

CHAPTER 13

INFORMATION DISCLOSURES – PUBLIC RECORDS AND RIGHTS OF PRIVACY

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CHAPTER 13

INFORMATION DISCLOSURES – PUBLIC RECORDS AND RIGHTS OF PRIVACY

1. PUBLIC RECORDS ACT.

a. Legal Reference. Government Code (GC) Section 6250, et seq., is commonly referred to as the California Public Records Act (PRA). The PRA provides access to information concerning the conduct of the people's business and is a fundamental and necessary right of every person in this state. The PRA applies to all records in the Department's possession however obtained or created.

b. Application. The following are examples of records or information in the Department's possession which are available for review and/or release under the PRA:

(1) Employee information including name, work location, classification, assignment, gross salary rate, dates of employment, time base, rehire information, and training received at state expense.

(2) Certain arrest and incident information (arrest information on juveniles cannot be released except under certain circumstances [refer to paragraph 2 and Annex A]).

(a) Public information from the arrest log includes the name, date of birth, gender, and criminal charges. Home addresses of arrestees can be released with the filings of a CHP 190A, Request for Addresses of Arrestees, in each Area office. Only business addresses of peace officers arrested shall be placed on the log.

NOTE: Any request of the Department provided on a CHP 190A may be submitted at any point in the year, but shall be renewed in January of the following year.

(b) Arrest logs shall contain only one week's worth of arrests; any requests made for future arrest logs will not be accepted.

(3) Communications center records, except for personal and confidential information (refer to Annex B).

(4) Commercial inspection records (e.g., commercial carriers, school buses).

(5) Carrier Information Reporting and Evaluation System (CIRES).

(6) Hazardous Material Spill After-Action Reports (except injury and medical information pertaining to departmental employees or other individuals shall be redacted prior to public disclosure).

(7) Labor contracts between the state and state employees.

(8) Statewide Integrated Traffic Records System (SWITRS) reports.

(9) Public information from CHP 555, Traffic Collision Report, is releasable under the PRA. Release of complete CHP 555s is governed by California Vehicle Code Section 20012. Refer to General Order 110.2, Release of Collision Information, for policy and procedures on the release of collision reports.

(10) Public information from CHP 202, Driving Under the Influence Arrest- Investigation Report, and CHP 216, Arrest Investigation Report.

(11) Mobile Video/Audio Recording Systems (MVARs) footage (refer to Annex C).

c. Exemptions. Exemptions to disclosure are found in GC Section 6254 et seq. If exempt records are withheld in their entirety, or if certain exempt information from a record is redacted, the requester shall be notified in writing (if the requester's contact information was obtained) of the legal basis on which records are withheld.

d. Procedures.

(1) Public Records Act Poster. The Department requires the CHP 370/CHP 370S, Public Records Act Requests, posters be displayed in every Area office, in public view, in both English and Spanish. These posters can be obtained through the Business Services Section, Reproduction Unit.

(2) Requests for Inspection or Copies of Records.

(a) A member of the public can make a PRA request in writing, over the telephone, or in person. Written requests can include letters, e-mail, and fax. Only existing records in the Department's possession would be responsive to a PRA request.

(b) If a PRA request is made, an employee of the Department shall complete a CHP 370C, Public Records Act Requests. (Refer to Annex F.) This is to be filled out by the employee, and shall not be filled out by the requester. The request can be made at any public California Highway Patrol (CHP) office and is not required to be submitted solely to the office which is currently maintaining the requested information.

(c) Determine if the requester wants an arrest log only. Requests for arrest logs only do not require prior approval from the Office of Risk Management, Risk Management Unit (RMU), and will be handled by the local Area office which maintains those records. For arrest log only requests, complete STEP 1 of the CHP 370C form. If the requester requests records other than an arrest log, fill in that information in the space provided. If the request is in writing, attach the request to the CHP 370C form and write "see attached" in the space provided on the form. Log the date, time, employee name, and employee identification number in the spaces provided at the top of the form. Do not ask for the requester's name or identification since this information cannot be requested under the PRA. The only exception is if the requester voluntarily provides their name and address for notification as explained in STEP 3.

