

SAN DIEGO POLICE DEPARTMENT PROCEDURE

DATE: APRIL 6, 2017

NUMBER: 1.26 - ADMINISTRATION

SUBJECT: ACCESS AND RELEASE OF CRIMINAL RECORDS

RELATED POLICY: [1.26](#)

ORIGINATING DIVISION: RECORDS

NEW PROCEDURE:

PROCEDURAL CHANGE:

SUPERSEDES: DP 1.26 – 05/30/2014

I. PURPOSE

The purpose of this Department procedure is to establish guidelines for the access and release of criminal records.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Access and release of criminal records are regulated by the California Penal Code, Government Code, and other sources identified in the “California Criminal Records Security Statutes and Regulations,” published by the California Department of Justice. These regulations cover both paper and computer system records. This document is available in Records Division.

IV. DEFINITIONS

A. For purposes of this procedure, the following are considered criminal records:

1. Arrest Report (ARJIS-8) - a report containing specific information relating to the arrest of a person eighteen years of age or older.
2. Crime Report (ARJIS-2) - a report containing specific information regarding the commission of a crime (See Department Procedure 6.04, Crime Report Form).
3. Criminal History Record - commonly known as a “rap sheet,” this is a compilation of information of any or all arrests. It includes the identity of the person arrested, the arresting agency, the booking number, and the charge. Compilations of intelligence, analytical and investigative reports, and the booking log are not included within the definition of Criminal History Record.
4. Juvenile Contact Report (ARJIS-8) - a report containing specific information relating to the taking into custody of a person less than eighteen years of age.
5. Juvenile Record - a record pertaining to the taking into custody of a person at a time when the individual is under the age of eighteen, except in cases following a judicial determination that the person is not a proper subject for the juvenile court.
6. Other Police Records - all other records, files, and information maintained and/or accessed by Department personnel, which are stored in mediums such as paper, magnetic, computers, computer systems, and electronic media including, but not limited to, microfilm, microfiche, magnetic disk, compact disk, and optical disk.

B. Computer Systems - all City, County, State, and national computer systems that can be accessed through City/County telecommunications networks. These include, but are not limited to:

1. Any internal San Diego Police Department application used for storage and retrieval of information collected by law enforcement personnel including the Criminal Records Management System (CRMS).
2. Automated Regional Justice Information System (ARJIS) - a countywide system, which includes, but is not limited to, crime, adult arrest, juvenile contact, field interview, misdemeanor citation, traffic accident, and traffic citation information.
3. California Law Enforcement Telecommunications System (CLETS) - a statewide system, which includes, but is not limited to, state criminal history, Department of Motor Vehicles (DMV) records, missing persons, stolen vehicle, and stolen property files.

4. County Computer System - a countywide system, which includes, but is not limited to, local criminal history information, County Jail booking information, City Attorney, District Attorney, Courts, and Probation information.
5. National Crime Information Center (NCIC) - a nationwide system, which includes information similar to CLETS.

C. For purposes of this procedure, the following definitions shall apply whenever the terms are used:

1. Criminal Justice Agencies - those agencies at all levels of government, which perform as their principal functions, activities relating to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders, or the collection, storage, dissemination, or use of criminal offender record information.
2. Criminal Justice Personnel - peace officers, judges, clerks of courts, prosecutors (including district attorneys and city attorneys), correctional officers (including officers in juvenile institutions), parole officers, probation officers, and civilian employees of criminal justice agencies whose specifically assigned duties include the handling of criminal history information.
3. Law Enforcement Agencies - all local and municipal police departments, sheriff's departments, public college and university police departments as defined by Penal Code section 830.2, and state and federal agencies with law enforcement responsibilities.
4. Law Enforcement Purposes - the prevention, detection, and control of crime; the identification, location, and apprehension of criminals; the protection of secured facilities such as headquarters and area stations, or as required or permitted by statute.

V. PROHIBITIONS AND AUTHORIZED ACCESS/RELEASE

A. Prohibitions on Access/Release

1. Department members are to use computer systems to access criminal records only in the performance of their duty. Access of computer systems to obtain criminal records for personal reasons or personal business is prohibited.
2. Access and/or release of state and local summary criminal history information are limited to law enforcement purposes only.

3. Information contained in arrest, juvenile contact and crime case files, and other police records may not be accessed, disclosed, or released, except as authorized by this procedure.
4. No Department member, except personnel specifically designated by the Chief of Police or the Records Commanding Officer (or designee), may release or disclose any criminal history record information or information contained in arrest, juvenile contact and crime case files, or other police records.
 - a. The Domestic Violence (DV) Unit is authorized to release DV crime reports in CRMS to victims of domestic violence.
 - b. Units that are custodians of their own records may release those records to authorized law enforcement agencies, for law enforcement purposes as defined in this procedure. To ensure prompt and efficient compliance with the mandated cross-reporting requirements of Penal Code section 11166, the Child Abuse Unit and Domestic Violence Unit may release CRMS reports. With unit supervisor approval, the Child Abuse Unit may release other records contained in their files to the San Diego County Child Welfare Services Agency.
 - c. Designated San Diego County Probation Department personnel are authorized to access and release CRMS reports to their agents for law enforcement purposes.

B. Authorized Access/Release of Criminal History Record Information

A local agency shall furnish local criminal history information to persons authorized by California Penal Code section 13300. These include, but are not limited to:

1. Peace officers;
2. District attorneys and prosecuting City attorneys;
3. Probation and parole officers; and,
4. The subject of the criminal history.

