

Title: Pat 55 – Records Release and Agency Documents	Effective:
C.O.P. Signature:	Revised: Next Review: 2 Years

Purpose

It is the purpose of this policy to establish guidelines on the requirements for the preparation, case management, filing of reports, court preparation, and release of information for the Douglas Police Department.

Policy

The records division is responsible for the records management function including retention, maintenance, and dissemination of records produced by Douglas Police Department employees for law enforcement purposes. This policy also identifies requirements for preparation and filing of reports, citations, agency documents and court documents, as well as the release of information.

General Duties

A records custodian shall be appointed by the Chief of Police to keep the records, reports, citations, photographs, photocopies, and any other documents generated by this office pursuant to the business of this office. The records custodian will ensure that all records are properly stored, protected and disseminated pursuant to state law.

The functions of the Records Division include:

- 1) Maintenance of records in an orderly and useful fashion through filing techniques, document imaging, computer entry of data, etc.
- 2) Security and proper dissemination of records; and
 - a. Records personnel maintain an automated computer records system and enter all offense and arrest report information into this system. Inquiries and/or reports may then be generated from the system including, but not limited to:
 - i. Names Table Section.
 - ii. Complainants.
 - iii. Victims.
 - iv. Suspects.
 - v. Witnesses.
 - vi. Person with knowledge.
 - vii. Others

Juvenile Records

Any court ordered expungement shall be complied with in accordance with Wyoming Statute 14-6-241 and Wyoming Statute 14-6-440.

Juvenile records shall only be disseminated to the following person (s).

1. The Juvenile
2. The Juveniles Attorney
3. The Juveniles Parents or Legal Guardians (except in cases of abuse or neglect)
4. Pursuant to Court Order

Individuals on juvenile diversion programs shall be flagged and progress recorded until completion, those records shall not be released to any public inquiries. Upon completion of the program, the juvenile will be unflagged from the records system.

Criminal offenses - Juvenile's names, social security numbers, month and day of birth (year may be given), addresses, or other distinctly unique information, which would serve to identify the juvenile shall not be released.

National Incident Based Reporting System (NIBRS)

- A. The records division will submit crime data for the National Incident Based Reporting System database monthly.
- B. Data is gathered by reviewing, classifying, and coding offense and arrest reports according to National Incident Based Reporting System guidelines.
- C. To ensure that information is collected for National Incident Based Reporting System purposes, Records employees will complete and submit the appropriate report in accordance with this policy.
- D. Supervisors shall review all reports to ensure that the reports are classified correctly, and the contents of the reports contain the necessary information for National Incident Based Reporting System reporting.

Records Security

- A. It is the policy of this office to restrict access to records files to ensure their security. Access to records files is limited to personnel assigned to the division, supervisors, and to persons specifically authorized by the Chief of Police.
- B. Records division personnel are available weekdays between the hours of 0800 and 1600 to assist with requests for records. Only authorized office members will be permitted to obtain documents from records.
- C. After normal business hours officers needing access to records must obtain access through their shift supervisors.
- D. All employees are responsible for the security of their assigned work area.
- E. Security of the department information systems is a high priority. Any actions that may compromise this security will be treated as a serious violation or a criminal matter.
- F. Network security shall be monitored and enforced by the City of Douglas Information Technology Manager, and through personal responsibility of the individual user.

Records Maintained Outside of The Records Division

The following files are authorized to be kept away from the general records division area:

- A. Administrative files.
- B. Internal affairs files.
- C. Training files.
- D. Personnel files.
- E. Any case file still currently under investigation.

Records Release

- A. The Wyoming Public Records Act (Wyoming Statute 16-4-201 to 16-4-205) establishes the rules of access to public records by persons in interest (the persons whom the records are about) and the public.
- B. The custodian of any public records shall allow any person the right of inspection of the records or any portion thereof unless:
 - 1. The inspection would be contrary to any state statute.

2. The inspection would be contrary to any federal statute or regulation.
 3. The inspection is prohibited by rules promulgated by the Supreme Court or by the order of any court of record; or
 4. The inspection would be contrary to the public interest.
- C. When there is a right of access to public records the person requesting the records may request in writing to the Douglas Police Department copies, printouts, or photographs of the records be provided, and the custodian of those records shall provide the copies for a reasonable fee set by the City of Douglas as incorporated by resolution.
- D. A person seeking public records does not have to give a reason or show a need for the information being sought.
- E. The public records act provides a member of the public to seek access to denied records, he or she may apply to the court for an order to the custodian of the record to show-cause why the custodian is not allowing access. The custodian of the records may also apply to the court for an order prohibiting access when the custodian of the records believes that "disclosure of the contents of the records would do substantial injury to the public interest," even if access to the records is otherwise allowed under the act.
- F. The following shall be the procedures for releasing of reports and documents.
1. **Incident Reports:** Information contained in the report, including supplements to the original report may be released to the public. If the incident report is released and involves a juvenile, the identifying information pertaining to said juvenile must be redacted in its entirety.
 2. **Offense Reports:** Information contained in the reports, including supplements to the original report, may be released to the public. Exceptions to this may be made if releasing the information will jeopardize the investigation. Victims phone numbers, witness and suspect information will be withheld if releasing said information would not be in the public interest or is otherwise exempt from disclosure.
 3. **Investigative Reports:** Information contained in investigative reports may be released to the public once the investigation is complete and all criminal prosecution is completed, or the case is adjudicated. Once a case file has been presented to the County Attorney's Office or the City Attorney's office the information in that file may not be released to the public without permission of the County or City Attorney's Office. If juvenile information is present in the investigative report it will not be released.
 4. **Crash Reports:** State accident reports may be released to the public. Supplemental or investigative reports will not be released until the investigation is complete, and permission of the investigating officer is received. Investigative reports presented to