NOTE: If the request is for an arrest log in addition to other records, process the arrest log request separately from the request for other records. Complete a CHP 370C for the arrest log request, then complete a separate CHP 370C for the additional records requested.

(d) Calculate 10 calendar days from the date the request is received. The date after the request is received is day 1. If day 10 is on a weekend or holiday, use the next business day. Write this date in the box in STEP 3. The office responsible for the processing of the PRA request shall send the Department's written response to the requester no later than the close of business on the 10th day. The "date received" shall be the day that the request is received by any departmental employee. If the request is received via e-mail, then the "sent" time stamp on the e-mail shall be used, unless it was sent outside of regular business hours, then the next business day shall be used.

(e) In certain unusual circumstances, if additional time is needed to gather and produce the responsive documents, GC Section 6253(c) allows an agency to extend the response time frame by an additional 14 days past the statutory 10 days. An extension letter shall be sent within the statutory 10-day time frame and serve as an interim response. The extension letter must state specifically which "unusual circumstance" the extension is based upon (refer to Annex D for information regarding the unusual circumstances). To ensure compliance with the written response requirement of the PRA, calendar the 10-day deadline to ensure either the determination letter or the extension letter is sent to the requester pursuant to code.

(f) If the request is made in person or over the telephone, read the information in quotation marks verbatim in STEP 3. If the requester desires notification by United States Postal Service, complete the name and address information. This information is completely voluntary and will be used for notification purposes only. Detach the requester's copy of the CHP 370C and provide it to the requester.

(g) Log the PRA request in the CHP 520, Area Public Records Act Request Log (refer to Annex H).

(h) Search for and identify responsive records. If there is a specific question regarding the release of a particular record or certain information contained within a record, contact RMU. Forward the CHP 370C and written request (if available) to RMU via e-mail at CHP-PRA@chp.ca.gov (**e-mail address is for internal use only**). Include your specific question in the body of the e-mail. If you have not received a reply from RMU in 3 business days, call and confirm the request was received.

(i) If assistance is requested, RMU will notify the Area prior to the expiration of the 10-day period with their recommendation. The Area should process the request pursuant to that recommendation. The Area will log the date that the response and/or records are delivered to the requester on the CHP 520. The CHP 370C form and RMU's response shall be retained in Area files for 3 years, per the records retention schedule. (Refer to Chapter 11, Records Management, of this manual.)

(j) The Area processing the PRA request shall provide the Department's written response to the requester within the statutory 10-day response time frame. The written response will serve as the Department's determination, and should let the requester know if responsive records have been identified and whether or not the Department will be providing copies of responsive records. If exempt records are withheld in their entirety, or if certain exempt information is redacted, then the written response should cite the legal basis on which exempt information is being withheld. Refer to Annex E of this chapter for a list of the most commonly used exemptions. Should any legal questions arise, the Area shall advise RMU as the Office of Primary Interest (OPI). Office of Legal Affairs (OLA) will work directly with RMU to address any legal issue.

(k) Occasionally, PRA requests are sent by members of the public directly to RMU. The RMU will review these requests and will either process the request or forward the request to the appropriate Area office or OPI for handling. If necessary, RMU can forward the request to OLA to provide further handling recommendations and answer any legal

questions; however, the office processing the request shall identify responsive records and send the Department's written response.

(l) Upon request for a copy of a releasable public record, an exact copy shall be provided upon payment of a fee of 30 cents per page for single-sided regular copies, 50 cents per page for most other copies, and \$5 per CD or DVD (refer to Chapter 4, Miscellaneous Sales - Transmittal of Collections, Annex D, of this manual). A request for public information on a document that also contains nonpublic information will be redacted and the charge per page is the same.

(m) Requesters may ask responsive records be provided in electronic format. If responsive records are maintained by the Department in electronic format, then the records shall be provided in electronic format, upon request. However, the Department is not obligated under the PRA to create or construct a new electronic record in order to satisfy a PRA request.

(n) If the requester asks that records be provided in electronic format, then the documents shall be delivered to the requester via e-mail or electronic media (CD or DVD). After gathering the records and identifying any nonpublic information, make the necessary redactions with the appropriate software to ensure no privileged information is released. Once the proper redactions are applied, and if the requester has requested delivery by e-mail, ensure the documents meet the limitations of the e-mail service provider utilized by the office. If the documents exceed the limits imposed by the e-mail provider, delivery to the requester shall be made via electronic media (CD or DVD). If electronic media delivery is required, please advise the requester of the form of delivery and the related costs (\$5 for each CD or DVD).

