MESA POLICE

Department Policy Manual

Public Records Request Protocols

DPM 3.3.70

Effective Date 7/1/15

Approved by:

Chief of Police

Communications, Reports & Case
Management

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1. PURPOSE

This order provides Mesa Police Department (MPD) personnel with the guidelines for requesting, redacting, and releasing Department reports/records.

2. DEFINITIONS

General Guidelines

Public Record:

As outlined in Arizona Revised Statutes (ARS), 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:

- Departmental Reports (DRs).
- Video Tapes/DVDs.
- · Audio Tapes.
- · Photographs.

Departmental Report (DR):

A report written by law enforcement personnel regarding a particular incident including an accident.

Redact/Edit:

Make a document ready for release by removing (revising) information for the following purposes:

- On-going criminal investigation.
- Privacy right of individuals named in DR.
- Confidentiality rights of individuals named in DR.
- Investigative techniques or other matters, the release of which will be detrimental to the best interest of the state.

Open Reports:

Reports which are still under investigation.

Closed Reports:

Reports indicating:

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

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Identifying Information:

 Includes individual's dates of birth, social security number and official state or government issued driver's license or identification number and phone number.

Locating Information:

 Includes the victim's address, telephone number, e-mail address and place of employment.

Incidents Reports:

• Includes all criminal and non-criminal reports completed on in the RMS Incident module or on an Incident form, **DPM 3.3.35F1.**

Accident/Crash Reports:

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

3. REQUEST FOR COPIES OF REPORTS

Authority

As outlined in ARS, Title 39:

"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 web site to the requesting person."

General Guidelines

- Copies of reports on file with the Mesa Police Department (MPD) may be obtained by submitting a public record request.
 - Public record requests should be in writing.
 - If the requestor refuses or is unable to place the request in writing, Records Section personnel will complete a request so it can be documented with the report.
- All public record requests for DRs, 9-1-1 calls, and dispatch transmissions (excluding media requests) are received and processed in the Records Section.
- Do not deny or refuse a public record request unless authorized by the MPD Legal Unit.
 - If any Department member returns a public records request to the Records Section indicating the request was denied or refused, it will be forwarded to the Records Section Supervisor.

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- The Records Section 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.
- Where questions exist as to possible related litigation against the Department and/or City of Mesa, Records Section personnel will send a copy of the request to the Records Section Supervisor for processing. The Records Section Supervisor will provide the MPD Legal Unit with a copy of the request.
 - Do not include any computer attachments such as PIMS, RMS, MVD, other ACJIS printouts, or reports from other agencies.
- All other public record requests for other Department records are to be forwarded to the Records Section Supervisor for processing.
 - The Records Section Supervisor will contact the appropriate Department personnel to obtain all requested records.

4. EDITING REQUESTED REPORTS

Incident Reports

The Records Section and other Department personnel will use the following guidelines for editing incident report requests:

- Edit identifying information on all incident reports for all parties listed on the report.
 - o Per ARS 13-4434, edit all of the victims' locating information.
- 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 for authorization.
- If a report is redacted, a copy of what was redacted along with a copy of the public record request is kept in the Records Section for a period of three months.
 - This is important in case the redacting is challenged or when multiple requests are submitted for the same report within a three month period.

Accident/Crash Reports

The Records Section and other Department personnel will use the following guidelines for editing accident/crash report requests:

For non-criminal accident reports requested by a person who is involved in the
accident, the owner of a vehicle involved in the accident, or a representative of
the person/owner, edit all social security numbers, including the driver's license if
it is a social security number.

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- For hit and run accidents requested by a person who is involved in the accident or a legal representative of the person/owner, edit the victim's locating information and identifying information, and all social security numbers, including the driver's license if it is a social security number.
- If the request is by an insurance company, or representative of an insurance company, edit social security number only.

5. RELEASE OF CLOSED / OPEN REPORTS

Sensitive Reports

- If a request is received for a sensitive report, and it is a closed or open report, route to the appropriate lieutenant.
- The following reports have been deemed sensitive per MPD procedures:
 - o Homicides.
 - o Death Investigation.
 - Sexual Assault.
 - o Child Molestation.
 - Child Abuse.
 - o Information report on any of the above.

Narcotics Titled Reports

- If the report is open, forward the report request for authorization.
- If the report was cleared by arrest and the case is recent (in the previous two-year period) forward the report request for authorization.

Closed Reports

- The Records Section may release a request for a DR that is closed; unless it is a sensitive report.
 - The report will be edited (revised) to ensure the privacy rights of victims and witnesses.
 - Records Section Supervisors review and approve any such processed requests.

Open Reports

A request for a property crime record with a case status of "Investigation Continued" that has been referred for follow-up, may be edited and released by the Records Section:

- If there is no suspect listed, or the suspect is not identifiable.
- If the only information for the suspect is a partial name with no date of birth.

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Records Section members will follow the editing guidelines above, and will edit
the partial name or description of the suspect on the face sheet and in the
narrative.

Records Section Personnel:

Prior to forwarding a records approval request to any other Department member, the Records Section will edit (revise) the record for the following purposes:

- Privacy right of individuals named in DR.
- Confidentiality rights of individuals named in DR.

Other Department Members:

Department member(s) receiving a records approval request from the Records Section may further edit (revise) the record for the following purposes:

- · On-going criminal investigation.
- Investigative techniques or other matters, where the release of which will be detrimental to the best interest of the state.

6. DISTRIBUTION OF AUTHORIZATION REQUESTS

General Guidelines

Department Report (DR) requests are distributed to the affected divisions for authorization release.

Criminal Investigations Division (CID)

Appropriate CID Lieutenant:

- Homicides/death investigations.
- Officer involved shootings.
- Fraud.
- Forgeries.
- Bad checks.
- Pawn violations.

MFAC

Mesa Family Advocacy Center (MFAC) Lieutenant:

- Domestic violence.
- Sex crimes.
- Custodial interference.
- · Interfering with judicial proceedings.
- Missing persons.

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Patrol Division CIU

Appropriate CIU Patrol Division Clerk:

- Robberies.
- Assaults.
- · Shootings.
- · Arson involving injury.
- Burglaries.
- · Thefts.
- Criminal damage.
- Trespass.
- Auto theft.
- Narcotics.

DUI/Accident Reports

Vehicular Crimes Unit Sergeant:

- Fatality collisions.
- Hit and run; forward public records requests for open hit and run collisions that contain suspect information.
- Release after editing:
 - Hit and run accidents cleared by arrest.
 - o Driving under the influence reports cleared by arrest.

7. CONTROLLED ACCESS IN DMS

Reports in DMS that have "Controlled Access"

Public records requests for reports that have controlled access for investigative purposes will be forwarded to the Records Section Supervisor.

• The Records Section Supervisor will notify the investigative area of the request.

References:

DPM 3.3.35F1, Incident Report Form