

Berkeley Police Department

September 11, 2018

Via E-mail at purplecovers@protonmail.com

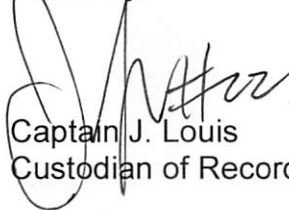
RE: Public Records Act Request Dated August 8, 2018

Dear Purple Covers:

This letter is in response to your California Public Records Act (CPRA) request dated August 8, 2018, seeking *"any and all documents that Berkeley Police had relating to the policy of releasing the photos of arrested people in Berkeley..."*

We will provide you with the emails responsive to your request and our General Order R-23 and R-23(A), subject to redactions for confidential or personal information that is protected from disclosure pursuant to Gov't Code § 625(f).

Sincerely,



Captain J. Louis
Custodian of Records

White, Byron E.

From: Schofield, Kevin M.
Sent: Sunday, August 05, 2018 7:01 AM
To: Neff, Kevin; White, Byron E.
Subject: FW: Info flow from Jail to Twitter
Attachments: image002.jpg; ATT00001.htm; BPD-Twitter mug shot protocol.docx; ATT00002.htm

From: Reece, David K.
Sent: Friday, August 03, 2018 12:20 PM
To: Schofield, Kevin M. <KSchofield@cityofberkeley.info>; Andersen, Ryan M. <RAndersen@cityofberkeley.info>
Cc: Montgomery, Daniel R. <DMontgomery@cityofberkeley.info>; Okies, Joe <JOkies@cityofberkeley.info>; Rolleri, Rico <RRollereri@cityofberkeley.info>; Louis, Jennifer A. <JLouis@cityofberkeley.info>
Subject: Fwd: Info flow from Jail to Twitter

Sent from my iPhone

Begin forwarded message:

From: "Greenwood, Andrew" <AGreenwood@cityofberkeley.info>
Date: August 3, 2018 at 12:16:06 PDT
To: "Reece, David K." <DReece@cityofberkeley.info>
Subject: Fwd: Info flow from Jail to Twitter

Dave,

Pls pass along to JIC/PIO element for use this weekend; not sure who's gonna handle what Steve handled, but here's the protocols.

Thanks

Andrew Greenwood
Chief of Police
Berkeley Police Department

From my iPhone

Begin forwarded message:

From: "Chakko, Matthai" <MChakko@cityofberkeley.info>
Date: August 2, 2018 at 10:15:36 AM PDT
To: "Greenwood, Andrew" <AGreenwood@cityofberkeley.info>
Subject: Info flow from Jail to Twitter

Chief –

Given that there's some legal concerns on the mugshot posting. Attached is the protocol I wrote up last year after the Shapiro events.

Rego did some essential work last year to make the mugshots happen in a timely and accurate fashion. I know he's out. (Schofield believes Ryan Anderson will be in that role.) If at all possible, I'd like to replicate what he did so we don't have any hiccups. I don't know if what he did was standard protocol or just Rego being Rego. If it's standard, we're good. If it's not, these are the things we'd need:

He kept a spreadsheet on a Google Doc that only he could edit and for which others had a link. I have attached a sample spreadsheet had the following columns. (We need to scrub the names in the sample sheet)

- Case #
- Arresting Agency
- Name
- Race
- Sex
- DOB
- Age
- city of residence
- ID – box checked if verified California ID or criminal records
- Photo – box checked if photo has been put into shared folder
- closest street intersection of arrest
- charge(s)

In a shared folder for photos:

- booking photos used the file name that mirrored the arrestee

It may seem elaborate, but if we follow a structure, it's pretty straightforward and greatly reduces the chance of errors.

Thanks,

Matthai

BPD Twitter protocol for mug shots.

Purpose and Background

Given the extraordinary, complex and unprecedented nature of social media in shaping and creating conflict in Berkeley, the Berkeley Police Department used social media to help create a counter-narrative.

