

CHAPTER 2
PRIVILEGED PUBLICATION MATERIAL
REVISED APRIL 2021
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CHAPTER 2

PRIVILEGED PUBLICATION MATERIAL

1. EXEMPTIONS.

a. Officer Safety and Internal Security. Certain material contained in CHP publications involves officer safety and/or internal security. Such material, by statute (Government Code Section 6254[f]) and decisional law (*Northern California Police Practices Project [NCPPP], et al., v. Glendon Craig, et al.*, 90 Cal.App.3d 116), is exempt from public disclosure. (Refer to Annex A.)

b. Public Policy. Material involving public policy, when it can be demonstrated that the public interest can be better served by withholding material than disclosing it, is exempt from disclosure under Government Code Section 6255. Selected portions of CHP enforcement policy fall within this exempt category.

c. Unauthorized Disclosures. Unauthorized disclosures of exempt publication material constitute a waiver of privilege. One such unauthorized disclosure could require that the material disclosed be subsequently considered a public record, and no longer privileged; and therefore, subject to review or sale to the general public. **Such unauthorized disclosures are grounds for disciplinary action, including dismissal.**

d. Publications Exemption – Limited. The Appellate Court decision, *NCPPP, et al., v. Glendon Craig, et al.*, applies only to publications and should not be cited as authority for the privilege of other documents or material which may be exempt from disclosure under other statutes.

2. POLICY. The CHP will identify exempt material in internal publications by a special computer function that provides a shaded overlay. (Refer to paragraph 3.b.[1] of this chapter.) Such identified portions of publications shall not be disclosed by employees except as authorized by this chapter.

3. IDENTIFICATION OF EXEMPT MATERIAL.

a. Responsibility. Identification of exempt material in new or revised publications is the responsibility of the Office of Primary Interest (OPI). An entire publication cannot be withheld from disclosure simply because it contains exempt material. Only those specific sentences, paragraphs, etc., necessary to ensure protection or safety/security of public policy information shall be designated as privileged

material. Any questions about material in a publication that is identified as exempt shall be directed to the OPI.

b. Identifying Exempt Material. In identifying material as exempt from disclosure, the author shall adhere to the narrow scope provided in *NCPMP, et al., v. Glendon Craig, et al.* Project officers for publications shall, prior to designating exempt material, review and familiarize themselves with this decision (refer to Annex A). Material designated as exempt must affect peace officer safety/security or involve policy that is not in the general public's best interest to know (e.g., it could encourage law violations, arrest evasion). To shade material because it is the author's preference that it not be subject to disclosure to the public is a violation of the Public Records Act (PRA). The PRA clearly declares the conduct of the people's business is a fundamental and necessary right of every person in this state.

(1) Overlay. By use of a computer function, the OPI shall place a grey, shaded overlay on the master copy of new or revised publications anywhere material is identified as exempt (refer to Annex B for an example). Instructions for adding grey shading to a document are in Microsoft Word.

(a) The appropriate headings in the table of contents should be shaded to reflect the corresponding exempt material contained within the publication.

(2) Identifying Exempt Material on the CHP 60, Staff Summary Statement. On the CHP 60 (section 2., line k.), "Contains exempt material," shall be marked "Yes" so as to alert all review levels that the content includes exempt material.

(3) Master Copies of Publications. Master copies of publications containing exempt material will be provided by the OPI and maintained by the Publications (Pubs) Unit in two forms:

(a) Originals with exempt material overlaid in grey shading – prepared by OPI. (Refer to Annex B.)

(b) Sanitized copies with the exempt wording removed – prepared by the OPI.

4. SANITIZING A PUBLICATION. A publication is to be sanitized (also referred to as redacted) when being provided to someone not authorized to be in possession of the information as defined within this chapter. All information within a publication that is overlaid with grey shading is to be removed when a publication needs to be sanitized. When a publication is sanitized, the spacing within the document shall remain the same as when the words are still present.

a. There are several acceptable ways to sanitize a publication including the following:

- (1) Leave the grey shading in a publication and remove only the exempt words; or
- (2) Remove both the exempt words and the grey shading (refer to Annex C); or
- (3) Change both the shading and font to white; or
- (4) Place black highlighting over the exempt material.

