



Sheridan Police Department
Policies and Procedures
14.4 Replaces 303.1
Chapter 14 – Records
Section 4 – Record Release

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Signature:

The release of records is regulated by federal law, state statutes, court orders, National Crime Information Center and Wyoming Criminal Justice Information Network regulations and by this policy. Personnel shall treat all information they learn in the performance of their job in a confidential manner and shall not disperse such information to anyone not duly authorized to receive the information.

14.4.1 Wyoming Public Records Act

- 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. Public records are defined as any record, in any form, made by any political subdivision of the state, including municipal police departments.
- C. 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.
- D. When there is a right of access to public records the person requesting the records may request that copies, printouts, or photographs of the records be provided, and the custodian of those records should provide the copies for a reasonable fee set by the custodian. If the custodian does not have the equipment or facilities for copying the records the person who requests them is entitled to access for the purpose of copying. This must be done while the records are still in the custody and possession of the custodian of the records and at his or her direction.
- E. A person seeking public records does not have to give a reason or show a need for the information being sought.
- F. Fees or charges assessed by a custodian of a public record shall first be authorized by duly enacted or adopted statute, rule, resolution, ordinance, executive order or other like authority.
- G. The public records act grants jurisdiction over disputed questions of access to the district court. Should a member of the public 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.

14.4.2 Public Records Disclosure

- A. The Wyoming Supreme Court has identified a constitutional right of access to public records. The Wyoming Public Records Act should 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 or constitute an unwarranted invasion of privacy.
- 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. The department 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.

14.4.3 Public Records Requests

- A. Requests for department records shall be made through the department website or records division during regular business hours.
- B. Upon receiving a request for access, 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.
- C. Persons requesting records shall complete a records release form and return the form with the appropriate fees.
- D. 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.
- E. Record requests shall clearly identify each record requested so the custodian can locate the record without extensive research.
- F. Continuing requests for documents not yet in existence shall not be considered.
- G. The department has no responsibility to compile information or create records that it has not already compiled or prepared in order to meet a public request. If the information will benefit the public interest and is readily available from the department’s computer system it may be provided.
- H. Denials of public access may be oral, unless requested to be written.
- I. Redactions authorized in section 14.4.3 shall be made prior to release of the record and explained to the requestor.
- J. 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).
 - 1. If contact/criminal history information is requested by someone other than the parent of a minor child or the information is not that of the requestor, a copy of the records

- release form will be sent to the last known address of the person whose records are being requested except for criminal justice agencies.
2. Suspect and arrest information shall be redacted from the jacket/contact sheet prior to release to the general public.
 3. Contacts and criminal history from the police department records system may be released to a third party if they present a notarized document authorizing the release by the person whose records are being requested.
- K. Records will not be released over the phone except to other criminal justice agencies. Records personnel may mail, email or fax the form to the requestor. Criminal justice agencies are those agencies for the administration of criminal justice including the courts, government agencies which administer criminal justice activities under statute or executive order. It does not include private security, private investigators, or businesses for profit or governmental agencies that do not administer criminal justice activities. No fees will be charged to other criminal justice agencies.
- L. Records staff may release complete jacket/contact information to the Department of Defense Investigative Service and other agencies listed in 5 USC 9101.
- M. Records release form requests shall be maintained for 4 years.

14.4.4 Information Not Releasable

- A. The following information should 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. Records related to child abuse and neglect, juvenile justice, and child in need of supervision cases, including but not limited to records of the multidisciplinary team, pursuant to Wyoming Statutes 14-3-427(g), 14-3-437, 14-3-439, 14-6-203(g) and (j), 14-6-227(g), 14-6-240, and
 5. All records concerning reports and investigations of vulnerable adult abuse, neglect, exploitation, abandonment, or self-neglect as defined in W. S. 6-2-507 are confidential except central registry records for employee and volunteer screening purposes as provided by W. S. 35-20-116. See Wyoming Statute 35-20-112.
 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 E911 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).
- B. Although the Freedom of Information Act (5 U.S.C 522) does not specifically apply to municipalities, it may be used in order 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 promulgated by the supreme court:
1. Social security numbers, names of minor children, month and day of birth (year may be given), and financial account numbers. Court rules governing redactions, Rule #1.
 2. Search warrant applications and affidavits until served and returned, pursuant to W.R.Cr.P. 41(i).
 3. Records sealed by any court.
- D. The following information will not be released by the department due to rules of NCIC and WCJIN:

1. Criminal history information obtained from other law enforcement agencies, justice agencies, or justice agency databases.
 2. All requests for information should be referred to the agency of record.
- E. 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.

14.4.5 Juvenile Records

- A. Criminal offenses - Juvenile's names, addresses, or other distinctly unique information, which would serve to identify the juvenile shall not be released except for routine traffic offenses in municipal court.
- B. Age, sex, and details of the offense are releasable when requested