



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



320.05 RELEASE OF REPORTS AND RECORDS 3-16-18

PURPOSE

The purpose of this order is to establish procedures and guidelines for controlling and releasing Sacramento Police Department documents, police reports, Criminal Offender Record Information (CORI), and juvenile records.

POLICY

It shall be the policy of the Sacramento Police Department that documents, police reports, CORI, and juvenile records be released only as prescribed by this order.

PROCEDURE

A. DEFINITIONS

1. **CRIMINAL OFFENDER RECORD INFORMATION (CORI)** – Reports and data compiled by criminal justice agencies for identifying and maintaining information on criminal offenders, including, but not limited to, summaries of arrests, pre-trial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release.
NOTE: While CORI consists of summary information, individual arrest or crime reports are not considered CORI and their release shall be in accordance with Government Code (GC) sections 6250-6260 and Department policy.
2. **“RIGHT TO KNOW”** – The right to obtain CORI or other police report information pursuant to court order, statute, or case law.
3. **“NEED TO KNOW”** – The necessity to obtain CORI or other police report information to execute official responsibilities.
4. **CONFIDENTIAL** – Access is limited to those whose name appears on the document cover. Confidential documents (e.g., Internal Affairs documents, personnel files) shall be placed in an envelope and hand delivered to the next recipient.
5. **RESTRICTED** – Access is limited to Department employees and authorized agencies for law enforcement purposes only.
6. **PERSONAL ADVANTAGE** – Accessing and/or using information, other than in a matter of direct interest to this Department or allied law enforcement agencies, for personal enjoyment, use, benefit, or gain.

B. GENERAL

1. This order does not prohibit or restrict the members of the public from access to current Department reports [i.e., crime report face sheets per GC section 6254(f)] and adult arrests at the county jail.
2. Any employee who knowingly furnishes CORI to a person who is not authorized by law to receive such information is guilty of the unauthorized receipt, possession, or dissemination of CORI [Penal Code (PC) sections 13301-13305 and 11140-11144].
3. No police record information shall be released without first establishing both the right and need to know. If appropriate, the requester may be asked to identify the official purpose for which the information is requested and its use.
4. Members of the Department shall not divulge to any person not connected with the Department information acquired in the course of their employment if such disclosure of information might discredit or imperil the efficiency of the Department unless required by law, Departmental order, or order of a superior officer. If requested by the prosecuting attorney, this type of information



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shall be turned over to the District Attorney (DA) or City Attorney in connection with the criminal prosecution of a matter or to the City Attorney when it is defending the City and/or the Department in a civil matter or administrative proceeding. Departmental records and reports shall be exhibited only in conformity with Department policy.

5. Employees shall not reveal any information in their possession, however obtained, that may enable anyone to escape detection, arrest, or prosecution, or enable anyone to destroy evidence or to destroy or secrete stolen property.
6. Employees shall not knowingly permit the misuse of any police information.
 - a. Information from databases, copies of records, or any other form shall only be obtained, used, and released in compliance with Department policy.
 - b. Information from databases, copies of records, or any other form shall not be used for the personal advantage of members of the Department.
 - c. Information obtained shall be used only for the purpose of carrying out an employee's official duties.
 - d. Copies of reports and printouts shall only be removed from Department facilities for official purposes or when required by law, statute, or court order, or upon request by the assigned deputy district attorney or deputy city attorney.
 - e. The official business of the Department shall be treated as confidential and shall not be released except within the guidelines of existing Department policy and laws.

NOTE: Many police and arrest reports are available to anyone after a court trial at the County Courts (and some information is available on-line through the court's website address) or Records office.

C. RESPONSIBILITIES

1. The Records Division manager shall
 - a. Maintain a current list of Records Division personnel authorized to release CORI and other police report information.
 - b. Document each release of CORI on a Report Request and Waiver Form (SPD 834), including, but not limited to, California Department of Justice (DOJ) rap sheets and SPD arrest summaries. The SPD 834 shall contain the
 - (1) Date of release.
 - (2) Requesting agency and division assignment.
 - (3) Requesting person's name, title, and phone number.
 - (4) SPD number of the subject of the record.
 - (5) Name of the subject, including DOB, sex, and race.
 - (6) Data requested (i.e., type of report).
 - (7) Reason for request.
2. The Records Division manager or a designee shall serve as the Criminal Records Security Officer (CRSO) and shall
 - a. Ensure procedures and guidelines in this order are followed.
 - b. Maintain accurate and complete information regarding agencies and persons authorized to receive CORI and other police record information when they have a need to know.
 - c. Maintain a list of agencies and persons to whom police record information may routinely be released. This list shall be available for reference in the Records Division.
 - (1) CORI or other police reports shall not be released to any person or agency not on this list without prior approval from the CRSO or designee.
 - (2) The CRSO or designee's signature authorizing the release shall appear on the Report Request and Waiver Form (SPD 834).



