

#### 405. CONFIDENTIAL NATURE OF DEPARTMENT RECORDS, REPORTS, AND INFORMATION.

All official files, documents, records, reports, and information held by the Department or in the custody or control of an employee of the Department shall be regarded as confidential. Employees shall not disclose or permit the disclosure or use of such files, documents, reports, records, or information except as required in the performance of their official duties. The unauthorized use of information obtained through employment with the Los Angeles Police Department can subject the employee to possible disciplinary action and/or criminal prosecution. This includes information obtained from manually stored records, as well as information obtained from automated records.

Supervisors in units having access to terminal points for City-controlled computers containing confidential information shall complete an Operator Security Statement, Form 01.58.00, for each employee having access to such terminals.

Note: The home address, telephone number, and other personal information concerning Department employees may be released to persons both within and outside the Department only with approval of the watch commander or officer in charge.

#### 406. RELEASE OF POLICE RECORDS INFORMATION.

**406.10 GUIDELINES AND RESTRICTIONS FOR THE RELEASE OF POLICE RECORD INFORMATION.** Employees shall be guided by Manual Section 1/440.40 when releasing any information to the public. The following guidelines shall apply to **all** releases of police record information.

**Guidelines.** Information regarding the commission of a crime and the resulting investigation may be made available to the public prior to the making of an arrest, the issuance of an arrest warrant, or the filing of formal charges. The following guidelines shall apply to **all** releases of information to the public.

- Department personnel should not release information if it is believed that it would jeopardize the investigation; jeopardize the successful prosecution of a criminal case; affect the outcome of a civil case involving the City of Los Angeles; or infringe upon the person's right to privacy.

**Note:** Facts concerning the crime which could only be known by the perpetrator, or which could be utilized as polygraph keys should not be released.

- The home address of the victim of a crime shall not be released to the public unless the home address is also the location of the crime. The name and home address of a witness to a crime shall not be released to the public.

**Exception:** The above information may be released if given permission to do so by the respective victim or witness, or if the investigating officer believes that its release would assist in the investigation of the crime.

- The name and address of a confidential informant shall not be released.

**Restricted Release of Information-Juvenile Subjects.** Authorized Department employees may release certain juvenile information in accordance with the following procedures:

**When a Warrant Has Been Issued for a Juvenile.** Authorized employees may release the name, alleged offense, and physical description of any juvenile provided that:

- The juvenile is alleged to have committed an offense as defined in Section 667.5(c) PC;
- An arrest warrant for the juvenile has been issued, and he or she is not in custody;
- The release of the information would assist in the apprehension of the juvenile or the protection of public safety; and,
- There is no court order prohibiting the release of the information.

**When a Juvenile is Arrested.** Authorized employees may release the name and alleged offense of a juvenile in custody provided that:

- The juvenile is 14 years of age or older;
- The juvenile was arrested for any alleged felony as defined in Section 1192.7(c) of the Penal Code (PC);
- Upon request by “interested persons”; and,

**Note:** “Interested persons” is defined as any agency involved in the criminal justice system (e.g., probation, counselors, prosecutors, and detention facilities).

- There is no court order prohibiting the release of the information.

**When a Juvenile is Convicted.** Authorized employees may release the name of a convicted juvenile provided that:

- The juvenile is 14 years or older;
- The juvenile has been found guilty by the court of any felony described in WIC Section 707(b); and,
- There is no court order prohibiting such release.

**Note:** Authorized personnel include the following:

- Area commanding officers;
- Area detective division watch commanders; and,
- The commanding officer, specialized detective divisions, e.g., Robbery-Homicide Division, Vice Division, Major Crimes Division, etc.

Department employees may release information contained in Department records regarding a juvenile (except as above) when the employee believes that the release of information will benefit the juvenile.

Juvenile Subject information may be released to another law enforcement agency when the requesting agency has a legitimate need for the information pursuant to Section 828 WIC.

If a judge from a court other than Juvenile Court orders a Department employee to produce records pertaining to a juvenile subject, the order shall be forwarded to the Discovery Section, Risk Management Group.

Information contained in Department records regarding juvenile subjects that has been or is likely to be filed as a petition in any other document filed in such case or made available to the Probation Department, judge, referee or other hearing officer, Department of Public Social Services (DPSS), or Children's Services worker, may be released only to the following agencies or persons:

- Los Angeles County Children's Services Department (LACCCSD).
- Juvenile court personnel.
- The juvenile who is the subject of the report(s).
- The attorney for the juvenile.
- Probation Department.
- DPSS.
- Department of Motor Vehicles where the law requires the release of such information relative to the offense that has been sustained or where licensing is involved.
- Other persons who have been designated by court order of the judge of the juvenile court upon filing a petition therefore.

**Restrictions for the Release of Sex Crime Information.** Department personnel shall not disclose the name of any person who alleges to be the victim of a sex crime, if that person has requested confidentiality.

**Exception:** Confidential information concerning a person who alleges to be the victim of a sex crime may be released to a prosecutor or other persons or public agencies where authorized or required by law.

**Requests for Investigative Information.** All requests for investigative information shall be directed to personnel in the following order: The detective, the detective's supervisor, the detective's commanding officer, the watch commander, or to the Watch Commander, Detective Support and Vice Division.

The employee handling the request shall:

- Determine the identity and agency affiliation of the caller.
- Determine what information the caller requires and the reason the information is being requested.
- Verify the caller's identity whenever the caller is not personally known to the employee.
- Determine the caller's right-to-know the requested information.

**Note:** The same standards for the release of CORI (Manual Section 3/408.16) shall apply equally as well to the release of investigative information.

