
Records Maintenance and Release

805.1 PURPOSE AND SCOPE

This policy provides guidance to members of the Sahuarita Police Department (SPD) on the maintenance and release of SPD Records Bureau records. This policy is specific to SPD Records controlled or managed by the SPD Records Bureau and/or the Property and Evidence Bureau, as other records are controlled or managed by other bureaus or Town departments. Protected information is covered separately in the CJIS Security Policy (Lexipol 806).

805.2 POLICY

The SPD is committed to providing public access to records in a manner that is consistent with SPD GOs and directives, Town Policy and directives, and the Arizona Public Records Law (ARS 39-121 et seq.).

805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

- A. The Chief of Police shall designate a Custodian of Records for the SPD Records Bureau and through this section of this policy appoints the Police Records Supervisor (PRS) as the Custodian of Records.
- B. The responsibilities of the Custodian of Records includes, but is not limited to (ARS 39-121.01; ARS 41-151.14):
 - 1. Managing the records management system (RMS) for the SPD, including the security, preservation, retention, archiving, release and destruction of public records.
 - 2. Maintaining records in accordance with the Arizona State Library retention guidelines and schedule
 - 3. Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
 - 4. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
 - 5. Establishing rules regarding the processing of subpoenas for the production of records.
 - 6. Ensuring processes related to the maintenance and release of records is in accordance with SPD GOs and directives, Town policy and directives, and state and federal law.
 - 7. Ensuring a current schedule of fees for public records as allowed by law is available.
 - 8. Acting as the coordinator and liaison with the Arizona State Library in the management of records.

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805.4 PROCESSING OF RECORDS

- A. Members will submit all paperwork associated with a criminal case or policing incident to the Records Bureau once the report is complete via a plastic routing envelope.
- B. Each case will be assigned to a Police Records Clerk (PRC), whether or not there is associated paperwork. PRCs are responsible for the on-going maintenance of the case record.
- C. PRCs are responsible for all associated paperwork received by the Records Bureau and are to ensure all RMS record entries related to the case are correct and that prompt routing of applicable documents occur.
 - 1. PRCs should request any possible outstanding documents/attachments from members that they believe should have been included in the case that were not received by the Records Bureau.
- D. If there is paperwork associated with a case, the paperwork will be uploaded to the RMS and verified per guidelines set by the Arizona State Library prior to being shredded/destroyed, at which time the digital copy in the RMS will serve as the original case record.
- E. PRCs are also responsible for the dissemination of records according to the type of records request, as outlined later in this policy.

805.5 PROCESSING INTERNAL RECORDS REQUESTS

Internal records requests are requests generated from members of the SPD.

- A. Records requests from SPD members shall be sent via email to the SPD Records group email.
- B. The email request should contain the case number and specific information as to which part or parts of a report is being requested (initial case narrative, supplemental reports, attachments, etc.).
- C. Completed requests will be sent to the requesting member via a secure email, unless the member requests a paper copy. If a member requests a paper copy, the request will be placed in their department mailbox.
- D. Reports requested by SPD members are not redacted and will be stamped as an internal request/dissemination, restricting secondary dissemination and duplication.
 - 1. Once a member no longer has a need for such report, the member shall ensure the report is shredded/destroyed.
- E. The PRC who processes the request will document the dissemination in the RMS, specifying who the report was released to.
- F. Members SHALL NOT print or copy individual case reports, attachments, etc. from the RMS without going through the official request process as outlined in this policy.
- G. Internal requests for media (i.e., BWC, audio, photographs) shall be requested through Property and Evidence (P&E) Bureau personnel via the P&E group email.

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1. Members shall advise of the purpose for the request and when the copy is needed by. Members shall give as much notice as possible.
 - (a) Certain evidential media may have to include redaction efforts (i.e., BWC that reveals an MDC screen depicting RMS or criminal history information).
2. The copy of the media shall be returned to the P&E Bureau once it has been utilized unless the copy is retained by the Court.
 - (a) Copies of media returned to the P&E Bureau shall be shredded or destroyed by CSS personnel. If a Court has retained the media, the SPD member shall notify a CSS member and the CSS member will document such action, as well as any return and destruction of media from a member, in the digital media storage system.
3. Copies of media provided to members shall not be copied or distributed to a third party.
4. Members shall not print or make copies of any evidence or media. Members can review media via the digital media storage system; however, members shall not download or otherwise reproduce any digital media without requesting the media through the above process.

