

**SAN JUAN COUNTY SHERIFF POLICY
COLORADO CRIMINAL JUSTICE RECORDS ACT (CCJRA)
REVISED 2024**

THE SAN JUAN COUNTY SHERIFF (the “Sheriff”) is committed to transparency and open government, however, as the custodian of criminal justice records, the Sheriff must consider and balance the public and private interests relevant to the inspection of each record request. The following Policy has been developed in order to comply with the Colorado Criminal Justice Records Act (the “CCJRA”) § 24-72-301 to 309, C.R.S. It is the policy of the Sheriff and the County that a requesting party should, as much as statutorily allowed, bear the financial burden of document requests.

The legislative policy regarding access to criminal justice records under the CCJRA is more limited than access to public records under CORA. The official custodian of CCJRA records 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. § 24-72-303(1), C.R.S.

CATEGORIES OF AND DEFINITIONS OF RECORDS

Definitions:

“Criminal justice records” means 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 conducted pursuant to sections 16-11-102.4 and 16-23-104, C.R.S. (§ 24-72-302(4), C.R.S.).

"Official action" means an arrest; indictment; charging by information; disposition; pretrial or posttrial 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. § 24-72-302(7), C.R.S.

The CCJRA creates two categories of records:

- 1) Records of official action. The records of official action must be open for inspection, subject to certain limitations and redactions.
- 2) Except for records of official actions, which must be available for inspection, all other criminal justice records may be open for inspection **subject to the discretion of the official custodian**. Common grounds for denial include that the records sought involve, investigations, security procedures, intelligence gathering, or the release would be contrary to the public interest or law. § 24-72-305, C.R.S.

Adopted August 2024

THE PROCESS FOR CCJRA REQUESTS

A detailed request must be submitted via email, hand delivery, or U.S. Mail to the Sheriff. The request must include the requester's name, contact information with email, preferred delivery method or inspection, timeframe requested for production or inspection, and a signed statement affirming that the records will not be used for the direct solicitation of business for pecuniary gain. § 24-72-305.5, C.R.S. The County and the Sheriff reserve the right to require the use of a specific form for all requests. A request that seeks recurring records on an ongoing basis will not be fulfilled.

A request shall be considered received the day an e mail or letter containing a clear request is opened by the records custodian. The response time begins the first working day following receipt of the request. A request received after noon, or on any day the County is officially closed, will be considered received as of the following working day.

CCJRA REQUEST RESPONSE

All criminal justice records are released in accordance with the provisions of the CCJRA. As such, not all records may be available for release or may have information redacted (blacked out) prior to release. Electronic records are normally released in PDF format.

If a CCJRA request for non-official action records is denied, the requesting party may seek a written explanation, which shall be provided within 72 hours.

Unless otherwise specifically set forth in the CCJRA, the timing for production of records or allowing inspections shall be a reasonable time based upon the work schedule and availability of key personnel, the current work-load of personnel, the volume of records requested, the possible need for third-party assistance, and the time necessary for review and possible redaction of subject records. Reasonable requests for clarification of the request may be made by the records custodian. Any such requests shall toll any deadline for response or production.

FEES FOR REQUESTS

Pursuant to § 24-72-306(1), C.R.S., unless waived by the Sheriff, the requesting party shall pay the total cost of the records production, including but not limited to personnel and equipment for the search, retrieval, and redaction of criminal justice records requested, and supervision of inspection or records reproduction pursuant to § 24-72-306(2), C.R.S. The cost shall include:

1. County Administrator: \$60.42 per hour;
2. Sheriff: \$48.91 per hour;
3. Undersheriff: \$45.60 per hour;
4. Deputy Sheriff: \$39.28 per hour;

5. County Attorney: \$195.00 per hour for review and determination of legal issues, such as proper inclusion and or redaction;
6. If a third-party service is required for completion of the request, copying, printing, or photographing, due to the impractical burdens or restrictions of in-house production, the requesting party shall be responsible for the third-party charges; and
7. Copy charges shall be \$.25 per copy; and

The requesting party shall be provided with an estimate of the total cost associated with the request. A deposit of the full amount shall be required prior to commencement of processing the request. At the time of production, the requesting party shall either be provided a refund of the unused portion of the deposit or shall be required to pay the outstanding amount due over and above the deposit, prior to receiving the records.

CLOSED REQUESTS

A CCJRA request will be considered closed and a new request must be submitted under any of the following circumstances:

- The records have been made available for inspection, the records have been inspected and no copies of the records were requested;
- After the records have been made available for inspection, have been inspected by the requestor, and/or copies of the records have been provided consistent with this Policy;
- If the requestor fails to provide clarification as requested by the Sheriff within ten business days;
- If the requestor fails to appear for the scheduled review of the records; or
- If the requestor fails within ten business days to a) make arrangements for review of the records after request; b) pre-pay a deposit required; or c) does not pay the total of actual costs.

For additional information concerning this Policy, including any accessibility issues or requests for accessibility accommodations, please contact the Sheriff or County Administrator. This Policy supersedes all prior County and Sheriff CCJRA policies.

