

4.04

CRAIG POLICE DEPARTMENT Office of Chief of Police General Order

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Subject: Records - General Requirements

Reference: CACP 210.4

TO: ALL OFFICERS

Note: Complete Index on Page 33

I. POLICY

Sections of these guidelines that do not include a statutory or case law citation are based on historical administrative practice designed to protect police department records and to prevent unnecessary interference with the regular discharge of the duties of the Records Manager and Technician(s) and the Records Unit pursuant to C.R.S. 24-72-203 and 24-72-303(1).

Fees charged by the Craig Police Department for search, retrieval and copies of records maintained by the department shall be those established by the Craig City Council.

II. PROCEDURES

Any inspection permitted by this order shall be subject to the following regulations.

A. **Requests for Inspection or Copying**

1. Records of Official Actions Required - Open to Inspection. Such records of official actions shall be maintained by the particular criminal justice agency that took the action and shall be open for inspection by any person at reasonable times. The official custodian of any records of official actions may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office. C.R.S. 24-72-303(1)

- a. If the requested record of official action of a criminal justice agency is not in the custody or control of the person to whom application is made, such person shall forthwith notify the applicant of this fact in writing, if requested by the applicant. In such notification, he/she shall state, in detail to the best of their knowledge and belief, the agency which has custody or control of the record in question.

2. Written Requests. Written requests are required so that a record exists of the request. Written requests shall be made on the approved records search request form. See Form A, page 30. Telephone requests from other than

Craig Police Officers will not be accepted. Other law enforcement agencies requesting a record will do so on their letterhead stationery, the approved records request form or by CCIC switched message. C.R.S. 24-72-303(1).

3. Record of All Requests. In all other cases, a copy of the Records Release Form will be filed with the case/accident report. C.R.S. 24-72-303(1).
4. Identification of Requesting Person. An attorney shall provide written evidence of his/her attorney-client relationship with the person making the request, unless the attorney has the right to receive the records as a member of the general public. Any lay representative of a person in interest shall provide a court order or notarized proof of his/her authority to act in such a representative capacity. C.R.S. 24-72-303(1).
5. Identification of Information Sought. Any request for records must be made with sufficient particularity that the correct file may be identified. A name, social security number, date of birth, or date/location of the incident may be necessary for the custodian to identify the correct records. Under no circumstances may the requesting person review various files in order to find the records he/she is requesting. When the custodian has found the particular file requested, the file will be examined to determine if the information sought is contained therein. If so, it should be separated from the other information in the file before it is released. C.R.S. 24-72-303(1).
6. Advisement. Criminal justice agencies may assess reasonable fees, not to exceed actual costs, including but not limited to personnel and equipment, for the search, retrieval and copying of criminal justice records and may waive fees at their discretion. Where the criminal justice agency is a department of a municipality, the governing body of the municipality shall establish the amount of such fees. The custodian shall inform the applicant of the fees to be charged for search, retrieval and copying of records. This is accomplished on the request form. A complete listing of fees is available. See Form B, page 31. C.R.S. 24-72-306.
7. Requests. All requests will be made by mailing the records request, or by requesting in person a copy of the record(s) from personnel in the Records Division and filling out a Records Release Form. See Form A, page 30. Mail in requests not on the department provided form must contain sufficient information as described above in order to identify the requested record. All requested records will be returned to the requester by U.S. mail or by giving the request directly to the person authorized to receive it. Requests will be provided on a first-come, first-serve basis.
8. Supervision. In the rare incident when it becomes necessary for the records custodian to require the presence of the requester in order to properly determine the identity of a record, the custodian or his designee shall supervise the record at all times and will not allow unsupervised access. This is essential to ensure the accuracy of the records and to establish the custodian's accountability for the records. No records shall be removed from

the Records office without the direct supervision of the custodian. C.R.S. section 24-72-306.

9. Unavailability. If the requested records are not available in the custody and control of the criminal justice agency to which the request is directed, the custodian shall notify the requesting person, in writing if so requested. See Form C, page 32. The notice shall state in detail the reason for the absence of the records, their location and what person has custody of the records. If the "official action" that generated the record is still under investigation, or release of the record could prejudice the outcome of the "official action", the requester will be referred to the appropriate prosecuting attorney (city/district) for a determination on release of the record. C.R.S. 24-72-304(2).

If the requested records are not in the custody and control of the criminal justice agency to which the request is directed but are in the custody and control of a central repository for criminal justice records pursuant to law, the criminal justice agency to which the request is directed shall forward the request to the central repository. If such a request is to be forwarded to the central repository, the criminal justice agency receiving the request shall do so immediately and shall so advise the applicant immediately, in writing if requested. The central repository shall immediately reply directly to the applicant. C.R.S. 24-72-304(3)

10. Records in Use or Storage. If the requested records are in active use or in storage and therefore not available at the time an applicant asks to inspect them, the custodian shall notify the requesting person, in writing if so requested. See Form C, page 32. If requested, the custodian shall set a date and hour within three working days at which time the records will be available for inspection. C.R.S. 24-72-303(3).
11. Copies. If copies, printouts or photographs are requested, they shall be provided for a reasonable fee established by the City Council. See the Schedule of Fees - Form B, page 31. Actual costs may include the costs of personnel, equipment and the search, retrieval, and copying of records. Fees may be waived at the discretion of the custodian. If data is requested in a form not normally generated by the department, the fee shall be based on the actual costs of manipulating said data and generating the requested record. Persons making subsequent requests for the same or similar records may be charged the same fee as the person originally requesting the records. If the requested record is the result of computer output other than word processing, the fee for a copy, printout, or photograph may be based on the actual incremental costs of providing the electronic services and products together with a reasonable portion of the department's overhead in maintaining the data processing system. C.R.S. 24-72-306.
12. Pecuniary Gain. No person shall use any Records of official actions and criminal justice records, and the names, addresses, telephone numbers, and other information in such records for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to

records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain. See Form A, page 30.

