

	<b>RELEASE OF RECORDS</b>	<b>Operations Order 5.5.00</b>
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1. **GENERAL INFORMATION**

- A. It is the policy of the Department to support and promote openness in government by releasing information in a timely and responsible manner.
- However, it is the obligation of the Department to protect the lives and property of the residents of Phoenix and to ensure those who stand accused of violating the law receive a fair trial.
- B. Against these competing interests, Incident Reports (IRs) and other records or matters will be released upon written request, subject to the guidelines of this order.
- Persons requesting information or records will be referred to Public Records.
  - Identifying information of a victim will be redacted from any public records request.
  - \* Identifying information includes the victim's phone numbers, addresses, work information, and anything else that could identify the victim, such as photographs and/or videos.
  - Per [Arizona Revised Statute \(ARS\) 13-4434.C](#), a victim's name should be released **UNLESS** the victim may be re-victimized, is involved in a violent crime (sexual assault, robbery, burglary, domestic violence, and assault), is a child, or there are privacy concerns. If there is any doubt about what information should be redacted, contact the Legal Unit.
  - Employees who obtain information about criminal or death investigations through the course of their employment with the Department will not use the information for personal use or to exploit a victim.
  - Crime scene or death investigations photographs and/or video must be redacted to protect the victim's identifying information.
  - \* Photographs and videos may be used for training purposes if the training course and content is approved by an assistant chief.
- C. This order relates to requests for documents pursuant to Arizona's Public Records Law, ARS [39-121](#) and [28-667](#), as well as the general release of criminal information.
- (1) This order applies to adult as well as juvenile records.
  - (2) This order applies only to records already in existence.
    - Employees will not generate, create, or compile records not in existence.
  - (3) This order **does not** apply to the release of information pursuant to a lawfully issued subpoena, court order, or other lawful legal process.
- D. This order applies to records distributed in the normal course of business for the release of records by Public Records.
- (1) All requests for inspection or copying will be directed to the commander/administrator of Public Records or designee.
  - (2) This includes traffic accident reports, Impaired Driver Reports (IDRs), IRs, Incident Supplements, and criminal history record information.
  - (3) Public Records will direct requests for other types of information, such as payroll records or personnel information, to the bureau responsible for maintaining those records.
  - (4) Public Records will be the central repository and log site for all public records requests, including those received by other bureaus.

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1. D. (4) (a) Upon receiving the request, Public Records will log the request and route it to the affected bureau for editing in addition to the Incident Review Unit in accordance with Public Records criteria.
  - (b) When editing is complete, bureau personnel will send the completed request packet to Public Records for dissemination.
- (5) Each bureau will maintain a policy detailing the route of public records requests through Public Records [this does not apply to the Fiscal Management Bureau (FMB)].
  - Any bureau/precinct receiving a **media request** for information will immediately notify the Public Affairs Bureau (PAB) (the request will still be routed to and released through Public Records).
- (6) The final decision relating to the release of information shall be made by the Police Chief or designee.

## 2. **GENERAL ADMINISTRATIVE GUIDELINES**

- A. All public records requests should be in writing, except as specifically provided in this order.
  - (1) Public Records may supply forms for this purpose.
  - (2) All requests must describe the record requested in enough detail to allow the record to be located with a reasonable amount of diligence.
  - (3) The request must be for a specific report.
- B. The cost of providing public records shall be established by the City Auditor's Office.
  - (1) Payment must be made or provided for prior to the release of the documents.
  - (2) Public Records will collect applicable fees.
- C. **Purpose for Release of Public Records**

<b>(1) Commercial</b>	<ul style="list-style-type: none"> <li>• Sale or resale of records</li> <li>• Producing a document containing all or part of the record for sale</li> <li>• Obtaining the names and addresses for soliciting purposes</li> <li>• Sale of names and addresses to another for the purpose of solicitation</li> <li>• Anticipation of monetary gain or profit from the direct or indirect use of the public record</li> </ul>
<b>(2) Non-Commercial</b>	<p><b>NOTE:</b> Requests must be written, certified, and state the exact purpose for use.</p> <ul style="list-style-type: none"> <li>• Requests made by attorneys, investigators, insurance companies, and others in connection with possible litigation or administrative proceedings</li> <li>• Requests made by members of the news media when such requests are made in connection with news gathering activities</li> </ul>

- D. The authorizing authority of Public Records will review requests for public records to determine if the release is appropriate without editing (editing guidelines will follow in this order).
  - (1) If the request is deemed appropriate without editing, Public Records will release the information.
  - (2) If the request is deemed inappropriate, Public Records will postpone the release and forward the request and all correspondence to the Legal Unit for review.