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D. CORI SECURITY

1. Employees in possession of CORI or police reports shall be responsible for the physical security of the documents. Employees shall not disclose the contents of any CORI or police report to any person except as provided in this order or by law.
2. CORI information shall only be reproduced or photocopied within the appropriate secured facilities of the Records Division and by persons authorized by the manager of the Records Division.
3. Copies of police reports that are not CORI (e.g., crime reports, motor vehicle reports, individual arrest reports) or information contained in them will normally be released by authorized Records Division personnel.
4. Employees no longer requiring CORI shall destroy the documents, ensuring the identity of the subject can no longer be reasonably determined.
5. Juvenile identification information on police reports or CORI does not need to be blocked out when the information is released to
 - a. The juvenile victim's parent, guardian, or attorney.
 - b. The Probation Department.
 - c. The District Attorney.
 - d. The City Attorney.
 - e. Juvenile Court personnel.
 - f. The Welfare Department of Sacramento County (Section 300 W&I cases only).
6. FBI investigations of a Department employee in a civil rights complaint shall be referred to either the Captain, Internal Affairs Division (IAD); Deputy Chief, Office of the Chief (OOC); or the Chief of Police (COP). No reports concerning the matter shall be released to the FBI without the clearance of either the IAD Captain, Deputy Chief (OOC), or the COP.
7. All authorized personnel or agencies requesting CORI shall complete a Report Request and Waiver (SPD 834), submit a request on their department letter head, or send a teletype to the Records Division.
 - a. This requirement does not apply to CORI information released to investigators for court calendars, City Attorney office (CAO) packages, and DA packages.
 - b. Every page of a rap sheet or copy of a rap sheet released by the Records Division shall be stamped in bold letters "SACRAMENTO POLICE DEPARTMENT." The name of the individual or agency to whom the rap sheet is released shall also be listed on all pages.
8. Department employees who, in the course of their duties, come in contact with or arrest an individual, shall not contact that person's employer except in cases of statutory obligations or exigent circumstances.

E. INDIVIDUAL'S REVIEW OF CORI

1. Persons requesting to examine their local criminal arrest history should be directed to the main Public Information Counter at police headquarters. This release shall require the payment of a fee and fingerprinting of the individual for positive identification.
2. Persons wishing to review their statewide arrest history shall be referred to the California Department of Justice (DOJ).

F. TRAINING

All personnel authorized to release CORI shall attend specialized training sessions in the proper use and control of CORI as mandated by the State.

G. BACKGROUND INFORMATION

1. Background investigations shall be conducted on all personnel having access to CORI, including CORI stored in the computer system.
2. The background investigation criteria shall be established by the COP and shall include, but is not limited to



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- a. Criminal history records check through fingerprints sent to the California DOJ.
- b. Check of current wants and warrants.
- c. Driver license check.

H. RELEASE OF POLICE REPORTS

1. Release of reports shall conform with the California Public Records Act (Government Code sections 6250 et seq.).
2. All authorized persons and law enforcement or public safety agencies requesting copies of police reports from the Records Division must complete a Report Request and Waiver (SPD 834), send a request on their letter head, or send a teletype to the Records Division.
3. All citizens requesting a copy of a police report shall either send a letter or fax to the Records Division. Citizens requesting a police report at the Records Public Counter shall be required to provide a valid ID and complete a Citizen Report Request (SPD 810).
NOTE: An SPD 810 is not required if the release tracking component of Versadex is used.
4. The following police record information may be released to DA's, the City Attorney's Office, police officers, or persons who have received authorization from the CRSO. These records shall be released to the victim, the victim's authorized legal or insurance representatives, or, in the case of minors, parents or legal guardians.
 - a. Crime or motor vehicle reports
 - (1) Copies of these reports, minus the investigative supplements, may be released to victims if the arrestee and/or suspect names are deleted. The list and description of stolen, damaged, or missing property may also be released.
 - (2) The entire report may be released to the following persons if it is specifically requested and the need-to-know has been established:
 - (a) Involved parties of the report or their designated agent after review by the Records Manager or designee for compliance with the Public Records Act. If an investigation is still pending, release authorization by the respective supervisor must first be obtained.
 - (b) DA's, the City Attorney's Office, Sacramento police officers, and persons authorized by the CRSO.
 - (c) Peace officers of other criminal justice agencies. If an investigation is still pending, release authorization by the respective supervisor must first be obtained.
 - b. Casualty reports
 - (1) Copies of the entire report may be released unless it is a combined crime and casualty report.
 - (2) Combined reports shall be released per procedures for crime reports.
 - c. Traffic accident reports
 - (1) Copies of the entire report may be released unless the report indicates "Hit and Run" or "Fatal".
 - (2) If "Hit and Run" or "Fatal" reports are released, the approval of the Traffic Section lieutenant or Traffic Investigation supervisor shall be required before copies are released.
NOTE: After ninety (90) days, approval by the Traffic Section is no longer required.
 - d. Arson reports
Arson reports shall not be released without the approval of the Sacramento Fire Department's (SFD) Arson Investigation Unit.
NOTE: After ninety (90) days, approval by the SFD's Arson Investigation Unit is no longer required.



