

PUBLIC AFFAIRS DIVISION MANUAL

INTRODUCTION

The Division Manual shall be a composite of current policies, procedures, rules and regulations, governing the daily operations of the Division.

The Public Affairs lieutenant or his designee shall be responsible for ensuring the manual is revised and updated annually.

Active participation in the revision process by an employee is strongly encouraged. Suggested revisions shall be prepared in a memorandum form and submitted through the chain of command. The Lieutenant shall have the final approval of the policy.

History

In 1983, Sheriff Floyd Tidwell formed the Public Affairs Division. It was housed in the Courthouse Building until 1987 when the current building was opened. The Division was known as the Organizational Information Division for a time and has undergone numerous changes in staffing and function throughout the years.

Mission

The Public Affairs Division's mission is to act as a liaison between the department and all members of the community we serve, including the media, labor unions, community groups, political leaders, and members of our own department. The primary function of the division is communication for the purpose of establishing and maintaining mutual understanding.

ORGANIZATION / FUNCTION

Personnel

All job descriptions and responsibilities shall be outlined in the Public Affairs Post Orders

Commander: The lieutenant controls and directs all operations of Public Affairs. He reports directly to the Assistant Sheriff of Support Services.

Sergeant: The sergeant is the Executive Officer and Second-in-Command. He shall be responsible for supervising the professional and sworn staff.

Corporal: The corporal shall be supervised by the sergeant. He shall be responsible for supervising safety staff when the sergeant is not available as well

as supervising the office administration personnel. He shall also be responsible for the division inventory control.

Sheriff's Community Relations Officer: The Community Relations Officer shall be responsible for promoting positive relations with the community and exchanging information between the Department and the communities. He will assist the sergeant in coordinating community relations personnel and relaying relevant information to the Office of the Sheriff.

Labor Relations Deputy: The Labor Relations Deputy shall be responsible for acting as a liaison between local union representatives and the Department, monitoring pending job actions, and maintaining frequent communication with local union offices. This assignment will also have the collateral duty of being the department's liaison with the County Superintendent of Schools Office and local school districts. Other duties include:

- Establish and maintain positive liaison with labor and management representatives through personal confidence.
- Encourage and promote the exchange of ideas and information while fostering respect and confidence.
- Establish and maintain positive liaison with related governmental agencies, (i.e., National Labor Relations Board, Agricultural Labor Relations Board, Federal
- Mediation and Conciliation Service, State Conciliation Service, Federal and State Department of Labor, and law enforcement agencies.
- Assure that crimes evolving from labor-management disputes are investigated promptly and carried to their proper conclusion.
- Gather information regarding pending labor disputes from personal contacts and other sources including union, management, and governmental publications.
- Establish and maintain special files, including lists of labor and management organizations and their representatives. Files regarding dispute activity, pertinent laws, and court decisions should also be maintained.
- Assist departmental personnel. The labor/management relations representative provides expertise to assist departmental personnel in policing labor/management disputes.
- Meet with union and management representatives who are, or may be involved in, a labor dispute. Guidelines to prevent unlawful acts should be discussed with both labor and management representatives to encourage self-discipline and strict control over their personnel.
- Assure that picket lines are monitored as needed. Picket lines should be monitored in an effort to reduce or prevent dispute-related crimes.

Crime Free Multi-Housing Coordinator: The Crime Free Multi-Housing Deputy shall be responsible for acting as a liaison between the San Bernardino County Housing Authority and all the Sheriff's Department stations that participate in the Crime-Free Multi-Housing Program.

- This unit is part of the Public Affairs Division, and is responsible for administration, coordination, and expansion of the Crime Free Multi-Housing program throughout the Department's jurisdiction.

Operation Clean Sweep Coordinator: The Operation Clean Sweep Coordinator shall be responsible for acting as a liaison between the schools and the Office of the Sheriff, as well as conducting school related training.

Juvenile Intervention Program (JIP) Coordinator: The Juvenile Intervention Program Deputy shall be responsible for scheduling participants for the Juvenile Intervention Program, recruiting inmates to participate in the program, and managing the JIP interns.

Special Projects Coordinator: The Special Projects Coordinator shall be responsible for department ceremonies, special projects and events.

Media Relations Unit

The Public Information Officers and Social Media Specialist assigned to the Public Affairs Division shall be responsible for the distribution of news and information to the media, public, and members on behalf of the Department.

Public Information Officers (PIO): The Division has two PIO II positions assigned to the Media Relations Unit. They shall be responsible for disseminating information to the press, radio and television through written releases, recorded interviews, production material, and press conferences.

Media Specialist II: The Media Specialist II (MS) is responsible for the creation, content creation and monitoring and management of the Department's various social media platforms. Additionally, the MS will assist in the creation, management and monitoring of individual official social media accounts. The MS will coordinate their efforts with the PIOs and other members of the Multi-Media Unit.

Responsibilities for both PIOs and SMC include, but are not limited to:

- The release of information on matters of public interest, unless the information is legally protected.
- Establish and maintain favorable law enforcement-media relations.
- Provide accurate and timely information to the news media and public.
- Review and post press releases on the Department's website and social media accounts.

