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Service, Integrity, Leadership, and Fair Treatment to All

METROPOLITAN POLICE DEPARTMENT

City of St. Louis – 1915 Olive Street – St. Louis, MO – 63103

May 17, 2021

Washington University School of Law
First Amendment Clinic
Sydney Miller, Law Student

Dear Ms. Miller,

I am writing in response to your letter received April 20, 2021. On February 2, 2021, your client submitted the following sunshine request (reference number P002461-020221) for a record containing 10 years of homicide information:

Records showing complaints, clearances, victims and offenders for all complaints that include a homicide offense and where the date of the offense is from January 1, 2010 to the date this request is processed.

These records should include, but not be limited to the following fields:

- *Complaints*
- *Complaint number or ID*
- *Incident date*
- *Report date (if different than incident date)*
- *Primary offense*
- *Police district*
- *Neighborhood name and/or number where the incident occurred*
- *Address of incident*
- *Coordinates corresponding to the incident location*
- *Clearances*
- *Associated complaint number or ID*
- *Clearance date*
- *Type of clearance (e.g. arrest, closed without arrest, etc.)*
- *People*
- *Associated complaint number or ID*
- *Role (i.e. victim or offender)*
- *Age*
- *Race*
- *Sex and/or gender*
- *Relationship to other people related to the complaint*

There is no responsive record containing the requested information; filling her request would require creation of a new record involving a data extraction from various sources, which is not required under the Missouri Sunshine Law. Agencies are not required to create a new record “even if the new record could be created from information culled from existing records.” *Am Family Mut Ins. V. Mo Dept of Ins.*, 169 S.W.3d 905 at 915 (Mo. App WD 2005).

This is also discouraged as a practice. Creating on-demand statistical reports through custom data extractions may not meet UCR (Uniform Crime Reporting) standards and could result in inaccurate/inconsistent information being publicly disseminated.

The complete police report (i.e. investigative report as defined in section 610.100.1(5) RSMo) relative to each homicide is the responsive record which contains all requested fields. Investigative reports are closed records until cases are inactive, per 610.100.2(2) RSMo.

Rather than denying your client’s request, access to an alternative record was offered. This record, already in existence and referred to as the “Master Homicide by Year Spreadsheet” contained some of the requested fields. This record is produced monthly and reflects various fields extracted from the records management system, which is where the incident and investigative reports are created, managed, and stored.

To be clear, the “clearance status” field, which is the main issue raised in your letter, contained within the existing record reflects the clearance status at the time the incident was added to the spreadsheet, not the current clearance status. It was my understanding the requestor was interested in the current clearance status. Again, providing the information as requested (including current clearances) would have required creation of a new record.

Accordingly, requestor was advised of the following on February 3, 2021:

There is no responsive record containing all the requested information, filling this request to your exact specifications would require us to create a new record, which is not required under the Missouri Sunshine Law.

The department does maintain a *Master Homicide by Year Spreadsheet* which includes the below listed fields and is very similar to what you have requested. However, not all fields contained in this report are open records. Incident level fields are open and can be released (Date, Location, Type of Incident, Victim Name) [per 610.100.1(4) RSMo]. Additional fields highlighted below are closed if the cases are an active investigation. Each case would need to be individually reviewed to determine the status of the investigation and outcome if you want all fields disclosed. The format and exact fields may be slightly different from year to year. Below is based on the current format.

- Complaint Number
- Offense
- Date of Occu
- Incident Date
- Date of Occurrence
- Victim Name, Age, Gender, Race, Ethnicity
- Weapon
- Relationship
- Clearance Status
- Clearance Date

- Address, City Zip
- District
- Neighborhood
- XY Coordinates
- Circumstances
- Location Type

Requestor was also advised the record contained more than 1,900 entries for the requested timeframe and was given a sample of the responsive record. The existing report, minus the highlighted fields was offered to her at no cost.

Incident level fields are generally open records (although subject to certain redactions) and the department endeavors to make this information publicly available in accordance with 610.100.2(2) RSMo, whenever feasible. Agencies are authorized to redact fields not specifically enumerated in the definition of an incident report. *State ex rel. Goodman v. St Louis Bd of Police Comm'rs*, 181 S.W.3d 156 (Mo. App. E.D. 2005).

The clearance status is not specifically defined as part of an incident report rather, it is part of the full investigative report; it is maintained within the department's records management system and serves to document the status of the investigation based on evidence developed by the investigating officer. This investigative report is created for the purpose of "inquiring into a crime or suspected crime." 610.100.1(5) RSMo. The clearance status is a fluid field changes during the investigation and is part of the investigative report.

I cannot speak definitively regarding information released to the Washington Post given the length of time that has transpired. I can inform the manner in which sunshine requests are processed and reviewed has changed significantly since that time including limiting the creation of customized statistical reports to ensure records are released in accordance with the Missouri Sunshine Law.

Sincerely,



Erika Zaza
Sunshine Law Administrator