

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

RECORDS RELEASE AND SECURITY

Approved By: Kenneth Burton Chief of Police

CALEA 6th Edition Standard:

810 RECORDS RELEASE AND SECURITY

810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a reference and procedure for the security and release of Department public records in accordance with the Missouri open records law.

The Federal Freedom of Information Act (FOIA) does not apply to state or local records.

810.1.1 DEFINITIONS

Definitions related to this policy include:

Records Custodian - A person assigned the responsibility for the public records of the Columbia Police Department, regardless of whether the records are in his/her personal custody and control.

810.2 PUBLIC REQUESTS FOR RECORDS

The Records Custodian is responsible for the release and destruction of department public records, to include:

1. Ensuring periodic consultation with the Records Services Department of the office of the Secretary of State regarding retention and disposition of records and determining whether records are of legal, administrative or historical value.
 - a. Records determined to be of no legal, administrative or historical value may be disposed of in compliance with the organization's records retention schedule. A list of those records, together with a statement signed by the approving authority certifying compliance with the department's retention schedule, shall be filed and preserved by the Records Custodian.
2. Maintaining a schedule of fees for public records as allowed by law (§ 610.026(1), RSMo).
3. Responding to requests made under the Missouri Sunshine Law.

810.3 REPORT RELEASE RESTRICTIONS

Absent a valid court order or other statutory authority, the following records or unrestricted portions of such records of this department shall be considered closed:

1. Sexual assault victim information - The name and any other information that would identify any victim of sexual assault or of alleged or attempted sexual assault may be kept confidential, if requested, until a charge relating to such incident is filed (§ 610.100(7), RSMo).

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2. Records involving confidential informants information that is reasonably likely to pose a clear and present danger to the safety of any person, victim, witness, undercover officer, or information that would endanger the successful completion of the investigation or a related investigation (§ 610.100(3), RSMo).
3. Personnel records - (§ 610.021(13), RSMo).
4. Work product - Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (§ 610.021(1), RSMo).
5. Other records - Any other record not addressed in this policy shall not be subject to inspection where:
 - a. Such inspection would be contrary to any state statute.
 - b. Such inspection would be contrary to any federal statute or regulation.
 - c. Such inspection is prohibited by rules promulgated by the Missouri Supreme Court or by the order of any court.

810.4 DAILY LOGS

Daily logs or records that list suspected crimes, accidents, or complaints shall be made available for inspection and copying by the public (§ 610.200, RSMo).

810.5 PERSONAL IDENTIFYING INFORMATION

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, Social Security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

810.6 SUBPOENA DUCES TECUM

Any subpoena duces tecum or discovery request should be promptly provided to a supervisor for review and processing.

All questions regarding compliance with any subpoena duces tecum should be promptly referred to the City Attorney or other legal counsel for the Department so that a timely response can be prepared.

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810.7 PRIVACY AND SECURITY OF RECORDS

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.

810.8 PRIVACY AND SECURITY OF RECORDS

All records ordered to be expunged shall be destroyed, except as provided by law. If destruction of the record is not feasible because of the permanent nature of the record books, such record entries shall be blacked out. Entries of a record ordered expunged shall be removed from all electronic files (§ 610.124(1), RSMo).