

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

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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 Staff.

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.

Response: Capitola Police Department PARTIALLY AGREES.

The department, along with the other partner agencies who are members of the Santa Cruz Consolidated Emergency Communications Center, produces both a media log and daily summaries of all police activity (“police blotter”). Daily summaries are printed each morning and are available to the public upon request, once confidential and protected information is redacted from the summary report. Department staff inappropriately stated to members of the Grand Jury that the information was not available, or available only through the subpoena process. The media logs are available for review by the public, but are essentially provided for use by the media and include information routinely requested by the press.

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2. The department's access to public records policy is in accordance with the California Access to Public Records Act.

Response: Capitola Police Department AGREES.

3. When Grand Jury members, without identifying themselves as such, requested information in regard to police activity, copies of the log were provided.

Response: Capitola Police Department AGREES.

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.

Response: Santa Cruz County Sheriff's Office AGREES.

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.

Response: Santa Cruz County Sheriff's Office AGREES.

3. The arrest log was not made available when requested by public citizens.

Response: Santa Cruz County Sheriff's Office AGREES.

4. The arrest log was made available when citizens identified themselves as members of the Grand Jury.

Response: Santa Cruz County Sheriff's Office AGREES.

5. Copies of the arrest log could only be made by hand.

Response: Santa Cruz County Sheriff's Office AGREES.

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.

Response: Santa Cruz Police Department PARTIALLY AGREES.

The department, along with the other partner agencies who are members of the Santa Cruz Consolidated Emergency Communications Center, produces both media release cases and daily summaries of all police activity. Daily summaries are printed each morning and are available to the public upon request, once confidential and protected information is redacted from the summary report. The media release cases are available for review by the public, but are provided as a courtesy for use by the media and include information they routinely request.

2. The department's access to public information policy is in accordance with the California Access to Public Records Act.

Response: Santa Cruz Police Department AGREES.

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.

Response: Santa Cruz Police Department PARTIALLY AGREES.

Members of the Grand Jury identified themselves to the Police Department Records Manager.

4. The media release log could be read at the department, but information could only be copied by hand.

Response: Santa Cruz Police Department AGREES.

The “media release cases” have been available on the department web site since April 1, 2005.

Scotts Valley Police Department

1. The department issues an event history (police blotter) that contains all the information that the public is entitled to.

Response: City of Scotts Valley AGREES.

2. The department also issues a media log which is a synopsis of the event history.

Response: City of Scotts Valley AGREES.

3. The department’s access to public information policy is in accordance with the California Access to Public Records Act.

Response: City of Scotts Valley AGREES.

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.

Response: City of Scotts Valley AGREES.

Watsonville Police Department

1. The department does not provide a complete police blotter but provides information in the form of a media release log.

Response: Watsonville Police Department DISAGREES.

There is nothing in the California Public Records Act (CPRA) that mandates police agencies to create specific reports, nor is the term “police blotter” found or defined by the CPRA. Moreover, the CPRA only specifies the categories of information that shall be made public upon request.

Any person or organization may request a public record in an electronic format, but “the cost to construct a record, and the cost of programming and computer services necessary to produce a copy of the record... shall be born by the requester” (GC 6259.9). The Watsonville Police Department has not received any request for the creation of any report construed as a “police blotter.” The Santa Cruz Records Management System users – which include the Watsonville Police Department – in response to the news media request for basic information on reports filed that are subject to the CPRA, and partly to comply with Government Code 6259.9, created the media log. Not all information detailed in Government Code 6254 (f)(1) and 6254 (f)(2), however, is listed in the log, but all information subject to public disclosure under these sections is provided upon request.

2. The department’s access to public records policy is in accordance with the California Access to Public Records Act.

Response: Watsonville Police Department AGREES.

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

Response: Watsonville Police Department AGREES.

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.

Response: Capitola Police Department DISAGREES.

The Capitola Police Department has a daily summary report available to the public, which meets the mandates of the California Access to Public Records Act and contains that information referenced in the Grand Jury Report as "police blotter" information. When asked by unidentified members of the Grand Jury, staff failed to comply with the department records policy of providing daily summary information to the public. Additionally, the SCCECC has developed a computer-generated daily summary, or police blotter report, for member agencies which can be produced and will automatically redact protected and confidential information from the report.

2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.

Response: Capitola Police Department AGREES.

Training has been completed.

3. The staff should be commended for its courtesy in response to public requests for information.

Response: Capitola Police Department AGREES.

Staff has been commended for handling the Grand Jury inquiry in a courteous fashion.

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.

Response: Santa Cruz County Sheriff's Office AGREES.

The recommendation requires further analysis. A new policy is being formulated and will be implemented in the upcoming months. A technological solution regarding the creation of a police blotter is being explored via several databases, which currently do not communicate with each other. A test run on our antiquated Tiburon Records Management System will occur by September 6, 2005. The results will be analyzed to determine if a temporary solution can be found pending replacement with a new modernized records management system.

2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.

Response: Santa Cruz County Sheriff's Office AGREES.

The recommendation has not yet been implemented, but will be implemented in the upcoming months. A policy is being formulated at this time.

3. The staff should make information in the arrest log readily available to the public in a courteous and efficient manner.

Response: Santa Cruz County Sheriff's Office AGREES.

This recommendation has not yet been implemented, but will be implemented in the near future via training.

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.

Response: Santa Cruz Police Department PARTIALLY AGREES.

The recommendation has not yet been implemented. The Santa Cruz Police Department has a daily summary report available to the public, which meets the

mandates of the California Access to Public Records Act, and contains that information referenced in the Grand Jury Report as “police blotter” information. The Santa Cruz Consolidated Emergency Communications Center is developing enhancements to the daily summary, or police blotter, for member agencies, which can be produced and will automatically redact protected and confidential information from the report. This will be available to the public after staff training, which is expected to occur in the next 90 days. The “media release cases” are not meant to replace, nor does it replace, specific requests for public information under the Public Records Act.

2. The staff should be educated in its own internal policies and procedures and trained to handle requests for information by the public.

Response: Santa Cruz Police Department AGREES.

The Santa Cruz Police Department staff is educated and trained on department policy; therefore, this recommendation was implemented prior to receipt.

3. The staff should be commended for its courtesy in response to public requests for information.

Response: Santa Cruz Police Department AGREES.

The Santa Cruz Police Department staff has been commended for handling public requests for information; therefore, this recommendation has been implemented.

Scotts Valley Police Department

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

Response: The City of Scotts Valley DID NOT RESPOND.

No response necessary.

2. The staff should be commended for its courtesy to the public.

Response: The City of Scotts Valley DID NOT RESPOND.

No response necessary.

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.

Response: Watsonville Police Department PARTIALLY AGREES.

Again, the CPRA does not define “police blotter” nor does it require one be created. The department and its partners in the SCRMS group are developing a standardized

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event log, sometimes called a police blotter, which can be produced electronically. This log is not a substitute for specific requests for public information under the CPRA. This project has not yet been implemented, but will be implemented in the future, with a time frame for implementation.

2. The staff should be commended for its courtesy in response to public requests for information.

Response: Watsonville Police Department AGREES.

Responses Required

<i>Entity</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within</i>
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