

**TRAVERSE CITY POLICE DEPARTMENT  
POLICY AND PROCEDURE**

**RELEASE OF RECORDS**

**Policy Number 06-35  
Effective Date: January 01, 2006**

**I  
PURPOSE**

**Although the Traverse City Police Department contracts with Grand Traverse County Central Records for the maintenance of the department's records, it must be recognized that the office of the Chief of Police has specific statutory requirements; therefore, the Chief of Police of Traverse City Police Department must maintain control over the maintenance and release of records of the Traverse City Police Department. The employees of Grand Traverse County Central Records and Grand Traverse County Central Dispatch may not release any information from the records of the Traverse City Police Department, except as explicitly allowed in this policy and procedure.**

**II  
POLICY**

**The procedures established herein shall assure that the legally required records of the Traverse City Police Department are duly protected, while the rights of the citizens of our community, as provided by the Freedom of Information Act, and that unwarranted invasions of personal privacy are protected.**

**III  
PROCEDURE**

**A. RECEIPT OF REQUEST FOR INFORMATION**

- 1. Requests for records may be made orally or in writing. When possible, requestor should complete a Freedom of Information Request Form (Form #LE342A). Upon receipt of a request, the department will exercise, within five regular business days, one of the following options:\***

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- a. **Grant the request.**
  - b. **Issue a written notice on the designated form (Form no. LE343) denying the request.**
  - c. **Grant the request in part and issue a written notice (Form no. LE343) to the requesting person accordingly.**
  - d. **Request an extension of ten regular business days under Section 5 of the Act.\***
- 2. All requests for release of information shall be submitted to the Chief of Police or his designee for his review.**
- 3. Exceptions: Records Clerks may release copies of the following reports, consistent with Release Category IV (see Section II below):**
- a. **Requests of traffic accident reports received from an insurance company will have the date of birth and the telephone number deleted. Traffic accident reports (UD10's only) may be released to an involved party with the deletion of telephone numbers, dates of birth, driver license numbers, and addresses. Any requests for supplemental pages to an accident investigation shall be submitted to the Chief of Police or his designee.**
  - b. **Domestic violence incident reports when being requested by the victim of the domestic violence (P.A. 63, 1994, Sec. 15c(1)).**
  - c. **Single party reports which indicate no further pending investigation (i.e.: larceny of a bicycle or MDOP to a mailbox with no suspects).**
- Note: Release shall be only to an individual party of the incident with picture ID or to an insurance company.**
- d. **Background and personal records checks may be handled consistent with Category V provisions, excepting requests pertaining to law enforcement employment, adoptions, and licensing shall be referred to the Chief of Police or his designee.**

**\*"Regular business day" is defined as any regularly scheduled work day, Monday through Friday, 8:00 a.m. - 4:00 p.m., not including holidays.**

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**B. RECORDS RELEASE CATEGORIES**

**1. Category I**

**a. Category I records shall include the following:**

**Current investigations (open cases and those pending prosecution), personnel files, Internal Affairs Files, Administrative memos, investigative techniques, security codes, badge number lists, and various security procedures.**

**b. The public release of Category I records is hereby prohibited except by the specific approval of the Chief of Police, or his designee.**

**2. Category II**

**a. Category II addresses any requests for law enforcement records from the Grand Traverse County Prosecutor's Office or any records or files of the Police Department as required under Court order or subpoena.**

**b. Complete reports shall be submitted consistent with these requests or Court orders.**

**3. Category III**

**a. Category III includes:**

**This category shall include requests submitted by other bonafide law enforcement agencies or prosecutors' offices.**

**b. Under normal circumstances, such requests will be honored and all pages of the report must be clearly stamped "Not For Public Use". The Chief of Police or his designee may determine if necessary to verify the nature of the desired information. In some cases of a pending investigation or pending prosecution on the behalf of this department, it may be necessary to deny certain information until a suspect has been arraigned.**