- Communicate and coordinate with Department personnel and investigators to ensure information (not legally protected) which is released is accurate and does not jeopardize an investigation.
- Provide media interviews on behalf of the Office of the Sheriff.

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Multi-Media Unit

This unit is part of the Public Affairs Division and is responsible for documenting Department events and producing media for internal and external use through photographic, digital and video production means.

Multi-Media Supervisor: The Multi-Media Supervisor shall be responsible for to planning, organizing, and supervising the activities of creative media personnel within the Sheriff's Public Affairs Division.

Multi-Media Coordinator: The Multi-Media Coordinator shall be responsible for photographing Department portraits, candid, deputies in action, awards, vehicles and equipment, to be used across multiple distribution platforms and annual reports.

Graphic Designer I: The Graphic Designer I shall be responsible for creating graphic materials, posters, visual aids and training materials.

The Community Liaison Unit

The Community Liaison Unit is a sub-component of the Public Affairs Division, operates to promote positive relations between the Department and the community it serves. Specifically, it develops relationships with a wide variety of community stake-holders to ensure that appropriate communication and understanding is maintained, related to law enforcement actions and operations.

- *Community Relations Liaisons:* The Community Relations Liaisons shall be responsible for promoting positive relations with the community and exchange information between the Department and the communities. They shall coordinate their efforts with the Division Sergeant and Community Relations Officer.

Secretary I: The Secretary shall be under the direct supervision of the sergeant.

Office Assistant II: There is one Office Assistant position assigned to the Division. They shall be under the direct supervision of the sergeant and be responsible for clerical duties.

DISSEMINATION OF INFORMATION TO DEPARTMENT PERSONNEL

Mailbox: The Mailbox publication is the responsibility of the Public Affairs Division. The Public Affairs Graphic Designer I shall be responsible for updating the Mailbox. Department Divisions may send Public Affairs information such as fundraisers and other items of interest to be placed in the Mailbox publication.

Release of Records and Information (Public Records Act): Division staff shall adhere to Department policy regarding requests for Public Records (attached). The Public Information Officers shall be responsible for responding to public records requests. Public Records Requests are maintained and archived by Sheriff's County Counsel, Public Affairs shall not be required to maintain these documents. Both the PIOs and sergeant may process PRA requests by utilizing the County's NextRequest system.

Press Releases: Press Releases shall be digitally maintained on the Sheriff's Department website. The division shall not be required to maintain electronic or paper copies of press releases.

Dissemination of Information Regarding Serious Injury or Death Information: The Division shall be responsible for disseminating information regarding deaths of Department personnel. When a current or retired member of the Department is seriously injured or killed on duty or off duty, the Division may make the notification to the Department via the Public Affairs email after the family has been notified and the family has granted permission to release the information.

The same considerations shall be followed for immediate family members of Department personnel. The Department defines immediate family members as spouses, registered domestic partners, parents, siblings, or children.

When the Office of the Sheriff becomes aware that a retired member of the Department has passed away, the Division may disseminate a death notification to the Department at the family's request.

The Division may disseminate death information via the Mailbox for non members of the Department who had direct involvement and had a positive impact within the Department and its many functions. All special requests shall be addressed to the Division lieutenant for review and consideration.

Funeral Notice Memorandums: Information regarding funeral memorials and arraignments should only be disseminated to Department personnel via the Public Affairs email once, unless updates or new information is deemed necessary.

ADMINISTRATION

Scheduling

Request for Schedule Change: The lieutenant or his designee shall be responsible for maintaining the Division schedule. The schedule shall be posted three months in advance.

Sick Leave: Personnel shall advise their supervisor at least one hour prior to the start of their work day when they are calling in sick.

Overtime: Prior to working overtime, all personnel shall request approval from their respective supervisor.

Vacation Schedule: The lieutenant shall be responsible for the vacation schedule. The sergeant shall prepare the sign-up roster, which shall be maintained electronically in the Public Affairs share file. The vacation sign-up shall follow MOU procedures.

Time and Labor Report (TLR): All personnel shall be responsible for submitting their TLR on time via EMACS.

On-Call Procedure: The on-call supervisor for Public Affairs shall be contacted prior to contacting the on-call employee. The supervisor shall be the only one to authorize the on-call employee to start working. When the on-call employee is notified by the supervisor they shall respond with the best interests of the Department.

- On-call media employees shall only be required to respond when the incident is: a large scale event, breaking news, high profile, or publicly charged. On-call media employees may be required to answer emails, depending on the circumstances, and post press releases on social media and the department website.
- On-call labor and community relations employees shall only be required to respond when the community incident is: a large scale event, breaking news, high profile, or publicly charged. On-call labor relations employees may be required to answer emails, depending on the circumstances

Dress Code

Safety Employees: Safety employees shall have the option of dressing in either uniform or professional business attire. Some events require the employee to dress in uniform, so it is imperative all safety employees have cleaned, pressed uniforms available along with all required safety equipment.

Professional Employees: Professional employees shall dress in professional attire.

Equipment

Key Control: The Sergeant shall maintain the control of the station keys, which are located in the key control box within the division. The Sergeant shall be responsible for retrieving all Department keys when an employee leaves the Division.

Division Issued Equipment: Public Affairs equipment shall be under the direct supervision of the Sergeant. New employees shall be issued Division equipment upon their initial assignment. Staff shall be responsible for properly maintaining their equipment.

