



# SALT LAKE COUNTY SHERIFF'S OFFICE



## Access to private, controlled, and protected records

REQUESTOR alan Retrosky DATE 1.12.05  
 REQUESTED RECORDS 04-138958  
 RECORDS PROVIDED (If different than above) -  
 RECORDS CUSTODIAN Rebecca

Your request for records has been processed in accordance with the requirements of the Government Records Access Management Act (GRAMA) 63-2-101 Utah Code Annotated (UCA).  
 Following you will find information regarding records that may not have been provided to you.

63-2-201(2) All records are public unless otherwise expressly provided by statute.

63-2-201(3) The following records are not public: (a) records that are private, controlled, or protected under Sections 63-2-302, 63-2-302.5, 63-2-303, and 63-2-304.

63-2-202(3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

The records subsequent to your request or subpoena contain data elements that are classified as "Private" 63-2-302 which have been edited in accordance with GRAMA:

63-2-202(1) Upon request, a governmental entity shall disclose a **private** record to:

- (a) the subject of the record;
- (b) the parent or legal guardian of an unemancipated minor who is the subject of the record;
- (c) the legal guardian of a legally incapacitated individual who is the subject of the record;
- (d) any other individual who:
  - (i) has a power of attorney from the subject of the record;
  - (ii) submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made.

The records subsequent to your request or subpoena contain data elements that are classified as "Controlled" 63-2-303 which have been edited in accordance with GRAMA:

63-2-202(2)(a) Upon request, a governmental entity shall disclose a **controlled** record to:

- (i) a physician, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of a release from the subject of the record that is dated no more than 90 days prior to the date the request is made and a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and
- (ii) any person to whom the record must be disclosed pursuant to court order as provided in Subsection (7) or a legislative subpoena as provided in Title 36, Chapter 14.

(b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of the record.

63-2-107. Disclosure of records subject to federal law.

Notwithstanding the provisions of Subsections 63-2-201(6) (a) and (b), this chapter does not apply to a record containing protected health information as defined in 45 C.F.R., Part 164, Standards for Privacy of Individually Identifiable Health Information, if the record is:

- (1) controlled or maintained by a governmental entity; and
- (2) governed by 45 C.F.R., Parts 160 and 164, (HIPAA) Standards for Privacy of Individually Identifiable Health Information.

The records subsequent to your request or subpoena are classified as "**Protected**" 63-2-304:

63-2-202(4) Upon request, a governmental entity shall disclose a **protected** record to:

- (a) the person who submitted the record;
- (b) any other individual who:
  - (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
  - (ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;
- (c) any person to whom the record must be provided pursuant to a court order as provided in Subsection (7) or a legislative subpoena as provided in Title 36, Chapter 14; or
- (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5)

The following records subsequent to your request or subpoena are privileged from disclosure in their entirety:

Follow ups were removed Pages  
6 & 7 (protected)

**Records by Subpoena-- 63-2-207**

Subpoenas and other methods of discovery under the state or federal statutes or rules of civil, criminal, administrative, or legislative procedure are not written requests under Section 63-2-204.

(2) (a) (i) Except as otherwise provided in Subsection (2)(c), in judicial or administrative proceedings in which an individual is requesting discovery of records classified private, controlled, or protected under this chapter, or otherwise restricted from access by other statutes, the court, or an administrative law judge shall follow the procedure in Subsection 63-2-202(7) before ordering disclosure.

(ii) Until the court or an administrative law judge orders disclosure, these records are privileged from discovery.

(b) If, the court or administrative order requires disclosure, the terms of the order may limit the requester's further use and disclosure of the record in accordance with Subsection 63-2-202(7), in order to protect the privacy interests recognized in this chapter.

(c) Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain:

(i) records through the procedures set forth in this chapter; or

(ii) medical records discoverable under state or federal court rules as authorized by Subsection 63-2-302(3)

#### **Right to Appeal**

Appeals will be resolved pursuant to countywide policy #2040. You may appeal this determine within ten (10) business days by filing a notice of Notice of Appeal to the agency administrator.

