

 <p>ARIZONA DEPARTMENT OF CORRECTIONS</p> <p>DEPARTMENT ORDER MANUAL</p>	<p>CHAPTER: 500</p> <p>HUMAN SERVICES</p>	<p>OPR:</p> <p>DIR</p>
	<p>DEPARTMENT ORDER: 523</p> <p><b><i>DOMESTIC AND WORKPLACE VIOLENCE</i></b></p>	<p>SUPERSEDES:</p> <p>DI 41 (04/01/97) DI 213 (05/02/03)</p>
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## PURPOSE

This Department Order establishes programs and services available for victims of crime and domestic or workplace violence and provides a reporting process for employees who believe that they may become a victim as the result of an action or threat of action from an employee, supervisor and/or the public. This Department Order provides information on domestic violence convictions, which pursuant to the 1996 amendment to the Federal Gun Control Act of 1968, prohibits employees who have been convicted of domestic violence from possessing or receiving firearms or ammunition. The Department Order provides information for eligible employees to file an affidavit through the courts requesting that their personal information not be accessible to the general public pursuant to A.R.S. §11-483 and 11-484.

## RESPONSIBILITY

Employees shall attempt to resolve minor conflicts promptly and, if possible, without the need for external or management intervention. However, when a conflict escalates or comes to the attention of management, it is management's responsibility to conduct an immediate assessment of the circumstances using problem solving techniques and taking appropriate action.

## PROCEDURES

### 523.01 DOMESTIC VIOLENCE

- 1.1 The Department shall maintain a list of resources for victims of domestic violence. (See Attachment A)
- 1.2 The list of resources shall be posted on employee bulletin boards or it may be obtained by contacting your supervisor or accessing the Governor's website at [www.governor.state.az.us/](http://www.governor.state.az.us/), the ADCNet or the Department's website at <https://corrections.az.gov/>.
- 1.3 The Department shall provide support to employees who are experiencing domestic violence by offering assistance through the following:
  - 1.3.1 Department Order #526, Victim Services, which provides information and notification to crime victims and advocates for their rights as survivors.
  - 1.3.2 Department Order #519, Employee Health - FMLA, ADA, Industrial Injury/Illness, FFD and Alternate Assignment, which provides employees a number of leave benefit options offered by the Department.
    - 1.3.2.1 Leave benefits could include, if qualified, Family and Medical Leave Act (FMLA), sick leave, sick family leave, annual leave, leave without pay, short and long term disability leave for more serious cases, compensatory leave, if accrued, and modified duty.
  - 1.3.3 Department Order #520, Employee Travel Reduction, which authorizes adjusted or flexible work schedules and the telecommuting program.
  - 1.3.4 Department Order #521, Employee Assistance Program, which provides a referral service for employees who are under stress from a temporary crisis such as substance abuse, family crisis situations, and financial difficulties to name a few.

- 1.3.5 Victim's Leave, pursuant to Arizona Revised Statutes 8-420 and 13-4439, authorizes employees who are the victim of a crime to miss work to attend certain types of court related proceeding for themselves or immediate family members, as outlined in Department Order #512, Employee Pay, Work Hours, Compensation and Leave.
- 1.4 In all situations involving domestic violence, supervisors shall:
  - 1.4.1 Review the safety of parking and work arrangements. If possible, have the threatened employee escorted to their vehicle by security staff, leave work with other employees, or call local police, if not working in the Capitol Complex.
  - 1.4.2 Not penalize, discipline or retaliate against an employee for reporting victimization or solely for being a victim of domestic violence.
  - 1.4.3 Refer employees to the appropriate referral services for assistance.
- 1.5 Employees (perpetrators or victims) may contact an intervention program or the Employee Relations Unit for assistance and a list of available services, without going through their supervisor. (See Attachment A)

## 523.02

**DOMESTIC VIOLENCE ARRESTS/CITATIONS** - Employees who have been arrested/cited of a felony or domestic violence incident are prohibited from possessing or receiving firearms or ammunition if their position requires them to carry a weapon and the court determines a firearm limitation. (see DEFINITIONS)

- 1.1 The Misdemeanor Crime of Domestic Violence includes any offense that meets the following criteria:
  - 1.1.1 The offense is a misdemeanor under Federal or State law.
  - 1.1.2 The offense involved the use or attempted use of physical force, or the threatened use of a deadly weapon.
  - 1.1.3 The employee's relationship to the victim at the time of the offense falls into one of the following categories:
    - 1.1.3.1 The employee is a parent or guardian of the victim.
    - 1.1.3.2 The employee is a current or former spouse of the victim.
    - 1.1.3.3 The employee is a person with whom the victim shares a child in common.
    - 1.1.3.4 The employee is a person who is cohabiting with or who has cohabited with the victim as a parent.
    - 1.1.3.5 The employee is a person who is cohabiting with or who has cohabited with the victim as a guardian.
    - 1.1.3.6 The employee is a person who is cohabiting with or who has cohabited with the victim as a spouse.