the County or City Attorney's Office will not be released without the permission of the County or City Attorney's Office.

5. **Affidavits:** Affidavits are public information and may be released to the public unless they pertain to juveniles and/or sexual assaults. Affidavits signed in furtherance of an active investigation will not be released without the permission of the Chief of Police and the County or City Attorney's Office.
 6. **Other Reports:** The records custodian, the Chief of Police or their designee will review and make the determination concerning the release of any other reports not specifically listed.
 7. **Arrest History:** The arrest history for an individual is public information and may be released to the public unless the individual is or was a juvenile at the time of the arrest. No arrest history will be released that pertains to sexual assaults, until the individual is charged and arraigned in County Court. Arrest history may be withheld if by releasing it, a criminal investigation would be jeopardized.
 8. **Rolling Logs:** The daily rolling log of calls for this office is public information and may be released to the public. Information on that log may be withheld if releasing it would jeopardize a criminal investigation.
 9. **Audio Recordings:** Statements from suspects, victims and witness, recorded phone conversations and any other audio recordings are considered property of this office or part of an investigative case file and may only be released to the Prosecuting Attorney, at the request of other law enforcement agencies or by court order.
 10. **Video Recordings:** Mobile video recordings, video interviews, security monitoring recordings or any other recorded video media made by this department are considered property of this department and part of an investigative case file and can only be released to the Prosecuting Attorney, or at the request of other law enforcement agencies or by court order.
 11. **Evidence / Crime Scene Photographs:** Photographs of evidence or a crime scene made by this office are considered property of this office or part of an investigative case file and can only be released to the prosecuting attorney, or at the request of other law enforcement agencies or by court order.
 12. **Booking Photographs:** Are consider property of the Converse County Sheriff's Office including Jail logs and Jail Video and is public information and may be released to the public unless the individual is or was a juvenile at the time of the arrest. Booking photographs, Jail logs and Video will be released only by the Sheriff or his designee.
- G. The following reports will require written request for release and then review by Douglas Police Chief and the Douglas City Attorney
1. Duces Tecum – Attorney Letters

2. Subpoena – Duces Tecum
3. Juvenile Records
4. Personnel Files

Public Records Disclosure

- A. The Wyoming Supreme Court has identified a constitutional right of access to public records. The Wyoming Public Records Act shall be interpreted liberally in favor of disclosure. Department records shall be available to the public unless a legal prohibition to disclosure can be shown.
- B. The department has discretion to prohibit access to certain records on the ground that disclosure would be contrary to the public interest.
- C. When withholding information from public disclosure, custodians must use their discretion on a selective basis, rather than through withdrawal of entire categories of records.
- D. If records are withheld, the records custodian has the burden to show:
 1. That the harm caused by disclosure is based in fact and not merely conjecture or speculation; and
 2. Public-interest protection outweighs the public policy which emphasizes disclosure.
- E. This office will protect the prosecutorial and investigatory process, but in doing this, will not carelessly withhold public information under the guise that it has prosecutorial or investigatory value when such is not the case.
- F. Prior to the denial of a request, the Records Custodian shall consult with the Chief of Police and City Attorney.

Public Records Request

- A. Requests for department records shall be in writing to the Douglas Police Department through the Records Division, or on-line at www.cityofdouglas.org.
- B. Upon receiving a request for access, the Records Custodian shall acknowledge receipt of the request as soon as is reasonably practical. The Department personnel will determine if the record is available and releasable. If available and releasable, the approximate cost to the requestor and the length of time it will take to accommodate the request will be provided. If the requested records are only stored in electronic format, the requestor will be notified. The public records request must be granted or denied within thirty (30) days of the acknowledgement of receipt. Research and

compilation fees may only be charged for the search and gathering of electronically stored information. Photocopy fees may be charged for all requests.

- C. Requests for large records requiring significant staff time shall be provided at a time and in a manner that does not unreasonably interfere with other business of the department.
- D. Record requests shall clearly identify each record requested so the custodian can locate the record without extensive research.
- E. An individual has the right to inspect all criminal history record information located within Wyoming that refers to him or her. Wyoming Statute 7-19-109(a). The right of inspection will be subject to the following:
 - 1. Information shall be redacted per court and statutory guidelines.
 - 2. Contacts and criminal history from this office's records system may be released to a third party per statutory guidelines.

