

## Records Release and Security

### 810.1 PURPOSE AND SCOPE

The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law (ARS Title 39, Chapter 1).

This policy does not prevent the Department from making part or all of specific data available to the data subject or the public unless disclosure is expressly prohibited by law or the data is classified as confidential or private, respectively.

#### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Public records** - A record kept by the Department that is created, received or kept in the performance of a duty.

**Records management** - Means the creation and implementation of systematic controls for records and information activities from the point where they are created or received through final disposition or archival retention, including distribution, use, storage, retrieval, protection and preservation (ARS § 41-151.14).

### 810.2 PUBLIC REQUESTS FOR RECORDS

The Department shall comply with Arizona law regarding the retention schedule prescribed by the Arizona State Library, Archives and Public Records Administrator, or the Department may establish its own program upon proper approval (ARS § 41-151.14).

The Department will prominently display a sign that contains basic rights of a person who requests public information, the responsibilities of the Department and the procedures, to include the cost of inspecting or obtaining copies.

Requests for information that the Department believes is confidential and wishes to withhold from the public and that is not specifically allowed by statute or judicial decision shall be sent to the City attorney for a decision (see generally ARS § 39-121.02).

Data created by the Department shall be subject to inspection and release pursuant to lawful requests, except pursuant to exemptions established by statute or judicial order. Public requests for data shall be processed as follows:

#### 810.2.1 PROCESSING OF REQUESTS

Any member of the public, including the media and elected officials, may request access to unrestricted records of this department by submitting a separate written and signed request for each specifically identified record during normal business hours. Requests shall be completed as soon as possible under the specific circumstances of the request and generally no later than five business days. If the request cannot be fulfilled within five business days after the date of request, the Department will notify the requester in writing.

The processing of requests is subject to the following limitations:

---

# Peoria Police Department

## Policy Manual

### *Records Release and Security*

---

- The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Processing of such requests may take up to five days.
- The requesting party shall be required to pay in advance any established fee for each record sought, unless the specific documents must be provided at no cost under ARS § 39-127 to crime victims or family of deceased victims.
- The Department is not required to create records that do not otherwise exist. However, existing records may be copied in such a manner as to provide the requesting party with unrestricted portions of any record.

### **810.3 REPORT RELEASE RESTRICTIONS**

Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

#### **810.3.1 GENERAL CASE AND CRIME REPORTS**

Reports containing any of the items listed below will not be released :

- **Victim Information** - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses shall not be made public.
- **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public:
  - Analysis and conclusions of investigating officers may also be exempted from disclosure.
  - If it has been noted in any report that an individual wishes to protect his/her right to privacy under the Arizona Constitution, such information may not be subject to public disclosure.
- **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem data from reports confidential, information from unrestricted agency reports shall be made public upon proper request.

The Department shall establish procedures to acquire the data and make the decisions necessary to protect the identity of individuals whose information is protected pursuant to Arizona law.

#### **810.3.2 ARREST REPORTS**

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives including attorneys shall be referred to the County Attorney, City Attorney or the courts.

Local criminal history information including, but not limited to, arrest history and disposition, fingerprints and booking photos shall only be subject to release to those agencies and individuals as prescribed by law.

# Peoria Police Department

## Policy Manual

### *Records Release and Security*

---

#### **810.3.3 TRAFFIC COLLISION REPORTS**

Traffic collision reports and related supplemental reports shall be considered confidential and subject to release only to other law enforcement agencies, involved individuals and their authorized representatives.

A traffic collision report shall be released to those persons authorized pursuant to ARS § 28-667(C)(6) who provide two or more of the following items in addition to any fee required:

- The date of the collision.
- The specific address or the highway or street.
- The name of any person involved in the collision.

#### **810.3.4 PERSONNEL RECORDS**

Personnel records, medical records and similar records which would involve personal privacy shall not be made public.

Peace officer personnel records are deemed confidential and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (ARS § 39-123). However, limited information in employee disciplinary files may be disclosed to the public as allowed by law (ARS § 39-128).

The identity of any officer subject to any criminal or administrative investigation should not be released without notification to the involved officer, the Chief of Police or as allowed or required by law.

#### **810.4 OTHER RECORDS**

Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of court or evidentiary rules relating to privilege.

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure.

A non-record as defined by law may, if not otherwise prohibited by law, be destroyed at any time by the Chief of Police or a designee without being scheduled for destruction.

#### **810.4.1 PERSONAL IDENTIFYING INFORMATION**

Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).

# Peoria Police Department

## Policy Manual

### *Records Release and Security*

---

#### **810.5 SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum or discovery request should be promptly provided to a supervisor for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested data.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

#### **810.6 RELEASED RECORDS TO BE STAMPED**

Each page of any record released pursuant to a Subpoena Duces Tecum shall be stamped in red ink with a Department stamp identifying the individual to whom the record was released.

#### **810.7 PRIVACY AND SECURITY OF RECORDS**

Records such as offense reports, arrest reports, juvenile records or other sensitive records shall be secured in such a manner as to reasonably protect them from unauthorized disclosure.