

CHAPTER 2 ADMINISTRATION

ARTICLE IX OPEN MEETINGS AND RECORDS

SECTION 2-131: DEFINITIONS

As used in this Article, unless the context otherwise indicates, the following terms mean:

1. *CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE:* Any meeting, record or vote closed to the public.
2. *COPYING:* If requested by a member of the public, copies provided as detailed in the provisions of this Chapter, if duplication equipment is available.
3. *PUBLIC BUSINESS:* All matters which relate in any way to the performance of the City's functions or the conduct of its business.
4. *PUBLIC GOVERNMENTAL BODY:* Any legislative, administrative, governmental entity created by the Constitution or Statutes of this State, orders or ordinance of the City, judicial entities when operating in an administrative capacity, or by executive order, including:
 - a. Any advisory committee or commission appointed by the Mayor or [*City Council/Board of Aldermen/Trustees*].
 - b. Any other legislative or administrative governmental deliberative body under the direction of three (3) or more elected or appointed members having rulemaking or quasi-judicial power.
 - c. Any committee appointed by or at the direction of any of the entities and which is authorized to report to any of the above named entities, any advisory committee appointed by or at the direction of any of the named entities for the specific purpose of recommending, directly to the Mayor, [*City Council/Board of Aldermen/Trustees*], or the City Manager, policy or policy revisions or expenditures of public funds. The custodian of the records of any public governmental body shall maintain a list of the policy

advisory committees described in this Subsection; and

- d. Any quasi-public governmental body.
5. *QUASI-PUBLIC GOVERNMENTAL BODY*: Any person, corporation or partnership organized or authorized to do business in this State pursuant to the provisions of Chapters 352, 353, or 355, RSMo., or unincorporated association which either:
 - a. Has as its primary purpose to enter into contracts with public governmental bodies, or to engage primarily in activities carried out pursuant to an agreement or agreements with public governmental bodies; or
 - b. Performs a public function, as evidenced by a statutorily based capacity to confer or otherwise advance, through approval, recommendation or other means, the allocation or issuance of tax credits, tax abatement, public debt, tax exempt debt, rights of eminent domain, or the contracting of lease-back agreements on structures whose annualized payments commit public tax revenues; or any association that directly accepts the appropriation of money from the City, but only to the extent that a meeting, record, or vote relates to such appropriation.
 6. *PUBLIC MEETING*: Any meeting of a public governmental body subject to this Chapter at which any public business is discussed, decided, or public policy formulated, whether such meeting is conducted in person or by means of communication equipment, including, but not limited to, conference call, video conference, internet chat, or internet message board. The term "*public meeting*" shall not include an informal gathering of members of a public governmental body for ministerial or social purposes when there is no intent to avoid the purposes of this article, but the term shall include a public vote of all or a majority of the members of a public governmental body, by electronic communication or any other means, conducted in lieu of holding a public meeting with the members of the public governmental body gathered at one (1) location in order to conduct public business.
 7. *PUBLIC RECORD*: Any record, whether written or electronically stored, retained by or of any public governmental body including

any report, survey, memorandum, or other document or study prepared for the public governmental body by a consultant or other professional service paid for in whole or in part by public funds, including records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body. The term "*public record*" shall not include any internal memorandum or letter received or prepared by or on behalf of a member of a public governmental body consisting of advice, opinions and recommendations in connection with the deliberative decision-making process of said body, unless such records are retained by the public governmental body or presented at a public meeting. Any document or study prepared for a public governmental body by a consultant or other professional service as described in this section shall be retained by the public governmental body in the same manner as any other public record.

8. *PUBLIC VOTE*: Any vote, whether conducted in person, by telephone, or by any other electronic means, cast at any public meeting of any public governmental body.

SECTION 2-132: MEETINGS, RECORDS AND VOTES TO BE PUBLIC-EXCEPTIONS

All meetings, records and votes are open to the public, except that any meeting, record, minutes or vote relating to one (1) or more of the following matters, as well as other materials designated elsewhere in this Chapter, shall be closed unless the public governmental body votes to make them public:

- a. Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote, or settlement agreement relating to legal actions, causes of action, or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact

to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.111, RSMo., however the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.

- b. Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes or vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public upon execution of the lease, purchase, or sale of the real estate.
- c. Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in herein, the term "*personal information*" means information relating to the performance or merit of individual employees.
- d. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
- e. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- f. Welfare cases of identifiable individuals.

