

# Arizona Address Confidentiality Program

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# What is ACP? (ARS §41-162)

- Part of a safety plan to assist victims of DV, Sexual Assault & Stalking maintain their confidential location.
- Administered by Secretary of State's Office, laws governing the program: Title 41, Article 3
- Two- part process (legal substitute mailing address & a mail forwarding service)
- Funded by a \$50 assessment levied on persons convicted of crimes outlined in ARS §13-3601, Title 13 Chapter 14 or 35.1 and/or ARS §13-2923



# Eligibility & Enrollment

(ARS §41-162 & ARS §41-163)

- Must apply through a trained & registered Applicant Assistant
- Adult or Child
- Victim of DV, Sexual Offenses or Stalking (as prescribed in ARS §13-3601, offenses included in Title 13, Chapter 14 or 35.1, ARS §13-2923) **and** in fear of safety
  - Or lives with an ACP enrolled participant
- Must have relocated within 90 days or is planning on relocating
- Must provide evidence of victimization



# State & Local Government Agencies

ARS §41-166

- Program participant initiates use of ACP substitute address by showing ACP authorization card
- Must accept the ACP substitute address as lawful address of record (not for purposes of assessing taxes or fees MVD or real property)
- Cannot require participants to disclose their true address
- Agencies can call ACP staff & verify ACP participant's enrollment status & copy card for records



# Disclosure (ARS §41-165- §41-167)

- Participants may voluntarily disclose address (ex. 911)
- ACP staff shall not disclose participants true address or telephone number (ARS §41-165)
- Except, (ARS §41-165(A).1-2)
  - Required by direction of court order
  - LE conducting criminal investigation (participant own criminal conduct) (aka emergency disclosure)
- Person who intentionally or knowingly obtains or discloses an ACP participants address is in violation (unless permissible by law), Class 1 Misdemeanor (ARS §41-165(F))



# Request for Disclosure

(ARS §41-167)

- **Non- Emergency**
- Process (in writing on agency letterhead)
  - Name of participant
  - Statement of why address is needed & how come (must be bona fide statutory or administrative need)
  - Statement of facts showing other methods to locate participant or participants address have tried & failed or unlikely to succeed
  - Statement of adopted procedure to maintain confidentiality of participants actual address
  - Signed by person requesting information, their supervisor and notarized



# Disclosure

- When requested, ACP will provide participant with notice of opportunity to be heard (ARS §41-167(B))
  - Except when Emergency Disclosure (criminal investigation) (ARS §41-167(C))
- Will be time-limited release (ARS §41-167(G).4)



# Request for Disclosure

(ARS §41-167)

- **Emergency**
  - Criminal Investigation (participant subject)
- 24 hours access to director/ director designee
- Expedited Process
- Process (in writing on agency letterhead)
  - Name of participant
  - Statement of why address is needed & how come it (must be bona fide statutory or administrative need)
  - Statement of facts showing other methods to locate participant or participants address have tried & failed or unlikely to succeed
  - Statement of adopted procedure to maintain confidentiality of participants actual address
  - Signed by person requesting information, their supervisor
  - Notarized Information Form



# State/ Local Agency Procedures

- 90 days redaction (ARS §41-166(O))
- Disclosure Release (ARS §41-167(A)4)
- Agencies shall develop internal policies and procedures that best meet the needs of the agency while accommodating the ACP laws. The ACP program staff can assist with this process in an advisory capacity, and are available to discuss unique situations as they occur on a case by case basis.



# Any Questions?