L. JEFF CARR  
UNDERSHERIFF  
2001 South State Street # S2700  
Salt Lake City UT 84190

The Salt Lake County Records Manager will contact you regarding a date, time and place for your appeal hearing.

A full copy of "GRAMA" can be found on the Internet at [www.Le.state.ut.us](http://www.Le.state.ut.us) under Utah Code Title 63 Chapter 02; or at your local Library.

SALT LAKE COUNTY SHERIFF

GO CO 2004-138958 (OPEN/ACTIVE)

7399 - 12 PUB ORD-SUICIDE

**General Offense Information**

Operational status : **OPEN/ACTIVE**  
Reported on **Dec-23-2004 (Thu.) 1721**  
Occurred on **Dec-23-2004 (Thu.) 1721**  
Approved on **Jan-03-2005 (Mon.)** by **832 - STEPHENS, KEITH**  
Report submitted by **F56 - WHITEMAN, ED**  
Org unit : **TAYLORSVILLE CITY**  
Down time : **832**  
Located at **6409 S FREMONT PEAK CIR**  
Municipality : **Taylorsville**  
District : **T** Beat : **13** Grid : **13**

**Offenses (Completed/Attempted)**

Offense : **#1 7399 - 12 PUB ORD-SUICIDE - COMPLETED**  
Location : **Residence/Home**  
Suspect used : **Not Applicable**  
Weapon type : **Handgun**

**General Offense Information (cont'd)**

Bias : **None (no bias)**  
Gang involvement : **None/Unknown**  
Family violence : **NO**  
IBR Clearance status : **Not Applicable**

**Related Event(s)**

CP CO2004-138958

**COMPLAINT INFORMATION**


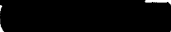
**Incident Location**




Address : **6409 S FREMONT PEAK CIR**  
District : **T** Beat : **13** Grid : **13**

**General Information**

Case type : **THREATS IN PROGRESS TH50** Priority : **2**  
TIME - Disp : **17:23:21** Enroute : **17:23:21** At Scene : **17:27:31** Clrd : **19:45:19**  
How call received : **TELEPHONE**

**Complainant Information**

Name :   
Home Telephone :   
Remarks :

[REDACTED]

**Clearance Information**

Final Case type : **PUB ORDER - SUICIDE**  
Report expected : **YES**    Founded : **YES**  
Cleared by : **FIRST REPORT**  
Reporting Officer1 : **F56 - WHITEMAN, ED**

**Related Person(s)**

**Case Specific : Victim - 01    PENROSE, ROBERT L**  
[REDACTED] **MALE**

Ethnicity : [REDACTED]  
Born on [REDACTED]  
Residing at [REDACTED]

**Phone Numbers**

Home : [REDACTED]

S.S.N. [REDACTED]  
Driver's license : [REDACTED]  
Speaks [REDACTED]  
[REDACTED] Citizen  
[REDACTED] in height, Weighing [REDACTED]  
[REDACTED] build  
Hair color : [REDACTED]  
Eye color : [REDACTED]  
Lens type : [REDACTED]

**Reference Master Name Index**

[REDACTED]

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[REDACTED] MALE  
Ethnicity [REDACTED]  
Born on [REDACTED]

Linkage factors  
Resident status : [REDACTED]  
Injury severity [REDACTED]  
Victimized by offense : [REDACTED]  
Relationship : [REDACTED]  
Person's role : [REDACTED]  
Person's name [REDACTED]

**Case Specific : Complainant - 01** [REDACTED]

[REDACTED] FEMALE  
Ethnicity [REDACTED]  
Born on [REDACTED]  
Residing at [REDACTED]

**Phone Numbers**

Home : [REDACTED]

Driver's license : [REDACTED]  
[REDACTED] Speaks [REDACTED]  
[REDACTED] Citizen  
[REDACTED] in height, Weighing [REDACTED]  
[REDACTED] build