(o) When a request requires redaction of the original, the Area office shall make the necessary redactions. If there is a question about releasing certain information, RMU is available to review Area-made redactions before responsive records are provided. For special cases, RMU may make the necessary redactions for an Area. If a request asks for a fatal report, is being made by the media regarding a high-profile incident, is a nonmedia request related to a high-profile incident, is related to litigation involving the Department, or involves other unusual circumstances, RMU will review and approve all redactions and will advise the Area how to proceed. The requester will only be charged for the final copy. Once the total number of pages is determined, the requester will be required to provide payment prior to the release of responsive records.

(p) The Area shall inform the Office of Community Outreach and Media Relations (COMR) when a PRA request is received from a member of the media involving any potentially sensitive or controversial subject, or any PRA request from a major regional news outlet or wire service. Areas should contact COMR for guidance with drafting responses, if needed.

(q) Subject to reasonable notice (to be determined by the Area receiving the request), public records shall be made available for inspection during regular business hours at the office where the records are maintained. There is no associated fee if a member of the public only wishes to inspect records.

NOTE: Inspection of records shall be made only in the presence of departmental personnel to prevent records from being destroyed, mutilated, defaced, altered, photographed, or copied.

(r) If a requester is provided requested documents or the Area is unable to provide requested documentation, a CHP 247A, Provided Records – Public Records Act Request (refer to Annex G), shall be completed, and a copy retained along with the CHP 370C at the Area office. (Refer to Chapter 4, Annex D, of this manual for procedural costs.)

(s) Motor Carrier Safety Compliance Reports. Individuals may request, pay for, and pick up copies of Motor Carrier Safety Compliance Reports from any Division office regardless of where the reports are maintained. Upon receipt of request, the following procedures shall be followed:

1 The individual making the request must provide either the name of the motor carrier or the carrier's California Identification (CA) number. If possible, the requester should provide either a specific terminal address or the city where the terminal is located when requesting reports of a carrier operating more than one terminal. This will ensure the proper terminal report is obtained. Requests can be accepted in writing, in person, by telephone, by fax, or by e-mail.

2 Division clerical staff should determine the appropriate Division(s) to contact for each report using the CHP 802, City and County Code Book, or by entering the carrier's CA number in the CIRES.

3 Division clerical staff shall contact the appropriate Division Motor Carrier Safety Unit(s) and request that a copy of the report(s) be mailed to the requester as soon as possible.

4 Individuals may request copies of Motor Carrier Safety Compliance Reports by contacting each Division and submitting separate requests and payments.

(3) CHP 520, Area Public Records Act Request Log. Commands shall complete and maintain the CHP 520 and forward the form on a quarterly basis to the appropriate field Division office. Division offices shall forward copies of their commands' CHP 520 logs to RMU on a quarterly basis.

(a) Area/Office Control Number. This control number shall be entered by the command tasked with the PRA request. The first three digits of the control number are the processing command's location code; the fourth and fifth digits indicate the year the request was received; and the final three digits are a sequential control number beginning with 001 on January 1, at 0001 hours each year. As an example, the 15th request of the year for 2006 in Area 950 would yield control number 950-06-015. This control number is also entered on the CHP 370C.

(b) Date Requested/Received. Enter the date the PRA request was received.

(c) Complex Request (Yes/No). Complex PRA requests are considered to be requests that involve large volumes of departmental information, requests that require information from various offices, or requests that are sensitive in nature.

(d) Date Forwarded to Risk Management Unit. Enter the date the complex request was forwarded to RMU.

(e) Name/Company of Requester (if volunteered). Fill in the name of the individual or company requesting departmental information via the PRA, if this information was provided. The Department cannot request the name, identification, or the reason for the request from the requester. If information is not provided, writing "not available" is sufficient.

(f) Records Requested (brief description). List a brief description of the records requested (e.g., dispatch tapes).

(g) Records Provided (brief description). List the number of pages or other records provided to the requester.

(h) Time Expended. Enter the time expended to provide PRA information. This is to be reported in 30 minute increments as 0.5 hours.

