

California Public Records Act Compliance by Local Police Agencies

“In enacting this chapter, the legislature, mindful of the right of individuals to privacy, finds and declares that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.”

The California Public Records Act
California Government Code § 6250

Synopsis

Police agencies are required to comply with the California Public Records Act (the act) as codified in California Government Code § 6250-6270. The act allows the public to access and review the “police blotter” (list of times and circumstances of all calls to police, names and details of arrests, warrants, charges and hearing dates) that is compiled daily by police agencies. This investigation found that the Scotts Valley Police Department is in full compliance with the act. The Capitola Police Department, the Santa Cruz County Sheriff’s Department, the Santa Cruz Police Department and the Watsonville Police Department provide only limited information and are not in compliance with the act.

Definitions

Arrest log: abbreviated version of the incident log (police blotter) made available to the press and public upon request

Local agencies: includes counties; cities, whether general law or charter; school districts; municipal corporations; special districts; political subdivisions; any board, commission or agency; other local public agencies; or entities that are legislative bodies of a local agency pursuant to subdivisions

Media release log: abbreviated version of the incident log (police blotter) made available to the press and public upon request

Member of the public: person who is not a member, agent, officer or employee of a federal, state or local agency acting within the scope of his or her membership, agency, office or employment

Police blotter: an incident log that contains a list of times and circumstances of all calls to the police, names and details of arrests, warrants, charges and hearing dates, that is compiled daily by police agencies

Public agency: any federal, state, regional or local agency

Public records: information relating to the conduct of the public’s business prepared, owned, used or retained by any state, regional or local agency regardless of physical form or characteristics

Sources

Interviewed:

Capitola Police Department.
Livermore Police Department.
Santa Cruz County Sheriff’s Department.
Santa Cruz Police Department.
Scotts Valley Police Department.
Watsonville Police Department.
911 Dispatch.

Reviewed:

All Santa Cruz County police departments’ policies and procedures in regard to access to public information.
California Penal Code §11075, 11105, 11105.1.
First Amendment Project site, www.thefirstamendment.org.ca-html.
Contra Costa Times, “Half of Police Agencies Withhold Incident Logs,” July 25, 2004.
Public Records Act Government Code § 6250-6270.

Background

California Government Code § 6254 (f)(2) requires the following information in police blotters:

“the time, substance, and location of all complaints or requests for assistance received by agency and the time and nature of the response including the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date and location of the occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property or weapons involved.”

Information in the “police blotter” (time and circumstances of calls to police, names and details of arrests, warrants, charges and hearing dates) **MUST** be disclosed unless such disclosure would endanger an investigation or the life of an investigator. Additional information that may not be disclosed without a court order includes the name(s) of

suspects under investigation, juveniles' identities, names of victims of domestic violence and the names of the victims of child abuse or molestation. On July 25, 2004, the Contra Costa Times reported that one-half of the 36 police agencies contacted were in violation of the State Public Records Act for failure to produce their incident logs. At least one agency (the Oakland Police Department) allowed only a review of an "abridged incident report" and others issued vague referrals to other locations. The Livermore Police Department was cited as one of the police agencies in full compliance with the act.

Members of the Grand Jury visited the five police agencies in the county as private citizens to request information. In only one case did they have to identify themselves as Grand Jurors to obtain information. They also visited the Livermore Police Department as a comparison to the local agencies. This department readily provided all information of police activity as requested by private citizens.

In addition to the California State Highway Patrol, there are five police agencies within Santa Cruz County:

- Capitola Police Department
- Santa Cruz Police Department
- Santa Cruz County Sheriff's Department
- Scotts Valley Police Department
- Watsonville Police Department

Scope

This report examined whether local police agencies comply with the California Access to Public Records Act. It also looked at whether they comply with their own policies and procedures and whether those policies and procedures are consistent with the act.

Findings

Capitola Police Department

1. The department does not provide a complete police blotter but provides information in the form of a media release log.
2. The department's access to public records policy is in accordance with the California Access to Public Records Act.
3. When Grand Jury members, without identifying themselves as such, requested information in regard to police activity, copies of the log were provided.