The City is aware of only one broken window in 10 protests this year, from March 4 through Sept. 28. There were no reported injuries to any civilians not involved in protests on those ten dates. Dozens of people were arrested. Despite these successes, instigators continued to push a narrative that conflict in Berkeley was necessary due to a lack of BPD presence.

BPD's key messages remained the same for Sept. 14 – 28 as it was for previous protests. These messages were pushed across all platforms – from interviews to social media:

- Our mission is to safeguard our community while facilitating the expression of the first amendment right to free speech.
- The rule of law will be enforced.
- For those who commit crimes, we will work with the community to identify, investigate and prosecute suspects. That applies both during and after such events.

In particular, the city established temporary rules for streets, sidewalks and parks – a critical tool developed by documenting extensive, recent history. These temporary regulations sought to interdict armed individuals from creating violence in streets and sidewalks in a particular zone as well as select parks.

Protocols

To augment those messages, BPD, starting on Sept. 14, worked to post the following information to Twitter for each individual arrest during these social media-driven protests:

- Name
- Age
- city of residence
- closest street intersection of arrest
- charge or charges written in lay terms
- booking photos, colloquially known as “mug shots”

Given the broad national exposure of these Tweets, a very high level of scrutiny was given internally to ensure accuracy. The following steps were taken:

1. The Jail logs were audited by a department sergeant and input into a spreadsheet that included those data points.
2. The log included:
 - a. a column to verify whether the identity was verified through criminal records or a California Drivers License

- b. a notation to indicate whether the arrest was "not protest-related"
 3. The name of the jpeg image file was the same as the name of the arrestee.
 4. Before posting to Twitter, the Lead PIO:
 - a. Looked for any irregularities
 - b. Worked with BPD officers who were field/media PIOs as well as the City Attorney to develop lay language to describe arrest charges. For example:
 - i. Arrest log indicated charges for BMC 13.45.020 (temporary regulations for streets/sidewalks).
 1. Language developed was that individuals were "arrested for carrying a banned weapon" – language that aligns with the messaging goal.
 2. Confirmed with Jail sergeant whether this charge could be interpreted in any other way.
 3. Confirmed with City Attorney whether this charge could be interpreted in any other way.
 - ii. Arrest log indicated charges for BMC 6.32.030 (temporary parks regulations)
 1. Language developed was that individuals were "arrested for carrying a banned weapon or wearing a mask"
 2. Language was changed to "violating safety restrictions in certain parks"
 - iii. PC 405(a)
 1. "taking by means of a riot of another person from the lawful custody of a peace officer" was translated as "attempting to remove a person from police custody."
 - c. Excluded arrests that were not protest related
 - d. Excluded arrests in which identities were not confirmed
 - e. Double checked with the sergeant inputting the file:
 - i. Unusual name spellings
 - ii. Clarified any unusual arrest circumstances
 - f. Discussed with the Lieutenant overseeing communications any unusual arrest circumstances
 - g. Confirmed with BPD intelligence section as to whether there were any unusual circumstances
 5. One tweet with booking photo was deleted:
 - a. Before deletion, screenshot was taken of tweet.
 - b. Memo sent to City Attorney explaining circumstances:
 - i. Person was arrested for being a violent felon in possession of body armor; and person was released
 - ii. Amount of time tweet was published.

Following this protocol resulted in:

- Consistent guidelines and information posted for each individual
- No excessive promotion (no hashtags or other users "tagged," a practice done to promote tweets.)

- Corrected spellings on names
- No posting of non-protest related arrests
- Use of engaging, non-bureaucratic language to emphasize messaging goals.
- Message had unusually deep and broad publication and attention:
 - Quickly reprinted across television, online and print media platforms
 - 8,040 retweets
 - 11,831 “likes”
 - 136,943 “engagements” – times people clicked on these tweets
 - 1,728,529 “impressions” – times that people saw these tweets.