(i) Personnel Classification. List the job classification of each person that compiled PRA information (e.g., Office Assistant, Office Services Supervisor, sergeant).

(j) Amount Collected. List the dollar amount collected from the requester at the time of providing PRA information.

(k) Date Provided. Enter the date the PRA information was provided to the requester.

(l) Submission. The Area CHP 520 is submitted quarterly through channels only to the appropriate Division office, not to RMU. Division offices shall forward copies of their commands' CHP 520 logs to RMU on a quarterly basis.

(4) Justification for Withholding Records. The PRA requires justification for withholding any record by demonstrating the record is specifically exempt under provisions of the PRA or, based on the facts of the particular case, the public interest served by withholding the record clearly outweighs the public interest served by disclosure.

e. Legal Proceedings. Any person may institute proceedings for injunctive or declaratory relief in court to enforce their right to inspect or receive a copy of a record under the PRA.

2. OTHER DISCLOSURES.

a. Law Enforcement Investigative Reports.

(1) Release to Other Agencies. Law enforcement investigative reports (e.g., CHP 555; CHP 216; CHP 202; and CHP 215, Notice to Appear) may be released to other agencies when the information is necessary for that agency to perform a constitutional or statutory duty or for licensing, certification, or regulatory purposes (Civil Code Section 1798.24). The requesting agency must cite the authority that entitles the agency to the complete report, or the agency will be provided with public information only. Contact RMU for any authority questions.

(2) Release to Subject of Report.

(a) Individuals arrested, the subject, should be referred to the district attorney's office or city attorney's office if the case has not been adjudicated. If the district attorney's office or city attorney's office has refused to provide the arrestee with a copy of an arrest investigative

report, a copy will be provided upon proof identity and payment of a fee of 10 cents per page. (Refer to Chapter 4, Annex D.) If the case has been adjudicated, refer to Annex A.

NOTE: In addition to any other nonpublic information, home addresses and telephone numbers of victims and witnesses shall be redacted from the report pursuant to Penal Code Sections 841.5 and 1054.2 prior to release of the report to the arrestee. This information shall not be redacted if the report is provided to the subject's attorney.

(b) Should a local district attorney request an Area follow procedures different than those listed above, RMU should be contacted for guidance.

(3) Release of Arrest Reports to Employers of Arrestees.

(a) Release of Arrest Reports on Peace Officers (as defined in Penal Code Section 830.2). Labor Code Section 432.7 allows a law enforcement agency to request from or provide to another law enforcement agency, a copy of an arrest report pertaining to the arrest of a peace officer employee **prior** to conviction. Upon request, a complete copy of an arrest report pertaining to the arrest of a peace officer shall be provided to the law enforcement agency employing the peace officer at no charge.

(b) Release of Arrest Report on Civilian Employees. Labor Code Section 432.7 prohibits law enforcement agencies from providing copies of arrest reports pertaining to employees who are non-peace officers to the employing agency prior to conviction. Therefore, if a request is received for a copy of an arrest report on a non-peace officer employee from the employing agency prior to a conviction, only the public information shown in Annex A regarding the arrest shall be released, regardless of whether the employee was on- or off-duty at the time of the arrest.

(4) Release of Arrest Information to the Public/Media. Release of arrest information to the public or media shall be limited to information listed in Annex A.

(5) Implied Consent and Administrative Per Se Hearings. Refer to Chapter 10, Subpoenas/Subpoenas Duces Tecum Compliance Criminal/Civil Appearances, of this manual for policy and procedures on release of arrest information for Implied Consent and Administrative Per Se hearings. The OLA is available to provide legal advice and assistance regarding questions, issues, and/or concerns pertaining to this matter.

