ST. LOUIS COUNTY BOARD OF POLICE COMMISSIONERS
AND
ST. LOUIS COUNTY POLICE DEPARTMENT
POLICY FOR RELEASE OF INFORMATION
ON MEETINGS, VOTES, AND RECORDS

The St. Louis County Board of Police Commissioners (the “Board”) and the St. Louis County Police Department (“Police Department”) are committed to an open and transparent policy regarding its meetings, records, votes, actions, and deliberations. The Board and the Police Department shall adhere to the requirements of Missouri’s Sunshine Law, §610.010 through §610.225, R.S.Mo., as may be amended (the “Sunshine Law”), and all other applicable laws. This Policy outlines the requirements for the release of information, and if any conflict occurs with the Sunshine Law and this Policy, the Sunshine Law shall control.

A. CUSTODIAN OF RECORDS

The Custodian of Records for the Board and the Police Department shall be the Commander, Bureau of Central Police Records. All requests for records and information pertaining to the Board or the Police Department shall be directed to said Custodian of Records at the following address:

Custodian of Records
Commander, Bureau of Central Police Records
St. Louis County Police Department
7900 Forsyth Boulevard
St. Louis, Missouri 63105

The identity and address of the Custodian of Records shall be made available upon request. The Custodian of Records shall work with other Bureaus and Commanders in order to facilitate compliance with this Policy, the Sunshine Law, and all other applicable laws.

B. NOTICE OF BOARD MEETINGS

1. The time, date and place of each Board meeting, along with the tentative agenda, will be posted (a) outside the Board Room, Room B-117, at the St. Louis County Police Headquarters, 7900 Forsyth, Clayton, Missouri 63105; and (b) on the St. Louis County Police Department’s website. This posting will be done by the Chief of Police, or the Chief’s designee. If the Board’s 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 the Board plans to meet by Internet chat, Internet message board, or other computer link, it shall post a notice of the meeting on Police Department’s website in addition to outside the Board Room, Room B-117, at the St. Louis County Police Headquarters, 7900 Forsyth, Clayton, Missouri 63105, 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 the Board concurrent with the notice being made available to the members of the Board and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and
clearly designated for that purpose outside the Board Room, Room B-117, at the St. Louis County Police Headquarters, 7900 Forsyth, Clayton, Missouri 63105.

2. Notice conforming with all of the requirements of subsection 1 of this section shall be given at least twenty-four hours, exclusive of weekends and holidays when the facility is closed, prior to the commencement of any meeting of the Board unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given. 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.

3. The Board shall allow for the recording by audiotape, videotape, or other electronic means of any open meeting. The Board 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 §610.021, R.S.Mo., shall be permitted without permission of the Board; any person who violates this provision shall be guilty of a class C misdemeanor.

4. When it is necessary to hold a meeting on less than twenty-four 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 Board’s minutes.

5. A formally constituted subunit of the Board may conduct a meeting without notice as required by this section during a lawful meeting of the Board, a recess in that meeting, or immediately following that meeting, if the meeting of the subunit is publicly announced at the Board’s meeting and the subject of the meeting reasonably coincides with the subjects discussed or acted upon by the Board.

6. If another provision of law requires a manner of giving specific notice of a meeting, hearing or an intent to take action by the Board, compliance with that section shall constitute compliance with the notice requirements of this section.

7. A journal or minutes of open and closed meetings shall be taken and retained by the Board, including, but not limited to, a record of any votes taken at such meeting. The minutes shall be taken by the Board Secretary, or other person designated by the Board. The minutes shall include the date, time, place, members present, members absent and a record of any votes taken. 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 Board. See, §610.020, R.S.Mo.

C. VOTES OF THE BOARD

Except as provided in §610.021, R.S.Mo., rules authorized pursuant to Article III of the Missouri Constitution and as otherwise provided by law, all votes shall be recorded, and if a roll call is
taken, as to attribute each “yea” and “nay” vote, or abstinence if not voting, to the name of the
individual member of the Board. Any votes taken during a closed meeting shall be taken by roll
call. All public meetings shall be open to the public and public votes and public records shall be
open to the public for inspection and duplication. When it is necessary to take votes by roll call
in a meeting of the Board, due to an emergency of the Board, with a quorum of the members of
the Board physically present and in attendance and less than a quorum of the members of the
Board participating via telephone, facsimile, Internet, or any other voice or electronic means, the
nature of the emergency of the Board 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 Board members were physically present and in attendance at the meeting. See, §610.015,
R.S.Mo.

D. ELECTRONIC TRANSMISSION OF MESSAGES RELATING TO PUBLIC BUSINESS

Any member of the Board who transmits any message relating to public business by electronic
means shall also concurrently transmit that message to either the Board member's public office
computer or the Custodian of Records in the same format. The provisions of this section shall
only apply to messages sent to two or more members of the Board so that, when counting the
sender, a majority of the Board’s members are copied. Any such message received by the
Custodian of Records or at the Board member’s office computer shall be a public record subject
to the exceptions of §610.021, R.S.Mo. See, §610.025, R.S.Mo.