NOTE: Regardless of the method chosen, the Pubs Unit will print and scan the sanitized version of the publication for its records. Creating a scanned PDF version, rather than creating the PDF from the Word document, is presently the only way to ensure the Adobe read-aloud feature is rendered useless.

b. Publications containing exempt material must have the nondisclosure statement of exempt material included on the front cover and the title page. (Refer to Chapter 3, Specifications, paragraph 8.b.[6] and Annex B, for additional information and examples.)

(1) In a General Order (GO), there is no cover or title page; therefore, in GOs, the wording is to be placed in the top right-hand corner of the first page.

5. DISCLOSURES.

a. Internal and Allied Agency Use. All exempt material within a publication is for internal use only.

- (1) Internal use includes the Department's legal counsel (i.e., the Department's Office of Legal Affairs [OLA]).
- (2) If publications with exempt material are requested for litigation purposes, only the sanitized version shall be provided.
- (3) Publications with exempt material may be shared with allied agencies without waiving privilege when used for internal purposes (e.g., education, coordination, and development of parallel/consistent enforcement policies).
- (4) Disclosures to allied agencies are contingent upon their agreement that no further disclosures will be made. In addition, a copy of the exempt material disclosure statement may be attached to publications distributed to allied agencies to caution them that further disclosures are not permitted.

- (a) Copies of publications sent to allied agencies are to be sent to a work address, not a person's residence.
- b. Contractors and Agents. Contractors or agents acting for the Department are authorized to access exempt material when required by the nature of the work being performed for the Department (e.g., a consultant needing information to conduct training related to internal security). Only that material relevant to the work being performed shall be disclosed. Contractors and agents are prohibited from further disclosing material and are to be advised that the same restrictions apply.
- c. General Public. Publications printed in a sanitized version (privileged portions deleted) are distributed to the public when copies are demanded under the PRA. The OPI shall provide the Pubs Unit with the most current versions of the sanitized publications. The Pubs Unit will maintain these versions, determine their cost, and be responsible for their disclosure. Requests for copies shall be referred to the Pubs Unit.
- d. Former Employees. Former CHP employees are regarded in the same way as the general public; they have no right to obtain or disclose exempt material contained in publications. Providing former CHP employees with exempt material could be a violation of Government Code Section 6254(f).
- e. Subpoenas and Court Motions. Subpoenas or court motions may occasionally request production of exempt material. In such instances, privilege will be claimed in court and no disclosures made unless by court order. A disclosure through court order does not constitute a waiver of privilege. Refer the requestor to OLA, Case Management Unit (CMU), at (916) 843-3120.
- f. Protection of Privilege. Questions concerning the release or the use of privileged material, other than what is authorized by this chapter, and situations requiring court appearances, shall be referred to OLA, CMU, for advice or assistance.
- g. Privileged CHP Publications. Publications currently identified as containing exempt material are listed in Annex D.
- h. Destruction of Exempt Material. Publications containing exempt material are to be disposed of in the same manner as other confidential material. (Refer to Highway Patrol Manual 11.1, Administrative Procedures Manual, Chapter 11, Records Management, paragraph 8.e.)

ANNEX A

NORTHERN CALIFORNIA POLICE PRACTICES PROJECT, ET AL., V. GLENDON CRAIG, ET AL.

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153 Cal.Rptr. 173
(Cite as: 90 Cal.App.3d 116)

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**NORTHERN CALIFORNIA POLICE
PRACTICES PROJECT et al., Plaintiffs and
Appellants,**

v.

**GLENDON CRAIG, Individually and as
Commissioner, etc., et al., Defendants and
Respondents.**

Civ. No. 16711.

Court of Appeal, Third District, California.

Mar. 6, 1979.

SUMMARY

A taxpayer and two associations brought an action under the Public Record Act (Gov. Code, § 6250 et. seq.), to compel the disclosure of various documents utilized by the California Highway Patrol in training its officers. The trial court refused to order disclosure of those portions of the requested materials that dealt with security and safety procedures. The trial court also refused to order the segregation and disclosure of nonsensitive material of common knowledge that was contained in documents that were otherwise nondisclosable under Gov. Code, § 6254, subd. (f) (exemption for specified police records). (Superior Court of Sacramento County, No. 264194, B. Abbott Goldberg, Judge.)

