

## Section 5

### Public Records

#### 5.1 Public Information That Must Be Disclosed

##### 5.1.1 Law Enforcement Information

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##### 5.1.1.040 Investigatory Records Prepared By Law Enforcement

Investigatory records prepared by Law Enforcement are public records.

##### 5.1.1.050 When Investigatory Records Must Be Disclosed

- A. All investigatory records prepared by Law Enforcement that are not exempt must be disclosed except as provided in Section 5.1.1.050(C).
- B. Investigatory records prepared by Law Enforcement must be disclosed when:
  - 1. The Law Enforcement agency has closed the case;
  - 2. The statute of limitations has expired; or
  - 3. If the case is prosecuted, at the time a judge or jury enters a conviction or acquittal.
- C. If an investigatory record is not exempt, information may be redacted if necessary to protect (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation; (3) legitimate Law Enforcement techniques that require confidentiality in order to be effective; or (4) an individual from an unwarranted invasion of personal privacy where the privacy interest clearly outweighs the public interest in disclosure.
- D. Investigatory records may not be withheld under the privacy exception (1) if the records pertain to the person making the request, whether as a victim, uncharged suspect or witness, unless the requested records invade the privacy of another individual; or (2) for the purpose of preventing the disclosure of any law enforcement practice, procedure or conduct not otherwise exempted under this ordinance.
- E. If a particular item of information is withheld, the person responsible for withholding the information must explain that withholding the information is necessary to protect (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation;

(3) legitimate Law Enforcement techniques that require confidentiality in order to be effective; or (4) an individual from an unwarranted invasion of personal privacy where the privacy interest clearly outweighs the public interest in disclosure. Without compromising the information Section 5.1.1.050(B) seeks to protect, the explanation must describe why withholding is necessary to protect (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation; (3) legitimate Law Enforcement techniques that require confidentiality in order to be effective; or (4) an individual from an unwarranted invasion of personal privacy where the privacy interest clearly outweighs the public interest in disclosure.

#### **5.1.1.060 Information That Must Be Redacted From Investigatory Records**

Unless an investigatory record prepared by Law Enforcement is requested by a person entitled to the information under state or federal law, the following information must be removed from the investigatory record before it is released:

- A. With respect to the victim of any crime, the address, telephone number or electronic mail address of the victim, except in response to a request made pursuant to Government Code section 6254(f)(3);
- B. With respect to the victim of any crime defined by Section 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 of the Penal Code, the name of the victim may be withheld at the victim's request, to the extent permitted by Government Code section 6254(f)(2);
- C. With respect to any person other than an arrestee or suspect, the address, telephone number or electronic mail address, any driver's license or California Identification Card number, social security number, date of birth, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings or checking account number, or credit card number, if contained in the report;
- D. With respect to any person, including an arrestee or suspect, any social security number, employee identification number, mother's maiden name, demand deposit account number, savings or checking account number, or credit card number, if contained in the report;
- E. The name of any person who has been accused of a crime if that person has not been arrested or charged in connection with that claim, unless (1) a "Force Response Report" was prepared by Law Enforcement about that person; or (2) the information furthers the investigation or protects public safety.
- F. The names of juvenile witnesses;
- G. The name of any juvenile arrestee or suspect, unless and until it has been determined that the juvenile will be charged and prosecuted as an adult, provided that the first name and initial letter of the last name of any juvenile arrestee or suspect shall remain on the report in any event;

- H. The name of adult witnesses or confidential sources, unless the witness or source consents to the release of his or her name. Under no circumstances will Law Enforcement release to the public any record in which a witness's name is listed without the consent of the witness;
- I. Any other information that is prohibited from disclosure by state or federal law.

Numerical or alphabetic designations should, to the extent practicable, be substituted for names omitted from any report.