The message had a deep impact on the narrative about the City’s ability to enforce rule of law. Almost immediately, the narrative about BPD and the City changed online and in media.

White, Byron E.

From: Chakko, Matthai
Sent: Monday, August 06, 2018 7:02 AM
To: Steffen, Erin; White, Byron E.
Cc: Schofield, Kevin M.
Subject: Protest-related issues

Erin and Byron -

Byron had been handling all protest related calls about police actions. He should continue to do so. He's at x. 5780

If there are any questions about other issues that Byron or Kevin may think need broader collaboration — such as for the rules for streets, sidewalks and parks — please coordinate. The main purpose of those rules was to give Berkeley Police authority to de-escalate potential violence early.

Thanks, everyone!

Matthai

White, Byron E.

From: Schofield, Kevin M.
Sent: Monday, August 06, 2018 11:39 AM
To: Greenwood, Andrew; White, Byron E.
Subject: FW: list of national night out locations

Fyi

From: Okies, Joe
Sent: Monday, August 06, 2018 11:25 AM
To: Schofield, Kevin M. <KSchofield@cityofberkeley.info>
Subject: Fwd: list of national night out locations

FYSA

Begin forwarded message:

From: "Ioffee, Karina" <Kloffee@cityofberkeley.info>
Date: August 6, 2018 at 10:54:24 PDT
To: "Okies, Joe" <JOkies@cityofberkeley.info>
Subject: RE: list of national night out locations

Great. It will really help us figure out what to say to the (very hungry) media.

Karina Ioffee
Director of Communications and Senior Legislative Aide
Office of Mayor Jesse Arreguin
City of Berkeley
2180 Milvia Street, 5th Floor
Berkeley, CA 94704
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[Sign up for the Mayor's newsletter here.](#)

From: Okies, Joe
Sent: Monday, August 06, 2018 10:53 AM
To: Ioffee, Karina <Kloffee@cityofberkeley.info>
Subject: RE: list of national night out locations

That's a question best answered by the PIO or the Chief. I'll let Byron know about this so he can discuss with the Chief and get back to you.

From: loffee, Karina
Sent: Monday, August 06, 2018 10:51 AM
To: Okies, Joe <JOkies@cityofberkeley.info>
Subject: RE: list of national night out locations

Thanks Joe. I do have another question, this one having to do with yesterday's protest. We are getting emails and calls from the media about why BPD decided to post the names and mugshots on Twitter of those arrested yesterday. I know the info is public, but police don't usually post this kind of information on social media. What's the thinking behind that?

thanks

Karina loffee
Director of Communications and Senior Legislative Aide
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Sign up for the Mayor's newsletter here.

From: Okies, Joe
Sent: Monday, August 06, 2018 10:48 AM
To: loffee, Karina <Kioffee@cityofberkeley.info>
Subject: RE: list of national night out locations

Hi Karina,

I talked to Kevin Schofield. Sounds like his office is sorting through the list, removing duplicates, and organizing the entries based on council districts. They should be done shortly and will send you a copy.

Let me know if you have any other questions, otherwise I'll see you tomorrow night.

Thanks,

Joe

From: loffee, Karina
Sent: Monday, August 06, 2018 10:36 AM
To: Okies, Joe <JOkies@cityofberkeley.info>
Subject: list of national night out locations

Hi Lt. Okies,

We just spoke. Please send us the list of National Night out locations so that we can plan our stops tomorrow.

Many thanks!

Karina Ioffe
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Sign up for the Mayor's newsletter [here](#).

White, Byron E.

From: Greenwood, Andrew
Sent: Thursday, August 09, 2018 11:01 AM
To: Schofield, Kevin M.; White, Byron E.
Cc: Reece, David K.
Subject: 20180808MessageonbookingphotosC1.docx
Attachments: 20180808MessageonbookingphotosC1.docx

Follow Up Flag: Follow up
Flag Status: Flagged

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 2, 2009

GENERAL ORDER R-23

SUBJECT: RELEASE OF PUBLIC RECORDS AND INFORMATION

PURPOSE

- 1 - The purpose of this Order is to establish the policy for release of public records to the public.

