STATE OF NEVADA
PUBLIC RECORDS TASK FORCE

GOVERNMENT MEMBERS'

APPENDIX D

50 State Survey of Statutes Addressing Records of Criminal Investigations

State	Primary police-investigative authority identified	Open / ongoing police investigative records	Post-closure rule identified	Disclosure posture
Alabama	Ala. Code § 12-21-3.1; § 36-21-213; Ala. Admin. Code r. 70-X-1-.07; r. 190-X-1-.11; Something Extra Publ'g, Inc. v. Mack, 350 So. 3d 663 (Ala. 2021)	Investigative reports, records, field notes, witness statements, and investigative writings/recordings are generally privileged/not public; recordings may also be withheld when disclosure would affect an ongoing investigation/prosecution.	The exemption is not limited to an active investigation and generally survives closure.	Generally closed for active investigation.
Alaska	Alaska Stat. § 40.25.120(a)(6); Alaska Stat. § 40.25.120(a)(6); Basey v. State, Dep't of Pub. Safety, 408 P.3d 1173 (Alaska 2017)	Law-enforcement records may be withheld to the extent disclosure could reasonably be expected to interfere with enforcement, impair a fair trial, invade privacy, reveal confidential sources/techniques, or endanger safety.	A pending case alone is insufficient. Closed-file records are presumptively open unless a listed harm or another statute still applies.	Conditional/harm-based exemption.
Arizona	A.R.S. § 39-123.01; A.A.C. PCC 17.11.070; A.R.S. § 39-121; Cox Ariz. Publ'ns, Inc. v. Collins, 852 P.2d 1194 (Ariz. 1993); Carlson v. Pima County, 687 P.2d 1242 (Ariz. 1984)	Arizona has no general categorical exemption for police investigative reports. An agency must identify a specific privacy, confidentiality, or best-interests-of-the-state ground and ordinarily disclose reasonably segregable portions.	Active status strengthens the agency's case for temporary withholding, but does not itself create a blanket exemption. Closed records are usually more accessible.	Conditional/harm-based exemption.
Arkansas	A.C.A. § 25-19-105(b)(6); Ark. Code Ann. § 25-19-105(b)(6); McCambridge v. City of Little Rock, 766 S.W.2d 909 (Ark. 1989); Martin v. Musteen, 799 S.W.2d 540 (Ark. 1990); Hengel v. City of Pine Bluff, 821 S.W.2d 761 (Ark. 1991)	Undisclosed investigations of suspected criminal activity are exempt only when the record is investigative in nature and the investigation remains ongoing. Routine arrest, jail, incident, dispatch, and similar records are not automatically investigative.	The exemption ends when the investigation is concluded, subject to other specific exemptions.	Generally closed for active investigation.
California	Cal. Penal Code § 832.7; § 832.10; Cal. Gov't Code §§ 7923.600, 7923.610-.620, 7922.505; Williams v. Superior Court, 852 P.2d 377 (Cal. 1993); Haynie v. Superior Court, 31 P.3d 760 (Cal. 2001)	Law enforcement investigatory files as a whole are generally exempt from disclosure pursuant to Gov. Code §7923.600, however, local agencies are required to disclose certain pieces of information that are contained in those records. For instance, Vehicle Code §20012 requires that traffic accident reports be released to certain persons, including involved drivers, injured persons, and the authorized representatives of those persons. Also, certain information must be disclosed about arrestees, including their name, occupation, physical description, time and date of arrest, location of arrest and charges. Gov. Code §7923.610. Certain police investigative records involving specified critical incidents/officer misconduct are subject to disclosure, but disclosure may be delayed during an active criminal or administrative investigation when statutory conditions are met.	The investigatory-record exemption does not expire when the investigation closes.	Generally closed for active investigation.
Colorado	Colo. Rev. Stat. § 24-72-204(2)(a)(I); § 24-72-303(4); § 24-72-304(1), and § 24-72-305; Freedom Colo. Info., Inc. v. El Paso Cnty. Sheriff's Dep't, 196 P.3d 892 (Colo. 2008); Harris v. Denver Post Corp., 123 P.3d 1166 (Colo. 2005)	Custodian may deny inspection of police/sheriff/prosecutor investigative files when disclosure would be contrary to the public interest; completed internal police misconduct files may remain withheld while a related criminal case is ongoing.	The statute does not distinguish active from closed investigations, although closure reduces many nondisclosure interests.	Conditional/harm-based exemption.
