



# Law Enforcement & Jail Records for Beginners

WAPRO Spring 2024 Conference

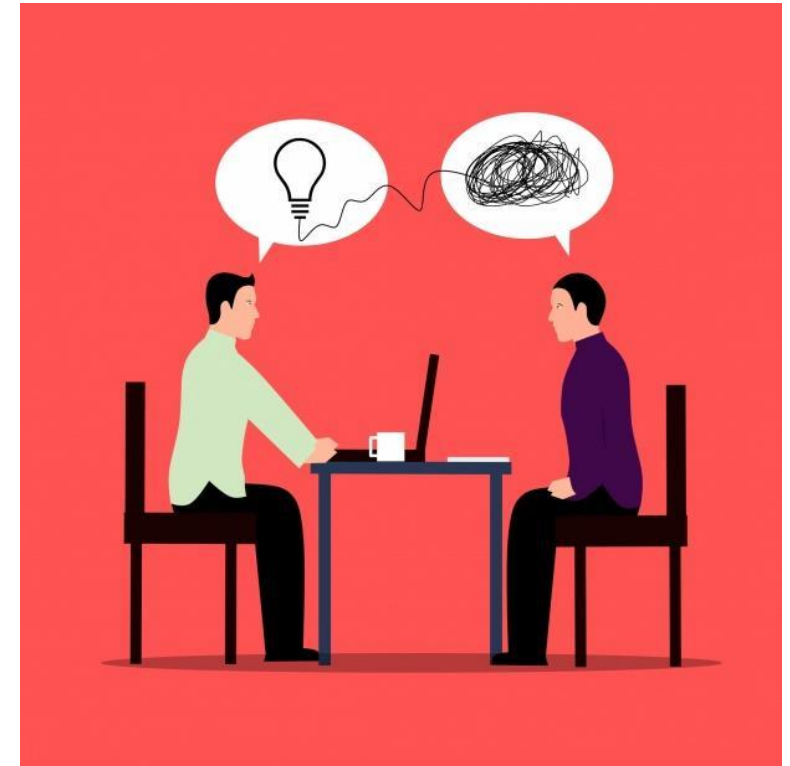
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# Types of Records

- What is a record? Almost everything... “virtually any record related to the conduct of government”
- Format, location and technology used do *not* matter
- For most government agencies, this includes:
  - Email, voicemail, meetings agendas and minutes, calendars
  - Photos, videos, CD/DVDs, microfilm/microfiche, VHS tapes
  - Personnel files
  - Social media
  - Metadata
  - Training records
  - Policies and procedures

# Types of Records

- Even routine records are more complicated in LE...
  - Procedures/Training – SWAT, bomb threat, barricaded suspect, active shooter
  - Sealed/vacated/expunged records
  - Emails regularly contain intelligence information
  - Employment applications usually include medical records, polygraph, psychological evaluation, fingerprints, extensive background check
  - Safety/security of employees



# Types of Records - LE

- Police reports
- Medical records
- Arrest records
- Citations/infractions (tickets)
- Chat messages
- AVL (GPS/location) data
- 911 call audio
- CAD logs
- Radio traffic
- Audio/video transcripts
- Text message, photos, and other data on department-issued cell phones
- Autopsy reports

# Types of Records - LE

- Camera footage (bodycams, dash cams, interrogation, traffic cams, K9 cams)
- License plate readers
- Photos/videos submitted by the public (Ring cameras, cell phone video, etc.)
- Child forensic interviews
- Evidence logs
- Lab reports
- Animal control
- Court orders
- Arrest warrants
- Mental health records
- Sex/kidnapping offender
- CPS/APS reports

# Types of Records - LE

- Use of force reports
- Range (firearm) records
- Citizen complaints
- Internal affairs investigations
- Firearms licenses
- Municipal licenses
- Collision reports
- Vessel inspections
- Trespass notices
- Intelligence files
- Polygraphs
- Search and rescue mission files

# Types of Records - Jail

- Inmate medical records
- Inmate phone/video calls
- Electronic monitoring/home detention
- Food service
- Commissary
- Surveillance
- Inmate custody files
- Inmate requests
- Strip/body cavity searches
- Mug shots



# Unique Circumstances

- *Breadth* and *depth* of records
- Many different locations
- Combination of native paper, scanned, and native electronic files
- Multiple file types make redactions more complicated (text, audio, video, GPS, etc.)
- RCWs for redaction/withholding can be complex/vague requiring legal interpretation
- Requestor's relationship to the record makes a difference in what can/cannot be released