805.6 PROCESSING RECORDS REQUESTS FROM GOVERNMENT AGENCIES

- A. Records requests from another government agency shall be made in writing, unless the request is related to a background investigation.
 1. A signed release of information for a background investigation can serve as a written records request for the individual specified on the release.
 2. Written records requests can be made via email utilizing a government email address, submitted via a SPD request form, submitted on a government agency letterhead or other SPD approved portal or system. The records request shall acknowledge that the request is not for personal use and only in relation to a criminal investigation or law enforcement agency investigation.
 3. EXCEPTION: The PRS, Crime Scene Specialist Supervisor (CSSS), Detectives, Detective Sergeants, and/or the SSD Lieutenant may share evidence with a prosecutor in conjunction with a criminal issuing or with an allied law enforcement agency during an active joint criminal investigation (i.e., PRCIT, task force investigation, etc.).
- B. Once a PRC receives a records request they shall send an acknowledgement of receipt to the requestor within five business days of receiving the request.
- C. Records requested by another government agency are not redacted and will be stamped with direction restricting secondary dissemination and duplication to any receiving governmental agency.
- D. Only case narratives and supplements will be provided, unless specific attachments or other media is requested.
- E. Requests will typically be provided via secure email, fax or in-person.

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1. If a hard copy of the record is requested/provided to a government agency, for law enforcement or investigative purposes, there is no charge for the associated documentation.
- F. The PRC processing the records request will document the dissemination in the RMS, specifying who the report was released to.

805.7 PROCESSING PUBLIC RECORDS REQUESTS

- A. Any member, who is not a PRC, QAS, or PRS, who receives a request for any record shall route the request to the Records Bureau via the SPD Records group email.
- B. Once a member of the Records Bureau receives a records request they shall send an acknowledgement of receipt to the requestor within five business days of receiving the request.
- C. Records Bureau staff typically does not release any evidentiary items. The PRS may assist in the release of a limited amount of digital evidence (BWC recordings, digital traffic collision photographs, etc.).
- D. The processing of requests for any record is subject to the following (ARS 39-121.01):
 1. The Department is not required to create records that do not exist.
 2. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - (a) A copy of the redacted release shall be maintained in the RMS case for proof of what was released. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the RMS case to document the release.
 3. An individual can request to view a record at the SPD, receive a digital copy of the record, or receive a hardcopy of the record.
 - (a) Records viewed at the SPD shall be redacted, per the redaction guidelines within this policy and prior to the record being viewed. A copy of the redacted record shall be kept as outlined in this policy.
 - (b) Individuals who request a record be sent via mail must provide a pre-paid envelope and payment for the associated record prior to the request being completed.
 - (c) Crime victims, a victim's attorney or family of a deceased or incapacitated victim(s) are entitled, upon request, to a copy of the police report at no charge for certain crimes under ARS 39-127.
 4. Records should be provided to the requester in a timely manner.
 - (a) The timeframe in which reports will be available vary based on the nature of the report, the type of request, SPD capacity and the status of the investigation.

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- (b) Typically, records requests are processed and released in the order in which they are received.
- 5. If a request is initially denied or delayed, the requester will be advised the report will be provided to them when it becomes available per SPD release guidelines (i.e., active investigation, pending presentation to the County Attorney, etc.).
 - (a) Reports will not be released when there is an on-going investigation, and the release of particular information could realistically jeopardize the investigation and/or put others in harms way. Requests for records related to on-going investigations will be reviewed by the SSD Commander or SSD Investigations Lieutenant or their designee on a case-by-case basis to determine if information pertinent to the investigation can be redacted allowing the report to be released.
- 6. Other agency records incorporated into SPD police reports (i.e., autopsy reports, school records, conditions of release, injunctions against harassment, orders of protection, booking sheets, Court Orders, etc.) will typically not be released by the SPD. The SPD will direct the individual requesting such record to the appropriate agency in order to facilitate any third-party records release.
- 7. In accordance with state law, the SPD charges an hourly rate of \$46.00 per video-hour reviewed and any needed redaction. This same cost is applied to an audio hour of review and redaction, and for an hour of photograph review and redaction. This charge is collected prior to the start of any such video, audio, or photograph review process. Cost for these services are listed below in #8.
- 8.