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2. D. (2) (a) If the legal advisor believes the request is a misuse or abuse of the records, the legal advisor will cause the Office of Administration to notify the Governor's Office to request an executive order to prohibit releasing the records.
- (b) If the legal advisor determines the public records request is not an abuse or misuse of the records, or if the Governor's Office refuses to or fails to prohibit the furnishing of the records, the request will be released in accordance with this order.
- (3) Any record released for a commercial purpose is subject to editing pursuant to this order.
- (4) Media requests for public records and other requests for public records not meeting the criteria for general availability release will be routed to the affected bureau for approval prior to release of information.

### 3. **EDITING GUIDELINES**

- A. Editing is redacting, withholding, or blocking out information.
- B. Information generally available for release without editing includes:
  - Description of the crime
  - Type of crime
  - Date and time of occurrence, if known
  - General description of property involved
- C. Information Subject to Editing

CATEGORY	DESCRIPTION/EXAMPLES
(1) <b>Confidential Information</b>	<ul style="list-style-type: none"> <li>• Information contained in search warrants and court orders for identification before these documents are returned to the court</li> <li>• Information from search warrants and court orders for identification that are sealed by the court</li> <li>• Identification of confidential information sources</li> <li>• Identification of undercover officers and investigative techniques</li> <li>• Disclosure of information that would tend to identify these persons or operations</li> <li>• Addresses and other identification of police officers when the officer is a victim or witness</li> <li>• <u>Legal Reasons:</u> <ul style="list-style-type: none"> <li>* Information that cannot be released due to statutory prohibitions, such as wiretap investigations, grand jury testimony, or consumer fraud</li> <li>* Information that a court has ordered sealed, purged, or otherwise restricted</li> </ul> </li> </ul> <p><b><u>NOTE:</u></b> These will not be released under any circumstances.</p>
(2) <b>Information NOT in the Best Interest of the Government to Release</b>	<ul style="list-style-type: none"> <li>• Legitimate need on the part of government not to release certain information</li> <li>• Information known only by suspect/s</li> <li>• Specific details as to how the crime was committed</li> <li>• Information that would tend to hinder, jeopardize, or delay an investigation</li> <li>• Identities of suspect's friends, habits, or other information that, if known, would tend to hinder the gathering of evidence or information</li> <li>• 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</li> </ul> <p><b><u>NOTE:</u></b> If witnesses have testified or have otherwise made public the fact they are witnesses, there may be no legitimate basis for withholding the information.</p>

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3. C. Information Subject to Editing: (Continued)

CATEGORY	DESCRIPTION/EXAMPLES
(2) (Continued)	<ul style="list-style-type: none"> <li>Investigator's opinions and/or speculation (prior to a determination of guilt or innocence by a court)</li> <li>Erroneous information that would result in specific, material harm to an investigation</li> </ul>
(3) <b>Release of Information that Invades an Area of Privacy</b>	<ul style="list-style-type: none"> <li>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</li> <li>The Legal Unit will be contacted to determine the legality of such a release.</li> </ul>

D. Public Records will route the public records request and a copy of the report/supplement to the affected bureau for editing.

- (1) Those assigned to edit documents must remember that while information itself may remain the same, the need to keep the information from the public domain may not remain the same.

**EXAMPLE:** Prior to an arrest, there may be a legitimate need to keep the suspect's identity from the general public for fear the suspect may flee or be informed of the impending arrest. After the arrest, there is, in most cases, no justification for not releasing that information.

- Information that is subject to editing should be reviewed by those who are sufficiently familiar with the information and the type of crime involved.
- (2) The officer assigned to edit a document must be able to cite specific reasons in detail for withholding the information.
- Each case will be reviewed on its own merit.
- (3) The affected bureau commander will ensure the editing requirements of the order are met.
- (4) When the editing process is complete, the records request packet will be routed back to Public Records.

4. **TRAFFIC RECORDS**

A. Public Records will release un-redacted copies of Arizona Crash Reports (ACRs) and any associated IDRs to any person involved, provided the request is **not** for commercial solicitation purposes as defined in [ARS 28-667](#).

- (1) A commercial request is one made by someone who has no relationship to the principal parties involved in the accident and has no reason to request a copy of the accident report other than for purposes of soliciting business.
- (2) If the request is for commercial solicitation purposes, the ACR will not be released.

B. Copies of traffic accident photographs may be released upon request under the following provisions:

- (1) The required fee must be paid before releasing the photographs.
- (2) Before releasing explicit photographs or photographs so offensive they would shock the sensibilities of a reasonable person, the requester will be advised of the nature of the photographs.

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5. Requests for investigative reports generated by other government agencies will be returned to the requester, along with information detailing why the request was denied.