**Information Requiring Approval Prior to Its Release to the Public.** The following information shall not be released unless authorized by the investigating officer and approved by an officer of the rank of deputy chief or higher:

- The character or reputation of the accused person.
- The existence or content of any confession or admission; the nature and content of statements made by the accused person; or the refusal or failure of the accused person to make any statement.
- The results of any examination or test, or the accused person's refusal or failure to submit to an examination or test.

- The credibility, identity, or testimony of a prospective witness.
- The possibility of a plea of guilty to the offense charged or to a lesser offense.
- Any opinion as to the accused person's guilt or innocence, the merits of the case or the evidence of the case.
- The analysis and conclusions of an investigating officer regarding the officer's investigation.

**Release of Sex Offense Report Information.** An employee receiving a request for information or a request for copies of a crime or a combined crime/evidence and arrest report that deals with a sex offense shall refer the requestor to the Commanding Officer, R&I Division, for information.

#### **406.20 REQUESTS BY THE PUBLIC FOR INFORMATION CONTAINED IN POLICE RECORDS.**

**Routine Requests.** Department employees shall refer all requests for information contained in police records to the Commanding Officer, R & I Division. All routine requests shall be submitted in writing to:

Los Angeles Police Department  
 P.O. Box 30158  
 Los Angeles, CA 90030  
 Attn: Commanding Officer,  
 Records and Identification Division

**Exception:** News releases and information about newsworthy incidents shall be handled in accordance with Section 3/406.10 of the Department Manual.

The Commanding Officer, R & I Division, shall coordinate and/or respond to all requests for information contained in police records.

**Exception:** Major Crimes Division (MCD) shall be responsible for correlating the requested information and responding to requests for Freedom of Information Ordinance (FOIO) information. R & I Division shall only be responsible for registering and forwarding requests for FOIO information to MCD.

**Requests for Master Arrest Blotter Information.** Master Arrest Blotter information includes the following:

- Adult arrestee's full name and current home address.
- Physical description to include date of birth, color of eyes and hair, sex, height, and weight.
- Date and time of booking and location booked.
- Any outstanding warrants from other jurisdictions.
- Amount of bail set.
- Date, time, and location of arrest.
- Type of crime and primary charge.
- Supplemental charges.
- Probable investigative unit.

Requests for Master Arrest Blotter Information must be submitted in writing to the Commanding Officer, Records and Identification Division.

**Exception:** Requests for Blotter information for incidents less than 24 hours old may be made verbally to either the Commanding Officer, R&I Division, for Departmentwide arrest information, or to the watch commander of the Department jail facility for arrests occurring within the Area(s) serviced by the jail.

#### **407. RELEASING REPORTS TO PAROLE AND PROBATION OFFICERS.**

**In Person.** Upon presentation of appropriate agency identification, completion of the Request/Release of Criminal Record Parole/Probation, Form 08.42.00 and approval of the form, parole or probation officers who qualify as peace officers under the Penal Code shall be provided with copies of arrest and related reports of parolees or probationers arrested by this Department.

The reports shall be provided by Records and Identification Division (R&I), the Area Records Unit, Area detectives, the investigative division or, when closed, the watch commander of the uniformed division.

**Note:** If the report requested is more than 14 days old, the requestor shall be directed to R & I to obtain a copy. **Only** the Area detectives or Robbery-Homicide Division detectives (RHD) shall have the authority to release homicide, death, or missing reports.

**Telephonically.** Telephonic requests from parole or probation officers for arrest and related reports involving a parolee or probationer shall be referred to the Area Records Unit, Area detectives or the watch commander, who shall:

- Verify the officer's identification, their right-to-know and need-to-know; ;
- Review and approve or deny the completed Request/Release of Criminal Record Parole/Probation, Form 08.42.00; and,
- Ensure that requested reports are faxed, mailed or E-mailed without delay to the officer at their appropriate California Department facility after completion and approval of the form.

**Note:** The requested reports shall only be sent to secure numbers and addresses within probation and parole facilities. Any changes in numbers or addresses shall be directed to R & I for approval prior to their use.

**Exception:** The reports shall *not* be provided when the release of such information could possibly jeopardize the successful prosecution of a case, when City property or a City employee on-duty is involved in an incident which could possibly entail City liability, or when the incident includes an officer-involved shooting. In any of these circumstances, the parole or probation officer shall be referred to the supervisor of the investigating officer for release of appropriate information.

#### **408. CRIMINAL RECORDS.**

**408.15 CRIMINAL OFFENDER RECORD INFORMATION (CORI) -DEFINED.** As defined in California Penal Code Section 11075, CORI (a) "... means records and data compiled by Criminal Justice agencies for purposes of identifying criminal offenders and of maintaining as

to each such offender a summary of arrests, pretrial proceedings, the nature and disposition of criminal charges, sentencing, incarceration, rehabilitation, and release. (b) Such information shall be restricted to that which is recorded as the result of an arrest, detention, or other initiation of criminal proceedings or of any consequent proceedings related thereto." This includes the following:

- California Department of Justice Rap Sheets.
- Any criminal history information received from the California Department of Justice via teletype (CLETS)
- Department of Justice computerized criminal history system printouts.
- FBI or other states' rap sheets.
- Information maintained in the Department's alpha index criminal history card files.
- Local criminal history information received via the Automated Index System.

**Note:** The individual arrest and crime reports are covered by the Public Records Act and are not considered to be Criminal Offender Records Information.

**408.16 RELEASES OF CORI - DETERMINATION OF RIGHT - TO -KNOW/NEED - TO - KNOW.** Prior to releasing any Criminal Offender Record Information, the employee releasing the information must determine the request's right-to-know and need-to-know. *No CORI shall be released unless there is both a right-to-know and a need-to-know.*

**Right-to-Know.** The right-to-know is the legal authority for a person or agency to have access to Criminal Offender Record Information. Those persons or agencies authorized by law to access CORI are defined in California Penal Code Sections 11105 and 13300.

