

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL: POLICE

Subject: RELEASE OF INVESTIGATIVE REPORTS

INTRODUCTION

To establish Departmental policy regarding release of investigative reports written by members of the Barstow Police Department, the following will be guidelines to be used in determining:

1. Which reports may be released.
2. The type of information in reports which may be released.
3. The persons authorized to receive this information.

DEFINITIONS

1. "Persons Involved in an Incident":

Persons involved in the incident may be defined as persons who have been or could reasonably be adversely affected by the incident; i.e., a person whose conduct or whose circumstances reasonably give rise to criminal or civil liability. Included in this shall be witnesses and victims.

2. Persons Authorized to Receive Information from Investigative Reports:

- a. Persons involved in the incident or their authorized representative.
- b. Insurance carrier, when a claim has been made or might be made.
- c. Persons suffering bodily injury or property damage/loss as a result of the incident caused by arson, burglary, fire, explosion, robbery, vandalism, or crimes of violence.

WHAT WILL BE RELEASED

The Barstow Police Department will release to authorized individuals, as defined herein, the following information from investigative reports:

1. Face sheet, which shall include, but not be limited to, names and addresses, of all parties involved, including witnesses and victims. (EXCEPTION: Names of Confidential Informants shall not be released).
2. Complete list of all property lost/damaged/recovered.

Reference:

Effective Date

March 01, 1988

Revision No.

Section

1004

Page 1 of 4

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject: *RELEASE OF INVESTIGATIVE REPORTS - continued*

The above information precludes having to release any of the narrative portion of the report or investigative supplementals. Items 1 and 2 above, are the *ONLY* items required to be released. The observations, comments, analysis of facts, or the analysis of the probability of criminal conduct, etc., as determined by the officer/investigator are not required to be released.

ARREST REPORTS

Copies of Arrest Reports will not be released without a Court Order.

EXCEPTION TO THE DISSEMINATION OF INFORMATION FROM INVESTIGATIVE REPORTS

Even though an individual may have met all of the requirements as set forth above, Government Code Section 6254, et seq., provides an exemption from disclosure of investigative reports on any one or a combination of the following circumstances:

1. Endangers the safety of a witness.
2. Endangers the safety of other persons involved in the investigation.
3. Endangers the successful completion of the investigation or related investigation.

FINAL DISPOSITION AUTHORITIES

Any questions that arise concerning an individual's authority to receive a copy of an investigative report which cannot be resolved shall be disposed of as follows:

1. Procedural Interpretations:

Questions concerning the application and interpretation of the provisions outlined herein may be directed to the Chief of Police, Chief Records Clerk (or Division Commander) for final disposition.

2. Legal Interpretations:

In those cases requiring legal interpretation prior to consideration for information release, the matter shall be referred to the Chief Records Clerk who shall be responsible for obtaining the necessary legal opinion of the City Attorney or his designee who shall provide written information to the Chief Records Clerk regarding the final disposition of the matter.

Reference:

Effective Date

Revision No.

Section

March 01, 1988

Page 2 of 4

1004

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject: RELEASE OF INVESTIGATIVE REPORTS - continued

ATTORNEY OF RECORD

Prior to the release of information from an investigative report to an attorney, a law firm, or other legal service, the requestor shall provide to Barstow Police Department an authorization to release such information to said attorney signed by the authorized recipient.

REQUEST FOR NON-RELEASABLE INFORMATION

When a request for information is received and such information is not releasable pursuant to the above guidelines, the request shall be directed to the Chief Records Clerk who shall be responsible to prepare the following written reply:

"The criminal offender records information of the Barstow Police Department are not public records and are not open to public inspection. As a matter of Departmental policy, release of such information is limited to law enforcement, government, and criminal justice agencies, and to involved individuals as determined by Departmental policy. The purpose of this policy is to protect the right to privacy of individual citizens. Accordingly, the Department has not conducted a search of its records for information relating to your request."

RELEASE OF TRAFFIC ACCIDENT REPORTS

Section 20012 CVC specifically indicates procedure in regards to the release of information gathered as a result of a traffic accident:

"...The law enforcement agency to whom the accident was reported shall disclose the entire contents of reports, including, but not limited to, the names and addresses of persons involved in, or witnesses to an accident, the registration numbers and descriptions of vehicles involved, the date, time, and location of an accident, all diagrams, statements of drivers involved in the accident, and the statements of all witnesses to any person who may have a proper interest therein, including, but not limited to, the driver or driver involved, or the legal guardian thereof, the parent of a minor driver, the authorized representative of the driver, or to any person injured therein, the owners of vehicles or property damaged thereby, persons who may incur civil liability, including liability based upon a breach of warrant arising out of the accident, and any attorney who declares under penalty of perjury that he represents any of the above persons."

Reference:

Effective Date

Revision No.

Section

March 01, 1988

Page 3 of 4

1004

CITY OF BARSTOW

CALIFORNIA

POLICIES and PROCEDURES MANUAL:

POLICE

Subject:

RELEASE OF INVESTIGATIVE REPORTS - continued

FEES

Copies of releasable information shall be provided ONLY after payment of the appropriate fees as contained in the applicable policies and procedures of the City of Barstow.

Reference:

Effective Date

Revision No.

Section

March 01, 1988

Page 4 of 4

1004