# Unique Circumstances

- Ongoing investigations
- Confidential informants
- Undercover officers
- Graphic images and reports (child porn, dead bodies)
- Highly sensitive personal information (ID theft)
- DV/sexual assault victims
- Some records automatically become non-disclosable upon archiving

# Redactions

- All the usual PRA (RCW 42.56) redactions apply *plus*
  - Law enforcement-specific redactions
  - Body worn camera-specific redactions
- Multiple redactions may apply to the same record
- Different redactions may apply to different records within a case file (written report unredacted but BWC redacted)
- Records may also be disclosed/redacted under RCW 7.69(A) (child victim/witnesses) and RCW 13.50 (commission of juvenile offenses)

# Redactions

- Jail records are mainly **exempt** – RCW 70.48.100
- Only the jail register/roster is public
  - Name
  - Date/time of booking and discharge
  - Criminal offense(s)
- Certain information on sex offenders is public
- Mug shots are exempt
- *All other jail records can only be released to other criminal justice agencies or in very limited circumstances (health care, etc.) - i.e. they are not disclosable to the public*
- *Most jail records are **withheld***

# Redactions

A note on jail phone/video records (RCW 9.73.095(3)(b))

*The contents of any intercepted and recorded conversation shall be divulged only as is necessary to safeguard the orderly operation of the correctional facility, in response to a court order, or in the prosecution or investigation of any crime.*



# Redactions

Common LE redactions:

- Juvenile victim/witness
- DV victim
- Sexual assault victim
- Records obtained from DOL or state/national LE databases (ACCESS)
- Open investigation
- Intelligence information
- Photos of deceased
- Personal information - driver's license, SSN, passport number
- Vehicle registration information
- Autopsy reports
- Suicide notes

# Redactions

- In 2022, the PRA (RCW 42.56.240(14)) was amended to add specific redactions for BWC
  - Interior of residence
  - Health care information
  - Intimate images
  - Images of minors
  - Images of deceased persons
  - DV victims/witnesses
  - Sexual assault victims/witnesses
  - Community DV program locations



# Non-Disclosure

## RCW 42.56.240(2)

The following investigative, law enforcement, and crime victim information is exempt from public inspection and copying under this chapter...*Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.*

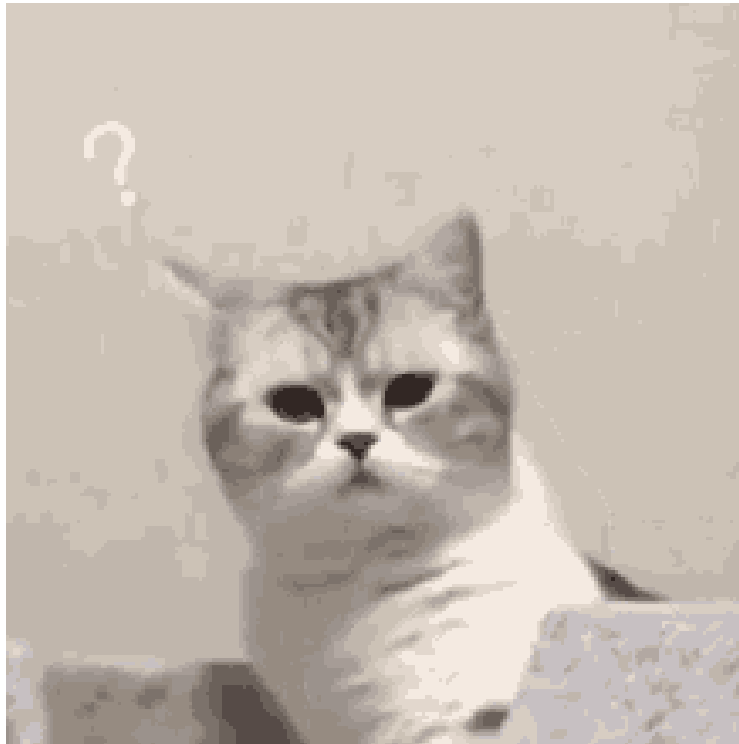
# Non-Disclosure

Agencies vary widely in if/when they ask victims/witnesses about non-disclosure

Non-disclosure may be indicated on a form, included in a report narrative, and/or captured on BWC, but it should apply to all records in that case.

Q&A

**Questions?**



# Contact Info

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