

1 **Public Records Act**

Pacific Grove Police Department Supervisor's Meeting 3/21/2019

2 **Public Records**

- Lots of Rules
  - FOIA, Constitution, Codes, Case Law
- Freedom of Information Act
  - Disclose government information for public scrutiny.
- California Public Records Act
  - 1968 – Codified Government Codes §6250-6276
  - Access to information concerning the people's business is fundamental and necessary right of every person in California, regardless of physical form or characteristic.

3 **Public Records**

- Must Exist (no need to create)
- Any writing containing information related to the conduct of the public's business
  - Prepared, Used, Owned, Retained
- Regardless of Form
  - Hard Copy, Electronic, Photographic, E-Mail, Film, Letters, Audio, etc.
- Regardless of Location
  - TracNet, S Drive, Google, Offices, Patrol, City Hall

4 **§6254 Exemptions**

- (a) Drafts, Notes, (b) Pending Litigation (c) Personnel, Medical Files – Privacy, etc.
- (f) Investigatory Files of Local Police
  - Except: Basic Arrest Information
  - Except: Victims, Authorized Rep, Insurance
  - Unless: Disclosure Would Endanger Safety of Involved Parties or Successful Completion of Investigation
- Officer's Analysis or Conclusions
- Other Exemptions: Juvenile, Sexual Assaults etc.

5 **CA State Constitution**

All people are by nature free and independent and have inalienable rights. Among those enjoying and defending life and liberty, acquiring, possessing and obtaining safety, happiness and privacy.

*\*\*Public employees have less privacy in their professional capacity\*\**

6 **Most Recent Law Change**

- SB1421 - Effective January 1, 2019
- Records of Officer Involved Shootings
- Records of Officer Use of Force that Results in Death or Great Bodily Injury
- Records of Sustained Incidents involving Sexual Assault against a Member of the Public
- Records of Sustained Incidents of Dishonesty

7 **Public Records Procedures**

- Must Respond with in 10 days (14 day ext.)

- Not Required to be in Writing
- Agency Must Assist Requester
- Office Hours for Inspection
- Exact Copies & Reasonable Fees

8  **PGPD Procedure**

- (16) hour POST PRA Course
- Routine Report Requests Completed by PSTs:
  - Traffic Collisions (Non-Fatal)
  - Property Crimes & Information Reports
  - Arrest & Media Logs
- Records Supervisor
  - Most Others (CAP, Juveniles, etc.)
- Admin Services Manager
  - Supervisor Guidance & Formal PRAs (ACLU)
- City Attorney
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