



RELEASE OF INFORMATION
GENERAL ORDER #16.01

Adopted: 06/15/05

Revised 09/13/05

Replaces: Stanford G.O. #3.1.8

POLICY

The Stanford University Department of Public Safety - Records Division is charged with maintaining the records, files and reports for this Department. It is also responsible for protecting the confidentiality of reports, verifying the eligibility of recipients, and disseminating those reports. This policy also provides the Records Unit with the authority to control when, where, and to whom police records are released. The purpose of this policy is to provide a means by which the confidentiality of department records can be maintained while at the same time providing a means for authorized department members and others outside the department to access / review these records for legitimate business purposes. As a branch of the Santa Clara County Sheriff's Office, the Stanford University Department of Public Safety will comply with the provisions of the California Public Records Act and other provisions of state and federal law pertaining to the release of information.

PROCEDURE

A. CALIFORNIA PUBLIC RECORDS ACT

1. The California Public Records Act (CPRA) provides members of the public with a right to inspect public records, except as provided by law. Records which are legally subject to inspection must be provided during normal office hours upon reasonable notice. Records which are legally subject to copying must be provided within 10 calendar days, unless the records are located off-site or are voluminous, in which case the time for response can be extended by written request *or notification* setting out the reasons for the delay and the date the records will be ready.

2. Public records include any writing containing information relating to the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
3. Section 6254 of the Government Code provides that certain records are exempt from public disclosure under the California Public Records Act. These include the following:
 - a. Preliminary drafts, notes, or interagency or intra-agency memoranda . . . provided that the public interest in withholding such records clearly outweighs the public interest in disclosure;
 - b. Records pertaining to pending litigation to which the public agency is a party, or to claims made pursuant to Division 3.6 . . . of the Government Code, until such litigation or claim has been finally adjudicated or otherwise settled;
 - c. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
 - d. Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General, the Department of Justice, the Sheriff's Office, *the Stanford University Department of Public Safety*, and any state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes, except that local police agencies shall disclose the names and addresses of 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, statements of all witnesses, other than confidential informants, to the persons involved in an accident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage as the result of the incident caused by arson, burglary, fire, explosion, robbery, vandalism or a crime of violence as defined by subdivision (c) of Section 13960 of the Government Code unless the disclosure would endanger the safety of a witness or other person involved in the investigation, disclosure would endanger the successful completion of the investigation or a related investigation;
 - e. Records the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege;

It is the policy of the Sheriff's Office *and the Stanford University Department of Public Safety* to comply with the requirements of the CPRA while protecting the confidentiality and integrity of records that are exempt from disclosure.

Because of the technical legal issues involving requests for disclosure of records and implications for the Sheriff's Office *and the Stanford University Department of Public Safety* if records are either not released or released when they are exempt, the Sheriff's Office *and the Stanford University Department of Public Safety* will work closely with their *respective* legal counsels and Public Information Officers to review and respond to public records requests.

B. PUBLIC INFORMATION / RECORDS REQUESTS

1. *All requests for records information should be submitted in written form. These forms will be incorporated into the report for tracking purposes.*
2. *Requests for reports should be made on a "Records Information Request" form which is available from the Police Desk or from our department web page.*
3. *All requests from local criminal justice agencies on a "Records Information Request" form or on agency letterhead will be approved. Requests from Outside Law Enforcement Agencies may also be made by facsimile on their agency's letterhead or request form.*
4. *All requests from any other agencies or individuals for non-traffic records will be forwarded to the Administrative Services Lieutenant for approval.*
5. *All requests from any other agencies or individuals for traffic records will be forwarded to the Records Supervisor for approval.*
6. *All requests for public records from members of the public to the Records Division that cannot be processed by the employee receiving the request due to uncertainty over whether the request involves information that may be withheld pursuant to the California Public Records Act or other provisions of law shall be forwarded to the Records Supervisor as soon as possible. The Records Supervisor may refer the request to the Administrative Services Lieutenant with a request for legal opinion from the University's Legal Counsel or County Counsel.*
7. *All requests for public records from members of the public to divisions other than the Records Division that cannot be processed by the employee receiving the request due to uncertainty over whether the request involves information that may be withheld pursuant to the California Public Records Act or other provisions of law shall be forwarded to the Administrative Services Lieutenant via the chain of command as*

soon as possible. The notification *may* include a request for legal opinion from the *University or County Counsel's Office*.