- g. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
- h. Software codes for electronic data processing and documentation thereof.
- i. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.
- j. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- k. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such. It is the policy of the City that no information relating to present or past employees other than names, positions, salaries and lengths of service shall be provided to any person or agency other than: (i) as specifically requested in writing by the employee in question in accord with applicable provisions of the City's personnel policies; (ii) as may be required in response to a subpoena lawfully issued by a court of competent jurisdiction, or (iii) as otherwise may be required by law.
- l. Records which are protected from disclosure by law.
- m. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- n. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- o. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; however, all final audit reports issued by the auditor

are to be considered open records pursuant to this Chapter.

- p. Operational guidelines and policies developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, the agency shall affirmatively state in writing that disclosure would impair its ability to protect the safety or health of persons, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records. This exception shall expire and be of no further force or effect on December 31, 2008.

- q. Existing or proposed security systems and structural plans of real property owned or leased by a public governmental body, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to any public governmental body for use by that body to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.
 - 1. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;
 - 2. When seeking to close information pursuant to this exception, the public governmental body shall affirmatively state in writing that disclosure would impair the public governmental body's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in nondisclosure outweighs the public interest in disclosure of the records;
 - 3. Records that are voluntarily submitted by a nonpublic entity shall be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security

interest. If retention is not necessary, the documents shall be returned to the nonpublic governmental body or destroyed;

4. This exception shall expire and be of no further force or effect on December 31, 2008.
- r. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of a public governmental body. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, a public governmental body for such computer, computer system, computer network, or telecommunications network shall be open.
- s. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between a public governmental body and a person or entity doing business with a public governmental body. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of a public governmental body or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by a public governmental body.

SECTION 2-133: RECORDS PERTAINING TO INTERNAL INVESTIGATIONS AND INVESTIGATIONS OF ALLEGEDLY ILLEGAL CONDUCT

In order to allow the fullest cooperation by employees and members of the public in investigation of matters wherein an employee of the City is alleged to have engaged in any form of misconduct, all files, records and documents relating to investigations of allegations of misconduct by City employees will be considered to be personnel records and shall

be closed records under the custody of the respective department head or personnel office.

SECTION 2-134: RECORDS PERTAINING TO MEDICAL CONDITION OR HISTORY

All information obtained by the City regarding medical examinations, medical condition or medical history of City employees or job applicants, if retained by the City, shall be collected and maintained on separate forms and in separate medical files and shall be treated as closed and confidential records, except that:

- a. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
- b. First aid and safety personnel may be informed, when appropriate, if the information reflects the existence of a disability which might require emergency treatment; or
- c. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

SECTION 2-135: RECORDS CONTAINING CONFIDENTIAL, PROPRIETARY OR PRIVATE INFORMATION

1. In order to protect reasonable expectations of privacy on the part of persons having dealings with the City, City records containing information or entries of a personal, confidential, private or proprietary nature, including, but not limited to, income, sales data, financial circumstances, household and family relationships, social security numbers, dates of birth, insurance information and other information which reasonable persons generally regard as private and not a customary subject for public discourse, which information or entries have been provided to the City by one complying with regulations requiring the disclosure of such information, shall be excised from copies of City records disclosed or provided to members of the public other than those persons to whom the information of entries pertain. Persons desiring access to information or entries excised from such records may file a supplementary written request with the City Clerk for disclosure of material to be

specified in the request, which request should state:

- a. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
 - b. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
2. The City Clerk may afford all interested parties, including the persons to whom the information pertains, a reasonable time within which to comment on the requested disclosure prior to acting further on the request. If an interested person objects to the disclosure of the requested information, the City Clerk may conduct a hearing at which all interested parties may be heard. At such hearing the Clerk shall consider, among such other factors as may be reasonable and relevant:
- a. The requirements and intent of State law, City ordinances and this policy.
 - b. The legitimate expectations of privacy on the part of interested parties.
 - c. The personal, confidential, private or proprietary nature of the information at issue.
 - d. Whether the information was obtained by the City under compulsion of law or was freely and voluntarily provided by the persons objecting to the disclosure; and
 - e. The public purposes to be served by disclosure of the requested information.

If the City Clerk determines that disclosure is legally required or would otherwise serve the best interests of the public and that such requirements or purpose outweigh the legitimate concerns or interest of the persons to whom the information pertains, the Clerk shall provide the requested information to the requesting party.