**Need-to-Know.** The need-to-know is the official purpose for which the information is being requested. The purpose or compelling requirement for the information must be directly related to official duties and/or responsibilities of the person or agency initiating the request.

**Note:** Department automated and manually stored information systems **shall not** be used for the dissemination of CORI to any other agency or person for purposes of employment, licensing, or certification. Under no circumstances shall CORI be released to the news media or representatives of the news media.

Upon receipt of request for CORI, the Department employee shall specifically ask for the name, unit/agency, reason for the request, and the intended use of the information. Responses shall be entered in the appropriate fields on the computer screen.

Department employees, when uncertain as to whether a requesting agency or person is authorized to receive CORI data, shall contact the Watch Commander, Records and Identification Division, and be guided by that advice.

**408.17 REQUESTING CORI FOR OUTSIDE RELEASES.** The Request/Release Criminal Record, Form 08.42.00, shall be completed by the requesting officer prior to obtaining CORI through any automated system, Records and Identification Division, or the teletype system if the information is to be *released to an authorized person outside the Department*. The completed forms shall then be forwarded daily to Records and Identification Division for filing.

**Exception:** It shall be left to the discretion of the Area/division commanding officer as to whether completion of the Form 08.42.00 is required when information is to be released to authorized person outside the Department who *routinely receive* CORI in order to process LAPD arrestees. These include local courts, members of the Los Angeles County District Attorney's Office and the Los Angeles City Attorney's Office.

**408.18 RESPONSIBILITY FOR THE SECURITY OF CORI DOCUMENTS.** The Department employee requesting CORI shall be responsible for the security of all documents requested. The employee shall ensure that these documents will be kept in Department records or files which are secure. CORI documents, when no longer needed, or not contained in a case folder, shall be disposed of in an Area/division burn box.

**408.20 DUTIES OF PERSONS INSPECTING DEPARTMENT RECORDS.** Upon the presentation of satisfactory identification, persons who are authorized to inspect Department records shall be instructed to complete a Request/Release Criminal Record, Form 08.42.00, enumerating, in the space provided, the reports desired.

**408.22 REQUESTING THE SEALING OF ARREST RECORDS.**

**Investigating Officer's Responsibility.** When in the course of an investigation it is determined that an arrestee is "factually innocent," the investigator shall record that information on an Investigator's Final Report, Form 05.10.00, *or*, if the charge does not require a Form 05.10.00 (i.e., most misdemeanors), a Follow-up Report, Form 03.14.00, supporting that determination.

An investigating officer shall also conduct an investigation to determine if an arrestee is "factually innocent" when notified by Records and Identification Division of the Department's receipt of a citizen's Petition to Seal and Destroy Arrest Records (BCID8270) and no investigative determination has been made.

**Note:** An individual may be deemed "factually innocent" when:

- Mistaken identity has been clearly established; or,
- No crime was found to have occurred.

When a complaint has been issued by the responsible City or District Attorney's Office, but has not been filed with the court, the investigating officer shall inform the respective City or District Attorney that the arrestee has been determined to be "factually innocent" and request that the complaint be withdrawn. The name of the approving City or District Attorney, together with a statement indicating the withdrawal of the complaint, shall be included on the Form 05.10.00 or 03.14.00.

**Records and Identification Division, Watch Commander's Responsibility.** The Watch Commander, Records and Identification Division, upon receipt of a Petition to Seal and Destroy Arrest Records (BCID 8270) from a requesting citizen, shall:

- Confirm that an investigative determination of "factually innocent" was made. In the absence of a documented investigative determination, conduct an inquiry into the

circumstances of the arrest. Unless that examination supports a determination of "factually innocent," the petition shall be denied.

- If presented with circumstances which could indicate that a finding of "factually innocent" may be justified, contact the investigating unit if one has been assigned. Should it then be the investigating officer's conclusion that the individual arrested was "factually innocent," the investigator shall initiate a Form 05.10.00 or Form 03.14.00 as appropriate.
- Submit the petition to the Commanding Officer, Detective Bureau, for a final determination when Records and Identification Division and the investigating officer do not agree on the investigative determination.
- Obtain the concurrence of the responsible City or District Attorney when the Petition is approved.
- Cause the removal of the arrest record from the regular Department files.
- Provide the petitioner with a written declaration indicating that a finding of "factually innocent" was made and that the arrest record has been sealed pending destruction.

**The Commanding Officer, Detective Bureau - Responsibility.** The Commanding Officer, Detective Bureau, shall make the final determination when Records and Identification Division and the investigating officer do not agree on the investigative determination.

**408.25 SEALING CRIMINAL RECORDS.** An employee of this Department receiving a court order to seal a criminal record shall forward the order to the Commanding Officer, Records and Identification Division.

The Commanding Officer, Records and Identification Division, shall be responsible for the gathering, sealing and custody of records held by this Department.

Commanding officers who are notified of a court order to seal criminal records shall forward all records and reports held by their divisions to the Commanding Officer, Records and Identification Division. These records shall be accompanied by a certification that a search has been made and that the forwarded reports represent all the detachable records of the subject which are then in the custody of their divisions. If the search fails to disclose any record, this information shall be forwarded to the Commanding Officer, Records and Identification Division.

**Note:** If the records are not detachable and sealing will necessarily affect other records, commanding officers shall meet the requirements of the court order by permanently obliterating all references to the criminal record.

All index cards or other references in Department files, maintained at Records and Identification Division, shall have an entry made that will indicate that the particular record has been sealed. In response to requests for further information regarding sealed records, employees shall advise such persons that access to the records and reports may be obtained only by court order.