13. Denial of Inspection. If inspection of any requested record is denied, the custodian shall so notify the applicant and provide a written explanation within 72 hours, if so requested. C.R.S. section 24-72-305. See Form C, page 32. The explanation shall cite the law or regulation under which access is denied or the general nature of the public interest to be protected by the denial. An arbitrary or capricious denial of a record may result in the custodian being responsible for payment of the claimant's costs and attorney's fees in an amount to be determined by the Court upon a finding that the denial of inspection of a record of an official action was arbitrary or capricious, the court may also order the custodian personally to pay the applicant a penalty in an amount not to exceed \$25.00 for each day that access was improperly denied. The custodian can also be charged with a misdemeanor for either disclosing or refusing to disclose information willfully and knowingly under the statute. C.R.S. 24-72-305(7).

14. Limited Access. In the case of records to which access is limited pursuant to a court order or pursuant to statute existing prior to April 20, 1988 (see XII below, the custodian shall immediately cause to be entered the statement "COURT ORDERED LIMITED ACCESS" in the Criminal History portion of the Criminal Justice Information System (CRIS) entry for that offense. All records personnel will be aware that records so annotated are restricted to release to law enforcement personnel only. If the only entry on the record is the "COURT ORDERED LIMITED ACCESS" entry, the record shall be removed from the system and stored with those records that have restricted access.

B. Media

The First Amendment does not guarantee the press a constitutional right of special access to information not available to the public generally. This is true where the information sought is personal in nature and is to be published primarily for commercial purposes. C.R.S. 24-72-203. If inspection of certain records is permitted to one member of the media, it shall be allowed to all such media. C.R.S. 24-72-204. The media shall have no greater right of access to records than does the general public. Eugene Cervi & Co. v. Russell, 519 P.2d 1189 (Colo. 1974).

C. Sealed or Expunged Records

If a request is made to inspect records sealed or expunged pursuant to court order, the custodian shall respond, "No such records exist with respect to such person". Sealed or expunged records may be inspected only pursuant to a district court order permitting such inspection. C.R.S. section 24-72-308.

1. The limitations do not apply to requests for criminal records made by another criminal justice agency for records sealed/expunged after July 1, 1996. C.R.S. 24-72-308(h)

2. Under the definition of Criminal Justice Agency C.R.S. 24-72-302(3), probation can make an inquiry regarding a sealed record. Probation can then forward that information to the courts for use in sentencing to show prior similar behavior.

3. Expunged records remain available to any judge and the probation department for use in any future juvenile or adult sentencing hearing regarding the person whose record was expunged.

D. Other Agencies

If the police department has within its custody originals or copies of records of other agencies, such records shall not be released. The person requesting such records shall either obtain the records from the originating agency or obtain that agency's written consent to the police department's release of the records.

E. Compilations of Non-Exempt Information

There is no implied duty under Colorado law to separate exempt from non-exempt data in a particular record. Sargent School District No. RE-33J v. Western Services Inc., 751 P.2d 56 (Colo. 1988). However, in order to provide as much information to the public as is reasonably possible, consistent with law enforcement objectives, a reasonable attempt will be made by the police department to separate and delete exempt information, in the discretion of the custodian, and provide important records to the public. Whether special efforts should be made to compile non-exempt data depends upon the availability of personnel and other resources within the police department to perform such efforts.

F. Parties to Civil Litigation and Prosecutions

If records are subpoenaed or requested by parties to civil litigation or a prosecution, the release of such records shall be subject to all guidelines contained in this General Order unless a court orders the custodian to release records that would not otherwise be disclosable under the Public Records Act or the Criminal Justice Records Act. Said litigants can make Open Records Act requests of documents, records or information even if directly or indirectly connected with the litigation without having to resort to the rules of civil discovery procedure. People ex rel. A.T.T., 759 P.2d 853 (Colo. App. 1988). If records have been released to the prosecutor, the defendant shall request discovery from the prosecutor pursuant to Rule 16 of the Colorado Rules of Criminal Procedure or Rule 216 of the Colorado Rules of Municipal Court Procedure. If records have not been released to the prosecutor, then the custodian shall consider any request by the defendant under the guidelines set forth herein.

G. Correction of Inaccurate Records C.R.S. 24-72-307

A person in interest may challenge the accuracy and completeness of records concerning him. A written request shall be made by the person in interest to the custodian to make changes to the records. See Form D, page 33. The custodian should reply in writing to the person in interest within 30 days of whether the request is granted or denied in whole or in part. See Form E, page 34. The custodian shall make a reasonable effort to investigate the basis for the request. If the custodian is satisfied that the requested changes would not increase the accuracy and completeness of the records, then he shall have no obligation to make the changes unless so ordered by a court. C.R.S. section 24-72-307.

H. **Retention of Records**

Records shall be retained in compliance with the directives set forth by the state archivist and legislature. C.R.S. 24-80-101 et seq.

I. **Dispatch Tapes**

Care should be taken not to release dispatch tapes if they contain confidential information as outlined in this manual.

J. **Detective and Investigator Classifications**

Private detective agencies, law firms, and other Public Defender's Office may employ detectives or investigators to assist in gathering information for their clients. These detectives or investigators do not have law enforcement authority and are not to be confused with those from criminal justice agencies. They may only receive the information that any member of the general public may receive.

K. **Security Clearance Information Act**

Opens criminal history record information to the CIA, Office of Personnel Management, Department of Defense, and FBI for background checks for security clearances and placement of people in national security duties. Military recruiters **are not** entitled to criminal history information under this act. Adopted by Congress in December 1985.

1. The federal agency must have written consent from the record subject.
2. Data can be used only for national security purposes.

L. **Traffic Offenses - Adults**

1. Felony Traffic - Public Information
 - a. Vehicular Homicide C.R.S. 18-3-106
 - b. Vehicular Assault C.R.S. 18-3-205
 - c. Felony Vehicular Eluding C.R.S. 18-9-116.5

- d. Habitual Traffic Offender C.R.S. 42-2-106
- 2. Misdemeanor Traffic/Traffic Accident Reports/Traffic Tickets - Public Information.
 - 3. Juvenile misdemeanor traffic records are public but juvenile felony traffic records are protected (not public record) unless offense falls within another exception (Class 1, 2, 3, or 4 felony.)
 - a. DUI cases releasable
- M. Restraining Order Violations - Victims and Witnesses C.R.S. 18-6-803.5(3)(e)
 - 1. The agency must give (free of charge) a copy of the report, witness list, and charging list to the protected party.
 - 2. At the request of a victim or a witness, the agency must delete the address and phone number of that witness from the list sent to the court, and the address and phone number shall not thereafter be made available to any person, except law enforcement officials and the prosecutor, without order of the court.

