

Press Release
September 9, 2019
Iowa Public Information Board
Advisory Opinion 19AO:0003



What's New under the Sun?

The Iowa Public Information Board (IPIB) issued an advisory opinion on July 18, 2019, concerning the confidentiality of peace officers' investigatory reports.

Iowa Code section 22.7(5) allows a lawful custodian to deny the release of peace officers' investigative reports only in certain situations. The Iowa Supreme Court recently held in *Mitchell v. City of Cedar Rapids*, 926 N.W. 222 (Iowa 2019), that confidentiality attaches regardless of whether the investigation is open and ongoing or closed.

It is not always easy to determine what constitutes a peace officer's investigative report. Including a record within a police file does not automatically grant confidentiality. Previous IPIB opinions define such reports to include those materials that are gathered as part of an investigation such as written materials, audio and video records, photographs, and similar information.

Defining a record as confidential pursuant to Iowa Code section 22.7 does not mean that the lawful custodian cannot release such record publicly. The opening sentence of section 22.7 allows disclosure of a confidential record by court order or at the discretion of the lawful custodian or other authorized person.

Even when a peace officer's investigative report can be properly withheld as a confidential record, Iowa Code section 22.7(5) requires the release of "*the date, time, specific location, and immediate facts and circumstances surrounding a crime or incident ...except in those unusual circumstances where disclosure would plainly and seriously jeopardize an investigation or pose a clear and present danger to the safety of an individual.*"

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 August 2019, 45 contacts were made with the Iowa Public Information Board office.

TYPE	August 2019	Year to Date
Formal complaints	7	105
Advisory opinions	1	5
Declaratory orders	0	0
Informal complaints	6	36
Informal requests	23	308
Miscellaneous	8	68
TOTALS:	45	522

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 August 2019, 45 identifiable people contacted the IPIB. Of these, 46% were private citizens, 38% were government officials or employees, and 16% were members of the media.

In August 2019, 70% of the incoming contacts were resolved the first day, 15% were resolved in one to five days, and 15% were resolved in six or more days.

Opinions, rulings, FAQs, reports, and training documents are available on the IPIB website – www.ipib.iowa.gov.

“What’s New under the Sun” is a periodic publication of the Iowa Public Information Board to update Iowans on changes to the Sunshine Laws concerning open meetings and public records. Opinions, rulings, FAQs, monthly columns, and training documents are available on the IPIB website – www.ipib.iowa.gov. Questions for the IPIB can be posted on the website or by calling 515-725-1781.