

PALOS VERDES ESTATES POLICE DEPARTMENT

POLICY MANUAL

SECTION 14

DISCLOSURE OF PUBLIC INFORMATION

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14.0 PURPOSE

The purpose of this order is to provide guidelines for the disclosure of public information by members of this Department.

14.1 FALSE INFORMATION

No employee of this Department shall knowingly enter or cause to be entered in any book, record, or report any inaccurate, false, or improper police information.

14.2 PERSONNEL AND ORDERS

Employees shall not make known any proposed movement of the force without the permission of the officer in charge of the situation, nor communicate any police information regarding orders he may have received, nor any regulation that may be for the government of this Department, except to such persons as directed by his supervisors. Requests for information concerning current or former personnel of this Department or policies and/or procedures of this Department will be referred to the office of the Chief of Police or Officer in Charge in his absence.

14.3 PUBLIC DISCLOSURE OF POLICE RECORDS

The California Public Records Act defines public records and requires public records to be open to inspection during office hours, and allows any citizen to acquire a copy of a public record at a reasonable cost.

Section 6254 of the Government Code, a provision of the Public Records Act, exempts certain records from the public disclosure requirements of that act. Section C of this code requires state and local law enforcement agencies to make public the following information:

- A. "The full name, current address, and occupation of every individual arrested by the agency, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds; and
- B. The time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent such information

regarding crimes alleged or committed or any other incidents investigated is recorded, the time, date and location of occurrences, the time and date of the report, the name, age and current address of the victim, except that the address of the victim of any crime defined by sections 261, 264, 264.1, 273d, 286, 288, 288a, or 289 of the Penal Code (California) shall not be disclosed, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property or weapons involved."

14.4 NON-DISCLOSURE

- A. Although public disclosure of the foregoing information is required, if such disclosures would endanger the safety of a person involved in an investigation or would endanger the successful completion of the investigation or a related investigation, disclosure is not required.
- B. Section 6255 of the Government Code provides that the agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record.
- C. Effective January 1, 1993, Section 293 was added to the California Penal Code. California Penal Code Section 293 requires the following:
 - 1. Any employee of a law enforcement agency, when taking a report of any of the sex crimes listed from PC 261 through PC 269, or PC 281 through PC 292, must tell the victim that his or her name could become public information unless they request it to become confidential.
 - 2. That a cover sheet be added to the report of the crime which reflects that the victim was properly notified and whether or not the victim, after the notification, asked to have his/her name kept confidential.
 - 3. This law also specifies that when the victims of these specified sex crimes have asked that their identities be kept confidential, no one from this agency can release their name or address to anyone but the prosecuting attorney.
 - 4. Reporting officers are reminded that, like the notification required in PC 264.2, this notification must be included in the report.
 - 5. Victims of Penal Code Sections 220, 273a, 273d, 273.5,

422.6, 422.7, 422.75, and 646.9 may also request that their names remain confidential.

14.5 RESTRICTIONS ON POLICE INFORMATION USE

Employees shall not obtain or attempt to obtain any information from the Department files or reports other than that to which they are entitled in accordance with their official interest therein. They shall not use, for their own private purpose, information received or acquired during the course of employment or duty.

Employees shall treat as confidential the official business of the Department. They shall not speak or write for publication, make speeches, or on being interviewed, give any information on police business, nor shall they impart information relating to the official business of the Department to anyone, except:

- A. Under due process of law
- B. As directed by, or with permission of the Chief of Police, or as directed by supervisory or other proper Department authority.
- C. To other law enforcement agencies, other governmental agencies, or military services as provided by law.
- D. Requests for certain information concerning matters investigated by Division Commanders or the Watch Commander if they determine the information requested is needed and that the requesting party has an interest in the incident. This could include verifying loss for insurance representatives, to assist a bail bondsman, or to cooperate with an attorney. Requests for criminal record check by private individuals or firms will not be honored.
- E. The release of information to the news media shall be governed by law and by the provisions set forth in Section 14.6 of this order.

14.6 NEWS MEDIA INFORMATION RELEASES

Requests for information by the news media, other than that contained in reports and discussed above in this order, will be respected if possible. This release will be authorized by the Chief of Police, Division Commander, or on duty Watch Commander, according to rank and physical presence. General information may be released under the constraints of this order and the law.

14.7 RESTRICTIONS ON INFORMATION RELEASE

The following information shall not be released without the express

permission of the Chief of Police or his designate:

- A. The name(s) of police officers appearing on a report.
- B. Any information concerning the personnel policies and procedures of this Department.
- C. The prior criminal record, or statements as to the character or reputation of a defendant.
- D. The existence or contents of any purported confession, admission, or statement given by a defendant, or his refusal to make such a statement.
- E. The performance or results of any tests or examinations, or the refusal or failure of a defendant to take such test or examination.
- F. Any opinion as to the guilt or innocence of a defendant, or any matters relating to the merits of a case.
- G. Information involving a juvenile, whether as a suspect or victim.

Questions regarding what information should be released may be answered by referring to the California Criminal Record Security Statutes and Regulations. This manual shall be kept at the communications area.

Nothing in this order shall be construed to expand or limit state or federal law relating to this topic nor shall this order limit the Chief of Police from altering this order if conditions justify such a change.