POLICY

- 2 - It shall be the policy of the Berkeley Police Department to release copies of public records, unless release would endanger a private person or law enforcement personnel, harm a law enforcement investigation, constitute an unwarranted invasion of privacy, or is prohibited by law.

DEFINITIONS

- 3 - Public Record: any writing or archival record containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.
- 4 - Member of the Public: any person, except 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.
 - (a) Notwithstanding the definition of "member of the public," an elected member or officer of any state or local agency is entitled to access public records of that agency on the same basis as any other person.
- 5 - Person: any natural person, corporation, partnership, limited liability company, firm, or association.
- 6 - Custodian of Records: The Support Services Division Captain, or his/her designee, shall serve as Custodian of Records for written incident and investigative reports. For all other records maintained by this department, the Administrative Division Captain, or his/her designee, shall serve as Custodian of Records.

PROCEDURES

- 7 - The Custodian of Records shall be the person responsible for release of public records. No record shall be released to the public without his/her approval.
 - (a) Release of information by the Public Information Officer, in accordance with General Order P-29, shall adhere to the standards set forth in this Order.
- 8 - A request for a public record shall be received in any form, including an oral request.

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DATE ISSUED: November 2, 2009

GENERAL ORDER R-23

- (a) Any question or concern regarding the nature or propriety of a public record request shall be forward to the Custodian of Records for review and determination.
- 9 - The Support Services Division Service Bureau will be primarily responsible for receiving public record requests and disseminating records authorized for release.
- 10 - The following reports, documents or information shall not be released unless specifically authorized by law or Court Order:
- (a) The name or address of a juvenile arrested, detained, or who is a suspect in a police investigation, or any information which might lead to his/her identification;
 - (b) Vehicle collision reports involving death or personal injury, except to "persons with a proper interest therein" (Vehicle Code §20012);
 - (c) Incidents or investigations involving child neglect or abuse, either physical or emotional (Penal Code §§11167 and 11167.5);
 - (d) Incidents or investigations regarding violent or abusive conduct reported by a health care provider (PC §11163.2(b));
 - (e) The name and address of a victim of a sex crime, domestic violence, child abuse, stalking, or a hate crime, if confidentiality is requested by the victim, or if a minor, his/her parent or guardian (Government Code §6254(f)(2));
 - (f) Reports of suspected abuse of an elder or dependent adult (Welfare and Institutions Code §15633);
 - (g) Reports or information received from other agencies; and,
 - (h) Any other report or other information not listed above, the release of which is prohibited by Federal or State law.
- 11 - The Department has discretion to withhold release of a police report, document or information contained therein, when its release would:
- (a) Endanger the safety of a witness or other person involved in an investigation;
 - (b) Endanger the safety of law enforcement personnel;
 - (c) Impede the successful completion of an investigation;
 - (d) Reveal confidential investigative techniques or procedures;

