



ACP

Address Confidentiality Program

Law Enforcement Guide



Program Description

The Address Confidentiality Program (ACP) is a statewide program that provides survivors of domestic violence, sexual offenses and/or stalking with a legal substitute address for interacting with all state and local government agencies as well as protected healthcare workers. All state and local government agencies, including law enforcement, must accept the substitute address as the participant's legal address.

Program participants can use their new substitute address when they create or change public records, such as updating their driver's license or filing a police report. The substitute address is a participant's legal address for home, work, and school.

When participant mail arrives at the substitute address, the ACP sorts the mail by household, repackages, and forwards it to the participant's confidential address. The purpose of the ACP is to reduce the risk of future harm.

Program Eligibility

There are three eligibility requirements:

1. An applicant must be a survivor of sexual assault, domestic violence, stalking/harassment, or a protected healthcare worker who fears for his or her safety.
2. The applicant must provide evidence of eligibility, such as a police reports, protection order, agency documents, or a letter from a professional who has provided counseling, referral or other direct services. For those enrolling as a protected healthcare worker, evidence must confirm their status as a protected healthcare working as defined in §24-30-2103 (9.5) C.R.S.
3. An applicant must have relocated within the past 90 days or have plans to relocate in the future.

Program Enrollment

Survivors must meet with an "Application Assistant" in order to enroll. Application Assistants have been trained and registered by the ACP. Application Assistants provide various services to support survivors of violence and are often victim advocates, though can also be protected healthcare workers. A list of enrolling agencies and advocates can be found on the ACP website, www.colorado.gov/acp, under "Enrollment."

ACP Laws

The table below provides an overview of the most common ACP provisions. The ACP laws, in their entirety, can be found beginning at §24-30-2101, C.R.S. Most recently, HB15-1174 amended the ACP laws and became effective on March 20, 2015. The ACP laws are also located on the ACP website at www.colorado.gov/acp.

Statutory Reference / ACP Provision

§24-30-2108(1) and (2), C.R.S.

A participant must present their ACP authorization card and request the use of their substitute address.

§24-30-2108(6), C.R.S.

When a participant is required by law to swear or affirm their actual address, the participant may use his or her substitute address.

§24-30-2103(13), C.R.S., §24-30-2108(2), (3)(a), and (9), C.R.S.

State and local government agencies (including courts and law enforcement) must accept a participant's substitute address as their residential, work and school address when creating a new public record.

§24-30-2108(11), C.R.S.

Upon a participant's request, agencies must redact any actual address records created up to 90 days prior to enrollment in the program.

§24-30-2104(3)(a), C.R.S.

The ACP accepts service of process, including personal service, on behalf of a participant.

§24-30-2109(6), C.R.S.

Any person who knowingly and intentionally obtains or discloses information in violation of this part 21 shall be guilty of a class 1 misdemeanor and shall be punished as provided in §18-1.3-501, C.R.S.

§24-30-2104(3)(c), C.R.S.

When a participant is provided with the legal right to act within 10 days or less after the service of a notice or by mail, five days shall be added to the prescribed period.

§24-30-2108(10), C.R.S.


A participant's actual address and phone number are not subject to the Colorado Open Records Act.

§24-30-2110 (12) C.R.S.

The ACP shall establish an expedited process for the disclosure of information to a criminal justice official or agency in the event of a trial, proceeding, or investigation involving a program participant.

Participant Authorization Cards

All ACP participants are issued authorization cards (see example below). All participants have the same base substitute address, but each household is assigned a unique “apartment number.” State and local government agencies can ask to see the cards and can make copies of the cards for their records. The information reflected on the authorization card is not considered confidential.

 <p>State of Colorado Address Confidentiality Program</p> <p>Pursuant to §24-30-2101, C.R.S., the following person is authorized to use the following substitute address for all legal purposes:</p> <p>SAMPLE PARTICIPANT 1001 E 62nd Ave Apt 0000 Denver CO 80216</p> <p>Expiration Date: 12/31/2029</p> <p>Signature of Participant or Parent/Guardian</p>	<p>"When a program participant submits a current and valid address confidentiality program authorization card to the agency, the agency shall accept the substitute address... as the participant's residential, work, or school address when creating a new public record..." §24-30-2108, C.R.S.</p> <p>This address shall be used as the participant's only address of record and must be used on all correspondence.</p> <p><u>Questions regarding the program or the use of this card:</u> (303) 866-2208 Toll Free (888) 341-0022 acp@state.co.us www.colorado.gov/acp</p> <p>Authorization #600000000</p>
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Confidential and Non-confidential Information §24-30-2103(1) C.R.S.

