

Chapter 120

OPEN MEETINGS AND RECORDS POLICY

ARTICLE I In General

Section 120.010. Definitions.

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

CLOSED MEETING, CLOSED RECORD OR CLOSED VOTE — Any meeting, record or vote closed to the public.

COPYING — If requested by a member of the public, copies provided in accord with the cost schedule established by this Article, if duplication equipment is available.

PUBLIC BUSINESS — All matters which relate in any way to performance of the City's functions or the conduct of its business.

PUBLIC GOVERNMENTAL BODY — Any legislative, administrative or governmental entity created by the Constitution or Statutes of this State, orders or ordinances of the City, judicial entities when operating in an administrative capacity, or by executive order, including:

1. Any advisory committee or commission appointed by the Mayor or Board of Aldermen.
2. Any department or division of the City.
3. 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.
4. 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 public governmental body's governing board or its Chief Administrative Officer, policy or policy revisions or expenditures of public funds.
5. Any quasi-public governmental body. The term "*quasi-public governmental body*" means 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 or ordinance-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.

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 corporeal or by means of communication equipment. 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 Chapter, but the term shall include a 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.

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 and presented to the public governmental body by a consultant or other professional service paid for in whole or in part by public funds. 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.

PUBLIC VOTE — Any vote cast at any public meeting of any public governmental body.

Section 120.020. Meetings, Records and Votes To Be Public—Exceptions.

- A. All meetings, records and votes are open to the public, except that any meeting, record 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:
 1. 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 governmental 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 610.011, RSMo., however, the amount of any monies 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.

2. 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 within seventy-two (72) hours after execution of the lease, purchase or sale of the real estate.
3. 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 must 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 this subsection, the term "*personal information*" means information relating to the performance or merit of individual employees.
4. Non-judicial mental or physical health proceedings involving an identifiable person, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
5. Testing and examination materials, before the test or examination is given or if it is to be given again, before so given again.
6. Welfare cases of identifiable individuals.
7. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups.
8. Software codes for electronic data processing and documentation thereof.
9. Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid.

10. 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.
11. 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.
12. Records which are protected from disclosure by law.
13. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
14. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
15. Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product.
16. In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to its budget, annual reports, and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the State of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of Statutes permitting the same in this State.

Section 120.030. 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.

Section 120.040. Records Pertaining To Medical Condition or History.

- A. 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:

1. Supervisors and managers may be informed regarding necessary restrictions on the work duties of employees and necessary accommodations;
2. 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
3. Government officials investigating compliance with State or Federal law pertaining to treatment of persons with disabilities may be allowed access to such records.

Section 120.050. Records Containing Confidential, Proprietary or Private Information.

- A. 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:
 1. Whether or not the requesting party has informed persons to whom the requested information pertains of the request; and
 2. All reasons why the requesting party believes disclosure by the City of the specified information is in the public interest.
- B. 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:
 1. The requirements and intent of State law, City ordinances and this policy;
 2. The legitimate expectations of privacy on the part of interested parties;
 3. The personal, confidential, private or proprietary nature of the information at issue;

4. 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
5. 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.

- C. 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 120.120.

Section 120.060. Notices of Meetings.

- A. All public governmental bodies shall give notice of the time, date and place of each meeting, and its tentative agenda, in a manner reasonably calculated to advise the public of the matters to be considered. 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 the appropriate bulletin board at the City Hall.
- B. Notice conforming with all of the requirements of Subsection (A) of this Section shall be given at least twenty-four (24) hours, exclusive of weekends and holidays when 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.
- C. Each governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to a specific exception allowed pursuant to Section 120.020 hereof. The notice shall be the same as described in Subsection (A) herein.
- D. A formally constituted subunit of a parent governmental body may conduct a meeting without notice 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.

Section 120.070. Closed Meetings—How Held.

- A. Except as set forth in Subsection (C) of Section 120.060, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the 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 a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.

- B. Any meeting or vote closed pursuant to Section 120.020 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. Public governmental bodies holding a closed meeting must 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.

Section 120.080. Journals of Meetings and Records of Voting.

- A. Except as provided in Section 120.020, 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 public governmental body. 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.
- B. A journal or minutes of open meetings shall be taken and retained by the public governmental body including, but not limited to, a record of any vote taken at such meeting. The minutes shall include the date, time, place, members present, members absent and a record of 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 public governmental body.

Section 120.090. Accessibility of Meetings.