8. Any request for public information from a reporter, or other representative, of any newspaper, magazine, television, radio station, or other such organization will be referred to the *department's Public Information Officer*.
 - a. The *department's Public Information Officer* will coordinate with *the University's Public Information Officer as well as other units in the Department of Public Safety or the Sheriff's Office* to ensure that all appropriate information is made available to any such organization, while safeguarding the ongoing investigative processes.
 - b. In any situations *involving high profile cases or cases under investigation by the Sheriff's Office* such as a) homicides, b) other violent personal crimes, c) involving *Sheriff's Office or Stanford University Department of Public Safety* personnel or other prominent persons, or d) other situation where considerable sensation or notoriety may result, *all media inquires should be referred directly to the Sheriff's Office Public Information Officer*.
9. Any request received that requires an immediate response during non-office hours will be referred to the *on-duty SUDPS supervisor or Watch Commander*. If the *on-duty SUDPS supervisor or Watch Commander* has any uncertainty over whether the request involves information that may be withheld pursuant to the California Public Records Act or other provisions of law, he or she shall hold the request and shall notify *the SUDPS Field Services Commander / Sheriff's Office Field Enforcement Bureau Commander, respectively*, as soon as possible.

C. **EDITING COPIES OF REPORTS**

1. Copies of non-Criminal Offender Record Information (CORI) reports may be issued only on the basis of an approved "Records Information Request" form. These may be disclosed, but must be edited prior to release. The person designated by the *Administrative Services Lieutenant* to edit these copies should review the material and delete, as necessary, to protect confidential information and exempt information. The editing criteria would include but not be limited to:
 - a. The right to privacy contained in the California Constitution.
 - b. Section 6254 of the Government Code.
 - c. Other information that may be classified as "Official Information." "Official Information" means information acquired in confidence by a public employee in
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the course of his duty and not open, or officially disclosed, to the public prior to the time the claim of privilege is made. (Evidence Code section 104). This is information where disclosure is against the public interest.

2. *Removal of Confidential Information in Reports Filed with the Court - Penal Code Section 964, in conjunction with Penal Code sections 841.5 and 293, now require that the below-listed information be removed from (1) police or investigative reports filed in support of the criminal complaint (or information or indictment), (2) search warrant affidavits and (3) statements filed to support the issuance of an arrest warrant. For any victim or witness (not defendant) this confidential information should be removed:*

- a. *Address*
- b. *Telephone number*
- c. *Driver's license number*
- d. *California Identification Card number*
- e. *Social security number*
- f. *Date of birth*
- g. *Place of employment*
- h. *Employee identification number*
- i. *Mother's maiden name*
- j. *Demand deposit account number*
- k. *Savings account number*
- l. *Checking account number*
- m. *Credit card number*

3. The report will be edited by removing or indelibly marking words or passages.

D. RELEASE OF REPORTS TO THE PUBLIC

1. *Only Records Division personnel shall copy or disseminate SR Reports in response to outside requests from members of the public. The Records Division shall ensure that a "Records Information Request" form is completed whenever a member of the public requests a copy of a report. The employee receiving the request shall obtain identification of the requestor and will check it. If the request is approved, the report will be provided or mailed to the requestor upon payment of the required fee.*
 2. The victim of a crime will not be charged a fee for the first copy of a report requested personally.
 3. A copy of the "Records Information Request" form and a copy of the requested report will be forwarded by the Records Division to the Administrative Services Lieutenant
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for approval before the report of a crime can be *released*. The report of a non-fatal traffic collision may be sent without approval of the *Administrative Services Lieutenant* if the investigation has been completed. If any editing of the report is required, the Records *Division* will make the required edits.

4. Release of information regarding juvenile offenders is governed by special rules of confidentiality. Juvenile reports may only be released to:
 - a. The minor or his or her attorney
 - b. The District Attorney's Office
 - c. The law enforcement agency in the jurisdiction where the minor lives
 - d. Other law enforcement agencies who require it for crime investigation or reporting purposes
 - e. The Santa Clara County Probation Department-- Adult or Juvenile Division
 - f. The Santa Clara County Department of Family and Children's Services
 - g. The parents or legal guardian of the minor unless there is reference to another minor in the report (In that case, the request must be approved by the Juvenile Court.)
 - h. The school attended by the minor
 - i. Victims of juvenile crimes may receive the names and addresses of minors without any reference to the minor's status.
 - j. Hospitals, schools, camps, Job Corps, or placement agencies which require the information, and are legally permitted to obtain the information, for the placement, treatment, or rehabilitation of the minor.
 - k. Court personnel
 - l. Persons entitled to the information under Vehicle Code sections 20008-20012 (Department of Motor Vehicles, California Highway Patrol, driver involved, persons injured in accident, witnesses to accident, parent of minor driver, authorized representative of injured person or driver)
 - m. Any coroner or medical examiner
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- n. In the case of felony convictions, CII and FBI
 - o. Other police agencies in California
5. *Informational reports are internal documents that are normally not made available outside the department. Limited exceptions include releasing copies of medical reports to the ill/injured party or releasing copies of certain non-criminal reports to the University's Risk Management department for liability purposes.*
6. The same procedures will be followed for any request for magnetic tape, cassettes, or electronic files.

