



## **7000 RECORDS POLICIES** (Revised June 6, 2012)

The Records Section maintains original reports documenting police response to calls for service in accordance with national and state requirements for the privacy and security of criminal history records information. The records are subject to routine purging by crime class, case status, and report type, in accordance with the Arizona State Library and Archives Records Management Division, the City of Tucson Records Management Policy, and the Tucson Police Department's Records Retention Schedule.

The Records Section is staffed 24 hours a day, 7 days a week to allow for processing and distribution of reports; distribution of department mail, data entry, verification and cancellation of information into automated local, state and federal systems; and to respond to requests for information.

### **7010 RELEASE OF INFORMATION**

The release of information from the Records Section is governed by Arizona law and department policy. In general, department personnel other than those assigned to the Records or Identification Sections are prohibited from conducting file searches or removing information from files without permission of the Records Superintendent.

#### **7011 Requests for Information**

Outside requests for the release of reports shall be directed to the Records Section. Requests for release of other department materials (e.g., *General Orders*, training materials) shall be directed appropriately. This applies to all non-department requests, including prosecutor requests.

##### **7011.1 Internal Requests**

Members requesting information in person from the Records or Identification Sections shall fill out the appropriate request forms provided by the particular section.

Members requesting information by telephone from the Records or Identification Sections shall identify themselves by name and payroll number and, when possible, provide a phone number for call back verification.

##### **7011.2 Other Requests**

- Release of Information to victim or victim's attorney
  - Records personnel will release copies of Multi-Purpose Reports, Miscellaneous Incident entries, and Computer Aided Dispatched call records to a victim or the victim's attorney, upon request. Suspect information will be deleted prior to release of the copy. Identification of any arrestee will be released.



- Other Information
  - Records personnel will release information as required for compliance with court orders or the Arizona Public Records Act.

## 7012 Public Records Requests

Under Arizona law, any records kept by a government agency in the ordinary course of business are considered public records, and are required to be made available for inspection upon request by a member of the public. The phrase "public records" is defined as including all records kept in the ordinary course of business, and may include written documents as well as audio and video recordings, photographs and computer records, and similar material.

This policy concerns only requests for records for a non-commercial purpose under the Public Records Act (ARS. 39-121 et seq.) and does not concern information requested pursuant to a lawfully issued subpoena, court order or other legal process, or to records routinely released to other criminal justice agencies, including prosecutorial agencies (*General Orders 7011*). Requests for records created by another agency, copies of which may appear in the department's files, should be referred to that agency for response.

Arizona Public Records law clearly favors release of public records, but requires that the interests of the public be balanced against both the privacy of the person(s) named in reports and the best interests of the state. Information may be removed, or "redacted," from a public record prior to its release if the information falls into one of the following categories:

- **Confidential information:** This includes information considered confidential for legal reasons.
- **Private information:** This includes information that a person has a privacy interest in protecting from public dissemination.
- **Information that is not in the best interest of the State to release:** This includes information that would cause specific, material harm to an investigation or to the agency's mission if released.

The refusal to release a public record may result in the filing of a lawsuit against the department in Superior Court. If the court determines that the refusal to release the record was unreasonable, the court may order the information to be released and may award costs and attorney's fees to the party seeking the record. For this reason, all members shall work closely with the Legal Advisors' Office to ensure appropriate releases of public records.

### 7012.1 Release of Public Records

In general, public records shall not be released by any members of the department other than those assigned to the Human Resources Section, Records Section, Identification Section and the Office of Internal Affairs. Documents may be released by the Public



Information Office, the Office of the Chief of Police, or the Legal Advisors' Office. In addition, audio recordings may be released by the Communications Section.

Any department member receiving a request for release of public records, other than routine requests made to the Records and Identification Sections or the Communications Division, shall forward the request to the Legal Advisors' Office. The Legal Advisors' Office will review the request and forward it, with advice as to the material to be released, to the appropriate unit of the department.