- A. 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. At any public meeting conducted by telephone or other electronic means, the public shall be allowed to observe and attend the public meeting at a designated location identified in the notice of the meeting. Every reasonable effort shall be made to grant special access to the meeting to handicapped or disabled individuals.
- B. 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.

Section 120.100. 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 120.110. Custodian Designated—Response To Request For Access To Records.
[Ord. No. 323 §§1—5, 12, 10-12-2009]

- A. *Custodian Of Records Designated.* The City Clerk is hereby designated as the "custodian of records" for the City of Diamond, Missouri. Such designation does not mean that the City Clerk will necessarily have all of the records in his or her possession, but simply is an indication to whom requests for copies of records and information regarding the City Government shall be directed. Requests for records made to persons other than the City Clerk shall not be considered to be requests that are made pursuant to the Missouri Sunshine Law, Chapter 610 of the State Statutes. Nonetheless, any official or employee of the City who receives a request is directed to inform the City Clerk of the request in a timely fashion, so that a response may be made to the request.
- B. *How Records Are Requested.* All requests for records, notices or information shall be in writing and shall be accompanied by a deposit of the estimated cost of researching and reproducing the requested information. Oral requests, if received by the City Clerk, shall be immediately recorded in written form to document the same. Any request received by the City Clerk shall be initialed by the Clerk with the date and time of receipt noted.
- C. *Response Desired To Be Noted On Request.* The requesting party shall indicate on the request the manner in which a response is desired. In absence of instructions to the contrary, it will be assumed that the requesting party wants to receive a response in the same form as the original request (Example: If someone stops by City Hall and requests copies of documents, it will be assumed that the requesting party will stop by City Hall later to pick up the documents. But if someone mails in a request to City Hall, it will be assumed that a mailed response is desired.)
- D. *Response Within Three (3) Business Days.* The custodian of records shall respond to the request within three (3) business days of its receipt. A "business day" is a day when the City Hall is open for the conduct of City business during its normal business hours. While it is desirable that the entire transaction be completed within three (3) business days, there may be circumstances where clarification or explanation of the request is necessary or where it may be necessary to provide only part of the requested information while searches are made to find copies of other documents requested.

- E. *Documentation Of Response.* The custodian of records shall document the response provided either by:
1. Making an extra copy of the response and attaching it to the original request,
 2. Noting on the request what documents were provided, or
 3. Keeping a copy of any letter or note requesting additional information in order to process the request.
- F. *Public Notice Board.* The custodian of records shall establish a fixed place where all public notices and agenda will be posted. This notice board should be in a place that is accessible to members of the public at times when the City Hall is open and (if possible) should be lighted and available for public inspection even at times when City Hall is closed. The notice board shall have the notation "Public Notices" printed at the top of said board. A window or glass door at the entrance to City Hall may be used as the notice board, provided such notices are placed in such a fashion that they can be read by persons on the outside of City Hall.

Section 120.120. 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 Board of Aldermen, bring suit at the expense of the public governmental body in the Circuit Court for the County of Newton to ascertain the propriety of such action. In addition, subject to approval by the Board of Aldermen, 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 120.130. Fees For Retrieval and Copies. [Ord. No. 323 §§6—9, 10-12-2009]

- A. *Request For Searches.* A request for copies of "all documents" or "every document" of a particular sort involves a request to search through every record of the City in order for the City to certify that it has provided "all" or "every" document. Such searches are expensive. Similarly, a request for records compiled in a format differing from the format in which the records are customarily retained is a request for a search and compilation, and can be expensive. As a general rule, the custodian of records is not expected to engage in extensive searches or compilations. Any search request that will require more than fifteen (15) minutes of the custodian's time will be refused without a substantial advance deposit for the estimated time required to search for the records.
- B. *Fees For Retrieval And Copies.* Fees for search, retrieval, accompanying and returning to their proper storage all City documents shall be:
1. For search of fifteen (15) minutes or less, no retrieval fee.

