
Records Maintenance and Release

806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in reference to the release of department records in accordance with applicable state and federal law. This policy is also intended to protect against the unwarranted invasion of personal privacy and the disruption of the mission of the Urbana Police Department, independent of the rights of the public to access information.

806.2 POLICY

It is the policy of the Department to promote transparency and accountability. However, these interests must be weighed against the needs and restrictions to keep some information confidential. The Department's policy is to attempt to strike an appropriate balance between the two needs under the parameters of the Illinois Freedom of Information Act (FOIA).

Department records will be subject to inspection and release pursuant to requests as delineated in the Illinois Freedom of Information Act (5 ILCS 140) or as otherwise established by federal or state law.

The Department is not obligated to create, maintain or prepare any public record that was not maintained or prepared prior to the effective date of the Illinois Freedom of Information Act, except as required by law.

806.3 FREEDOM OF INFORMATION ACT PROCEDURE

Requests for records or information from the police department shall generally be processed as outlined below. Each supervisor at the police department shall be aware of the basic provisions of the Freedom of Information Act as it is handled by the police department.

A. City Clerk - The Illinois Freedom of Information Act applies to all records at the police department. Anyone wishing to view or copy any eligible department records must initiate their request at the City Clerk's Office. The City Clerk, after recording the request, will forward the request to the Police Service Representative assigned to FOIA duties (FOIA PSR).

B. FOIA PSR - The FOIA PSR shall arrange for collection of the relevant police records. The FOIA PSR may consult with others, depending on the nature of the records requested, in order to facilitate this collection. Once gathered, the requested records will be forwarded to the Human Relations Office.

C. Human Relations Office - It shall be the responsibility of the Human Relations Office to reply to Freedom of Information Act requests. Redactions will be done by the Human Relations Office, with input from the Human Relations Officer and the police department's FOIA liaison. Once the records are provided to the requestor, the Human Relations Office will notify the City Clerk's Office and the police department of the completed response.

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806.4 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records and Freedom of Information Officer who may be, but are not required to be, the same person. The responsibilities of the Custodian of Records include, but are not limited to (5 ILCS 140/3.5; 5 ILCS 140/4; 5 ILCS 140/5):

- (a) Managing the records management system for the Department, including the retention, archiving, release and destruction of department public records.
- (b) Maintaining and updating the department records retention schedule including:
 - 1. Identifying the minimum length of time the Department must keep records.
 - 2. Identifying the division responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the following information is available on the Department website; the department's mission, budget, office locations, number of employees and an organizational chart that depicts the department structure and the relationship of the Department to City government.
- (g) Ensuring information identifying the City's Freedom of Information Officer, the categories of available records and the process for requesting public records, including the address for submitting requests, will also be displayed.
- (h) Promptly remediating any deficiencies in the department's Freedom of Information Officer's public records management activities.
- (i) Advise the Chief of Police of requests that may involve potentially sensitive or newsworthy matters.
- (j) Consulting with the Chief of Police in the event further information is needed regarding the appropriate response to a records request.
- (k) Submitting monthly reports to the Illinois State Police (ISP) regarding arrest-related deaths, firearm discharges by members, hate crimes, domestic crimes, index crimes and school incidents pursuant to the Uniform Crime Reporting Act (50 ILCS 709/5-12).
- (l) Submitting a quarterly report to the ISP that includes incident-based information on any criminal homicide pursuant to 50 ILCS 709/5-15.

806.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

- (a) Personal identifying information, including an individual's photograph, Social Security and driver identification number, name, address and telephone number, and medical or disability information that is contained in any driver's license record, motor vehicle record or any department record, including traffic crash reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

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- (b) Private information including, but not limited to, unique identifiers such as Social Security numbers, driver's license numbers, employee identification numbers, biometric identifiers, personal financial information, passwords or access codes, medical records, home or personal telephone numbers, home address, personal email addresses or personal license plates (5 ILCS 140/7(1)(b); 5 ILCS 140/2(c-5)).
- (c) Confidential information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of an investigation (5 ILCS 140/7; 5 ILCS 140/2.15(b)).
 - 1. Analysis and conclusions of investigating officers (5 ILCS 140/7(1)(f)).
- (d) The identity of child victims of criminal sexual offenses (725 ILCS 190/3) and reports of elder abuse and neglect (320 ILCS 20/8).
- (e) Records regarding juveniles under 18 years of age (705 ILCS 405/1-7; 705 ILCS 405/5-905).
- (f) Department records that would obstruct an ongoing investigation or pending administrative enforcement proceeding (5 ILCS 140/7).
- (g) Information contained in personnel and other public records that would constitute an unwarranted invasion of personal privacy, in which the individual's right to privacy outweighs any legitimate interest in obtaining the information.
 - 1. The disclosure of personal information that bears on the public duties of employees of this department shall not be considered an invasion of personal privacy (5 ILCS 140/7(1)(c)).
 - 2. The disclosure of employee performance evaluations is prohibited (820 ILCS 40/11).
- (h) Records that were created exclusively in anticipation of potential litigation, which would not be subject to discovery or which may be subject to an attorney-client privilege involving this department (5 ILCS 140/7(1)(m)). Any record relating to vulnerability assessments, security measures and response policies or plans (5 ILCS 140/7(1)(v)).
- (i) Body-worn camera recordings as provided in the Law Enforcement Officer-Worn Body Camera Act (5 ILCS 140/7.5).

806.6 ARREST RECORDS

Arrest report information that identifies an individual, any charges, time and location of arrest, name of the investigating department, incarceration or bond information shall be furnished as soon as practicable but in no event later than 72 hours after arrest (5 ILCS 140/2.15(a)).

Persons requesting conviction information should be directed to the Illinois State Police.

806.6.1 REQUESTS TO RETRACT OR DELETE ARREST RECORDS

Requests from a Chief of Police, county Sheriff or State's Attorney to delete or retract arrest records of individuals mistakenly identified should be forwarded to the Custodian of Records for handling (5 ILCS 160/17; 50 ILCS 205/4).