- 1.1.3.7 The employee's relationship to the victim is similar to that of a parent.
- 1.1.3.8 The employee's relationship to the victim is similar to that of a guardian.
- 1.1.3.9 The employee's relationship to the victim is similar to that of a spouse.
- 1.1.4 Expungement, Pardon, or Restoration of Civil Rights - The employee shall not be considered to have been convicted of a misdemeanor crime of domestic violence when one of the following exceptions has occurred:
  - 1.1.4.1 The conviction has been dismissed, expunged or set aside.
  - 1.1.4.2 The employee has been pardoned for the offense.
  - 1.1.4.3 The employee has had his/her civil rights restored, if the law of the jurisdiction in which the case was tried provides for the loss of civil rights upon conviction of the offense.
- 1.1.5 The pardon, expungement, or restoration of civil rights does not expressly provide that the employee may not ship, transport, possess, or receive firearms. The employee must obtain an order from the court reinstating their right to possess firearms.
- 1.2 Procedures for Enforcement
  - 1.2.1 The employee shall:
    - 1.2.1.1 Complete the Self-Disclosure Certification, Form 523-1, to self-disclose any conviction outlined in 1.1 through 1.1.3.9 of this section.
    - 1.2.1.2 Pursue any legal action necessary to bring the conviction within one of the exceptions as outlined in 1.1.4 through 1.1.5 of this section.
    - 1.2.1.3 Obtain any documentation supporting an exception as outlined in 1.1.4 through 1.1.5 of this section.
    - 1.2.1.4 Within 90 days of the date of self-disclosure:
      - 1.2.1.4.1 Provide any documentation supporting an exception to the Administrative Investigations Supervisor or designee.
      - 1.2.1.4.2 Notify the Administrative Investigations Supervisor or designee of the status of any efforts to obtain the documentation necessary to establish an exception, such as awaiting action by a court or they have requested but not yet received the necessary documents.

1.2.2 Self-Disclosure

1.2.2.1 Self-disclosure shall be required by all employees who:

1.2.2.1.1 Are or may be required to possess or receive firearms or ammunition in the performance of their duties.

1.2.2.1.2 Have ever been convicted of a felony and/or misdemeanor crime of domestic violence as defined by this Department Order, including those convictions, which may fall within one of the exceptions.

1.2.2.2 Upon completion of the Self-Disclosure Certification, Form 523-1, the employee shall forward the originals of the completed documents, including the Certification, through his/her immediate chain-of-command.

1.2.2.3 Staff shall be required to complete the Self-Disclosure Certification each year during annual weapons qualification.

1.3 Upon receipt of the Notice of Self-Disclosure and supporting documents, the employee's supervisor shall:

1.3.1 Immediately fax the submitted documents to the Administrative Investigations Supervisor or designee.

1.3.2 Forward the original documents through the chain-of-command to the Administrative Investigations Supervisor or designee.

1.3.3 Take from the employee any and all firearms or ammunition within his/her possession or control.

1.3.4 Ensure that the duties assigned to the employee do not violate the restriction against the possession, receipt, or control of firearms or ammunition.

1.3.5 Advise the employee that he/she may request information from the Administrative Investigations Supervisor or designee regarding expungement, pardon, and restoration of civil rights.

1.3.6 Within 90 days of the date of self-disclosure, advise the employee that he/she may be subject to dismissal from employment if they fail to provide documentation sufficient to establish that the conviction falls within one of the exceptions.

1.4 Upon receipt of the Notice of Self-Disclosure and supporting documents, the Administrative Investigations Supervisor or designee shall:

1.4.1 Immediately forward to the self-disclosing employee information about obtaining an expungement, pardon, or restoration of civil rights in connection with the conviction.

1.4.2 Initiate a major case administrative investigation as outlined in Department Order #601, Administrative Investigations and Employee Discipline.

