

## PUBLIC RECORDS ACT AB277 (0600)

(No. 2, November, 1996)

### Public Disclosure of Crime and Arrest Report

The California Government Code and the Public Records Act clearly established the right of the public and the news media to obtain information considered to be of public record. Government Code Section 6254(f) was amended and signed into law in 1982.

Government Code Section 6254. Except as provide in Section 6254.7 nothing in this chapter shall be construed to require disclosure of records that are of the following:

(f) Records of complaints to or investigations conducted by, or records of intelligence information or security procedures of, the office of the Attorney General and the Department of Justice, and any state or local agency, or any such investigatory or security files compiled by any other state or local police agency, or any such investigatory or security files compiled by any other state or local agency for correctional, law enforcement or licensing purposes, except that state and local law enforcement agencies shall disclose the names and addresses of persons involved in, or witnesses other than confidential informants to, the incident, the description of any property involved, the date, time, and location of the incident, all diagrams, statements of the parties involved in the incident, the statements of all witnesses, other than confidential informants, to the victims of an incident, or an authorized representative thereof, an insurance carrier against which a claim has been or might be made, and any person suffering bodily injury or property damage or loss, as a result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft, or a crime of violence as defined by subdivision (b) of Section 13960, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger successful completion of the investigation or a related investigation provided, however, that nothing herein shall require the disclosure of that portion of those investigating files which reflect the analysis or conclusions of the investigating officer.

Other provisions of this subdivision notwithstanding, state and local law enforcement agencies shall make public the following information, except to the extent that disclosure of a particular item of information would endanger the successful completion of the investigation or a related investigation:

1. The full name, current address, the occupation of every individual arrested by the agency, the individual's 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 upon, including any outstanding warrants from other jurisdictions and parole or probation holds; and

- 2 The time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, including, to the extent such information regarding crimes alleged or committed or any other incident investigated is recorded, the time date and location of occurrence, the time and date of the report, the name, age, and current address of the victim, , except that the address of the victim of any crime defined by Section 261, 264, 264.1, 273a, 273d, 285, 288a or 289 of the Penal Code shall not be disclosed the factual circumstances surrounding the crime or incident, and a general description of any injuries, property of weapons involved.

The California State Penal Code Section 409.5(d) allows the news media to enter scenes of disaster, riot, or civil disturbance. This does not include crime scenes, and does not imply that the news media can interfere with incident operations while they are in the areas concerned.

Section 409.5 [Power of peace officers to close areas during emergencies: Entering or remaining within area as misdemeanor: Exception as to newspaper representatives, etc..] (a) whenever a menace to the public health or safety is created by a calamity such as flood, storm, fire, earthquake, explosion, accident, or other disaster, officers of the California Highway Patrol, policy departments, or sheriff's office, any officer or employee of the Department of Forestry and Fire Protection designated a peace officer by subdivision (f) of Section 830.3 and any officer or employee of the Department of Parks and Recreation designated a peace officer by subdivision (i) of Section 830.3, may close the area where the menace exists for the duration thereof by means of ropes, markers, or guards to any and all persons not authorized by such officer to enter or remain within the closed areas. If such a calamity creates an immediate menace to the public health, the local health officer may close the area where the menace exists pursuant to the conditions which are set forth above in this section.

(b) Officers of the California Highway Patrol, policy departments, or sheriff's office or officers of the Department of Forestry and Fire Protection designated as peace officers by subdivision (f) of Section 830.3 may close the immediate area surrounding any emergency field command post or any other command post activated for the purpose of abating any calamity enumerated in this section or any riot or other civil disturbance to any and all unauthorized persons pursuant to the conditions which are set forth in the section whether or not such field command post or other command post is located near to the actual calamity or riot or other civil disturbance.

(c) Any unauthorized person who willfully and knowingly enters an area closed pursuant to subdivision (a) or (b) and who willfully remains within such area after receiving notice to evacuate or leave shall be guilty of a misdemeanor.

(d) Nothing in this section shall prevent a duly authorized representative of any news service, newspaper, or radio or television station or network from entering the areas closed pursuant to this section.

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