3. In addition to or in lieu of the hearing described above, the City Clerk may afford all interested parties a reasonable opportunity

to seek judicial review of or relief from the proposed disclosure. The City Clerk may also utilize the procedures for judicial determination and/or opinion solicitation provided in Section 2-142.

4. Records and information that have been closed pursuant to the provisions of this Chapter, Chapter 610, RSMo, and other relevant state and federal laws and regulations are to be treated as confidential by all employees and elected and appointed officials of the City.
 - a. It shall be grounds for disciplinary action for any employee to (1) violate the confidentiality relating to such records or information; (2) copy or remove closed and/or confidential information without the specific consent of the custodian thereof or in the normal course of performing such employee's duties for the City; (3) provide or discuss closed records or confidential information with any person other than as a necessary part of performing such employee's duties for the City, or (4) divulge, discuss or disclose information or records addressed in any closed meeting of a public governmental body, other than as a necessary part of performing such employee's duties for the City.
 - b. Elected and appointed officials are also expected to maintain the same strict standards of confidentiality required of employees. Breach of the confidentiality standards established by this Chapter and required of employees in this Section may be grounds for removal from office or other sanctions as may be deemed appropriate by the body of which such official is a member or by the [*City Council/Board of Aldermen/Trustees*].

SECTION 2-136: NOTICES OF MEETINGS

1. Each public governmental body shall give notice of the time, date, place, and tentative agenda of each meeting, in a manner reasonably calculated to advise the public of the matters to be considered, and if the meeting will be conducted by telephone or other electronic means, the notice of the meeting shall identify the mode by which the meeting will be conducted and the designated location where the public may observe and attend

the meeting. If a public body plans to meet by Internet chat, internet message board, or other computer link, it shall post a notice of the meeting on its website in addition to its principal office and shall notify the public how to access that meeting. Reasonable notice shall include making available copies of the notice to any representative of the news media who requests notice of meetings of a particular public governmental body concurrent with the notice being made available to the members of the particular governmental body and posting the notice on a bulletin board at City Hall or other prominent place which is easily accessible to the public and clearly designated for that purpose at the city hall.

The notice shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when the city hall is closed, prior to the commencement of any meeting of a governmental body unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.

2. When it is necessary to hold a meeting on less than twenty-four (24) hours' notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.
3. A formally constituted subunit of a parent governmental body may conduct a meeting without notice as required by this Section during a lawful meeting of the parent governmental body, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the parent meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the parent governmental body.
4. A public body shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. A public body may establish guidelines regarding the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record, or vote closed pursuant to the provisions of section 610.021 R.S.Mo. shall be allowed without permission of the public body; any person who violates this provision shall be guilty of an

ordinance violation and punished by imprisonment for a period not to exceed fifteen (15) days, a fine not to exceed Three Hundred Dollars (\$300.00), or by both such fine and imprisonment.

SECTION 2-137: CLOSED MEETINGS, HOW HELD

1. A public governmental body proposing to hold a closed meeting or vote may do so by either:
 - a. Giving notice of same pursuant to the provisions of this Article along with reference to the specific exception allowing such a closed meeting under State law; or
 - b. Upon an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to the specific exception allowing such a closed meeting under State law shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
2. Any meeting or vote closed pursuant to Section 610.021 RSMo., shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting shall close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
3. In the event any member of a public governmental body makes a motion to close a meeting, or a record, or a vote from the public and any other member believes that such motion, if passed, would cause a meeting, record or vote to be closed from the public in violation of any provision in Chapter 610 RSMo., or this Article such latter member shall state his or her objection to

the motion at or before the time the vote is taken on the motion. The public governmental body shall enter in the minutes of the public governmental body any objection made pursuant to this subsection. Any member making such an objection shall be allowed to fully participate in any meeting, record or vote that is closed from the public over the member's objection. In the event the objecting member also voted in opposition to the motion to close the meeting, record or vote at issue, the objection and vote of the member as entered in the minutes shall be an absolute defense to any claim filed against the objecting member pursuant to Chapter 610 RSMo.

