



Dispatch. Barker submitted a Sunshine Request to Defendants on January 19, 2024, seeking "incident reports" and "investigative records" related to a matter investigated by the St. Louis Metropolitan Police Department ("SLMPD"). Barker was seeking to learn more about the death of A.C., who fell from a building on Washington Avenue on May 30, 2020. Specifically, Barker requested: (1) incident reports related to a fatal fall that occurred in the 1500 block of Washington Avenue on May 30, 2020, and (2) investigative reports "related to a May 30, 2020 fatal fall from a building in the 1500 block of Washington Avenue."

At all times relevant to this matter, Defendant Barbara Manuel-Crossman was the SLMPD's Custodian of Records. Manuel-Crossman received Barker's January 19, 2024 request for public records no later than January 22, 2024, because she responded to his request on that date. On January 22, 2024, Manuel-Crossman provided Barker with a two-page version of a document labeled "St. Louis Metropolitan Police Incident Report CN 20-022974."

This two-page version of the Incident Report included information in the fields designated for the name of the victim, his marital status, his resident status, and the injury type; it also identified the name of the officer that prepared the report, the name of his supervisor/commander, and the names of two

assisting officers. Although the two-page version of the Incident Report included fields for the victim's home address, race, sex, date of birth, age, social security number, and ethnicity, each of these spaces was blank in this version of the Incident Report. In the space designated "Status/Date," the document provided on January 22, 2024, said "INACTIVE 06/08/2020."

On January 23, 2024, Barker sent an email asking Manuel-Crossman whether, apart from an unredacted version of Incident Report CN 20-022974, there were any other investigative reports related to his request. The following day, Barker sent Manuel-Crossman another message requesting "a written statement of the grounds for denial of the investigative records of a closed investigation." In the following weeks, Barker asked Attorney Dave Roland to help him follow up with the Defendants regarding his records request.

On March 19, 2024, Attorney Roland sent an email to Manuel-Crossman regarding Barker's request. Roland's email noted that the Defendants had provided Barker a copy of an incident report, but that it had not included statements from officers named in the report, nor did it acknowledge that the incident report had been redacted in any way, nor did it indicate what kind of information might have been redacted or the legal basis for any such

redactions. Roland's email further emphasized that Barker had requested not only an "incident report," but also "investigative reports" related to the fatal fall in May 2020. A week later, Roland sent Manuel-Crossman another email, which included a request for "a written statement of the grounds" upon which the Defendants were denying Barker's request.

On March 27, 2024, Manuel-Crossman provided Barker with additional documents. The first of these additional documents was a five-page version of "St. Louis Metropolitan Police Incident Report CN 20-022974." The five-page version of the Incident Report includes information that was omitted from the two-page version, such as information concerning the victim's race, sex, age, and ethnicity. The five-page version of the Incident Report also shows that information had been redacted concerning the victim's home address, date of birth, and social security number. The five-page version of the Incident Report also shows several pages' worth of redactions having been made, which includes the names of the two "assisting officers" that were included in the two-page version of the Incident Report. The redacted material also includes the narrative reports provided by the police officers who responded to the incident.

The second of the additional documents Manuel-Crossman provided on March 27, 2024, is a two-page document labeled "St. Louis Metropolitan Police Supplemental Report," which is dated June 1, 2020. The Supplemental Report identifies the officer who submitted it and her supervisor/commander; each of these names are different from those in similar fields in the Incident Report. The first page of the Supplemental Report does not appear to include any redacted information, but the second page is redacted in its entirety.

The third and final additional document Manuel-Crossman provided on March 27, 2024, is a one-page document labeled "Redaction Log." The Redaction Log purports to identify the legal basis the Defendants relied upon in regard to each of the redactions made to the Incident Report and the Supplemental Report.

On April 11, 2024, Roland sent another email to Manuel-Crossman on Barker's behalf, noting that the Defendants' responses to Barker had only addressed his request for an "incident report," but did not address his request for "investigative records" nor account for the fact that the Department's records showed that the relevant investigation was inactive. On April 16, 2024, Manuel-Crossman responded with an email that stated: "The requested report was released to Mr. Barker with redactions. As previously stated,

you may disagree; however, we believe we have fulfilled our obligation under the statute."

Defendants move for summary judgment, arguing that they have fulfilled their statutory duty under the Sunshine Law. Plaintiffs simultaneously move for summary judgment, arguing that it is uncontroverted that Defendants violated the Sunshine Law.

Summary judgment is designed to permit the trial court to enter judgment, without delay, where the moving party has demonstrated, on the basis of facts as to which there is no genuine dispute, a right to judgment as a matter of law. ITT Commercial Fin. Corp. v. Mid-America Marine Supply Corp., 854 S.W.2d 371, 376 (Mo. banc 1993); Rule 74.04.

A "claimant" is one who "seeks to recover," without regard to whether recovery is sought by claim, counterclaim, cross-claim or declaratory judgment. Id. at 380. A claimant must establish that there is no genuine dispute as to those material facts upon which the claimant would have had the burden of persuasion at trial. Id. at 381. Additionally, where the defendant has raised an affirmative defense, a claimant's right to judgment depends just as much on the non-viability of that affirmative defense as it does on the viability of the claimant's claim. Id.

