

**GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN**

General Policy Statement Regarding Release Of Police Reports To The Public and the Police Review Commission (PRC):

It shall be the general policy of the Police Department to release a copy of a police report to any member of the public or the PRC, unless the release of the report, or a part of the report, or the information in the report would: (1) endanger a person; (2) endanger the successful completion of the investigation or a related investigation; (3) constitute an unwarranted invasion of privacy as defined in this Policy; or, (4) is prohibited by law.

A release of a police report to a City department, such as the City Attorney’s office, the Office of Transportation, or the City Manager’s office, is not a release to the public and is not governed by this Policy.

<b>NAMES AND ARRESTEE INFORMATION</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Adult arrestee’s <u>name</u> , occupation, 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 on, including any outstanding warrants from other jurisdictions and parole or probation holds.	Yes, release of this information is required by law, unless the release would: (1) endanger a person’s safety; or, (2) endanger the successful completion of the investigation or a related investigation. [Government Code §6254(f)(1)]		

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<b>NAMES AND ARRESTEE INFORMATION (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Adult suspect <u>name</u> (e.g., when suspect not arrested)	<p>No to general public, but yes to the general public, if the adult suspect's name was already released to the public through the PRC process.</p> <p>Release is also authorized to assist in specific public safety effort, such as locating the suspect.</p>	Unwarranted invasion of privacy.	<p>For PRC to investigate, when relevant to a PRC investigation, the PRC shall get the name of an adult suspect, if ALL of the following conditions apply: (1) the release will not endanger a person's safety; (2) the release will not endanger the successful completion of the investigation or a related investigation; and, (3) the release will not result in the release of highly personal information of a very sensitive nature such as sex crimes information, suicide, or mental health information.</p> <p>With respect to this third category, if the only person affected is the requesting party, and the person has filed a complaint with the PRC, then this information can be released to the PRC.</p>
Juvenile arrestee <u>name</u> and Juvenile suspect <u>name</u>	No. The entire report cannot be released without a Court Order, except that the juvenile's name and address information may be released to the victim, or his/her representative, after the criminal case against the juvenile suspect/arrestee is final in Juvenile Court, but only if the victim is seeking damages in civil court.	Release prohibited (except in limited circumstance noted) by Alameda County Court Order, dated 4/7/1995; Welfare & Institutions Code §§ 601 and 602; [TNG v. Sup. Ct.]	Prior to release to victim, confirm status of case is no longer active in Juvenile Court.

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<b>NAMES AND ARRESTEE INFORMATION (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Adult and juvenile victim <u>name</u> .	<p>No, if there is an active criminal case pending or a criminal case is likely to be filed, the name of the victim should not be released. [Penal Code §964]</p> <p>If no criminal case is pending or likely to be filed, then:</p> <p>Yes, release of a victim's name is required by law, unless the release of the adult victim's name would: (1) endanger a person's safety; (2) endanger the successful completion of the investigation or a related investigation; or (3) the victim of one of the crimes listed in GC §6254(f)(2) (e.g., sex crimes, domestic violence, stalking or hate crime) has been asked and has requested or, if a juvenile victim, his or her parent or guardian has requested, that his or her name be kept confidential. [GC §6254(f)(2).]</p>	<p>PC §964 sets forth certain restrictions on the release of a victim's name if a criminal case is pending.</p>	

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<b>NAMES AND ARRESTEE INFORMATION (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
<p>Adult or juvenile witness or “other party” <u>name</u>; an “other party” is a person who is not an arrestee, suspect, or witness.</p>	<p>No, if there is an active criminal case pending or a criminal case is likely to be filed, the name of the witness (or other party) should not be released. [PC §964]</p> <p>If no criminal case is pending or likely to be filed, then, for an adult witness name:</p> <p>Yes, unless release of the adult witness name would: (1) endanger a person’s safety; (2) endanger the successful completion of the investigation or a related investigation; or, (3) result in the release of highly personal information of a very sensitive nature such as sex crimes information, suicide, or mental health information.</p> <p>Note: The name of a juvenile witness will not be disclosed to the general public, unless it has already been disclosed through the PRC process. The name of a juvenile witness will only be disclosed to the PRC, if the parent or guardian consents to the disclosure.</p>	<p>Protection of witness and potential witnesses; PC §964 sets forth certain restrictions on the release of a witnesses’ name if a criminal case is pending</p>	<p>If the PRC requests the name of a witness, the name can only be disclosed if: (1) there is no active criminal case pending or a criminal case is likely to be filed; (2) the release of the name would not endanger a person’s safety; and, (3) the release of the name would not endanger the successful completion of the investigation or a related investigation. In addition, if the witness is a juvenile, the parent or guardian must consent to the disclosure to the PRC.</p>