The Court of Appeal reversed and remanded with directions to segregate and disclose nonexempt information located in otherwise exempt documents. The court held that records dealing with security and safety procedures utilized by the highway patrol in the performance of its police function are exempt from disclosure. However, the court held that an entire document cannot be withheld simply because it contains some exempt material. The court also held that findings of fact were not required since the propriety of the claim of exemption was a question of law, not fact. (Opinion by Evans, J., with Puglia, P. J., and Regan, J., concurring.)

HEADNOTES

Classified to California Digest of Official Reports

(1a, 1b) Records and Recording Laws § 21--

Inspection of Public Records-- Exemption for Police Security and Safety Procedures.

In *117 an action under the Public Records Act (Gov. Code, § 6250 et seq.), to compel the disclosure of various documents utilized by the California Highway Patrol in training its officers, the trial court properly exempted from disclosure matters dealing with security and safety procedures of the highway patrol in the performance of its police function. (Gov. Code, § 6254, subd. (f) (exemption for specified police records).)

[See Cal.Jur.3d, Records and Recording Law, § 7; Am.Jur.2d, Records and Recording Laws, § 27.]

(2) Records and Recording Laws § 12--Inspection of Public Records-- Statutory Construction-- Legislative Intent.

In interpreting the Public Records Act (Gov. Code, § 6250 et. seq.), a court is constrained only to carry out the stated and obvious intent of the Legislature and must consider all matters, including the restrictions, contained in the act.

(3) Trial § 132--Findings of Fact and Conclusions of Law--Necessity for Findings of Fact--When Question of Law at Issue.

Findings of fact are not required when the question presented at trial is one of law, not fact.

(4) Records and Recording Laws § 12--Inspection of Public Records-- Necessity for Findings of Fact in Action for Disclosure of Documents.

Findings of fact are not required in an action for disclosure of documents under the Public Records Act (Gov. Code, § 6250 et. seq.)

(5) Records and Recording Laws § 12--Inspection of Public Records--Claim of Exemption for Police Security and Safety Procedures--Waiver of Confidentiality.

In an action under the Public Records Act (Gov. Code, § 6250 et. seq.), to compel the disclosure of various documents utilized by the highway patrol in training its officers, the disclosure of documents under the Public Records Act. (Gov. Code, tions at issue to one of plaintiffs' agents was not a waiver of the confidential nature of the material, where the purpose of such disclosure was to aid the parties and the court at trial in more readily determining the

ANNEX A

NORTHERN CALIFORNIA POLICE PRACTICES PROJECT, ET AL., V. GLENDON CRAIG, ET AL. (continued)

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relevancy of defendants' claim of exemption.

(6) Records and Recording Laws § 12--Inspection of Public Records-- Segregation of Exempt From Nonexempt Material.

In an action *118 under the Public Records Act (Gov. Code, § 6250 et. seq.), to compel the disclosure of various documents utilized by the California Highway Patrol in training its officers, the trial court's refusal to edit nonsensitive materials contained in the documents sought and order them disclosed constituted reversible error. Where nonexempt materials are not inextricably intertwined with exempt materials and are otherwise reasonably segregable therefrom, segregation is required to serve the objective of the Public Records Act to make public records available for public inspection and copying unless a particular statute makes them exempt.

COUNSEL

Amitai Schwartz, Alan L. Schlosser, Margaret C. Crosby, Charles Marson, Vilma S. Martinez, Morris J. Baller, John H. Erickson, Alice Beasley, Lowell Johnston and Anthony G. Amsterdam for Plaintiffs and Appellants.

Evelle J. Younger, Attorney General, and Robert L. Mukai, Deputy Attorney General, for Defendants and Respondents.

EVANS, J.

Plaintiffs appeal from an order (judgment) directing defendants (California Highway Patrol [CHP] and certain of its officers) to disclose only limited portions of the California Highway Patrol manual and officer's guide pursuant to the Public Records Act (PRA) (Gov. Code, § 6250 et seq.). [FN1] Plaintiffs are a state taxpayer (see Code Civ. Proc., § 526a) David M. Fishlow, an unincorporated association, the Northern California Police Practices Project (Project), and the American Civil Liberties Union.

FN1 Unless otherwise noted, all subsequent references will be to the Government Code.