(6) Release Pursuant to Subpoena/Motion. Procedures for release of arrest reports pursuant to legal processes not addressed in this chapter are contained in Chapter 10 of this manual. The OLA is available to provide legal advice and assistance regarding questions, issues, and/or concerns pertaining to this matter.

b. Juvenile Arrest Information. Normally, juvenile arrest information is confidential and can only be disclosed pursuant to an order of the juvenile court. However, pursuant to Welfare & Institutions Code Section 827.5, only the subject's name and offense(s) allegedly committed by a juvenile 14 years or older taken into custody for a serious felony, as defined in Penal Code Section 1192.7(c), are subject to disclosure under the PRA.

c. Criminal History Information. Designated employees of the Department have access to criminal history information from the California Department of Justice (DOJ) through California Law Enforcement Telecommunications System (CLETS). This information shall be accessed for official purposes only. Disclosure outside the Department shall be limited to release to other law enforcement agencies for official purposes only. Any other requests for such information shall be referred to the DOJ.

d. Vehicle Registration and Driver Record Information. Designated employees of the Department have access to vehicle registration and driver record information from the Department of Motor Vehicles (DMV) through CLETS. This information shall be accessed for official purposes only. Disclosure outside this Department shall be limited to release to other law enforcement agencies for official purposes only. Any other requests for such information shall be referred to the DMV.

e. Subpoenas and Informal Discovery Requests. Requests for records made via subpoenas and informal discovery are processed differently than PRA requests. An informal discovery request is one "by which the defendant may compel the disclosure or production of information from prosecuting attorneys, law enforcement agencies which investigated or prepared the case against the defendant, or any other persons or agencies which the prosecuting attorney or investigating agency may have employed to assist them in performing their duties" (Penal Code Section 1054.5, subdivision [b]). Subpoenas and informal discovery requests are not subject to the provisions of the PRA. Subpoenas and informal discovery requests should be processed according to procedures outlined in Chapter 10 of this manual. If a request is not made via subpoena or informal discovery, then it should be processed as a PRA request, regardless of who the requester is.

f. Video and Audio Recordings of Certain Crimes. Under GC Section 6254.4.5, the Department is not required to disclose a video or audio recording created during the commission or investigation of the crime of rape, incest, sexual assault,

domestic violence, or child abuse that depicts the face, intimate body part, or voice of the victim. If this exemption is used to withhold a recording, the withholding must be justified by demonstrating that the public interest served by not disclosing the recording clearly outweighs the public interest served by disclosing the recording per GC Section 6255. However, this exemption shall not affect any other exemption provided by the PRA.

NOTE: Government Code Section 6254.4.5(c) allows the victim who is the subject of the recording, the parent or guardian of a minor subject, a deceased subject's next of kin, or a subject's legally authorized designee to inspect the recording and obtain a copy. Disclosure under this subdivision does not require the recording to be made available to the public.

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ANNEX A

DISCLOSURE OF ARREST AND CRIME/INCIDENT INFORMATION

1. WITHHOLDING OF A REQUESTED RECORD.

a. The requester should be informed in writing the Department is withholding the requested record in its entirety on the legal basis of Government Code (GC) Section 6254, subdivision (f), if the release of public information from a record will either:

- (1) Endanger the successful completion of a California Highway Patrol or related investigation.
- (2) Endanger the safety of an individual involved in the investigation.

2. INFORMATION GENERALLY REQUIRED TO BE PROVIDED TO THE PUBLIC WHEN REQUESTED.

a. Arrest Reports.

- (1) Full name of arrestee.
- (2) Arrestee's physical description (including gender, eye and hair color, height, and weight).
- (3) Arrestee's date of birth.
- (4) Arrestee's occupation.
- (5) Date/time/location of the arrest.
- (6) If applicable, subsequent booking.
- (7) Charges on which the arrestee is being held.
- (8) Factual circumstances surrounding the arrest.
- (9) Time and manner of release.
- (10) The amount of bail set.
- (11) Outstanding warrants or parole/probation holds to which the arrestee is subject.

NOTE: The above is limited by those statutory provisions prohibiting release (e.g., most juvenile arrest information, names of victims of certain criminal offenses) and those statutory provisions deferring release (when disclosure of information would endanger the safety of a person involved in the arrest or would endanger the successful completion of an investigation or related investigation).

NOTE: Home addresses of arrestees are not public information unless the requester executes a CHP 190A, Request for Addresses of Arrestees, declaring under penalty of perjury the information is to be used for a scholarly, journalistic, political, or governmental purpose pursuant to GC Section 6254, subdivision (f)(3). A licensed private investigator making such a request for investigative purposes is also permitted to have the home address of an arrestee under GC Section 6254, subdivision (f)(3).

b. Crime/Incident Reports.