When an ACP participant presents their program authorization card and requests to use their substitute address, the following information shall be made confidential:

Street address
City
County
Voting precinct
Phone number
Unique identifying information related to a participant's home, work or school address.

Additional Confidentiality Request §18-9-313, C.R.S.

A participant can request additional confidentiality by making a written request to a state or local government agency. The request does not require a particular form. If a written request for additional confidentiality is received, the following information (in addition to the above information) shall not be made available on the Internet:

Email addresses

- Photographs of the participant's home

Not Confidential

The following participant information is **not confidential**:

- ACP participation
- Date of ACP enrollment
- The substitute address
- State of residence
- Records which were created over 90 days prior to ACP enrollment
- Information that is voluntarily provided

Service of Process §24-30-2104(3)(a), C.R.S.

The ACP accepts service of process, including personal service, on behalf of program participants. §24-30-2104(3)(a), C.R.S. provides the following language concerning service of process:

Notwithstanding any provision of law to the contrary, a program participant may be served by registered mail or by certified mail, return receipt requested, addressed to the participant at his or her substitute address with any process, notice or demand required or permitted by law to be served on the program participant. Service is perfected under this subsection (4) at the earliest of:

- (I) *The date the program participant receives the process, notice or demand; or*
 - (II) *Five days after the date shown on the return receipt if signed on behalf of the program participant.*
- (b) *This subsection (3) does not prescribe the only means, or necessarily the required means, of serving a program participant in the state.*
- (c) *Whenever the laws of the state provide a program participant a legal right to act within a prescribed period of ten days or less after the service of a notice or other paper upon the participant and the notice or paper is served upon the participant by mail pursuant to this subsection (3) or by first-class mail as otherwise authorized by law, five days shall be added to the prescribed period.*

Service of Legal Documents by First-Class, Registered or Certified Mail

The exterior of any envelopes containing documents to be served by mail must be marked with “Service of Process.” This will ensure proper record-keeping of service received.

Service of Process in Person

If personal service is required, please serve the documents upon the Address Confidentiality Program staff, or other agency administrator as the agent for the Department of Personnel & Administration at the following address:

Department of Personnel & Administration, Division of Central Services, 1001 East 62nd Avenue, Denver, Colorado 80216

Clearly mark the exterior of the envelope containing the documents "Service of Process" and include the participant's name and substitute address. Please contact the ACP in advance at (303) 866-2208 to ensure that someone will be available to accept the documents.

Relevant ACP Rules

1 CCR 103-6

- 8.0 Expedited release of Participant Information to Criminal Justice Officials or Agencies**
- 8.1 Expedited release of participant information shall be granted in response to a written request setting forth the reason(s) requiring the expedited release of information to the criminal justice agency. The request must be on agency letterhead and signed by the employee of the criminal justice agency requesting such information and his or her direct supervisor, or acting supervisor if the employee's direct supervisor is unavailable.
- 8.2 In accordance with §24-30-2110(12), C.R.S., the request must be accompanied by a notarized statement certifying that the information requested is required pursuant to a criminal justice trial, hearing, proceeding or investigation involving a program participant, and that the participant's actual address will be protected from the public and personnel who are not involved in the trial, hearing, proceeding or investigation. In lieu of the statement, a criminal justice agency or official may submit a notarized "Emergency Disclosure of Information" form available on the address confidentiality program website.

Process for Requesting an Emergency Release of Information

A criminal justice agency or official may request the expedited release of participant information pursuant to §24-30-2110(12), C.R.S. by completing the following two-part process:

Part One: Written Request

The official shall submit a written request setting forth the reason(s) requiring the expedited release of information to the criminal justice agency. The written request must be:

1. On agency letterhead.
2. Signed by the agency official requesting the information.
3. Signed by the direct supervisor or acting supervisor if the direct supervisor is unavailable.

Part Two: Notarized Certification

There are two ways to comply with the second part of the release process.

1. The request (letter from part one) may be accompanied by a notarized statement certifying that the information requested is required pursuant to a criminal justice trial, hearing, proceeding or investigation involving a program participant, AND that the participant's actual address will be protected from the public and personnel who are not involved in the trial, hearing, proceeding or investigation.

OR

2. The request (letter from part one) may be accompanied by a completed and notarized ACP "Emergency Disclosure of Participant Information." This form is located at the back of this guide and on the ACP website at www.colorado.gov/acp.

ACP Participants and Probation

Probation may ask the ACP participant for their actual address if needed for supervision of the probationer (e.g. home visits). Probation however, cannot release the actual address to anyone, including law enforcement. The actual address must be kept separate from the electronic file and under confidential cover.