**408.27 DESTRUCTION OF RECORDS-MARIJUANA OFFENSES.** Statutory Destruction.

- Records and Identification Division and other organizational entities. All records concerning arrests of adults for violation of the following statutes shall be destroyed in the manner prescribed by 11361.5 H&S, two years after the date of conviction, or, if there was no conviction, the date of arrest:



- When arrested on or subsequent to January 1, 1976, for:
  - 11357(b) H&S-Possession-one ounce or less.
  - 11357(c) H&S-Possession-more than 1 ounce.
  - 11360(c) H&S-Furnishing or transporting, one ounce or less.
  - When arrested subsequent to June 30, 1977, for 11360(b) H&S Furnishing or transporting, one ounce or less.

**Litigation Processing.** If the defendant or a co-defendant has filed a related civil action against either the City or the arresting/investigating officers, copies of the applicable records shall be secured, filed and retained by the Civil Investigation Section, Risk Management Group, until final resolution of the civil action.

**Department of Justice-Ordered Destruction.** A Department employee who receives a Department of Justice order requiring the destruction of records relative to arrest for possession of marijuana which occurred prior to January 1, 1976, shall forward the order to the Commanding Officer, Records and Identification Division who shall ensure that the specified records are located and destroyed.

**408.50 ARREST RECORD INFORMATION TO COURT.** Records and Identification Division shall establish positive identification by fingerprint classification prior to releasing arrest record information to court.

#### **409. CONFIDENTIAL REPORTS - NON-TRAFFIC**

**409.10 CITY LIABILITY.** When City property or a City employee on-duty is involved in a non-traffic incident which could entail City liability, all reports shall be classified and processed as confidential.

The officer completing such report shall have the words, "CONFIDENTIAL - THIS REPORT IS FOR THE CONFIDENTIAL USE OF THE CITY ATTORNEY" typed in the left side margin of the report and all connected reports. A copy shall be placed in a sealed manila envelope and forwarded through Department mail to the Public Liability Section, City Attorney's Office. Persons wishing to inspect these reports or make inquiries concerning the liability of the City shall be referred to the Public Liability Section, City Attorney's Office.

**409.20 OFFICER - INVOLVED SHOOTING OR IN - CUSTODY DEATHS (ICD) OR INJURY - CONFIDENTIAL REPORTS.** The original and all copies of the final administrative report of the following incidents shall be marked "Confidential." The Commanding Officer, Force Investigation Division, shall retain the original and distribute copies to the Office of the Inspector General (for the Board of Police Commissioners), Risk Management Group, and the Department's Use of Force Review Board:

- An incident involving the use of deadly force (e.g., discharge of a firearm) by a Department employee;
- All uses of an upper body control hold by a Department employee, including the use of a modified carotid, full carotid or locked carotid hold;
- All deaths while the arrestee or detainee is in the custodial care of the Department;
- A use of force incident resulting in death ;
- A use of force incident resulting in an injury requiring hospitalization;

- All head strikes with an impact weapon (e.g., baton, flashlight, etc.);
- An incident in which a member of the public is bitten by a Department canine and hospitalization is required;
- Incidents where the Department has agreed to conduct similar critical incident investigations for a non-Department entity, such as a Los Angeles Fire Department Arson Unit.

Note. All In-Custody Deaths formerly referred to as LEARD incidents shall now be referred to as ICD incidents.

**Exception:** Related crime and arrest reports shall be marked and regarded as confidential but distributed in the normal manner.

#### **410. TRAFFIC RECORDS.**

**410.10 RELEASE OF TRAFFIC COLLISION INFORMATION.** Information received from Department of Motor Vehicle (DMV) documents or automated files is **confidential**. Therefore, traffic collision information which is obtained directly from DMV files may only be released to specific parties, **and only in person** after verifying the identity of the requestor (Manual Section 3/410.10). In the case of a hit-and-run traffic collision, traffic report information obtained directly from DMV files may be released **only** after the DMV information regarding the hit-and-run vehicle and/or suspect has been **verified** through the Department's follow-up investigation. Once verified, such information may only be released to:

- Involved party or parties.
- Parents or legal guardian of minor parties.
- Persons injured in reported collisions.
- Owners of vehicles or damaged property.
- Persons or agencies who may incur civil liability.
- An attorney or authorized representative of any of the above persons (Manual Section 3/410.20).

**Note:** Department employees **shall** verify the identity of the requestor.

Employees, excluding Records and Identification Division personnel, **shall only** release DMV records information to authorized requestors **in person** and shall verify the identity of the requestor.

Information may be released to other persons on the approval of the Watch Commander, Records and Identification Division.

Persons inspecting a traffic collision report shall complete a Request/Release Criminal Record, Form 08.42.00 (Manual Section 3/408.20).

#### **410.20 AUTHORIZED REPRESENTATIVES OF PROPERLY INTERESTED PERSONS.** Authorized representatives are:

- Those persons having written permission to act in the behalf of properly interested persons (Manual Section 3/410.10).
- Insurance companies with whom properly interested persons are insured.

- Persons having written authorization to act in behalf of insurance companies with whom properly interested persons are insured.

An authorized representative shall be required to present a written authorization from the properly interested person designating the representative, identifying the accident, and requesting that the information be revealed.

**410.30 RELEASE OF TRAFFIC COLLISION PHOTOGRAPHS.** Photographs shall be available to any properly interested person (Manual Section 3/410.10).

**Exception:** Photographs of a dead body shall only be released to an authorized representative, unless release to a properly interested person is approved by the Watch Commander, Records and Identification Division.

**410.50 CONFIDENTIAL CASES.** A traffic collision report and related photographs shall be considered confidential if they were reported prior to November 10, 1969, and involve:

- A City employee acting within the scope of his/her employment.
- Property owned or maintained by the City.
- City property or a City employee acting within the scope of his or her employment influencing the actions of an involved party.

