



Tucson City Court Administrative Directive

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I. PURPOSE

To establish specific guidelines for Tucson City Court employees for completing record requests and assessing appropriate fees.

II. POLICY

The Rules of the Supreme Court of Arizona, Rule 123 gives specific direction to Courts on providing public access to court records. Individuals requesting to review a Tucson City Court file or requesting copies of documents within case files must submit a request in writing. These requests may be faxed, submitted in person, e-mailed through the Court Website or mailed to the Court. The fee schedule guidelines used are pursuant to Arizona Revised Statutes, Title 22, Chapter 4, Article 1, Section 22-404.

III. PROCEDURE

A. **Submittal of Request**

1. Records requests must be submitted in writing, either by submitting the request in person at the information booth in Public Services, through the mail, by fax or email. Email requests may be submitted via the Court Services email site (Court_Records) or through the City Court Website. All requests will be time-stamped and processed on a first-come-first-served basis. For exceptions to this rule, see paragraph J.2., page 7. Each requestor is notified by phone when their record request is complete and ready for payment. The requesting party is responsible for payment before the information is released. The requested records will be held on file for 30 days. If the requestor fails to pay, retrieve and/or review records within the 30-day timeframe, the record request will be destroyed.
2. Record Requests filed for Non-Commercial Purposes. The applicant filing the record request shall specify whether the purpose or use of the records requested is intended for commercial or non-commercial use. If the requestor specifies the records are intended for non-commercial use, standard fees are charged (as provided by ARS §22-



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404). These fees would include Research/Locate fee, Minimum Clerk Fee or the per page copy fee whichever fees are deemed appropriate.

3. Record Requests filed for Commercial Purposes. If the requestor is filing a request for commercial purposes, the requestor must provide a verified or acknowledged statement to the custodian of records outlining the commercial purpose and specific use intended for the records. If there is reason to believe the requestor has failed to disclose the commercial purpose or use of the records, the custodian of records may require additional information in order to satisfy the request. Standard fees are charged for requests provided for commercial purposes (as provided by ARS §22-404). These fees would include Research/Locate fee, Minimum Clerk Fee and, or the per page copy fee whichever fees are deemed appropriate.
4. Information requested over the phone is limited to essential case information. Essential information is defined as case number, party names, filing date, pending court date, courtroom location, assigned Judge's name, case status and/or disposition of case. For further information, the clerk shall direct the caller to the Supreme Court Website or City Court Website where they can research docket information or direct the caller to request the information in writing via one of the processes listed above.
5. If a defendant requests the financial amounts owed on his/her dockets or has a question concerning any financial matters, the request will be routed to Public Services personnel for completion.

B. Payment and Retrieval of Completed Record Request

1. Payment for record requests are made in Probation and retrieved from Court Services.

C. Record Requests for which a Research/Locate Fee Is Imposed

1. Requests made by public/defendants/parties to the case wherein copies of documents within a specific file (whether docket number is provided or a search is conducted) are requested, a \$17.00



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"Research/Locate" fee will be assessed. In addition, a \$0.50 (per ARS §22-404) per page copy fee will be assessed. If the defendant/party to the case requests a copy of the citation only, no fees will be assessed.

2. A request for a copy of an audio recording of a court hearing requires the \$17.00 research and locate fee and the fee would apply for each audio recording ordered.

D. Record Requests for which a Minimum Clerk Fee Is Imposed

1. An individual request to retrieve case files for the requestor's review, whether those case files are for the same defendant or for multiple defendants, the \$17.00 minimum clerk fee will be assessed as described below. This \$17.00 minimum clerk fee will be charged for retrieval and processing of each grouping of three files requested. For example, review of 1st through 3rd file would constitute a \$17.00 minimum clerk fee, review of the 4th through 6th file would constitute an additional \$17.00 minimum clerk fee, review of the 7th through 9th file would constitute an additional \$17.00 minimum clerk fee, etc. If copies are requested, a \$0.50 per page copy fee will be assessed. Customers may "view only" files in Court Services located on the 4th floor, Monday through Friday, 9 a.m. – noon and 1 p.m. – 4 p.m.
2. Violation Letter – A document which lists the disposition for each charge violation entered on a case. The fee will be based per case file; therefore, if the individual requests a violation letter for more than one docket, the fee will be applied to each docket separately.
3. No Record Found – A document which states that a search was performed which resulted in no information found within the case management system.
4. Printouts from QDRS Application – Copies made from the QDRS application for specific docket numbers provided by the requestor or for dockets retrieved by conducting a name search. The minimum clerk fee will be charged for printouts of three case files or less. The inclusion of a fourth case file would support the imposition of an



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additional minimum clerk fee and an additional fee for each grouping of three case files thereafter. See paragraph 1. above for example of three file grouping structure.

E. Record Requests for which a Minimum Clerk Fee is Imposed and Certified Copies requested

Requests for certified court copies from a file will be charged a \$17.00 minimum clerk fee. In addition to the research and locate fee, a copy fee of \$.50 per page will also be charged. There is no charge for certifying a document.

