

# Editors report local police restrict access to records

## They get only what cops want them to get

Recently, I had two contacts to the hotline over a short period of time in which editors told me about new policies issued by local police departments, both of which concerned me.

When I get two calls on the same subject, I generally worry that others of you are facing similar issues but haven't had a chance to call. I thought perhaps this might be something important to mention to all of you, in light of the seriousness of my concern about the police department policies I'm hearing about.

In both cases, the editors reported the police department had given them notice that from now on the department would be issuing a daily news release on incidents, with the information they deemed the media needed regarding these matters.

What really concerned me was that one of the callers indicated that it appeared from the information they'd been given that incident reports themselves might not be made available to the media. There were indications that law enforcement felt that too much information had been available to the media in the past, and that this was going to be a means of reducing the information that was coming from the local police department.

If you are hearing similar words from your local police department, you need to look closely at the language in the sunshine law and make certain you understand what you have a right to get under the law, and what law enforcement MAY choose to close under the rules that govern such matters.

The statute is Section 610.100 in the Revised Statutes of the State of Missouri. It's too lengthy to set out in full in this article, but there are several important parts I want to highlight.

First, **incident reports from law enforcement are ALWAYS public records.**

Incident reports, according to the statute, are supposed to be: "A record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency." Incident reports also include "any logs of reported crimes,

accidents and complaints maintained by that agency."

Secondly, **arrest reports are ALWAYS public records.** They are defined as: "A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor."

Law enforcement can block certain information from incident reports, including the name of the victim or other persons ONLY if it is "likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person." Another reason certain information may be redacted from incident reports is if it would disclose the identity of a source or disclose law enforcement techniques.

The third kind of law enforcement records are investigative reports. This is probably everything else law enforcement has (except for 911 reports,

which I define below). They are going to be closed to the public until the case is finally resolved and all appeals have run, or, the most important part of this definition, until law enforcement decides to no longer pursue the case. Once that decision is made, all investigative reports are open to the public.

If a person is arrested but not charged within 30 days, the records of that arrest become closed to the public.

If law enforcement maintains a daily log or record that lists suspected crimes, accidents or complaints in your jurisdiction, Section 610.200 outlines what must be made public to you, including the time, substance, and location of all complaints or requests for assistance received by the agency; the time and nature of the agency's response to all complaints or requests for assistance; and if the incident involves an alleged crime or infraction:

(a) The time, date, and location of occurrence; the name and age of any victim, unless the victim is a victim of certain sexual offenses; the factual circumstances surrounding the incident; and a general description of any injuries, property or weapons involved.

Information about calls to a 911 line are generally closed, except Section 610.150 states that "information consisting of the date, time, specific location and immediate facts and circumstances surrounding the initial report of the crime or incident shall be considered to be an incident report and subject to section 610.100" in regard to those calls, so you should be getting an "incident report" type form on all 911 calls.

If you are having problems getting information from your local law enforcement agency that should be available to you, don't hesitate to let me know.



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*Incident reports and arrest reports are ALWAYS public records, and public records are open.*

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