A defending party moving for summary judgment may establish a right to judgment by showing "(1) facts that negate any one of the claimant's element facts, (2) that the non-movant, after an adequate period of discovery, has not been able to produce, and will not be able to produce, evidence sufficient to allow the trier of fact to find the existence of any one of the claimant's elements, or (3) that there is no genuine dispute as to the existence of each of the facts necessary to support the movant's properly pleaded affirmative defense." Id.

"The Sunshine Law establishes Missouri's public policy that meetings and records of public governmental bodies are open to the public unless otherwise provided by law." Farber v. Metro. Police Dep't, 558 S.W.3d 70, 73 (Mo. App. E.D. 2018) (citing § 610.011.1 RSMo). "Chapter 610 embodies Missouri's commitment to open government and is to be construed liberally in favor of open government." Id. "Where a public governmental body allegedly refuses or fails to respond to a statutorily compliant request, a Sunshine Law violation exists if the following elements are present: (1) a request for access to a public record was made; (2) such request was received by the custodian of records; and (3) the custodian of records did not respond to the request within three

business days of receiving the request.” Starr v. Jackson Cty. Prosecuting Atty., 635 S.W.3d 185, 190 (Mo. App. W.D. 2021).

Defendants argue that they fully complied with the Sunshine Law because there were no reports other than the ones provided to Plaintiffs, including no other investigative reports related to A.C., a man who fell from a building on Washington Avenue. Defendants further argue that they were entitled to redact the narrative portions of the incident report from the records provided to Plaintiffs under State ex rel. Goodman v. St. Louis Bd. of Police Comm’rs, 181 S.W.3d 156, 160 (Mo. App. E.D. 2005). Plaintiffs counter that the officers’ narratives should not have been redacted from the incident report provided. Plaintiffs argue that Defendants violated the Sunshine Law by withholding public records without identifying a statute that authorizes their closure, and for failing to provide a written explanation for the closure.

Defendants have denied that any report other than the incident reports provided exists of the incident, and Plaintiffs have not shown that any other report exists. The only issue before the Court, therefore, is whether the redactions made by Defendants in the reports provided were lawful.

Defendants' redaction log states the reason for redaction as "INCIDENT RPT ONLY" and the description as "Incident details only subject to disclosure, additional information redacted per 610.100.1(4) & 610.100.2(1) & State ex rel Goodman v. St Louis Bd of Police Comm'rs, 181 S.W.3d 156 (Mo.App. E.D. 2005)."

Defendants correctly cite State ex rel. Goodman v. St. Louis Bd. of Police Comm'rs, 181 S.W.3d 156, 160 (Mo. App. E.D. 2005), which states, "Only this information specifically delineated in section 610.100.1(4) is considered an open record pursuant to section 610.100.2." Section 610.100.1(4) defines "incident report" as consisting of the following: "the date, time, specific location, name of the victim and immediate facts and circumstances" regarding an incident.

Defendants are incorrect in their assertion, however, that any information that is not specifically delineated in §610.100.1(4) as an "incident report" is a closed record. It is undisputed that the records at issue in this case are public records. Public records are open to the public unless a statute protects their disclosure. Goodman, 181 S.W.3d at 159. A public governmental body is authorized to "close" those records to the public only if a statute protects the disclosure of public records. Id.

In Goodman, the Court affirmed the redaction of personal information of the parties named in the incident reports, including license plate numbers, addresses, telephone numbers, and month and date of birth of the parties. The issue before that court was whether the statute specifically providing that incident reports were "open records" would override the otherwise closed nature of this personally identifying information. The Court found that "incident report" should not be read more broadly than its definition, and where §610.100.2 says "all incident reports... shall be open records," it means exactly that: "a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency" is an open record. Incident reports are, of course, merely one example of an open record.

In addition to incident reports, Plaintiffs also requested investigative reports relating to the incident. Defendants argue that there was no "investigative report" relating to the incident, and the only reports in existence are "incident reports." However, they also argue that the officer narratives can be redacted from the incident reports because they do not fall within the statutory


definition of incident reports. Section 610.100.2(5) defines "investigative report" as "a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties." Since the officer narratives do not fit within the definition of "incident report," it follows that the narratives would be records "other than an arrest or incident report."

Here, Defendants did not cite any basis for redacting information that contained officer narratives, other than by stating that officer narratives are not included in the definition of "incident report." This is not a basis to close a public record under the Sunshine Law. The Court finds that the police officer narratives were improperly redacted from the reports provided to Plaintiffs. The Court further finds that Defendants' Sunshine Law violation was purposeful.

THEREFORE, it is Ordered and Decreed that Plaintiffs' Motion for Summary Judgment is GRANTED, and Defendant's Motion for Summary Judgment is DENIED. Defendants are hereby ordered to provide Plaintiffs with the five-page Incident Report and the Supplemental

Report, without redacting the officer narratives. Pursuant to §610.027 RSMo, the Court awards to Plaintiffs a statutory penalty of \$5,000.00. Defendants shall also pay all costs and Plaintiffs' reasonable attorneys' fees. Plaintiffs shall submit a memorandum of their fees within thirty days of the date of this Order.

SO ORDERED:

  
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JOAN L. MORIARTY, Judge

Dated: 5/15/26