay determination policy and practice:** All records, policies, practices, and procedures relating to:
 - a. Determination policies and/or guidelines regarding financially obligated parties' ability to pay for juvenile fees, fines, or costs, including any notices, forms, instructions, or paperwork given to financially obligated parties; and
 - b. Juveniles' meetings with Court Clerk staff or other court staff, or appearances in front of judges regarding ability to pay (including but not limited to how many financially obligated parties request and participate in a meeting with staff); and
 - c. Court Clerk staff or judicial decisions to alter or waive juvenile fees, fines, or costs or establish payment plans for juvenile fees, fines, or costs (including but not limited to how many financially obligated parties met with staff or judges, the number of

financially obligated parties that requested fee waivers or reductions, the number of cases for which fee waivers or reductions were approved, the number of cases for which staff or judges did not alter, waive, or establish payment plans, as well as the substance of payment plans agreed upon in meetings with staff or judges).

- d. NOTE: Please also include any records relating to the relationship between the income level of juveniles and/or their associated financially obligated parties and the decisions reached by staff or judges.

Collection of Fees and Fines

7. **Juvenile fee, fines, and/or costs collection policy and practice:** All records relating to the collection of juvenile fees and fines, including:
 - a. Sample bills or orders sent to juveniles and their associated financially obligated parties;
 - b. Terms of payment plans;
 - c. Total dollar amounts collected, described over time by type and number of juveniles or accounts;
 - d. Total dollar amounts outstanding, described over time by type and number of juveniles or accounts; and
 - e. Length of outstanding debt over time (e.g., by year, month, type and/or amount of fee).
8. **Non-payment policies:** All records relating to the consequences of non-payment of fees, fines, or costs, including but not limited to wage garnishment, civil judgment, tax intercept, limitations on destruction of records, or an effect on credit.
9. **Outstanding fees, fines, or costs when juvenile becomes an adult:** All records relating to policies around the collection of juvenile fees, fines, or costs against youth and their associated financially obligated parties when a juvenile reaches the age of 17 or is transferred from juvenile to superior court jurisdiction.
10. **Financial cost of collecting juvenile fees, fines, or costs:** All records relating to the amount spent on collecting juvenile fees by the juvenile or criminal court (e.g., budget statements and/or job descriptions specifying how much time is or how many resources are spent by parties involved in assessing and collecting juvenile fees). Please include any cost-benefit analyses that compare the costs of collections or collection-related actions with actual, collected revenue.
11. **Third party involvement in juvenile fees, fines, or costs:** All records relating to third party contracts, bids for contracts, agreements and communications relating to services for which juvenile fees, fines, or costs are assessed (e.g., electronic monitoring, drug testing, diversion programs, etc.) and services for collection against juveniles and their associated financially obligated parties.

To the extent possible, please note which records relate to which requests according to the numbered sections above. Please provide entire documents, even if only parts of them are responsive to this request. Please also preserve all records related to this request that may be subject to deletion.

If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions. If you claim that any document or portion thereof is exempt from inspection under T.C.A. § 10-7-504, or any other statute or judicial decision, as to each document or portion you claim to be exempt, please state the basis for the exemption, and identify the document or portion by date; by sender,

recipient, or author; and by a description of the contents sufficiently detailed to enable an independent evaluation of the exemption.

If any record is otherwise withheld for any reason, in part or in whole, please provide a complete itemized inventory for each total or partial denial of documents that includes, but is not limited to: the type of record withheld, the title or style of the record, the length or size of the record including the number of pages in each document and the total number of pages withheld, the author of the record, a detailed description of the subject matter of the record, the file(s) where the record (or copies thereof) may be located, and the reason(s) the record is being withheld. In excising material, please “black out” the material rather than “white out” or “cut out.”

T.C.A. § 10-7-503(a)(2)(B) requires the custodian of the requested records to either produce the records within seven days of the request or “[f]urnish the requestor a completed records request response form developed by the office of open records counsel stating the time reasonably necessary to produce such record or information.” If you anticipate that the production of this request will take longer than seven days to complete, please contact me in writing with an anticipated date certain for completion.

We request that wherever possible, the information requested above be provided in an electronic format. If any of the information requested is kept electronically, we ask that it be provided in a standard export format such as Microsoft Excel, or in another standard electronic table or spreadsheet format. Please provide data dictionaries, legends, and/or definitions where applicable. Please send electronic records, data, and data fields to tnjuvenilefinesandfees@gmail.com and any physical media to the above mailing address.

If any costs are anticipated, we request a waiver of administrative fees in that the disclosure of the requested information is in the public interest and is not being sought for commercial purposes. These fees, fines, and costs are highly relevant and of significant public interest. For instance, fees and fines can cause a significant financial and emotional burden to families, particularly those who are already economically disadvantaged. Moreover, the requested information will allow us to analyze the cost of administering and collecting fees and fines against the revenue associated with these collections. This supports the public’s strong interest in the economic and administrative efficiency of its government.

Additionally, if you already maintain records in an electronic format, please provide them in that same format to avoid duplication costs. We ask that you notify us of any administrative costs before you duplicate the records. If copies must be made, this request contemplates only black and white copies. For any costs deemed non-administrative, please provide a detailed estimate of the costs of copying and labor, including any rate to be charged for copying and the hourly rate to be charged for labor. If your court does not maintain the information requested, please provide us with contact information for the custodian of these records.

If we can provide any clarification that will help expedite your production in response to our request, please contact our team at tnjuvenilefinesandfees@gmail.com. Thank you in advance for your timely attention to this matter.

Sincerely,

[Name]

[Title]

[Affiliation]