F. Record Requests for which a Research Fee Is Not Imposed

1. A request for typical routine "essential" case information via the phone, email or Public Services. "Essential information" is defined as case number, party names, filing date, pending court date, courtroom location and/or Judges' name, case status and/or disposition.
2. Access to electronic court records in which a member of the public conducts his or her own research. The requestor may access records through the Supreme Court website, the City Court website or the Public Services Self-Help kiosk.
3. Any request for which another fee is more appropriate and/or is already charged. Two separate and distinct fees, such as the research and locate fee and or the minimum clerk fee, would not be charged for what amounts to the same request or activity.
4. The determination of whether or not to impose a research and locate fee or a minimum clerk fee will not be dependent upon how the request is received, whether the request was made in person, by phone, fax, mail or email. Neither will the determination of imposing a research fee be based upon the availability or the location of the case file.
5. The Court will impose only those fees specified by statute, ordinance or rule and will limit the imposition of those fees to those that are appropriate for the specific service requested.



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G. Entities that are exempt from Limited Jurisdiction Research fees

1. Claimants filing claims against the United States under ARS § 39-122. Persons obtaining copies that are to be presented to the U.S. Government or a bureau or department thereof for pension, allotment, allowance, compensation, insurance or other benefits.
2. Per ARS § 12-304 No court fees shall be charged:
 - a) The state, a county, a city, a town or a political subdivision of a county.
 - b) A commission, board or department of the state, a county, a town or a political subdivision of a county.
 - c) An official of the state, county, city, town or political subdivision of a county, who is a party to an action in his official capacity.
3. Immigration and Naturalization Service Reporting
Administrative Order 2006-47 requires the reporting of Alien Convictions as adopted for the State of Arizona plan required by 42 USCS § 3753(a)(11).
4. Government agencies including those of the US Government. This includes but is not limited to the following agencies: Attorney General/any state, Board of Nursing, Arizona Department of Public Safety, Any/All Military services, all Tribal Agencies, Prosecutor's Office, Public Defenders' Office, Tucson Police Department, US Probation, Department of Economic Security, Southern AZ Legal Aid, Law Enforcement Agencies from other states, FBI NICS, Motor Vehicle Division, County Attorneys from other states/counties, Domestic Violence Law Clinic (University of Arizona), Independent Contractors working for the U.S. Government, i.e., USIS, OPM, KeyPoint.
5. The media will not be charged a research and locate fee, copy fee or minimum clerk fee.



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H. Redaction of Confidential Information

Social Security numbers, credit card numbers or financial information of any kind must be redacted from all documents before copies are provided to a requestor, including all government and law enforcement agencies. The only exception occurs when the City Prosecutor or the County Attorney specifically requests unredacted copies of sentencing documents and the citation for use in Court to establish a prior or for use in establishing the identity of the defendant. In making requests for priors, these offices will include verbiage on the order form requesting no redaction of information.

I. Confidential Information

Examples of confidential information that must not be disclosed to any requestor or must be removed from the case file before a requestor reviews the file or document is as follows:

1. Social Security Numbers
2. Judges' Notes
3. Juror Questions or Notes
4. Physician Reports, Assessments or Evaluations
5. Counseling Agency Assessments, Evaluations or Reports
6. Form IV's (created when defendant is taken into custody)
7. Booking Forms
8. Pretrial Service Reports (Except the 1st page of the report)
9. DUI Evaluations, Assessments or Treatment Reports
10. Victim contact information sheets and address information
11. Financial Questionnaire or related documents to determine financial eligibility
12. In Domestic Violence/Harassment Injunction cases – Plaintiff and defendant personal information

J. Court's Response to Request

1. Requestors shall be given a timely response. If the clerk cannot respond to the request in 3-5 business days, he/she shall inform their supervisor. The clerk shall provide their supervisor with specific reasons why more time is needed. Acceptable reasons for a delay



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may be unavailability of the court file, the request is not specific enough or the clerk is waiting for the customer to return a phone call for clarification. If the request will not be processed within 5 business days, the clerk will notify the requestor.

2. **Priority Requests.** When the record requests are time-stamped, the clerk will review the request to see if there is an indication that the request is a priority. Examples of those that may require priority status are requests for copies of dockets with an upcoming court date, record requests faxed to the Court by the Military or requests from the Department of Public Services dealing with the Brady Law. These requests must be completed within 2-3 days; therefore, will be processed as a priority.
3. **Denial of Request.** The supervisor shall inform the applicant in writing of the reason for the denial of the processing of the request and refer to any legal authority for the denial. Examples of reasons that requests may be denied are as follows: to create an undue financial burden on court operations because of the amount of equipment, materials, staff time and other resources required to satisfy the request, if the request interferes with the constitutionally or statutorily mandated functions of the court, if the request is filed for the purpose of harassing or substantially interfering with the routine operations of the court or if the request is submitted within one month following the submittal of an identical request. If a request cannot be granted within a reasonable time or is denied, the supervisor will inform the requestor in writing of the reason for the delay or denial and refer to any legal authority, if applicable, for the delay or denial.
4. **Administrative Review.** If the requestor is denied access to the requested record information, they may request an administrative review before the presiding judge provided the request is made within ten days of the denial. Within 5 business days of the request for administrative review, the custodian who denied the request shall forward to the presiding judge of the Superior Court or his/her designee, the request, the denial and all relevant documentation. The presiding judge of the Superior Court will issue a decision within ten



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business days from the date the written request for review was received.

5. Appeal. The decision of the Presiding Judge may be appealed through a Special Action filed with the Court of Appeals.

K. Methods of Payment

Methods of payment accepted by the Court are cash, money order, MasterCard, Visa, Discover, cashier's checks or pre-printed personal checks.

REVIEW RESPONSIBILITY: The Court Administrator or designee will review this Court Administrative Directive for revision or deletion every two years or as needed.

PRESIDING MAGISTRATE

11/27/12

DATE