BWC Review/ Redaction	\$46 per hour, prorated rounding off in 10- minute increments. 10 minute = \$7.60
Audio Review/ Redaction	\$46 per hour, prorated rounding off in 10- minute increments. 10 minute = \$7.60
Photograph Review/ Redaction	\$46 per hour, prorated rounding off in 10- minute increments. 10 minute = \$7.60
- 9. In accordance with state law, victims of a crime may receive, at no cost, copies of a BWC recording, audio recording, or photographs taken as evidence by the SPD. Additionally, per state law, victims receive processing priority over all other public requests. Redaction also applies to copies of digital evidence released to victims.

805.8 REDACTION GUIDELINES

- A. The following information shall be redacted from all reports, attachments, photographs, and audio/visual records:

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1. Location of shelters (name, address, and any associated phone number(s))
2. Photographs of juveniles or juveniles in the background of media (exceptions listed in 805.13B2)
3. Personal identifying information (victim, witness, suspect, involved other, etc.)
 - (a) Social Security number
 - (b) Driver identification numbers/State identification number/RMS number
 - (c) Names of juveniles and/or confidential informants
 - (d) Addresses (residence/place of employment, etc.)
 - (e) Telephone number(s)
 - (f) Medical or disability information contained in any driver license record, motor vehicle record, or any SPD record
 - (g) Motor vehicle record information (VIN, license plate, etc.)
4. SPD member's home address and home telephone number (ARS 39-123).
5. Photograph(s) of officers when (ARS 39-123):
 - (a) Working in an undercover capacity or scheduled to be serving in an undercover capacity within 60 days.
 - (b) The release is not in the best interest of the state after taking into consideration the privacy, confidentiality, and safety of the officer.
 - (c) An order pursuant to ARS 28-454 is in effect (records maintained by the Arizona Department of Transportation).
6. Identifying information for victims and witnesses
 - (a) Name of victim/witness if they are a minor (ARS 8-413, 13-4434, 39-123.01)
 - (b) Date of birth
 - (c) Social Security number
 - (d) Driver license number/State identification number/RMS number
 - (e) Addresses (residence, place of employment, etc.)
 - (f) Telephone number
 - (g) Email address
 - (h) Social media handles/account names
 - (i) Place of employment (name of location as well as location address)
7. Financial account number(s), credit or debit card number(s), or any required security code, access code, or password that would permit access to an individual's financial account or records.

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8. QR Codes and bar codes associated with financial records, medical records or private/personal information not releasable when in written form
 9. Fingerprints or dispositions
 10. Pre-questions, answers and results of polygraphs
 11. Information related to an ongoing investigation where the release of particular information could realistically jeopardize the investigation and/or put others in harms way.
 12. When releasing sexual assault reports, or reports with a component that is sexual in nature, specific details of the allegation that are graphic in nature.
 13. Arrests or booking reports for the commercial purpose of soliciting legal services (ARS 39-121.03).
 14. Information related to Critical Infrastructure information per Critical Infrastructure Information Act of 2002 ARS 41-1803, 6 USC 133.
 15. Any other information that may be appropriately denied by Arizona or federal law.
- B. Redactions specific to BWC recordings:
1. BWC recording redactions follow the same guidelines as specified above, with the following additional requirements:
 - (a) Images which depict extreme violence, death, or serious bodily injury. Additionally, these images shall also be redacted from photographs.
 - (b) Images of information contained on an MDC such as, but not limited to criminal history, law enforcement databases, etc.
 - (c) Images of medical records or devices, etc.
 2. Any information given verbally which falls under this section (805.8) shall be muted or distorted as to not make the information audible/clear.
 3. Any information under this section (805.8) which can be viewed on the BWC recording shall be distorted or blurred, so the information is not visible/available to the viewer.
- C. Redactions specific to Arizona Crash Reports (ACRs):
1. Social Security number and DOB shall always be redacted
 2. If the ACR is related to a criminal offense and/or a criminal complaint, the victim information shall be redacted as outlined in this policy.
 3. If an ACR is requested by any of the following individuals, they shall receive an unredacted copy, notwithstanding C1 and/or C2 (ARS 28-667):
 - (a) Involved parties
 - (b) Representatives of involved parties
 - (c) Owner of involved vehicle(s)

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- (d) Representative of owner of involved vehicle
- (e) Insurance company or representative of the insurance company of an involved party or a vehicle which is investigating the collision or a fraudulent claim
- (f) Licensed attorney or licensed private investigator of an involved party

805.9 SUBPOENAS AND DISCOVERY REQUESTS

- A. While a subpoena duces tecum may ultimately be subject to compliance, it does not automatically require the release of the requested information.
- B. Any member who receives a subpoena duces tecum or discovery request for records should promptly forward the subpoena/discovery request to their supervisor and the Custodian of Records (PRS) for review and processing.
- C. All subpoena duces tecum or discovery requests should be promptly referred to the Town of Sahuarita Department of Law for review.
- D. Discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the County Attorney, Town Attorney or the court with jurisdiction over the case.