Santa Cruz County Sheriff's Department

1. The department does not provide a complete police blotter but provides information in the form of an arrest log.
2. When the access to public records policy was requested from the Sheriff's Department, a copy of the California Public Records Act [Law Enforcement Records Exempt Records – 6254 (f)] was provided.
3. The arrest log was not made available when requested by public citizens.
4. The arrest log was made available when citizens identified themselves as members of the Grand Jury.
5. Copies of the arrest log could only be made by hand.

Santa Cruz Police Department

1. The department does not provide a complete police blotter but provides information in the form of a media release log.
2. The department's access to public information policy is in accordance with the California Access to Public Records Act.
3. When members of the Grand Jury, without identifying themselves as such, requested information regarding police activity, it was provided in the form of a media release log.
4. The media release log could be read at the department, but information could only be copied by hand.

Scotts Valley Police Department

1. The department issues an event history (police blotter) that contains all the information that the public is entitled to.
2. The department also issues a media log which is a synopsis of the event history.
3. The department's access to public information policy is in accordance with the California Access to Public Records Act.
4. When members of the Grand Jury, without identifying themselves as such, requested information regarding police activity, both the event history and the media log were provided and copies were allowed to be made.

Watsonville Police Department

1. The department does not provide a complete police blotter but provides information in the form of a media release log.
2. The department's access to public records policy is in accordance with the California Access to Public Records Act.

3. When Grand Jury members, without identifying themselves as such, requested information regarding police activity, copies of the media release log were provided.

Conclusions

Capitola Police Department

1. The information of police activity provided in the media release log is not in compliance with the California Access to Public Records Act.
2. The information provided in the media release log is not in compliance with the department's own policies and procedures.
3. The staff was courteous when providing information to unidentified Grand Jurors.

Santa Cruz County Sheriff's Department

1. The information provided in the arrest log is not in compliance with the California Access to Public Records Act.
2. The information provided in the arrest log is not in compliance with the department's own policies and procedures.
3. The staff was neither courteous nor helpful when Grand Jury members requested information, whether as private citizens or as Grand Jury members.

Santa Cruz Police Department

1. The information provided in the media release log is not in compliance with the California Access to Public Records Act.
2. The information provided in the media release log is not in compliance with the department's own policies and procedures.
3. The staff was courteous when providing information to unidentified Grand Jurors.

Scotts Valley Police Department

1. The Scotts Valley Police Department complies with the California Public Records Act.
2. It provides information to the public in compliance with department's own policy and procedures manual.
3. The staff was courteous and friendly when visited by unidentified Grand Jurors.

Watsonville Police Department

1. The information provided in the media release log is not in compliance with the California Access to Public Records Act.
2. The information provided the media release log is not in compliance with department's own policies and procedures.
3. The staff was courteous to the public in providing information to unidentified Grand Jurors.

Recommendations

Capitola Police Department

1. The Capitola Police Department should create a police blotter that is in compliance with the California Access to Public Records Act and with its own policy in regard to public access to information.
2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.
3. The staff should be commended for its courtesy in response to public requests for information.

Santa Cruz County Sheriff's Department

1. The Santa Cruz County Sheriff's Department should create a police blotter that is in compliance with the California Access to Public Records Act and with its own policy in regard to public access to information.
2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.
3. The staff should make information in the arrest log readily available to the public in a courteous and efficient manner.

Santa Cruz Police Department

1. The Santa Cruz Police Department should create a police blotter that complies with the California Access to Public Records Act and with its own policy in regard to public access to information.
2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.
3. The staff should be commended for its courtesy in response to public requests for information.

Scotts Valley Police Department

1. The Scotts Valley Police Department should be commended for its compliance to the California Access to Public Records Act.
2. The staff should be commended for its courtesy to the public.

Watsonville Police Department

1. The Watsonville Police Department should create a police blotter that is in compliance with the California Access to Public Records Act and with its own policy in regard to public access to information.
2. The staff should be commended for its courtesy in response to public requests for information.

Responses Required

Entity	Findings	Recommendations	Respond Within
Capitola Police Department	All in pertinent section	All in pertinent section	90 Days September 30, 2005
Santa Cruz County Sheriff's Department	All in pertinent section	All in pertinent section	60 Days August 30, 2005
Santa Cruz Police Department	All in pertinent section	All in pertinent section	90 Days September 30, 2005
Scotts Valley Police Department	All in pertinent section	All in pertinent section	90 Days September 30, 2005
Watsonville Police Department	All in pertinent section	All in pertinent section	90 Days September 30, 2005

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