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<b>PHONE NUMBERS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Phone number of person whose name IS released under this Policy	No, to general public, but yes to the general public, if the phone number was already released to the public through the PRC process.	Unwarranted invasion of privacy.	For PRC to investigate, PRC shall get the phone number of any adult person whose name is released to the PRC. However, if the person whose name is released is a juvenile, the phone number will not be released to the PRC without the consent of the juvenile's parent or guardian.
Phone number of any person whose name is NOT released under this Policy	No.	Unwarranted invasion of privacy.	

<b>ADDRESS INFORMATION</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Adult arrestee <u>address</u> . Adult suspect <u>address</u> . Adult/juvenile victim <u>address</u> . Adult/juvenile witness <u>address</u> . Adult/juvenile "other party" <u>address</u> . (Juvenile arrestee address: No: See below) (Juvenile suspect address: No: See below)	No, if the <i>name</i> is not released under this Policy and/or applicable law.  In cases in which the <i>name</i> is released: No, to general public, but yes to the general public if the person's address was already released to the public through the PRC process.  Note: Juvenile arrestee and juvenile suspect addresses are not releasable. See below.	Unwarranted invasion of privacy	For PRC to investigate, when relevant to a PRC investigation, PRC shall get the address of an adult arrestee, or adult suspect, or any victim, witness, or other party, but only if ALL of the following conditions apply: (1) the PRC obtained the name from BPD under this Policy; (2) the person has no working telephone number; (3) the release will not endanger a person's safety; (4) the release will not endanger the successful completion of the investigation or a related investigation; [cont.]

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<b>ADDRESS INFORMATION (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
			<p>and, (5) the release will not result in the release of highly personal information of a very sensitive nature such as sex crimes information, suicide, or mental health information.</p> <p>In the case of a juvenile victim, juvenile witness, or juvenile other party, in addition to the above conditions, the address shall not be released to the PRC without consent of the juvenile's parent or guardian.</p> <p>Juvenile arrestee and juvenile suspect addresses are not releasable to the PRC. See below.</p>
Juvenile arrestee <u>address</u> and Juvenile suspect <u>address</u> .	No. The entire report cannot be released without a Court Order, except that name and address information may be released to the victim or his or her representative after the criminal case against the juvenile suspect/arrestee is final in Juvenile Court, but only if the victim is seeking damages in civil court.	Release prohibited (except in limited circumstance noted) by Alameda County Court Order dated 4/7/1995; WIC §§601, 602. [TNG v. Superior Court]	Prior to release to victim confirm status of case is no longer active in Juvenile Court.

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<b>OTHER PERSONAL INFORMATION</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Date of birth of <u>non</u> -arrestee.  (Date of birth of arrestee is required by law to be released. See above)	No.	Unwarranted invasion of privacy and potential identity theft.	As an alternative, release victim, witness, or suspect's age.
CDL, Social Security #, Bank Account #.	No.	Unwarranted invasion of privacy and potential identity theft.	
Vehicle license plate numbers.	No.	Unwarranted invasion of privacy.	
Medical treatment records.	No, unless a person is requesting his or her own medical records, or the person whose medical records are being requested has signed an authorization for the release of the medical records to the requesting party.	Civil Code §56, et seq. provides that medical records are to be kept confidential; WIC §5328 provides that WIC §5150 records (such as the Berkeley Mental Health staff person's report re a WIC §5150) are confidential.  Note: An officer's report re a WIC §5150 call is not a medical treatment record; it is a police report.  Information provided by a medical treater noted in a police report is not a medical treatment record, but it should be deleted as an unwarranted invasion of privacy if it is highly sensitive information such as information involving sex crimes, suicide, or mental health.	Medical records can be given to the PRC if the person whose medical records are being requested has signed an authorization for the release of the medical records to the PRC.  Alternatively, a person can obtain his or her own medical records held by BPD, if any, directly from BPD, and then give them to the PRC.