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**4. Category IV**

- a. Category IV includes requests for specific incident reports, third party requests (including insurance requests), and requests being made without subpoena or Court order for purposes of civil litigation.**
- b. The response to Category IV requests will require the deletion of all personal information such as telephone numbers and any information which may constitute an unwarranted invasion of privacy. Names, other than requesting party(ies) may be deleted. Suspect(s) name will not be deleted if charges have actually been brought against the subject. In the case of insurance requests, it may be determined that the release of only the face sheet of the report will be sufficient to satisfy documentation of a specific insurance claim.**

**5. Category V**

- a. Category V requests include all background or records checks on persons such as government agency backgrounds, required records checks for various licenses or governmental procedures, and any other personal requests for a background or records check.**
- b. Persons making such requests must submit the appropriate form to the records desk, to include either the notarized signature of the person authorizing the background check or the actual presence of the individual with proof of identity by picture ID. Exception will be granted to this requirement only for those governmental agencies which present proof of their legal authority to conduct such a background investigation.**
- c. In response to Category V requests, this department will report only adult arrests. This information shall include appearance tickets issued to adults for misdemeanor offenses. The person submitting the request should be advised of the availability of a more complete records check by the submission of fingerprints to the Michigan State Police and also the availability of Court records through the various Courts of the County. An advisement shall also be included as to the**

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availability or existence of records in other jurisdictions/agencies.

**C. RESPONSE TO REQUESTS/RELEASE PROCESS**

- 1. The "Freedom of Information Response" form shall be used in all responses to information of the Freedom of Information Act:**
  - a. A response must be made within five business days from the date of the receipt of the request, to include the possible request for an extension of the time line.**
  - b. In unusual circumstances, the department may request a ten-day extension, in writing.**
  - c. Justification for the denial of requested information must be made in writing to the requesting party, to include any partial denials or deleted information and a copy of MCLA15.240(1) shall be attached as well as Form B.**
- 2. Copies of the original written request, the "Freedom of Information Act Response" form(s), and copies of the materials actually released shall be maintained in a separate file in the Investigative Services Division.**

**D. DENIALS - WHOLE OR IN PART**

**1. Right To Privacy**

The Chief of Police or his designee will be responsible for the review of all requested records, and shall edit out information in accordance with the Act and these procedures. Edited identifiers that could constitute an unwarranted invasion of privacy include the following:

- a. Complainants' names**
- b. Witnesses' names**
- c. Suspects' names**

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- d. Informants' names**
- e. Addresses**
- f. Telephone numbers**
- g. License numbers**
- h. Date of birth**
- i. Social Security number**

**2. Exemptions**

**Under Section 13 of the Act, a public body may exempt from disclosure certain types of information. The following exceptions shall be applied in release of department records:**

- a. Information of a personal nature where public disclosure would clearly constitute an unwarranted invasion of an individual's privacy.**
- b. Investigating records, compiled for law enforcement purposes, but only to the extent that disclosure as a public record would do any of the following:**
  - i. Interfere with law enforcement proceedings.**
  - ii. Deprive a person of the right to a fair trial or impartial administrative adjudication.**
  - iii. Constitute an unwarranted invasion of personal privacy.**
  - iv. Disclose the identity of a confidential source, or if the record is compiled by a criminal law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source.**
  - v. Disclose law enforcement investigative techniques or procedures.**

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- vi. **Endanger the life or physical safety of law enforcement personnel.**
  - vii. **Records or information specifically described and exempted from disclosure by statute.**
- c. **Public records of the Police Department where, unless the public interest in disclosure outweighs the public interest in non-disclosure, the release would do any of the following:**
  - i. **Identify or provide a means of identifying an informer.**
  - ii. **Identify or provide a means of identifying an undercover officer as a law enforcement officer.**
  - iii. **Disclose the personal address or telephone number of relatives of law enforcement personnel.**
  - iv. **Disclose operational instructions for law enforcement personnel.**
  - v. **Reveal the contents of staff manuals provided for law enforcement personnel.**
  - vi. **Endanger the life or safety of law enforcement personnel, their relatives, or those who furnish information to the law enforcement agencies.**
  - vii. **Identify or provide a means of identifying a person as a law enforcement officer, agent, or informer.**
  - viii. **Disclose personnel records of the Police Department.**
  - ix. **Identify or provide a means of identifying residences which the Police Department is requested to check in the absence of their owners or tenants.**
- d. **Records of information specifically described and exempted from disclosure by any other statute.**

