

	PARADISE VALLEY POLICE GENERAL ORDER Public Records Requests	Order Number 82.3
		Date 01-24-17

82.3 Public Records Requests

- A. The Arizona Public Records Act, A.R.S. § Title 39, Chapter 1, promotes prompt public access to government records in order to ensure government accountability. Public records include most records kept in the ordinary course of business, and *may* include written documents (police *reports*, accident *reports*, etc.) as well as audio and video recordings, photographs and computer records, and similar material.
- B. This sub-section, G.O. #82.3, addresses only records requested for a non-commercial purpose under Arizona's Public Records law and does not concern information requested for a commercial purposed, 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. Requests for records created by another agency, copies of which *may* appear in the *Department's* files, *may* be referred to that agency for response. However, this does not release us from the requirement to provide the record, unless the person agrees to obtain the record from the other agency or the release is statutorily prohibited.
- C. Public records requests *must* reasonably identify a record that exists or is being produced with enough specificity to allow the *Department* to identify the record with a reasonable amount of effort. The *Department* is not required to create a record in order to comply with a public records request.
- D. The *Department may* request, but not require, that the public records request be provided in writing and *may* request the reason for the request. While the law weighs heavily in favor of releasing public records, it also requires balancing the confidentiality, privacy and best interests of the government. Obtaining the reason for the request assists in balancing these interests.
- E. *Employees will* redact (remove) from a public record prior to its release any information that falls into one of the following categories:
 1. Certain *victim* information. Under A.R.S. § 13-4434, the following information *shall* be removed from all publicly accessible records (other than from certain traffic accident *reports* as provided in A.R.S. § 28-667 and other than records that are transmitted between law enforcement and prosecution agencies or the court) related to a criminal case involving a *victim*, unless the *victim* consents in writing to its release or the court orders disclosure:



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Public Records Requests

Order Number

82.3

Date

01-24-17

- a. The *victim's* name, if the *victim* is a juvenile and the juvenile's name is not specifically protected by statute, the first name and first initial of the last name of the juvenile should not be redacted (Ex. Eric E).
 - b. Date of birth
 - c. Social security number
 - d. State or government issued driver license or identification number
 - e. Address, if not specifically protected by statute, redact the address numbers and leave the street name, city, state, and zip code.
 - f. Telephone number
 - g. Email address
 - h. Place of employment
2. Certain witness information. Under A.R.S. § 39-123.01, the following information regarding a witness to a crime contained in a record created by or received by a law enforcement or prosecution agency *may* not be released unless the witness consents in writing to the disclosure or the court orders disclosure:
- a. Witness's address, unless the address is the location where the crime occurred
 - b. Date of birth
 - c. Social security number
 - d. Telephone number
 - e. Home address
 - f. Email address
 - g. State or government issued driver license or identification number.



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Public Records Requests

Order Number

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Date

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3. Confidential information. This includes information considered confidential for legal reasons, including but not limited to:
 - a. Information contained in *search warrants* and court orders for identification before these documents are returned to the court;
 - b. Information from *search warrants* and court orders for identification that are sealed by the court;
 - c. Identification of confidential information sources;
 - d. Identification of undercover *officers* and investigative techniques;
 - e. Disclosure of information that would tend to identify confidential informants or undercover persons, or operations these persons are involved in, or undercover operations;
 - f. Addresses and other personal identifying information regarding police *officers* (other than their names) when the *officer* is a *victim* or witness;
 - g. Information that cannot be released due to statutory prohibitions such as wiretap investigations, grand jury testimony, consumer fraud, or information that a court has ordered sealed, purged, or otherwise restricted. *Department* legal counsel *should* be contacted to determine the legality of release of any of these documents;
4. Private Information. This includes information that a person has a significant privacy interest in protecting from public dissemination, including but not limited to information that by its very nature is so gross, demeaning, biased, or sensitive that it would do irreparable harm to innocent persons or their character if released. *Department* legal counsel *should* be contacted to determine the legality of such a release.
5. Information that is not in the best interest of the *state* to release. This includes information that would cause specific, material harm to an on-going investigation or to the agency's *mission* if released, including but not limited to:



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- a. Legitimate need on the part of government not to release certain information. This *must* be more than a desire not to release the information; there *must* be the potential for specific, material harm to the investigation;
- b. Information known only by suspect(s);
- c. Specific details as to how the crime was committed;
- d. Information that would tend to hinder, jeopardize, or delay an investigation;
- e. Identities of suspect's friends, habits, or other information that, if known, would tend to hinder the gathering of *evidence* or information;
- f. Names of witnesses and information that would tend to identify them, if it can be shown that harm *may* come to them or if the release would keep others from coming forward. If witnesses have testified or have otherwise made public the fact they are witnesses, there *may* be no legitimate basis for withholding the information;
- g. Investigator's opinions and/or speculation (prior to a determination of guilt or innocence by a court);
- h. Erroneous information that would result in specific, material harm to an investigation.

Note: many items in this category *may* be redacted during the initial stages of an investigation but *may* no longer be redacted once revealed in open court or otherwise made public.

- F. The refusal to release or the excessive redacting of a public record *may* result in the filing of a lawsuit against the *Department*. 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. Generally, the *Department* should redact and release public records, rather than refuse to release the record in its entirety.