

HOW DO I GET A COPY OF MY POLICE REPORT?

INFORMATION FOR CRIME VICTIMS WHO WANT TO MAKE A REQUEST FOR LAW ENFORCEMENT DATA

A common step for many victims following a crime is to try to obtain a copy of the law enforcement report related to the crime in which they were involved. Often, victims face difficulties in this effort such as being told the report cannot be released to them or they get a copy of the report with information blocked out.

The following is some basic information for crime victims about obtaining a copy of an incident report from a law enforcement agency. The laws related to access to government data are complicated. *If you are interested in viewing the actual statute or other resources, there are links to this information contained in the endnotes.*¹

How do I get a copy of a law enforcement report?

In most instances, any member of the public can go to the main office of the county sheriff or city police department to make a request for an incident report. Many agencies will have information posted within their office or on their website, or have a brochure available. For larger departments, the request will probably be made to the **records department**.

In any case, processing requests for incident reports is a **routine activity** for all law enforcement agencies and there should be a standard procedure in place.

Questions about the process can always be asked before going to the agency. Persons with questions should call the records department or the *non-emergency* number for the law enforcement agency.

The person making the request may be asked to come back later for the report. If that happens, one should ask (1) when will the report be ready, (2) how much will it cost, and (3) what method of payment is acceptable. If no exact figure can be determined, ask for an approximate amount.

If there is some concern that the report can't be released, ask when and who to call to verify about the report's status before making another trip to the agency. If the report is not released, ask the agency to explain the reasons. They are required to provide the statutory authority that gives them the legal basis to refuse the request.²

Is the law enforcement agency required to give me a copy of the report?

It depends.

When a person requests a copy of a "police report" or "incident report" or "investigative report" from a law enforcement agency, they are asking for *law enforcement data*. An individual's ability to request and obtain *law enforcement data* is governed by the **Minnesota Government Data Practices Act**.³

In general, if the data is **public**, the law enforcement agency is required to provide a copy or allow inspection. If the data is **not public** (including *confidential* data), the law enforcement agency *cannot*, by law, provide a copy.

What law enforcement data is public and what is confidential?

Law enforcement data that is always **public** includes: arrest data, request for service data, transcripts of 911 recordings, and basic information about law enforcement's response to an incident.⁴

Law enforcement data that is considered **confidential** is criminal investigative data on an active investigation—that is, the data collected by the law enforcement agency in order to prepare a case against a person for the commission of the crime. Thus, the investigative report is *confidential* while the investigation is active. Once an investigation is inactive, the investigative report is *public*.⁵

When can I get a copy of the investigative report?

Investigation ongoing

If the law enforcement agency is still investigating the crime, members of the public will not be able to get a copy of the report. They can, however, get what's often referred to as the *public portion* of the report containing data about the case that is classified as public.

Investigation complete and case closed

If the case is closed and no charges will be filed, then the case is not active and the data is public. Members of the public should be able to get a copy of the report. Note, however, the law enforcement agency may still restrict access to all or parts of the report in order to protect another ongoing investigation or to protect the identity of victims, witnesses or others.

Investigation complete and matter referred to prosecutor's office

If the prosecutor's office is still reviewing the investigative file to determine if charges will be filed, the case is still active. The report is confidential and members of the public are not able to get a copy.

If the prosecutor's office has decided not to pursue the case, the investigation is considered inactive and the data in the report is public. Members of the public should be able to get a copy of the report (subject to the restrictions noted above). If the prosecutor's office has filed charges, any investigative data contained in charging documents presented to the court is public.

Can victims get a copy even if the law enforcement data is confidential?

A victim or victim's legal representative (such as a parent) can make a written request to the prosecutor's office to release investigative data collected by the law enforcement agency.⁶ The prosecutor's office may refuse the request if it believes that it will interfere with the investigation or that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Are there other laws that apply to different situations or crimes?

Yes.

Domestic abuse: A victim of domestic abuse can request a copy of a domestic abuse report from a law enforcement agency *at no cost*.⁷

Juveniles: If the offender is a juvenile, the investigative report is not public even if the investigation is inactive. A victim or victim's legal representative (such as a parent) in a juvenile case can make a written request to the prosecutor's office to release investigative data collected by the law enforcement agency.⁸

Again, the prosecutor's office may refuse the request if it believes that it will interfere with the investigation or that the request is prompted by a desire on the part of the requester to engage in unlawful activities.

Traffic reports: Some information related to a traffic accident is regarded as public and some is not. *Response and incident* data related to a traffic accident is public data (including information about arrests made, driver information, pursuits, resistance encountered, and alcohol concentration of each driver).⁹ In cases of accidents resulting in bodily injury, death, or property damage of \$1000 or more, law enforcement agencies prepare and submit a written traffic accident report to the commissioner of the department of public safety. This report is not public, however a person involved in the accident can request a copy of the report.¹⁰

How much will a copy of the report cost?