SECTION 2-138: JOURNALS OF MEETINGS AND RECORDS OF VOTING

1. A journal or minutes of open and closed meetings shall be taken and retained by the public governmental body, including, but not limited to, a record of any votes taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken.
2. All votes by members of a public governmental body at any meeting shall be recorded. When a roll call vote is taken, the minutes shall attribute each "yea" and "nay" vote, or abstinence if not voting, to the name of the individual member of the body. Any votes taken during a closed meeting shall be taken by roll call and the minutes of the closed meeting, sufficient to reflect the vote pursuant to this Subsection shall be recorded. All votes taken by roll call in meetings of a public governmental body consisting of members who are all elected, except for the Missouri General Assembly and any committee established by a public governmental body, shall be cast by members of the public governmental body who are physically present and in attendance at the meeting. When it is necessary to take votes by roll call in a meeting of the public governmental body, due to an emergency of the public body, with a quorum of the members of the public body physically present and in attendance and less than a quorum of the members of the public governmental body participating via telephone, facsimile, Internet, or any other voice or electronic means, the nature of the emergency of the public body justifying that departure from the normal requirements shall be stated in the minutes. Where such

emergency exists, the votes taken shall be regarded as if all members were physically present and in attendance at the meeting.

SECTION 2-139: ACCESSIBILITY OF MEETINGS

Each meeting shall be held at a place reasonably accessible to the public, and of sufficient size to accommodate the anticipated attendance by members of the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.

SECTION 2-140: SEGREGATION OF EXEMPT MATERIAL

If a public record contains material which is not exempt from disclosure, as well as material which is exempt from disclosure, the custodian shall separate the exempt and non-exempt material and make the non-exempt material available for examination and copying in accord with the policies provided herein. When designing a public record the custodian shall, to the extent practicable, facilitate a separation of exempt from non-exempt information. If the separation is readily apparent to a person requesting to inspect or receive copies of the form, the custodian shall generally describe the material exempted unless that description would reveal the contents of the exempt information and thus defeat the purpose of the exemption.

SECTION 2-141: CUSTODIAN DESIGNATED-RESPONSE TO REQUEST FOR ACCESS TO RECORDS

1. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The City Manager may designate deputy custodians in operating departments of the City and such other departments or offices as the City Manager may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
2. Except as otherwise provided by law, the City shall provide access to and, upon request, furnish copies of the City's public records subject to the provisions of the Code of Ordinances relating to copying fees. No person shall remove original public

records from the City Hall or from the office of the Custodian of Records without written permission of the Custodian. No public governmental body shall grant to any person or entity, whether by contract, license, or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. The Custodian of Records may require persons seeking access to public records to submit such request in writing and/or on a form designated by the Custodian for such purpose. Such written request shall be sufficiently particular to reasonably apprise the Custodian of the records sought.
4. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third (3rd) business day following the date the request is received by the Custodian of Records. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
5. If a request for access is denied, the Custodian of Records shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third (3rd) business day following the date that the request for the statement is received.
6. Any member of a public governmental body who transmits any message relating to public business by electronic means shall also concurrently transmit that message to either the member's public office computer or the custodian of records in the same format. The provisions of this subsection shall only apply to messages sent to other members of that body so that, when counting the sender, a majority of the body's members are copied. Any such message received by the custodian or at the member's office computer shall be a public record, subject, however, to the exceptions for closed records as provided by

law.

SECTION 2-142: PROCEDURES FOR RESOLVING QUESTIONS OF PUBLIC ACCESSIBILITY

A public governmental body or record custodian in doubt about the legality of closing a particular meeting, record or vote may, subject to approval by the [*City Council/Board of Aldermen/Trustees*], bring suit in the Circuit Court for the County of St. Louis to ascertain the propriety of such action. In addition, subject to approval by the [*City Council/Board of Aldermen/Trustees*], the public governmental body or custodian may seek a formal opinion of the Attorney General or an attorney for the City regarding the propriety of such action. In such events, the proposed closed meeting or public access to the record or vote shall be deferred for a reasonable time pending the outcome of the actions so taken.

SECTION 2-143: FEES

1. The custodian shall charge ten (10) cents per page for a paper copy not larger than nine by fourteen inches, plus an hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the City. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the City shall produce the copies using employees of the City that result in the lowest amount of charges for search, research, and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the City to provide an estimate of the cost to the person requesting the records. The custodian shall receive (or may require) payment prior to duplicating and/or searching for documents.
2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, video tapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine by fourteen inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the City required for making copies and programming, if necessary, and the disk or tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of

compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

ARTICLE X. LAW ENFORCEMENT ARREST REPORTS AND RECORDS, INCIDENT REPORTS, ETC.

SECTION 2-151: DEFINITIONS

As used in this Article, the following terms shall have the following definitions:

1. *ARREST*: An actual restraint of the person of the defendant, or by his/her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked.
2. *ARREST REPORT*: A record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor.
3. *INACTIVE*: An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:
 - a. A decision by the law enforcement agency not to pursue the case.
 - b. Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten (10) years after the commission of the offense, whichever date earliest occurs.
 - c. Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons.
4. *INCIDENT REPORT*: 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.

