

#### IV. THE PRESS AND INFORMATION

Under the California Public Records Act, the press has no more of a right to access information than any other person does.

The California Public Records Act also states that an elected member or officer of any state or local agency is entitled to access public records of that agency on the same basis as any other person. Nothing in this section shall limit the ability of elected members or officers to access public records permitted by law in the administration of their duties.

#### V. IMPORTANT DEFINITIONS

**“State Agency”** means every state office, officer, department, division, bureau, board, and commission or other state body or agency, except those agencies provided for in Article IV or article VI of the California Constitution.

**“Local Agency”** includes a county; city, whether general law or chartered; city and county; school district; municipal corporation; district; political subdivision; or any board, commission or agency thereof, other local public agency; or nonprofit organizations of local governmental agencies and officials which are supported solely by public funds.

**“Writing”** means handwriting, typewriting, printing, Photostatting, photographing, and every other means or recording upon any form of communication or representation, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films or prints, magnetic or punched cards, discs, drums, and other documents.

**“Member of the Public”** means any person, except a member, agent, officer, or employee of the federal, state, local agency acting within the scope of his or her membership, agency, office or employment.



#### How to obtain information via the Internet

We encourage people to research subjects on their own. This process allows them to become more familiar with their resources and the law.

The Internet address to access information about California law is [www.leginfo.ca.gov](http://www.leginfo.ca.gov)

Scroll down on the page and click on the button marked **California Law**. This will then take you to a page that lists all the laws of the state, from the Penal Code to all Government Codes.

For Additional information about the City of Los Altos and the Los Altos Police Department visit our website at [www.ci.los-altos.ca.us](http://www.ci.los-altos.ca.us)

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## UNDERSTANDING THE CALIFORNIA PUBLIC RECORDS ACT



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# CALIFORNIA PUBLIC RECORDS ACT

## I. WHAT IS THE PUBLIC RECORDS ACT?

In 1968, the California Legislature enacted the California Public Records Act (CPRA) under Government Code sections 6250—6270. In its findings and declarations, mindful of the right of individuals’ privacy, the Legislature declared it was the public’s right to access information concerning the people business.

## II. WHAT IS A PUBLIC RECORD?

As defined in the Public Records Act, GC 6252 “public records include 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.”

### Police Reports

Based on this definition, the report of crimes and incidents written in the course of business of a law enforcement agency are public records and subject to release under the Act, with some exemptions.

The Department may withhold specific items of information and records that are exempted or privileged under state or federal law and thus exempt from disclosure under GC 6254(k). For example, the California Welfare and Institutions Code and the California Rules of Court provisions concerning the jurisdiction of juvenile court generally prohibit public disclosure of identifying information about juveniles who have been arrested or detained by police or who have been neglected or abused. Other information and records have been declared confidential by the California Legislature in other enactments and cannot be publicly disclosed, such as police personnel records and records concerning complaints against and administrative investigations of police officers (Penal Code § 832.5, 832.7, and 832.8). Information in police records that is subject to state law privileges, such as the attorney-client privilege, the doctor-patient privilege, or the priest-penitent privilege is not disclosable under the Public Records Act.

## III. MAKING A REQUEST

Requestors do not have to prove or even state a “need to know” to justify access to a public record. However, if the record falls under one of the exemptions a “need/right to know” will need to be established in order for the record to be released. Records staff will provide the appropriate request form if needed. Once the request has been received, you will receive a response from the Department within 10 calendar days indicating whether or not the record is disclosable, and if not, telling you the reason(s) for the denial of the request.

### Time Extension

The 10-day period is not a legal deadline for producing the records. These 10 days allows the agency to review records if it is not clear that they are public records. If the Department notices the requesting party, the Department can get an additional 14 days to determine if the records requested are public or not. There are only four specific reasons for requesting the extra time, they are:

- Need to search and collect information from another location.
- Need to search through voluminous amount of documents.
- Need for consultation with another agency that may have interest in the release of the records.
- Need to compile data or create a computer program.

### Inspection of Public Records

While police reports themselves are exempt from disclosure under Government Code §6254(f) certain records are available for immediate public inspection. These records include the Department’s “Press Release Log” and “Arrest Log”. These logs contain 10 days of current information and can be viewed at the Police Department lobby upon request.

The Public Records Act requires the Department to make available to the public the following current information to the extent it exists in the Los Altos Police Department records:

### Arrest Information

- The full name and occupation of every individual arrested by the agency.
- The individual’s physical description including date of birth, color of eyes and hair, sex, height, weight, and 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.
- All charges the individual is being held upon, including any outstanding warrants from other jurisdictions and parole or probation holds.

### Calls for Service Information

- Time, substance, and location of all complaints or requests for assistance received by our Department.
- The time and nature of the response.
- The 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.
- A general description of any injuries, property, or weapons involved.

The name of a victim of any crime defined by Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, or 646.9 may be withheld at the victim’s request.