

SHERIFF OF GARFIELD COUNTY

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GARFIELD COUNTY SHERIFF'S OFFICE POLICY / PROCEDURE GENERAL

SUBJECT: RELEASE OF RECORDS

EFFECTIVE DATE: January 01, 2024

POLICY:

It is the policy of the Sheriff's Office to comply with the provisions of the Colorado Open Records Act and the Criminal Justice Records Act when releasing information.

PURPOSE: To provide guidelines for the release of information under the provisions of the Colorado Open Records Act (24-72-200 C.R.S.), and the Criminal Justice Records Act (24-72-300 C.R.S.).

DEFINITIONS:

- **Criminal Justice Records:** All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that 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, including but not limited to the results of chemical biological substance testing to determine genetic markers. (24-72-302(4)) C.R.S.

METHODS:

Request for Records: Other than routine media information or information released by the Detention Center, all requests for the release of criminal justice records maintained by the Garfield County Sheriff's Office shall be received in writing by the Records Manager. The provisions of the Colorado Open Records Act and the Criminal Justice Records Act shall be complied with in determining the release of such records.

Non-Releasable Records:

- In accordance with the above listed statutes, certain records are considered non-releasable because the privacy interests of the individual outweigh the public interest. When it is determined that some or all of the requested record(s) is not releasable in accordance with law, the custodian will document the reasons therefore and provide the documentation to the Records Manager. If requested or challenged, the Records Manager will forward a copy of the documented reasons to the County Attorney. The County Attorney will make the final determination as to the release of the records.

- Information on cases that are filed for prosecution shall only be released by the prosecutor's office through the Discovery process.
- Only the Investigations Division, Undersheriff or Sheriff shall release information on cases that are under active investigation.

Fees for Records (24-72-306):

Charges for research and copying of records falling under the Colorado Criminal Justice Records Act:

- Records custodians 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 fees for certified copies or other copies, printouts, or photographs of such record are specifically prescribed by law, such specific fees shall apply. The fees charges shall be pursuant to the fee schedule adopted by the Board of County Commissioners.
- Records custodians may establish a reasonable schedule of times for making copies, printouts, or photographs.
- Research fee's varies upon time expended, employee's rate of pay & expenses incurred.