

OGDEN CITY POLICE

Office of the Chief

Policy No: 18

Subject Records Access and Restrictions	Effective Date July 13, 2022
Department Police	Replaces Policy Dated May 28, 2021
Division All Police Personnel	Review Date July 2024
Authorized Signature 	

NOTE: This rule or regulation is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this agency, and then only in a non-judicial administrative setting.

I. PURPOSE

The purpose of this policy is to assure uniform compliance by all Ogden Police Department employees with the Government Records Access and Management Act (GRAMA), Utah Bureau of Criminal Identification procedures, and Ogden City Ordinance 4-5, which establishes guidelines for dissemination, retention, and maintenance of records.

II. POLICY

It is the policy of the Ogden City Police Department that all employees of the department shall adhere to the (GRAMA) Government Records Access and Management Act, Utah Bureau of Criminal Identification procedures, and Ogden City Ordinance 4-5.

III. PROCEDURE

The records of the Ogden City Police Department have been classified in accordance with (GRAMA) as protected records. These records contain data submitted by police department personnel and are open to criminal justice entities and other authorized persons.

A. All records are available to any Ogden City police officer and to other criminal justice agencies for investigation, prosecution, and officer safety

purposes. All criminal justice agencies must present proper identification to obtain requested records.

- B. Utah Uniform Crime Reporting Program – The Ogden Police Department participates in the Utah Uniform Crime Reporting Program in accordance with UCA 53-10-205. All records specified as reportable UCR and/or NIBRS within the RMS are collected and transmitted electronically to Utah BCI on a monthly interval.
- C. Attorneys - Ogden Police records will not be given to defense attorneys with the exception of traffic accident reports. All other requests for records or cases will be referred to the City or County Attorney's Office. The only exception will be if they have a valid court order for the record requested.

Subpoena Duces Tecum will be processed in the same manner as a GRAMA request. The subpoena must be submitted with the appropriate fee for the type of record requested.

- D. Traffic Accidents – Traffic accident records will be released in accordance with Utah Code 41-6a-404. Accident records will be released to involved parties or their agents after paying the associated fees.
- E. Individual Private Records Requests – Private individuals who request a search of their own local police involvements can be provided with a Letter of Good Conduct if no disqualifying offenses are located. Proper photo identification and a completed dissemination form are required prior to the RMS search.

For BCI background information, a Right of Access application must be completed. Right of Access applications are accepted for current prospective, non-criminal justice employees for Ogden City Corporation, volunteers, and for various licensing purposes. Information from any other jurisdiction that may be in the RMS or FBI records WILL NOT be disseminated. The requestor must be referred to the holding agency for those requests.

- F. Incident reports may be released to individuals who are directly involved in a case. Fees for incident reports are waived for victims of crime. Suspects or arrestees will not have access to case reports until after adjudication and will be referred to the City or County Attorney.

If a verbal request for police records is denied, the person requesting the record may submit a GRAMA request to the Records Manager.

- G. Media - The media can only receive the original case report. When the original case has insufficient information, the media may be referred to the appropriate bureau commander or to the duty lieutenant. No electronic photo or other image will be given to the media, unless it is in the best interest of the public and then only by the authority of a division commander or the Chief of Police.
- H. The TAC or Alternate TAC is responsible for reviewing audit logs weekly.