6. **RELEASE PROCEDURES**

- A. Refer to the following chart for types of information available for release through Public Records:

INFORMATION TYPE	DESCRIPTIONS/SPECIAL INSTRUCTIONS
(1) <b>Incident Reports and Incident Supplements</b>	<ul style="list-style-type: none"> <li>The Public Records commander/administrator may decline to provide any information as provided in this section when it reasonably appears the release would violate guidelines listed in this order.</li> </ul>
(2) <b>Crime Analysis and Statistical Information</b>	<ul style="list-style-type: none"> <li>All crime analysis and statistical information will be reviewed by a supervisor before release.</li> <li>Grid maps are available at Public Records counter for public assistance.</li> <li>Crime analysis and statistical information will be distributed to units within the Department from the Crime Analysis Research Unit (CARU).</li> <li>This information may be shared among Department units.</li> <li>CARU will prepare the information upon approval of the Police Chief or designee, and forward to Public Records for release.</li> </ul>
(3) <b>Audio Recordings</b>	<ul style="list-style-type: none"> <li>9-1-1 and dispatch recordings are available from the Communications Bureau.</li> <li>Communications will make a copy of the recording and forward to Public Records for release.</li> <li>Recordings are only available for 180 days. No request will be taken for older dates.</li> </ul>
(4) <b>Arrest Records</b>	<ul style="list-style-type: none"> <li>Booking slips for the previous 24 hours are available for review by the media or anyone.</li> <li>The request must include the name, date of birth, date and time of arrest, or booking number.</li> </ul>
(5) <b>Traffic Records</b>	<ul style="list-style-type: none"> <li>The request must be specific enough to allow the report to be found with a reasonable amount of diligence.</li> </ul>

- B. All of the previously listed topics require the following procedure:

- (1) All requests for public records will be administered through Public Records.
- (2) Citizens will be directed to obtain and complete the specific form for the type of information they desire.
- (3) Fees and/or provisions for payment will be made prior to releasing the information.
- (4) Public Records will route the request to the affected bureau.
- (5) The affected bureau will compile the information, comply with editing requirements if needed, and return the completed packet to Public Records within 28 days.
- (6) Upon satisfying guidelines in this order, Public Records will release the requested information to the requester.

7. **RELEASE OF INFORMATION PRIOR TO ARREST OR UPON ISSUANCE OF A WARRANT**

**NOTE:** Requests do not necessarily need to be in writing. These are guidelines for answers to oral questions, usually asked by the media.

<b>A. MAY Be Released</b>	<ul style="list-style-type: none"> <li>Description of the exact offense, including a brief summary or events</li> <li>Location and time of offense</li> <li>Injuries sustained or damages resulting from the action</li> <li>Whether or not there are suspects</li> </ul>
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7. **RELEASE OF INFORMATION PRIOR TO ARREST OR UPON ISSUANCE OF A WARRANT**  
(Continued)

<b>A. <u>MAY</u> Be Released</b> (Continued)	<ul style="list-style-type: none"> <li>• Information about unidentified suspects, such as physical description or vehicle description</li> <li>• Identification of fugitive or other facts when the public should be alerted to danger</li> <li>• Method of complaint (officer observed, citizen, warrant, indictment, etc.)</li> <li>• Length of investigation and name of officer in charge of the investigation</li> </ul>
<b>B. Will <u>NOT</u> Be Released</b>	<ul style="list-style-type: none"> <li>• Any information that would jeopardize the security of the investigation</li> <li>• Identity of the victim including their address</li> <li>• Identity of suspects who are interviewed but not charged</li> <li>• Suspect's name, address, age, residence, employment, marital status, and similar background</li> <li>• Identity of witnesses when disclosure would probably result in <u>specific, material harm</u> to an investigation, the privacy or confidentiality of a witness or victim, or the best interests of the state</li> <li>• Exact identifying information about the weapon or other physical evidence</li> <li>• Any information that only the guilty party would know</li> <li>• Information about valuable items not stolen</li> <li>• Conjecture about suspects or fugitives</li> <li>• Misleading or false information</li> </ul>

8. **RELEASE OF INFORMATION AFTER AN ARREST**

**NOTE:** Requests do not necessarily need to be in writing. These are guidelines for answers to oral questions, usually asked by the media.

