

# Q&A from the Iowa Public Information Board

By Margaret E. Johnson, Executive Director

Q. Are law enforcement records open to the public and the press?

A. This is a frequently asked question of our office.

Access to law enforcement records was originally addressed in 1982 in an Attorney General's opinion, *Weeg to Holt*, 82-10-3. That opinion interprets Iowa Code section 68A.7(5), now codified as section 22.7(5), which provides **public access to “the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident.”**

The opinion notes that a news reporter or citizen does *not* have to know about a crime or incident to obtain information about it. The record request could be a general one, to review the public record of police activities during the past 24 hours: “A citizen may request [Chapter 22.7(5)] information for a particular day or time, or for any number of days or times. The request is not required to specify the particular criminal incident for which the information is requested.”

Generally, the opinion calls for routine access to all “date, time, specific location and immediate facts and circumstances” information, and the record custodian carries “the burden of establishing facts necessary to withhold public records. . . .”

More recently, the Iowa Supreme Court held in *Mitchell et al. v. Cedar Rapids et al.*, 926 N.W. 2d 222 (Iowa 2019), that investigative records retain their confidential status even after an investigation closes.

In *Mitchell*, the Supreme Court used a **balancing test** to decide which records constitute information relating to the date, time, specific location, and immediate facts and circumstances. The Court held that certain facts, such as the absence of any confidential police informants named in the record, absence of named but innocent suspects, a completed investigation and the presence of heightened public interest favor disclosure.

**Did You Know** that the Iowa Public Information Board staff is available to assist you with questions or problems involving open meetings and public records in Iowa? During the month of January 2020, 61 contacts were made with the Iowa Public Information Board office.

TYPE	January 2020
Formal complaints	10
Advisory opinions	0
Declaratory orders	0
Informal complaints	5
Informal requests	36
Miscellaneous	10
TOTALS:	61

**Who can contact the IPIB and how long does it take?** Any person can contact the IPIB for assistance by telephone (515-725-1781), by email, or on the IPIB website. In January 2020, 61 identifiable people contacted the IPIB. Of these, 26 were private citizens, \*26 were government officials or employees, and 9 were members of the media. In January 2020, 72% of the incoming contacts were resolved the first day, 11% were resolved in one to five days, and 17% were resolved in six or more days. Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – [www.ipib.iowa.gov](http://www.ipib.iowa.gov).