Staff shall notify the Sergeant in the event of lost, damaged or equipment failure. All station issued equipment is the property of Public Affairs and shall be returned upon the employee's departure.

Equipment Inventory: It is essential that staff maintain close control of the equipment assigned to the Public Affairs Division. The radios, vehicles, laptop computers and projectors have been identified as equipment that should be accounted for each day.

Inspection Matrix: The Division shall electronically file key audits, vehicle audits, and equipment audits in the Public Affairs share file. The Division shall have three separate audits (vehicle, key, and equipment) to ensure Division issued items are accounted for and in working condition. Annually, the audit schedule shall be created and placed in the share file.

Staff shall adhere to Department policy and procedures when the following incidents occur:

- Claims against County
- Public Records Requests
- Administrative Investigation
- Citizen Complaint
- Lost or Damaged Department Property
- Use of Force
- Discharge of a Firearm- Accidental/Intentional – Non-Injury – Non L.E.

- Discharge of a Firearm- Accidental/Intentional – Non-Injury- Law Enforcement
- Officer Involved Shooting
- Injury/Death
- Vehicle Accident

Injuries Sustained on Duty

Injury On Duty – No Medical Attention Required: Any injury that is sustained on duty shall be reported to a supervisor immediately and documented appropriately. The employee shall complete a memorandum regarding the circumstances surrounding the incident.

- *Medical Attention Required:* Employees shall report an injury to a supervisor immediately and the employee shall submit a memorandum regarding the circumstances surrounding the incident. If the employee cannot complete the memorandum, the supervisor shall complete it.
- *Supervisory Responsibility:* The supervisor shall submit a cover memorandum to the lieutenant detailing the incident, and his/her opinion as to whether the injuries were caused by misconduct or carelessness on the part of the employee. The supervisor shall be responsible for the completion of all reports, including the “Employer’s Report of Occupational Injury or Illness” form located in Starlink.

Firearms/Qualification

Firearms: Every safety member shall carry a firearm in accordance with the Department’s policies and procedures. It is the responsibility of the employee to receive the Department’s approval if the firearm they wish to carry on duty is not issued by the Department.

Qualifications: All safety members shall be required to attend and complete trimester Use of Force training.

Discharge of Firearm: On-duty safety members discharging a firearm, whether accidentally or intentionally, except on a target range, shall immediately report the circumstances to their supervisor. Refer to department policy for additional procedures on the documentation and process.

Shotguns/Mini- 14/Ammunition: These weapons shall be locked either in the two gunlocks in the office or in the trunks of the assigned units. Each weapon is to be maintained and inspected for operation. When repairs are necessary the weapon shall be taken to the Sheriff’s Range.

Use of Force

In the event a use of force occurs, the Sergeant shall conduct a Use of Force investigation per Department Policy Manual Section 3.610.10.

Vehicle Accidents

On Duty: If an employee is involved in a traffic accident while on duty, he/she shall immediately report it to the supervisor. The supervisor shall respond to the scene and conduct the investigation. The supervisor shall forward the report and their memorandum of findings and recommendations to Civil Liabilities through the lieutenant.

Off Duty: If an employee is involved in a vehicle accident in a county vehicle while off-duty, he/she shall immediately report it to the supervisor. The supervisor shall generally respond, however if the accident occurs in an area serviced by the Sheriff's Department a supervisor assigned in that area may conduct the investigation.

Credit Cards

County vehicles are issued a Voyager card. These cards are to be used for the vehicle to which it is assigned. Generally, use is for the obtaining of fuel and approved vehicle maintenance. Employees shall not use the card for personal use or personal vehicles.

SPECIAL EVENTS

The Division is responsible for coordinating several special events and details. While these may be the duty of a specific individual, they often require the help of the entire Division for the event to succeed.

Exceptional Service Awards: The semi-annual Exceptional Service Awards began in 1989 and is now held in even numbered years as a way to honor Department personnel and citizens for exceptional service to the communities. Nominees are submitted by division and station commanders and chosen by a committee. The Exceptional Service Awards are planned and organized by the Special Projects Coordinator.

Lifesaving Award: Annual ceremony recognizing department members and residents for saving a life.

10851 Awards: The 10851 Awards are held annually at Headquarters. The Special Projects Coordinator shall be responsible for organizing the awards ceremony and coordinating with the California Highway Patrol.

Photography: The Multi-Media Coordinator is responsible for photographing the Exceptional Service Awards, Lifesaving, and 10851 ceremonies and distributing the photographs to the award recipients.

Blood Drives: The Division is responsible for coordinating, scheduling, and advertising the headquarters Blood Drives.

End of the Year Plaques: The Division shall be responsible for providing end of the year plaques for each Station/Division. The Office Assistant shall distribute an inter-office memorandum in November to each commander asking for their requests no later than the first week in December. The plaques shall be ordered upon receipt of the requests.

Giveaways

The Division is responsible for maintaining a supply of promotional items “giveaways”. Assigned personnel shall be responsible for managing, ordering and distributing the giveaways in an equitable manner.