- (1) Date, time, and location of the occurrence.
- (2) Date and time of any report prepared.
- (3) Factual circumstances surrounding the crime or incident.
- (4) General description of any injuries, property, or weapons involved.
- (5) The name and age of certain victims.

NOTE: Public information from a finalized arrest/crime/incident/collision report is provided in accordance with GC Section 6254, subdivision (f)(2).

c. Crime/Incident Reports Requested by a Victim or a Victim's Authorized Representative or Insurance Carrier.

- (1) All information included with a general request for a crime/incident report in addition to:
 - (a) Names and addresses of all witnesses and the statements provided by the witnesses (except for confidential informants).
 - (b) Names and addresses of all persons involved and any statements obtained from the involved parties.
 - (c) All diagrams prepared as a result of the incident.

NOTE: Penal Code (PC) Section 841.5 prohibits the release of home address and telephone numbers of victims and of witnesses. The names of victims of certain offenses (PC Sections 220, 261, 261.5m 264, 273a, 273d, 273.5, 288, 288a, 289, 422.6, 422.7, 422.75, and 646.9) can be withheld at the victim's request (or, if the victim is a minor, at the request of the victim's parent or guardian).

NOTE: The analyses and conclusions of the investigative officer are not considered to be public and are to be **withheld** from public disclosure (GC Section 6254, subdivision [f]).

NOTE: The Public Records Act does not require an entire report be released. Only public information from the report is required to be disclosed. Nonpublic information protected under the PRA does not require disclosure. However, once the Department discloses information to the public, such information is public for all intended purposes and must be disclosed if requested.

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ANNEX B

DISCLOSURE OF COMMUNICATIONS/DISPATCH CENTER RECORDS

1. WITHHOLDING OF A REQUESTED RECORD.

a. The requester should be informed in writing the Department is withholding the requested record in its entirety on the legal basis of Government Code (GC) Section 6254, subdivision (f), if the release of public information from a record will either:

- (1) Endanger the successful completion of a California Highway Patrol or related investigation.
- (2) Endanger the safety of an individual involved in the investigation.

2. DISCLOSURE OF A REQUESTED RECORD.

a. All personal identifying information relating to any witness, caller, or involved party shall be redacted unless the following circumstances apply:

- (1) The requester is, or represents, a victim from the incident, or is, or represents an insurance carrier against which a claim has been or might be made. The requester would be entitled to public information and the names and addresses of witnesses/callers, but not phone numbers (GC Section 6254, subdivision [f]).
- (2) The request is from a law firm that represents an involved party from the incident. The requester would be entitled to public information and their client's personal identifying information.
- (3) The request was an involved party in the incident. Upon reasonable verification of identity, the requester would be entitled to public information and their own personal identifying information.
- (4) The request is from a company whose vehicle or property was involved in the incident. The requester would be entitled to public information and any identifying information related to their vehicles or property.
- (5) The requester is an insurance company. The requester would receive public and victim information as described above and would also be entitled to the personal identifying information of their insured.

NOTE: Public information from Computer Aided Dispatch or Incident Detail Reports and 9-1-1 records are provided in accordance with GC Section 6254, subdivision (f)(2).

ANNEX C

DISCLOSURE OF MOBILE VIDEO/AUDIO RECORDING SYSTEM

1. MOBILE VIDEO/AUDIO RECORDING SYSTEM (MVARs).

a. The MVARs is considered to be a public record unless it has captured exempt or sensitive material (either audio or visual). Exempt/sensitive material would include, but may not be limited to, the following:

- (1) Personal identifiers of involved parties or uninvolved third parties.
- (2) Demonstrations of specialized officer safety and enforcement tactics. (Specifically, does the footage show a tactic, technique, or application that is shaded in gray in California Highway Patrol [CHP] policy?)
- (3) Confidential peace officer personnel information.
- (4) Especially graphic, disturbing, or invasive images, statements, or sound recordings.