III. **PUBLIC RECORDS (Does not include Criminal Justice Records)**

A. **General Rule: Open for Inspection**

Public records shall be open for inspection by any person at reasonable times, unless otherwise provided by law. C.R.S. 24-72-201.

B. **Allowance or Denial of Inspection - Grounds - Procedure - Appeal**

Inspection of public records may be denied (C.R.S. section 24-72-204) if:

- 1. Inspection would be contrary to any state statute.
- 2. Inspection would be contrary to any federal statute or regulation issued there under having the force and effect of law.
- 3. Inspection is prohibited by rules promulgated by the Colorado Supreme Court or by the order of any court.
- 4. Inspection is requested of any letters of reference concerning employment, licensing, or issuance of permits.
- 5. Inspection of the following may be denied as contrary to the public interest. If inspection is denied, the City or the requesting person may file an action in court, asking the judge to inspect the documents in camera and determine whether release should be permitted. If release is permitted, the City may request a "protective order" limiting access to and use of the records. Martinelli v. District Court, 612 P.2d 1083 (Colo. 1980):

- a. Any records of the investigations conducted by any sheriff, prosecuting attorney, or police department.
 - b. Any records of the intelligence information or security procedures of any sheriff, prosecuting attorney, or police department.
 - c. Any investigatory files compiled for any other law enforcement purpose, including internal affairs investigations.
 - d. Test questions, scoring keys and other examination data pertaining to administration of any examination for employment, except that written promotional examinations and the scores or results thereof shall be available for inspection, but not copying or reproduction, by the person in interest after the conducting and grading of any such examination.
6. Inspection shall be denied of the following items, except upon the request of the person in interest:
- a. Medical, psychological, and sociological data on individual persons, except coroners' autopsy reports; but the custodian or the person in interest may request a professionally qualified person to be present to interpret the records. The prohibition on release of medical information includes any reference to AIDS, HIV status, hepatitis, and other serious communicable diseases that may be mentioned in reports.
 - b. All information obtained and records prepared in the course of taking a person into custody on a 72-hour mental health hold; except (i) disclosure may be made to the courts as is necessary to the individual's care and treatment, and (ii) the person's location and fact of admission may be disclosed to adult family members upon admission of the mentally ill person for inpatient or residential treatment. C.R.S. 27-10-105; C.R.S. 27-10-120
 - c. Personnel files; but such files shall be made available to the public officials who supervise his or her work.
 - d. Privileged information and confidential commercial or financial information:

Example: Attorney-client communications and work product, sales and use tax information and audits.
 - e. Addresses, telephone numbers and personal financial information of past or present users of City utilities, facilities or recreational or cultural services.
7. Detoxification Holds C.R.S. 25-1-310

a. A taking into protective custody is not an arrest, and no entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

b. Any report is confidential and not public information.

IV. CRIMINAL JUSTICE RECORDS

A. Open for Inspection

The following records shall be open for inspection by the public. C.R.S. 24-72-301.

1. Official actions of this police department to include criminal history information maintained in central files, C.R.S. 24-72-302(1). The official custodian of any records of official actions may make such rules and regulations with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his office.
2. Other criminal justice records may be open to inspection subject to the discretion of the custodian.
3. Note Regarding Sexual Assault: The name of any victim of an alleged sexual assault shall be deleted from any criminal justice record prior to its release. C.R.S. 24-72-304(4).

B. Denial of Inspection

Criminal justice records, including official actions, shall be withheld from inspection on the following grounds. C.R.S. 24-72-305.

1. Such inspection would be contrary to any state statute;
 - a. Child abuse and neglect: See Part VI below. C.R.S. 19-10-120
 - b. Juvenile offenders: See Part VII below. C.R.S. 19-1-304
 - c. Mistreatment or self-neglect of at-risk adults: See Part VIII below. C.R.S. 18-6.5-101 et seq.; C.R.S. 26-3.1-101 et seq
 - d. Grand jury transcripts. C.R.S. section 16-5-204
 - e. Wiretap information. See Part IX below. C.R.S. section 16-15-102
 - f. Registration of Sex Offenders. See Part X below. C.R.S. 18-3-412.5
2. Such inspection is prohibited by rules promulgated by the Colorado Supreme Court or by the order of any court, for example:

- a. Records sealed by court order.
 - b. Records expunged by court order.
 - c. Court orders authorizing limited access, for example, a protective order in litigation discovery.
3. Such inspection is for the purpose of soliciting business for pecuniary gain. Records of official actions and criminal justice records and the names, addresses, telephone numbers, and other information in such records shall not be used by any person for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain. C.R.S. 24-72-305.5.
4. If contrary to the public interest and the record consists of:
- a. Investigations conducted by or of intelligence information or security procedures of any sheriff, district attorney, police department, or
 - b. Any criminal justice investigatory files compiled by any other law enforcement purposes. See Part XI below for a discussion of "public interest."

V. CHILD ABUSE AND NEGLECT C.R.S. section 19-1-307

A. Definitions C.R.S. section 19-1-103

1. "Abuse": An act or omission in one of the following categories which threaten the health or welfare of a child:
- a. Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or circumstances indicate that such condition or death may not be the product of an accidental occurrence.
 - b. Any case in which a child is subjected to sexual assault or molestation, sexual exploitation, or prostitution.
 - c. Any case in which a child is a child in need of services because the child's parents, legal guardians, or custodians fail to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take.