805.10 RELEASED RECORDS TO BE MARKED

- A. Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate that the record was released from the SPD and the type of request resulting in the release (internal, a government agency or a public records request).
- B. Any audio/video record released pursuant to this policy should include a stamp or other indication that the audio/visual record was released by the SPD and the type of request resulting in the release (internal, government agency or public records request).

805.11 SECURITY BREACHES

- A. Members who become aware that any SPD RMS system or town data system containing personal information may have been breached shall notify the Chief of Police via the chain of command as soon as practicable.
- B. The PRS shall ensure notice is given to any person whose unsecured personal information is reasonably believed to have been acquired by an unauthorized person and notice to any other required entity if the breach involves more than 1000 individuals (ARS 18-552).
- C. Notice shall be given within 45 days subject to the needs of a law enforcement investigation. Notice may be delayed if notification will impede a criminal investigation, but shall be made within 45 days once there is a determination that the investigation will not be compromised (ARS 18-552).

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- D. For the purposes of the notice requirement, personal information means (ARS 18-551):
1. An individual's first name or first initial and last name in combination with any one or more of the following:
 - (a) Social Security number
 - (b) Arizona driver license number or State identification card (number)
 - (c) A private key that is unique to an individual and that is used to authenticate or sign an electronic record
 - (d) Financial account number, credit or debit card number, or any required security code, access code, or password that would permit access to an individual's financial account
 - (e) Individual's health insurance identification number
 - (f) Information about an individual's medical or mental health treatment or diagnosis by a health care professional
 - (g) Individual's passport number
 - (h) Individual's taxpayer identification number or an identity protection personal identification number
 - (i) Unique biometric data generated from a measurement or analysis of human body characteristics to authenticate an individual when the individual accesses an online account
 2. An individual's username or email address in combination with a password or security question and answer, that allows access to an online account.
- E. If the breach reasonably appears to have been made to protected information covered in the CJIS Security Policy, the PRS should promptly notify the appropriate member designated to oversee the security of protected information (see the CJIS Security Policy).

805.12 COURT ORDERED EXPUNGEMENTS, SEALED RECORDS, AND RELATED COURT ORDERS

- A. Court ordered expungement and sealed records orders (for juveniles and adults) shall be completed and processed within two full business days.
- B. "Do not disseminate" shall be documented in the comments field of the individual's name number, as well as in the comments field of the law screen for the specific case(s).
- C. The order for expungement or other court order shall be added to the person's name file in the RMS. The order shall also be added as an attachment to the associated case(s) in the RMS.
- D. Expunged records will remain visible in the RMS; however, these reports shall not be released, except with a court order, unless the requestor is the petitioner or the petitioner's attorney.

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- E. Sealed records will remain visible in the RMS and releasable pursuant to ARS 13-911.
- F. If a court of competent jurisdiction makes a recommendation to destroy arrest and/or referral records (police reports and associated attachments) associated with a juvenile and/or adult enforcement action, no such destruction shall take place. It is the policy of the SPD to retain all arrest and/or referral records associated with all juvenile and/or adult enforcement actions.

805.13 JUVENILE RECORDS

- A. Members shall separate attachments involving juveniles and adults when submitting paperwork to the Records Bureau. All juvenile paperwork shall be placed in red plastic envelopes.
- B. PRCs will ensure juvenile and adult records are maintained separately until they are uploaded to the RMS.
- C. Access to juvenile records shall only take place on a need-to-know basis.
- D. Identifying information about juveniles shall not be released to the media or general public, with the following exceptions:
 - 1. Juvenile arrests, at the direction of the Chief of Police or designee
 - 2. Juvenile murder victims, or
 - 3. Juvenile missing person cases
- E. Access to juvenile records will be made available to all members for the purpose of criminal investigations or background information.
- F. Any disposition or electronic department record associated with a juvenile will remain in the RMS; however, records directed by the court to be made non-public or expunged shall be completed and processed within two full business days (ARS 8-208G).

805.14 POLICY ISSUANCE OR REVIEW

10/01/2024 - Reviewed by Chief John Noland, SP#002

06/12/2025 - Reviewed by Chief John Noland, SP#002