

ALAMEDA COUNTY SHERIFF'S OFFICE GENERAL ORDER	NUMBER: 1.22
	RELATED ORDERS: CALEA 82.1.1, 82.1.2, 82.1.7 General Order 8.07 Warrants, Records and Crime Analysis Policy and Procedure 2.10 & 2.15
	ISSUE DATE: November 30, 2007
	REVISION DATE: March 9, 2017
CHAPTER: Law Enforcement Role, Responsibilities, and Relations	SUBJECT: Public Records

- I. **PURPOSE:** To establish a General Order to comply with the California Public Records Act and other applicable laws concerning the release of public information.

- II. **POLICY:** It is the policy of the Sheriff's Office to comply with public law regarding disclosure of reports and public information. Subject to legal constraints, the Sheriff's Office shall disclose upon request information pertinent to the day-to-day service activities of the Agency. In conjunction with the public's right to know, the Sheriff's Office must protect the legal rights of victims and the accused to ensure disclosure of information is in compliance with public law.

- III. **DEFINITIONS:**
 - A. **PUBLIC RECORDS ACT:** A public record includes any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained...regardless of physical form or characteristics. Government Code Section 6252(e) "writing" includes e-mail, fax, and handwritten materials.

 - B. **WHO MAY REQUEST:** Any member of the public may request documents; this includes any person, corporation, partnership, etc. Government Code Section 6252(c) Members of the media have no greater access than any other member of the public. Members of the public are not required to identify themselves (unless seeking addresses) or state the purpose of their request. They are not required to put their request in writing

- IV. **PROCEDURE:** For the approval and release of Sheriff's Office Reports, personnel shall comply with the following:
 - A. **MEMBERS OF THE PUBLIC:**
 1. Staff may ask any person seeking information to put their request in writing but shall not require any member of the public to do so. In the event a written request is sought by our Agency, staff may advise the public the reason for the written request, which may include:

- a. To have an accurate record of specifically what was requested and to assure the Agency response is accurate.
 2. Members of the public are not required to identify themselves (unless seeking addresses) or the purpose of their request.
- B. INFORMATION TO BE RELEASED (CRIME AND INCIDENT REPORTS):**
1. Information shall be released in compliance with the Public Records Act and other applicable laws and legal decisions.
 2. Government Code Section 6254(f) defines information which must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.
 3. The Public Records Act requires that specific information be released to the public unless release of the information would endanger the safety of a person or endanger the successful completion of an investigation, in the following categories:
 - a. Calls for Service:
 1. Time, substance and location of all complaints or requests for assistance
 2. Time and nature of response
 3. Date, time and location of occurrence
 4. Date and time of report
 5. Victim's name, age, and current address, EXCEPT victims of specific abuse and sex crimes
 6. Factual circumstances surrounding the crime or incident
 7. General description of any injuries, property, or weapons involved
 - b. Arrestee:
 1. Full name and occupation
 2. Date of birth and physical description: sex, height, weight, color of eyes and hair
 3. Date and time of arrest
 4. Location of arrest
 5. Factual circumstances surrounding arrest

6. Date and time of booking
 7. Amount of bail
 8. All charges, including warrants and parole or probation hold
 9. Location where arrestee is being held
 10. Time and manner of release
- c. Crime Reports:
1. Names of arrestee and witnesses, EXCEPT confidential informants
 2. Description of any property involved
 3. Date, time, and location of incident
 4. All diagrams
 5. Statements of parties involved
 6. Statements of all witnesses, EXCEPT confidential informants

C. EXEMPTIONS TO RELEASE OF INFORMATION:

1. Certain information is considered exempt from release pursuant to Government Code Section 6254 and as interpreted through court decision. Records personnel shall not release the following information and/or reports:
 - a. Names, addresses, and identifying information of:
 1. Any juvenile arrestee information.
 2. Victims of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273.5, 273a, 273d, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code as set forth in Government Code section 6254(f)(2) or if requested by the victim or the victim's parent or guardian if the victim is a minor.

Note: Pursuant to Penal Code Section 293(c), "No law enforcement agency shall disclose to any person, except the prosecutor, parole officers of the Department of Corrections, hearing officers of the parole authority, or other persons or public agencies where authorized or required by law, the address of a person who alleges to be the victim of a sex offense."

Pursuant to Penal Code Section 293(d) " No law enforcement agency shall disclose to any person, except the prosecutor, parole officers of the Department of Corrections, hearing officers of the parole authority, or other persons or public agencies where authorized or required by law, the name of a person who alleges to be the victim of a sex offense, if that person has elected his or her right pursuant to Government Code Section 6254.

3. Confidential informants.
 4. Individuals listed on the report and taken into custody per 5150 W&I (dangerous or gravely disabled persons).
 5. Individuals detained but not arrested (849.5 P.C., detention only).
 6. Release of addresses and/or telephone numbers of the victims and/or witnesses to the suspect (841.5, P.C.).
- b. Criminal offender information (refer to Warrants, Records and Crime Analysis Policy and Procedure 2.10 - Release of CORI Information).
 - c. Information that may endanger the safety of any person, including law enforcement personnel.
 - d. Information that may jeopardize an investigation, related investigation, or law enforcement proceedings.
 - e. Any portion of a report, which reflects the analysis, recommendation, or conclusion of the investigating officer.
 - f. Confidential information provided only by a confidential source.
 - g. Information that may constitute an unwarranted invasion of privacy.
 - h. Information that may disclose investigative techniques and/or procedures.
 - i. These exemptions do not purport to cover every situation or subject on which questions may arise.
2. Discretionary Release of Information:
 - a. Exceptions may be made to the Exemptions to Release of Information, when not prohibited by law, on a case-by-case basis and when the release of information will:
 1. Aid in an investigation
 2. Assist in the arrest of a suspect