<b>A. <u>MAY</u> Be Released</b>	<ul style="list-style-type: none"> <li>• Time and place of arrest</li> <li>• Charge and circumstances of the arrest</li> <li>• Facts and circumstances relating to the arrest</li> <li>• Description of items seized as evidence</li> <li>• Information as to the purpose of a search warrant</li> <li>• Names of investigating and arresting officers, witnesses, addresses, and witness testimony</li> <li>• Indication as to whether the suspect has made a statement</li> <li>• Acknowledgment that a driving under the influence (DUI) test was offered or not, in compliance of the law</li> <li>• Fact that scientific analysis will or will not be performed on evidence</li> <li>• Results of any examinations or tests</li> <li>• Results of any scientific analysis of physical evidence</li> </ul> <p><b><u>NOTE:</u></b> The safety and welfare of all those listed will be considered prior to release of this information.</p>
<b>B. Will <u>NOT</u> Be Released</b>	<ul style="list-style-type: none"> <li>• Comments about the character or reputation of a suspect or a witness</li> <li>• Reenactment of the crime unless presented by the Silent Witness Program</li> <li>• Comments about the credibility or testimony of a suspect or witness</li> <li>• Whether or not the information involves the use of a confidential information source</li> </ul>

9. **PRIVACY AND SECURITY OF CRIMINAL HISTORY RECORD INFORMATION**

A. Federal, state, and local laws, rules, regulations, and policies all affect the limited use and dissemination of the information obtained through the records management system (RMS) and Arizona Criminal Justice Information System (ACJIS), Arizona Crime Information Center (ACIC)/National Crime Information Center (NCIC), and Arizona Motor Vehicle Division (MVD) information obtained through the Centrally Linked Information for Public Safety (CLIPS) application.

- (1) These regulations establish guidelines used by the Department regarding the privacy and security of criminal history record information.



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9. A. (2) These sources also provide penalties for persons/agencies guilty of misuse of the information.
- (3) The information is to be used only for the administration of criminal justice purposes by criminal justice agencies.
- (a) Employees will release criminal history record information only to a bona fide criminal justice agency or authorized non-criminal justice agency.
- (b) Intentional release of criminal history record information to unauthorized persons is a violation of the users' agreement between this Department and the Department of Public Safety (DPS).
- (c) Violators of this rule may be fined \$10,000.
- (4) Employees will not obtain or review RMS, CLIPS, Computer Aided Dispatch (CAD), Mobile Data Computer (MDC), or criminal history record information for personal use or for a second party.
- (a) All information obtained through RMS and/or CLIPS on any Department computer/laptop is protected by this policy.
- (b) Violators of this policy are subject to disciplinary action.
- B. Criminal history record information includes information collected by criminal justice agencies including:
- Arrests
  - Detentions
  - Indictments
  - Other formal criminal charges
  - Dispositions arising from formal charges
- C. Suspect data consists of any information connecting any person with criminal activity before the person is arrested, detained, cited, referred, or indicted, or having a criminal complaint filed against them.
- D. The Information Services Unit (ISU) has the responsibility for routine release of criminal history record information to other authorized law enforcement agencies and criminal justice agencies.
- (1) Any precinct/bureau whose personnel release specific criminal history information to an authorized criminal justice agency will maintain a log documenting such dissemination.
- (a) The log will contain the following information:
- Date and time information was released
  - Name, rank, serial number of person, and agency name to whom information was released
  - Exact information released
  - Reason information needed
  - Name, serial number, precinct/bureau of employee releasing information
- (b) The log will be retained for 12 months and then destroyed.
- NOTE:** Dissemination of criminal history record information or suspect data does not include the exchange of general information between criminal justice agencies in the course of an official investigation.



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9. D. (2) Officers who attach a copy of a suspect criminal history record [Master Name Index (MNI)] to the Booking forms will note this action in the Narrative of the IR or in the RMS Case Management module.
  - Detectives who disseminate information to prosecuting agencies will note the release in the RMS Case Management module.
- E. All employees who obtain confidential or sensitive information in hard copy will ensure it is shredded/destroyed after use.

10. **MISUSE OF SYSTEMS THAT HOUSE CRIMINAL HISTORY INFORMATION**

- A. Supervisors investigating complaints of suspected misuse of RMS, CLIPS, CAD, or the MDC will have the following responsibilities:
  - (1) Contact the ISU commander/administrator to request a DPS Log Search.
  - (2) Attach a copy of the Log Search request memorandum and results of the log search to the investigation packet.
  - (3) Forward the investigation packet to the Professional Standards Bureau (PSB).
  - (4) Forward a memorandum to the ISU commander/administrator including the results of the investigation and any disciplinary action taken.
- B. The systems security officer (SSO) or the PSB assistant chief (when PSB conducts the search) will ensure DPS is notified of the results of the investigation.
  - (1) The SSO will prepare a letter to DPS indicating the conclusions of the investigation and applicable disciplinary action/s recommended.
  - (2) Upon forwarding the results letter to DPS, the SSO will forward a copy of the letter to PSB.

<b>Last Organizational Review:</b>