

	<b>MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES</b>	
	<b>Subject</b> <b>CRIMINAL HISTORY RECORD INFORMATION AND PUBLIC RECORDS</b>	<b>Policy Number</b> <b>GF-3</b> <b>Effective Date</b> <b>10-31-23</b>
<b>Related Information</b> ARS 41-1750 Code of Federal Regulations, Title 28, Chapter 1, Part 20 GD-12, <i>Collecting, Safeguarding, and Disbursing Cash</i> GJ-14, <i>Victims' Bill of Rights</i> GJ-15, <i>Warrant Confirmation and Self-Surrender Requests Made by Members of the Public</i>	<b>Supersedes</b>  GF-3 (03-17-22)	

## PURPOSE

The purpose of this Office Policy is to define the guidelines and procedures for the release of Criminal History Record Information (CHRI), and other public records maintained by the Office.

## POLICY

It is the policy of the Office to establish guidelines to ensure uniformity and compliance with federal regulations and the Arizona Revised Statutes (ARS) regarding the release of CHRI, case report information, and other public records maintained by the Office.

## DEFINITIONS

**Commercial Purpose:** The use of a public record for the purpose of sale or release, or for the purpose of producing a document containing all or part of the copy, printout, or photograph for sale, or the obtaining of names and addresses from such public records for the purpose of solicitation, or the sale of such names and addresses to another for the purpose of solicitation, or for any purpose in which the purchaser can reasonably anticipate the receipt of monetary gain from the direct or indirect use of such public record.

**Criminal History Record Information (CHRI):** Criminal history record information means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual's involvement with the criminal justice system.

**Criminal Justice Agency:** Courts and a governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspector General Officers are included.

**Criminal Justice Purpose:** Criminal justice investigations, criminal justice employment, and criminal justice records keeping.

**Dissemination Log:** Dissemination of criminal history information that is given verbally, electronically or physically to another criminal justice agency outside of the Office is considered secondary dissemination. A log automated or physical shall be maintained for a one-year period by the Office and will be checked at the agency's audit.

**Identifying Information:** Information that includes a date of birth, social security number, or official state or government issued driver license or identification number.

**Locating Information:** Information that includes an address, telephone number, e-mail address, or place of employment.

**Non-Criminal Justice Agency:** Individuals or entities not identified with a criminal justice agency.

**Public Records:** Records maintained by public agencies, which are reasonably necessary to provide information regarding activities undertaken in furtherance of their statutory duties. Public agencies are required by law to keep public records in such a manner that is subject to public inspection. Limitations to open disclosure are based on the balance between the public's right to openness in government, and considerations of confidentiality of information, privacy of persons, or concern about disclosure detrimental to the best interests of the county or state.

**Sheriff's Inmate Electronic Data (SHIELD):** An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes, but is not limited to: charges; holds; court dispositions; bond and fine amounts; booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; inmate appointments; and the day-to-day operations of jail facility housing unit Shift Logs.

**Subject-in-Custody Information:** The record of someone who is currently in Office custody. The Office shall, upon request, disclose whether a person is in custody, and if so, the charges, bond and/or fine information, time and city or town of arrest, and arresting agency. Inmate information is available from Sheriff's Information Management Services (SIMS) which shall provide information while the subject is in custody, and up to ten hours after release.

**Subject-in-Process Information:** The record concerning the offense for which a person is currently being processed by the Criminal Justice System. A person is "in-process" from the time they are first arrested, charged, or indicted, until the time their case is adjudicated, and they are released from custody, parole, probation, or other supervision of the court. Members of the Office may answer specific inquiries regarding whether a person was arrested, charged, confined, or sentenced, as long as the person is still considered to be "in-process."