Department Website

The Sheriff’s Department Website shall be maintained and updated by the Division. The Division shall coordinate the website in conjunction with the Technical Services Division. The multi-media supervisor shall be responsible for maintaining a database of photographs to continually update the website.

Honor Guard

The Division shall be responsible for coordinating the Sheriff’s Honor Guard Detail.

Coordinator: The Honor Guard Coordinator shall be responsible for coordinating the Honor Guard. He/she may delegate duties to members of the Honor Guard.

Training: The Honor Guard shall train quarterly.

Events: Requests for the services of the Honor Guard shall be routed through the coordinator. Non-department related events shall require the approval of the Assistant Sheriff or his/her designee.

Uniforms: Honor Guard uniforms shall be provided for the members by the Department through the Public Affairs Division.

Scheduling: The coordinator shall be responsible for disseminating inter-office memorandums to the commanders of the individual Honor Guard members, requesting their presence at training and specific events.

Flag Boxes

When a member of the Department passes, his/her surviving spouse or family member is presented with an American flag inside an engraved flag box. The Division shall be responsible for working in conjunction with Sheriff's Employee Assistance Team (SEAT) to order these boxes.

Appendix

SAN BERNARDINO COUNTY SHERIFF'S DEPARTMENT POLICY AND PROCEDURE MANUAL

RELEASE OF RECORDS AND INFORMATION (PUBLIC RECORDS ACT)

1.0	POLICY STATEMENT
2.0	DEFINITIONS
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4.0	RECEIVING AND RESPONDING TO REQUESTS FOR PUBLIC RECORDS
5.0	PUBLIC RECORDS ACT EXEMPTIONS
6.0	RELEASE OF RECORDS AND INFORMATION
7.0	REVISION HISTORY

1.0 POLICY STATEMENT

It is the policy of the San Bernardino County Sheriff's Department to provide information to the public that illuminates its operations and that also protects against disclosure of confidential information and other information that is exempt from disclosure by applicable laws. Accordingly, this policy addresses requests for records and information made by the public pursuant to the California Public Records Act, and does not address requests made by government or licensing agencies for official purposes.

2.0 DEFINITIONS

Call for Service	A telephone call or oral request by a member of the public seeking law enforcement assistance.
Confidential Information	Confidential Information may include, but is not limited to, the following: <ul style="list-style-type: none">• personal identifying information (including dates of birth, driver's license numbers, social security numbers, passport numbers, and banking numbers)• residential addresses and telephone numbers• medical and mental health information,• identification of confidential informants• information relating to juveniles under 18 years of age
Deputy-Initiated Contact	A contact between a deputy and a member of the public that was initiated by the Department.

Department Opinions	The thoughts, opinions, or conclusions of investigating deputies.
PRA	The California Public Records Act, Government Code § 6251, <i>et seq.</i>
Public Records	Any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the County regardless of physical form or characteristics.
Writing	Means any handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

3.0 MANDATES

3.1 STATUTES AND REGULATIONS

- Cal. Const. Art. I, § 1 (Right of Privacy)
- Code of Civil Procedure § 129
- Evidence Code § 1040
- Evidence Code § 1043, *et seq.*
- Family Code § 6228
- Government Code (“GC”) § 6251, *et seq.*
- Penal Code (“PC”) § 841.5
- Penal Code § 1001.1
- Penal Code § 11105.6
- Penal Code § 11167.5
- Penal Code § 13300, *et seq.*
- Vehicle Code § 20012
- Welfare & Institutions Code (“W&I”) § 827, *et seq.*
- Welfare & Institutions Code § 15633
- Code of Federal Regulations Title 8, § 236.6 (immigration detainer information)

3.2 CASE LAW AND ATTORNEY GENERAL OPINIONS

- *American Civil Liberties Union v. Deukmejian* (1982) 32 Cal.3d 440 (resources to disclose records outweigh benefits in disclosure)
- *County of Los Angeles v. Superior Court (Kusar)* (1993) 18 Cal.App.4th 588, 599 (GC § 6254(f) requires disclosure of current info only)
- *Westbrook v. County of Los Angeles* (1994) 27 Cal. App. 4th 157 (summary criminal history)
- *California First Amendment Coalition v. The Superior Court of Sacramento* (1998) 67 Cal.App.4th 159 (overly burdensome, harassing purpose)
- *ACLU of N.J., Inc. v County of Hudson* (2002, App Div) 352 NJ Super 44, 799 A2d 629 (immigration detainer information)

- *Dixon v. Superior Court of El Dorado Co.* (2009) 170 Cal.App.4th 1271 (Coroner's reports)
- *Williams v. Superior Court of San Bernardino Co.* (1993) 5 Cal.4th 337 (investigative records exempt from disclosure for indefinite period of time)
- 89 Ops. Cal. Atty. Gen. 204 (2006) (summary criminal history info; current info only)
- 86 Ops. Cal. Atty. Gen. 132 (2003) (mug shots)

4.0 RECEIVING AND RESPONDING TO REQUESTS FOR PUBLIC RECORDS

4.1 RECEIVING AND INTERPRETING PUBLIC RECORDS ACT REQUESTS

PRA requests may be made orally or in writing, though staff may ask that a PRA request be made in writing to ensure its correct interpretation. If a PRA request is uncertain or ambiguous, staff shall either (a) contact the requesting party to ascertain the nature and scope of the request, or (b) identify the presumed nature and scope of the request in the written response (to allow the requesting party to understand how the request was interpreted and to follow up on it if desired).

