

**WRITTEN AND VERBAL DOCUMENTATION
AND ACCESS`**

9483

(February 2002)

The employee shall possess the capabilities to communicate effectively and professionally through oral, written, and electronic means.

DEPARTMENT CASE REPORT STANDARDS

9483.1

(February 2002)

It is the Department's policy that all case reports will be written in a specific order of presentation called the "category reporting writing style." Exceptions will be permitted only when necessary to comply with other handbook instructions.

The style will utilize ten categories and each category will always appear in the same order of presentation, as defined and listed in the CDF Case Report Writing Manual. The CDF Case Report Writing Manual may be ordered from the Sacramento Service and Supply office, stock number 7690-130-0112.

PUBLIC ACCESS TO LAW ENFORCEMENT RECORDS

9483.2

(February 2002)

The Public Records Act and the Information Practices Act GC Sections 6250-6260 prescribe the conditions in which records of the state may be made available to the public. These laws provide for the exclusion of certain records from general disclosure requirements. Department records that are exempt from disclosure are identified as "confidential."

RELEASE OF LAW ENFORCEMENT RECORDS

9483.3

(February 2002)

The Public Records Act and the Information Practices Act exempts certain information from mandatory release as a public record. Generally, this information consists of the following:

- Complaints to a law enforcement agency.
- Investigations conducted by a law enforcement agency.
- Intelligence information.
- Security procedures.

VICTIMS' RIGHTS
(February 2002)

9483.3.1

GC Section 6254(f) identifies certain information that must be made available to victims of specified crimes and incidents unless release of the information would endanger the safety of a person or the successful completion of any of the following investigations:

- | | | |
|-------------|------------------|-----------------------|
| -- arson | -- explosion | -- crimes of violence |
| -- burglary | -- robbery | -- vandalism |
| -- fire | -- vehicle theft | -- larceny |

The following is the list of data that must be made available:

- Names and addresses of persons involved in the incident (except confidential informants).
- Description of any property.
- Date, time, and location of the incident.
- All diagrams.
- Statements of parties involved in the incident.
- Statements of all witnesses (except confidential informants).

The above list of information must be provided to the following:

- The victim.
- An authorized representative of the victim.
- An insurance carrier against which a claim has been or might be made.
- Any person suffering bodily injury or property damage as a result of the incident.

ARRESTEE INFORMATION
(February 2002)

9483.3.2

The following arrestee information must be released:

- The full name, current address, and occupation of every person arrested by the agency.
- The arrestee's physical description including date of birth, sex, weight, color of eyes and hair, and height.
- Date and time of arrest.
- Date and time of booking.
- Location of arrest.
- Factual circumstances surrounding arrest.
- Amount of bail set.
- Time and manner of release or location where the arrestee is being held.
- All charges upon which the subject is being held, including outstanding warrants and probation/parole holds.

INCIDENT INFORMATION
(February 2002)

9483.3.3

The following incident information must be released:

- Time, substance, and location of all complaints or requests for assistance.
- Time and nature of response thereto.
- Time, date, and location of occurrence.
- Time and date of the report.
- Name, age, and current address of victim (except that sex crime victim's address does not have to be released).
- The factual circumstances surrounding the crime or incident.
- General description of any injuries, weapons, and property involved.

OTHER DEPARTMENTAL INFORMATION OR RECORDS **9483.3.4** **(February 2002)**

Fire Reports (FC-18s) and other records not described in Section 9483, et al must be released but will not be released below the Unit headquarters' level. Upon receipt of any request for a public record, the employee receiving the request should check above to determine whether or not the record requested is included. If the record can be released in some circumstances, the person should be referred as indicated below. If in doubt as to status of any record, the request should be referred by phone to the Region Fire Prevention Program Manager or the Deputy Chief of Law Enforcement before any action is taken to make the record available for inspection or copying.

Requests for release of any records or reports should be processed as follows:

- A request for any record or report other than a Preliminary Fire Investigation Report (LE-66), as specified below will be referred to the Region Fire Prevention Program Manager or Region Law Enforcement Coordinator. If the Program Manager or Law Enforcement Coordinator have any questions concerning release at the regional level, they should be referred to the Deputy Chief of Law Enforcement.
- An LE-66 that does not indicate a violation of a statute or does not indicate negligence either in the report or supplements may be released down through Unit Fire Prevention Bureau Chief.
- When only non-felony criminal violations or negligence is reported on the LE-66 and review by the Fire Prevention Bureau Chief at the Unit indicates that no criminal or civil action is being considered, is pending, or has been filed, the report may be released down through the Unit Fire Prevention Bureau Chief level.
- When a violation has been referred to a district attorney for prosecution, any request for a copy of the LE-66 should be referred directly to the district attorney's office.

CRIMINAL RECORDS **9483.4** **(February 2002)**

PC Section 11075-11081 makes the Attorney General responsible for the security and privacy of criminal offender record information in California. The Attorney General has developed regulations governing the release of criminal offender record information to make specific the requirements of the statute (CAC, Chapter 1, Title 11). Section 702(a) of the regulations requires each agency to adopt written regulations, and these instructions have been prepared to comply with that requirement.