E. PRODUCTION OF REPORT COPIES

1. *In order to protect the confidentiality of SUDPS records, SUDPS personnel shall obtain all printed copies of reports, needed for legitimate business purposes, from the Records Division. In some cases, sworn personnel may view, print, or copy reports as indicated below:*
- a. *For Investigative Purposes: It may be necessary for reports to be copied for reference in the course of an investigation. Sworn personnel or Records Division personnel may print or copy reports for this purpose; however, all reports used for this purpose should be stamped in red ink with a stamp that reads "FOR D.P.S. USE ONLY."*
 - b. *For Legal Review Purposes: Legal resources representing the interests of the Department of Public Safety or Stanford University frequently need to review our reports. These reports will be prepared by Records Division personnel only in accordance with the Public Records Act. All Reports sent outside of the department should be stamped in red ink with a SUDPS stamp that reads "CONTROLLED DOCUMENT - NOT TO BE DUPLICATED" and bear a notation documenting the agency it is being sent to and by whom.*
 - c. *For Outside Law Enforcement - Investigative Purposes: Other agencies may need our SR reports to further their own investigations. Some examples include the recovery of stolen vehicles or property, missing persons, and multi-agency pursuits and/or arrests. If an agency inquires about a report during non-business hours, on-duty personnel may verify information from the report. If actual report copies are needed, the agency should be instructed to make a written request to the Records Division*
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during normal business hours. All Reports sent outside of the department should be stamped in red ink with a stamp that reads "FOR LAW ENFORCEMENT USE ONLY" and bear a notation documenting which agency it is being sent to and by whom.

- d. For Prosecution Purposes: Copies of SR Reports will be provided to the District Attorneys' Office and the Superior Court. There are strict and frequently changing guidelines for the preparation of the report packages. These packages will be prepared by Records Division personnel only.
 - e. For Insurance Purposes: Collision reports and theft reports are frequently needed for insurance purposes. Since there is no exigency to file for insurance, all of these requests should be made in writing to the Records Division. This includes requests from the Stanford University Risk Management Department wherein the University is listed as the victim.
 - f. For Field Training Purposes: Field Training Officers may copy SR reports for inclusion in a recruit deputy's FTO Training file. All reports used for this purpose should be stamped in red ink with a stamp that reads "FOR DPS TRAINING PURPOSES ONLY."
 - 1). Upon successful completion of the FTO program, the reports shall be removed from the training file and destroyed prior to filing the training records in the deputy's personnel file.
 - 2). In cases where the FTO program is not successfully completed, and the recruit deputy is released from employment, the copied SR reports shall remain with the FTO training records and filed in the individual's personnel file for such a period as required by law, and by University and SUDPS personnel records retention standards.
 - g. For Other Purposes: Copies of reports needed for any other purpose must be approved in advance by the Administrative Services Lieutenant.
- 2. Sending reports by facsimile machine (FAX) is permitted only to other authorized Law Enforcement agencies. All faxed reports must be stamped as required above.
 - 3. Reports that are prepared electronically should never be disseminated outside of the department in that electronic format. **Reports copied to removable electronic media, such as diskettes and memory sticks, are for D.P.S. use only and should**
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remain within the department when not in use. Police reports may not be maintained on personal computers.

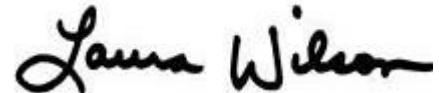
4. *All other uses of SR Reports are prohibited.*

F. RETENTION OF COPIES OF REPORTS

1. *Once the need for a report has passed (i.e., the investigation or training was completed), that copy of the report should be destroyed. It may be shredded or returned to the Records Division for destruction.*
2. *If the report is in electronic format on removable electronic media, such as diskettes and memory sticks, the data must be deleted.*

G. APPLICABILITY OF OTHER REGULATIONS.

Some Sheriff's Office or Stanford University Department of Public Safety material may contain Criminal Offender Record Information (CORI). Unauthorized disclosure of this information may subject the person releasing these records to criminal penalties as well as to disciplinary action.


LAURA WILSON
DIRECTOR