The material sought by plaintiffs is utilized by the patrol in training its officers and is compiled in four separate documents: (1) "Enforcement Tactics"

(HPG 70.6) explaining the general objectives of the patrol, officer investigative use of senses, enforcement procedures including *119 officer-violator contact, search and handcuffing techniques, the use of firearms, patrol vehicle operations, and hostage incidents; (2) "Weapons Training Manual" (HPM 70.8) describing weapon utilization policies, weapon training and practice, maintenance, chemical agent transportation and use; (3) "Personal Weapons and Physical Methods of Arrest Guide" (HPG 70.13) depicting methods of unarmed combat, and detailing methods of arrest, search, and handcuffing techniques; and (4) "Enforcement Policy" contained in General Order 100.68. That order is merely a cover document describing speed law enforcement guidelines, Vehicle Code enforcement, and assistance to motorists. To that order there are 18 annexes which detail CHP responsibilities (Annex A), excessive speed enforcement guidelines (Annex B), minimum speed enforcement guidelines (Annex C), off-road vehicle enforcement policy (Annex D), freeway stopping of patrol vehicle (Annex E), transport of ill and injured persons (Annex F), arrest policy and procedures (Annex G), release from arrest procedures (Annex H), arrest, handcuffing, and search techniques (Annex I), chain and snow tire enforcement policy (Annex J), illegal alien entry arrests (Annex K), county ordinance enforcement policy (Annex L), response to private citizen arrests (Annex N), United States mail carrier enforcement policy (Annex O), controlled substance arrest (Annex P), pursuit policies (Annex Q), bicycle racing (Annex S), and blocking railroad crossings (Annex T).

The CHP rejected plaintiffs' request for access to the material, asserting that it dealt with officers' safety and internal security, and as such, was exempt from disclosure pursuant to the terms of section 6254, subdivision (f), and this action ensued.

During trial, an adversarial in camera proceeding was held; at that hearing the commander of internal affairs for the CHP described the nature of the materials and explained the basis for the claimed exemption to be that the material described vehicle stop techniques, specific methods of arrests, handcuffing and search procedures, when the patrol would stop speed violators, when it would institute and continue pursuits, and described officer positions and weapon use during attempted arrests. The CHP asserted that disclosures of the materials

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ANNEX A

NORTHERN CALIFORNIA POLICE PRACTICES PROJECT, ET AL., V. GLENDON CRAIG, ET AL. (*continued*)

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would increase the tendency for highway users to violate the speed laws, increase attempted escapes from arrest situations necessitating pursuits, and would enable miscreants to counter law enforcement methods used in search, arrest, and handcuffing, thus endangering both the officers involved and the public. Following the in camera hearing, the trial court ordered the *120 disclosure of General Order 100.68, Annexes A, E, F, H, J, K, L, N, O, P, S, and T, and found all remaining materials to be matters related to security procedures, and sustained the CHP claim of exemption. Although noting that some portions of the nondisclosed material did not deal with security procedures, and are matters of common sense, [FN2] "the gravamen of the document" was found to deal with the protection and security of the officers and others, and the trial court refused to order disclosure of the documents or the segregation and disclosure of any nonsensitive material of common knowledge.

FN2 The trial court, in commenting on the nonsensitive material, stated, "[t]here may be some things in there that are really of no consequence such as you should keep your gun oiled, free of rust, that considering ... the ... context ... it would seem ... no more than catering to officiousness to require disclosure."

With the provisions of section 6254, subdivision (f), in mind, our independent review of the documents reveals the trial court order to be correct and a proper exercise of its discretion.

The PRA contains a broad statement of its purpose and intent and briefly summarized is that an individual's right to privacy requires that access to public information concerning the conduct of the "people's" business is a fundamental and necessary right of the citizens of this state.

The PRA, like the federal Freedom of Information Act upon which it is patterned (see *Black Panther Party v. Kehoe* (1974) 42 Cal.App.3d 645, 652 [117 Cal.Rptr. 106]), states its general policy to be to favor disclosure of public records, and support for refusal to disclose information "must be found, if at all, among the specific exceptions to the general policy that are enumerated in the Act." (*State of California ex rel. Division of Industrial Safety v. Superior Court* (1974) 43 Cal.App.3d 778, 783 [117 Cal.Rptr. 726].)