If a warrant is issued for a probationer's arrest, law enforcement will have to request an emergency release of information from the ACP if they are attempting to execute the warrant at the ACP participant's address. Release of a participant's actual address to one agency, does not automatically authorize that agency to release the information to other agencies.

Frequently Asked Questions

Q. What should be done if a person indicates that they are an ACP participant during a routine traffic stop?

A. If the driver's license reflects the substitute address, then use the address listed on the license for any related paperwork. The substitute address is a participant's legal address of record, and should be used for the report. If a person tells you that they are in the program, but their substitute address is not on their driver's license, then you should ask to see their authorization card. If they do not have an authorization card, you can call the program to verify participation or use the address listed on the driver's license. If a participant has provided their confidential address, the participant will need to request redaction by providing their authorization card to the police department in person.

Q. How do we establish jurisdiction if the actual address is not in the report?

A. Agencies should create internal processes that comply with the ACP laws in a way that allows each agency to meet its own statutory obligations. As a general rule, the substitute address should be placed in all reports with a reference to the fact that the person is in the ACP and that the agency responded to an address within its jurisdiction. The ACP can typically assist with questions and agency guidance but does not dictate internal processes. The ACP laws provide options for releasing the actual address information to criminal justice officials and agencies if requested.

Q. What if a participant calls 911?

A. If a participant calls 911, they are asking for an emergency response and are voluntarily releasing their address information for that purpose. If a participant notifies the responding officers of their participation and shows their authorization card, the substitute address must go in the report. However, a participant may need to work with the agency records department to request redaction of the information that was released in connection with the emergency service. They may also want to reach out to the appropriate communication center that took the call and request that those records are also made confidential.

Q. How do we process requests for conceal carry permits?

A. Participants must obtain the permit in the county where they actually reside. Upon enrollment, all ACP participants are provided with a letter that verifies their actual county of residence. They should show this letter as proof that they are applying for the permit in the correct jurisdiction, but copies should not be made or kept by the agency. Participants will use their substitute address on the application, and they must provide all other information that is normally required for a background check and permit.

Q. Is the ACP Authorization Card an Official Form of Identification?

A. No. An ACP authorization card only provides evidence of ACP participation. State and local government agencies can contact the ACP to confirm current ACP participation.

Q. Can Someone Enroll in the ACP to Avoid Criminal Prosecution?

A. The ACP program is not a good place to hide from criminal prosecution. If a law enforcement official provides the documentation required by §24-30-2110(12), C.R.S., the ACP must provide the official with the participant's actual address and contact information. Upon program enrollment, the ACP becomes a participant's legal agent for receipt of mail and service of process. When the ACP receives service on behalf of a participant, it is the same as a participant receiving service.

Q. Does Enrolling in the ACP Keep Participants Safe?

A. ACP participation does not guarantee safety. It is intended to supplement (not substitute for) a comprehensive safety plan.

Q. Does the ACP accept training requests?

A. The ACP is happy to work with your agency to meet any training needs. We can provide a general overview presentation, or we can provide Application Assistant training for those who would like the ability to enroll crime victims into the program. We can also provide your agency with general information materials for staff distribution. You can reach the ACP at (303) 866-2208 or at acp@state.co.us.

Additional information about the ACP can be found on the program website at www.colorado.gov/acp.



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Emergency Disclosure of Participant Information

Pursuant to §24-30-2110(12), C.R.S., "...an official or agency receiving information pursuant to this subsection (12) shall certify to the executive director or his or her designee that the official or agency has a system in place to protect the confidentiality of a participant's actual address from the public and from personnel who are not involved in the trial, hearing, proceeding, or investigation."

Please complete and sign before a notary public.

I, _____, am seeking the emergency disclosure of actual address or phone number information for the following ACP participant:

Participant Name _____ Apt # _____

I certify that the requested information is required pursuant to a:

- Trial
- Hearing
- Investigation
- Other Proceeding _____
Type of proceeding

AND

- I certify that the information requested will be protected from the public and personnel who are not involved in the trial, hearing, proceeding or investigation.

_____, 20____.
Signature of person seeking the disclosure *Date*

State of Colorado)
)ss
 County of _____)

Subscribed and sworn to before me this ___ day of _____, 20____, by

_____.

_____ My Commission Expires: _____
 Notary Public

ACP Section

The requested information was provided to _____

How was the information provided? _____

Date _____ Signed _____

1001 East 62nd Avenue, Denver, Colorado 80216
 (303) 866-2208 | Toll-free (888) 341-0002 | Fax: (303) 866-3946
 www.colorado.gov/acp | acp@state.co.us



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Department of Personnel & Administration | Division of Central Services
1001 East 62nd Avenue | Denver, Colorado 80216 | www.colorado.gov/acp

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