CRIMINAL OFFENDER RECORD INFORMATION (February 2002)

9483.4.1

Criminal offender record information is defined in PC Section 11075. The two keys to criminal offender record information are that it is made up of information collected as the result of an arrest and that the information is stored in summary format. This includes the following:

- California Department of Justice rap sheets.
- Criminal history information received from the California Department of Justice (CLETS).
- Department of Justice computerized criminal history system printouts (CHS).
- Federal Bureau of Investigation or other states' rap sheets.
- Information maintained in the Department's alpha index (3 x 5 cards).

Individual arrest, incident, and crime reports are covered by the Public Records Act (GC Sections 6250-6260) and are not considered to be criminal offender record information.

MEGAN'S LAW ACCESS (February 2002)

9483.4.2

California's Megan's Law is a means of ensuring public safety and shall not be construed as punitive towards sex offenders. The goal of Megan's Law is to better protect the citizens from registered sex offenders, through individual agency's notification procedures.

CDF's access as a law enforcement agency is to provide assistance for criminal investigations and to ensure the safety of the public. Due to the high-risk access to children at fairs and schools, individuals' participating in the Department's Volunteers In Prevention (V.I.P.) Program may be screened through the sex offender's listing. If a V.I.P. is identified as a registered sexual offender the person is to be notified, and their participation in the V.I.P. Program will be terminated.

Megan's Law files are not to be accessed for any other purpose. This does not apply to training of personnel on the program operation or on-going criminal investigations.

The access to Megan's Law is through the Region Volunteer In Prevention Program Manager.

DETERMINING “NEED AND RIGHT” TO KNOW
(February 2002)

9483.4.3

Right-to-Know

The right-to-know is the legal authority, granted by statute or court order, for a person or agency to have access to criminal offender record information. Those persons or agencies with a right-to-know are set out in PC Section 11105 and listed in the Department of Justice authorized agencies list. CDF is one of the agencies listed.

Need-to-Know

The need-to-know is the official purpose for which the information may be requested and used. The need-to-know for the various requesters is covered in the Department of Justice authorized agencies list under the certification of compelling need found in each section. The fact that CDF is conducting an investigation is sufficient justification.

Criminal offender record information should not be requested from the California Department of Justice or any local law enforcement agency until the individual requester's right-to-know and need-to-know have been established.

LAW ENFORCEMENT RECORD SECURITY OFFICER
(February 2002)

9483.4.4

The Deputy Chief of Law Enforcement is designated as the Department's Record Security Officer. In each Region, the Fire Prevention Program Manager is the Record Security Officer. In each Unit, the Fire Prevention Bureau Chief is the Record Security Officer. This general rule may be modified upon approval of a written request.

RELEASE OF CRIMINAL OFFENDER INFORMATION
(February 2002)

9483.4.5

Criminal offender record information (CORI) maintained by this Department will not be released to any other agency. Agencies or departments wishing to obtain CORI will be referred either to the California Department of Justice or to the local agency that created the record. (Exception: The Attorney General has determined that the Department may share information with other enforcement agencies if it will aid in the apprehension of criminals.) Criminal offender record information will be stored in a secure area, and only persons authorized by the Record Security Officer may access criminal offender record information maintained by this Department.

Any variation from this policy must be approved by a Record Security Officer and must be documented in writing. Any release of a California Department of Justice rap sheet must be documented in the following manner:

- A record will be maintained of each release of state summary criminal offender record information and will contain the date of dissemination, the name of the agency, and, when possible, the name of the person to whom the information was given, the extent of the information given, and how it was transmitted.
- The Record Security Officer will comply with any reasonable request made by a representative of the Department of Justice relative to any security and privacy audit of this Department.

JUVENILE RECORDS

9483.4.6

(February 2002)

Juvenile records are not to be released except to the Juvenile Court, Probation Department, or other law enforcement agencies, except under an order from the Juvenile Court. Since each judge establishes their own procedures for the release of juvenile records, a copy of the procedure should be obtained in each situation.

RECORD DESTRUCTION

9483.4.7

(February 2002)

Criminal offender record information will be destroyed by shredding, burning, etc. All criminal offender record information will be destroyed in such a way that the subject's name can no longer be identified. Criminal offender record information will be destroyed by a person authorized by the Record Security Officer to do so.

RECORD REPRODUCTION

9483.4.8

(February 2002)

Criminal offender record information will not be reproduced by this Department. Any variance in this policy must be approved by the records security officer and will be documented in writing.

TRAINING

9483.4.9

(February 2002)

All members of this Department with access to criminal offender record information are required to read and understand this policy. The Record Security Officer will, if possible, attend a Department of Justice session in the proper use and control of criminal offender record information. If this is not possible, they will familiarize themselves with the various laws and rules regarding record security.

PENALTIES FOR UNAUTHORIZED RELEASE
(February 2002)

9483.4.10

Misuse of California Department of Justice rap sheet information is a misdemeanor. Violation of these instructions or the statutes and regulations regarding record security may result in suspension, dismissal, and/or prosecution. Code sections that describe possible violations include the following:

- PC Section 502--Stealing information from a computer (felony).
- PC Section 11142, et seq.--Furnishing record or information to an unauthorized person (misdemeanor).
- GC Section 6200--Illegal removal of records by officer or custodian (felony).
- GC Section 6201--Illegal removal of records by others (felony/misdemeanor).

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)