Hair color : [REDACTED]  
Eye color : [REDACTED]

**Reference Master Name Index**

[REDACTED]  
[REDACTED] FEMALE  
Ethnicity : [REDACTED]  
Born on [REDACTED]

Linkage factors  
Resident status : [REDACTED]

**Related text page(s)**

Document : NCIC CHECK

Author : FJ9 - PRITCHETT, DIANA S

Subject : QG.UT0180000.SER/FAD784US.MAK/

Related date/time : Dec-28-2004 0839

From: NCIC  
To: PRITCHETT, DIANA S  
Subject: QG.UT0180000.SER/FAD784US.MAK/GLC.CAL/40  
Date: Tue. Dec 28, 2004 @ 08:36:47

1L0130137312  
UT0180000

NO RECORD SER/FAD784US MAK/GLC

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END OF RECORD  
557

>>>> ORIGINATING TRANSACTION <<<<

QG.UT0180000.SER/FAD784US.MAK/GLC.CAL/40703

**Related text page(s)**

Document: INITIAL R/O  
Author: J90 - CAMERON, KENT  
Subject: FOLLOW UP

I responded to a threats in progress detail. While en route, dispatch stated the complainant, [REDACTED], reported [REDACTED], Robert Penrose, had a knife and had locked himself in the bathroom. Dispatch advised Robert was looking for his hand gun. Shortly after, Dispatch advised one shot had been fired.

On arrival, Sgt. Winder and three other Deputies were on scene. Entry was made into the home and Sgt. Winder discovered Robert had shot himself in the bedroom. Robert was deceased and Sgt. Winder requested a Deputy to make contact [REDACTED], who was in the living room of the home.

I made contact with [REDACTED] and informed her of the situation. [REDACTED] was upset and told me what had occurred before the shot. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

Document: INITIAL R/O  
Author: F56 - WHITEMAN, ED  
Subject: PENROSE, ROBERT L  
Related date/time: Dec-23-2004

Dispatched to the Penrose home on threats in progress. Ms Penrose advised her husband Robert was in the bathroom with a knife cutting himself. Dispatch then stated the suspect was looking for his gun.

Sgt Winder was the first deputy on scene along with Fire personnel. He stated they'd placed their vehicle directly in front of the home, attempting to move them. Shortly before my arrival Dispatch advised Ms Penrose reported hearing a gunshot. I arrived to see Sgt Winder on the front porch area with a female later identified as Ms Penrose. Sgt Winder stated the information he had was Mr Penrose was in the garage with his weapon. We waited for additional assistance, covered the garage doors, low ready. Deputy Appleman arrived and he entered the home with Sgt Winder to locate Mr Penrose. Deputy Cameron arrived and took a position on the other side of the home.

They entered the garage, Sgt Winder advised he'd have to open the door to get the lights on. After clearing the garage they searched the rest of the home locating Mr Penrose's body in the Master bedroom / bathroom. Crime scene log was started and everyone not residing in home was listed. I remained on scene assisting Homicide detectives until released.

NFD

**Related text page(s)**

Document: OTHER F/U  
Author: 59A - FASSETT, JOHN T  
Subject: WATCH COMMANDER ENTRY

[REDACTED]

Document: OTHER F/U

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Related text page(s)

Document: CRIME LAB

Author: 631 - BELL, JOHN M (Retired)

Subject: CRIME LAB/FOLLOW-UP

Related date/time: Dec-23-2004 1800

Date: 12-23-2004

Time of Occurrence: 1800

Address: 6409 Fremont Peak Circle

Type of Offense: Suicide

INVESTIGATING DEPUTY: Whiteman

I.S. #: F56

DEPARTMENT/DIVISION: West patrol

Photographs taken:  Yes  No

Video Tape Taken:  Yes  No

Latent Processing:  Yes  No

Latent Prints Obtained:  Yes  No

(If Yes, Describe Below):

At the request of deputy Whiteman, I responded to the residence at the above location to photograph the scene and victim.