Connecticut	C.G.S. § 1-210(b)(3); § 1-215(a); City of Hartford v. FOIC, 518 A.2d 49 (Conn. 1986); Dep't of Pub. Safety v. FOIC, 720 A.2d 268 (Conn. App. Ct. 1998)	Law-enforcement investigative files are exempt where disclosure would create specified harms, including prejudicing prospective law-enforcement action, exposing sources/techniques, or endangering persons.	Active or prospective enforcement matters may be withheld upon the required showing. Closed records are generally open unless another enumerated category applies.	Conditional/harm-based exemption.
Delaware	29 Del. C. § 10002; § 9008E; Del. Op. Att'y Gen. 22-IB43 (2022)	Investigatory files compiled for civil/criminal law-enforcement purposes, including pending investigative files, are not public records.	The investigatory-file exclusion generally continues after an investigation closes.	Generally closed for active investigation.
Florida	Fla. Stat. § 119.011; § 112.3188; § 119.071(2)(c); City of Riviera Beach v. Barfield, 642 So. 2d 1135 (Fla. 4th DCA 1994)	Criminal investigative/intelligence information is exempt while 'active'; active means ongoing with reasonable good-faith anticipation of securing arrest/prosecution in the foreseeable future.	Active status ends when a final report is issued, no investigation is needed, or a final decision is made; thereafter records may become public unless another exemption applies.	Generally closed for active investigation.

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Georgia	O.C.G.A. § 50-18-72(a)(3)-(4); Parker v. Lee, 378 S.E.2d 677 (Ga. 1989); Unified Gov't of Athens-Clarke Cnty. v. Athens Newspapers, LLC, 663 S.E.2d 248 (Ga. 2008)	Records of law-enforcement/prosecution agencies in a pending investigation or prosecution are exempt, except initial arrest and incident reports.	The exemption ends when the investigation and any resulting prosecution are finally concluded, unless litigation is still reasonably anticipated or another exemption applies.	Generally closed for active investigation.
Hawaii	Haw. Rev. Stat. §§§ 92F-13(1), (3), 92F-14(b)(2); 92F-22; OIP Op. Ltr. 99-02	Police investigative records may be withheld/delayed while an investigation is ongoing under applicable statutory exemptions.	Active status supports withholding. Closed reports can become public when the government's enforcement and privacy interests no longer outweigh access.	Generally closed for active investigation.
Idaho	Idaho Code § 74-124; § 74-105(1)	Investigatory records may be withheld only to the extent disclosure would cause specified harms, including interference with enforcement, impairment of a fair trial, privacy invasion, disclosure of confidential sources/techniques, or safety risks.	Once inactive, investigatory records must be disclosed unless a listed harm still applies.	Conditional/harm-based exemption.
Illinois	5 ILCS 140/7	Law-enforcement investigative information may be withheld when disclosure would interfere with pending/reasonably contemplated proceedings, impair a fair trial, reveal confidential sources or specialized techniques, endanger safety, or obstruct an ongoing investigation.	Segregable nonexempt portions must be released; continued withholding depends on whether a statutory exemption remains applicable.	Conditional/harm-based exemption.
Indiana	Ind. Code § 5-14-3-4; § 5-14-3-2(i)	Investigatory records of law-enforcement agencies are excepted from disclosure at the agency's discretion, particularly relevant to ongoing investigations.	The statute does not automatically terminate the exemption when the investigation closes.	Generally closed for active investigation.
Iowa	Iowa Code § 22.7(5); Hawk Eye v. Jackson, 521 N.W.2d 750 (Iowa 1994)	Peace officers' investigative reports and specified law-enforcement information that is part of an ongoing investigation are confidential. Basic date/time/location/immediate facts are generally disclosed unless unusual circumstances create serious investigative or safety risks.	Confidentiality can continue after closure, although the government's justification weakens and the public-interest balance may favor disclosure.	Generally closed for active investigation.
