

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ARIZONA CODE OF JUDICIAL) Administrative Order
ADMINISTRATION § 3-405:) No. 2014 - 134
PROTECTING PEACE OFFICERS')
IDENTIFYING INFORMATION IN)
SUPERIOR COURT RECORDS)
_____)

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above-captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

IT IS FURTHER ORDERED that the Administrative Director shall distribute the adopted emergency administrative code proposal for comment as provided in § 1-201(C).

Dated this 24th day of December, 2014.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 3: Superior Court

Chapter 4: Administration

Section 3-405: Protecting Peace Officers' Identifying Information in Superior Court Records

- A. Purpose.** A.R.S. § 12-290 authorizes a peace officer, under specified circumstances, to seek an order prohibiting the general public from accessing superior court records maintained by the clerk of the superior court that contain personal identifying information. The procedures established in this section are intended to ensure uniform processing of applicants' petitions and affidavits.
- B. Eligibility.** As provided in A.R.S. § 12-290, a peace officer, defined in A.R.S. § 1-215, "who believes that the life or safety of the officer or another person is in danger and that restricting access to the officer's personal identifying information will serve to reduce the danger," may request that the general public be prohibited from accessing superior court records maintained by the clerk of the superior court that contain the officer's personal identifying information.
- C. Form of Petition and Affidavit.** The Administrative Office of the Courts shall develop appropriate forms and procedures for protecting peace officer identifying information in superior court. Petition and affidavit forms shall be available at no cost from the clerks of superior court and the supreme court's website. Courts may exercise discretion regarding technical formatting of forms (for example, number of pages, line and margin spacing, and font size); use multi-part, carbonless paper; and develop non-English translations. Courts shall submit any other proposed alteration to or deviation from the forms as adopted, including any change in wording, to the administrative director for approval prior to use. The administrative director is authorized to approve requested modifications that are consistent with statutes and court rules and to approve revisions to reflect changes in laws, court rules or procedures and to make other administrative amendments or corrections as necessary.
- D. Filing the Petition and Affidavit.** A petition and affidavit authorized by this section must be submitted to the presiding judge of the county for each case in which the personal identifying information was filed.
- E. Processing the Court's Order.** The presiding judge or the judge's designee shall review each petition and affidavit to determine whether the action requested shall be granted.
1. The presiding judge or the judge's designee shall grant the petition and affidavit, if the judge finds that this action will serve to reduce a danger to the life or safety of the applicant or another person. If the court orders that a record is to be restricted, the court shall use the least restrictive means of serving that interest. The court shall forward the petition and affidavit and order granting the restriction to the clerk of the superior court for filing under seal. The record shall be restricted by the Clerk of the Court, and the record shall be accessible or disclosed only to those persons designated by order of the court. This code is not intended to affect the substantive rights of any party.

2. The judge shall order the petitioner to omit residential addresses, phone numbers or contact information from subsequent filings. Any person whose address is ordered protected under this section shall have a continuing duty to provide the clerk of the court under seal their personal identifying information. The clerk shall prohibit the public from accessing records as ordered by the court. The court shall ensure that notice is provided to the applicant or the applicant's commanding officer once the order has been signed.
3. If the presiding judge or the judge's designee denies the petition, the clerk shall file the petition and affidavit under seal and shall file the order denying the restriction as a public record. The court shall ensure that notice is provided to the applicant or the applicant's commanding officer once the order is signed.

F. Personal Identifying Information. As provided in A.R.S. § 12-290(F), personal identifying information means "the officer's residential address, telephone number and contact information as stated in the records."

G. Review of Denial. An applicant whose request is denied may seek reconsideration by requesting a hearing before the presiding judge.