**Follow Up Report(s)**

**Follow Up # 1**

Assignment Information

Assigned to **98A - NELSON, CORTNEY P** Rank : **Detective**

Org unit : **INVESTIGATIONS DIVISION**

Capacity : **Investigate/Case Manager**

Assigned on **Jan-03-2005 (Mon.) 1402** by **832 - STEPHENS, KEITH**

Report due on **Feb-02-2005 (Wed.)**

Submission Information

Follow Up completed : **NO**

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**Related Property Report**

Report Information

Report Number : 137758  
Property case status : SEIZED  
Submitted on Dec-27-2004 (Mon.) by NELSON, CORTNEY P  
Authority for disposal : NELSON, CORTNEY P Org unit : INVESTIGATIONS DIVISION  
Offense : GO CO 2004-138958  
Insurance letter received : NO  
Related items : 6

**Firearms - Evidence**

Item #:  
Status: SEIZED  
Tag #: 137758-1  
Make: Glock, Inc.  
Model #:  
OAN:  
Description: GLOCK .40 HANDGUN  
Serial #: Obliterated:  
How removed:  
Calibre: 40  
Recovered Date:  
Recovered Location: BATHROOM FLOOR BY TUB  
Flags: \*e  
Article: Pistol  
Ser. #: FAD784US  
Value:  
Restored:  
Recovered Value:

**Article - Evidence**

Item #:  
Status: SEIZED  
Article: YBULLET - Bullet(s)/casing(s) Ammo (Unknown calibe)  
Make:  
Model #:  
Ser. #: UNKNOWN  
Value:  
Description: 8 RDS PMC BALL AMMO, 1 ROUND FEDERAL BALL AMMO .40 CAL.  
Recovered Date:  
Recovered Location: MAGAZINE IN GUN  
Flags:  
Tag #: 137758-2  
# of Pieces:  
OAN:  
Color:  
Recovered Value:

**Article - Evidence**

Item #:  
Status: SEIZED  
Article: YBULLET - Bullet(s)/casing(s) Ammo (Unknown calibe)  
Make:  
Model #:  
Ser. #: UNKNOWN  
Value:  
Description: FIRED CASING .40 STOVE PIPE JAM IN GUN  
Recovered Date:  
Recovered Location: EJECTION PORT  
Tag #: 137758-3  
# of Pieces:  
OAN:  
Color:  
Recovered Value:

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Flags:

**Article - Evidence**

Item #:  
Status: **SEIZED** Tag #: **137758-4**  
Article: **HKNIFE - Knife**  
Make:  
Model #: **CUTCO** # of Pieces:  
Ser. #: **UNKNOWN** OAN:  
Value: Color: **SIL/**  
Description: **KITCHEN KNIFE SURREDED BLADE**  
Recovered Date: Recovered Value:  
Recovered Location: **BATHROOM/TOILET**  
Flags:

**Article - Evidence**

Item #:  
Status: **SEIZED** Tag #: **137758-5**  
Article: **PBCKPCK - Backpack**  
Make:  
Model #: **OGIO** # of Pieces:  
Ser. #: **UNKNOWN** OAN:  
Value: Color: **BLK/**  
Description: **MULTIPLE POCKETS W/SHOOTING GLASSES, FIREARM & RANGE RECEIPT**  
Recovered Date: Recovered Value:  
Recovered Location: **CLOSET - BEDROOM**  
Flags:

**Article - Evidence**

Item #:  
Status: **SEIZED** Tag #: **137758-6**  
Article: **YGUNCASE - Gun case**  
Make:  
Model #: **GLOCK** # of Pieces:  
Ser. #: **UNKNOWN** OAN:  
Value: Color: **BLK/**  
Description: **PLASTIC CASE W/FOAM INSIDE, ROD BRUSH, FIRED CASING, 10 RDMA**  
Recovered Date: Recovered Value:  
Recovered Location: **CLOSET MASTER BEDROOM**  
Flags:

**\*\* END OF HARDCOPY \*\***