



## Police Department Public Records Request Policy

Resolution #	31163
Last Reviewed/Updated	2/2/2023
Page	1 of 3

### **1. Purpose**

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The Public Records Request Policy defines the procedures and fees associated with handling public records requests made to the Marion Police Department. It is the policy of the Marion Police Department to respond in an orderly and expeditious manner in accordance with Iowa Code Chapter 22 to requests to inspect or receive copies of public records maintained by the Marion Police Department.

### **2. Applicability**

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This policy applies to the Marion Police Department, hereinafter "Police Department". Requests for records maintained by other departments will be referred to the City Clerk for the City of Marion.

### **3. Background**

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The City of Marion recognizes the right of the public to access public records maintained by the City in accordance with state law, this includes records maintained by the Police Department. The City and the Police Department also recognize that certain records maintained by the Police Department are not public records or may be exempt from public disclosure and that a request to access public records may require a balance of the right of the public to access the records, individual privacy rights, governmental interests, confidentiality issues, and privilege issues. Additionally, when the Police Department responds to requests to inspect or copy records, costs are incurred by the Police Department. This policy is adopted to balance these competing interests, to establish an orderly and consistent procedure for responding to public records requests and to support the adoption of a fee schedule designed to reimburse the Police Department for the actual costs incurred in responding to public records requests.

### **4. Designated Custodian**

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Iowa Code Section 22.1(2) requires government bodies to delegate an official or employee as its "lawful custodian" responsible for implementing the requirements of Iowa Code Chapter 22 and to provide that information to the public. The Police Department's "lawful custodian" is the Records Clerk or any employee delegated such responsibilities by the Chief of Police. The City Clerk is the lawful custodian for City records not maintained by the Police Department.

### **5. Public Records Requests**

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The following procedures shall be followed in responding to requests to inspect or receive copies of public records maintained by the Police Department:

- A) Records requests may come in the form of a letter, email, fax or verbal request. In order to accurately and timely process a records request, the Police Department needs to know the full extent of the request and how to contact the requester in case



## Police Department Public Records Request Policy

Resolution #	31163
Last Reviewed/Updated	2/2/2023
Page	2 of 3

the Records Clerk has any questions or concerns. The requester may put his or her request in writing using the City of Marion's Public Records Request Portal. Any requests submitted via the Records Request Portal for Police Department records will be forwarded to the Records Clerk.

- B) Any request for public records maintained by the Police Department must be referred to the Records Clerk's office for review of the request, collection of the records, and completion of request.
- C) The Records Clerk will review each request to determine whether or not the records requested are confidential under Iowa Code Chapter 22.7 or under any other provision of law. If the Records Clerk determines that the records are or may be confidential, the request will be forwarded to the City Attorney for further review.
- D) Records that are released may include redactions to allow for the release of the record while protecting information that is confidential or privileged under Iowa Code Chapter 22.7.
- E) If the requested records are found to be confidential under Iowa Code Chapter 22.7(5) or 22.7(18), the requestor shall be provided with the date, time, specific location, and immediate facts or circumstances surrounding a crime, incident, or other illegal activity, except when disclosure shall plainly and seriously jeopardize an investigation or post a clear and present danger to the safety of an individual.
- F) The fee to be charged for providing records in response to a public records request will be in accordance with the most current fee schedule adopted by the City Council.
  - 1) At the requester's preference the Police Department may make the requested records available in hard copy or in electronic format. The requester may ask the Police Department to supply copied records either by mail, electronic mail, fax or pickup at the Police Department.
  - 2) The Police Department reserves the right to adjust the fee structure for extraordinary requests and provide a cost estimate to the requester prior to request completion.
- G) The person requesting public records can request the Police Department to prepare an estimate of the charges that will be incurred to respond to the public records request. The Police Department may also require an advance deposit of the estimated charges before copying any of the requested records or making the records available for inspection or copying. If the actual costs incurred by the Police Department to respond to a records request are less than the amount of any required prepayment, the overpayment will be refunded promptly to the person or entity making the prepayment. If the actual costs incurred by the Police Department to respond to the request are more than the amount of prepayment, the Police Department shall charge the requester for all additional costs.
- H) Unless otherwise prohibited by law, the Police Department may, at the Police Department's discretion, furnish copies of requested records without charge or at a



## Police Department Public Records Request Policy

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Resolution #	31163
Last Reviewed/Updated	2/2/2023
Page	3 of 3

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reduced fee if the Police Department determines that the waiver or reduction of fees is in the public interest.

- I) The Police Department shall provide a reasonable opportunity for the inspection, examination or copying of requested public records which are not exempt from disclosure. Unless otherwise approved in advance and in writing by the Records Clerk, any inspection, examination or copying of requested records shall be done at the Police Department during regular business hours.
- J) The Police Department reserves the right to not release copies of requested public records until the requester pays for the corresponding charges to complete said request.

### **6. Fee Schedule**

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Please see the attached fee schedule for the most current fees and charges for Police Department Records Requests

### **7. Disclaimer**

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Although records provided to a requester may be deemed "open" or "public" records within the meaning of Iowa Code Chapter 22, the Police Department recommends that requesters' use of any information provided by the Police Department comply with all local, state, and federal laws, including but not limited to laws related to privacy, harassment, discrimination, debt collection, libel, slander and tort.

### **8. Questions**

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Any questions concerning the Police Department's Public Records Request Policy or related procedures or fees should be directed to the records custodian:

Records Clerk  
Marion Police Department  
6315 Highway 151  
Marion, IA 52302  
records@marionpolice.com  
319-200-7714



## Police Department Records Request Fee Schedule

Resolution #	31163
Last Reviewed/Updated	2/2/2023
Page	1 of 1

Fees and costs may be charged pursuant to Iowa Code Chapter 22 for access and/or copies of public records maintained by the Marion Police Department. Payment is due prior to records being released. When the estimated total fee exceeds \$50, the custodian may require an advance non-refundable deposit payment to cover all or part of the estimated fee before the work is completed.

REPORTS/SERVICES	Copying and Material Fees
Accident Reports – available online through Lexis Nexis at: <a href="https://policereports.lexisnexis.com">https://policereports.lexisnexis.com</a>	Most reports are available online through Lexis Nexis for an \$8.00 convenience fee.
* Public Records Request including any Public Release Report/Accident Reports not obtained via Lexis Nexis and Calls For Service Reports	\$0.15 per additional page single sided; \$0.20 color \$0.25 per additional double sided page; \$0.30 color
Digital File Burned to USB	\$2.50/each
Fingerprinting	\$10.00 up to 2 cards printed \$5.00 per additional card printed \$5.00 per additional card supplied

### Postage Charges-

If the requester chooses to have records mailed to them, postage will be charged at actual cost.

### Labor Charges-

The City will make every reasonable effort to provide the public record requested at no cost other than copying costs for a record taking less than thirty minutes. For requests that take more than 30 minutes, requesters will be charged at the hourly rate for the employees involved in obtaining and/or reviewing records. Labor charges will be in addition to any copy or materials charges.

### Legal Charges-

Some requests may need to be reviewed by the City Attorney. In such circumstances, the requestor will be billed for the time spent by the City Attorney at the attorney's hourly rate.