## PROCEDURES

1. **Responsibilities of the Records and Automated Fingerprint Identification System (AFIS) Division:**
  - A. Receiving and Maintaining Criminal History Records Information (CHRI): The Criminal Records Section of the Records and AFIS Division shall be responsible for receiving and maintaining CHRI created as a result of fingerprinting pursuant to a summons or an arrest and subsequent incarceration within an Office jail facility. CHRI may include, but is not limited to, the following:
    1. Arrest Records data;
      - a. All information in a Criminal History Jacket;
      - b. Fingerprint cards which will be maintained and disseminated according to statute; and
      - c. The computer entry of arrests in local, state, or national databases.
    2. Conviction data;
    3. Non-conviction data; and

4. Federal and interstate data.
    - a. A Federal Bureau of Investigation (FBI) Criminal Record Sheet;
    - b. A Computerized Criminal History (CCH) Record; and
    - c. CHRI from another state.
  5. No Juvenile Records are maintained unless the individual is remanded to adult court.
- B. Dissemination of CHRI: Dissemination of CHRI is governed by federal guidelines set forth in the Code of Federal Regulations (CFR), Title 28, Chapter 1, Part 20; Arizona Revised Statutes (ARS) 41-1750; and the Department of Public Safety (DPS), Arizona Criminal Justice Information System (ACJIS) Division signed User Agreement. Any agency or individual that knowingly violates the State Statute or Federal Regulations is subject to a fine not to exceed \$10,000. Secondary dissemination to outside criminal justice agencies must be logged on the Office's secondary dissemination logs which shall be maintained for a period of not less than one year.
1. The Office does not release non-conviction or conviction information to non-criminal justice users, except for subject-in-custody or subject-in-process information, or when necessary for proper administration of the Office, upon review of the request by the Records and AFIS Division or designee.
  2. Oral release of information, as well as written release, is considered dissemination. Oral information that is released shall be factual and pertinent. All dissemination of CHRI must be logged on the Office's secondary dissemination logs. Dissemination includes the act of confirming the existence or nonexistence of criminal justice information. Information released must fall within the parameters of the receiving employee's need to know and authorization to receive the information based on the employee's job responsibilities and current assignment. Questions regarding dissemination shall be directed to a supervisor for proper action to be taken.
  3. All dissemination of CHRI shall occur through the Records and AFIS Division and must be logged as secondary dissemination. Information recorded shall include, but is not limited to, the following:
    - a. Requestor's name, agency, and telephone number or address;
    - b. Date of request;
    - c. Type of record and record number; and
    - d. Name and serial number of the employee releasing the information.
  4. The release of information to the victims of crime, as either mandated by statute, or requested by the victim, shall be done, as specified in Office Policy GJ-14, *Victims' Bill of Rights*.
  5. Any CHRI may be disseminated to a criminal justice agency, for a criminal justice purpose and must be logged on the Office's secondary dissemination logs. Requests for CHRI may be made in person, by fax, by teletype, through the mail, e-mail, or by telephone. Telephone requests require a callback to a designated criminal justice telephone number, prior to giving out information.

6. CHRI shall be furnished to Office personnel for legitimate law enforcement purposes only.
7. When Office personnel receive CHRI from the ACJIS Division of DPS, the FBI, and other states, the names of those who receive the information are indexed in automated files and subject to audit by DPS and the FBI. The state and federal governments periodically check with user agency personnel to make sure that CHRI is being used for lawful purposes. The access and use of CHRI for personal reasons, or as a matter of curiosity, including the inquiry of an employee's own name, is strictly prohibited.
8. CHRI from the ACJIS Division of DPS received through the Justice Web Interface (JWI) or hard-copy format, and not required for immediate and pre-authorized use, such as vehicle registration checks, driver's license checks, or shift rosters, shall be reviewed, at least once daily, by the district commander or designee.
  - a. Information pertinent to patrol operations shall be placed on the supervisor's briefing board;
  - b. Information pertinent to investigations shall be forwarded to the district detective supervisor; and
  - c. All remaining printouts, and patrol or investigations' messages to be purged, shall be destroyed by, or at the direction of, the district commander. The disposal method shall be by shredding only.
9. The Records Section shall ensure the completeness and accuracy of CHRI contained in its files.
  - a. The completeness of CHRI shall include disposition of charges immediately accessible through the Sheriff's Inmate Electronic Data (SHIELD) automated case files, or the Arizona Computerized Criminal History (ACCH) files; and
  - b. A fingerprint-based record shall be used to ensure the accuracy of CHRI.
10. The Records Section shall maintain an Audit File that records all CHRI and public record transactions, such as a description of information released, and the date, name, and agency of the person to whom it is released. The Audit File shall be maintained for one year from the date of release.
11. The Office shall be responsible for security requirements, as required by CHRI files.
  - a. The doors that lead into the Records Section shall remain closed and locked. Only criminal justice employees having business to conduct shall be admitted to the Records Section without supervision. All other persons shall be escorted while in the area;
  - b. CHRI shall be maintained by employees in a manner to ensure the security of information and to prohibit unauthorized access; and
  - c. The disposal of CHRI shall be by shredding only. Each division or unit with employees that obtain, receive, or have copies of, CHRI shall make provisions for its disposal separate from any other disposal methods within their area.

