

CHAPTER 36 – RECORDS

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CHAPTER 36 – RECORDS

Section 36.00 – General

- A. The Missouri Sunshine Law, Chapter 610 Revised Statutes of Missouri mandates that records of a public, governmental body are to be open and available to the public for inspection and copying unless otherwise provided for by law.
- B. The law requires that each public governmental body must appoint a custodian of records.
- C. Closed records are those that are to be maintained in a manner making them inaccessible to the general public.
- D. The Police Department Custodian of Records is responsible for the maintenance and protection of all records relative to law enforcement operations. This includes, but is not limited to:
 - 1. Offense Reports
 - 2. Arrest records
 - 3. Miscellaneous reports
 - 4. Correspondence
 - 5. Juvenile records
 - 6. Fingerprints
- F. The Custodian of Records is responsible for receiving payment, processing the request and dissemination of reports.
- G. Records retention schedules are determined by the Office of the Attorney General of the State of Missouri.

Section 36.01 – Open Records

- A. RSMo 610.100 requires law enforcement agencies to maintain records of all incidents reported to the agency and includes: “ the date, time, specific location, name of the victim and immediate facts and circumstances.” These incident reports are considered open records.
- B. Open records requests will be handled by the Custodian of Records. No other member of the department will give out a copy of any report without prior approval from the Operations Division Commander, Support Services Commander or the Chief of Police and then only for legitimate law enforcement purposes.
- C. The law requires that requests for access to public records must be acted upon no later than the end of the third business day following the date the request is received by the Custodian of Records.

D. The Custodian of Records will be responsible for redacting pertinent information that is not to be released to the public.

Section 36.02 – Closed Records

A. If a person is arrested, but not charged with an offense within 30 days, all official records of the arrest, detention or confinement are closed.

B. If any person is charged but the case is later nolle prossed, dismissed or the accused is found not guilty, the records are immediately closed.

C. If imposition of sentence is suspended (SIS), the records are closed when the case is finally terminated (i.e., after completing probation).

D. Records which are investigative in nature shall remain closed until charges are filed in the case. This includes supplemental reports and suspect information.

E. Any record, which if released to the public could place the victim in jeopardy, shall remain closed until such time as the danger to the victim is alleviated.

Section 36.03 – Juvenile Records

A. Juvenile records are provided greater Constitutional protection than adult records.

B. Records of juveniles must be kept separate from the records of persons 17 years of age or older, and will not be open to inspection or the contents disclosed, except by Order of the Court, to persons having a legitimate interest.

C. When a juvenile reaches 17 years of age, all juvenile records will be removed from the current juvenile files and destroyed.

D. Responsibility for Records:

1. The Police Custodian of Records is responsible for the care, custody and control of all records pertaining to juveniles, except traffic summons issued to juveniles 16 years old.

2. All records of traffic offenses generated by a sixteen year old juvenile will be the responsibility of the Court Clerk.