A person seeking information from confidential reports shall only be given the information contained in the Traffic Collision Report, CHP Form Set. A person wishing to inspect the full report or having questions regarding the liability of the City shall be referred to the Liability Section, City Attorney's Office, City Hall. A report shall no longer be considered confidential after a letter of release is received from the City Attorney's Office.

**410.70 GOVERNMENT AGENCIES.** No information contained in traffic collision reports shall be revealed to any person claiming to be the official representative of any government agency unless that agency is a concerned party or authorized agency (Manual Sections 3/410.10 and 3/410.20), and then only when accompanied by an official authorization signed by the head, or designated person of record, of the concerned agency containing the following:

- The name of the investigator to whom the information is to be released.
- The traffic collision in which the vehicle or property was involved.
- The identity of the vehicle or property.
- The signature of the head of the concerned government agency or the person of record delegated the authority to sign such request.

In the case of a traffic collision in which a veteran is involved, wherein the Veterans Administration is conducting an official investigation, it shall be necessary to present an officially signed authorization containing the following:

- The name of the investigator to whom the information is to be released.
- The traffic collision in which the veteran was involved.
- The purpose for which the information is to be used.
- The signature of the veteran, authorizing the Veterans Administration to obtain the information.
- The signature of the head of the Veterans Administration or the person of record delegated the authority to sign such requests.

No blanket authorization can be given to any government agency, and each authorization shall be related to an individual case. This procedure shall not affect the regular distribution of copies of traffic collision reports to certain government agencies.

## **412. DEATH REPORTS.**

**412.10 RELEASE OF DEATH REPORT INFORMATION.** An employee receiving a request for information or copies of a Death Report, Form 03.11.00, shall refer the person to the investigating division, unless the cause of death is listed on the Death Report as natural. If the cause of death is listed as natural, an employee may release information or copies of the report to properly interested persons or their authorized representatives after obtaining telephonic approval from the detective division.

## **413. SEX CRIMES.**

### **413.04 CATEGORIES OF SEX OFFENDERS – DEFINED.**

**Serious Sex Offender.** An individual convicted of at least **one** of the following charges: assault with intent to commit rape, oral copulation or sodomy; oral copulation; sodomy; rape; sodomy with a minor or by force; lewd or lascivious conduct with a child or a dependent adult; oral copulation with a minor or by force; continuous sexual abuse of a child; child molestation; penetration with a foreign object by force; kidnapping with intent to commit specified sex offenses; felony sexual battery; felony enticement of a child for purposes of prostitution; or, abduction of a child for purposes of prostitution.

**High-Risk Sex Offender.** An individual convicted of multiple violent crimes, at least one of which was a violent sex crime.

**413.05 SEX OFFENDER INDEX.** The Sex Offender Index (SOI) provides public access to specified information of registered sex offenders. When public access to the SOI is requested, the following procedures shall be completed.

**Employees' Responsibility.** An employee who receives a request from the public regarding sex offender information shall:

- Refer the individual to the front desk of the nearest SOI equipped Community Police Station.

**Front Desk Employees' Responsibility.** An Employee who receives a request from the public regarding sex offender information shall:

- Request the applicant to provide a California driver's license or California identification card.
- Confirm the applicant is a California state resident and is at least 18 years of age.
- Ensure the Request to View Sexual Offender Identification Information, Form BCIA 4078, has been completed and signed by the applicant.
- Complete the Request to View Sexual Offender Identification Information Log, Form 08.28.00.

No blanket authorization can be given to any government agency, and each authorization shall be related to an individual case. This procedure shall not affect the regular distribution of copies of traffic collision reports to certain government agencies.

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- Request the applicant to provide a California driver's license or California identification card.
- Confirm the applicant is a California state resident and is at least 18 years of age.
- Ensure the Request to View Sexual Offender Identification Information, Form BCIA 4078, has been completed and signed by the applicant.
- Complete the Request to View Sexual Offender Identification Information Log, Form 08.28.00.

- Submit the completed Form BCIA 4078 to the Watch Commander for review and approval.
- When Watch Commander approval has been obtained, direct the applicant to the SOI.
- When requested, provide assistance to the applicant in obtaining information from the Sex Offender Index.

**Note:** Employees **shall not** provide information from the SOI via the telephone.

**Watch Commander's Responsibility.** A Watch Commander receiving a request from the public for sex offender information shall:

- Review the Form BCIA 4078 for completeness.
- Ensure the applicant is a California resident at least 18 years of age.
- Complete and sign the "Law Enforcement Use Only" section of the Form BCIA 4078.
- Ensure the Form 08.28.00 has been completed and initialed after review.
- After Form BCIA 4078 and Form 08.28.00 are reviewed and approved, direct the front desk employee to allow the applicant access to the SOI.
- When disapproved, provide the applicant with the reason for denial.

**Area Commanding Officers' Responsibility.** The Area Commanding Officer shall be responsible for:

- Ensuring that roll call training is provided to Department personnel on the use of the SOI.
- Ensuring the SOI is properly maintained in the Area station and is available for public use on a twenty-four hour basis.
- Ensuring that related forms are properly maintained for a period of five years from the request date and in accordance with Department record retention procedures.
- Informing the Commanding Officer, Juvenile Division, Department Coordinator for Sexual Offender Criminal Information, of any special problems or situations arising from the use of the SOI.

**Juvenile Division - Responsibility.** The Commanding Officer, Juvenile Division, is designated the Department Coordinator for Sexual Offender Criminal Information and shall be responsible for:

- Informing the Chief of Police of any special problems or situations arising from the use of the Sex Offender Index (SOI).

