

## **Section 5**

### **Public Records**

#### **5.1 Public Information That Must Be Disclosed**

##### **5.1.1 Law Enforcement Information**

###### **5.1.1.010 Records Prepared By Law Enforcement**

All reports prepared by Law Enforcement, including "Police Report," "Domestic Violence Supplemental," "Property Report," "Force Response Report," "Traffic Collision Report" and "Juvenile Contact Report," are public records, except that:

- A. A "Juvenile Contact Report" is exempt from disclosure unless a juvenile has been charged with a crime and will be tried as an adult in criminal court.
- B. A "Domestic Violence Supplemental" is exempt from disclosure unless and until a Domestic Violence Supplemental is filed with the Superior Court. Any information redacted in the Domestic Violence Supplemental filed in Superior Court will remain exempt from disclosure.
- C. Reports where the arrestee is charged with Section 220, 261, 261.5, 262, 264, 264.1, 273.5, 286, 288, 288a and 289 of the Penal Code are exempt except to the extent required by state law unless the information furthers the investigation or protects public safety.

###### **5.1.1.020 When Records Prepared By Law Enforcement Must Be Disclosed**

- A. All reports prepared by Law Enforcement that are not exempt must be disclosed except as provided in Section 5.1.1.020(B).
- B. If a report is not exempt, but disclosure of a particular item of information would endanger (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation; or (3) secret investigatory techniques, that particular item of information may be redacted.
- C. If a particular item of information is redacted, the person responsible for withholding the information must explain that disclosure would either endanger (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation; or (3) secret investigatory techniques. Without compromising the information Section 5.1.1.020(B) seeks to protect, the explanation must describe why disclosure would endanger (1) the safety of a person involved in an investigation; (2) the successful completion of the investigation or a related investigation; or (3) secret investigatory techniques.

### **5.1.1.030 Information That May Be Redacted From Records Prepared By Law Enforcement**

Unless a report 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 report 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 by a single source and without corroboration, 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) a report in connection with the execution of a search warrant related to that person was prepared by Law Enforcement.
- 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 or confidential witnesses, unless the witness consents to the release of his or her name. Under no circumstances will a witness's name be released to the public without consent, and witnesses must be assured of confidentiality.
- 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.