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<b>MUG SHOTS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
PFN photos taken by BPD (mug shots.)	Yes, unless release would: (1) endanger a person's safety; or, (2) endanger the successful completion of the investigation or a related investigation.		Obtain Detective Bureau approval for release in all criminal cases.
PFN photos taken by another agency.	No, unless release is made for a public safety purpose.	Policy decision.	Obtain approval from Office of the Chief.

<b>THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Oral (paraphrased) and written statements from victims, witnesses, and suspects.  Investigative narrative.  Diagrams.  Evidence list.	Yes, unless release would: (1) endanger a person's safety; (2) endanger the successful completion of the investigation or a related investigation; or, (3) result in the release of highly personal information of a very sensitive nature such as sex crimes information, suicide, or mental health information.  With respect to this third category, if the only person affected is the requesting party, and the person has filed a complaint with the PRC, then this information can be released to the PRC.		



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<b>THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE (cont.)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Evidence photographs.	<p>Yes, unless release would: (1) endanger a person's safety; (2) endanger the successful completion of the investigation or a related investigation; or, (3) result the release of highly personal information of a very sensitive nature such as the condition of person's body or a corpse.</p> <p>With respect to this third category, if the only person affected is the requesting party, and the person has filed a complaint with the PRC, then this information can be released to the PRC.</p>		
Communications center audio tapes	<p>Yes, unless release is prohibited under PC §964 (pending criminal case), or release results in an unwarranted invasion of a citizen's privacy.</p> <p>No, as to continuing police radio communications in lengthy incidents occurring more than one hour after the incident first started.</p>	Unwarranted invasion of citizen's privacy and undue burden on staff.	For PRC to investigate, PRC shall get the tapes. However, if witness or victim information is not releasable to the PRC under this Policy or by law (e.g., PC §964), then that information must be deleted. Also, if the tape contains highly personal information of a very sensitive nature such as a victim screaming as she is violently assaulted or killed, such segments shall be deleted before release to the PRC, unless the only person affected is the requesting party, and the person has filed a complaint with the PRC.

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<b>THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE (cont.)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Investigative techniques: Trackers, undercover, surveillance locations, 'Johns'/decoy, tactics, interview tactics.	No.	Evidence Code §§1040-1042	
Confidential informant's name or identifying information.	No.	EC §§1040-1042	If the report uses "x" to refer to the confidential informant, release is permitted as no identifying information is included.
<b>Complete, unredacted police report in ID theft (PC530.5) cases.</b>	<b>Yes, to victim only (PC §530.6(a)).</b>		

<b>CRIMINAL HISTORY INFORMATION</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
PFN Number.	No.	Unwarranted invasion of privacy.	
Criminal history: Actual RAP sheet or actual RMS print-out for an individual.	No. However, local criminal history information contained in the RMS print out must be released to the subject of that information, if requested by the subject. [PC §13330(b)(11)]	PC §§11075, 11076, 11105 and 13300.	Okay to release serious felony conviction information only to Housing Authority managing Section 8 program.
Limited criminal history: Fact of prior crime or similar arrests relevant to the investigation, or relevant to the arrest charge, such as felon with a gun.	Yes. Although this information may be contained within a Rap sheet, it can be disclosed as a relevant part of a single police report, which in itself is not a Rap sheet. It can also be disseminated to the public generally for the purpose of assisting in the apprehension of a wanted person. [PC §13305]		