Kansas	K.S.A. § 45-221(a)(10); Harris Enters., Inc. v. Moore, 734 P.2d 1083 (Kan. 1987)	Criminal investigation records are exempt from mandatory disclosure; a court may order disclosure only if public interest supports it and specified harms are absent.	Closure is an important factor but does not automatically make the file public.	Generally closed for active investigation.
Kentucky	Ky. Rev. Stat. § 61.878(1)(h); § 17.150; City of Fort Thomas v. Cincinnati Enquirer, 406 S.W.3d 842 (Ky. 2013)	Law-enforcement records may be withheld where disclosure poses an articulable risk of harm to the agency or investigation; an active case alone is insufficient under the cited authority.	The exemption ordinarily ends when enforcement action and related proceedings conclude, absent a specific continuing harm or another exemption.	Conditional/harm-based exemption.
Louisiana	La. Rev. Stat. § 44:3(A)(1)-(5); In re Matter Under Investigation, 15 So. 3d 972 (La. 2009)	Records of active criminal investigations are exempt except for the initial police report. Closed-investigation records remain protected while criminal litigation is pending or reasonably anticipated.	Disclosure generally follows final adjudication, settlement, or final disposition of anticipated criminal litigation.	Generally closed for active investigation.
Maine	8 M.R.S. § 1052; 16 M.R.S. §§ 801-809, especially § 804; Blethen Me. Newspapers, Inc. v. State, 871 A.2d 523 (Me. 2005)	Intelligence and investigative record information is confidential only when there is a reasonable possibility that disclosure would cause one of the harms listed in section 804. Ongoing investigative reports may be withheld during the pendency of an investigation where a specific statutory basis applies; exemptions are strictly construed and partial disclosure is favored.	The test applies to open and closed investigations. Closure reduces interference concerns but privacy, sources, techniques, and safety may continue.	Conditional/harm-based exemption.
Maryland	COMAR 14.03.01.19; 14.03.05.19	Investigative case files may be denied where disclosure would interfere with law-enforcement proceedings, impair a fair trial, invade privacy, reveal confidential sources/techniques, prejudice an investigation, or endanger safety.	The exemption can continue after closure, but the justification for discretionary withholding must remain tied to the statute and the record.	Conditional/harm-based exemption.

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Massachusetts	Mass. Gen. Laws ch. 66, § 10; Mass. Gen. Laws ch. 4, § 7, cl. 26(f); Bougas v. Chief of Police of Lexington, 354 N.E.2d 872 (Mass. 1976); Worcester Telegram & Gazette Corp. v. Chief of Police of Worcester, 764 N.E.2d 847 (Mass. 2002)	Investigatory material is exempt only where disclosure would probably prejudice effective law enforcement. The exemption is applied record by record and may cover open or closed investigations.	Closure does not automatically end the exemption, but the agency must still show probable prejudice or another protected interest.	Conditional/harm-based exemption.
Michigan	Mich. Comp. Laws § 15.243(1)(b); Evening News Ass'n v. City of Troy, 339 N.W.2d 421 (Mich. 1983).	Law-enforcement investigative records may be exempt to the extent disclosure would interfere with proceedings, impair a fair trial, invade privacy, reveal confidential sources/techniques, or endanger safety. Courts require more than a mere possibility of interference.	Closed records lose the interference rationale but may retain privacy, source, technique, or safety protection.	Conditional/harm-based exemption.
Minnesota	Minn. Stat. § 13.82, subds. 2-7; Demers v. City of Minneapolis, 468 N.W.2d 71 (Minn. 1991)	Investigative data are generally not public while active.	When the agency stops pursuing the matter, applicable limitations expire, or appeals are exhausted, investigative data become public unless another investigation or protected identity requires withholding.	Generally closed for active investigation.
Mississippi	Miss. Code § 25-61-12	Investigative reports in law-enforcement possession are exempt; incident reports are public. Agency may choose to disclose investigative material.	The exemption is not expressly limited to active matters and can continue after closure.	Generally closed for active investigation.