Plaintiffs assert that the public has a legitimate interest in obtaining information regarding the CHP procedures described in the documents in order that members of the public may properly assess the overall reasonableness of those procedures thereby enabling those persons interested to determine whether to file complaints for claimed officer misconduct. The argument asserted by plaintiffs is virtually identical to that previously made and partially rejected in *Cook v. Craig* (1976) 55 Cal.App.3d 773 [127 Cal.Rptr. 712]. In that case this court acknowledged that section 6254, subdivision (f), does exempt from disclosure certain internal investigative or security material and refused to order the CHP to *121 disclose for inspection specified documents found to deal with security matters, but did order the disclosure of regulations which established procedures to be utilized in the investigation of citizen complaints. The court recognized that investigatory files and records of complaints are clearly exempt from disclosure under subdivision (f) of section 6254. By the terms of the statute the same is true of material dealing with security procedures of any police agency. The court affirmed that exemption when it stated at page 784: "Accordingly, we hold that the CHP is required by the PRA to make available for public inspection and copying its procedural regulations governing the investigation of citizen complaints about the conduct of CHP personnel; ..." (Italics added.) The matters ordered disclosed were not matters dealing with security. They were internal procedures to be followed after receipt of a citizen's complaint.

I

(1a) Plaintiffs contend that the CHP regulations should be disclosed because the public, including plaintiffs, "without knowing what benchmarks the CHP uses in substantively determining whether officer conduct is right or wrong, ... lack the effective means of addressing complaints to the operational directives which bear upon particular conduct in question. In short, potential complainants are deprived of knowing the secret law of the CHP." Plaintiffs suggest that disclosure of all rules regulating conduct of highway patrol officers would permit the public to express their needs and concerns in a meaningful way; that it would inspire trust and confidence and benefit, not hurt law enforcement.

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ANNEX A

NORTHERN CALIFORNIA POLICE PRACTICES PROJECT, ET AL., V. GLENDON CRAIG, ET AL. (*continued*)

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That suggestion must be rejected for its total lack of statutory support. Plaintiffs would have this court judicially repeal, under the guise of statutory interpretation, the exemptions provided by the PRA. (§ 6254, subd. (f).) We decline to do so. (2) We are constrained only to carry out the stated and obvious intent of the Legislature (see *People v. Caudillo* (1978) 21 Cal.3d 562, 576 [146 Cal.Rptr. 859, 580 P.2d 274]), and must consider all matters including the restrictions contained in the act.

(1b) During the in camera proceeding, the trial court reviewed and analyzed all of the material requested by plaintiffs and found the materials not ordered disclosed to be exempt as matters dealing with security procedures of the CHP, a state police agency. The assertion that the trial court order exempting the material is overbroad does not find support in the record. Our review of the requested records reveals them *122 to deal with security and safety procedures utilized by the CHP in the performance of its police function. Such material is clearly exempt from disclosure by the terms of section 6254, subdivision (f).

Plaintiffs' argument is essentially one of insufficiency of the evidence to justify the order denying disclosure of exempt information unaccompanied by a fair statement of legal reasons compelling disclosure of the exempt materials. As such, the argument is entitled to no consideration when it is apparent as it is here that overwhelming evidence supports the order of the trial court. (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881 [92 Cal.Rptr. 162, 479 P.2d 362]; *Haynes v. Gwynn* (1967) 248 Cal.App.2d 149, 151 [56 Cal.Rptr. 82].)

We conclude that if plaintiffs wish to question the propriety of law enforcement conduct, they may do so, and their right to proceed with such evaluation is not dependent upon revelation of the content of the security regulations adopted by the CHP.

II

Following the trial court's order of disclosure, plaintiffs asked that the court set forth in findings of fact its reasons for refusing to order disclosure of all requested materials. The trial court properly refused the request.

The fundamental question presented at trial was the propriety of the claim of exemption. (3) As resolution of the question was dependent on the content of the material, viewed in the light of statutory provision (§ 6254, subd. (f)), the question was one of law, not fact. As such, findings are not required. (*City of Alameda v. City of Oakland* (1926) 198 Cal. 566, 578 [246 P. 69]; *Martin v. Smith* (1960) 184 Cal.App.2d 571, 579 [7 Cal.Rptr. 725]; *Jenner v. City Council* (1958) 164 Cal.App.2d 490, 501 [331 P.2d 176]; *Wadler v. Justice Court* (1956) 144 Cal.App.2d 739, 744 [301 P.2d 907].) (4) Moreover, as a special proceeding authorized by a specific statute (§ 6258), findings are not required as the authorizing statute fails so to provide. (*Carpenter v. Pacific Mut. Life Ins. Co.* (1937) 10 Cal.2d 307, 327-328 [74 P.2d 761]; *Taliaferro v. Hoogs* (1965) 236 Cal.App.2d 521, 530 [46 Cal.Rptr. 147]; *Adoption of Hertz* (1964) 227 Cal.App.2d 269, 272 [38 Cal.Rptr. 618]; *Adoption of Pitcher* (1951) 103 Cal.App.2d 859, 864 [230 P.2d 449].) *123