- A. **Motive Irrelevant.** Staff shall not ask the requesting party's purpose or motive in making a PRA request.
- B. **Revolving Requests.** A PRA request may seek only those public records which exist at the time of the request. If a requesting party seeks records which may be prepared in the future, separate requests must be issued for those records. In the event that a person issues revolving requests which seek information on a continuing basis, such requests may be processed through an expedited e-mail process.

4.2 WRITTEN RESPONSES TO PRA REQUESTS

Written responses to PRA requests shall be made within 10 calendar days of its receipt. (See GC § 6253(a).) Production of the requested records should be made within a reasonable time thereafter, taking into consideration the nature of the request and the length of time in preparing the documents for review or copying.

- A. **Unusual Circumstances.** If unusual circumstances render it impracticable to respond to a PRA request within 10 calendar days, then staff shall send written notification that an additional 14 days may be needed to respond to the PRA request, pursuant to GC § 6253(c). Unusual circumstances include:
 1. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
 2. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
 3. The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the Sheriff's Department having substantial subject matter interest therein; or

4. The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data. (Note: there is no legal obligation to create a record where none exists.)

B. Scope of Written Responses. Written responses to PRA requests shall specify whether the Sheriff's Department will produce the requested records and/or identify any applicable exemptions. If practicable, the requested records should be provided concurrently with the written response.

4.3 MAKING RECORDS AVAILABLE IN ELECTRONIC FORMAT

The PRA provides certain requirements regarding the production of records in electronic format. (See GC § 6253.9.) Generally, if a requesting person asks for the information to be produced in an electronic format, then the Sheriff's Department should comply with the request if practicable. If doing so requires programming or computer services, the requesting person shall pay the cost of such services. No proprietary software shall be disclosed.

4.4 FEES FOR RELEASING PUBLIC RECORDS

The Sheriff's Department may charge fees for releasing copies or duplicates of public records to the extent allowed by law and the County's fee ordinance, unless doing so is impracticable.

4.5 TRACKING PRA REQUESTS AND RESPONSES

The Sheriff's Department shall track PRA requests and responses thereto in a manner that allows for accountability.

5.0 PUBLIC RECORDS ACT EXEMPTIONS

5.1 EXEMPT INFORMATION NOT DISCLOSED

It is the policy of the Sheriff's Department to release public records pursuant to a PRA request unless such records contain information that is exempt from disclosure. (See GC §§ 6254, 6255.) If requested public records contain both releasable and exempt information, then staff shall redact all exempt information prior to releasing the remainder of the records.

5.2 CONDITIONS FOR RELEASE OF EXEMPT RECORDS OR INFORMATION

Records or information that are exempt from disclosure under the PRA may nevertheless be released to the public if doing so serves the mission or goals of the Sheriff's Department and if such release is expressly authorized by the Office of the Sheriff. Once exempt information is released to a member of the public under a PRA request, it must be released to all members of the public who request it unless the law provides otherwise (e.g., release of crime reports to victims or their insurance companies does not make the reports releasable to the public generally).

5.3. PUBLIC RECORDS ACT EXEMPTIONS

The following general exemptions apply to PRA requests for disclosure of public records that may be applicable to information held by the Sheriff's Department. For most of these exemptions, there are exceptions that will require disclosure to a requesting party; accordingly, please refer to the following Section 6.0 to determine which exceptions apply.

The general exemptions from disclosure under the PRA include, but are not limited to, the following:

- Investigatory files, per GC § 6254(f)
- Jail security files, per GC § 6254(f)
- Local summary criminal history information (e.g., CNI) is prohibited from being disclosed via PC § 13300, and exempt per GC §§ 6254(f) and 6254(k)
- Information contained in the California Law Enforcement Communications System (CLETS) is restricted to criminal justice agencies and is prohibited from being otherwise disclosed via GC §§ 15153, 15163, 15165, and CLETS policies and procedures, and is exempt per GC §§ 6254(f) and 6254(k)
- Preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the Sheriff's Department in the ordinary course of business, if the public interest in withholding those records clearly outweighs the public interest in disclosure, per GC § 6254(a)
- Records pertaining to pending litigation to which the County is a party, until it has been finally resolved, per GC § 6254(b) (contact Civil Liabilities Division to determine if this exemption applies in a particular instance)
- Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy, per GC § 6254(c)
- Medical and mental health information, including jail health records and W&I § 5150 reports, are also protected from disclosure by the California Confidentiality of Medical Information Act (Civil Code § 56, *et seq.*), the Psychotherapist-Patient Privileged (Evidence Code § 1010, *et seq.*), and are exempt per GC § 6254(k)
- Peace Department personnel files are also protected from disclosure pursuant to Penal Code §§ 832.7, 832.8 and Evidence Code §§ 1043-1047, and are exempt per GC § 6254(k)
- The names, addresses, and identifying information of juveniles under the age of 18 years are exempt per GC § 6254(k)
- Records that are protected from disclosure pursuant to federal or state law (such as attorney-client privileged communications or deliberative process privileged documents), per GC § 6254(k)
- The name, address and telephone numbers of victims of sex offenses listed in Penal Code § 293, per GC § 6254(k)
- The address and telephone number of any person who is a victim or witness to an alleged offense shall not be released to the arrestee/defendant under PC § 841.5, and are exempt per GC § 6254(k)
- Information contained in applications for licenses to carry firearms that indicates when or where the applicant is vulnerable to attack or that concerns the applicant's medical or psychological history or that of members of his or her family, per GC § 6254(u)(1)

