



For More Information:  
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## **San Diego County Sheriff's Department Responds to "Audit."**

Recently an "organization established to help journalists..." began conducting statewide audits of local law enforcement agencies to determine how they respond to certain public records requests. This was the second time within the last year that the organization has utilized government time and resources in its request for documents and information.

During its "audit," this organization allegedly contacted 120 agencies throughout the state of California. The organization erroneously counted the San Diego County Sheriff's Department as four separate entities. In an "undercover" capacity members of this organization contacted four Sheriff's stations and made ambiguous requests for "any and all information" that could be provided to the public on recent burglaries. These requests did not comply with the requirement of the Public Records Act that a request "reasonably describes an identifiable record or records."

Aside from the oral requests made at the substations, the organization sent one written request to the Sheriff's Department, providing only an email contact address. The Department responded to the request for information within 10 days of the receipt of the request, as required by law; however, the organization indicates that they did not receive a response from the Sheriff's Department. A copy of the Department's timely written response is available for review.

The audits performed by this organization make it obvious that there is a need to educate on how best to go about getting information from government agencies. The Sheriff's Department offers the following tips to assist anyone seeking to obtain information from the San Diego County Sheriff's Department:

### **1. Seek information from the correct location.**

Persons seeking public record information from the Sheriff's Department should know that there is only one San Diego County Sheriff's Department, with many facilities located throughout the county. A request from a substation or facility is a request of the entire San Diego County Sheriff's Department. As a result, requests for information made at substations or a facility where the information is not located may have to be forwarded to other locations, and

may delay access to the requested information. Often information and records may be kept in a centralized location and may not be readily available in substations or facilities.

## **2. Know what information you are entitled to:**

### **a. What can I get as a victim of a crime?**

California law provides that records of complaints to, or investigations conducted by a local police agency are exempt from disclosure. If you request this type of information, your request will be denied unless you are the victim of an incident, in which case, the Sheriff's Department will disclose to you the names and addresses of persons involved in or witnesses to the incident (other than confidential informants), as well as a description of any property involved, the date, time, and location of the incident, all diagrams, all witness statements (other than confidential informants), and statements of parties, as long as such disclosure would not endanger the safety of a witness or other person involved in the incident, or would not endanger the successful completion of the investigation or a related investigation.

### **b. Can I get actual records of complaints or investigations?**

The California Government Code has authorized public agencies to withhold records of complaints to, or investigations conducted by law enforcement agencies. In lieu of disclosing the actual records to persons other than crime victims, the law requires a law enforcement agency to disclose certain information derived from them.

### **c. What can I get as a member of the press or public?**

If you are not the victim of an incident, the Sheriff's Department will provide the time, substance, and location of all complaints or requests for assistance received by the agency and the time and nature of the response thereto, this may include the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, and a general description of any injuries, property, or weapons involved.

If a person was arrested by the Sheriff's Department, the Sheriff's Department will disclose the full name and occupation of the individual arrested, the individual's physical description including date of birth, color of eyes and hair, sex, height and weight, the time and date of arrest, the time and date of booking, the location of the arrest, the factual circumstances surrounding the arrest, the amount of bail set, the time and manner of release or the location where the individual is currently being held, and all charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

## **3. Know how long the Department has to respond to your request.**

While public records are open to inspection at all times during the office hours of the Sheriff's Department, the Department has 10 days from receipt of a request for a copy of records to determine whether the request seeks copies of disclosable public records. Additionally, in

unusual circumstances, the Department may extend the ten day time limit for an additional 14 days if it is reasonably necessary to process the request.

**4. Know what costs are associated with a public record request.**

A crime victim is entitled to one copy of a crime report, at no cost. A person who is a victim of an accident caused by a person driving under the influence of drugs or alcohol is also entitled to one copy of an accident report, at no cost. Requests for documents other than those described above may incur a fee directly related to the costs of duplication, or a statutory fee, if applicable.

**5. Know when you might be required to show identification.**

If you are crime victim, or a victim of an accident caused by a person driving under the influence of drugs or alcohol, requesting a copy of a crime report, be prepared to show identification to establish that you are the victim identified in the report. For general public record requests no identification is necessary.

**6. Consider putting your request in writing.**

While public record requests are not required to be in writing, often times the best way to avoid confusion and or miscommunication regarding your request is to put your request in writing. This is important because frequently your request must be communicated to other persons or facilities.

**7. Provide reliable contact information.**

It is important to provide reliable contact information so that when a law enforcement agency makes a determination as to what information can be released it can contact you.

If after making a public records request you believe that you have not been provided the information as set forth in this bulletin, feel free to ask to speak to a supervisor.

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