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- e. Lost and found property reports
Copies of Incident Reports classified as “Lost Property” or “Found Property” may be released.
- f. DUI reports
DUI reports shall be releasable to the subject of the report or authorized agent, minus the DMV forms.
- g. Missing person reports
The entire report may be released to the missing person or the parent or legal guardian if the missing person is a minor.

I. REPORTS/INFORMATION RELEASABLE TO AUTHORIZED LAW ENFORCEMENT AGENCY PERSONNEL

- 1. The following information may be released only to peace officers, DA's, the City Attorney's office, or to persons who have received authorization from the CRSO.
- 2. Further, the following shall not be released to anyone without establishing both the right and need-to-know:
 - a. The identity of arrested persons, suspects, or any information that could reasonably lead to the identity of any arrested persons or suspects.
 - b. All investigative supplements, lists, and descriptions of stolen, damaged, or missing property.
 - c. Arrest reports.
 - d. Incident reports.
 - e. Mug shots/photographs of arrested persons, witnesses, or suspects. This is not intended to prohibit the release of photos of persons “wanted” for the purposes of an arrest.
 - f. Reports of booked property or evidence.
 - g. Crime scene photographs.
 - h. CORI, such as California DOJ rap sheets or local arrest summaries. The Records Division shall only release this information to the District Attorney's Office as part of an arrest or citation package.

J. REPORTS/INFORMATION RELEASABLE ON JUVENILES

- 1. Any juvenile identification information on police reports made available to authorized persons or agencies shall be blocked out except in those cases where the police record information is released to
 - a. A juvenile victim's parent, guardian, or attorney.
 - b. The Probation Department.
 - c. The District Attorney's office.
 - d. The City Attorney's office.
 - e. Juvenile Court personnel.
 - f. The Welfare Department of Sacramento County (Section 300 W&I Code cases only).
- 2. Juvenile Information may be released to schools concerning wards or dependent children of the court.
- 3. Reports and other juvenile information may be exchanged between investigative units within local and state law enforcement agencies, including the Central Juvenile Indices, City of Sacramento, and County of Sacramento.
- 4. Reports pertaining to child abuse, child neglect, or a sexual assault of a juvenile shall only be released to the agencies or departments listed in Penal Code section 11167.5.

NOTE: Juvenile Information relative to records of custody shall not be released to the news media unless so ordered in writing by the Juvenile Court. All personnel shall refrain from verbally responding to inquiries from the news media regarding the identification of a juvenile suspect.



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K. EXCEPTIONS

Identification (ID) technicians are authorized to release copies of ID supplemental reports to the DA's office and peace officers if a need-to-know basis has been established.

L. SECURITY OF COMMUNICATIONS CENTER RECORDS

1. Any SPD officer or other law enforcement agencies requesting audio tape recordings from the "Audio Log Recording System" or duplication of "on or off-line" computer printouts shall complete a Dispatch Activity Request Form (SPD 878).

NOTE: CAD calls, recordings and or print outs are not released to members of the public without a valid subpoena.

2. The request form must be authorized and signed by a sergeant or above and directed to the shift supervisor or designee.

3. The form shall be presented either

a. At the time of the request for duplication of a recording or printout of "on or offline" computer information.

b. When the results of the request are picked up at the Communication Center.