Missouri	Mo. Rev. Stat. § 610.100(2)(2); § 610.100(1)(3)	Investigative reports prepared by law-enforcement personnel concerning crime/suspected crime are closed until the investigation becomes inactive. Incident/arrest reports remain open.	Inactive status occurs when no further action is taken/pursued, limitations apply, or final convictions/appeals are complete; sensitive information may remain redacted.	Generally closed for active investigation.
Montana	Mont. Code Ann. § 44-5-303	Criminal justice information, including investigative reports, is restricted; disclosure generally is not permitted when it would jeopardize a pending investigation or proceeding.	After termination, declination, or completion, the prosecutor may seek a court order for release, balancing privacy and public-disclosure interests.	Generally closed for active investigation.
Nebraska	Neb. Rev. Stat. § 84-712.05	Law-enforcement records developed/received as part of investigation, intelligence, complaints/inquiries, informant identification, or tactical information may be withheld.	Closure does not automatically require disclosure, but the agency's reasons and the scope of the claimed exemption remain reviewable.	Generally closed for active investigation.
Nevada	Nev. Rev. Stat. §§ 239.010, 239.0113; Donrey of Nev., Inc. v. Bradshaw, 106 Nev. 630, 798 P.2d 144 (1990).	Nevada presumptively opens governmental records unless a statute or other law makes the information confidential. There is no blanket exemption for all police investigative files. When no statute controls, courts apply a case-specific balancing analysis; active-investigation, source, technique, safety, privacy, and fair-trial interests may justify withholding or redaction.	Nevada has no general active-versus-closed statutory rule. An ongoing investigation may present stronger law-enforcement, source-protection, safety, or fair-trial interests, while closure may weaken those interests. Access ultimately depends on the particular records, any applicable confidentiality statute, and the case-specific balancing and redaction analysis.	Conditional/harm-based exemption.
New Hampshire	N.H. Rev. Stat. § 91-A:5; Murray v. N.H. Div. of State Police, 913 A.2d 737 (N.H. 2006); Lodge v. Knowlton, 354 A.2d 1361 (N.H. 1976)	Courts apply the six-part federal FOIA law-enforcement test to investigative files, protecting only information whose disclosure would cause one of the recognized harms.	The test applies to open and closed files. Closure reduces the likelihood of interference but does not eliminate privacy, source, technique, or safety interests.	Conditional/harm-based exemption.
New Jersey	N.J. Stat. Ann. §§ 47:1A-1.1, 47:1A-3(a); N.J.Admin.Code 10A:71-2.2; 13:1-17.1; Lodge v. Knowlton, 354 A.2d 1361 (N.H. 1976)	Records pertaining to an investigation in progress may be denied if disclosure is inimical to the public interest. Certain basic criminal-investigation information must be made available unless disclosure would create specified risks.	The criminal-investigatory-record exclusion does not expire at closure, though required-by-law records and common-law access may remain available.	Conditional/harm-based exemption.
New Mexico	N.M. Stat. §§ 14-2-1(D), 14-2-1.2; Jones v. Albuquerque Police Department, 2020-NMSC-013.	Law-enforcement records are public subject to redaction or digital obscuring of the categories listed in § 14-2-1.2, including specified victim, witness, and uncharged-suspect identifying information; certain depictions of death, serious injury, intimate body parts, and death notifications; confidential sources, methods, or information; and specified medical or mental-health information. Protected information does not exempt the entire record.	The protected content remains protected in inactive and closed matters, but the remaining segregable record remains open.	Presumptively open with specific redactions required.

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New York	N.Y. Pub. Off. Law § 87(2)(e); Gould v. N.Y.C. Police Dep't, 653 N.E.2d 625 (N.Y. 1995); Fink v. Lefkowitz, 393 N.E.2d 463 (N.Y. 1979)	Law-enforcement records may be withheld only to the extent disclosure would interfere with investigations/proceedings, deprive a person of a fair trial, identify a confidential source, or reveal non-routine investigative techniques.	Active proceedings support interference withholding. After closure, remaining portions are generally open unless another enumerated harm applies.	Conditional/harm-based exemption.
