



GENERAL ORDER

Disclosure of Records, Reports and Information

Purpose and Scope

This order provides standards governing the disclosure of records, reports and information in accordance with state and federal law.

Rules governing access to records, reports and information can be found in the [Access to Automated Record Systems General Order](#).

Requests for information pursuant to the California Public Records Act (CPRA) shall be processed in accordance with applicable law¹ and [County Policy](#).

Affected Personnel

All employees, contractors, interns and volunteers

Effective Date

March 17, 2017

I. Standards

- A. The business of the county is public and is therefore public information; nonetheless, state and federal laws provide many exceptions to the disclosure of information.
- B. Individuals with access to records, reports and information shall adhere to all applicable laws, orders, regulations, use agreements and training related to disclosure.
- C. Welfare and Institutions Code § 827 and Penal Code §§ 11140-11143 identify individuals/agencies who are authorized to receive local and state criminal record information, and under what circumstances that information may be released. Criminal record information shall only be disclosed to those persons having legal authority either by statute or court order.
- D. Unauthorized disclosure of information other than for legitimate work-related purposes is prohibited and may subject an employee to administrative sanction, civil action and/or criminal prosecution.

¹ Government Code §§ 6250-6270.

II. Restricted Records, Reports and Information

The following protected information shall NOT be disclosed, except as specified:

A. Personal Identifying Information

Personal identifying information, including an individual's photograph, social security number, driver's license number, name, address, telephone number, or individual's medical or disability information which is contained in any local, state or federal automated system, driver's license record, motor vehicle record, or any department record shall not be disclosed except as authorized by a superior and only when such disclosure is permitted or required by law to carry out a legitimate law enforcement purpose.

B. Juvenile Case File Records

Juvenile case file records are confidential and shall not be obtained or inspected by civil or criminal subpoena. Pursuant with state law² and the California Rules of Court³, juvenile case file records include: All documents in a juvenile court case; Reports to the court by probation officers, social workers of child welfare systems, and Court Appointed Special Advocate (CASA) volunteers; Documents made available to probation officers, social workers of child welfare services, and CASA volunteers in preparation of reports to the court; Documents relating to a child concerning whom a petition has been filed in juvenile court and maintained in the office files of probation officer, social workers of child welfare programs, and CASA volunteers; Transcripts, records, or reports relating to matters prepared or released by the court, probation department, or child welfare services; and documents, video or audio tapes, photographs, and exhibits admitted into evidence at juvenile court hearings.

1. Juvenile case file records are subject to inspection only by specific persons and are governed by both statute and state court rules. Persons or agencies identified in [Welfare and Institutions Code section 827\(a\)\(1\)\(A\)-\(O\)](#) are entitled to inspect juvenile case files without a Court Order by submitting a [Declaration for Access to Juvenile Case File in Possession of Juvenile Court - Form JC/E-667](#).

The right to inspect juvenile case file records does not infer a right to copies of these documents. Only those persons identified in [Welfare and Institution Code section 827\(a\)\(5\)](#) are authorized to receive copies of the case file records without a further court order.

2. Any person or agency seeking access to juvenile case file records not specified in [Welfare and Institutions Code section 827\(a\)\(1\)\(A\)-\(O\)](#) must obtain a Court Order by submitting a [Request for Disclosure of the Juvenile Case File Petition -Form JV-570](#).

C. Juvenile Arrest & Custody Information

Information gathered and retained by a law enforcement agency regarding the taking of a child shall not be disclosed, except to another law enforcement agency.

² Welfare & Institutions Code §§ 827, 828.

³ California Rules of Court, Rule 5.552.

Under Welfare and Institutions Code § 828 all others seeking to inspect or obtain such reports must petition the juvenile court for authorization using the [Petition to Obtain Report of Law Enforcement Agency - Form JV-575](#).

D. Probation Status

Most information regarding an individual's probation status is confidential and not subject to disclosure.

1. If the person is a juvenile, all information is confidential;
2. If an adult is sentenced in Sacramento County, a summary of his/her sentence can be accessed by name, case number, or x-reference number at the Sacramento County Superior Court Public Case Access page.

E. Subpoena Duces Tecum

All questions regarding compliance with any Subpoena Duces Tecum shall be promptly referred to a division manager.

F. Search Warrants

Search warrants are confidential and not public record from the time the warrant is authorized to the time of its execution (if the warrant is executed during the statutory timeframe).

G. Criminal Offender Record Information

1. Any criminal history obtained from any departmental, local, state or federal automated system (e.g. JPIP, PIP, CJIS, CLETS, and NCIC) or probation file shall only be disclosed to those persons having legal authority either by statute⁴ or court order.
2. Individuals must have BOTH a right to know and need to know prior to receiving criminal offender record information obtained from any automated local, state or federal computer database, or department file.
3. Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice.

H. Investigative Information

The following investigative information shall not be disclosed:

1. Complaints to or investigations conducted by a local or state police agency.
2. Records of intelligence information or security procedures of a local or state police agency.
3. Any investigatory or security files compiled by any other local or state police agency.
4. Any investigatory or security files compiled by any state or local agency for correctional, law enforcement, or licensing purposes.

I. Information from Offender Chronological (Chrono) History

Chrono records are considered confidential and shall not be disclosed.

⁴ Penal Code §§ 11105,13300.