- The home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners and magistrates that are set forth in applications for licenses to carry firearms, or indicated on those licenses themselves, per GC § 6254(u)(2) and (3), and the home addresses of other CCW holders or applicants pursuant to GC § 6255(a) when the public interest in nondisclosure clearly outweighs the public’s interest in disclosure.
- A document prepared by or for the Sheriff’s Department that assesses its vulnerability to terrorist attack or other criminal acts intended to disrupt its operations and that is for distribution or consideration in a closed session, per GC § 6254(aa)
- Critical infrastructure information submitted to the California Emergency Management Agency, per GC § 6254(ab)
- Identities of confidential informants are confidential under Evidence Code § 1041 if the necessity for preserving the confidentiality of that information outweighs the necessity for disclosure in the interest of justice, and exempt per GC § 6254(k)
- The Official Information Privilege of Evidence Code § 1040 precludes disclosure of information acquired and maintained in confidence if the necessity for preserving the confidentiality of the information outweighs the necessity for disclosure in the interest of justice, and exempt per GC § 6254(k)
- The facts of the particular case demonstrate that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record, per GC § 6255(a)
- “Confidential Information” and “Department Opinions,” as defined in this policy, are generally exempt from disclosure under GC § 6254(f), (k), and § 6255, as well as other applicable laws.

5.4. APPLICABILITY OF EXEMPTIONS

Staff may contact Sheriff’s Legal Counsel to determine the scope of any exemptions under the PRA and whether exemptions apply in a particular instance.

6.0 RELEASE OF RECORDS AND INFORMATION

6.1 REQUESTS FOR ARRESTEE OR CRIME INFORMATION – GENERAL OR SPECIFIC

Whether the request is for a general category of information (e.g., all arrests of John Doe) or a specific incident, only current information may be disclosed. Current information includes information created or generated within the thirty (30) days prior to the submission of the PRA request.

6.2 RELEASE OF INFORMATION RELATING TO CRIME REPORTS

Upon receiving a request for disclosure of a crime report, or information contained in or related to a crime report, staff shall determine whether release of the requested information would endanger the safety of a witness or other person involved in the investigation, or would endanger the successful completion of the investigation or related investigation. If staff determines that release of the information would have such a negative impact, then the exemptions contained in GC §§ 6254(f) and 6255(a) shall be used to deny such a request.

However, if release of the information would not have such a negative impact, then staff shall respond to the request as follows:

A. **Request for Crime Report Made by the Victim.** If the victim of an alleged crime requests information related to the particular crime report, then staff shall disclose to the victim a copy of the report and any photographs, diagrams, and audio or video recordings of the victim and/or the victim's property, but shall redact any Confidential Information prior to such disclosure. Under this provision, records shall be released only to those persons who are clearly identified on the relevant report as the victim, authorized representatives of the victim, insurance carriers against which a claim may be made, and any person suffering bodily injury or property damage as the result of the crime or act of terrorism. The information that the victim or his or her representative are entitled to receive is as follows: the names and addresses of the persons involved in, or witnesses other than confidential informants, to the incident; the description of any property involved; the date, time, and location of the incident; all diagrams; statements of the parties involved in the incident; the statements of all witnesses, other than confidential informants. However, if the disclosure of such information would endanger the safety of a witness or other person involved in the investigation, or if disclosure would endanger the successful completion of the investigation or a related investigation, then no such disclosure shall be made. In any event, no portion of the investigative file(s) that reflect the opinions, analysis or conclusions of the investigating deputy or deputies may be disclosed.

1. **Timing of Release.** Reports, photographs and other audio or video recordings shall be released to victims only after the District Attorney has decided whether or not to file charges in the case.
2. **Exception for DV Victims.** Victims of domestic violence shall be provided with reports and photographs pursuant to Family Code § 6228; such information can be released prior to the time the District Attorney makes a decision on whether or not to file charges in the case.

B. **Request for Crime Report Made by Persons Other Than the Victim.** Persons other than victims who request a crime report or other information relating to an incident investigated by the Sheriff's Department shall not be provided with a copy of the report, pursuant to the exemption under Gov. Code § 6254(f); instead, staff shall disclose the specific information that is required to be released under that code section (set out below). To properly identify the scope of the request, staff shall ask or determine whether the requesting party seeks Arrestee Information, Crime Information, or both. Upon making such a determination, staff shall disclose the following:

1. **Arrestee Information**
 - i. The full name and occupation of individual arrested by the agency;
 - ii. The arrestee's physical description including color of eyes and hair, sex, height, and weight;
 - iii. The time, date, and the city/street location of the arrest;
 - iv. The factual circumstances surrounding the arrest;

- v. The time and date of booking, and amount of bail set (if any);
- vi. The time and manner of release or the location where the individual is currently being held; and
- vii. All charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

2. Crime Information

- i. The factual circumstances surrounding the crime, including the time, date and city/street location of the crime;
- ii. The time and date of the crime report;
- iii. The name and age of the victim, unless such information is required to be withheld by law (per Government Code § 6254(f)(2)) (most sexual assaults); and
- iv. A general description of any injuries, property, or weapons involved.