- d. Abuse does not include child-rearing practices of the child's culture nor reasonable exercise of parental discipline.
2. "Child abuse and neglect": See "Abuse" and "Neglect".
 3. "Child protection team": A multi-disciplinary team consisting of at least three of the following: a physician, a representative of the juvenile court or the district court with juvenile jurisdiction, a representative of the county department, a representative of a mental health clinic, a representative of a public health department, an attorney, a representative of a public school district, and one or more representatives of the lay community. Shall review the investigatory reports of the case, which shall include the diagnostic, prognostic, and treatment services being offered to the family in connection with the reported abuse.
 4. "County department": The county or district Department of Social Services.
 5. "Neglect": A parent, guardian, or legal custodian has abandoned the child or has subjected him to mistreatment or abuse or has allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring; fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well being; lacks proper parental care through actions or omissions; the child's environment is injurious to his welfare; child is homeless, without proper care, or not domiciled with his parent, guardian, or legal custodian; or the child has run away from home or is otherwise beyond the control of his parent, guardian, or legal custodian. C.R.S. 19-3-102
 6. "Responsible person": A child's parent, legal guardian, or custodian or any other person responsible for the child's health and welfare, including a responsible person who may be suspected of abusing the child.
 7. "State board": The State Board of Social Services.
 8. "State department": The State Department of Social Services.
 9. "Unfounded report": Any report made pursuant to the Children's Code which is not supported by some credible evidence.
- B. **General Rule: Confidential.** Reports of child abuse or neglect and the name and address of any child, family, or informant or any other identifying information contained in such reports shall be CONFIDENTIAL. C.R.S. section 19-1-307. Improper disclosure may subject the custodian to prosecution. C.R.S. section 19-1-307. All records relating to child abuse incidents shall be stamped CHILD ABUSE OR CHILD NEGLECT. Identifying information concerning reporting parties shall be deleted prior to any authorized release of information. C.R.S. 19-1-307
- C. **Release of Identifying Information - Confidential** C.R.S. 19-1-307(1)(a)

Disclosure of identifying information may be authorized only by the court for good cause, when there is a death of a suspected victim of abuse or neglect, and the death is a matter of public record, or, the suspect has been arrested, or formal charges have been filed against the suspect. C.R.S. 19-1-307(b)

- D. **Limited Access to Reports Allowed.** Only the following persons or agencies shall be given access to abuse reports. C.R.S. section 19-1-307(2)(a)
1. The law enforcement agency, district attorney, coroner or a county department of social services investigating a report of known or suspected child abuse or neglect OR treating a child or family which is the subject of the report and records, the law enforcement agency, district attorney, coroner, or county department shall have access to the state central registry of child protection for information under the name of the child or the suspected perpetrator.
 2. Only law enforcement officers may inspect the required registration form of child sex offenders who, upon conviction or parole on or after July 1, 1991, are required to register with the local law enforcement agency of their residence within seven days of acquiring that residency. C.R.S. section 18-3-412.5.
 3. A physician who has before him a child whom he reasonably suspects to be abused or neglected;
 4. An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or having the same responsibility or authorization with respect to a parent, guardian, legal custodian, or other person who is responsible for the child's health or welfare.
 5. Any person named in the report or record who was alleged as a child to be abused or neglected or, if the child named in the report or record is a minor or is otherwise incompetent at the time of the request, his guardian ad litem;
 6. A parent, guardian, legal custodian, or other person responsible for the health or welfare of a child named in a report, **with protection for the identity of informants and other appropriate persons**; even if the parent, etc., is the suspect.
 - a. Black out name of reporting party or any identifying information.
 7. The state central registry of child protection;
 8. All members of the Child Protection Team;
 9. Such other persons as a court may determine, for good cause;
 10. The state department, or a county or district department of social services, or a child placement agency investigating an applicant for a license to operate a

child care center or family care home when the applicant, as a requirement of the license application, has given written authorization to the licensing authority to obtain reports of child abuse or neglect or to review the state central registry of child protection.;

11. The state department, or a county or district department of social services, or a child placement agency when requested in writing by the operator of a day camp, day care center, preschool, or residential child care facility to check the state central registry of child protection for the purpose of screening an applicant for employment or a current employee;
12. A court, upon its finding that access to such records may be necessary for determination of an issue before such court, but such access shall be limited to in camera inspection unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.
13. The state and county departments of social services for the following purposes.
 - a. Screening any person who seeks employment with, is currently, employed by, or who volunteers for service with the departments, if such person's responsibilities include direct contact with children;
 - b. Conducting custody evaluations;
 - c. Screening any person who will be responsible to provide child care pursuant to a contract with a county department for placements out of the home or private child care;
 - d. Screening prospective adoptive parents;
14. Private adoption agencies, for the purpose of screening prospective adoptive parents;
15. A person, agency, or organization engaged in a bona fide research or evaluation project or audit, but without information identifying individuals named in a report..

VI. JUVENILE DELINQUENCY RECORDS C.R.S. section 19-1-304

- A. **General Rule: Confidential.** Records of law enforcement officers concerning persons under the age of 18 years (juveniles) shall be identified as juvenile records and are confidential and not open to the public.
- B. **Exceptions:** C.R.S. 19-1-304(2)(a)
 1. Certain Persons or Agencies: Juvenile records in the possession of law enforcement may be inspected by or disclosed:
 - a. To the juvenile and his parent, guardian, or legal custodian;

- b. To other law enforcement agencies and to fire investigators who have a legitimate need for such information;
- c. To the victim and complaining party, if different, in each case (the department views insurance companies as victims) after authorization by the District Attorney or the prosecuting attorney;
- d. To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;
- e. To any person or agency for research purposes if all of the conditions are met:

- * Is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the Department of Human Services to conduct such research;

- * Person or agency conducting the research ensure that all documents containing identifying information are maintained in secure locations and access to such documents by authorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when completed.

- f. To any attorney of record in a juvenile or domestic action in which the juvenile is named;
- g. To the State Department of Social Services;
- h. To any person conducting a custody evaluation pursuant to C.R.S. 14-10-127;
- i. To all members of a Child Protection Team;
- j. To the juvenile's guardian ad litem;
- k. To the public:

- * When the juvenile has escaped from an institution to which such juvenile has been committed;

- * When the court orders that the juvenile be tried as an adult criminal;

- * When there has been an adult criminal conviction and a presentence investigation has been ordered by the court;

- * When the information concerns non-criminal traffic violations. Title 42

** Unless it falls within another exception (i.e., court orders the juvenile be charged as an adult), records concerning violation of felony traffic laws (vehicular homicide, vehicular assault, felony vehicular eluding, habitual offender) are confidential, not public record. Title 18

* By order of the court.

