

The Salt Lake Tribune

Utah's Independent Voice Since 1871

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State Records Committee
c/o Nova Dubovik
Utah State Archives and Records Service
346 S. Rio Grande
Salt Lake City, UT 84101-1106

Dear Ms. Dubovik.

The Salt Lake Tribune is appealing a denial from Cedar City Police Department (CCPD) for police reports in which _____ was named the suspect.

History

On June 10, 2016, we requested that CCPD "provide any police reports or investigation records that mention _____ from 2010 to present."

CCPD denied that request on June 14, 2016, saying the reports were "classified," and that releasing the data would be a "clearly unwarranted invasion of personal privacy."

The Salt Lake Tribune appealed June 23. CCPD did not officially deny the appeal, which is considered "the equivalent of a determination denying access to a record" under Utah Code 63G-2-204.

Argument for release of records

Under the Government Records Access and Management Act, police reports are not classified as private or protected. In fact, the law states that "a record is public unless otherwise expressly provided by statute," in Section 63G-2-201(2).

Many police agencies readily provide such records to the press, apparently recognizing that the interests favoring access to such records are greater than the interests favoring restriction.

GRAMA articulates in Section 63G-2-308 an obligation to review the records and segregate public and nonpublic information. Instead, it appears CCPD has taken a one-size-fits-all approach to its records by simply checking a box and failed to review any of the records requested.

CCPD also has failed to show how reports mentioning _____ would constitute an "unwarranted invasion of personal privacy" under Utah law.

When The Tribune asked CCPD to explain why this would be an invasion of privacy, they did not respond.

Nowhere in the law does it say that being investigated or contacted by police "constitutes a clearly unwarranted invasion of privacy." These records are unlikely to contain any medical, psychiatric or

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psychological data about the individual. If they did, The Tribune is willing to accept a records response with surgical redactions or the withholding of certain documents for the sake of, for example, not identifying witnesses or safeguarding some investigative technique or strategy.

Additionally, CCPD appears to be inconsistent in its approach to classifying records. The Tribune requested and received a report filed by a woman who told police she was sexually assaulted in 2015. No privacy concerns were brought up in that instance.

Sincerely,
Alex Stuckey