3. Only “Current” Information may be Disclosed

As in Section 6.1 above, only current information may be disclosed. Current information includes information created or generated within the thirty (30) days prior to the submission of the PRA request.

6.3 RELEASE OF INFORMATION RELATED TO CALLS FOR SERVICE

In response to a request for information related to a Call for Service, the following information shall be disclosed: (a) the time, substance (nature of call), and location of the request for assistance; and (b) the time and nature of the response thereto. If a crime report has been prepared regarding the Call for Service, then staff shall refer to Section 6.2 above. Only current information may be disclosed (see 6.2(B)(3) above).

6.4 RELEASE OF INFORMATION RELATED TO CORONER’S RECORDS

Generally, release of Coroner’s Reports or other records created or held by the Coroner’s Division are governed by the provisions of this policy relating to release of crime reports and other investigatory records. Accordingly, while Coroner’s records are generally exempt from disclosure under the PRA pursuant to GC § 6254(f), the following information shall be released to the public unless such release would impede a pending investigation or prosecution: the name, age, gender and address of the decedent, the general location of the death, the date of the death, the general manner and cause of death, name of the person certifying the death, date and location of autopsy, the name of the person who performed the autopsy, and identification of any law enforcement agency conducting a related criminal investigation. All requests for death certificates should be referred to County Vital Statistics or the mortuary where final arrangements were made.

- A. **Release of Coroner’s Reports to Next of Kin.** The decedent’s next of kin are entitled to receive a final copy of the Coroner’s Report (the investigative report only), but only upon completion of the Coroner’s investigation and any related criminal investigation. Under this provision, the Coroner’s Report shall be released only to those persons who are identified as next of kin, authorized representatives of the next of kin, and insurance carriers against which a claim may be made. While the

decedent's next of kin are entitled to review photographs or videos of the body by making an appointment with the Coroner's Division, no copies may be released without a court order per Code of Civil Procedure § 129.

- B. **Criminal Investigation Cases.** If the Sheriff's Department, Coroner's Division, or another law enforcement agency is conducting a criminal investigation related to the death, then no other documents from the Coroner's file (including but not limited to the detailed autopsy report) shall be disclosed or released to the decedent's next of kin, nor shall any Coroner's records be provided to any other person, without a subpoena or court order.
- C. **Non-Criminal Investigation Cases.** In the event no criminal investigation is contemplated with respect to a Coroner's case (such as an autopsy requested by a private individual), then the following additional records may be released to the decedent's next of kin: autopsy reports, toxicology reports, dental charts, and anthropology reports.

6.5 RELEASE OF DISPATCH RECORDS AND RECORDED TELEPHONE CALLS (911 CALL RECORDINGS)

The audio recording or transcript of a 911 call, dispatch call, or any call to a Sheriff's Department recorded telephone line may be released only to the calling party, and only in the event that a crime report has not been prepared regarding the issue raised during the call. Other dispatch records, including the "dispatch logs" or event chronology, or 911 audio recordings or transcriptions, shall not be disclosed in response to a PRA request pursuant to the exemption contained in Government Code § 6254(f), except in accordance with Section 6.2 above. However, the Office of the Sheriff may exercise discretion in releasing any exempt information if doing so serves the mission or goals of the Sheriff's Department.

6.6 RELEASE OF JAIL RECORDS

- A. **Inmate Jail Records.** Jail records regarding specific inmates are generally exempt from disclosure pursuant to Government Code § 6254(f). Mug shots may be released to the public only if the Sheriff's Department has determined that it has a law enforcement need to do so (e.g., to locate an escapee); such release can be authorized by a Watch Commander or someone of higher rank. However, all medical and mental health records held by the jail or its contractors shall be released to the inmate who is the subject of the records, or to the inmate's authorized representative, upon request.
- B. **Jail Incident Reports.** Information contained in incident reports completed by jail staff are subject to release under the provisions of this policy as a crime report only if staff has determined that a crime has been committed. All other incident reports are security files of the jail which are exempt from disclosure under Government Code § 6254(f).
- C. **Video Tapes of Jail Activity.** Video tapes of jail activity are exempt from disclosure under Government Code § 6254(f) and shall not be disclosed unless doing so would further the mission or goals of the Sheriff's Department, and only then if the Office of the Sheriff expressly authorizes such release.
- D. **Information on Immigration Detainees.** In response to a request for information relating to a particular jail inmate, staff may indicate whether or not the inmate is

subject to an ICE immigration detainer. However, staff shall not provide names of persons who are subject to immigration detainers, or any specific information regarding their detainers, based on a broad request (e.g., a request seeking the names of all persons subject to immigration detainers), as such information is prohibited from being disclosed pursuant to 8 C.F.R. § 236.6 (which provides that detention officials shall not disclose the name of, or other information relating to, any person held in custody on an ICE immigration detainer).

