

DENVER DISTRICT ATTORNEY’S OFFICE
POLICIES REGARDING REQUESTS FOR COMPILED DATA RECORDS

(Feb., 2006)

This policy relates to requests to the Denver District Attorney’s Office for compiled data. Compiled data is defined in the body of this policy. Records requests for specific cases are also governed by the Criminal Justice Records Act (Section 24-72-301, *et seq.* C.R.S.), and/or the rules of criminal discovery, and any applicable court order or court rule.

It is the policy of the Denver District Attorney's Office (“DDAO”) to provide reasonable access to statistical information requests in a manner that is consistent with applicable privacy concerns and that is also in accordance with all relevant laws and ethical considerations whether the requests are by media representatives, public citizens, private businesses or private entities. It is also recognized in this policy that there is no implied duty under those laws to manipulate or create computer-generated data solely for the purposes of disclosure.

This policy:

- provides direction to DDAO employees when responding to compiled data requests
- ensures the privacy and due process rights of individuals involved with criminal proceedings
- ensures compliance with all appropriate laws, statutes, court rules and court orders, and extant policies and procedures
- ensures cost recovery to the DDAO for expenses incurred in responding to compiled information requests
- ensures that the resources of the DDAO are available to efficiently and effectively perform their primary function in the prosecution of criminal matters

REQUESTS FOR BULK DISTRIBUTION OF PROSECUTION RECORDS

Bulk data, for purposes of this statement of policy, is defined as any database maintained by the DDAO including the entire Blackstone database. It is defined also to include that subset of the entire database that remains after the extraction of all data that is confidential under law. It is DDAO policy that bulk data not be released to individuals, government agencies or private entities.

ACCESS TO COMPILED DATA FROM BLACKSTONE OR DENVER DISTRICT ATTORNEY’S OFFICE RECORDS

1. Compiled Data: Compiled data is defined as data that is derived from the selection, aggregation or reformulation of specific data elements within the Blackstone database or from other Denver District Attorney databases. It is the policy of the DDAO to supply non-confidential compiled data to the public from the Blackstone database or other DDAO database as provided in this section.

(a) Compiled data will only be released by the Denver District Attorney or his/her designated agent. (See Addendum A for an application request form.)

(b) Only data elements contained in the Blackstone or other DDAO database approved for release shall be released in compiled data. These elements in Blackstone are CR & F (Felony) and M (Misdemeanor). The following fields within the stated case classes are approved for release in compiled data, provided such data has been entered in Blackstone: court type, court location; case year; case class; case sequence; case filing date; judge and division assigned to a case; events; scheduled events and scheduled event status; case status; date of birth, gender, and race of defendant; attorney(s) assigned to a case; judgment or disposition; arrest or offense date; arresting agency; charge; plea; and conviction and sentence information.

(c) Compiled data requests responses will not contain any names of parties associated with a case.

(d) Any person may request compiled data that consists solely of records that are publicly accessible and that are not already available online or in an existing report. The DDAO may compile and provide the data if it determines, in its discretion, that providing the compiled data meets the criteria above, that the resources are available to compile the data, and that it is an appropriate use of public resources. The Denver District Attorney may delegate to his/her staff the authority to make the initial determination as to whether or not to provide compiled data.

(e) The DDAO will prioritize compiled data requests in the following manner: requests from other law enforcement or prosecutor's offices; requests from the Judicial Branch; requests from other agencies that are essential to complying with their statutory mandates; and other requests including those from the media, businesses and private entities or individuals.

(f) (1) Compiled data may be requested by any member of the public only for scholarly, journalistic, political, governmental, research, evaluation, or statistical purposes. Requests for on-going reports via compiled data requests will be provided no more frequently than on a quarterly basis.

(2) The request shall:

(i) identify what compiled data is sought;

(ii) describe the purpose for requesting the compiled data and explain how the compiled data will benefit the public interest or public education; and

(iii) explain provisions for the secure protection of any compiled data requested to which public access is restricted or prohibited.

(3) The Denver District Attorney or his/her designee may grant the request and compile the data if he/she determines that doing so meets criteria established above, is permitted by the provisions of applicable law, is consistent with the purposes of the access policy, the resources are available to compile the data, that it is an appropriate use of public resources, and is in the public interest.

(4) If the request is granted, the Denver District Attorney or his/her designee may require, as a condition of providing access to the requested compiled data, the requestor to sign a declaration that:

- (i) the compiled data will not be sold or otherwise distributed, directly or indirectly, to third parties;
- (ii) the compiled data will not be used directly or indirectly to sell a product or service to an individual or the general public;
- (iii) there will be no copying or duplication of compiled data provided other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose;
- (iv) the compiled data will not be made available on the Internet or otherwise distributed in an electronic form;
- (v) compiled data may be used for research purposes only; and
- (vi) recipients of compiled data are required to sign an agreement that includes an acknowledgement of the recipient's responsibility for checking the accuracy of the compiled data and complying with the requirements of Section 24-72-305.5 C.R.S. of the Criminal Justice Records Act. This provision prohibits the use of criminal justice records for the solicitation of business.

2. Nothing in this policy will supersede the requirements or restrictions imposed by the Colorado Criminal Justice Records Act, Colorado Open Public Records Act, United States Freedom of Information Act, or any court order or other statutory requirement or restriction.

FEES FOR ACCESS

The Denver District Attorney may charge fees and costs for access to compiled data and other criminal justice records pursuant to Section 24-72-306 C.R.S. A current schedule of charges and costs associated with the processing of compiled data and other criminal justice records requests is available upon request from the DDAO.

These charges include:

- administrative and legal personnel costs associated with reviewing and providing records or data in response to a request;
- direct personnel costs associated with programming or writing queries to supply data;
- personnel costs associated with testing the data for validity and accuracy;
- maintenance costs associated with hardware and software that are necessary to provide data as expressed in Computer Processing Units (CPU) and network costs;
- operating costs of any reproduction mediums (i.e., photocopies, zip disks, CD, etc.)

Addendum A

COMPILED DATA REQUEST

Requested By:

Date:

Agency/Organization:

Mailing Address:

Telephone Number:

e-mail:

Data Requested:

Intended use of data:

I have read the Denver District Attorney's Office Policies Regarding Requests for Compiled Data Records and understand the limitations of this data and the permitted uses of the data.

I understand and agree to the following: The data will not be republished in any format. The data will not be re-sold. I will use the data for research purposes only. I will not solicit business using this data. I will confirm the accuracy of the information in the record at the county of origin; verifying the record with paper records maintained at the courts. I understand the limitations of this data as it relates to data entry. Though every effort is made to enter data in an accurate and standard form, records may not appear on this release due to clerical coding issues. I understand and agree it is my responsibility to verify the data. I understand there are fees and costs that will be assessed for the compilation and providing of the data and agree to pay them under the terms set by the Denver District Attorney's Office. I hereby disclaim any liability to the Denver District Attorney's Office and its employees and agents for any claimed loss of privilege or other claimed injury due to disclosure of allegedly confidential or privileged information.

Date:

Signed by:

Print Name

Title

for Agency/Organization