



San Diego Community College District Police Department Policy and Procedures

1.17 ACCESS & RELEASE OF CRIMINAL RECORDS AND POLICE REPORTS

EFF. 10/01/19

I. PURPOSE

The purpose of this Department procedure is to establish guidelines for the access and release of criminal records and police reports.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

Access and release of criminal records are regulated by the California Penal Code, Government Code, and other sources identified in the “California Criminal Records Security Statutes and Regulations,” published by the California Department of Justice. These regulations cover both paper and computer system records.

IV. DEFINITIONS

A. For purposes of this procedure, the following are considered criminal records:

1. Arrest Report (ARJIS-8) - a report containing specific information relating to the arrest of a person eighteen years of age or older.
 2. Crime Report (ARJIS-2) - a report containing specific information regarding the commission of a crime (See Department Procedure 6.04, Crime Report Form).
 3. Criminal History Record - commonly known as a “rap sheet,” this is a compilation of information of any or all arrests. It includes the identity of the person arrested, the arresting agency, the booking number, and the charge. Compilations of intelligence, analytical and investigative reports, and the booking log are not included within the definition of Criminal History Record.
 4. Juvenile Contact Report (ARJIS-8) - a report containing specific information
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relating to the taking into custody of a person less than eighteen years of age.

5. Juvenile Record - a record pertaining to the taking into custody of a person at a time when the individual is under the age of eighteen, except in cases following a judicial determination that the person is not a proper subject for the juvenile court.
 6. Other Police Records - all other records, files, and information maintained and/or accessed by Department personnel, which are stored in mediums such as paper, magnetic, computers, computer systems, and electronic media including, but not limited to, microfilm, microfiche, magnetic disk, compact disk, and optical disk.
- B. Computer Systems - all District, City, County, State, and national computer systems that can be accessed through District/City/County telecommunications networks. These include, but are not limited to:
1. Any internal San Diego Community College District Police Department application used for storage and retrieval of information collected by law enforcement personnel including the Records Information Management System (RIMS).
 2. Automated Regional Justice Information System (ARJIS) - a countywide system, which includes, but is not limited to, crime, adult arrest, juvenile contact, field interview, misdemeanor citation, traffic accident, and traffic citation information.
 3. California Law Enforcement Telecommunications System (CLETS) – a statewide system, which includes, but is not limited to, state criminal history, Department of Motor Vehicles (DMV) records, missing persons, stolen vehicle, and stolen property files.
 4. County Computer System - a countywide system, which includes, but is not limited to, local criminal history information, County Jail booking information, City Attorney, District Attorney, Courts, and Probation information.
 5. National Crime Information Center (NCIC) - a nationwide system, which includes information similar to CLETS.
- C. For purposes of this procedure, the following definitions shall apply whenever the terms are used:
1. Criminal Justice Agencies - those agencies at all levels of government, which perform as their principal functions, activities relating to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders, or the

collection, storage, dissemination, or use of criminal offender record information.

2. Criminal Justice Personnel - peace officers, judges, clerks of courts, prosecutors (including district attorneys and city attorneys), correctional officers (including officers in juvenile institutions), parole officers, probation officers, and civilian employees of criminal justice agencies whose specifically assigned duties include the handling of criminal history information.
3. Law Enforcement Agencies - all local and municipal police departments, Sheriff's departments, public college and university police departments as defined by the Penal Code, and state and federal agencies with law enforcement responsibilities.
4. Law Enforcement Purposes - the prevention, detection, and control of crime; the identification, location, and apprehension of criminals; the protection of secured facilities such as headquarters and area stations, or as required or permitted by statute.

V. RULES

- A. Members shall treat all Department business as confidential. Any information regarding this business shall be disseminated in accordance with the law and established Department policy recorded herein.
- B. Members may copy official records or reports from the Department's police office only in accordance with established Department procedures. Members shall not divulge the identity of persons giving confidential information except as authorized by the proper authority in performance of police duties.
- C. The requesting person or agency will indemnify, in writing, the San Diego Community College District Police Department and the San Diego Community College District from any liability arising out of the improper use of the information provided.

VI. PROHIBITIONS AND AUTHORIZED ACCESS/RELEASE

- A. Prohibitions on Access/Release
 1. Department members are to use computer systems to access criminal records only in the performance of their duty. Access of computer systems to obtain criminal records for personal reasons or personal business is prohibited.
 2. Access and/or release of state and local summary criminal history information are

limited to law enforcement purposes only.