6.7 MISCELLANEOUS PUBLIC RECORDS

- A. **Daily Arrest and Crime Logs.** The Sheriff's Department shall make public a daily arrest log, which shall identify arrests made by its deputies on a daily basis for a period of at least 3 days. The Sheriff's Department shall also make public a daily crime log (Event Press Log) for its law enforcement calls on a daily basis. Daily arrest and crime logs shall not include any victim information related to arrests for domestic violence or sexual assault, or any other type of information the release of which would create a public safety concern. Release of information on daily arrest and crime logs shall not constitute a waiver of any exemptions from disclosure provided under the Government Code.
- B. **Accident Reports.** Accident reports and related photographs shall only be released to the persons involved in vehicle accident, to the owners of vehicles or property involved, and to their insurance companies, per Vehicle Code § 20012.
- C. **Juvenile Crime Reports.** Pursuant to Welfare and Institutions Code § 827, crime reports in which the suspect is a juvenile shall be disclosed to the juvenile or his/her attorney, the parents or legal guardian of the juvenile (unless there is a reference to another minor in the reports, which would then require an order by the juvenile court), the juvenile's school, and other identified state and local agencies. Victims of crimes committed by juveniles shall be given the names of the persons mentioned in the crime report; release of further information must be approved by the juvenile court. However, all persons are entitled to obtain the Crime Information relating to a juvenile crime report, as identified in Section 6.2(B)(2), above, without releasing identifying information of the juvenile.
- D. **Child Abuse Reports.** All records and materials relating to an allegation of child abuse or neglect, for which there is a duty to report under Penal Code § 11166, shall be deemed confidential and shall not be disclosed except as provided in Penal Code § 11167.5. Pursuant to Penal Code § 11167.5(b)(11), persons who are listed on the Child Abuse Central Index per Penal Code § 11170 must be provided with a copy of the child abuse reports related to their conduct with all Confidential Information and all reporting party information redacted. No other persons are entitled to release of information related to child abuse reports pursuant to a PRA request.
- E. **Elder and Dependent Adult Abuse Reports.** All records and materials relating to an allegation of elder or dependent adult abuse (including physical abuse, abandonment, abduction, isolation, financial abuse, or neglect) for which there is a duty to report under Welfare and Institutions Code § 15630, are confidential pursuant to Welfare and Institutions Code § 15633, and shall not be released pursuant to a PRA request.

- F. **W&I § 5150 Reports.** Reports prepared pursuant to Welfare & Institutions Code § 5150 are deemed confidential; accordingly, such reports shall be released only to the person who is the subject of the report, to a parent if the subject of the report is a minor under the age of 12 years, or as otherwise expressly allowed by law.
- G. **Courtesy Reports.** Courtesy reports are crime reports prepared by the Sheriff's Department but that relate to an investigation conducted by another law enforcement agency. Upon receipt of a request for release of a courtesy report, staff shall contact the law enforcement agency with jurisdiction over the incident to make the determination as to whether the report should be released. Prior to release, all Confidential Information and Department Opinions shall be redacted from courtesy reports.
- H. **Concealed Weapons Permits and Applications.** Pursuant to Government Code § 6254(u), staff shall not disclose information contained in CCW permits or applications that indicate when or where the applicant is vulnerable to attack or that concerns the applicant's or his/her family members' medical or mental health history. Further, the home address and telephone number of prosecutors, public defenders, peace officers, judges, court commissioners and magistrates that are set forth in applications for licenses to carry firearms, or indicated on those licenses themselves, shall not be disclosed per GC § 6254(u)(2) and (3), nor shall such information be disclosed about the home addresses of other CCW holders or applicants pursuant to GC § 6255(a) when the public interest in nondisclosure clearly outweighs the public's interest in disclosure.
- I. **Mobile Data Computer Information.** Information related to the messaging between mobile data computers shall not be disclosed pursuant to a PRA request, as they are records of investigation exempt under GC § 6254(f).
- J. **Warrants.** Penal Code § 168 prohibits disclosure of a search or felony arrest warrant for the purpose of preventing the search or seizure of property or the arrest of any person; a violation of that section is a misdemeanor.
- K. **Information Regarding Fugitives.** Under Penal Code § 11105.6, the Sheriff's Department may furnish an individual's known aliases and booking photograph, information identifying whether the individual has been convicted of any violent felony (as defined in subDivision (c) of § 667.5), and an unaltered copy of the booking and property record, excluding any medical information, to a licensed bail agent or bail bond licensee if all of the following circumstances exist:
 1. The information is from the record of a person for whom a bench warrant has been issued, or for whom a bail forfeiture has been ordered.
 2. That person is a client of the bail agent or bail bondsman.
 3. The bail agent or bail bondsman pays a fee to the Sheriff's Department equal to the cost of providing the information.

Information released under Penal Code § 11105.6 remains confidential, and the recipient bail agent or bail bondsman is prohibited from disclosing its contents, other than for the purpose for which it was acquired.

- L. Video and Audio Recordings (Belt Tape, Dash Camera, Body Worn Camera).**
The release of video or audio recordings of criminal activity which are part of an investigative report are subject to the policies in Section 6.2 above.

7.0 REVISION HISTORY

Version: 1.1 *NEW*