A law enforcement agency may charge fees for copies of an incident report; however, state law restricts what those fees can be. If the person who is requesting the report is not the *subject of the data* (like the victim), the request is for public data, and the report is for 100 or fewer pages, black and white, the law enforcement agency can only charge up to **25 cents for each page copied** (50 cents for a two-sided copy).¹¹

In situations where the report is public and greater than 100 pages, or involves color copies, photographs, electronic media, etc, the agency may require the person requesting the report to pay the *actual costs*.¹² This may, but does not necessarily, include staff time to process the request as well as the cost of materials and mailing.

No fee can be charged if the requestor only asks to *inspect* the report.¹³ An individual can take handwritten notes or photographs of the data during this inspection.

Crime victim requesting the report: A victim, as the *subject of the data*, can only be charged the actual cost to copy the requested data and not any search and retrieval costs.¹⁴ (In most situations, this should be less than the \$.25/page charged to the public.)

What if information is blocked out on my report?

A law enforcement agency can block out information on a report in order to protect the identity of individuals, such as undercover law enforcement officers, informants, witnesses, and mandated child abuse reporters. Also, the information about victims in criminal sexual conduct cases is not public and will be blocked out.¹⁵

Can I ask that my name be blocked out on a report given to the public?

Yes. A victim or witness can request that they not be identified publicly by the law enforcement agency.¹⁶

A law enforcement agency automatically withholds public access to data that would reveal the identity of a victim of criminal sexual conduct.¹⁷

What if I continue to have problems getting a copy of the report that I am entitled to?

Consider going through the "chain of command." Ask to speak to the head of the department in charge of records. In smaller jurisdictions, ask to speak to the police chief or sheriff.

Each city and county will have a person specifically designated to handle issues related to requests for information. Victims and other members of the public who have problems obtaining law enforcement data can ask for the name of the *data*

practices compliance official and speak to that person directly. This most likely will be someone in the city or county attorney's office or the city or county administrative office.

If someone feels that the agency's response to their request for data is in violation of the Minnesota Government Data Practices Act, they can ask for guidance or request a formal advisory opinion from the **Information Policy Analysis Division**, Minnesota Department of Administration.¹⁸ Advisory opinions are nonbinding on the agency, but are given deference in court.

Under the Minnesota Government Data Practices Act, an individual may seek recourse in the courts when a government entity fails to comply with the provisions of the Act.¹⁹

ENDNOTES – TO FIND OUT MORE

¹ Access to data is governed by the **Minnesota Government Data Practices Act**, Minnesota Statutes Chapter 13. To view this entire chapter or sections of this chapter, click on the website link listed in the blue box below.

² Minn. Stat. section 13.03, subdivision 3(f).

³ The portion of the Minnesota Government Data Practices Act governing **comprehensive law enforcement data** is Minn. Stat. section 13.82.

⁴ Minn. Stat. section 13.82, subdivisions 2, 3, 4, and 6.

⁵ Minn. Stat. section 13.82, subdivision 7.

⁶ Minn. Stat. section 13.82, subdivision 13.

⁷ Minn. Stat. section 13.82, subdivision 5.

⁸ Minn. Stat. section 260B.171, subdivision 5(h).

⁹ Minn. Stat. section 13.82, subdivision 6.

¹⁰ Minn. Stat. section 169.09, subdivision 13(a)(1).

¹¹ The provision related to **copy costs for public data** can be found in Minnesota Statutes section 13.03, subdivision 3(c).

¹² For more information about the amount a government entity can charge a member of the public for copy costs of requested data, please see:

IPAD FYI newsletter:

<http://www.ipad.state.mn.us/newsletters/2005/1005fyi.pdf>

IPAD information sheet on copy costs:

http://www.ipad.state.mn.us/docs/copyfees_1303.doc

¹³ Minn. Stat. section 13.03, subdivision 3(a).

¹⁴ Minn. Stat. section 13.04, subdivision 3.

¹⁵ Minn. Stat. section 13.82, subdivision 17(b).

¹⁶ Minn. Stat. sections 13.82, subdivision 17(d), and 611A.02, subdivision 2(b)(2).

¹⁷ Minn. Stat. section 13.82, subdivision 17(b).

¹⁸ The contact information for the **Information Policy Analysis Division** is:

651-296-6733 • 800-657-3721 • <http://www.ipad.state.mn.us>

¹⁹ Minn. Stat. section 13.08.

**TO ACCESS MINNESOTA STATUTES ONLINE,
GO TO THE FOLLOWING WEBSITE**

<http://www.leg.state.mn.us/leg/statutes.asp>

Crime Victim Justice Unit

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Minnesota Department of Public Safety
445 Minnesota Street, Suite 2300
St. Paul, MN 55101-1515
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