- C. **Other Juveniles.** If another juvenile is referenced in records, all identifying information concerning that juvenile must be deleted prior to release of the records pursuant to part A above.
- D. **Identifying Information to CBI.** The fingerprints, photograph, name, address, and other identifying information regarding a juvenile may be transmitted to the Colorado Bureau of Investigation to assist in any apprehension and investigation. C.R.S. 19-1-304(2)(b)
- D. **Expungement.** C.R.S. 19-1-306. If the custodian receives a court order requiring expungement of a juvenile record, the record shall be physically sealed or conspicuously marked on the face of the record or at the beginning of a computerized file of the record that said record has been designated as expunged.
1. The custodian shall cause all records and references to the records in the order to be removed from the central records master files, computerized central name index and citation file. The juvenile's name shall be removed from the name file and replaced with the word "expunged". The paper records shall be sealed with tape. The Captain shall place his signature across the tape. These records shall then be placed in a designated file. The Captain must within 30 days, in writing, notify the court that the order has been complied with.
 2. The custodian may properly indicate that an expunged record does not exist. Inspection shall be allowed only by order of the court.
 3. Basic identification information on the juvenile and a list of any state and local agencies and officials having contact with the juvenile, as they appear from the records, shall not be open to the public but shall be available to:
 - a. District Attorney,
 - b. Local law enforcement agencies, excluding an agency of the military,
 - c. Department of Social Services, county or State.
 4. The requirements for expungement of records in NIBRS (National Incident Based Reporting System) will be adhered to.
 5. Records ordered expunged may be inspected only by order of the court, after a hearing, and for good cause shown.

6. Expunged records remain available to any judge and the probation department for use in any future juvenile or adult sentencing hearing regarding the person whose record was expunged.

F. **Access to Arrest and Criminal Records of Juveniles** C.R.S. 19-1-304(1)(b.5).

The public has access to information reporting the arrest or formal filing of criminal charges against a juvenile; the nature of the charges brought; the identity of the police department which filed the charges; the disposition of the charges; the name, birth date, last known address, sex, and physical description of an accused juvenile (not a mug shot) that are in the custody of the investigating law enforcement agency, the agency responsible for filing a petition against the juvenile, and the court; in the following circumstances;

1. The juvenile is **charged** with any of the following crimes; possession of a handgun by a juvenile; a Class 1, 2, 3, or 4 felony if committed by an adult; or any crime that involves the use or possession of a weapon if that crime were committed by an adult.
2. The juvenile has been adjudicated a juvenile delinquent; or
3. The juvenile is subject to revocation of probation for committing one of the above acts.
4. The juvenile commits a crime of violence. C.R.S. 19-1-304(5) When a child between the ages of 14 and 18 commits an offense which would be a crime of violence if committed by an adult, the arrest and criminal records information is to be open to the public. (This information shall be immediately provided to school officials in which the juvenile is enrolled.)
5. The information is to come only from the investigating law enforcement agency, the agency responsible for filing a petition, or the court. The information which is open to the public shall not include records of investigation, psychological profiles, intelligence test results, or any information regarding whether the juvenile has been sexually abused.

VII. **MISTREATMENT OR SELF-NEGLECT OF AT-RISK ADULTS** C.R.S. 18-6.5-101 et seq.; C.R.S. 26-3.1-101 et seq.

A. **Definition** C.R.S. 18-6.5-102

1. "At-risk adult": An individual who is 60 years of age or older, or 18 years of age or older and is a person with a disability, C.R.S. 18-6.5-102(3), who is susceptible to mistreatment or self-neglect because the individual is unable to perform or obtain services necessary for the individual's health, safety, or welfare; or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.

- a. The following conditions are considered disabilities:
 1. Permanent loss of or permanent loss of the use of a hand or foot;
 2. Blindness or the permanent impairment of vision of both eyes to such a degree as to constitute virtual blindness;
 3. Inability to walk, see, hear, or speak;
 4. Inability to breathe without mechanical assistance;
 5. Developmentally disabled
 6. Mentally ill
 7. Mentally impaired

2. "Mistreatment": C.R.S. 26-3.1-101(4) An act or omission which threatens the health, safety, or welfare of an "at-risk" adult or which exposes him to a situation or condition that poses imminent risk or bodily injury, serious bodily injury, or death.
 - a. Abuse where there is: (i) infliction of a physical pain or injury as demonstrated by but not limited to substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling, or suffocation; (ii) or unreasonable confinement or restraining; or (iii) subjection to non-consensual sexual conduct or contact as described in the criminal code;
 - b. Caretaker neglect when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured nor provided in a timely manner and with a degree of care that a reasonable person in the same situation would exercise.
 - c. Exploitation which is the illegal or improper use of an "at-risk" adult's resources for another person's advantage or profit. Person is defined broadly to include partnerships, associations, corporations, trustees, receivers, and governmental agencies.

3. Crimes Against At-Risk Adults C.R.S. 18-6.5-103 Includes criminal negligence causing bodily injury, serious bodily injury, death or assault, robbery, theft in the residence of an at-risk adult, robbery of an at-risk adult, knowing neglect of at-risk adult likely to be injurious to the physical or mental welfare of an at-risk adult, or sexual assault.

B. Reporting and Confidentiality Requirements C.R.S. 26-3.1-102

1. Reports of the mistreatment or self-neglect of an "at-risk" adult, including the name and address of any "at-risk" adult, member of said adult's family, or informant, or any other identifying information contained in such reports, shall be confidential and shall not be public information, C.R.S. 26-3.1-102(7)(a).
 2. Reports prepared by the local law enforcement agency shall be forwarded within 24 hours to the District Attorney's Office and the county department of social services.
- C. **Release of Identifying Information.** Disclosure of the name and address of an at-risk adult or member of said adult's family and other identifying information contained in a report shall be permitted only when:
1. Authorized by a court for good cause; or
 2. A criminal complaint, information or indictment based on the report is filed; or
 3. There is a death of a suspected at-risk adult from mistreatment or self neglect **and** a law enforcement agency files a formal charge or a grand jury indictment has been issued in connection with the death.

VIII. WIRETAPS C.R.S. section 16-15-102

- A. **Court Order Required.** The content of a wiretap shall not be disclosed except by court order.
- B. **Law Enforcement Purposes.** Any investigative or law enforcement officer who, by any means authorized by C.R.S. section 16-15-102, has obtained knowledge of the contents of any wire or oral communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that this disclosure is appropriate in the proper performance of the official duties of the officer making or receiving the disclosure. Any investigative or law enforcement officer who, by any means authorized by section 16-15-102, has obtained knowledge of the contents of any wire or oral communication or evidence derived therefrom, may use those contents to the extent the use is appropriate in the official performance of his official duties.