NOTE: The MVARs might also be withheld if that particular video is tied to an ongoing CHP or related investigation, or if its release would endanger the safety of an individual involved in the investigation.

b. A uniformed supervisor or manager from the Area which possesses the MVARs shall review the footage. The Department has a duty to provide such a record to the requester in redacted form if the nonexempt information is “reasonably segregable” from that which is exempt, unless the burden of redacting the records becomes too great. What is reasonable segregable will depend upon the circumstances. If exempt information is inextricably intertwined with nonexempt information, the record may be withheld in its entirety.

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ANNEX D

GOVERNMENT CODE SECTION 6253, SUBDIVISION (C)

(c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension of more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

(4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

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ANNEX E

COMMONLY USED PUBLIC RECORDS ACT EXEMPTIONS

1. GOVERNMENT CODE SECTION 6254, SUBDIVISION (C).

a. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

2. GOVERNMENT CODE SECTION 6254, SUBDIVISION (F).

a. 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, the Office of Emergency Services and any state or local police agency, or any investigatory or security files compiled by any other state or local agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. However, 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 the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, carjacking, vandalism, vehicle theft, or a crime as defined by subdivision (b) of Section 13951, unless the disclosure would endanger the safety of a witness or other person involved in the investigation, or unless disclosure would endanger the successful completion of the investigation or a related investigation. However, this subdivision does not require the disclosure of that portion of those investigative files that reflects the analysis or conclusions of the investigating officer.

3. GOVERNMENT CODE SECTION 6254, SUBDIVISION (K).

a. Records, the disclosure of which is exempted or prohibited pursuant to federal or state law, including, but not limited to, provisions of the Evidence Code relating to privilege. For example:

(1) Government Code Section 6254, subdivision (k), which incorporates the individual's right to privacy under the California Constitution (Cal. Const.,

Article I, Section 1) and the Information Practices Act of 1977 (Civil Code Section 1798 et seq.).

(2) Government Code Section 6254, subdivision (k), which incorporates Penal Code Section 832.7.

(3) Government Code Section 6254, subdivision (k), which incorporates the privilege for official information (Evidence Code Section 1040).

ANNEX F

EXAMPLE CHP 370C, PUBLIC RECORDS ACT REQUESTS

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL PUBLIC RECORDS ACT REQUESTS CHP 370C (Rev. 12-14) OPI 003		PRA CONTROL NUMBER		
		LOCATION CODE	YEAR	SEQUENTIAL NUMBER
		0 0 4	1 4	3 0 0
This form SHALL be completed by Department personnel ONLY (instructions on reverse side of form)				
REQUEST RECEIVED BY (EMPLOYEE NAME)	ID NUMBER	DATE AND TIME AREA RECEIVED REQUEST		
Jane Doe	A12345	05/26/14 10:15		
Asking for the requestor's name or identification is not allowed except under Step 3.				
STEP 1 - Determine if the requestor wants an Arrest Log only or other records. Check the appropriate box.				
<input type="checkbox"/> Arrest Log Only Request. Arrest log only requests do not require prior approval from Special Counsel. Arrest logs contain seven calendar days of arrest information. Arrest logs may contain the name, date of birth, gender, and criminal charges against and under certain circumstances, may contain home address of the arrestee. Requests may be mailed, faxed, or made in person, but shall not be disruptive to normal business. Copies will be provided at \$.30 per page.				
REQUEST COMPLETED BY (EMPLOYEE NAME)		ID NUMBER		
(For arrest log only requests, omit steps 2, 3, and 4.)				
<input checked="" type="checkbox"/> Other Record(s) Request - Fill in the blanks below with the specific information the requestor wants. Do not ask why they want the information.				
Copy of citation number 55569				
Any traffic citation policies				
MVARs of citation 55569				
STEP 2 - Calculate 10 calendar days from the day the request was received, and place in the date box below. If the 10th day falls on a weekend or holiday, then enter the next business day.				
STEP 3 - Read the following to the requestor verbatim:				
"Your records request has been sent to CHP's Special Counsel for review. California law requires the CHP to notify you, in writing, within 10 days, advising whether the CHP has the public records sought; whether the public records are wholly or partly disclosable; whether the agency needs up to an additional 14 days to research and respond to your public records request; or, alternatively, why the public records are not available for disclosure. You may return in 10 days on _____ to receive your written notification, or you may elect to receive your notification via the U.S. Mail. You are not required to provide any personal information to receive your notification, but if you prefer to have your notification mailed, please voluntarily provide your name and mailing address:				
NAME		ADDRESS		
John Doe		55 Route 66, Springs, AZ 87654		
Disclosable records will be promptly provided. If disclosable records are not included with the written notification, the estimated date and time when the records will be available will be provided in the notification. Your personal information is NOT REQUIRED to complete this request; however, you may provide it voluntarily to expedite this request."				
STEP 4 - Forward the Public Records Act Request to the Special Counsel by FAX at 916-322-3219. Log in Area Public Records Act Request Log (CHP 520) in accordance with HPM 11.1, Administrative Procedures Manual, Chapter 13, Information Disclosure - Public Records and Rights of Privacy. Arrest log only requests do not require prior approval from Special Counsel.				
SPECIAL COUNSEL USE				
AREA NOTIFIED BY (EMPLOYEE NAME)		DATE		
<input type="checkbox"/> Area may complete the PRA. <input type="checkbox"/> The Special Counsel will complete the PRA.				
STEP 5 - Process request per direction from Special Counsel in accordance with HPM 11.1, Chapter 13 and/or local command procedures.				
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ANNEX G

