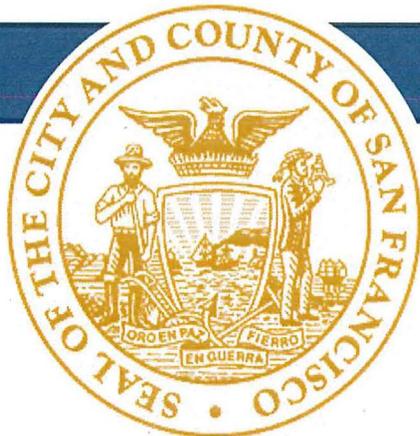


Public Release of Private Information



CITY & COUNTY OF SAN FRANCISCO

Police Department

SF Admin Code Chapter 12M Protection of Private Information

Subsection(e) "Private Information" shall mean any information that (1) could be used to identify an individual, including without limitation name, address, social security number, medical information, financial information, date and location of birth, and names of relative; or (2) the law forbids any person from disclosing.

Information Typically Released by SFPD

- Copies of Police Reports, requested by members of the public, victims or media
- SFPD Media release to public relating to investigations
- Release of Arrest Photos (mug shots)

Copies of Police Reports

Police reports are considered “public record” within the meaning of the California Public Records Act and SF Sunshine Ordinance.



Release of Police Reports Department General Order 3.16

Complies with:

- Public Records Act
- SF Sunshine Ordinance
- California Government Code Section 6254
- SF Admin Code, Chapter 67
- Welfare and Institutions Code
- California Vehicle Code Section 20012
- Penal Code
- CA Family Code Section 6228

May Deny Disclosure of information that would..

1. Endanger the safety of a person involved in an investigation (Cal Gov. Code § 6254)
2. Endanger Law Enforcement personnel (SF Admin Code 67.24(d))
3. Endanger the successful completion of an investigation(Cal Gov. Code § 6254(f))
4. Reveal secret investigative techniques or procedures(S.F. Admin Code, § 67.24 (d); Cal. Gov. Code § 6255)
5. Reveal information regarding the identity of confidential informants(Cal. Gov. Code § 6254 (f),6255; S.F. Admin. Code, § 67.24 (d))
6. Reveal the name of any victim of a sexual assault who specifically requests non-disclosure (Cal. Gov. Code § 6254 (f) (2)), DGO 6.16, Sexual Assaults)
7. Reveal medical or other information constituting an unwarranted invasion of privacy(Cal. Gov. Code § 6254 (c); S.F. Admin. Code, § 67.25 (d))
8. Reveal the name or address of any person detained pursuant to Welfare and Institutions Code Section 5150(Cal. Gov. Code 6254 (c))

Shall Deny Disclosure of information relating to...

1. Juvenile suspect, arrested or detained or any information that might lead to their identity needs a court order for release. (TNG v. Superior Court (1971) 4 C.3d 767).
2. Vehicle collision reports involving death or personal injury (VC exceptions)
3. Any report regarding child abuse or any report regarding assaultive or abusive conduct made confidential by Penal Code 11167 and 11167.5, 11163.2 (b).
4. The address of any victim of a sexual assault (Cal. Gov. Code 6254 (f) (2))

Information that **MUST** be released, per CA Gov. Code

- The following information, however, **must be released**, so long as release is not prohibited (as stated in previous slide):
- Individual arrested, including name address, occupation, physical description.
- Facts surrounding arrest, including, but not limited to, time and date of arrest and booking, location of the arrest, amount of bail, location of arrestee or time and manner of release.
- Charges brought, including outstanding warrants and parole or probation holds.
- Time, substance and location of all complaints or requests for assistance and time and nature or response thereto, including, where an incident report has been made, the time, date and location of occurrence, and the time and date of the report.
- Factual circumstances surrounding the crime or incident and a general description of any injuries, property or weapons involved.

*Victims, their authorized representatives, and their insurance carriers have the right to receive additional information.

Who Can Authorize a Release of a Police Report?

- Assigned Investigator or Officer-in-Charge of the Unit
- Record Management Section – Officer-in-Charge or designee (case unassigned)
- Media or Public Information Officer (PIO) after consultation with assigned investigator
- Department Operations Center (non-business hours) after consultation with the assigned investigator or PIO

Release of Homicide Investigation Information Department Bulletin 18-040

- Officers may provide **type of investigation** being conducted
- General **location** of incident
- Any other information regarding an open homicide investigation **shall not** be released to the public or media without express approval of:
 - 1) Chief of Police (or designee)
 - 2) Assistant Chief of Operations
 - 3) Deputy Chief of Field Operations Bureau
 - 4) Commander of Investigations
 - 5) Captain of Major Crimes
 - 6) Officer-in-Charge of the Homicide Detail

Release of Arrest Photos (mug shots)

- Government Code § 6254 (1) state and local law enforcement agencies shall make public the full name 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, the time and date of arrest, the 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.
- California Attorney General Opinion #03-205 – allows local law enforcement to release mug shots to the public (discretionary).
- San Francisco Police Department does not restrict the release of arrest photos to the public, unless the release would compromise the investigation or prosecution.

SFPD Employee Guidelines for Releasing Information

General Orders

DGO 2.01 General Rules of Conduct

DGO 2.07 Discipline Process for Sworn Officers

DGO 3.16 Release of Police Reports

DGO 8.09 Media Relations

DGO 10.08 Use of Computers and Peripheral Equipment

Department Bulletins

DB 17-180 Mandatory Sign-off of Department Issued Documents

DB 17-143 Protocol for Release of Police Reports

DB 18-040 Release of Information to the News Media

DB 19-005 Update DGO 3.16

CLETS Guidance

CA DOJ Reference Guide

Penal Code 11105

Penal Code 13300

Penal Code 11141-11143

Penal Code 13302-13304

Government Code 6200

Vehicle Code 1808.45

SFPD Employee Discipline

DGO 2.01 “Members shall obey all written orders, policies and procedures of the Department and promptly obey all lawful written or verbal directives of superiors.”

SFPD Disciplinary Penalty & Referral Guidelines for Sworn Members

The following occurrences, relating to release of information, are included in a list of instances of Class “A” – the most serious violations – misconduct:

- Conduct that constitutes a felony (release of CLETS info)
- Unauthorized use of dissemination of confidential information
- Serious violations that bring discredit upon the Department

Penalty for 1st offense: Class “A” Misconduct – termination or suspension

Thank you.

Any questions?

You can reach me at William.braconi@sfgov.org