- 1.4.3 Enter the information received into a log maintained for the purpose of tracking those employees who are or may be prohibited from possessing or receiving firearms or ammunition.
- 1.4.4 Verify the conviction through court documentation and available police reports.
- 1.4.5 With the assistance of Legal Services where necessary:
  - 1.4.5.1 Log the documentation received and identify the exception the documentation allegedly supports.
  - 1.4.5.2 Review the documentation received to determine whether it is sufficient to establish an exception.
- 1.4.6 Make an appropriate entry in the log and forward the administrative investigation file to the employee's Approving Authority when an employee:
  - 1.4.6.1 Has provided documentation that is sufficient to establish an exception.
  - 1.4.6.2 Has provided documentation in support of an exception, but the documentation is not sufficient.
  - 1.4.6.3 Does not provide documentation supporting an exception within 90 days of the date of their self-disclosure, and the employee has not advised the Administrative Investigations Supervisor or designee that the documentation has been requested from the appropriate court or other authority
  - 1.4.6.4 Does not provide documentation supporting an exception within 90 days of the date of their self-disclosure, but the employee has advised the Administrative Investigations Supervisor or designee that such documentation has been requested from the appropriate court or other authority but has not yet received it.
- 1.5 Approving Authority Responsibilities
  - 1.5.1 Upon receipt of the completed administrative investigation, the Approving Authority shall review the completed investigation.
  - 1.5.2 When the completed administrative investigation shows that the employee has established proof of an exception, the Approving Authority:
    - 1.5.2.1 Shall lift the restrictions prohibiting the employee from possessing, receiving, or controlling firearms or ammunition in his/her employment duties.
    - 1.5.2.2 May return the employee to employment duties requiring that they be able to possess, use, or receive firearms or ammunition.
- 1.6 When the completed administrative investigation shows that the employee has failed to establish an exception, the Approving Authority shall prepare recommendations relating to the employee's continued employment. Recommendations may include:

- 1.6.1 The need for a time extension in order to obtain the necessary exception or supporting documentation.
- 1.6.2 Options for the employee's continued employment in a capacity not requiring the use of a firearm.
- 1.6.3 The dismissal of the employee based on their inability to legally perform the essential job functions of the position.
- 1.7 The Approving Authority shall forward the recommendations, the completed administrative investigation and the affected employee's work history to the Director. The Director shall make the final decision of any action(s) to be taken.

### **523.03 WORKPLACE VIOLENCE**

- 1.1 Any employee found using work time, work phones, facsimile machines, electronic mail, or other state resources to commit an act of domestic violence or to threaten or abuse another person, may be subject to disciplinary action, up to and including dismissal and/or criminal prosecution in accordance with Department Order #601, Administrative Investigations and Employee Discipline.
- 1.2 Employees may be advised of the possibility of threats or assaults from current employees, former employees, employee family members, friends, current/former inmates, inmate families or friends, visitors or members of the public. Department employees shall take steps to protect themselves, others and the work environment.
  - 1.2.1 If the need for law enforcement intervention is imminent or immediate call 911 emergency.
    - 1.2.1.1 The caller shall advise the operator of the building address, floor and suite number.
    - 1.2.1.2 Once on-site security and law enforcement have been called the supervisor shall contact the Criminal Investigations Unit and provide the same information.
  - 1.2.2 If an employee is threatened or assaulted, the employee shall immediately notify his/her supervisor. The supervisor may refer the employee for assistance, in accordance with Department Order #521, Employee Assistance Program.
  - 1.2.3 If the employee is injured while at work, the employee shall report the injury in accordance with Department Order #519, Employee Health - FMLA, ADA, Industrial Injury/Illness, FFD and Alternate Assignment.
  - 1.2.4 The affected employee shall complete an Information Report, Form 105-2, in accordance with Department Order #105, Information Reporting.
  - 1.2.5 Any employee who is a witness to the threat or assault of another employee shall notify his/her supervisor and write a supplemental using the Information Report form.
  - 1.2.6 The Department does not intend that an employee be subjected to verbal abuse. If an employee is verbally abused, the employee shall:

- 1.2.6.1 Immediately notify his/her supervisor.
  - 1.2.6.2 Complete an Information Report form, in accordance with Department Order #105, Information Reporting.
- 1.3 When a situation is brought to the attention of a supervisor, the supervisor shall immediately evaluate the severity of the situation and determine if there is an imminent risk to the safety of the employee(s). If it is concluded that there is a likelihood that violence could result, the supervisor:
- 1.3.1 Shall, in all instances, ensure that appropriate members in their chain of command, to include the Inspector General, are informed of the incident. The Inspector General shall:
    - 1.3.1.1 Determine if an investigation is warranted and, if so, whether the Criminal Investigation Unit or another agency shall conduct the investigation.
    - 1.3.1.2 Determine what type of investigation shall be conducted.
    - 1.3.1.3 Assign an investigator to investigate the incident in accordance with Department Order #601, Administrative Investigations and Employee Discipline, and/or Department Order #608, Criminal Investigations.
  - 1.3.2 May use available Department resources such as the Employee Relations Unit, the Criminal Investigations Unit and the Critical Incident Response Team (CIRT).
  - 1.3.3 Shall, if immediate law enforcement response is not needed, call on-site security or the Criminal Investigations Unit. All Department supervisors shall be familiar with the security services for their areas of responsibility and implement Department Order #706, Emergency Preparedness, Response, and the Incident Command System (ICS).
  - 1.3.4 Shall, in cases where a supervisor or manager has advanced information of a potentially dangerous person:
    - 1.3.4.1 Obtain a description, and picture if available, of the subject.
    - 1.3.4.2 Ensure all information relating to an employee's involvement in domestic violence is kept confidential, to the extent possible, and is not made part of the employee's personnel file.
    - 1.3.4.3 Maintain a level of confidentiality by discussing the situation with only the employees who are likely to come in contact with the subject and providing to those employees:
      - 1.3.4.3.1 A description of the individual whose contact has been restricted.
      - 1.3.4.3.2 Instructions on actions to be taken if the subject enters the workplace.