#### **7012.2 Redaction**

Prior to release of a record, the following information shall be removed. The information listed below is intended as both a minimum standard and a guideline. If there is additional information which a member believes should be withheld because it falls within the general exceptions noted above, please contact the Legal Advisor's Office to discuss the matter. In general, certain types of information should be removed from records prior to their release:

- **All records of any kind:**
  - Information that has been purged or sealed by the court
  - Social security numbers of all persons
  - Dates of birth
  - Suspect information where no arrest has been made, suspect's name and address may be released to a victim who is obtaining a court order of protection.
  - Details of sexual assaults, the victim or their representative (with a signed by subject and notarized waiver) may obtain the details of the sexual assault.
  - Identifying information of sex crime victims (names of adults in serious sex crimes and names of juvenile victims of any sex crime)
  - Identifying information of confidential informants (identifying information includes name, address, phone number and any other information which would identify the person)
  - Victim addresses and phone numbers
  - Shelter addresses
  - Identifying information of child victims or witnesses under the age of 14 except to the victim or parent or legal guardian of the victim unless the parent or guardian is involved in the incident as a suspect/arrestee
  - Identifying information of arrestees under the age of 14 unless the arrest was for a serious offense, such as homicide, sexual assault or aggravated assault except to the arrestee or parent/legal guardian of the arrestee unless the parent or guardian is involved in the incident as a suspect/arrestee
  - Department members' home addresses
  - The narrative portion of personnel evaluations
  - Any other information of a private or confidential nature
  - All medical records of any kind



- **Police reports in open cases:** Information which, if released, would interfere with the investigation, including for example, information that is known only to the perpetrator, names of witnesses who are at risk of harm from a suspect at large, or information that might prevent victims and witnesses from coming forward. On all open felony cases, the person or section responsible for the release of the record shall communicate with the case detective prior to release of any information. "Open" is intended to include all cases listed in the RMS Case Management module as "assigned" and which have not yet been adjudicated.
- **Internal Affairs files:** In addition to redaction of the above information, the names and addresses of citizens, criminal history information, and information which might allow the reader to identify citizens (such as drivers license information or license plate information).
- **Audio and video recordings:** Because audio and videotapes are difficult to effectively redact, they present special difficulties. If an audio or video recording contains information or records events that would otherwise be redacted from a written record, the audio or video recording shall be transcribed. The transcript shall be redacted and only the transcript shall be released

### 7012.3 Requesting Party

The person making the request is not required to explain the reason for the request, other than to attest to the fact that the request is not for a commercial purpose. In the absence of any additional information concerning the person or entity making the request, the guidelines stated above are to be followed.

Requesters should provide enough information (for example – case number, date and time of occurrence, location of occurrence, involved parties, name and date of birth of the subject of the record, crime classification, type of call, etc.) in order for Records Section personnel to locate a record within the TPD Records Management System.

If the individual indicates that they are the victim, suspect or arrestee/defendant (or legal representative of the victim, suspect or arrestee/defendant), consider the following additional guidelines prior to release:

- **Victim:** If the person making the request is the victim then there is no need to redact victim information. However, suspect information and Social Security numbers should still be redacted prior to release. No fee for copies of records shall be charged to any UCR Part I crime victim or their immediate family member if the victim is incapacitated or killed.



- **Arrestee/Defendant:** If the defendant, the defendant's attorney or an investigator working on the defendant's behalf, is making the request, release of the report hinges on the classification of the crime. For misdemeanor cases, the information may be released after any victim addresses and phone numbers have been redacted. For felony cases, the defendant or his attorney should be referred to the prosecuting agency for release of the information through disclosure.
- **Suspect:** If a suspect is making the request on any open felony case, the detective will be notified. The detective will advise of any additional redactions prior to release of the report.

Except as previously noted, all persons requesting copies shall be charged shall be charged a fee for material associated with creating copies, photographs, video and audio recordings. For any release other than those done by the Records Section, Communications Section, and Identification Section, a copy of both the original request and the redacted record(s) shall be forwarded to and maintained by the Office of Internal Affairs.