3. Information contained in arrest, juvenile contact and crime case files, and other police records may not be accessed, disclosed, or released, except as authorized by this procedure.
4. No Department member, except personnel specifically designated by the Chief of Police or the Police Records Supervisor (or designee), may release or disclose any criminal history record information or information contained in arrest, juvenile contact and crime case files, or other police records.

B. Authorized Access/Release of Criminal History Record Information

A local agency shall furnish local criminal history information to persons authorized by California Penal Code section 13300. These include, but are not limited to:

1. Peace officers;
2. District attorneys and prosecuting City attorneys;
3. Probation and parole officers; and,
4. The subject of the criminal history/authorized representative/person authorized with power of attorney.

C. Authorized Access/Release of Arrest and Crime Case Information and Other Police Records

1. Unless otherwise specified by state or federal statute or a valid court order, arrest and crime reports or other police records or information contained therein, may be released only under the following circumstances:
 - a. To law enforcement agencies for law enforcement purposes;
 - b. To criminal justice personnel for the purpose of executing the responsibilities of their position in a matter relating to the individual whose record is requested;
 - c. To attorneys and investigators representing the District in any litigation, liability claim, special court, administrative hearing, civil service matter, or precautionary liability evaluation in which the San Diego Community College District or any District officer or employee is named as a party

arising out of an incident described in the report or record maintained or accessed by the San Diego Community College District Police Department.

d. Arrest reports may be released to:

- (1) The individual who is the subject of the report or an authorized representative/person authorized with power of attorney, after redacting personal information related to all other persons; and,
- (2) Any other member of the public. Only the limited information relating to the arrest as specified in Government Code section 6254(f)(1) may be released (Arrest report pages 1 and 2).

e. Crime reports may be released to:

- (1) The victim of an incident or an authorized representative/person authorized with power of attorney;
- (2) The victim of domestic violence by designated DV personnel;
- (3) An insurance carrier against which a claim has been made;
- (4) Any person suffering bodily injury or financial loss as a result of the incident;
- (5) The front page of each crime report may be furnished in response to California Public Records Act requests, subject to the restrictions in Penal Code section 841.5, and except in cases where the victim is a minor or where the victim is one specified in 6254(f)(2) of the California Government Code.

f. Suspects listed on crime reports are not entitled to receive crime case information.

2. Government Code section 6254(f) defines information that must be made public unless release of the information would endanger the safety of a person or the successful completion of an investigation.

a. Arrestee Information (Government Code section 6254(f)(1))

The full name and occupation of every person arrested by the agency; the individual's physical description including date of birth, color of eyes and

hair, sex, height, and weight; the date, time, and location of arrest (but not the residential address of the victim of a sex crime); and, the factual circumstances surrounding the arrest and all charges on which the individual is being held.

Additionally, date and time of booking; amount of bail set; and time and manner of release or location where the individual is being held are considered public information. Requests are referred to the County Jail.

b. Incident Information (Government Code section 6254(f)(2))

The date, substance, and location of all complaints or requests for assistance received; the date, time, and location of occurrence (but not the residential address of a victim of a sex crime); time and nature of the response; the date and time of the report; the name and age of the victim (except victims of those crimes specified in 6254(f) (2) of the California Government Code, including sex crime victims, victims of abuse, underage victims, or victims who specifically request their names be withheld); the factual circumstances surrounding the crime or incident; and a general description of any injuries, weapons, or property involved.

VII. DISTRIBUTION OF POLICE REPORTS

A. The Department will provide a copy of reports involving students who have violated the San Diego Community College District Police 3100 Student Code of Conduct, to the following.

1. The President of the college;
2. Vice-President of Student Services;
3. The Dean of Student Affairs.

These reports will be used solely for the purpose of executing the responsibility of their administrative office.

B. Copies of Department reports can be obtained from the San Diego Police Department's Records Division.

VIII. WHEN FOREGOING PROVISIONS MAY BE DISREGARDED

A. Authorization to release information not strictly in accordance with this Department Procedure must be obtained from the Records Commanding Officer

(or designee) or a Police Legal Advisor.

- B. No special authorization is required to withhold the requested information whenever there is a reasonable doubt whether or not information may be released in accordance with this Department Procedure, or when it appears any of foregoing provisions should be modified or disregarded because of special circumstances.