12. When requesting CHRI from other agencies, employees shall follow the instructions given to them by that agency. The agency may require a written request using, but not limited to, fax, e-mail, letter, or teletype.
- C. Requests for Review: Requests for review or copies of records not specified in this Office Policy shall be forwarded to the Records and AFIS Division Commander or designee, for disposition.
  - D. Requests from Individuals for CHRI: An individual may have access to their own CHRI for the purposes of review or challenge of the records.
    1. The Records Section shall make provisions for an individual to view their CHRI during business hours, after being shown documentation sufficient to confirm their identity.
    2. A fee may be charged if the request includes processing documents.
    3. A challenge of a CHRI record shall be forwarded to a Records Section Supervisor for determination of the accuracy of the record. The individual shall be notified of the results and shall have the right to appeal the decision to the Records and AFIS Division Commander.
    4. Only the individual and their attorney, if present, may view the record.
  - E. Warrant Confirmation: Warrant confirmation requests by a member of the public shall be handled at the point of contact, such as districts, Office jail facilities, and all public counters operated by the Office. The member of the public shall not be referred to another location, as specified in Office Policy GJ-15, *Warrant Confirmation and Self-Surrender Requests Made by Members of the Public*.
  - F. Linked/Unlinked Files: The automated SHIELD information, on each booking, residing in the Unlinked File, shall be transferred to the Linked File, once the inmate is positively identified through fingerprints. The Linked File records shall include the Law Enforcement Justice Information System (LEJIS) number assigned to the inmate, as well as their FBI number, State Identification (SID) number, alias names, scars, marks, or tattoos, and other physical characteristics. Unlinked SHIELD booking records shall be maintained for a period of two years following release. After two years, personal information is maintained in the SHIELD, but the record detail is transferred to inactive. The Jail Management System (JMS) Query Tool is utilized to access all archived booking detail information. All archived booking records are in SHIELD, but only provide a limited amount of the booking detail information. Full archived booking detail information is found using the JMS Query Tool.
  - G. Released Incident Reports (IR): When an IR is released; the request for the IR shall be maintained with the original report. If a redacted copy of an IR is released by the Records Section, a copy of the redacted version of the report shall be maintained with a copy of the original unredacted report, along with the request for the IR.
  - H. Releasing and Redacting Information: Information determined to be personal identifying information or locating information shall be redacted. Specific information may be redacted, and the remainder of the report released. Reports released from the Records Section shall be reviewed and, if necessary, redacted. Limitations to open disclosure are based on considerations relating to protection of confidential information, privacy of persons, or concern about disclosure detrimental to the best interests of the county or state.
  - I. Fees for Official Documents: Employees who are assigned to the Records Section, or designated by a division commander, shall be authorized to collect and handle monies for official record services rendered. A fee for document copies and fingerprint services may be charged. A fee schedule for

reproduction of reports shall be posted within the Records Section. Incoming monies and receipts shall be collected, as specified in Office Policy GD-12, *Collecting, Safeguarding, and Disbursing Cash*.