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<b>CRIMINAL HISTORY INFORMATION (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Information taken out of CLETS.	No.	CLETS "Policies, Practices & Procedures" provides that CLETS information (which includes DMV) is confidential and for OFFICIAL USE ONLY.	
Probation or parole hold on an arrestee.	Yes. Release of this information is required by law, unless the release of the probation or parole hold on the arrestee would: (1) endanger a person's safety; or, (2) endanger the successful completion of the investigation or a related investigation. [GC §6254(f)(1)]		
Probation or parole status when it is related to the investigation or arrest charge.	Yes, unless release of the arrest charge or investigation would: (1) endanger a person's safety; or, (2) endanger the successful completion of the investigation or a related investigation.		
Probation or parole, general status when there is no "hold" and it is not related to the investigation or arrest charge, and it is not being disclosed for a public safety purpose.	No.	PC §§11075, 11076, 11105 and 13300.	

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<b>OPEN AND CLOSED INVESTIGATIONS, HOMICIDE REPORTS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Open, Suspended, and Closed investigations.	<p>Yes, unless release would: (1) endanger a person's safety; (2) endanger the successful completion of the investigation or a related investigation; or, (3) result the release of highly personal information of a very sensitive nature such as sex crimes information, suicide, or mental health information.</p> <p>With respect to this third category, if the only person affected is the requesting party, and the person has filed a complaint with the PRC, then this information can be released to the PRC.</p>		<p>Obtain approval from effected Detective Bureau unit prior to release, if a criminal prosecution is still possible.</p> <p>For homicide reports, obtain approval from Homicide Unit and Custodian of Records prior to release.</p>

<b>SPECIAL POLICE REPORTS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Juvenile arrest or juvenile suspect reports.	No. The entire report cannot be released without a Court Order, except that the name and address information may be released to the victim or his or her representative after the criminal case against the juvenile suspect/arrestee is final in Juvenile Court, but only if the victim is seeking damages in civil court.	Release prohibited (except in limited circumstance noted) by Alameda County Court Order dated 4/7/1995; WIC §§601 and 602. [TNG v. Superior Court]	Prior to release to victim confirm status of case is no longer active in Juvenile Court.
Child abuse reports.	No.	PC §§11167 and 11167.5.	
Elder abuse reports.	No.	WIC §15633 prohibits release.	
Vehicle collision reports.	No, except to persons authorized in VC §20012.	VC §20012 limits the release of collision reports to certain interested parties.	

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<b>SPECIAL POLICE REPORTS (continued)</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Reports from other agencies.	No.	Policy decision.	

<b>REQUESTS BY UNINVOLVED PARTIES AND SPECIAL REQUESTS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Can an uninvolved party obtain a police report?	Yes, unless prohibited by law or this Policy, the same report or information released to involved parties should be released to any other person requesting the report.	Examples of selective release required by law include Alameda County Superior Court Juvenile Court Order dated 4/7/95 (release to victim in certain circumstances); GC §6254(f) (release to victim of certain crimes, except in specific circumstances); and, VC §§16005 and 20012 (release to involved parties re: collision reports.)	
Categorical requests, such as all reports pertaining to a certain address, all reports regarding a certain type of incident, or all reports related to a particular individual.	Yes, unless: 1) the release will impact citizen privacy issues; 2) the potential assembly of information will reveal criminal history; or, 3) if gathering the information will create an undue burden on staff.  Yes, when release will enhance public safety (e.g., in a neighborhood effort to abate a nuisance such as drug dealing at a certain property where the reports are needed for a civil lawsuit.)		Custodian of Records to decide.

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<b>SEARCH WARRANTS</b>			
<b>Subject</b>	<b>Release</b>	<b>No Release Reason</b>	<b>Further Direction</b>
Search Warrants and Returns.	Yes, unless sealed.	If sealed by Court.	
Search Warrant applications or affidavits, and any police reports attached to application.	Yes, but delete all identifying information pertaining to a victim or a witness in the application, affidavit, or a police report attached to the application.	PC §964 prohibits the release of a witness or victim's identifying information in a Search Warrant application or a police report attached to the application.	