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- (e) Reveal the identity of confidential informants or sources of information, including names, statements, and locations;
 - (f) Reveal information constituting an unwarranted invasion of privacy;
 - (g) Reveal the name and address of any person detained pursuant to WIC §5150, where disclosure would constitute an unwarranted invasion of privacy;
 - (h) Reveal information maintained in confidential or law enforcement sensitive databases or information management systems (e.g., NCIC, CLETS, DMV files, etc.); or,
 - (i) Reveal a person's criminal history information.
- 12 - The following public information shall be released subsequent to administrative review of the Custodian of Records, unless release would endanger the safety of a person involved in an investigation, or endanger the successful completion of the investigation or a related investigation:
- (a) Arrest information for arrests made within six (6) months of the date of the public information request (GC §6254(f)(1)):
 - (1) The arrestee's name, occupation, date of birth, and physical description, including gender, height, weight, and color of eyes and hair;
 - (2) The date, time and location of arrest, and the date and time of booking;
 - (3) The factual circumstances surrounding the arrest, the amount of bail set, the location where the individual is currently being held, or the time and manner of release; and,
 - (4) All charges the individual is being held upon, including any outstanding warrants from other jurisdictions, and parole or probation holds.
 - (b) Complaints and requests for assistance made within six (6) months of the date of the public information request. (GC §6254(f)(2)):
 - (1) The time, substance, and location of all complaints or requests for assistance received by this department, and time and nature of response thereto, including, to the extent the information is recorded, the time, date and location of occurrence, and the time and date of the report.

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DATE ISSUED: November 2, 2009

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- (2) The victim's name, age and address, unless his/her name and address are not be disclosed pursuant to paragraph 10(e) of this Order.
 - (3) Factual circumstances surrounding the crime or incident, and a general description of any injuries, property or weapons involved.
- (c) Information **required to be released to misdemeanor or felony crime victims, their agents, and insurers (GC §6254(f))**:
- (1) Names and addresses of persons involved in the incident;
 - (2) Names and addresses of witnesses (other than confidential informants) to the incident;
 - (3) The description of any property involved;
 - (4) The date, time and location of the incident;
 - (5) Statements of parties involved in the incident;
 - (6) Statements of witnesses (other than confidential informants); and,
 - (7) All diagrams.
- (d) Release of a complete copy, without redaction, of an identity theft (PC §530.5) police report to the victim of said offense (PC §530.6(a)).
- 13 - Appeals relating to a denied request for the release of public records shall be forwarded to the Custodian of Records for review and disposition.
- 14 - Supervisory and command personnel may release verbatim excerpts from the General Orders, Training and Information Bulletins, or written policy directives of their particular command, and may quote statutory law which effects this Department and its conduct of public business.
- 15 - Subsequent to the approval of the Chief of Police, the Public Information Officer, his/her designee, and command personnel may respond to criticism of their particular command, of the activities of members of their command, or of the department, except when the criticism has resulted in an Internal Affairs investigation of alleged misconduct.
- 16 - Guideline Matrix. A guideline matrix for public record release is attached to this Order, and is provided to facilitate clarity and efficiency regarding the evaluation and satisfaction of public record requests.

BERKELEY POLICE DEPARTMENT

DATE ISSUED: November 2, 2009

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References: Evidence Code §§1040 – 1042
Government Code §§6251 – 6265 and 13960
Penal Code §§530.5, 530.6(a), 841.5, 964, 11075, 11076, 11105,
11163.2(b), 11167, 11167.5 and 13300 et seq.
Welfare and Institutions Code §§5328 and 15633
Vehicle Code §§16005 and 20012
TNG v. Superior Court (4 C.3d 767 (1971))
City of Berkeley Administrative Regulations
General Order P-29
Support Services Division Manual

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.

NAMES AND ARRESTEE INFORMATION			
Subject	Release	No Release Reason	Further Direction
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)]		

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

NAMES AND ARRESTEE INFORMATION (continued)			
Subject	Release	No Release Reason	Further Direction
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.

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

NAMES AND ARRESTEE INFORMATION (continued)			
Subject	Release	No Release Reason	Further Direction
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>	

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

NAMES AND ARRESTEE INFORMATION (continued)			
Subject	Release	No Release Reason	Further Direction
<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>

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

PHONE NUMBERS			
Subject	Release	No Release Reason	Further Direction
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.	

ADDRESS INFORMATION			
Subject	Release	No Release Reason	Further Direction
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>	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.	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.]