**Information Technology Division - Responsibility.** The Commanding Officer, Information Technology Division, shall be responsible for:

- Installing the SOI equipment.
- Coordinating the use of SOI within the Department.
- Maintaining updated data on SOI.
- Maintenance of the dedicated computers deployed at geographic Areas.
- Creation and distribution of the SOI Instructional Guide to all Department commands using dedicated computers.
- Revising the SOI Instructional Guide.

**Area Detective Division - Major Assault Crimes (MAC) Coordinator - Responsibility.** The MAC Coordinator shall be responsible for:

- Maintaining a file of all completed BCIA 4078 forms, and Form 08.28.00, for a period of five years and in accordance with Department record retention procedures.

- Prior to filing, review the Request to View Sexual Offender Identification Information, Form BCIA 4078, and the Request to View Sexual Offender Identification Information Log, Form 08.28.00, for completeness.
- Provide roll call training to Department personnel on the use of the SOI;
- Ensuring the SOI is properly maintained in the Area station lobby and is available for public use on a twenty-four hour basis.
- Informing the commanding officer of any special problems or situations arising from the use of the SOI.
- Ensuring that the SOI computer and screen are not relocated or moved from the location designated by ITD.

**Megan's Law Website.** This source of public and law enforcement information, maintained by the California Department of Justice, now displays information on California sex offenders in four categories: Full Address, Zip Code Only, No Post and Excluded. The previous categories of High Risk, Serious and Other have been eliminated.

**Note:** The No Post category consists of registrant information that the Legislature determined not to post on the Megan's Law Internet Website. The Excluded category consists of registrants who have successfully applied for exclusion from the Megan's Law Website.

- Megan's Law Internet Website/Public. The general public can view sex offender information on the Website [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov) in two categories only; Full Address and Zip Code Only.
- Megan's Law Internet Website/Law Enforcement. All four categories are visible to law enforcement on the law enforcement version of the Megan's Law Website <http://167.10.34.34/>.

**413.07 DISCLOSURE OF INFORMATION REGARDING SERIOUS REGISTERED SEX OFFENDERS AND "HIGH-RISK" SEX OFFENDERS.**

**Applicable Penal Code Sections.**

- Pursuant to Section 290(m)(1) PC: Certain information regarding serious registered sex offenders may be released to the public.
- Pursuant to Section 290(n) PC: Certain information regarding "**high-risk**" sex offenders, as defined in Section 290 (n)(1)(A)(i-v) PC, and 290 (n)(1)(B)-(I) PC, may be disclosed to the public.
- Pursuant to PC Section 290.45, certain information, in addition to the information on the Megan's Law Website, may be disclosed to the public by law enforcement. Law enforcement may disclose the information on any category of sex registrant based on the agency's assessment of the offender's risk to the community, by whatever means the entity deems appropriate, when necessary to ensure the public safety.

**Note:** The Section does not prohibit release of information on juvenile sex offenders. Care must be taken in following current procedures for release of information per Department policy, Department Manual Section 3/406.10, and the Welfare and Institutions Code (WIC).

**PROCEDURE FOR THE RELEASE OF INFORMATION REGARDING SEX OFFENDERS.** The approval of the Area commanding officer shall be obtained before any information regarding any sex offender is released. This includes prior approval before

distribution of any disclosure form, including the Registered Sex Offender Advisory Form and Authorization to Release Sex Offender Information to Additional Persons Form.

**Note:** In cases of exigent circumstances, (i.e., field encounters such as traffic stops) approval may be obtained from the Area/division watch commander. Prior to disclosing information, advice should be sought from the appropriate Area or Bureau Registration Enforcement and Compliance Team (REACT).

**Release of Information Regarding Sex Offenders.** The release of sex offender information shall be decided after personnel assigned to an Area or Bureau REACT Unit have conducted an investigation and reasonably determined that a notification is necessary to protect the public

**Note:** The investigation should include examination of the current behavior of the offender as well as the severity of past crimes and the likelihood of the offender committing another crime. For example, disclosures could be considered in the following types of situations:

- A convicted child molester is observed photographing children at a local park and asking them to accompany him back to his home; or,
- A convicted rapist is reported as following female joggers.

Although past criminal convictions alone would not necessarily warrant a disclosure, special attention should be paid to repeat offenders and those categorized as Sexually Violent Predators (SVP), as defined in Section 6600 WIC.

**Note:** A Sexually Violent Predator is a person who individually has been civilly committed to a State Psychological Facility and categorized as a SVP. Sexually Violent Predators will be noted on the Violent Crime Information Network (VCIN).

**Method of Release.** The method(s) employed in the release of information must be reasonable, relating to both the threat posed by the sex offender and the likely proximity to potential victims. The disclosure may only be as broad as is necessary for the protection of the public. Offender information is documented on the Registered Sex Offender Advisory Form.

**Disclaimers.** Every disclosure, whether placed on the Department Website, verbally expressed in a field encounter, or documented on the Registered Sex Offender Advisory Form must state that, "The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders."

**Record Retention.** Records relating to dissemination of sex offender information to the public shall be maintained for a minimum of five years. This shall include all Investigative Reports (IR), Form 03.01.00, and the Follow-up Investigation Reports, Form 03.14.00. Records of the means and scope of the dissemination of information, as well as the Registered Sex Offender Advisory Form, and the Authorization to Release Sex Offender Information to Additional Persons Form, shall be retained by the concerned Area or Bureau REACT Unit.

**Immediate Release of Information, Officer's Responsibility.** When an officer, during a temporary field encounter such as a traffic stop, radio call, or while conducting an investigation in the field has reasonable suspicion based on information which has come to his/her attention



that a person is **at risk** of becoming a victim of a sex offender the officer may verbally release the information to a potential victim who is 18 years of age or older. If the potential victim is a minor, release of the information shall be to the minor's parent/guardian.