North Carolina	N.C. Gen. Stat. § 132-1.4; Gannett Pac. Corp. v. N.C. State Bureau of Investigation, 595 S.E.2d 162 (N.C. Ct. App. 2004)	Criminal investigation and intelligence records are not public records, although specified incident, arrest, and dispatch information is public. An agency may release records and a court may order release.	The statute defines when investigative information becomes inactive. Inactive information is generally open, subject to enduring source, technique, victim, juvenile, and safety protections.	Generally closed for active investigation.
North Dakota	N.D. Cent. Code §§ 44-04-18.7, 44-04-18.3	Active criminal investigative/intelligence information is not subject to public disclosure. 'Active' means ongoing with reasonable good-faith anticipation of arrest/prosecution in the foreseeable future.	Once no longer active, the active-investigation exemption may no longer apply, subject to other exemptions. Certain basic arrest/crime information is outside the exempt investigative definition.	Generally closed for active investigation.
Ohio	Ohio Rev. Code § 149.43(A)(1)(h), (A)(2); State ex rel. Caster v. City of Columbus, 76 N.E.3d 1123 (Ohio 2016)	Law-enforcement investigatory records may be exempt when they meet statutory law-enforcement-investigatory criteria.	Specific investigatory work product may be withheld during the case. Caster limits the former rule of perpetual work-product secrecy after proceedings conclude.	Conditional/statutory criteria required.
Oklahoma	51 Okla. Stat. § 24A.8; Oklahoma Ass'n of Broadcasters v. City of Norman, 390 P.3d 689 (Okla. 2016)	Law-enforcement investigative records are subject to exemptions where disclosure would interfere with detection/investigation/prosecution or reveal confidential sources/techniques or endanger safety.	The discretionary protection does not automatically expire at closure.	Conditional/harm-based exemption.
Oregon	Or. Rev. Stat. § 192.345; § 192.355; City of Portland v. Anderson, 163 P.3d 1273 (Or. Ct. App. 2007)	Police arrest/crime reports are generally public, but investigatory material may be withheld when there is a clear need to delay disclosure in a specific investigation, including victim/complainant protection.	The exemption can continue after closure, but closure reduces the government's interest in confidentiality.	Conditional/harm-based exemption.
Pennsylvania	65 Pa. Stat. § 67.708(b)(16); Pa. State Police v. Office of Open Recs., 5 A.3d 473 (Pa. Commw. Ct. 2010); Barros v. Martin, 92 A.3d 1243 (Pa. Commw. Ct. 2014)	Records relating to or resulting in a criminal investigation, including investigative materials, notes, correspondence, videos, reports, and information revealing progress/results, are exempt where statutory law-enforcement grounds apply.	The exemption applies to closed investigations as well as active ones.	Generally closed.
Rhode Island	R.I. Gen. Laws § 38-2-2(4)(D); Providence Journal Co. v. Kane, 577 A.2d 661 (R.I. 1990)	Criminal law-enforcement records are exempt only to the extent disclosure would interfere with enforcement, impair a fair trial, reveal sources or techniques, invade privacy, or endanger a person. Initial adult arrest and management records are public.	Active status supports interference withholding. Closed records are more accessible unless another listed harm remains.	Conditional/harm-based exemption.
South Carolina	S.C. Code Ann. §§ 30-4-40(a)(3), 30-4-50(A)(8); Evening Post Publ'g Co. v. City of North Charleston, 611 S.E.2d 496 (S.C. 2005)	Law-enforcement investigative records are subject to a conditional/harm-based exemption; agency may seek court order to prevent disclosure.	Active status may support a harm showing. Closed records generally become more accessible unless a continuing harm applies.	Conditional/harm-based exemption.
South Dakota	S.D. Codified Laws § 1-27-1.5(5); Argus Leader Media v. Hogstad, 898 N.W.2d 349 (S.D. 2017)	Law-enforcement investigative information is generally exempt from disclosure under the cited provision.	The exemption is not expressly limited to active investigations and generally may continue after closure.	Generally closed.
