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# LEGAL UPDATE

Legal Services Division



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## IOWA SUPREME COURT DECISION — OPEN RECORDS AND USE OF FORCE REPORT DISCLOSURES

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**Harvey L. Harrison v. Lisa Mickey, in her official capacity as Open Records Coordinator and City of Des Moines, IA**

**Filed March 14, 2025**

**No. 24-0373**

[www.iowacourts.gov/courtcases/21780/embed/SupremeCourtOpinion](http://www.iowacourts.gov/courtcases/21780/embed/SupremeCourtOpinion)

**Factual and Procedural Background.** The Police Department of the city of Des Moines (City) requires a written report to be completed any time a police officer uses force against a person. The use of force report contains details about the incident. Harvey L. Harrison (Harrison) submitted a request to the City, seeking copies of all use of force reports authored by the police for the calendar year 2020. The City denied the request, asserting that the reports were exempt from disclosure under Iowa Code section 22.7 (open records) and confidential under Iowa Code section 80F.1 (peace officer bill of rights), which pertain to the confidentiality of certain law enforcement records. Following the City's denial, Harrison filed a lawsuit in the district court. The district court granted summary judgment in favor of Harrison, ordering the City to provide the requested use of force reports. The City appealed this decision to the Iowa Supreme Court, maintaining that the reports were exempt from disclosure under open records or confidential under provisions covered by the peace officer bill of rights.

**Issues.** Whether use of force reports prepared by the City are exempt from open records or confidential under provisions covered by the peace officer bill of rights.

**Holding.** The Court affirmed the district court's grant of summary judgment requiring disclosure of the 2020 use of force reports. The Court concluded that the district court correctly found that use of force reports were not covered by open records exemptions and are not confidential under provisions covered by the peace officer bill of rights.

**Analysis.** The Court begins its opinion by analyzing the personal information in confidential personnel records exemption to the Iowa Open Records Act. The Court has previously analyzed this issue in several cases, the landmark case being *Des Moines Independent Community School District Public Records v. Des Moines Register & Tribune Co.*, 487 N.W.2d 666 (Iowa 1992). The Court found in *Des Moines Independent Community School District* open record provisions specify job performance documents are personal information found in personnel records and therefore confidential records exempt from disclosure.

The Court then applied the open record exemption provisions to the request made by Harrison. The Court found that the use of force reports were aptly named and were simply reports of the peace officer's use of force during their duties. These reports were not made for investigative or job performance purposes but as a fact-based report. The Court found that the use of force reports do not resemble the job performance documents found in *Des Moines Independent Community School District*. The City argues that the use of force reports are a type of "self-review" report; the Court disagreed. The Court found that use of force reports were made any time force was used in order to disclose what occurred. The Court further found that any investigation or review occurred after the filing of the report and the reports were used for other purposes, including to identify trends and patterns of the department.

The Court next analyzed the City's argument the peace officer bill of rights precluded the use of force reports from being disclosed. The Court agreed with the district court's finding that the provisions of the peace officer bill of rights have no bearing on the use of force reports requested by Harrison. The Court provided that the peace officer bill of rights did not reference use of force reports that are routinely generated whenever an officer happens to use force during the officer's duties and such reports are not prepared in response to an allegation or a complaint.

The Court analyzed other arguments provided by the City involving "fact-intensive" situations where particular use of force should be withheld under open records or other provisions of law. The City provided three possible examples of situations in which disclosure would be problematic: (1) an open and active investigation, (2) disclosure would pose a clear and present danger, or (3) a use of force report involving a juvenile. The Court found that the first two arguments arise from the City's previous argument involving open records and rejected the City's arguments. The Court acknowledged the third argument involving the rights of a juvenile may require redaction from a use of force report; however, the Court provided that this decision revolved around the issue of whether Harrison was entitled to access the use of force reports made by the City under the Open Records Act.

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