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**3. DENIALS**

Pursuant to Section 13 of the FOIA, the Department has the right to deny information as enumerated in Section B of these procedures. The Act also requires (Section 5) that the requestor be notified in writing explaining the reasons for a denial and that a full explanation of the requestor's right to seek judicial review (Section 10). When a denial is made the department shall:

- a. Notify the requestor of the denial using the Form no. LE343, and provide a copy of Section 10 of the FOIA which explains the requestor's legal rights under the Act.

**E. FEES AND COSTS**

1. Where applicable, the document reproduction fee schedule as established by the County Board of Commissioners shall be utilized when providing members of the general public with copies of departmental records.
2. For those situations not covered by the standard fee schedule (i.e., Freedom of Information Requests), the requesting person shall be charged actual research and duplication costs.
3. In the event that the anticipated fees for a particular request might exceed \$50, any Command Officer of this department may request a minimum advance deposit in an amount not to exceed one-half the projected costs for the requested information.
4. **Fees Waived For Indigent Persons.**  
Copies of reports shall be furnished without charge for the first \$20 of the fee for each request, to an individual who submits an affidavit stating that the individual is receiving public assistance or, if not receiving public assistance, stating facts showing inability to pay the costs because of indigence.

**F. GENERAL COMMENTS**

1. Every effort shall be made by members of the Traverse City Police Department, and the Grand Traverse Central Records to adhere to the requirements of the Freedom of Information Act and the "Bullard Plawecki Employee Right to Know Act, MCLA 423.501 et seq; MSA 17.62 et seq." Questions of a legal

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nature concerning the release of the records of the Traverse City Police Department may be referred to the Attorney for the City of Traverse City through the Chief of Police or his designee as appropriate for legal opinion, or if necessary to the Michigan Attorney General's Office through the Investigative Services Division Commander.

2. Any citizen desiring to make a complaint concerning the processing or handling of records within the Traverse City Police Department should be directed to the nearest available police supervisor of the appropriate department (Sergeant or above).
3. Materials or documents which exist in any files or records of the Traverse City Police Department which do not originate from this department (such as from the courts or other law enforcement agencies) will not be released except for Category II requests. Individuals requesting any such information should be directed to the original source of these documents.
4. All provisions of P.A. 97 of 1985, P.A. 21 of 1988, and P.A. 22 of 1988 shall be adhered to and nothing in this policy should be interpreted so as to conflict with these acts ("Victim's Rights Acts"). All victim information shall routinely be deleted unless the requesting party is, or represents, the victim. This procedure will not, normally, preclude routine reports for insurance purposes.

**IV  
COMPLIANCE**

Violations of this policy, or portions thereof, may result in disciplinary action.

**V  
OFFICER ASSIGNED TO OTHER AGENCIES**

Officers of this department assigned to or assisting other law enforcement agencies will be guided by this policy.

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**VI  
APPLICATION**

**This order constitutes department policy, and is not intended to enlarge the employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims insofar as the employee's legal duty as imposed by law.**

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EFFECTIVE DATE: January 01, 2006**

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**MICHAEL K. WARREN,  
CHIEF OF POLICE**

**HISTORY:**

06-35 – Reviewed – 01/01/06 – CALEA – Policy Number/Signature Page Updated/Revised  
98-35 – Effective 07/01/98  
95-35 - Effective 07/01/95 - No Changes  
94-6/000 - Effective August 15, 1994 - New Policy  
85-6/000 and 85-6 /001 Through 85-6/001.4 Effective February 29, 1988

**CALEA STANDARD(S):**

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