

CITY OF COMMERCE CITY RULES GOVERNING ACCESS TO CRIMINAL JUSTICE RECORDS

Under the Colorado Criminal Justice Records Act, CRS § 24-72-301, *et. seq.* (the “Act”), records of official actions are open for inspection by the public at reasonable times.¹ Certain records are specifically exempted from inspection by the Act or other Colorado law and all records are subject to the following rules adopted by the Commerce City Police Department (“CCPD”) to maintain the integrity of the CCPD’s records, account for costs to the City of complying with requests, and prevent unnecessary interference with CCPD operations. Reasonable requirements, consistent with these rules and the Act, may be established by the custodian of records with respect to requests as necessary and appropriate.

A. Submission of Records Requests

1. Requests must be submitted in writing on the form provided by the CCPD, using the electronic submission form (at <http://www.c3gov.com/home/showdocument?id=1336>), or other form approved by the records supervisor, and must be submitted by email to recordsrequest@c3gov.com, by mail to CCPD Records Division 7887 E. 60th Avenue, Commerce City, CO 80022 or in person.
2. Requests must be submitted to the Records Supervisor, or his/her designee, who is the official custodian of criminal justice records. The Records Supervisor may direct records requests to the correct division or City department(s) or staff members for a response.
3. Requests must be made with sufficient specificity to permit the efficient identification, collection, and evaluation of records. For example, to the extent available, specific requests should include information such as the record’s name or title, location(s), date(s), person(s) involved, specific subject matter, or category of records. Requests that are not sufficiently specific may be denied or deemed invalid. The CCPD may deem a request abandoned if requests are not clarified to include such information.
4. Requests (or portions of requests) that seek records that are not yet in existence, that seek disclosure on a continuing or periodic basis, not CCPD records, or that consist of interrogatories or information requests will not be fulfilled and will not receive a response.
5. The CCPD will deem a request as abandoned if, after ten business days, the requestor has not reviewed records made available for inspection, retrieved records copied by the CCPD in response to the request, or submitted payment for the identification, collection, evaluation, and copying of records. At such time, any original record will be returned to its normal place and any copies will be destroyed.

¹ Records qualifying as open records under the Colorado Open Records Act, C.R.S. § 24-72-201, *et seq.*, are not subject to this policy and must be submitted to the City Clerk’s Office.

B. Responses to Records Requests

1. Consistent with state statute, and where appropriate, the CCPD may respond to a records request by: (a) providing the requested records; (b) making the requested records available for inspection; (c) denying the request; (d) responding that there are no records responsive to the request; (e) responding that no such record exists; (f) requesting clarification or narrowing the request; (g) providing a cost estimate to respond to the request and requesting a deposit in accordance with this policy; (h) any combination of these; or (i) any other appropriate response.
2. Cases involving juveniles require that the guardian requesting the criminal justice record(s) provide a birth certificate, or court order or similar legal document showing that he/she is the juvenile's guardian, or the request will be denied or a redacted record provided.
3. The CCPD is not required to create a document or collect documents from other entities in order to respond to a request for information.

C. Inspection and Copying of Records

1. The CCPD shall retain control of the records at all times. Inspection is subject to the supervision of the appropriate records custodian.
2. Records are generally available for inspection by appointment from 9:00 a.m. until 12:00 p.m. and 1:00 p.m. until 4:00 p.m., Monday through Friday, except during any holiday observed by the City.
3. The CCPD will not allow requestors to access City computers that are not ordinarily available for use by the general public.
4. The CCPD may charge reasonable fees for the production of record(s), including without limitation the cost of copying or reproduction and time spent by City (through its employees or any third-parties) to identify, collect, evaluate, redact, and reproduce records, prepare responses and privilege logs, or otherwise respond to the request. The City's Fee Directory is available here: <https://www.c3gov.com/home/showdocument?id=1050>.
 - a. A fee of \$10.00 will be charged for each standard page (8x10 or 8.5x11) report for the first 10 pages. After 10 pages, twenty-five cents per standard page (8x10 or 8.5x11) will be charged for the reproduction of paper records. This includes a minimum redaction fee for 15 minutes. The fee for a non-standard page shall be as stated in the City's Fee Directory. If a commercial copy service is necessary to produce copies in the CCPD's discretion, the requestor is responsible for paying the actual cost for such service

- b. The City will charge \$30 per hour spent by any employee or third-party to review, evaluate, identify, collect, redact, format, and reproduce records, to prepare responses, or to otherwise respond to a request (except for third-parties retained to assist with responding to requests for electronically stored information). Per the City's Fee Directory, the CCPD may charge \$45 per hour to search for and retrieve records.
- c. Unless waived by the CCPD, the requestor must pay the actual cost of any media and third-party service required to respond to requests (including the identification, collection, duplication, and evaluation of records as well as production) for electronically stored information and hard copy records (no external hard drive or other media provided by the requestor will be accepted, unless approved by the Director of Information Technology). Nothing in this Policy requires the CCPD to take action beyond what is required by the Act or other law.
- d. The requestor must pay the actual costs of transmission of any records (except when transmitted by e-mail).

5. Payment of Fees & Costs:

- a. The CCPD will accept payment in the form of cash, check, credit card or money order.
- b. Where fees and costs may apply, the CCPD will not take further steps after notifying the requestor of the estimate of fees and costs until the payment of such fees and costs has been agreed to and, where appropriate, paid as provided in this policy.
- c. The CCPD will not proceed with a new request for a requestor who has not paid all costs associated with a previous request.
- d. Before proceeding to respond to a request, the CCPD may require an advance deposit of (in any combination, as appropriate): (a) up to 50% of the estimated fees and cost where the CCPD anticipates more than two hours of time will be required; (b) 100% of the estimated fees and cost where the requestor previously failed to pay fees and costs associated with a request or abandoned a request; or (c) 100% of the estimated costs of media and third-party services required to respond to requests for electronically stored information.
- e. The actual costs, as calculated in this policy, must be paid before the requestor is provided access to records or copies under this policy.

6. Exceptions. No fees or costs will apply to requests from the following persons or entities, except as provided: (a) other law enforcement agencies; (b) Colorado Bureau of Investigations; or (c) victims of crimes as defined by C.R.S. § 24-4.1-102(10) when they request records of which they are the subject. The custodian may exercise reasonable discretion to waive fees for additional requestors.

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Clint Nichols, Chief of Police



Amanda Schriener, Records Supervisor