Tennessee	Tenn. R. Crim. P. 16(a)(2); Tennessean v. Metro. Gov't of Nashville, 485 S.W.3d 857 (Tenn. 2016); Memphis Publ'g Co. v. Holt, 710 S.W.2d 513 (Tenn. 1986); Tenn. Code Ann. § 10-7-504(a)	Records related to an active criminal investigation and prosecution are closed under Rule 16(a)(2), including third-party records gathered by law enforcement. Local closed-investigation records generally become open; TBI and specified agency records have separate statutory protection.	Ordinary local records open when the criminal proceeding is no longer pending, subject to specific statutes and other exemptions.	Generally closed for active investigation.
Texas	Tex. Gov't Code § 552.108(a)(1); § 552.108(c); Houston Chronicle Publ'g Co. v. City of Houston, 531 S.W.2d 177 (Tex. Civ. App. 1975)	Law-enforcement information may be withheld if release would interfere with detection, investigation, or prosecution. Basic information about an arrested person, arrest, or crime must be released.	Records can only be withheld if the investigation did not result in a conviction or deferred adjudication. If it did result in a conviction or deferred adjudication, the report must be released unless another exception protects it.	Generally closed for active investigation.
Utah	Utah Code § 63G-2-301(2)(b)(ii); Utah Code § 63G-2-305(10); GRAMA	Civil, criminal, and administrative enforcement records are protected when disclosure could interfere with proceedings, impair a fair hearing, reveal sources or techniques, or threaten safety.	Protection depends on a continuing harm, not merely the label of the file. Closure weakens interference claims.	Conditional/harm-based exemption.

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Vermont	1 V.S.A. § 317(c)(5); Rutland Herald v. Vt. State Police, 49 A.3d 91 (Vt. 2012)	Law-enforcement investigative records are exempt only to the extent disclosure could interfere with enforcement, impair a fair trial, invade privacy, reveal confidential sources/techniques, or endanger safety.	Closed records are generally open unless privacy, source, technique, fair-trial, or safety concerns remain.	Conditional/harm-based exemption.
Virginia	Va. Code Ann. §§ 2.2-3705.1(B)(1), 2.2-3706.1(B)-(G).	Criminal investigative files relating to an ongoing criminal investigation/proceeding are excluded from mandatory disclosure; disclosure may be discretionary subject to specified harms and prohibitions.	Closure does not create a general public right of access. It activates mandatory access rights for certain enumerated requesters, subject to continuing enforcement, fair-trial, privacy, source, technique, and safety protections, as well as victim-notification requirements.	Generally closed.
Washington	Wash. Rev. Code § 42.56.240(1); WAC 390-14-035(4);; ewman v. King County, 947 P.2d 712 (Wash. 1997); Sargent v. Seattle Police Dep't, 314 P.3d 1093 (Wash. 2013)	Specific investigative records compiled by law-enforcement agencies may be exempt when nondisclosure is essential to effective law enforcement/privacy. Records generated/collected during an investigation may be exempt until the investigation is completed.	The active-file categorical rule ends when the investigation is complete. The agency must then identify record-specific privacy or enforcement grounds.	Conditional/harm-based exemption.
West Virginia	W. Va. Code § 29B-1-4(a)(4)(A)	Records dealing with detection/investigation of crime and internal law-enforcement records are exempt.	Closure reduces enforcement interests but does not automatically defeat privacy, source, technique, or safety grounds.	Generally closed.
Wisconsin	Wis. Stat. § 19.36(10)(b); § 19.36(6); § 19.36(8)	Current investigations of possible criminal offenses or misconduct, before disposition, are exempt unless another law authorizes/requires disclosure; informant identities are protected.	Officer-involved-death investigative reports become public under the cited special provision when the DA determines there is no basis to prosecute, subject to redaction; other records depend on applicable exemptions.	Generally closed.
Wyoming	Wyo. Stat. § 16-4-203(b)(i); Sheridan Newspapers, Inc. v. City of Sheridan, 660 P.2d 785 (Wyo. 1983)	Custodian may deny police/sheriff/prosecutor investigative files when disclosure would be contrary to the public interest.	Nonexempt portions may be segregated; focuses on open/ongoing investigations and does not provide a single categorical post-closure release rule.	Conditional/harm-based exemption.