IX. REGISTRATION OF SEX OFFENDERS C.R.S. section 18-3-412.5

- A. **Guidelines.** Requires the registration with police of persons convicted of sex offenses. Any person convicted of an offense involving sexual offense against a child after July 1, 1991 or any person released from custody for such an offense after July 1, 1991 is required to register with local law enforcement. The statute specifically states that any form filled out as a part of this registration requirement is confidential and not open to inspection by the public or any person other than any law enforcement officer. These registration forms are not public records and cannot be disclosed to the press. Registration must occur within seven days of becoming a permanent or temporary resident of Craig and the convicted sex offender must re-

register whenever his address changes. All other sex offenders convicted or adjudicated or released after July 1, 1991 also must register. Persons convicted of the following crimes must register:

1. Enticement of a child (18-3-305)
2. Sexual assault in the first degree (18-3-402)
3. Sexual assault in the second degree (18-3-403)
4. Sexual assault in the third degree (18-3-404)
5. Sexual assault on a child (18-3-405)
6. Sexual assault on a child by one in a position of trust (18-3-405.3)
7. Sexual assault on a client by a psychotherapist (18-3-405.5)
8. Aggravated incest (18-6-302)
9. Trafficking in children (18-6-402)
10. Sexual exploitation of a child (18-6-403)
11. Procurement of a child for sexual exploitation (18-7-404)
12. Soliciting for child prostitution (18-7-402)
13. Pandering of a child (18-7-403)
14. Procurement of a child (18-7-403.5)
15. Keeping a place of child prostitution (18-7-404)
16. Pimping of a child (18-7-405)
17. Patronizing a prostituted child (18-7-406)
18. Inducement of child prostitution (18-7-405.5)
19. Indecent exposure (18-7-402)
20. Conspiracy, attempt, or solicitation to commit any of the above acts in Colorado or in any other state.

Because of the public's interest in public safety, the general assembly found that persons convicted of unlawful sexual offenses have a reduced expectation of privacy, so the law does allow the release of information regarding registered sex offenders - both adults and juveniles. Therefore, juvenile sex offenders' names should be listed on the Sex Offender List which is releasable to the public.

1. The person requesting information regarding persons registered may be given the information if he resides within the local law enforcement agency's jurisdiction upon a simple finding by the agency that releasing the information is "necessary for public protection."

2. If the requesting party lives outside the jurisdiction of the local law enforcement agency, he may be given the information upon request and a demonstration of "need to know," considering the nature and extent of the person's presence of the presence of the person's immediate family in the local law enforcement agency's jurisdiction.

X. PUBLIC INTEREST DETERMINATIONS

A. **Guidelines.** In public records act litigation, these disclosures are "not in the public interest." In order to be protected by the "public interest" exception, these records must be intelligence information or part of investigatory files. In other civil litigation, these items are exempt from discovery due to the "official information privilege." These are essentially identical analyses and involve a "balancing of: (a) the discoverant's interest in disclosure of the materials; and (b) the government's interests in their confidentiality." The court will normally conduct an in camera review of the records to determine whether they should be disclosed and under what protective restrictions. The Martinelli case gives a number of general factors to be determined in deciding whether this privilege is available.

1. The extent to which disclosure will thwart governmental processes by discouraging citizens from giving the government information;
2. The impact upon persons who have given information of having their identities disclosed;
3. The degree to which governmental self-evaluation and consequent program improvement will be chilled by disclosure;
4. Whether the information sought is factual data or evaluative summary;
5. Whether the party seeking the discovery is an actual or potential defendant in any criminal proceeding either pending or reasonably likely to follow from the incident in question.
6. Whether the police investigation has been completed;
7. Whether any intra-departmental disciplinary proceedings have arisen or may arise from the investigation;
8. Whether the plaintiff's suit is non-frivolous and brought in good faith;
9. Whether the information sought is available through other sources; and
10. The importance of the information sought to the plaintiff's case.

- B. **Examples.** The following contains examples and factors which may be considered in determining whether a particular disclosure of records is contrary to the public interest.
1. Interference with enforcement proceedings. Examples:
 - * Investigations of potential criminal conduct not ripe for prosecution.
 - * "Evaluative" information in an investigatory file, such as opinions, speculations, conclusions as to possible suspects, modus operandi, etc. Anything that is not a hard "fact".
 - * Suspect information, reporting party information and witness statements.
 2. Potential to interfere with a person's right to a fair trial or an impartial adjudication. (Consult with the prosecuting attorney to determine if this is applicable and seek appropriate protective orders from the court, if necessary, in order to protect the validity of the prosecution.)
 3. Unwarranted invasion of personal privacy. An analysis of an invasion of privacy should consider the severity of the invasion and this should be weighed against the public interest in disclosure and the availability of other sources of the information. This is a highly litigated area these days, so legal advice should be sought when in doubt. Examples:
 - * Basic identification information concerning a living rape victim, except that the sex of the victim may be identified.
 - * Basic identification information concerning a domestic dispute that does not result in physical injury to any party.
 - * The "intimate relationship" of a person with others is considered highly sensitive such as non-criminal sexual activity, contraception.
 - * Medical information such as diseases, especially AIDS, HIV status, hepatitis and other highly communicable serious diseases and financial information is considered highly sensitive.
 - * Less sensitive information is information on a person's beliefs, opinions, personal habits and routine autobiographical material.
 - * Marital status and employment are low sensitivity items.
 4. Identity of confidential sources. Including any person, entity or agency that may have furnished information on a confidential basis. If these names and other identifying information may be easily deleted from an otherwise disclosable record, they should be so deleted.

5. Techniques and procedures for law enforcement investigations or prosecutions.
6. Endangerment of the life or safety or property of any law enforcement personnel or private individuals.
 - * Description of property on burglarized premises that was not taken by the suspects.
7. Inactive investigations. If confidential informants or other non-disclosable information may be disclosed.

C. **General.** These guidelines apply equally to criminal and civil investigations and proceedings. Rather than create "blanket" rules barring disclosure of, for example, investigative files, such files should be reviewed and disclosable items from them be provided for inspection. If "blanket" non-disclosure rules are applied and obviously public information such as newspaper clippings are not disclosed, then the entire file will be in jeopardy and the credibility of the custodian will be damaged.

