

## RELEASE OF POLICE REPORTS

### 3.16.01

#### **I. POLICY**

This order is drafted to comply with the Public Records Act, California Government Code Section 6254, et seq., the San Francisco Sunshine Ordinance, Administrative Code, Chapter 67, and other applicable state and local laws. These statutes embody a policy of releasing information unless release would endanger citizens, law enforcement personnel or a law enforcement investigation, or constitute an unnecessary invasion of privacy. This means that arrest, accident and incident reports must be released unless the disclosure would cause the dangers mentioned in the law. In all cases, the burden is on the Department to justify nondisclosure.

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### 3.16.02

#### **II. PROCEDURES**

**A. INFORMATION WHICH MAY BE WITHHELD.** The Department may withhold nos. 1 - 8 below, except that release shall occur where, upon weighing the public interest for and against disclosure, the public interest favors disclosure. If documents are withheld, the Department must explain in factual terms how the public interest would be harmed. [S.F. Admin. Code § 67.27 (a)]. The information in Nos. 9-12 **shall not** be release.

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1. Information that would endanger the safety of a person involved in an investigation. (Cal Gov. Code 6254 (f))
2. Information that would endanger law enforcement personnel. (S.F. Admin Code, § 67.24 (d))
3. Information that would endanger the successful completion of an investigation, but only when the prospect of enforcement proceedings is concrete and definite. (Cal. Gov. Code 6254 (f))
4. Secret investigative techniques or procedures where, on the facts of the case, the public interest in nondisclosure clearly outweighs the public interest served by disclosure. (S.F. Admin Code, § 67.24 (d); Cal. Gov. Code § 6255)
5. Information regarding the identity of confidential informants. (Cal. Gov. Code 6254 (f), 6255; S.F. Admin. Code, § 67.24 (d))
6. The name of any victim of a sexual assault who specifically requests that it not be disclosed. (Cal. Gov. Code 6254 (f) (2)), DGO 6.16, Sexual Assaults)

7. Medical or other information constituting an unwarranted invasion of privacy. (Cal. Gov. Code 6254 (c); S.F. Admin. Code, § 67.25 (d))
8. The name and address of any person detained pursuant to Welfare and Institutions Code Section 5150 where disclosure would constitute an unwarranted invasion of privacy. (Cal. Gov. Code 6254 (c))
9. The name or address of a juvenile who is a suspect or who has been arrested or detained, or any information which might lead to the identity of a juvenile who is a suspect or who has been arrested or detained may not be released without a court order. (TNG v. Superior Court (1971) 4 C.3d 767).
10. Vehicle collision reports involving death or personal injury except as provided by California Vehicle Code Section 20012 (see DGO 9.02, Vehicle Accidents).
11. -Any report regarding child abuse made confidential by Penal Code Sections 11167 and 11167.5, or any report regarding assaultive or abusive conduct made confidential by Penal Code Section 11163.2 (b).
12. The address of any victim of a sexual assault. (Cal. Gov. Code 6254 (f) (2))

**B. INFORMATION THAT MUST BE RELEASED.**

1. RELEASING REPORTS PURSUANT TO FAMILY CODE 6228. The Department shall release reports to the victim, or their representative, of domestic violence, sexual assault, stalking, human trafficking, or abuse of an elder or dependent adult no later than five working days from the date of the request unless the Department informs the victim or their representative the reasons why, for good cause, the incident report is not available, in which case, the incident report shall be released no later than ten working days after the request is made. (California Family Code 6228). If the request is not from the victim or their representative or otherwise does not meet the statutory requirements of Family Code 6228, reports shall be examined as set forth in Section B.2.
2. DURING THE PENDENCY OF AN INVESTIGATION OR PROSECUTION. The Department retains the discretion to withhold incident reports and other documents during the pendency of an investigation. The following information, however, must be released, so long as release is not prohibited in Section A above.
  - a. Information that must be released to the public.
    - (1) Individual arrested, including name address, occupation, physical description.
    - (2) Facts surrounding arrest, including, but not limited to, time and date of arrest and booking, location of the arrest, amount of bail, location of arrestee or time and manner of release.

- (3) Charges brought, including outstanding warrants and parole or probation holds.
  - (4) Time, substance and location of all complaints or requests for assistance and time and nature or response thereto, including, where an incident report has been made, the time, date and location of occurrence, and the time and date of the report.
  - (5) Victim's name, age and address, except if victim or victim's address cannot be disclosed as detailed in Section A above.
  - (6) Factual circumstances surrounding the crime or incident and a general description of any injuries, property or weapons involved.
- b. Additional information that must be released to victims, their authorized representatives, and their insurance carriers:
- (1) Names and addresses of all persons involved in or witnesses other than confidential informants.
  - (2) Description of any property involved; date, time and location of incident.
  - (3) Diagrams, statements or other parties involved, statements of all witnesses other than confidential informants.

3. AFTER THE CASE IS CLOSED. When the prospect of an enforcement action has been terminated, the Sunshine Ordinance requires complete disclosure, except that it still permits the Department to withhold the following [S.F. Adm. Code, § 67.24 (d)]:

- a. Witnesses names and addresses (alphabetical letters should be substituted), except that the state law requires release when this information is requested by a victim, the victim's representative or an insurance carrier that might be liable. (Cal. Gov. Code 6254 (f))
- b. Personal and otherwise private information unrelated to the law enforcement action.
- c. Identity of a confidential source.
- d. Secret investigative technique or procedure.
- e. Information that would endanger law enforcement personnel.

**C. PERSONS WHO MAY AUTHORIZE RELEASE.** The following persons may authorize the release of police reports but must consult with the Department Legal Division in cases that are not routine:

1. The investigator or the officer-in-charge of the unit assigned to the case.
2. The Officer-in-Charge of the Records Management Section or the officer designated to release reports when a case is not assigned to an investigative unit.
3. The Public ~~Affairs~~Information Officer, after consultation with the assigned investigator (when possible).
4. The Department Operations Center (during non-business hours) after consultation with the assigned investigator or Public ~~Affairs~~Information Officer (when possible).

**D. TIMES OF RELEASE.**

1. GENERAL PUBLIC. The general public may request in writing the release of a report during normal business hours 0800 to ~~+600~~1700 hr. Monday through Friday, holidays excluded or through the mail.
2. NEWS MEDIA. The news media may request reports in the same manner as the general public or through the ~~Public Affairs Office~~Media Relations Unit. If the ~~Public Affairs Office~~Media Relations Unit is closed, the media should make the request ~~at~~through the Department Operations Center. The release will be made consistent with the ability of the Department to do so without undue disruption of normal procedures.

**E. RELEASE OF AUTHORIZATION.** The person who authorizes the release of a report to the public or the news media is responsible for insuring that the items listed in this order are excluded from the report or are not discernible.

**F. MEDIA INTERVIEWS.** Nothing in this order restricts an officer from providing the public or the news media orally with this information on a case in which he/she is involved consistent with this order and DGO 8.09, Media Relations Policy.

**G. COMPUTER DATA.** See DGO 10.08, Use of Computers.