Situations wherein a disclosure of sex offender status might be warranted:

- Officers conducting a traffic stop discover, through a wanted persons/National Crime Information Center (NCIC) check, that the driver is a registered sex offender, previously convicted of forcible rape. Officers determine that the offender's passenger is an adult female hitchhiker. Officers may make a disclosure to the passenger; or,
- Officers respond to a disturbance call at a residence. The male at the location was ran for a wanted persons/NCIC check. The information returned and identified him as a registered sex offender convicted of child molestation. There are numerous neighborhood children at the residence, including the children of the offender's girlfriend. Officers could make a notification of the offender's sex registrant status to the parent/guardian(s) of the minor children.

Officers must specifically request a wanted persons/NCIC check in order to receive information on sex offender status. Officers must verify the verbal information via a wanted persons/NCIC check on an available Mobile Data Computer (MDC) per procedures described in Operations Order No. 13, "Requesting Want and Warrant Information Via the Radio", April 21, 2006. Sex offender status alone is not a reason for transporting the offender to the station.

**Note:** The officer/investigator making a notification shall thereafter complete an IR, entitled "Sex Offender Registrant Incident." The IR shall include the date, time, and location of the contact that the potential victim had with the offender. The name, address, and phone number of the reporting party (if applicable) should also be included. Document on the IR that, "**The purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders**".

- Obtain a Division of Records (DR) number from Area records personnel and forward a copy of the IR to the appropriate Area and to Robbery-Homicide Division, REACT Coordinator.

**Investigating Officer's Responsibility.** Certain investigative steps must be undertaken and background information regarding the offender's past offenses and current behavior shall be gathered prior to the release of information. Verification of all information regarding the sex offender must be completed before releasing any information.

The investigative steps that shall be completed prior to the release of information on any sex offender include:

- Documentation on why the release is necessary to protect the public;
- Document the scope of the disclosure and reasons for determining the area (i.e., ½ mile area of the offender's home address and areas frequented by the offender, parks, schools, community centers, etc.); and,
- Verification of the documented information included on the Registered Sex Offender Advisory Form.

The information is to be documented on an IR, entitled "Sex Offender Registrant Incident".

This list is not meant to be exhaustive; other investigative steps may be incorporated in the IR or later on a Follow-up Investigation Report.

Public notifications are for the purpose of protecting the public, not a means of punishing the offender for past crimes. All public notifications must comply with this intent.

**Area Commanding Officer's Responsibility.** When an Area commanding officer (CO) becomes aware that sex offender information should be released to the public, the C/O shall:

- Ensure that a REACT investigator conducts a follow-up investigation to determine whether or not the offender is a sex offender, living, working, or frequenting locations within the Area boundaries;
- Determine if there is cause for the public release of information regarding that person;
- Ensure the investigating officer completes the Registered Sex Offender Advisory Form if a public disclosure is initiated;
- Ensure that the investigating officer coordinates the release of information and the distribution of the Registered Sex Offender Advisory Form, with appropriate Department entities (i.e., chain of command, Media Relations, etc.) and the public; and,
- Ensure that records regarding the release of sex offender information are tracked, readily retrievable, and kept on file for five years.

**413.10 VICTIM OF A CRIME REQUEST FOR CONFIDENTIALITY OF**

**INFORMATION.** Government Code Section 6254 provides that the court may order the victim of a sex crime or other non-sex crimes as defined in Government Code Section 6254 to be identified as either Jane or John Doe in all records and court proceedings, if the court finds that such an order is reasonably necessary to protect the privacy of the victim regarding the following Penal Code Sections:

220	Assault with intent to commit mayhem, rape, sodomy, oral copulation
261	Rape
261.5	Unlawful sexual intercourse with a person under 18 years of age
262	Rape of a spouse
264	Rape of spouse; unlawful sexual intercourse
264.1	Rape or penetration of genital or anal openings by a foreign object, acting in concert by force or violence
273a	Willful harm or injury to child; endangering person or health
273d	Corporal punishment or injury of child
273.5	Willful infliction of corporal injury
286	Sodomy
288	Lewd or lascivious acts with a child under the age of 14
288a	Oral copulation
289	Penetration of genital or anal openings by a foreign object

422.6	Interference with the exercise of civil rights; damaging property; speech threatening violence
422.7	Aggravating factors for punishment; present ability to commit violent injury or actual physical injury
422.75	Protected classes; enhanced penalty for felonies against person or property of public agency or private institution because of class membership
646.9	Stalking

**Employee's Responsibility.** Request for Confidentiality of Information, Form 03.02.00 or Spanish Version, Form 03.02.01 shall be completed by the employee taking a crime report from any person alleging to be the victim of a crime as defined in Government Code Section 6254, which includes the above listed Penal Code Sections.

**Note:** A Form 03.02.00 or 03.02.01 shall be completed for all victims of crimes as specified in Government Code Section 6254 whether or not they exercise the right to confidentiality.

In addition to complying with established procedures for handling the preliminary investigation of an offense, employees shall:

- Advise the victim of the right to confidentiality.
- Request that the victim initial the appropriate statement referencing victim confidentiality on the Form 03.02.00 or 03.02.01 and sign the form as an acknowledgment of the advisement.
- Complete a Request for Confidentiality of Information, Form 03.02.00, including the "Other" box when appropriate.

If the victim is traumatized to such a degree that he or she is unable to comprehend the advisement or unable to sign the Form 03.02.00 or 03.02.01, the officer shall assign the victim confidentiality. The victim may retract his/her right to confidentiality when the victim is able to comprehend the advisement and the investigating officer is advised. If the victim of the crime is a minor, the parent or guardian of the victim shall complete and receive a copy of the form.

