

<b>MESA POLICE</b>  Department Policy Manual	<b>Public Records Request Protocols</b>	<b>DPM 3.3.70</b> Effective 01/04/2013 Revised 11/28/2023
Approved by: <b>Chief of Police</b>	Chapter: Communications, Reports & Case Management	Page: <b>1 of 7</b>

## 1. PURPOSE

This policy provides Mesa Police Department (MPD) members with guidelines for requesting, redacting, and releasing Department reports and records.

## 2. DEFINITIONS

**Accident/Crash Reports:** Includes traffic accident/crash reports completed on an ADOT Crash Report Accident form.

**Closed Reports:** Reports indicating:

- Cleared by arrest or juvenile referral (this includes by citation or warrant).
- Unfounded report.
- Exceptionally cleared.
- Field closure.

**Department Report:** A report written by law enforcement personnel regarding a particular incident, including an accident.

**Identifying Information:** Includes an individual's date of birth, social security number, official state or government issued driver license or identification number, and phone number. [\[ALEAP 26.1E\]](#)

**Locating Information:** Includes the victim's address, telephone number, e-mail address, and place of employment. [\[ALEAP 26.1E\]](#)

**Open Reports:** Reports which are still under investigation.

**Public Record:** As outlined in Arizona Revised Statutes Title 41, a public record is any record made by a public officer in the pursuance of a duty, the immediate purpose of which is to disseminate information to the public, or to serve as a memorial of official transactions for public reference. This includes, but is not limited to: [\[ALEAP 28.7\]](#)

- Department reports.
- Video tapes/DVDs.
- Audio tapes.
- Photographs.

**Redact:** To select or adapt (as by obscuring or removing sensitive information) for publication or release for the following purposes: [\[ALEAP 26.1E\]](#) [\[ALEAP 28.7\]](#)

- Ongoing criminal investigation.
- Privacy rights of individuals named in the department report.

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- Confidentiality rights of individuals named in the department report.
- Investigative techniques or other matters, the release of which will be detrimental to the best interest of the state.

### 3. REQUEST FOR COPY OF REPORT [ALEAP 26.1C]

#### 3.1 Authority

- A. As outlined in [ARS Title 39-121.01D1](#), “Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours or may request that the custodian mail a copy of any public record not otherwise available on the public body’s website to the requesting person.”

#### 3.2 General Guidelines

- A. Copies of reports on file with the MPD may be obtained by submitting a request via the online portal.
1. If the requestor refuses or is unable to submit the request via the online portal, Criminal Justice Information Division (CJID) members will complete the request for the requestor.
- B. All public records requests for reports, audio/video interviews, body camera videos, photos, 911 calls, and dispatch transmissions (excluding media requests) are received and processed in CJID. [ALEAP 28.7]
- C. Members of the MPD shall not deny or refuse any public records request without legal justification.
1. If **any** MPD member returns a public records request to CJID indicating the request was denied or refused, it will be forwarded to the CJID Supervisor.
  2. The CJID Supervisor will contact the Department member’s supervisor to determine the facts and, if necessary, will forward the denial/refused request, along with a copy of the report, to the MPD Legal Unit.
- D. Where questions exist as to possible related litigation against the MPD and/or the City of Mesa, CJID members will send a copy of the request to the CJID Supervisor. The CJID Supervisor will provide the MPD Legal Unit with a copy of the request.
- E. All other public records requests for other Department records are to be forwarded to the CJID Supervisor for processing.
1. The CJID Supervisor will contact the appropriate Department member(s) to obtain all requested records.

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## 4. REDACTING REQUESTED REPORTS [ALEAP 26.1E]

### 4.1 Incident Reports

- A. CJID and other MPD members will use the following guidelines for redacting incident report requests.
1. Do not include any computer attachments, such as the master name involvement list, MVD or ACJIS printouts, or reports from other agencies.
  2. For incidents involving Address Confidentiality Program (ACP) participants, redact the "Incident Location" if it is the same as the ACP participant's actual physical address. See [DPM 3.3.51 Address Confidentiality Program \(ACP\)](#).
  3. Redact identifying information on all incident reports for all parties on the report.
    - a. Per [ARS 13-4434](#) Victim's right to privacy; exception; definitions and [ARS 8-413](#) Victim's right to privacy; exception; definitions:
      - Subsection B: *A victim's identifying and locating information that is obtained, compiled or reported by a law enforcement agency or prosecution agency shall be redacted by the originating agency and prosecution agencies from records pertaining to the criminal case involving the victim, including discovery disclosed to the defendant, the defendant's attorney or any of the attorney's staff.*
      - Subsection C: *Subsection B of this section does not apply to the victim's name except, if the victim is a minor, the victim's name may be redacted from public records pertaining to the crime if the countervailing interests of confidentiality, privacy, the rights of the minor or the best interests of this state outweigh the public interest in disclosure.*
      - Subsection D1: *"Identifying information" includes a victim's date of birth, social security number and official state or government issued driver license or identification number.*
      - Subsection D2: *"Locating information" includes the victim's address, telephone number, e-mail address and place of employment.*
  4. Per [ARS 39-123.01 Personal identifying information of crime witnesses; confidentiality; definition](#):
    - a. *The personal identifying information of a witness to a crime contained in a record that is created or received by a law enforcement or prosecution agency and that is related to a criminal investigation or prosecution may not be disclosed by a public body pursuant to this article unless any of the following applies:*
      - *The witness consents in writing to the disclosure.*

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- *A court of competent jurisdiction orders the disclosure.*
- *The witness's address is the location where the crime occurred.*
- b. *For the purposes of this section, "personal identifying information" includes a witness's date of birth, social security number, personal telephone number, home address, personal email address and official state or government-issued driver license or identification number.*
- 5. If the report is for harassment, threats, or physical injury, and the victim and/or witness does not know the suspect, forward the report request to the case agent (or unit supervisor if the case agent is unavailable) for additional review unless otherwise directed by a CJID Shift Supervisor. This does not pertain to reports where an MPD Officer(s) is the victim and/or witness.
- 6. If a report is redacted, a copy of what was redacted along with a copy of the public record request is kept in CJID for a minimum of three months.
  - a. This is important in case the redaction is challenged or when multiple requests are submitted for the same report within a three-month period.