- 1.3.4.4 Provide the same information to the Criminal Investigations Unit and building security personnel. Dependent upon the severity of the threat, options may include:
  - 1.3.4.4.1 Calling the on-site security personnel.
  - 1.3.4.4.2 Calling 911 emergency. If the telephone requires a 9 to access an outside line, press 9-911.
  - 1.3.4.4.3 Calling the Criminal Investigations Unit directly.
- 1.3.5 Shall refer the employee to the appropriate referral services for assistance.
- 1.3.6 Shall, if the situation involves employees who work together, separate the employees by administratively reassigning one or both of them pending completion of an investigation as outlined in Department Order #601, Administrative Investigations and Employee Discipline, and/or Department Order #608, Criminal Investigations.
- 1.4 If employees are involved in personal, non-criminal, disputes with a friend, family member or neighbor, regardless of location, and the situation escalates, the employee may obtain an Order of Protection, an Injunction Against Harassment, or similar orders from a court.
  - 1.4.1 When an employee requests such a court order, the employee shall include the work location as well as their place of residence with the order. The employee shall:
    - 1.4.1.1 Complete an Information Report form naming all involved individuals, to include other State employee(s), and inform their supervisor. The supervisor shall inform the Criminal Investigations Unit and provide them with a copy of the employee's report.
    - 1.4.1.2 Provide a copy of the order and a description of the individual cited in the order, including a picture/photograph if possible, to their supervisor. The supervisor shall then provide a copy of the order and the picture/photograph to the Criminal Investigations Unit.
  - 1.4.2 The supervisor shall handle these situations as outlined in 1.3 through 1.3.6 of this section.
- 1.5 In all situations involving domestic violence, supervisors shall:
  - 1.5.1 Review the safety of parking arrangements. If possible, have the threatened employee escorted to their vehicle by security staff, leave work with other employees, or call Capitol Police if working in the Capitol Complex.
  - 1.5.2 Not penalize or discipline an employee for being a victim of domestic violence.
  - 1.5.3 Refer employees to the appropriate referral services or to the Employee Relations Unit for an updated list of services available for survivors or victims of domestic violence.

- 1.6 Employees may contact an intervention program or the Employee Relations Unit for assistance and a list of available services without going through their supervisor.

#### **523.04 REDACTION OF PERSONAL INFORMATION**

- 1.1 Eligible Department employees who believe that their life or safety or that another person is in danger and wish to restrict the general public's access to their information pursuant to A.R.S. §11-483 and 11-484 may file an Affidavit in Support of Application to Restrict Public Access to Personal Information, Attachment B. Employees can complete the Application For Affidavit to Restrict Public Access online at <http://supreme.state.az.us/selfserv/PIRA/PIRA-PEForm-E.pdf>. The affidavit (See Attachment C) must be printed then notarized and submitted to Human Service Bureau, who will forward the affidavits to the General Counsel for filing with the applicable county recorder, county assessor and county treasurer. This affidavit will request that the general public be prohibited from accessing personal information to include:
  - 1.1.1 The unique identifier and the recording date contained in indices of recorded instruments maintained by the county recorder.
  - 1.1.2 The person's full legal name, residential address and telephone number.
  - 1.1.3 Full legal description and parcel number of the person's property.
  - 1.1.4 The person's current position and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment.
  - 1.1.5 The reasons that the person reasonably believes that their life or safety or that of another person is in danger and that restricting access will serve to reduce the danger.
  - 1.1.6 Information on application forms developed by the administrative offices of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the Department of Transportation.
- 1.2 The county recorder, county assessor and county treasurer shall remove the restrictions on all records restricted pursuant to this section by January 5 in the year after the court order expires. The redaction shall be in effect for five years.
  - 1.2.1 The county assessor and the county treasurer shall send the employee or agency one notification of the order's expiration date at least six months before the expiration date. If the notification is sent to the agency, the agency shall notify the affected employee of the upcoming expiration date.
  - 1.2.2 The county assessor may coordinate with the county assessor and the county treasurer to prevent multiple notices from being sent to the same person.