Black Panther v. Kehoe, supra., 42 Cal.App.3d 645 relied upon by Project in its demand for findings is inapposite. In *Black Panther Party*, it could not be determined from the record on appeal whether the trial court had considered a material factual issue relating to a possible waiver of the claim of confidential investigative records through disclosure of portions of the records to the public. (Id., at p. 656.) In contra-distinction, the present record demonstrates that the trial court fully considered all relevant issues and determined them to be legal, not factual. (5) Plaintiffs' only claim of waiver of confidentiality related to disclosure of indexes to the regulations to one of Project's agents during discovery. This access is conceded to have occurred so that the parties and the court at trial could more readily determine the relevancy of the claim of exemption. The limited discovery was not a waiver of the confidential nature of the material. The only disputed issue at trial was whether the documents were, in fact, within the exemption provided by Government Code section 6254, subdivision (f). The issue was one of law, not fact, obviating any requirement of findings of fact.

III

(6) Plaintiffs contend that the trial court's refusal to edit nonsensitive materials contained in the documents and order them disclosed constitutes

ANNEX A

NORTHERN CALIFORNIA POLICE PRACTICES PROJECT, ET AL., V. GLENDON CRAIG, ET AL. (*continued*)

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reversible error. We agree. The PRA is suffused with indications of a contrary legislative intent. "[A]ccess to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (Italics added; Gov. Code, § 6250.) "'Public records' includes any writing 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." (Italics added; Gov. Code, § 6252, subd. (d).) "The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the record." (Gov. Code, § 6255.)

The PRA is modeled upon the federal Freedom of Information Act (FOIA) (Cook v. Craig, supra., 55 Cal.App.3d at p. 781). Like the PRA, "The focus of the FOIA is information, not documents, and an agency cannot justify withholding an entire document simply by showing that it contains some exempt material." (Mead Data Cent., Inc. v. U. S. Dept. of *124 Air Force (D.C.Cir 1977) 566 F.2d 242, 260.) While it is true that Congress amended the FOIA in 1974 expressly to require disclosure of "[a]ny reasonably segregable portion of a [public] record" (5 U.S.C. § 552(b)), the amendment only codified the interpretation theretofore accorded the act by the federal courts (see, e.g., EPA v. Mink (1973) 410 U.S. 73, 93 [35 L.Ed.2d 119, 135, 93 S.Ct. 827]; Mead Data Cent., Inc. v. U. S. Dept. of Air Force, supra., 566 F.2d at p. 260, fn. 51). Similarly, the PRA has been judicially interpreted to require segregation of exempt from nonexempt

materials contained in a single document (American Federation of State etc. Employees v. Regents of University of California (1978) 80 Cal.App.3d 913, 919 [146 Cal.Rptr. 42]).

We conclude that where nonexempt materials are not inextricably intertwined with exempt materials and are otherwise reasonably segregable therefrom, segregation is required to serve the objective of the PRA to make public records available for public inspection and copying unless a particular statute makes them exempt. (Cook v. Craig, supra., 55 Cal.App.3d at p. 783.)

Undoubtedly, the requirement of segregation casts a tangible burden on governmental agencies and the judiciary. Nothing less will suffice, however, if the underlying legislative policy of the PRA favoring disclosure is to be implemented faithfully. If the burden becomes too onerous, relief must be sought from the Legislature.

The order (judgment) is reversed and the cause remanded to the trial court for segregation and disclosure of nonexempt information located in otherwise exempt documents.

Puglia, P. J., and Regan J., concurred.

A petition for a rehearing was denied March 30, 1979, and appellants' petition for a hearing by the Supreme Court was denied May 3, 1979. *125

Cal.App.3.Dist., 1979.