M. PUBLIC RECORDS ACT REQUESTS

This order does not restrict access to records made by a member of the public pursuant to Government Code section 6254 as a Public Records Act (PRA) request.

1. CORI, police reports, supplemental reports, any writing related to the investigation by a police officer, or investigative or security files are exempt from disclosure pursuant to Government Code section 6254(f) absent an express requirement to disclose.

2. Certain information may be disclosed to:

a. A victim of an incident.

b. An authorized representative of the victim.

c. An insurance carrier to which a claim has been made or a claim has been paid.

d. A person who was injured or sustained property damage as a result of the incident.

3. The information that may be disclosed includes

a. The names and addresses of persons involved in an incident.

b. The names and addresses of witnesses to an incident.

c. The description of property involved.

d. The date, time, and location of an incident.

e. All diagrams of an incident.

f. Statements of the parties involved in an incident.

g. Statements of any witnesses to an incident.

4. Whenever possible, the Department may prepare a list of the information requested or a summary of the incident to the requesting party. If necessary, a copy of the police report can be provided with any exempt, confidential, or private information redacted. This would include any portion of a report reflecting the analysis or conclusions of an investigating officer.

5. When identifying a "statement" of a victim or witness, it is not limited to a formal statement taken by an officer or provided by a victim or witness. A "statement" for purposes of a Public Records Act request can mean any communication, including a witness's call to police dispatch or an emergency operator.

6. Documents do not need to be disclosed even if the requesting party is one of the persons identified as being entitled to receive the information when

a. Disclosure would endanger the safety of a witness or other person involved in the investigation.

b. Disclosure would endanger the successful completion of the investigation.

c. The information is exempted or prohibited pursuant to federal or state law (e.g., attorney-client communications, Pitchess motion).



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- d. The need to keep the information confidential outweighs the public interest in disclosing the documents.
7. Audio recordings, video recordings, or 9-1-1 calls might be subject to disclosure to certain individuals. Each request must be reviewed on a case-by-case basis.
8. Rather than produce the actual audio recording or 9-1-1 call, a transcribed copy of the audio recording may be obtained and produced subject to redacting any confidential information or possible medical information. Other alternatives that might be used to allow review of such recordings include
 - a. Making arrangements with the requesting party to listen/ view the recording at a designated location during regular office hours;
 - b. Permitting the requesting party to listen/view the recording and allowing the person to bring his or her own recording device to make a copy of the record.
 - c. Transcribing the recordings and asking the requestor to pay for reasonable administrative costs incurred in transcribing the recording.

N. CITY ATTORNEY'S OFFICE

The City Attorney's Office (CAO) handles the prosecution of criminal violations of the Sacramento City Code, as well as defending the City and related departments, including the Police Department, in civil and administrative matters. As to civil and administrative matters, the CAO represents the City, and the City is considered the client of the CAO; therefore, an attorney-client relationship exists.

1. Criminal matters – The CAO should be treated like the DA's office and is authorized to obtain and receive information necessary to prosecute criminal matters as outlined above.
2. Civil and administrative matters – The CAO will sometimes ask for information necessary to defend the City in connection with civil or administrative matters. In such cases, the following should apply when responding to a request for information:
 - a. Police reports, supplemental reports, audio recordings, video recordings, 9-1-1 calls, and other investigative reports should be made available to the CAO when requested.
 - b. If CORI information is needed in connection with a civil or administrative matter, the CAO shall be required to comply with the requirements set forth above prior to the release of such information from Records.
 - c. A Report Request and Waiver Form (SPD 834) or Dispatch Activity Request Form (SPD 878) is not required to be completed prior to disclosure of documents, recordings, or other information pursuant to a civil or administrative matter. If there is any concern about the CAO's right to know or need to know, an email, letter, or other correspondence setting forth the name of the case, the reason for the request, and who is making the request shall be sufficient. The Records Division manager or shift supervisor may document the written request and what information was disclosed to the CAO.
 - d. If Records or the Communication Center has any concerns the request is being made for an unauthorized purpose or for a personal advantage, the custodian in Records or the Communications Center should immediately notify his or her supervisor.
 - e. If the supervisor does not believe he or she can approve the request from the CAO, or believes the request is unauthorized or made for a personal advantage, the supervisor should forward the request to the supervising officer of Records or the Communications Center.
 - f. The supervising officer of Records or the Communications Center shall review the request and may contact the requesting attorney directly to ask any follow up questions. Once satisfied the request is for official business, the supervising officer shall authorize release of the information.