## **IMPLEMENTATION**

### **| SECTION DELETED**

## SECTION DELETED

Within 90 days of the effective date of this Department Order, the Staff Development Unit shall develop training for all employees that addresses the information presented in this Department Order.

## DEFINITIONS

**COURSE OF CONDUCT** - Means maintaining visual or physical proximity to a specific person or directing verbal, written or other threats, whether express or implied, to a specific person on two or more occasions over a period of time, however short, but does not include constitutionally protected activity.

**CRIME VICTIM OR SURVIVOR** – Any person who suffers physical, emotional and/or financial harm resulting from the commission of a crime.

**DOMESTIC VIOLENCE** - An attempt to establish and maintain power, control and fear in a relationship through the use of violence and other forms of abuse. Domestic violence behaviors include but are not limited to: verbal harassment, disorderly conduct, emotional abuse, isolation from family or friends, economic control, sexual assault, stalking, intimidation, destruction of personal property, and actual or threatened physical harm (direct, veiled or implied). Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds, in heterosexual and same sex relationships, between people living together or separately, married or unmarried, in short-term or long-term relationships.

**DOMESTIC VIOLENCE CONVICTIONS** - Prohibition Against Possessing Or Receiving Firearms Or Ammunition While Performing Employment Duties. A 1996 amendment to the Federal Gun Control Act of 1968, known as the Lautenberg Amendment, makes it unlawful for persons who have ever been convicted of a misdemeanor crime of domestic violence to possess or receive firearms or ammunition for any purpose, including while in the performance of their employment duties. This Amendment, which became effective on October 1, 1996, applies retroactively and covers all such convictions occurring at any time before or after October 1, 1996, and includes persons employed in law enforcement jobs.

**VICTIM SERVICES OFFICE** - An office established by the Department to oversee the implementation of programs and procedures regarding crime victims' rights.

**WORKPLACE VIOLENCE** - Any act of violence, which may include intimidation, threats, or placing a person in fear for their safety, and/or which actually causes physical injury, which occurs in a place of business or organization, or which is committed against a person or persons during the course of their employment. Any act of verbal or physical violence or acts that cause physical injury to occur within the course of a person's employment, which places a reasonable person in fear for his/her safety. Verbal abuse, harassment, physical acts of violence or acts that causes physical injury which lead a person to fear for his/her safety and which occur during the course of employment.

{Original Signature on File}

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Charles L. Ryan  
Director

## ATTACHMENTS

Attachment A - Promoting a Safer Work Environment

Attachment B - Affidavit in Support of Application to Restrict Public Access to Personal Information

Attachment C- Instructions for Affidavit to Restrict Public Access to Personal Information

## FORMS LIST

523-1, Self-Disclosure Certification

## CROSS-REFERENCE INDEX

Department Order #105, Information Reporting

Department Order #512, Employee Pay, Work Hours, Compensation and Leave

Department Order #519, Employee Health - FMLA, ADA, Industrial Injury/Illness, FFD and Alternate Assignment

Department Order #520, Employee Travel Reduction

Department Order #521, Employee Assistance Program

Department Order #526, Victim Services

Department Order #527, Employment Discrimination and Harassment

Department Order #601, Administrative Investigations and Employee Discipline

Department Order #608, Criminal Investigations

Department Order #706, Emergency Preparedness, Response, and the Incident Command System (ICS).

## AUTHORITY

A.R.S. § 8-420, Right to leave work; scheduled proceedings; employment rights; nondiscrimination; confidentiality; definition

A.R.S. § 11-483, Records maintained by county recorder; confidentiality; definitions

A.R.S. § 11-484, Records maintained by county assessor and county treasurer; redaction; definitions

A.R.S. § 12-1809, Injunction Against Harassment; petition; venue; fees; notices; enforcement; definition

A.R.S. § 13-3602, Order of Protection; procedure; contents; arrest for violation; penalty; protection order from another jurisdiction

A.R.S. § 13-4439, Right to leave work; scheduling proceedings; counseling; employment rights; nondiscrimination; confidentiality; definition

A.R.S. § 16-153, Voter registration; confidentiality; definitions

A.R.S. § 28-454, Records maintained by department of transportation; redaction; definitions

A.R.S. § 39-123, Information identifying eligible persons; confidentiality; definitions

A.R.S. § 39-124, Releasing information identifying an eligible person; violations; classification; definitions