XI. SEALING OF RECORDS C.R.S. section 24-72-308

- A. **Court Order.** The custodian shall seal any arrest and criminal records, except basic identification information, pursuant to an order of the district court. Such an order is proper only if:
1. The person in interest was not charged, or
 2. The case was completely dismissed, or
 3. The person in interest was acquitted, or
 4. The record does not pertain to any class 1 or class 2 misdemeanor traffic offense or to any class A or class B traffic infraction, or
 5. The record does not pertain to any sexual assault offense where the defendant has plead guilty or nolo contendere, entered into a plea agreement, been convicted or where arrangements have been made for deferred judgment, prosecution or sentencing.

Note: If the custodian receives notice that a hearing will be held on whether certain records may be sealed, the custodian may appear and argue in favor of the public interest in not sealing the records.

B. **Sealing.** If the custodian receives a court order requiring sealing of a record, the record shall be physically sealed, and in the case of a Criminal History Jacket, the sealed record shall be removed from the active files. In the central index, all records of action except for basic identification information (name, place and date of birth, last known address, social security number, occupation and address

of employment, physical description, photograph, handwritten signature, sex, fingerprints, and any known aliases C.R.S. 24-72-302(2)).

1. The requirements for sealing of records in NIBRS (National Incident Based Reporting System) and for the deletion of the record from the criminal history file through Colorado Bureau of Investigation will be adhered to.
- C. **Inquiries.** The custodian may properly indicate that a sealed record does not exist, "No such records exist with respect to such person". Inspection shall be allowed only by order of the district court.
- D. **Retention.** Sealed records shall not be destroyed.
- E. **Discovery.** If a sealed record is requested by subpoena or during civil litigation discovery, the custodian shall consult the District Attorney/City Attorney before granting or denying the request.
- F. **Acquittal, Dismissal or Failure to Charge Prior to April 20, 1988.** (See R.B. v. People, 815 P.2d 999 (Colo. App. 1991):
1. Unless the defendant requests in writing that the record remain open, the arrest and criminal records information contained in records of an official action in which the defendant was acquitted or in which charges were dismissed prior to April 20, 1988, shall automatically be limited to access only by the person in interest, by that person's criminal defense attorney, or by a criminal justice agency of the state, the U.S. government or any of the other states.
 2. The custodian of any record of an arrest occurring before April 20, 1988, shall not allow inspection of the record of that arrest if the records in his custody and control do not show that the arrest was followed by the filing of charges thereon within two years after the arrest or was followed by a disposition prior to a trial within two years after arrest.
 3. For purposes of this subparagraph F, "disposition" includes deferred prosecution and deferred sentencing, and "dismissal" shall include dismissal following successful completion of a deferred prosecution or a deferred judgment.
- G. The limitations do not apply to requests for criminal justice records made by another criminal justice agency for records sealed after July 1, 1996.
1. Under the definition of Criminal Justice Agency C.R.S. 24-72-302(3), probation can make an inquiry regarding a sealed record. Probation can then forward that information to the courts for use in sentencing to show prior similar behavior.

XII. DEFINITIONS

A. Archives C.R.S. 24-80-101

A division of the Department of Administration which is the official custodian and trustee of all public records.

B. Arrest and Criminal Records Information C.R.S. 24-72-302(1)

The arrest, indictment, or other formal filing of criminal charges against a person; the identity of the criminal justice agency taking such official action relative to an accused person; the date and place that such official action was taken relative to an accused person; the name, birth date, last known address, and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person; one or more dispositions relating to the charges brought against an accused person.

C. Basic Identification Information C.R.S. 24-72-302(2)

Name, place and date of birth, last known address, social security number, occupation and address of employment, physical description, photograph, handwritten signature, sex, fingerprints and any known aliases of any person.

D. Criminal Justice Agency C.R.S. 24-72-302(3)

Any court with criminal jurisdiction; any agency of the state or of any county, city and county, home rule city and county, home rule city or county, city, town, territorial charter city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority which performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post trial release, prosecution, correctional supervision, rehabilitation, evaluation or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage or dissemination of arrest and criminal records information.

E. Criminal Justice Records C.R.S. 24-72-302(4)

All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, which are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule.

F. Disposition C.R.S. section 24-72-302(6)

A decision not to file criminal charges after arrest; the conclusion of criminal proceedings, including conviction, acquittal, or acquittal by reason of insanity; the dismissal, abandonment, or indefinite postponement of criminal proceedings; formal diversion from prosecution; sentencing, correctional supervision, and release from correctional supervision, outcome of appellate review of criminal proceedings; executive clemency.

G. **In Camera** C.R.S. section 19-10-103

Inspection of records by a judge in his or her chambers, instead of in open court.

H. **Juvenile** C.R.S. section 19-1-103

1. A person under 18 years of age who has not been emancipated by a court.
2. A person who is eighteen or older **AND** is under the continuing jurisdiction of the court.
3. A person who is eighteen or older **AND** is before the court for an alleged delinquent act committed **PRIOR** to his eighteenth birthday.

I. **Media**

Any officer or employee of any newspaper, radio station, television station, or other person or agency in the business of public dissemination of news or current events.

J. **Military Recruiters**

Military recruiters are not representatives of a law enforcement agency. C.R.S. 19-1-304(2)(a). Therefore, military recruiters are entitled only to information that is releasable to other members of the general public. If the military recruiter has an official military records request form that has been signed by the person in interest, only adult records will be released. Juvenile records are not releasable to military recruiters. If the juvenile who is the person in interest of the records check appears with the recruiter, the juvenile can request that his records be released to the recruiter. That being the case, the records will be released to the juvenile, who will in turn give the records to the recruiter.

K. **Motion for Discovery**

The defendant's attorney may file a motion for discovery **with the court** which is handling the case to receive all relevant information pertaining to that case. The motion for discovery applies to the records which are maintained by the City/County Attorney's Office or the District Attorney's Office.

L. **Official Action** C.R.S. section 24-72-302(7)

An arrest; indictment, charging by information; disposition; pretrial or post trial release from custody; judicial determination of mental or physical condition, decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs, and any decision to formally discipline, reclassify, or relocate any person under criminal sentence.

1. Criminal history information (chronological listing of agency contacts with an individual) must be open for inspection.