Northern California Police Practices Project v. Craig

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ANNEX B

EXAMPLE OF EXEMPT MATERIAL IDENTIFIED BY SHADING

e. Citing Guidelines.

(1) Basic Speed Law. The basic speed law, California Vehicle Code (CVC) Section 22350, shall be used when drivers are charged with the following:

- (a) Exceeding prima facie speed limits.
- (b) Exceeding safe speed limits.

(2) Prima Facie Speed Limits. Prima facie enforcement actions shall be guided by the following criteria:

- (a) This is the material that should not be disclosed; it is shaded for that purpose.
- (b) Since exempt information cannot be shown in this manual, even as an example, these statements are generic, and are only here to show the grey shading format.
- (c) When this manual is sanitized, all three statements would be left blank. (Refer to Annex C.)

(3) Absolute Speed Limits.

(a) Officers shall cite the following violations when issuing a citation for exceeding an absolute speed limit:

- 1 Section 22348(b) CVC - Speed in excess of 100 miles per hour (MPH).
- 2 Section 22349(a) CVC - On any freeway, whether or not posted 65 MPH, or highway posted 65 MPH, for a speed in excess of 65 MPH.
- 3 Section 22349(b) CVC - On any two-lane undivided highway, whether or not posted 55 MPH, for a speed in excess of 55 MPH.

NOTE: Sections 22349(a) and 22349(b) CVC should not be used in lieu of 22406(a) through 22406(f) CVC.

- 4 Section 22356(b) CVC - On any freeway posted 70 MPH for a speed in excess of 70 MPH.

NOTE: Although not considered an absolute speed, Section 22350 CVC applies to freeways and multilane highways posted 55 or 60 MPH, and to undivided highways posted 60 MPH. See Annex A for a roadway speed matrix.

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ANNEX C

EXAMPLE OF EXEMPT MATERIAL SANITIZED FOR PUBLIC DISCLOSURE

e. Citing Guidelines.

(1) Basic Speed Law. The basic speed law, Section 22350 CVC, shall be used when drivers are charged with the following:

- (a) Exceeding prima facie speed limits.
- (b) Exceeding safe speed limits.

(2) Prima Facie Speed Limits. Prima facie enforcement actions shall be guided by the following criteria:

(3) Absolute Speed Limits.

(a) Officers shall cite the following violations when issuing a citation for exceeding an absolute speed limit:

- 1 Section 22348(b) CVC - Speed in excess of 100 MPH.
- 2 Section 22349(a) CVC - On any freeway, whether or not posted 65 MPH, or highway posted 65 MPH, for a speed in excess of 65 MPH.
- 3 Section 22349(b) CVC - On any two-lane undivided highway, whether or not posted 55 MPH, for a speed in excess of 55 MPH.

NOTE: Sections 22349(a) and 22349(b) CVC should not be used in lieu of 22406(a) through 22406(f) CVC.

4 Section 22356(b) CVC - On any freeway posted 70 MPH for a speed in excess of 70 MPH.

NOTE: Although not considered an absolute speed, Section 22350 CVC applies to freeways and multilane highways posted 55 or 60 MPH, and to undivided highways posted 60 MPH. See Annex A for a roadway speed matrix.

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ANNEX D

PUBLICATIONS WITH EXEMPT MATERIAL

Publication	OPI	Title
GO 100.10	061	Automated Photo Red-Light Enforcement
GO 100.50	065	Explosives Security and Storage
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Highway Patrol Guide 50.3	029	Emergency Incident Guide
Highway Patrol Manual (HPM) 10.1	094	Applicant Investigation Manual
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HPM 70.7	065	Departmental Canine Program Manual
HPM 70.8	091	Firearms Manual
HPM 73.5	091	Uniform/Grooming and Equipment Standards
HPM 81.1	065	Vehicle Theft Control Manual
HPM 81.5	065	Drug Programs Manual
HPM 84.2	062	Hazardous Materials Transportation and Incident Management
HPM 90.1	013	Media Relations Manual
HPM 100.67	061	Law Enforcement Assistance and Interjurisdictional Operations
HPM 100.68	061	Traffic Enforcement Policy Manual
HPM 100.69	061	General Law Enforcement Policy Manual
HPM 100.72	065	Departmental Detective Program Manual

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