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3	12/16/2015	06/13/2023	06/13/2026

BUENA PARK POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

SS512 RELEASE OF INFORMATION AND REPORTS

SS512.1 PURPOSE AND SCOPE

This procedure describes the process for releasing to members of the public information and reports retained by the Buena Park Police Department.

SS512.1.1 ACCREDITATION STANDARDS

This policy pertains to the following CALEA Standards: 82.1.1, 82.1.2, 82.3.6

This procedure pertains to the following General Order(s): §810, §812

SS512.2 PUBLIC DISCLOSURE REQUESTS

All requests for copies of reports must be documented on the Release for Written Report form. Each report requested and who is requesting is different for each request. The Records Bureau individually reviews these requests for approval or denial of disclosure. If a report is approved for release, Records will generate a dissemination table.

SS512.3 CRIME AND INCIDENT REPORTS

The California Public Records Act (CPRA) is covered in the Government Code Sections 7920-7931. These sections balance the public's right to know and need to know. The report of crimes and incidents written in the daily course of business of a law enforcement agency are public records and subject to release with certain exemptions.

Examples of CPRA release restrictions include:

- a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any Department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
- b) Social Security numbers (Government Code § 7922.200(a)).
- c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
- d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking, Penal Code § 293). Addresses and telephone numbers of a victim or a witness to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless

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it is required by law (Government Code § 7920; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.
 2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).
- e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.
 - f) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
 - g) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).
 - h) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).
 - i) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).
 - j) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
 - k) Any record created exclusively in anticipation of potential litigation involving this Department (Government Code § 7927.200).
 - l) Records relating to the security of the Department's electronic technology systems (Government Code § 7929.215).
 - m) A record of a civilian complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(8)).
 - n) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7920).
 - o) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831).
 - p) Member's personal data or information, e.g., home address, telephone numbers, identities

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of family members.

- q) Complainant's and witness's personal data or information, e.g., home address, telephone numbers, identities of family members.
- r) Information where there is a "specific, articulable and particularized" reason to believe that disclosure would pose a significant danger to the safety of the Member or another.
- s) Information where, on the particular facts of the case, the public interest in not disclosing the information clearly outweighs the public interest in disclosing it (Government Code § 7922.000).
- t) Information where the incident described in the records is the subject of an active criminal or administrative investigation.

SS512.3.1 APPLICABLE LAWS TO RELEASE OF INFORMATION

There are other laws and statutes that govern the disclosure or non-disclosure of certain types of crime or incident reports. Some include:

- a) PC Section 11167.5 lists specifically who may receive a copy of child abuse reports. Those not on the list must obtain a court order for release. This includes parents.
- b) Civil Code of Procedure 129 prevents the disclosure of photos and/or video of the body, or any portion of the body of a deceased person, taken by Buena Park employees or by the coroner.
- c) Family Code Section 6228 requires law enforcement agencies to provide domestic violence victims a copy of incident report face sheet upon request without imposing a fee.
- d) PC Section 530.6(a) allows victims of identity theft to obtain a copy of the original report regardless of the status of the report.

SS512.4 INFORMATION RECEIVED FROM CLETS

The receipt of information from the California Law Enforcement Telecommunication System ("CLETS") is restricted to criminal justice agencies only. The release of information to individuals not authorized to receive it is a violation of California Penal Code 11142.

SS512.5 CRIMINAL OFFENDER RECORD INFORMATION

Local and state Criminal Offender Record Information ("CORI") is criminal history compiled by criminal justice agencies for the purpose of identifying criminal justice offenders. The data includes a summary of arrest and dispositions.

State CORI is the master record of information compiled by the Department of Justice. Penal Code Section 11105 discusses the release of state CORI. There is an Authorized Agency List published by the California Department of Justice Audits and Records Security section.

Local CORI is the master record of information compiled by any local criminal justice agency. Data stored in a local computer system relating to the arrest and disposition of arrest is considered CORI. Penal Code Section 13300 covers the release of local CORI.

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SS512.6 RELEASE OF JUVENILE RECORDS

Juvenile records are those records pertaining to an individual under the age of 18 years. A juvenile record includes information regarding the temporary custody and detention of a minor, records and data compiled as the result of a petition filed in Juvenile Court, and other information of an evaluative or diagnostic nature made available to the court or probation officer.

Except as otherwise noted, the agency in possession of a juvenile record shall not release to third parties the identity of any person subject to the proceedings of Juvenile Court law, or any other information about the person's involvement, without the express permission of the presiding judge of the Juvenile Court. Exceptions include, but are not limited to the following:

- a) The parent, guardian, or responsible relative is entitled to a copy of the report if their child is the only juvenile involved. (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 831 applies to non-disclosure of juvenile records.)
- b) Juvenile justice agencies
- c) Law enforcement agencies
- d) Juvenile Justice Commission of Orange County

SS512.7 PUBLIC INFORMATION LOGS

Public information logs are produced daily and maintained at the front counter. Information on these reports must include the following:

- a) Date, time, nature, and location of all complaints or request for assistance
- b) Date and time of all reports taken
- c) Victim's name and age (excluding juvenile)
- d) Factual circumstances surrounding the crime or incident
- e) Description of any injuries, property loss, or weapons involved

Exempted information includes the names of Welfare & Institution Code 5150 detentions, juvenile arrests/detentions, child abuse victims, reporting parties, confidential informants, and victims of crimes specified in Government Code § 7923.615. Calls for service information must be current and contemporaneous police activity.

SS512.7.1 CALLS FOR PUBLIC INFORMATION LOG PROCEDURE

To generate the calls for public information logs, complete the following steps:

- a) Enter quick option "rplwpil"
- b) Enter current month and date from previous day
- c) Select "generate report," then select "verify"
- d) Redact as required by Government Code
- e) Go to "print files," open "report," then "print"

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- f) Two-hole punch the top of the report and place on Incident Report board at front counter

SS512.7.2 ARRESTEE INFORMATION LOG GUIDELINES

Arrestee information that is current and contemporaneous must be made available to the public. This information includes the following:

- a) Full name
- b) Individual's description, including date of birth, sex, height, weight, hair color, and eye color
- c) Date and time of arrest
- d) Date and time of booking
- e) Location of arrest
- f) Factual circumstances surrounding arrest
- g) Amount of bail
- h) Time and manner of release or location where arrestee is being held
- i) Charges individual is being held upon

The address of an arrestee shall be made public if the requester qualifies under Government Code § 7923.620 by declaring the request is made for a prescribed purpose and the address will not be used directly or indirectly to sell a product or service.

SS512.7.3 ARRESTEE INFORMATION LOG PROCEDURE

To generate the daily arrest log without arrestee address information, complete the following steps.

- a) Enter quick option "rpjmasr"
- b) Enter date and time range
- c) Select "Get Report"
- d) Redact as required by Government Code (i.e., all juvenile identifying information)
- e) Print report
- f) Two-hole punch the top and place on arrestee clipboard at front counter

There is no requirement to disclose calls for service and arrestee information if the release of such information would endanger the safety of a person involved or endanger the successful completion of an investigation. Actual written reports of incidents of calls for service or actual arrest reports are not subject to disclosure.