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

ADDRESS INFORMATION (continued)			
Subject	Release	No Release Reason	Further Direction
			<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>
<p>Juvenile arrestee <u>address</u> and Juvenile suspect <u>address</u>.</p>	<p>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.</p>	<p>Release prohibited (except in limited circumstance noted) by Alameda County Court Order dated 4/7/1995; WIC §§601, 602. [TNG v. Superior Court]</p>	<p>Prior to release to victim confirm status of case is no longer active in Juvenile Court.</p>

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

OTHER PERSONAL INFORMATION			
Subject	Release	No Release Reason	Further Direction
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.

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

MUG SHOTS			
Subject	Release	No Release Reason	Further Direction
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.

THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE			
Subject	Release	No Release Reason	Further Direction
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.		

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE (cont.)			
Subject	Release	No Release Reason	Further Direction
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.

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

THE POLICE REPORT NARRATIVE, STATEMENTS, DIAGRAMS, PHOTOS, AND COMMUNICATION TAPE (cont.)			
Subject	Release	No Release Reason	Further Direction
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.
Complete, unredacted police report in ID theft (PC530.5) cases.	Yes, to victim only (PC §530.6(a)).		

CRIMINAL HISTORY INFORMATION			
Subject	Release	No Release Reason	Further Direction
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]		

Except for headers, highlighted text is new.

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

CRIMINAL HISTORY INFORMATION (continued)			
Subject	Release	No Release Reason	Further Direction
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.	

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

OPEN AND CLOSED INVESTIGATIONS, HOMICIDE REPORTS			
Subject	Release	No Release Reason	Further Direction
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>

SPECIAL POLICE REPORTS			
Subject	Release	No Release Reason	Further Direction
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.	

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

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

REQUESTS BY UNINVOLVED PARTIES, VICTIMS, AND SPECIAL REQUESTS			
Subject	Release	No Release Reason	Further Direction
Can an uninvolved party obtain a police report?	<p>Uninvolved parties will have access to the same information as involved parties, except in the following three situations:</p> <p>(1) in compliance with Alameda County Superior Court Juvenile Court Order dated 4/7/95 (release certain information to victim only in juvenile cases in certain circumstances, except if it will endanger a person or investigation);</p> <p>(2) in accordance with GC §6254(f) (may withhold from an uninvolved party certain information releaseable to a victim of a misdemeanor or felony crime); and,</p> <p>(3) pursuant to VC §§16005 and 20012 (release to involved parties only re: collision reports.)</p> <p>A release of information to a crime victim, involved party, or their representative, under these three circumstances does not modify otherwise applicable rules regarding release to others.</p>		

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

REQUESTS BY UNINVOLVED PARTIES, VICTIMS, AND SPECIAL REQUESTS (continued)			
Subject	Release	No Release Reason	Further Direction
Can a victim of a misdemeanor or felony (but not an infraction), or their agent or insurance company, obtain a police report?	<p>In part. Release of the following information to the victim (or their agent or insurer) is required under Government Code section 6254(f), except where: the release is prohibited by law (e.g., certain juvenile cases (see above)); is witness information in pending criminal cases; the release would endanger a person's safety; or, impede the successful completion of the investigation or a related investigation:</p> <ul style="list-style-type: none"> (1) names and addresses of persons involved in the incident; (2) names and addresses of witnesses (other than confidential informants) to the incident; (3) description of any property involved; (4) date, time and location of the incident; (5) statements of parties involved in the incident; (6) statements of witnesses (other than confidential informants); and, (7) all diagrams. 		

GUIDELINES FOR RELEASE OF REPORTS AND INFORMATION THEREIN

REQUESTS BY UNINVOLVED PARTIES, VICTIMS, AND SPECIAL REQUESTS (continued)			
Subject	Release	No Release Reason	Further Direction
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.	<p>Yes, unless:</p> <ul style="list-style-type: none"> (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. <p>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.)</p>		Custodian of Records to decide.

SEARCH WARRANTS			
Subject	Release	No Release Reason	Further Direction
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.	