EXAMPLE CHP 247A, PROVIDED RECORDS – PUBLIC RECORDS ACT REQUESTS

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
PROVIDED RECORDS - PUBLIC RECORDS ACT REQUEST
CHP 247A (New 1-14) OPI 003

SUBMITTING OFFICE ADDRESS:
California Highway Patrol
601 N. 7th Street
Sacramento CA 95811

Date PRA Received:
PRA Control Number: 00414300
Date Records Provided:

REQUESTOR'S ADDRESS:
John Doe
55 Route 66
Springs AZ 87654

This is to advise of action taken on the above public records act request. Detail of charges is as follows:

15	Copies 8 1/2x11 or less @ \$.30 per page - _____ oversized/special processing @ \$.50 per page.	\$ 4.50
	Cassette tape(s) @ \$5.00 each.	\$ _____
1	Computer disk(s) (CD/DVD) @ \$5.00 each.	\$ 5.00
	TOTAL DUE:	\$ 9.50
	AMOUNT RECEIVED:	\$ _____
	OVER/UNDER PAYMENT:	\$ -9.50

The records required by the above, public records act request:

Have been provided as required. Disposition of fees received with the PRA is detailed above (receipt number _____ attached).

Are enclosed. Please remit total amount shown above.

Please remit \$ _____. Upon receipt of full payment, the records will be available.

Cannot be located. Fee returned.

Have been destroyed according to established CHP retention schedules.

Remit payment to: California Highway Patrol
Attn: PRA
601 N. 7th Street
Sacramento, CA 95811

Other: _____

Destroy Previous Editions Chp247A_0114.pdf

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ANNEX H

EXAMPLE CHP 520, AREA PUBLIC RECORDS ACT REQUEST LOG

STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL AREA PUBLIC RECORDS ACT REQUEST LOG CHP 520 (Rev. 1-13) OPI 004											
<div style="border: 1px solid black; background-color: #f00; color: white; padding: 2px; display: inline-block;">DELETE PAGE</div>											
AREA/OFFICE NAME						LOCATION CODE	YEAR/QUARTER OF REPORT				
Headquarters						004	2014 / Second				
AREA/OFFICE CONTROL NUMBER	DATE REQUEST RECEIVED	COMPLEX REQUEST (yes/no)	DATE FORWARD TO SPECIAL COUNSEL	NAME/COMPANY OF REQUESTOR (if volunteered)	RECORDS REQUESTED (brief description)	RECORDS PROVIDED (brief description)	TIME EXPENDED	PERSONNEL CLASSIFICATION	AMOUNT COLLECTED	NUMBER OF PAGES	DATE PROVIDED
004-14-300	05/26/2014	Yes <input type="checkbox"/>	05/26/2014	John Doe	Citation, Policy, MVARs	Citation, Policy, MVARs	2.5 hrs.	Sergeant	9.50	15	06/02/2014
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
		<input type="checkbox"/>									
NAME/COMPANY			TOTAL PAGES FAXED	NAME/COMPANY			TOTAL PAGES FAXED	NAME/COMPANY			TOTAL PAGES FAXED
John Doe			15								

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