If no parent or guardian is present, the officer receiving the report shall contact the Area Major Assault Crimes (MAC) Coordinator. If the Area MAC Coordinator is not available, Juvenile Division shall be contacted for advice. After normal business hours, the employee shall contact Detective Support and Vice Division (DSVD) for advice.

- Provide a copy of the Form 03.02.00 or 03.02.01 to the victim;
- Complete a Investigative Report (IR), Form 03.01.00, or Arrest Report, Form 05.02.00, documenting the victim's first name and last initial **only** in the "Victim Information" section (exclude all other personal information on the IR or arrest report face sheet);
- Complete the narrative of the report referring to the victim by his/her first name and last initial;
- Record the DR number in the upper-right-hand corner of all attached documents. The documents shall then become pages of the Department's report and numbered accordingly;

- Attach the original form 03.02.00 or 03.02.01 as the cover sheet of the IR, Form 03.01.00, or the Combined Crime, Arrest, or Evidence Report, Form 05.02.00, and write the words "SEX CRIME (or applicable crime) - 3.02 (or 3.02.1) ATTACHED" along the left margin of the Form 03.01.00, 05.02.00, or 10.01.00; and,
- Provide the victim with a DVV pamphlet.

**Investigating Officer's Responsibility.** The investigating officer responsible for filing a sexual assault case shall **remove** the victim's identifying information, with the exception of the victim's first name and last initial, from all copies of reports/documents submitted to the appropriate prosecutor's office.

**Commanding Officer, Records and Identification Division-Special Duties.** The Commanding Officer, Records and Identification (R&I) Division, is responsible for maintaining files that are confidential in nature. The release or inspection of confidential reports such as records or certain required registrations, correspondence regarding criminal matters, and crime reports requires the approval of the Commanding Officer, R&I Division. Special attention should be given to safeguarding those crime reports of sex crimes that require confidentiality pursuant to California Penal Code Section 293.

The Crime and Miscellaneous Reports Section, R&I Division, is responsible for ensuring that crime reports involving sex crimes or crimes pursuant to those specifically enumerated in Government Codes Section 6254 in which the victim has requested confidentiality pursuant to California Penal Code Section 293 are properly safeguarded and **not** made a matter of public record.

**Restrictions for the Release of Victim Information.** Department personnel shall not disclose the name of any person who alleges to be the victim of a crime enumerated in Government Code Section 6254, if that person has requested confidentiality.

**Exception:** Confidential information concerning a person who alleges to be the victim may be released to a prosecutor or other persons or public agencies where authorized or required by law.

**Release of Sex Offense Report Information.** An employee receiving a request for information or a request for copies of a crime or a combined crime/evidence and arrest report that deals with an offense enumerated in Government Code Section 6254 shall refer the requestor to the Office of the Commanding Officer, R&I Division.

## **425. LEGAL PROCESSES.**

**425.05 LEGAL PROCESS - DEFINED.** A legal process shall mean any discovery order, subpoena duces tecum, or notice of motion for pretrial discovery, except a personal service subpoena requiring only the appearance of a Department employee.

**425.10 ACCEPTANCE - GENERAL.** When a subpoena duces tecum, discovery order, or pretrial discovery motion is directed to the Department or the Custodian of Records, it shall **only** be accepted by the Discovery Section, Risk Management Group. The business hours of the Discovery Section are 0800 to 1630 hours, Monday through Friday.

If the process server insists on serving a sworn supervisor, at other than Risk Management Group, the supervisor shall:

- Advise the server that the only Department entity designated to accept processes served on the Department is the Discovery Section, Risk Management Group.
- Advise the server that the person served will be unable to deliver a copy of the subpoena to the Discovery Section, Risk Management Group, within such time as will allow compliance with the subpoena.
- Provide adequate directions for the process server to locate the Discovery Section, Risk Management Group.

If the server leaves the process at the station, the supervisor shall forward it, with a Employee's Report, Form 15.07.00, containing the date and time the process was left by the server and any pertinent circumstances involved, to the Discovery Section, Risk Management Group.

**Exception:** The following entities shall accept legal processes relating to their areas of responsibility:

- Board of Police Commissioners.
- Property Claims Officer or Property Division Supervisor, Administrative and Technical Services Bureau.
- Narcotics Division.
- Vice Division.
- Detective Support and Vice Division.
- Major Crimes Division.

**425.15 LEGAL PROCESS FOR RELEASE OF BOOKED PROPERTY.** An employee accepting a legal process, "Notice of Garnishment," "Writ of Attachment," "Writ of Execution," "Order to Withhold," or "Notice of Levy" concerning booked property shall immediately forward the document to Administrative and Technical Services Bureau. No such property shall be released except at the direction of the Commanding Officer, Administrative and Technical Services Bureau.

**Note:** Administrative and Technical Services Bureau shall notify the investigating officer of an impending release of property described in a legal process.

**425.20 LEGAL PROCESSES LOG.** Risk Management Group, Discovery Section, personnel shall enter the following information in a Legal Processes Log: The type of process, date and time, where served, person(s) affected, investigative unit handling and person notified, and such other information as may be pertinent.

**425.30 LEGAL PROCESSES INVOLVING THE PRODUCTION OR INSPECTION OF EVIDENCE OR RECORDS IN COURT.** The Commanding Officer, Risk Management Group, shall be responsible for the coordination of activities concerning the production or inspection of records in court that is required by a legal process. In any case involving records in custody of other divisions, he/she shall:

- Confer with the commanding officer of the concerned division.
- Determine the confidential nature of the items requested by the process.

- Confer with the City Attorney when there is doubt as to the confidential nature of the items requested by the process, or when the records are deemed to be confidential and he believes they should not be produced in court.
- Arrange for the transportation of records to court when compliance is ordered or deemed advisable.

**Note:** Certain organizational entities shall accept legal processes relating to matters within their areas of responsibility (Manual Section 3/425.10).