

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 4

March 18, 2019

SUBJECT: REQUESTS BY THE PUBLIC FOR INFORMATION CONTAINED IN POLICE RECORDS – REVISED; AND, CALIFORNIA PUBLIC RECORDS ACT – ESTABLISHED

PURPOSE: The California Public Records Act (CPRA), Government Code Sections 6250 – 6257, establishes the right of the public to access public records. Department records are subject to public disclosure unless a specific legal exemption exists. The purpose of this Order is to revise and establish various Department Manual Sections pertaining to the CPRA and other information release procedures.

This Order supersedes Office of the Chief of Police Notice, *Guidelines for Handling Requests for Department Statistics or Crime Data*, dated June 12, 2012.

PROCEDURE:

- I. REQUESTS BY THE PUBLIC FOR INFORMATION CONTAINED IN POLICE RECORDS – REVISED.** Department Manual Section 3/406.20, *Requests by the Public for Information Contained in Police Records*, has been revised. Attached is the revised Department Manual section with the revisions indicated in italics.
- II. CALIFORNIA PUBLIC RECORDS ACT – ESTABLISHED.** Department Manual Section 3/406.30, *California Public Records Act*, has been established and is attached.

AMENDMENTS: This Order amends Section 3/406.20, and adds Section 3/406.30 to the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

**DEPARTMENT MANUAL
VOLUME III
Revised by Administrative Order No. 4, 2019**

406.20 REQUESTS BY THE PUBLIC FOR INFORMATION CONTAINED IN POLICE RECORDS.

***Routine Requests.** Routine requests for copies of, or information contained in, crime, arrest, or traffic reports shall be forwarded to the Commanding Officer, Records and Identification (R&I) Division. Community members requesting such information may be directed to <http://lapdonline.org/faqs> for specific instructions.*

Exception: News releases and information about newsworthy incidents shall be handled in accordance with Section 3/406.10 of the Department Manual.

Requests for Master Arrest Blotter Information. Requests for Master Arrest Blotter Information *shall* be submitted in writing to:

The Commanding Officer, *Legal Affairs* Division
200 N. Main Street, 7th Floor
Los Angeles, CA 90012

Exception: Requests for Blotter information for incidents less than 24 hours old may be made verbally to either the Commanding Officer, R&I Division, for Department-wide arrest information, or to the watch commander of the Department jail facility for arrests occurring within the Area(s) serviced by the jail.

406.30 CALIFORNIA PUBLIC RECORDS ACT. *The Department is committed to upholding the right of the public to access records and information concerning the conduct of the people's business consistent with the Constitution of the State of California and the California Public Records Act (CPRA). The Department recognizes its obligation to comply with the CPRA, to facilitate public records access, and to promote a culture of transparency and accountability. Pursuant to the CPRA, Government Code Sections 6250 – 6257, all Department records are public records and shall be disclosed to the public, upon request, unless there is a specific legal basis not to do so. The CPRA contains exemptions from disclosure and there are additional laws outside the CPRA that create exemptions from disclosure. The CPRA requires that, within 10 calendar days from receiving a request, the Department notify the requestor in writing whether the Department is in possession of the requested public records and any exemptions asserted by the Department. When unusual circumstances exist, as defined by the CPRA, the Department may extend the time to respond by an additional 14 calendar days. The Department must then promptly provide the requestor access to or copies of the responsive and non-exempt records.*

Method of Accepting Requests. *The Department accepts CPRA requests in person, by phone, in writing, or online at lapdonline.org.*

Responsibilities of the California Public Records Act Unit. *The CPRA Unit, Discovery Section, Legal Affairs Division, has primary responsibility for accepting, processing, and responding to CPRA requests for the Department. The CPRA Unit shall log, process, and respond to every public record request it receives, in accordance with the CPRA.*

DEPARTMENT MANUAL
VOLUME III
Revised by Administrative Order No. 4 , 2019

The CPRA Unit employees shall assist requestors by helping to identify records and information applicable to the request, describing the information technology and physical location in which the records exist, and providing suggestions for expediting the production of records.

Responsibilities of Department Employees. *The duties of Department employees in response to a request for assistance from the CPRA Unit include, but are not limited to:*

- *Reviewing and responding to a request for assistance from the CPRA Unit;*
- *Describing categories of potentially applicable documents and identifying locations where responsive documents may be located within the unit for which the Department employee is responsible;*
- *Identifying other Department employees with knowledge of possible responsive documents and/or their locations;*
- *Searching for requested documents; and,*
- *Reviewing documents and assisting the CPRA Unit to identify information that requires withholding and/or redaction.*

A Department employee responding to a request for records from the CPRA Unit shall provide all requested records to the CPRA Unit. If a Department employee believes that some or all the information in a record is protected from public disclosure, they should provide the record to the CPRA Unit and recommend to the CPRA Unit what information should be withheld and why. If for any reason a Department employee cannot respond to a request for assistance from the CPRA Unit within the time requested by the CPRA Unit, the employee shall notify the CPRA Unit promptly that he or she cannot comply with the request.

Any Department employee not assigned to the CPRA Unit who receives a public records request from a member of the public shall promptly notify his or her supervisor of the request.

Responsibilities of Department Supervisors. *A supervisor who receives a public records request, shall attempt to determine if the requested records are readily available for public release. Many frequently requested Department records are readily available online at lapdonline.org or from other Department resources. It is not necessary to refer such requests to the CPRA Unit. If the requested records are readily available for public release, the supervisor shall provide the records to the requestor. Supervisors may call the CPRA Unit for advice regarding such requests. If the requested records are not readily available for public release, or if the requestor is not satisfied by the records provided, the requestor should be advised to submit a CPRA request to the CPRA Unit. The supervisor may also accept the request, and forward it to the CPRA Unit no more than one calendar day after receipt of the request.*

Employee Accountability. *Any Department employee may be assigned to assist in the work of responding to a public records request and/or preparing records for disclosure. A Department employee who willfully withholds Department records or information relating to a CPRA request or willfully violates any other obligation under this policy may be subject to discipline.*