C. Authorized Access/Release of Arrest and Crime Case Information and Other Police Records

1. Unless otherwise specified by state or federal statute or a valid court order, arrest and crime reports or other police records or information contained

therein, may be released by Records Division or the division that is custodian of the record, only under the following circumstances:

- a. To law enforcement agencies for law enforcement purposes;
- b. To criminal justice personnel for the purpose of executing the responsibilities of their position in a matter relating to the individual whose record is requested;
- c. To attorneys and investigators representing the City of San Diego in any litigation, liability claim, special court, administrative hearing, civil service matter, or precautionary liability evaluation in which the City of San Diego or any City officer or employee is named as a party arising out of an incident described in the report or record maintained or accessed by the San Diego Police Department.
- d. Arrest reports may be released to:
 - (1) The individual who is the subject of the report or an authorized representative, after redacting personal information related to all other persons; and,
 - (2) Any other member of the public, if the date of arrest was within the past 60-day period, and only the limited information relating to the arrest as specified in Government Code section 6254(f)(1) is released.
- e. Crime reports may be released to:
 - (1) The victim of an incident or an authorized representative;
 - (2) The victim of domestic violence by designated DV personnel,
 - (3) An insurance carrier against which a claim has been made;
 - (4) Any person suffering bodily injury or financial loss as a result of the incident;
 - (5) Representatives of the press may be furnished with the front page of each crime report except cases where the victim is a minor or where the victim is one specified in 6254(f) (2) of the California Government Code.

- f. Suspects listed on crime reports are not entitled to receive crime case information.

2. Government Code section 6254 (f) defines information that must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.

 - a. Arrestee Information

The full name and occupation of every person arrested by the agency; the individual's physical description including date of birth, color of eyes and hair, sex, height, and weight; the date, time, and location of arrest (but not the residential address of the victim of a sex crime); and, the factual circumstances surrounding the arrest and all charges on which the individual is being held.

Additionally, date and time of booking; amount of bail set; and time and manner of release or location where the individual is being held are considered public information. Requests are referred to the County Jail.
 - b. Incident Information

The date, substance, and location of all complaints or requests for assistance received; the date, time, and location of occurrence (but not the residential address of a victim of a sex crime); time and nature of the response; the date and time of the report; the name and age of the victim (except victims of those crimes specified in 6254(f) (2) of the California Government Code, including sex crime victims, victims of abuse, underage victims, or victims who specifically request their names be withheld); the factual circumstances surrounding the crime or incident; and a general description of any injuries, weapons, or property involved.

3. Investigative units shall be responsible for notifying Records Division personnel when it is ascertained that release of information on reports would endanger the safety of a witness or other person involved in the investigation or in any way endanger the successful completion of the investigation. **REQUESTS FOR HOMICIDE, CHILD ABUSE, OR SEX CRIME REPORTS MUST BE APPROVED BY THE RESPECTIVE UNIT.**

VI. PROCEDURES FOR RELEASE

A. Certification of Purpose - Indemnification

No agency or person authorized by this Department to receive information contained in the Records Division and in CRMS shall be furnished such information except:

1. When the inquiry is made over the phone and the requestor advises Records Division personnel of the security code word or the Originating Agency Identifier (ORI).
2. When the inquiry is made in writing and the application contains a certification stating:
 - a. The requesting agency or person is familiar with the limited purposes set forth in the policies of the San Diego Police Department for which arrest information may be used; and,
 - b. The specific purpose for which the sought information is to be used.
3. Report copies and criminal history printouts released will contain an indemnification stamp stating:
 - a. The information requested will be used solely for these limited purposes and not to harass, degrade, or humiliate any person; and,
 - b. The requesting agency or person will indemnify the San Diego Police Department for any liability arising out of the improper use of the information provided.
4. Officers of this Department and managerial officials of the City of San Diego are exempt when copies of such documents are released.

B. Providing Criminal History Printouts

1. When a criminal history printout from the computer is provided to an outside agency, it shall be recorded in the "Criminal History Records" logs.
2. A local criminal history printout will be provided to the subject of the criminal history at the time of application and after the appropriate fee is paid.

C. Providing Copies of Arrest and Crime Reports

1. Law Enforcement/Criminal Justice Agencies
 - a. Outside law enforcement agencies and criminal justice personnel may receive complete copies of arrest and crime reports provided the copies contain the indemnification stamp. A release form must be completed for arrest reports and filed with the original report.
 - b. Reports sent by e-mail must be sent encrypted. E-mailed reports may be sent only to law enforcement agencies for law enforcement purposes.
 - c. Completion of the Request for Record Search (PD-199) by San Diego Police Department personnel will serve as an audit trail for paper arrest and crime reports. An electronic audit trail is created for reports in CRMS.
2. Members of the public may purchase copies of arrest and crime reports in accordance with the above outlined procedure and the following:
 - a. The request must be accompanied by the appropriate fee (Victims of DV and identity theft are not charged a fee for a copy of their own reports.);
 - b. The request must include specific information to identify the report. Requests for a general records search will be denied;
 - c. All copies will contain the indemnification stamp;
 - d. Any reference to juveniles must be removed from the report copies prior to release; and,
 - e. Prior to release of arrest reports, any reference to victims or witnesses must be removed from the report copies.

VII. WHEN FOREGOING PROVISIONS MAY BE DISREGARDED

- A. Authorization to release information not strictly in accordance with this Department Procedure must be obtained from the Records Commanding Officer (or designee) or a Police Legal Advisor.
- B. No special authorization is required to withhold the requested information whenever there is a reasonable doubt whether or not information may be released in accordance with this Department Procedure, or when it appears any of the foregoing provisions should be modified or disregarded because of special circumstances.