Federal Gun Control Act of 1968, Lautenberg Amendment, 1996

### **PROMOTING A SAFER WORK ENVIRONMENT**

- ◆ Consider obtaining a civil order for protection and make sure it is current and on hand at all times. Include the workplace on the order. A copy should be provided to the Capitol Police or local police, supervisors, the reception area, legal department and security. Ask co-workers and/or supervisors to call the police if the perpetrator threatens or harasses you at work or violates the civil order for protection in any way.
- ◆ Consider providing a picture of the perpetrator to reception areas or security.
- ◆ Consider identifying an emergency contact person should your employer be unable to contact you.
- ◆ Review the safety of your parking arrangements.
- ◆ Consider having security staff escort you to and from your car or public transportation and/or obtaining special parking access.
- ◆ Consider requesting a change and/or unpredictable rotation of your work schedule, work site, or work assignment if such a change is possible and would enhance your safety at work.
- ◆ Consider having your telephone calls at work screened.
- ◆ Consider requesting additional security measures for your work site.
- ◆ Review the safety of your child care arrangements. If you have a protection order, ensure the childcare provider is provided a copy.

### **AVAILABLE SERVICES FOR DOMESTIC VIOLENCE**

- ◆ The Statewide Domestic Violence Coalition number 1-800-782-6400.
- ◆ The National Domestic Violence Hotline number 1-800-799-SAFE.
- ◆ The Employee Assistance Program (EAP) number 602-269-4600.
- ◆ Value Options's Crisis Hotline number 1-800-631-1314.
- ◆ Community Information and Referral Helpline number 602-263-8856, or outside Maricopa County 1- 800-352-3792).
- ◆ Arizona Coalition Against Domestic Violence number 1-800-782-6400.

For the actual form go to <http://supreme.state.az.us/selfserv/PIRA/PIRA-PEForm-E.pdf>.

**AFFIDAVIT IN SUPPORT OF APPLICATION TO RESTRICT PUBLIC ACCESS TO  
ADDRESS AND TELEPHONE NUMBERS IN SPECIFIED PUBLIC RECORDS  
PURSUANT TO A.R.S. § 11-483, 11-484, 16-153, AND/OR 28-454  
(FOR USE BY PUBLIC EMPLOYEES OR OFFICIALS LISTED IN ITEM 3 ONLY)**

**PLEASE READ THE INSTRUCTIONS BEFORE COMPLETING THIS FORM AND  
PRINT ALL REQUIRED INFORMATION IN BLACK INK**

1. I, \_\_\_\_\_, make the following  
Full legal name  
statements under oath:

2. I submit this affidavit pursuant to (*check only the types of records you are seeking to protect*):

(*For County Recorder records*) A.R.S. §11-483, and request that the court order sealed for five years my residential address and phone number appearing in instruments and writings recorded by the County Recorder and the unique identifiers and recording dates contained in indexes of recorded instruments maintained by the County Recorder.

(*For County Assessor records*) A.R.S. §11-484, and request that the court order sealed for five years my residential address and phone number appearing in instruments, writings and information maintained by the County Assessor.

(*For County Treasurer records*) A.R.S. §11-484, and request that the court order sealed for five years my residential address and phone number appearing in instruments, writings and information maintained by the County Treasurer.

(*For voter registration records*) A.R.S. §16-153, and request that the court order sealed for five years my residential address and phone number and voting precinct number and those of any individuals identified in item 12 below that appear in voter registration records.

(*For Motor Vehicle Division records*) A.R.S. §28-454, and request that the court order sealed my residential address and phone number and those of any individuals identified in item 14 below that appear in Motor Vehicle Division records. I understand that the order to seal MVD records has no automatic expiration.

3. I am employed as a (*check the description that applies to you*):

Code Enforcement Officer                       Justice     Commissioner  
 Law enforcement support staff person       Corrections support staff person               Probation officer

Corrections or detention officer (adult or juvenile)       Peace officer     Prosecutor

National Guard member supporting a law enforcement agency       Executive Clemency Board member               Judge

Firefighter assigned to the Department of Public Safety Counter terrorism Center       Public defender as provided in A.R.S. §11-483 (N), §11-484(K), §16-153(K), or §28-454(K).

4. I am employed by \_\_\_\_\_  
Organization Name

5. My current job title and duties include:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. I believe that my life or safety, or that of my family or other persons living at my residence, is in danger of physical harm for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. (Optional – complete this item ONLY if you need immediate record protection) I request immediate action for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Restricting public access to the records I selected in item 2 above will serve to reduce the danger I described in item 6 for the following reasons:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. My primary residential address and telephone number are:  
\_\_\_\_\_

Street Address City State ZIP Phone Number

Affidavit for use by public employees/officials Page 2 of 4 AOC ver 9/2007

10. (For County Recorder/Assessor/Treasurer records only) The identifying numbers relating to my primary residential address are:  
Parcel Number: \_\_\_\_\_ Book & Map Number: \_\_\_\_\_  
Full Legal Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. (For County Recorder/Assessor/Treasurer records only) The document locator number and date of recordation of each instrument for which I request public access restriction pursuant to A.R.S. §11-483 and/or 11-484 are as follows. I have attached a copy of pages from each document that show the document locator number, and either my full legal name and primary residential address or my full legal name and telephone number:  
\_\_\_\_\_  
Document locator number Date of recordation  
\_\_\_\_\_