E. PUBLIC RECORDS

A “public record” is any record, whether written or electronically stored, retained by or of the
Board or Police Department including any report, survey, memorandum, or other document or
study prepared for the Board or Police Department 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 the Board or Police Department or on behalf of a public
governmental body; provided, however, that personally identifiable student records maintained
by public educational institutions shall be open for inspection by the parents, guardian or other
custodian of students under the age of eighteen years and by the parents, guardian or other
custodian and the student if the student is over the age of eighteen years. The term “public
record” shall not include any internal memorandum or letter received or prepared by or on behalf
of a member of the Board consisting of advice, opinions and recommendations in connection
with the deliberative decision-making process of the Board, unless such records are retained by
the Board or presented at a public meeting. Any document or study prepared for the Board by a
consultant or other professional service as described in this subdivision shall be retained by the
Board in the same manner as any other public record. See, §610.010(6), R.S.Mo.

F. COSTS FOR RECORDS AND REPORTS

1. Except as otherwise provided by law, the Board and the Police Department, through the
Custodian of Records, shall provide access to and, upon request, furnish copies of public records
subject to the following:
(1) Fees for copying public records, except those records restricted under §32.091, R.S.Mo. shall not exceed ten cents per page for a paper copy not larger than nine by fourteen inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the Board or Police Department. 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 Board or Police Department shall produce the copies using employees of the Police Department 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 Board or Police Department to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the Board or Police Department determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of its operations or activities and is not primarily in the commercial interest of the requester;

(2) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes 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 Board or Police Department required for making copies and programming, if necessary, and the cost of the disk, 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.

2. Payment of such copying fees may be requested prior to the making of copies.

3. Except as otherwise provided by law, the Board and the Police Department shall remit all moneys received by it or for it from fees charged pursuant to §§610.010 to 610.028 to the appropriate fiscal officer of St. Louis County Government for deposit to the County’s accounts.

4. The Custodian of Records, or said person’s designee, will be the distributor for the release of records. When the request for records has been completed the requestor will be notified of the cost and advised to send payment by mail or in person to the Custodian of Records, 7900 Forsyth, Clayton, MO 63105. Payment would be in the form of check or money order made payable to “St. Louis County.” Credit card and cash transactions will also be accepted in person at the Bureau of Central Police Records, Rm B-013, 7900 Forsyth, Clayton, MO 63105. Once payment is received the documents will be released by the Custodian of Records along with the appropriate receipt of payment.

See, §610.026, R.S.Mo.
G. REQUESTS FOR ACCESS – DELAYS AND DENIALS

1. The Board and the Police Department shall make available for inspection and copying by the public its public records. No person shall remove original public records from the Board or the Police Department without written permission of the Custodian of Records. No person or entity, whether by contract, license or otherwise, shall be granted 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.

2. 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 business day following the date the request is received by the Custodian of Records. If records are requested in a certain format, the Custodian of Records 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 of Records 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 days for reasonable cause.

3. 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 business day following the date that the request for the statement is received. See, §610.023, R.S.Mo.

H. OPEN/CLOSED RECORDS AND MEETINGS

Except to the extent disclosure is otherwise required by law, the Board and Police Department are authorized to close meetings, records and votes, to the extent they relate to the following:

1. Legal actions, causes of action or litigation involving the Board or the Police Department, and any confidential or privileged communications between the Board or Police Department or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the Board or Police Department 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 the Board or Police Department 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 §610.011, R.S.Mo., however, the amount of any moneys paid by, or on behalf of, the Board or Police Department shall be disclosed. Legal work product shall be considered a closed record;

2. Leasing, purchase or sale of real estate by the Board or Police Department where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by the Board or Police Department shall be made public upon execution of the lease, purchase or sale of the real estate;
(3) Hiring, firing, disciplining or promoting of particular employees by the Board or Police Department when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by the Board to hire, fire, promote or discipline any employee of the Board or Police Department shall be made available with a record of how each member voted to the public within seventy-two 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-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of the Board or Police Department or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the Board or Police Department or the specifications are published for bid;

(12) 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;

(13) 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 the Board or Police Department once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source;

(14) Records which are protected from disclosure by law;
(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hotlines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between the Board or Police Department 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 Chapter 610, R.S.Mo.;

(18) Operational guidelines, policies and specific response plans developed, adopted, or maintained by the Board or Police Department 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. Financial records related to the procurement of or expenditures relating to operational guidelines, policies or plans purchased with public funds shall be open. When seeking to close information pursuant to this exception, the Board or Police Department shall affirmatively state in writing that disclosure would impair its 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;

(19) Existing or proposed security systems and structural plans of real property owned or leased by the Board or Police Department, and information that is voluntarily submitted by a nonpublic entity owning or operating an infrastructure to the Board or Police Department for use by the Board or Police Department to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety:

   (a) Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open;

   (b) When seeking to close information pursuant to this exception, the Board or Police Department shall affirmatively state in writing that disclosure would impair its 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;

   (c) 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;

(20) The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property;

(21) 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 the Board or Police Department. 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, the Board or Police Department for such computer, computer system, computer network, or telecommunications network shall be open;

(22) 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 the Board or Police Department and a person or entity doing business with the Board or Police Department. 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 the Board or Police Department 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 the Board or Police Department; and

(23) All information obtained by the Police Department regarding medical examinations, medical conditions, or medical history of employees or job applicants, if retained, 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.

See, §610.021, R.S.Mo.

Adopted by the St. Louis County Board of Police Commissioners on April 13, 2016.

Roland Conaway  
MR. ROLAND J. CORVINGTON  
COMMISSIONER  
Chairman

Laurie L. Westfall  
MS. LAURIE L. WESTFALL  
COMMISSIONER  
Secretary

Distribution  
All Department Personnel