M. **Official Custodian** C.R.S. 24-72-302(8)

The Chief of Police, or his representative, the Records Manager and Records Technicians, who are designated to be responsible for the release, maintenance, care, and keeping of criminal justice records regardless of whether the records are in his/her actual personal custody and control; or any authorized person having personal custody and control of the criminal justice records in question.

N. **Person** C.R.S. section 24-72-302(9)

Any natural person, corporation, limited liability company, partnership, firm or association.

O. **Person in Interest** C.R.S. section 24-72-302(10)

The person who is the primary subject of a criminal justice record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, "person in interest" means and includes his parents or duly appointed legal representative.

P. **Personnel Files** C.R.S. 24-72-202(4.5)

Includes home addresses, telephone numbers, financial information, information maintained because of the employer-employee relationship and other documents specifically exempt from disclosure by other provision of law. Not included are applications of past or current employees, employment agreements, any amount paid or benefit provided incident to termination of employment, performance ratings final sabbatical reports required under section 23-5-123, C.R.S., or any compensation paid to employees by the state, its agencies, institutions, or political subdivisions.

Q. **Public Records** C.R.S. section 24-72-202(6)(a)(I)

All writings made, maintained, or kept by the state, any agency, institution, or political subdivision of the state, or that are described in C.R.S. 29-1-902, and held by any local government-financed entity for the use in the exercise of functions required or authorized by law or administrative rule.

1. Writings which means and includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics.

a. Does not include witness statements C.R.S. 24-72-305

2. It is digitally stored data, including electronic mail messages (e-mail), but does not include computer software, C.R.S. 24-72-202(7). E-mail is a message transmitted between two or more electronic terminals whether or not the message is converted to hard copy.

3. Any agency that operates or maintains an e-mail system is required to have in place a written e-mail policy on any monitoring of electronic mail communications and the circumstances under which it will be conducted. C.R.S. 24-72-204.5
4. The official custodian must be prepared to assist the public in locating specific electronic public records. They must be made available within 3 days, but an extension of 7 days is allowed if the request is without sufficient specificity or if the requested agency needs to devote its resources to meet other requests.
5. All employees must recognize that e-mail may be a public record under the law and may be subject to public inspection. See Order No. M1115, Information Systems Use.

R. Records of Intelligence

Intelligence information is the general information obtained from reliable and unreliable sources which relates to criminal activity. The information may not have enough substance to require a criminal complaint, however, it is information that should be documented in order for it to be analyzed as to its importance in criminal investigations. Intelligence information **is not** considered public information and will not be available for release.

S. Records of Investigation

The narrative section of a case report, often referred to as the officer's notes. The narrative written after the initial contact with the victim is releasable as it is a mere paraphrasing of what occurred during the incident. All additional narratives written are considered "investigatory" and not releasable.

T. Records of Official Action C.R.S. 24-72-303

Means an arrest; indictment; charging by information; disposition; pretrial or post trial release from custody; judicial determination of physical or mental condition, decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs, and any decision to formally discipline, reclassify, or relocate any person under criminal sentence. C.R.S. 24-72-302(7)

1. Arrest and criminal history information, which includes information reporting the arrest, indictment or other formal filing of criminal charges against a person; the identity of the criminal justice agency taking such action relative to an accused person; the date and place of the action; the name, birth date, last known address, and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person and the disposition of the charge. C.R.S. 24-72-302(1)

- a. Daily press release

U. Rules of Discovery

The pretrial procedures that can be used by one party to obtain facts and information about the case from the other party in order to assist the party's preparation for trial. The prosecutor provides the agency documents to the defense. Released at the direction of the City Attorney for City cases and through the District Attorney's Office for County/District cases.

Approved by:



Walter K. Vanatta
Chief of Police

NOTIFICATION

Form B

TO: _____

FROM: RECORDS TECHNICIAN

CRAIG POLICE DEPARTMENT

RE: Records pertaining to: _____

DATED: _____

The following notification is made pursuant to the applicable provisions of the Criminal Justice Records Act relating to Criminal Justice Records, to wit: C.R.S. Section 24-72-305.

We are sorry to advise that your request for inspection of the above referenced records has been denied. The basis for the denial is as follows:

() Inspection of the records is contrary to the following state statute(s), to wit:

() Inspection of the records is prohibited by the following Rules of the Supreme Court, to wit: _____

() Inspection of the records is prohibited by the following court order(s), to wit:

() Disclosure is contrary to the public interest because the records requested are records of: _____

() Investigations conducted by a sheriff, district attorney, police department;

() Intelligence information or security procedures of a sheriff, district attorney, or police department; and/or,

() Criminal Justice investigatory files compiled for law enforcement purposes.

() Other: _____

**CHALLENGE TO ACCURACY AND COMPLETENESS
AND
REQUEST FOR CORRECTION OF RECORDS**

Name of Applicant: _____ DOB: _____
Please Print

Address: _____

The undersigned applicant hereby certifies:

1. That undersigned hereby challenges the accuracy and completeness of the following records:

2. The undersigned is a person in interest within the meaning of the Criminal Justice Records Act and the aforementioned records pertain to him or her.

3. That said records are inaccurate or incomplete in the following respects:

4. That undersigned requests that said records be corrected to reflect the following:

5. That the above statements are true and correct to the undersigned's best knowledge, information and belief.

Dated this _____ day of _____, 19____ at _____ o'clock ____m.

Signature of Applicant

NOTIFICATION RE DETERMINATION OF
REQUEST TO CORRECT RECORDS

TO: Applicant

RE: Request date the _____ day of _____, 19_____, for correction
record(s): _____

DATED: _____

Your challenge to accuracy and completeness of the afore referenced record and REQUEST TO CORRECT said record(s) has been duly received. In accordance with C.R.S. 24-72-307, I am providing you with the following notification:

() Additional time is required to evaluate the merits of your request. A determination will be made within thirty days from the date of the receipt of your request. Said determination will immediately be communicated to you.

() Your requested correction is refused on the grounds that:

() Your requested correction has been granted in full.

() Your requested correction has been granted in part as follows:

() The remainder of your request is refused on the grounds that:

NOTE: If your request of correction is refused, you may apply to the district court of the district wherein the above record is located for an order directing me to show cause why the requested correction should not be made.

Records Technician

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