## 4.2 Accident/Crash Reports

- A. CJID and other Department members will use the following guidelines for redacting accident/crash report requests.
  - 1. **Civil Traffic Accidents:** Redact only social security numbers and juvenile witness/passenger information if requested by an involved party or their representative (e.g., attorney or insurance company). If requested by anyone else, redact following the incident report redaction guidelines.
  - 2. **Criminal Traffic Accidents:** Redact following the incident report redaction guidelines.
    - a. Send the following public records requests to the Traffic Unit for review:
      - Fatality collisions.
      - Open Hit & Run collisions that contain suspect information.
      - Other open criminal traffic accident reports.
    - b. Release **after redacting**:
      - Hit & Run collisions cleared by arrest.
      - Hit & Run collisions open but not containing suspect information.
      - Driving under the influence (DUI) reports cleared by arrest.

## 5. RELEASE OF REPORTS

### 5.1 Sensitive Reports

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- A. If a request is received for a sensitive report per section B, whether **closed or open**, route to the case agent. If the case agent is no longer available, send the request to the unit supervisor.
- B. The following reports have been deemed sensitive per MPD procedures:
  - 1. Homicide.
  - 2. Death Investigation.
  - 3. Sexual Assault.
  - 4. Child Molestation.
  - 5. Child Abuse.
  - 6. Information report on any of the above.
  - 7. Undercover operations not otherwise detailed in this policy.

## 5.2 Narcotics Titled Reports Involving an Undercover Unit or Confidential Informant

- A. If a request is received for a narcotics titled report involving an undercover unit or confidential informant, forward to the case agent for review if the report is:
  - 1. Open; or
  - 2. Cleared by arrest and the case is recent (e.g., in the previous 2-year period).
- B. If the case agent is no longer available, send the request to the unit supervisor.

## 5.3 Closed Reports [ALEAP 26.1E]

- A. CJID may release a request for a department report that is closed **UNLESS** it is a sensitive report (see **Section 5.1**).
- B. The report will be redacted to ensure the privacy rights of victims and witnesses.

## 5.4 Open Reports [ALEAP 26.1E]

- A. A request for a property crime report with an open case status that has been referred for follow-up may be redacted and released by CJID:
  - 1. If there is no suspect listed or the suspect is not identifiable.
  - 2. If the only information for the suspect is a partial name with no date of birth.
  - 3. CJID members will follow the redacting guidelines above and will redact the partial name or description of the suspect on the face sheet and in the narrative.
- B. A request for other types of open cases will be redacted and sent to the appropriate case agent for review. If the case agent is no longer available, send the request to the unit supervisor.

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## 5.5 CJID Members [ALEAP 26.1E]

- A. Prior to forwarding a records request for review to any Department member, CJID will redact the record for the following purposes:
  1. Privacy rights of individuals named in the department report.
  2. Confidentiality rights of individuals named in the department report.

## 5.6 Other Department Members [ALEAP 26.1E]

- A. Department members receiving a records request for review from CJID may further redact the record for the following reasons:
  1. On-going criminal investigation.
  2. Investigative techniques or other matters where the release will be detrimental to the best interest of the state.
- B. Department members and their supervisor will have 15 days to review and return the request to the CJID with one of the following responses:
  1. Request approved for release with redactions done by CJID.
  2. Request for additional redactions.
    - a. Must include what is to be redacted and the reason why.
  3. Request not approved for release.
    - a. If temporary, the member needs to explain why and when it will be approved.
    - b. If it is a complete refusal, a detailed reason needs to be given. Contact the MPD Legal Unit for any questions.

## 6. AUTHORIZED VERBAL RELEASE OF INFORMATION REGARDING VEHICLE

- A. When receiving a telephone inquiry regarding a vehicle:
  1. Department members are authorized to release information via ACIC/NCIC regarding towed vehicles following the guidelines below:
    - a. The caller will need to provide the license plate number or VIN.
  2. Conditions for release of information by Department members:
    - a. If the vehicle shows it has been towed (**NOT** repossessed) at the request of the MPD, it is permitted to release the tow company information.
    - b. If the vehicle is repossessed, advise the caller to contact their financial institution.
    - c. If the vehicle was towed by another agency, advise the caller to contact the other law enforcement agency. **DO NOT RELEASE TOW INFORMATION.**
  3. When the caller is the financial institution questioning the location of a repossession, it is permitted to provide tow company information to them.

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## 7. CONTROLLED ACCESS IN RMS/DMS

### 7.1 Reports in RMS/DMS that have “Controlled Access”

- A. Public records requests for reports that have controlled access will be forwarded to the CJID Supervisor for processing.
- B. The CJID Supervisor will obtain approval to release from the investigative area.

## REFERENCES

- [ARS 8-413B&C Victim’s right to privacy; exception; definitions](#)
- [ARS 13-4434 Victim’s right to privacy; exception; definitions](#)
- [ARS 39-121.01D1 Definitions; maintenance of records; copies, printouts or photographs of public records; examination by mail; index](#)
- [ARS 39-123.01 Personal identifying information of crime witnesses; confidentiality; definition](#)
- [DPM 3.4.35 On-Officer Body Camera Program](#)
- [DPM 3.3.51 Address Confidentiality Program \(ACP\)](#)