3. Warn the public of danger
 - b. The Captain of Internal Affairs shall determine if the release of exempt information meets the criteria listed above. In the absence of the Captain of Internal Affairs, the matter shall be referred to the Commander of Management Services, or his/her designee.
 1. ***In the event Body Worn Camera (BWC) footage is to be released, the video shall be reviewed by the authorizing individual referenced above prior to release. This review will be to determine there is nothing contained in the video which is of a sensitive nature, compromises an investigation, or otherwise should not be released to the public.***
 2. ***The Sheriff's Office does not currently have video redaction software and cannot redact video prior to release. In the event redaction software becomes available to the Agency, redaction of video prior to its release will be considered as a means to address any concerns identified during the aforementioned review of footage.***
3. Conditional Release of Information:
 - a. Death Releases - In cases involving death, the victim's name will not be released until the next of kin has been notified and a clearance obtained from the Coroner's Office.
 - b. Injury Releases - In cases involving serious injury, the victim's name will not be released until the next of kin has been notified.
 - c. Suicide Notes - contents of suicide notes will not be released, but the existence of a suicide note may be acknowledged.
 - d. Multi-jurisdictional Investigations and Assisting Other Agencies - Inquiries will be referred to the agency with primary jurisdiction.
4. Reports Pending Litigation:
 - a. Reports pertaining to pending litigation, to which the County, Sheriff's Office, or an employee is a party, shall not be released and all inquiries will be referred to the Captain of Internal Affairs and/or County Counsel.
 - b. These reports may be released only when the litigation or claims have been finally adjudicated or otherwise settled and County Counsel has approved the release.
5. Personnel Issues and Policy (832.7 and 832.8 P.C.):
 - a. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, shall not be disclosed.

- b. Personnel issues and matters of policy shall be referred to the Captain of Internal Affairs.

D. PUBLIC DISCLOSURE AND INSPECTION PROCEDURE:

1. All arrest, crime report information, and citation information shall be available in accordance with public law and consistent with this policy.
 - a. Access to records information for the general public is Monday through Friday, 0830 hours to 1630 hours (excluding weekends and Holidays).
 - b. Record information is available at all times through the Warrants section for Sheriff's Office personnel or other law enforcement agencies.
2. All reports shall be reviewed by the Records Unit Commander or his/her designee prior to public disclosure to ensure names and information deemed not to be subject to public information are redacted or whether reason exists which specifically exempts the report from disclosure. If reason exists, which prohibits the disclosure of the report, the Records Unit Commander or his/her designee shall contact the Captain of Internal Affairs.
3. Records personnel who process and distribute reports shall edit all arrest and crime reports prior to release in accordance with the terms of this General Order.
4. A record shall be maintained in the Report Management System (RMS) of all releases of information. A copy of the "Request for Incident/Crime Report" shall be retained by the Records Section staff for one year and then destroyed.
5. The fee for copies will be ten cents per page or the general County PRA rate, whichever is higher.
6. Pursuant to Government Code Section 6253, The Records Unit has 10 days from the date that a report is requested in which to respond as to whether or not there are public records which may be disclosed per their request. However, as a general policy, Records employees shall make a concerted effort to release reports within 3 to 5 days. Government Code Section 6253(c) allows an additional 14 days to determine if extenuating circumstances exist where the report will not be released.
 - a. Aside from routine requests for criminal reports, a request for information pursuant to the California Public Records Act shall immediately be e-mailed or faxed for review, to the Unit Commander and the Captain of Internal Affairs at (510) 208-9803.
 - b. In the event a request for information is denied or will be delayed, the requester will be notified via mail by the Captain of Internal Affairs or his designee of the denial or delay. The denial shall be in the form of a letter to the requestor and

must be sent from the Captain of Internal Affairs or his designee. The letter must cite specific provisions to which the denial was based.

- c. Internal Affairs shall maintain a database to facilitate a timely response to all requests for information pursuant to the California Public Records Act.
7. Pursuant to Government Code Section 6253.1, staff members are obliged to assist the requester to focus their request and to assist him/her in obtaining what they are seeking. However, members are not obliged to create a new document specifically for the requestor's purposes.
 - a. If the information is contained in an electronic format, then it is to be made available in an electronic format when requested.
 - b. If the information is not in electronic format, it shall be released in the original format unless the requestor is willing to bear the cost of programming and computer services pursuant to Government Code Section 6253.9(b).

E. AUTHORITY FOR LEGAL EXCEPTIONS:

1. The following laws and citations can be utilized as authority for not giving information under the exemptions listed above:
 - a. Public Records Act
 - b. Government Code Section 6254 and 6255
 - c. Penal Code Sections 11075 and 13300
 - d. T.N.G. vs. Superior Court (1971), Cal. App. 3d 767, and W&I Code Section 827(a)

F. CITATIONS:

There is no specific code section governing the release of traffic citation information. Interpretation has been that information contained on a citation is an extension of court record information. Records employees should treat citations as though they are public records and in the same manner as Sheriff's incident reports. The same release criteria utilized for incident reports shall be applied to citations.

G. REFERENCE INFORMATION:

Records personnel shall refer to the P.O.S.T. "Law Enforcement Records Management" manual for further guidance regarding standardized criteria for the maintenance and release of Sheriff's record information.

H. AFTER HOUR REQUESTS FOR RECORDS:

1. The “Records” component of Warrants and Records is available Monday through Friday, 0830 hours to 1630 hours. Routine requests for reports or records should be made only during those times.
2. After hour requests for copies of reports or records from law enforcement agencies are to be completed by Warrants personnel.

I. EXPECTATION OF PRIVACY

Each employee’s expectation of privacy while conducting Agency business or using county property is subject to the provisions included in the Public Records Act.