Information Not Releasable

- A. The following information shall not be released by the department due to statutory restrictions:
 - 1. The identity of victims of sexual related crimes or information reasonably likely to disclose their identities prior to filing an information or indictment. Wyoming Statute 6-2-319 and 6-4-402.
 - 2. The identity of a suspect of a sexual related crime prior to filing an information or indictment. Wyoming Statute 6-2-319.
 - 3. Sexual assault victim medical examination information and reports pursuant to Wyoming Statute 6-2-309(m).
 - 4. All records related to child abuse and neglect, juvenile justice, and child in need of supervision cases. See Wyoming Statute 14-3-214.
 - 5. All records concerning reports and investigations of vulnerable adult abuse, neglect, exploitation, abandonment, or self-neglect as defined in Wyoming Statute 6-2-507.
 - 6. Medical, psychological, or sociological data on individual persons. Wyoming Statute 16-4-203(d)(i).
 - 7. Adoption records or welfare records on individual persons. Wyoming Statute 16-4-203(d)(ii).
 - 8. Personnel files excluding terms and conditions of employment. Wyoming Statute 16-4-203(d)(iii).

9. Trade secrets, financial data furnished by or obtained from any person. Wyoming Statute 16-4-203(d)(v).
 10. Hospital records relating to medical administration, medical care and other medical information. Wyoming Statute 16-4-203(d)(vii).
 11. School records relating to students and their families. Wyoming Statute 16-4-203(d)(viii).
 12. Information obtained through 911 emergency telephone system except to persons in interest. Wyoming Statute 16-4-203(d)(x).
 13. Records or information compiled solely for purposes of investigating violations of, and enforcing, internal personnel rules or personnel policies the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Wyoming Statute 16-4-203(d)(xi).
 14. Domestic violence protection order petitioners' and their children's identifying information pursuant to Wyoming Statute 35-21-105(e).
 15. Information presented to a grand jury pursuant to Wyoming Statute 7-5-207, 7-5-208, and 7-5-308.
 16. Involuntary commitment records pursuant to Wyoming Statute 25-10-122.
 17. Crime victim's compensation application pursuant to Wyoming Statute 1-40-107(d).
 18. Criminal history record information pursuant to Wyoming Statute 7-19-106.
 19. Sex offender registration information pursuant to Wyoming Statute 7-19-303(b) except that made public through the public registry.
 20. Administrative subpoena information regarding child exploitation investigations pursuant to Wyoming Statute 9-1-640(j).
 21. Open investigation information, unless authorized by the investigating officer or higher-ranking official. Wyoming Statute 16-4-203(b)(i).
 22. All records of this office may be released to other law enforcement agencies, Wyoming State Probation and Parole, The Wyoming Department of Family Services and Federal Probation and Parole. However, no report or record that was received by another law enforcement agency may be released.
- B. The Freedom of Information Act (5 U.S.C 522) may be used to provide some guidance regarding content that may be redacted including records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information:

1. Could reasonably be expected to interfere with enforcement proceedings.
 2. Would deprive a person of a right to a fair trial or an impartial adjudication or give one party to a controversial issue an unfair advantage by exclusive access to such information.
 3. Could reasonably be expected to disclose the identity of a confidential source, which furnished information on a confidential basis.
 4. Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or
 5. Could reasonably be expected to endanger the life or physical safety of any individual.
- C. The following information will not be released by the department due to rules of NIBRS and WCJIN:
1. Criminal history information obtained from other law enforcement agencies, justice agencies, or justice agency databases.
 2. All requests for information shall be referred to the agency of record.
- D. The release of the following information may be contrary to public interest. An examination must be made weighing the public's right to know against an individual's privacy interests.
1. The existence or contents of any confession, admission, or statements of the accused without approval of the prosecuting attorney prior to trial.
 2. The identity of actual or prospective witnesses or informants to crimes.
 3. Specific information concerning the planning of raids or other specific enforcement efforts.
 4. Information which, if prematurely released, may interfere with the investigation or apprehension, such as the nature of leads, specifics of a method of operation, details of a crime known only to the perpetrator and the police, or information which may cause the suspect to flee or more effectively avoid apprehension.
 5. The identity of any critically injured or deceased person before the notification of next of kin.

Record Retention

- A. Public records are defined by Wyoming Statute 9-2-401(a)(v) and 16-4-201(a)(v) as the original and all copies of any correspondence, photos, forms, books, electronic records, etc., or other documents regardless of physical form, which have been made or received in transacting public business by a political subdivision.
- B. Wyoming Statute 9-2-410 establishes that all public records are the property of the State of Wyoming. The State of Wyoming Archives Division has created record retention schedules as guidelines for how long public records must be maintained.
- C. No records maintained by the department may be destroyed without the permission of the Chief of Police.
- D. Prior to destruction, department personnel shall be asked if they know of any cases to be retained other than those required by law.