- J. Elder Abuse Records
Reports of suspected abuse or neglect of an elder or dependent adult, and the information contained in such reports, are confidential and may only be disclosed as permitted by state law.⁵
- K. Child Abuse Reports
Reports of suspected child abuse or neglect and child abuse and neglect investigative reports that result in a summary report being filed with the Department of Justice are confidential pursuant to Welfare and Institutions Code § 827 and may only be disclosed to the persons and agencies permitted by state law.⁶
- L. Victim and/or Witness Information
1. Victim information shall not be disclosed when:
a. The victim requests that his/her identifying information be kept confidential;
b. The victim is a minor; or
c. The individual is a victim of an offense specified in Penal Code § 293.
2. The disclosure of the address or telephone number of any person who is a victim of or witness to an alleged offense is prohibited, unless required by law.⁷
- M. Operations Information
Advance information about planned activities, such as movement of persons in custody or execution of an arrest or search warrant, shall not be disclosed.
- N. Specified Crime Information
Information involving certain sex crimes and other offenses as specified in Government Code § 6254(f) shall be restricted.
- O. Deceased Individuals
Identifying information concerning a deceased individual prior to next of kin notification or otherwise cleared through the Coroner's Office shall not be disclosed.
- P. Mental Health Detention Information
All information and records obtained in the course of providing services to a mentally disordered individual who is gravely disabled and/or a danger to him/her self, and who is detained and taken into custody by a peace officer, are confidential and may only be disclosed to specified recipients only for purposes specified in state law.⁸
- Q. Confidential Informant Information
The identity of an informant or the content of an informant's communication shall not be disclosed if the disclosure would tend to identify the informant.⁹

⁵ Welfare & Institutions Code § 15633.

⁶ Penal Code § 11167.5.

⁷ Penal Code § 841.5.

⁸ Welfare & Institutions Code §§ 5150, 5328.

⁹ Evidence Code § 1041.

R. Personnel Records

1. The discovery and disclosure of peace officer personnel records are governed exclusively by statutory provisions contained in the Evidence Code¹⁰ and Penal Code.¹¹
2. The disclosure of any personnel, medical, or similar files which would constitute an unwarranted invasion of personal privacy, are exempt from disclosure.

S. Litigation Information

Information pertaining to pending or anticipated litigation to which the County or the Department is or may be a party shall not be disclosed unless covered by another exemption or statutory privilege.

T. Test Questions and Other Examination Data

Test questions, scoring keys, and other examination data used in the employment process are exempt from disclosure.

IV. Records, Reports and Information Subject to Disclosure

The following information MAY be subject to disclosure, except as specified:

A. Employee Personnel Records

The California Supreme Court has determined that public employees, including peace officers, do not have a reasonable expectation of privacy related to:

1. Name, salary information, and dates of employment.
2. The identities of peace officers involved in shootings or other critical incidents may be subject to release under specified circumstances. County counsel shall be consulted prior to authorizing the release of officer identities.

B. Juvenile Delinquency Records Involving Specific Class of Offenses

1. When a petition has been sustained for an offense listed in Welfare and Institutions Code § 676(a), the following information may be disclosable:

- a. The charging petition;
- b. The minutes of the proceeding;
- c. The orders of adjudication and disposition of the court; and
- d. The name of a minor, unless so ordered by the court.

2. Copies of these records will not be provided without a court order.

C. Juvenile Arrest & Custody Information to Other Law Enforcement

Except for records sealed under Welfare and Institutions Code §§ 389 and 781, or Penal Code § 1203.45, information gathered and retained by a law enforcement agency regarding the taking of a child into custody may be disclosed without court authorization to another law enforcement agency, including a school district police or security department, or to any person or agency that has a legitimate need for the information for the purpose of official disposition of a case.

¹⁰ Evidence Code § 1043.

¹¹ Penal Code § 832.7.

D. Escape from Secure Detention (Juvenile)

1. The name of, and any descriptive information about, a juvenile who has escaped from a secure detention facility may be released to persons who specifically request this information.
2. The law enforcement agency may release information on the juvenile without a request to do so if it deems the release of information would be necessary to assist in recapturing the juvenile or necessary to protect the public from substantial physical harm.¹²

E. Juveniles Tried as Adults

A law enforcement agency may disclose information regarding a minor 14 years of age or older who was found by the court to have committed any felony enumerated in Welfare and Institutions Code § 707(b). This information shall not be disclosed if the court, for good cause, so orders.¹³

F. Adult Arrest Reports

1. Except where disclosure would endanger the safety of persons involved in an investigation, or jeopardize successful completion of the investigation or a related investigation, the following adult arrest information may be released to the public:¹⁴
 - a. Full name and occupation of every individual arrested by the agency;
 - b. The individual's physical description including date of birth, color of eyes and hair, sex, height, and weight;
 - c. Time, date, and location of arrest;
 - d. Time and date of booking;
 - e. Factual circumstances surrounding the arrest;
 - f. Amount of bail set;
 - g. Time and manner of release or location where individual is currently being held; and
 - h. All charges the individual is being held upon, including outstanding warrants from other jurisdictions and parole or probation holds.
2. If a criminal defendant and/or their authorized representative (including attorney) requests their arrest report, they shall be referred to the District Attorney, City Attorney, or the courts.

G. Adult Probation Reports

Any report of the probation officer filed with the court, including any report arising out of a previous arrest of the person who is the subject of the report, may be disclosed only as follows:¹⁵

1. Any person, from the date judgment is pronounced or probation granted or, in the case of a report arising out of a previous arrest, from the date the

¹² Welfare & Institutions Code § 828(b).

¹³ Welfare & Institutions Code § 872.2(c).

¹⁴ Penal Code § 6254(f)(1).

¹⁵ Penal Code § 1203.05.