Document locator number Date of recordation

Document locator number Date of recordation

Document locator number Date of recordation

Document locator number Date of recordation

Document locator number Date of recordation

**12. (For voter registration records only -- see the instruction sheet for more information)**

The following are the names and birth dates for each registered voter who resides with me and whose voter registration records should also be redacted. I have informed these individuals that I have applied to have their addresses protected and that they will need to vote by mail in the future in order to keep this information out of the public record. I have also informed them that if they vote in-person at a polling location, they will be required to vote a provisional ballot. I have checked the box for each voter who is requesting to be added to the Permanent Early Voting List (PEVL) to automatically receive an early ballot by mail, and I have attached their completed voter registration forms so they can be added to the PEVL.

Full legal name Month/Day/Year of Birth  add to PEVL

Full legal name Month/Day/Year of Birth  add to PEVL

Full legal name Month/Day/Year of Birth  add to PEVL

Full legal name Month/Day/Year of Birth  add to PEVL

Full legal name Month/Day/Year of Birth  add to PEVL

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**13. (For your MVD records) My name, birth date and driver's license or state identification number are:**

Full legal name Month/Day/Year of Birth Driver's License /State I.D.Number

**14. (For protecting other household members' MVD records only) The following individuals and/or entities (such as partnerships, corporations) have MVD records that display my primary residential address and/or telephone number and therefore should also be redacted (see the instruction sheet regarding household members who are peace officers):**

Full legal name Month/Day/Year of Birth Driver's License or State I.D. Number

Full legal name Month/Day/Year of Birth Driver's License or State I.D. Number

Full legal name Month/Day/Year of Birth Driver's License or State I.D. Number

Full legal name Month/Day/Year of Birth Driver's License or State I.D. Number

Full legal name Month/Day/Year of Birth Driver's License or State I.D. Number

On the basis of the facts set forth herein, I respectfully request the court to order the sealing of the information and records identified by me in item 2 above.

Date Affiant's signature \_\_\_\_\_ State of Arizona ) ) ss. )

County of \_\_\_\_\_ )

Subscribed and sworn to (or affirmed) before me on \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary Public



For the actual instructions go to <http://supreme.state.az.us/selfserv/PIRA/PIRA-POInst-E.pdf>.

## INSTRUCTIONS

### **Affidavit in Support of Application to Restrict Public Access to Personal Information (For use by public employees/officials)**

#### **USE THIS FORM IF:**

- You are a public employee or public official eligible to apply for the relief afforded by either A.R.S. § 11-483, 11-484, 16-153 and/or 28-454, and
- You can show facts sufficient to establish that either your life or safety or the life or safety of your family or other person living at your primary residence is in danger of physical harm and that granting the public access restrictions specified in these statutes will reduce this danger.

#### **TO COMPLETE THIS FORM YOU WILL NEED:**

- A. To restrict public access to your home address and phone number in property-related records maintained by the County Recorder, Assessor or Treasurer:
- The full legal description and book, map, and parcel number of your home.
  - The document locator number and date of recordation of each document on file with these agencies that you want to protect, and
  - A copy of the pages from each such document that show the document locator number and your full name and address or your full name and telephone number.
- B. To restrict public access to your home address and phone number in voter registration records:
- The full legal name and date of birth of everyone with whom you reside whose voting records you wish to have protected. In some circumstances, you also may need to attach new voter registration forms (see information under item 12 below).
- C. To restrict public access to your home address and phone number in Motor Vehicle Division (MVD) records:
- The date of birth and driver's license number or state identification number for yourself and anyone with whom you reside whose MVD records you wish to have protected, this may include business entities that use your home address to conduct their affairs.

#### **HOW TO COMPLETE THE AFFIDAVIT FORM:**

TYPE OR PRINT NEATLY USING **BLACK INK**. THIS IS AN OFFICIAL MANDATORY FORM, DO NOT ALTER THE FORMAT, PAGINATION, OR LINE NUMBERING, OR SUBMIT THIS FORM AS A DOUBLE-SIDED DOCUMENT. You may add extra pages if needed to provide complete information under any item.

All applicants must fill in items 1 - 6, item 7 (if applicable), 8 and 9. Determine which type(s) of records you want to protect, and

- A. Complete items 10 and 11 and include the required attachments if you want to restrict public access to your property-related records maintained by the County Recorder, County Assessor, and County Treasurer.
- B. Complete item 12 if you want to restrict public access to your voting records; you also may need to include new voter registration forms (see instructions below).

