



Police Disciplinary Record Laws

50 STATE ANALYSIS

Categories of Laws

Mostly Closed

- Alaska
- Arkansas
- Washington, D.C.
- Delaware
- Hawaii
- Idaho
- Iowa
- Kansas
- Mississippi
- Montana
- Nebraska
- North Carolina
- Oklahoma
- Oregon
- Pennsylvania
- Rhode Island
- South Dakota
- Virginia
- Wyoming

Restricted

- Alabama
- California
- Colorado
- Connecticut
- Indiana
- Kentucky
- Maine
- Michigan
- Missouri
- Nevada
- New Hampshire
- New Jersey
- New Mexico
- South Carolina
- Texas*
- Utah
- West Virginia

Mostly Public

- Arizona
- Florida
- Georgia
- Illinois
- Louisiana
- Maryland
- Massachusetts
- Minnesota
- New York
- North Dakota
- Ohio
- Tennessee
- Vermont
- Washington
- Wisconsin

Mostly Closed

- ▶ Law enforcement misconduct records are not public records
 - ▶ *Washington, D.C.; Delaware; Idaho; Mississippi; Virginia*
- ▶ Only a very limited amount of information may be disclosed in certain instances
 - ▶ *If there is a compelling public interest and records deal with an officer's official suspension or termination (Arkansas)*
 - ▶ *If an officer is demoted, dismissed, or suspended and the date of the disciplinary action (North Carolina; Pennsylvania)*
 - ▶ *Database with names of decertified officers (Oregon)*

Restricted

- ▶ Police disciplinary records are open, but agencies can require requesters to state the reason for the request (*Alabama*)
- ▶ Access to records regarding instances of excessive force, any incident where an officer fires a gun at someone, and records relating to sexual misconduct (*California*)
- ▶ Records related to specific, identifiable incidents of alleged misconduct involving a member of the public (*Colorado*)
- ▶ Records of completed/closed investigations, except for those that don't result in discipline or are unsubstantiated (*Maine*)

Mostly Public

- ▶ Records of completed or closed investigations generally open (*Arizona; Georgia; Tennessee*)
- ▶ Misconduct registry detailing general information re: what an officer was cited for (*Illinois*)
- ▶ Records of police misconduct open to the public (*Louisiana; Maryland; Massachusetts; Minnesota; New York; North Dakota; Ohio; Washington; Wisconsin*)

Where does Virginia fall?

- ▶ Currently, police disciplinary records are not widely open and available to the public.
 - ▶ § 2.2-3705.1 → Personnel Exemption (discretionary exemption)