5. *INVESTIGATIVE REPORT:* A record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties.

SECTION 2-152: POLICE DEPARTMENT RECORDS

1. The Police Department of the City shall maintain records of all incidents reported to the Police Department, and investigations and arrests made by the Police Department. All incident reports and arrest reports shall be open records. Notwithstanding any other provision of law other than the provisions of Subsection (3) of this Section or Section 320.083, RSMo., investigate reports of the Police Department are closed records until the investigation becomes inactive. If any person is arrested and not charged with an offense against the law within thirty (30) days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed except as provided in Section 2-154.
2. Except as provided in Subsections (3) and (4) of this Section, if any portion of a record or document of a Police Department Officer or the Police Department, other than an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for Police Department investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this Article.
3. Any person, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an

incident, may obtain any records closed pursuant to this Section or Section 2-154 for purposes of investigation of any civil claim or defense, as provided by this Subsection. Any individual, his/her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by the Police Department pursuant to this Section. Within thirty (30) days of such request, the Police Department shall provide the requested material or file a motion pursuant to this Subsection with the Circuit Court having jurisdiction over the Police Department stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. Pursuant to Section 610.100(4), RSMo., if, based on such motion, the court finds for the Police Department, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this Subsection.

4. The victim of an offense as provided in Chapter 566, RSMo., may request that his/her identity be kept confidential until a charge relating to such incident is filed.

SECTION 2-153: EFFECT OF NOLLE PROS, DISMISSAL AND SUSPENDED IMPOSITION OF SENTENCE ON RECORDS

If the person arrested is charged but the case is subsequently nolle prossed, dismissed, or the accused is found not guilty, or imposition of sentence is suspended in the court in which the action is prosecuted, official records pertaining to the case shall thereafter be closed records when such case is finally terminated except that the disposition portion of the record may be accessed except as provided in Section 2-154. If the accused is found not guilty due to mental disease or defect pursuant to Section 552.030, RSMo., official records pertaining to the case shall thereafter be closed records upon such findings, except that the disposition may be accessed only by law enforcement agencies, child care agencies, facilities as defined in Section 198.006, RSMo., and in-home services provider agencies as defined in Section 660.250, RSMo., in the manner established by Section 2-154.

SECTION 2-154: PUBLIC ACCESS OF CLOSED ARREST

RECORDS

1. Records required to be closed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this Section and Section 43.507, RSMo. They shall be available to the Sentencing Advisory Commission created in Section 558.019, RSMo., for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, Department of Revenue for driving record purposes, facilities as defined in Section 198.006, RSMo., in-home services provider agencies as defined in Section 660.250, RSMo., the Division of Workers' Compensation for the purposes of determining eligibility for crime victims' compensation pursuant to Sections 595.010 to 595.075, RSMo., and Federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to Federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed such records to certain agencies or for certain purposes. All records which are closed records shall be removed from the records of the Police Department and Municipal Court which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.
2. As used in this Section, the term "*child care*" includes providers and youth services agencies as those terms are defined in Section 43.540, RSMo., elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

SECTION 2-155: "911" TELEPHONE REPORTS

Excepted as provided by this Section, any information acquired by the

Police Department by way of a complaint or report of a crime made by telephone contact using the emergency number, "911", shall be inaccessible to the general public. However, 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 2-152. Any closed records pursuant to this Section shall be available upon request by law enforcement agencies or the Division of Workers' Compensation or pursuant to a valid court order authorizing disclosure upon motion and good cause shown.

SECTION 2-156: DAILY LOG OR RECORD MAINTAINED BY POLICE DEPARTMENT OF CRIMES, ACCIDENTS OR COMPLAINTS—PUBLIC ACCESS TO CERTAIN INFORMATION

1. The City of _____ Police Department, if it maintains a daily log or record that lists suspected crimes, accidents, or complaints, shall make available the following information for inspection and copying by the public:
 - a. The time, substance, and location of all complaints or requests for assistance received by the police department;
 - b. The time and nature of the police department's response to all complaints or requests for assistance; and
 - c. If the incident involves an alleged crime or infraction:
 - i. The time, date and location of occurrence;
 - ii. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo;
 - iii. The factual circumstances surrounding the incident; and
 - iv. A general description of any injuries, property or weapons involved.