2. **Responsibilities of the Legal Liaison Section (LLS):**

- A. **Requesting Public Record Information:** All records required to be made, maintained, and preserved in accordance with applicable laws are available for inspection and release. Public records requests should be completed in writing to document the request for a copy or the inspection of a report or record. The request shall contain, but not be limited to, the following information:
  - 1. The requestor's name, mailing address, and telephone number;
  - 2. A description of the records being requested;
  - 3. Adequate details to locate the requested records; and
  - 4. Whether the purpose of the records will be used for commercial or non-commercial purposes.
  
- B. **Releasing and Redacting Information:** Information determined to be personal identifying information or locating information shall be redacted. Specific information may be redacted, and the remainder of the record released. Records released from the LLS shall be reviewed and, if necessary, redacted. Limitations to open disclosure are based on considerations relating to protection of confidential information, privacy of persons; or concern about disclosure detrimental to the best interests of the county or state.
  - 1. Information to be reviewed by a case agent prior to release includes any information concerning a case that is pending criminal investigation.
  - 2. The following are types of information that may be redacted prior to release to a non-criminal justice agency:
    - a. Information that may jeopardize the life or physical safety of a victim or witness; jeopardize the availability, credibility, or security of a witness; or result in intimidation, harassment, or abuse of a victim;
    - b. The name, identifying information, and locating information of a juvenile, with the exception of a juvenile suspect's name referenced in IRs. If the criminal offense is alleged against the juvenile's parent, the parent may not provide consent to release the information;
    - c. Identifying and locating information of confidential sources or informants;
    - d. Information contained in IRs involving cases under active investigation, or pending further investigation, when disclosure of such information would have a specific material harm to the outcome of the case, interfere with enforcement proceedings, or undermine the integrity of an investigation;
    - e. Information in IRs that may reveal investigative techniques and operating procedures when disclosure would prove to be harmful to future investigations;

- f. Information or exhibits of a confidential nature received from another agency, along with any reference to the contents in an Office record. This type of information may include, but is not limited to: hospital and medical information, birth and death certificates, Department of Economic Security (DES) and the Department of Child Safety (DCS) child and protective reports, CHRI, and medical examiners' reports;
  - g. Information which has been declared confidential by law or by the court, such as social security numbers, CHRI, date of birth, certain bank and tax records, medical records, and the home addresses of law enforcement personnel; and
  - h. Information which is maintained within an inmate's Custody or Commitment File, such as an arrest/booking record.
- C. Records that are Denied: If a record is denied in its entirety, or information is redacted from a record, the requestor shall be furnished with an explanation which specifies why the information was withheld. If the requesting party disputes the reasons for deletion or denial, the matter shall be referred to the LLS Section Commander or designee. If the matter is not successfully resolved, the dispute shall be reviewed by MCAO-Civil.
- D. Released Records: When records are released, the request for the record shall be maintained with the original record. If an edited copy of a record is released by the LLS, a copy of the redacted version shall be maintained with a copy of the original unredacted record, along with the request for the record.
- E. Release of Body-Worn Camera Video: Body-Worn Camera footage shall be redacted, as specified in this Office Policy and the Body-Worn Camera Operations Manual. The approved redacted copy shall be re-uploaded into the case file within Evidence.com so that the redacted version and the unredacted version are maintained.
- F. The LLS shall retain documentation of requested information for all public record transactions, such as a description of information released, and the date, name, and agency of the person to whom it is released. The public record transactions shall be maintained for three years from the LLS closure of the request.
- G. Fees for Official Documents: Employees, who are assigned to the LLS or designated by a division commander, shall be authorized to collect and handle monies for official record services rendered. A fee for document copies may be charged. A fee schedule for reproduction of reports shall be posted within the main lobby at the Sheriff's Headquarters Building. Incoming monies and receipts shall be collected, as specified in Office Policy GD-12, *Collecting, Safeguarding, and Disbursing Cash*.