### **7013 Sealed and Expunged Records**

The Records Superintendent will seal police records when a court order to seal or expunge a record is received. All references to an arrest of an individual for particular charges detailed in the court order are deleted from automated systems, and the police records are sealed in an envelope with the notation, "Sealed by Court Order." No one will be able to view the documents without an appropriate court order allowing access.

### **7014 Juvenile Records**

Juvenile records are distinguished by date of birth so they may be readily separated from adult records.

Juvenile records are not normally purged, as they are maintained as records for law enforcement needs. Once a juvenile reaches the age of 18, record dissemination is only authorized to criminal justice agencies, barring a court order. Exceptions to this rule will be the dissemination of traffic offenses (i.e. Reckless, DUI, etc.) as the courts routinely request this information.

The records of all juveniles remanded as adults will be treated as adult records.

### **7020 REPORT PROCESSING SYSTEM**

Each dispatched call that results in a police incident report, miscellaneous incident, or traffic collision report is given a unique, computer generated report number that corresponds to the dispatched call number. The number format is the same for all types of reports. The first two digits are the year, followed by the month, followed by the day and then a four digit incident identification number {YY/MM/DD/CCCC}.



Once an automated report is approved, it transfers electronically to the records imaging system. Non-automated reports are forwarded to the Records Section at the end of each reporting officer's tour of duty. Upon receipt of the reports in the Records Section, they are copied, distributed and scanned into the imaging system by case report number. Electronic reports and scanned handwritten reports automatically transfer to the follow-up investigative units that have access to the imaging system. Routing is based on the crime classification or the originating location of the incident. The original reports are then indexed into the Records Management System according to procedures established in the section. A master name index is created to document victims, suspects and arrestees. Incident information is also collected by the Records Management System. This includes comprehensive information on criminal incidents, traffic collisions, traffic citations and other miscellaneous information.

**7021 Uniform Crime Reporting (UCR)**

This program provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country. The crime data are submitted to the Arizona Department of Public Safety (DPS) and forwarded by them to the Federal Bureau of Investigation (FBI).

**7030 ROUTING REPORTS**

**7031 Internal Routing**

Members needing reports routed to other persons, units, details, etc. within the Department will make and route the copies themselves or members can route reports electronically to internal investigative units. Example; if the member believes a copy of a burglary case may be of interest to an investigator in the Adult Sexual Assault detail, marking on the original case "ATTN: Adult Sexual Assault" will not suffice. The member must make a copy of the report, attach a Department routing slip marked "ATTN: Adult Sexual Assault" and forward it to the detail. Members may internally route reports electronically using the imaging system route box process.

**7032 External Routing**

Members of the Records Section routinely distribute copies of arrest reports to the appropriate prosecuting agency. Other reports to be copied and sent outside the department shall be routed by records. Members should send a copy of the report to Records. Records personnel will send them to the appropriate agency. It is the responsibility of the member submitting the report to Records to assure that adequate routing instructions and notification are provided.

**7033 Outside Requests for Statistical or Survey Information**

Normally, requests for statistical or survey information originating outside the department will be routed through the department's Audit and Analysis Unit. Personnel of the Audit and Analysis Unit will log the request and provide the information to the requesting party. When the figures requested are specific to a particular unit's operation and are not readily available to the Audit and Analysis Unit, the request will be logged by Audit and Analysis and forwarded to the specific unit for response.



**7034 Subpoena *Duces Tecum***

Only the Records Superintendent (official custodian of records) or Evidence Superintendent (official custodian of evidence) is authorized to release records or evidentiary items for presentation in court. Any subpoena *duces tecum* served on a member for presentation of a police record shall be returned to the court of issue. Members shall advise the court or process server that police records can only be obtained by a subpoena *duces tecum* served on the Administrative Services Bureau (ASB) Commander or the Police Records Superintendent.

Members who appear at a judicial or quasi-judicial hearing with copies of their own reports or supplements and refer to those documents during testimony may have to relinquish the documents to the defense counsel if ordered by the Judge, Magistrate, Hearing Officer, etc. If this occurs, the member must document the incident in a memorandum through the chain of command to the Legal Advisor.