2. For search retrieval, accompanying, and return of documents requiring more than fifteen (15) minutes, four dollars (\$4.00) for each period of fifteen (15) minutes or less including the first fifteen (15) minute period. Should the request require special expertise to duplicate materials, the fee may include the actual rate of compensation for the trained personnel required to duplicate materials to meet the request.
 3. Fees for copies of documents shall be:
 - a. For copies that can be made on the City's copy machine or other equipment available at City Hall, ten cents (\$.10) per side of a page.
 - b. For copies that must be made elsewhere, the actual charges imposed for making the copies (including any taxes imposed) as well as the fee provided above for search, retrieval, accompanying, and returning to proper storage.
- C. *Inspection Of Records.* To reduce the cost to both the requesting party and the City, the custodian of records may permit a physical inspection of the records by the requesting party to help specify what documents are needed. The custodian may impose such security as is deemed appropriate to guarantee that no record is removed from the City files. The requesting party shall pay the cost of that security at the rate provided in Subsection (B)(2).
- D. *Waiver Of Fees.* The custodian of records is empowered to waive the collection of any of the fees totaling less than one dollar (\$1.00) provided in Subsection (B) above to any citizen of the City requesting documents from the City or to any representative of the news media that routinely sends a reporter to cover meetings of City Board of Aldermen. No person or organization shall receive more than three (3) such waivers in any twelve (12) month period.

Section 120.135. Closed Records and Votes. [Ord. No. 323 §§10—11, 10-12-2009]

- A. *Closed Records And Votes.* All records of the City which are permitted to be closed records by reason of the Sunshine Law or by any other Statute of Missouri or by any Statute or regulation of the United States Government shall be maintained as closed records. No such closed record shall be released to any person who is not a part of the City government, except that the City's Auditor may see such records as are reasonably necessary to represent the City. Requests that closed records be opened to public inspection will be considered on a case-by-case basis by the City's Board of Aldermen.
- B. *Subpoenas For Closed Records.* No subpoena for a closed record shall be honored. All such subpoenas shall be referred to the City Attorney for a response and for a motion to quash the subpoena. The only exception to this requirement that will be recognized is a subpoena from the grand jury or court order.

Section 120.137. Penalty For Disclosure of Closed Records. [Ord. No. 323 §13, 10-12-2009]

Any person employed or working for the City, who has been entrusted with a record that is marked to indicate that it is "confidential" or a "closed record", or who has been invited to participate in a closed meeting who nonetheless discloses any closed record or any information about the contents of any closed meeting to any person shall be guilty of an offense under the ordinances of the City and upon conviction therefore may be punished as provided by law. Any such person who is employed or working for the City may also be subject to the termination of their employment as a result of such disclosure. Any such person who is an elected official may also be subject to impeachment from their office as a result of such disclosure.

ARTICLE II

Law Enforcement Arrest Reports and Records, Incident Reports, Etc.

Section 120.140. Definitions.

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

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.

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.

INACTIVE — An investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

1. A decision by the law enforcement agency not to pursue the case.
2. 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.
3. 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.

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.

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 120.150. Police Department Records.

- A. 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 (C) of this Section or Section 320.083, RSMo., investigative 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 120.170.

- B. Except as provided in Subsections (C) and (D) 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 Chapter.
- C. 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 120.170 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.
- D. 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 120.160. 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 and except as provided in Section 120.170. 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 120.170.

Section 120.170. Public Access of Closed Arrest Records.

- A. 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.
- B. 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 120.180. "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 120.150. 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 120.190. Daily Log or Record Maintained By Police Department of Crimes, Accidents or Complaints—Public Access To Certain Information.

- A. Except as provided in Subsection (B) of this Section, the City of Diamond 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:
1. The time, substance and location of all complaints or requests for assistance received by the Police Department;
 2. The time and nature of the Police Department's response to all complaints or requests for assistance; and
 3. If the incident involves an alleged offense or infraction:
 - a. The time, date and location of occurrence;
 - b. The name and age of any victim, unless the victim is a victim of a crime under Chapter 566, RSMo.;
 - c. The factual circumstances surrounding the incident; and
 - d. A general description of any injuries, property or weapons involved.
- B. The Police Department, having custody of an accident report or incident report, as defined in Section 120.140, shall not release for sixty (60) days after the date of the accident or incident the report containing the factual circumstances or general description of any injuries as provided in paragraphs (c) and (d) of Subdivision (3) of Subsection (A) of this Section to a person that is not an interested party. For the purposes of this Subsection, an "*interested party*" is any law enforcement agency, any person who was involved in the accident or incident, the Street Department of the jurisdiction involved, the owner of any vehicle involved in the accident or incident, the insurance company, physician or family member of any person involved in the accident or incident, or any attorney or any member of the news media.

ARTICLE III
Miscellaneous Provisions

Section 120.200. City Audit. [Ord. No. 332 §1, 7-12-2010]

The City audits shall be publicly accessible for viewing at the City Hall.