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- C. Complete items 13 and 14 if you want to restrict public access to your MVD records.

Match each numbered item in the instructions with the same numbered item on the affidavit.

1. Fill in your full legal name.
2. Check the box for each type of record you are seeking to protect.
3. Check the box that describes your job.
4. Provide the name of the law enforcement or other public agency that employs you.

5. Provide your job title and a description of your duties.
6. Explain why you believe your life or safety or that of someone who lives with you is in danger of physical harm.
7. If you want the court to act immediately on your affidavit, explain why immediate protection is needed. Applicable statutes provide that in the absence of a request for immediate action supported by facts justifying an earlier consideration, the presiding judge may rule on the application at the end of each quarter.
8. Explain why the danger you described in item 6 will be reduced by restricting public access to your home address and phone number in the public records you identified in item 2.
9. Fill in your home address and phone number. This must be the address of your primary residence, not a secondary property you own or use only occasionally.
10. If you want to protect property-related records maintained by the County Recorder, Assessor, and/or Treasurer, provide the parcel number, book, map, and full legal description of your primary residence.
11. If you want to protect property-related records maintained by the County Recorder, Assessor, and/or Treasurer, provide the document locator number and recording date of each instrument to be redacted. The document locator number is also known as the recording number.
12. You have the option of requesting that your household members' addresses and phone numbers be protected from public access in voting records. To do this, fill in the full name and birth date of each person to be protected on the lines provided. Check the box next to each name if you want to add these individuals to the Permanent Early Voting List. You may be required to attach a completed voter registration form for yourself and these individuals (see below for more information):

PLEASE NOTE: There are two circumstances in which new voter registration forms need to be attached to this affidavit:

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PLEASE NOTE: Item 11 requires you to attach a copy of any page from each of the documents you listed that displays your name and primary residential address or your name and phone number. Do not include records that identify only your spouse or some other owner of the property where you reside. To assist the County Recorder, please hand-write on each of these copies the "document locator number" also known as the recording number of the document. You are responsible for ensuring that all your records are listed and attached. The County cannot redact any documents that you have not identified in your affidavit.

- A. **If addresses are changing from what is currently on the voter registration form.** The elections office needs to be able to contact voters by mail; therefore, if there is an address change you need to attach to your affidavit a new voter registration form for each person in the household whose information will be protected. The new registration forms must include a home address (which will be redacted). You have the option to provide an alternate "mailing" address on the voter registration form such as an office address or P.O. Box. If no alternate address is listed, your election materials will be mailed to the residence address on file. *Do not use your employer's mailing address for any members of your household, if your employer has not agreed to accept mail on their behalf. If a mailing from the elections office is returned by the Post Office for incorrect address, the household members' names will be moved to an "inactive" voter list, and they may no longer receive election materials by mail, including mail-in ballots.*
- B. **If you want to add yourself or your household members to the Permanent Early Voter List (PEVL).** If your request for protection is granted you should always vote by mail in the future to maintain that protection. Should you go to the polls to vote, you will have to vote a provisional ballot, and a publicly-accessible record of voter information will be created which the registrar will not be able to protect. The PEVL is a way for voters to automatically receive an early ballot by mail for all elections in which the county voter registration rolls are used to prepare the voter list. A new voter registration form is necessary to be added to the PEVL. *Participation in the PEVL is merely a convenience for voters and is **not a requirement** for receiving record protection.*

13. If you want to protect your MVD records, provide your name, birth date, and driver's license number or state identification number. **PLEASE NOTE:** your MVD record cannot be redacted without your driver's license or state identification number.
14. You have the option of requesting that your household members' addresses and phone numbers be protected from public access in MVD records, including legal entities such as a corporation, partnership, or trust that uses your home address and may be the registered owner of a motor vehicle. Type or print the full name, birth date, and driver's license or state identification number of each person whose records you want to protect. For legal entities, provide the name and the customer number issued by MVD to that entity. If any household members you list are employed as peace officers, they should complete their own affidavits to ensure that MVD will restrict public access to their photograph pursuant to A.R.S. § 28-454(I).

**WHEN YOU HAVE COMPLETED THE AFFIDAVIT:**

Date and sign the affidavit in the presence of a notary public. The affidavit must be filed with the presiding superior court judge of the county in which you reside. Give your affidavit with all necessary attachments to the commanding officer or supervisor responsible for filing it on your behalf.

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**PLEASE BE ADVISED** this process is designed to protect your primary residential address and phone number in a limited class of public records **ONLY**. If your application is granted, your home address and phone number may still be publicly-accessible in other public records and commercially-available databases. The length of time your information can be protected will vary depending on the agency involved. You are urged to read all applicable statutes and contact each of the participating agencies directly to determine the consequences and on-going responsibilities associated with restricting public access to your information.