26-002 - Release of Incident Reports for Victims of Domestic Violence, Sexual Assault, Stalking, Human Trafficking and Elder or Dependent Adult Abuse

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

RELEASE OF INCIDENT REPORTS FOR VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, HUMAN TRAFFICKING AND ELDER OR DEPENDENT ADULT ABUSE

PURPOSE

The purpose of this Field Operations Directive is to establish policy and procedures for the release of incident reports for victims of Domestic Violence, Sexual Assault, Stalking, Human Trafficking and Elder or Dependent Adult Abuse. Department personnel shall provide a free copy of incident reports upon request without charging a fee, per 6228 (a) of the Family Code. Department Personnel shall also provide a free copy of all face sheets, any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of any 911 recordings.

Important Notes Regarding Release of Documents, Calls, and Photographs

- ***NO Body Worn Camera (BWC) footage or other video should be released****. Only photographs, 911 calls, and incident report are to be made available).*
- *Release requirement is for the initial Incident Report only and does not include detective supplemental reports or Suspicious Circumstance Reports.*
- *All relevant materials are to be released* ***without*** *redactions.*

BACKGROUND

With the implementation of Senate Bill (SB) 290: Domestic violence documentation: victim access, and the amendment to section 6228 (a) of the Family Code, state and local law enforcement agencies are required to provide victims of certain crimes with access not only to incident reports, but certain other records at no cost. These other records include any accompanying or related photographs of a victim's injuries, property damage, or any other photographs that are noted in the incident report, and 911 recordings, if any. This

requires additional documentation to be provided within the same time periods as required for providing an incident report.

Reports and documentation must be made available regardless of the status of the case. This means that reports must be made available even if the case is active. SB 290 also extended the time for a victim or their representative to request the records from 2 years to 5 years from the date of the completion of the incident report.

TIMELINES FOR DOCUMENT RELEASE

- **Incident Report Face Sheet**: Must be available no later than 48 hours of the request. If there is delay for good cause, the agency must inform the victim or representative of the reasons, and the face sheet must be provided no later than five (5) working days after the request.
- **Incident Report, Photographs, and 911 Recordings**: Must be available within five (5) working days of the request. If there is a delay for good cause, the agency must inform the victim or representative of the reasons, and the items must be provided no later than ten (10) working days after the request.

REPORT RELEASE CRITERIA PER FAMILY CODE SECTION 6228(A)

A free report, photographs, and a copy of the 911 calls must be provided to a victim (or their representative) of: Domestic Violence, Stalking, Sexual Assault, Human Trafficking, Elder/Dependent adult abuse regardless of whether the investigation is open or closed. Criteria for release are as follows:

- A victim requesting these materials shall present identification, such as a driver's license, state-issued ID card, or passport.
- If the victim is alive and not the subject of a conservatorship, a representative of a victim may request and receive these materials upon presenting a written and signed authorization from the victim making that person their representative. A representative of a live victim may be: 1) a parent, guardian, or adult child of the victim; 2) an adult sibling of a victim 12 years of age or older; 3) an attorney for the victim; 4) a conservator of the victim. Anyone claiming to be a representative of the victim shall present identification as set forth above establishing their identity and relationship to the victim. An attorney shall also present a Bar card or other proof that they are a licensed attorney in any state, as well as written confirmation that they represent the victim. A guardian or conservator shall present a copy of letters of guardianship or conservatorship demonstrating they are the appointed guardian or conservator of the victim.
- If the victim is deceased, a representative may request and receive these materials and shall present a certified copy of the death certificate or other satisfactory evidence of the death of the victim. A representative for a deceased victim may be: 1) the surviving spouse; 2) a surviving child 18 years or older; 3) a domestic partner; 3) a surviving parent; 4) a surviving adult relative; 5) the personal representative of the victim appointed pursuant to the Probate Code; or 6) the public administrator if one has been appointed. Anyone claiming to be a representative of a deceased victim shall present identification as set forth above establishing their identity and relationship to the victim.
- A representative of the victim does not include any person who has been convicted of murder in the first degree (as defined in Penal Code section 189) of the victim, or any person identified in the incident

report face sheet as a suspect.

PROCEDURE FOR RELEASE

Requester Responsibilities:

- Requesters (victims or their authorized representatives) are required to make their requests in-person at an LASD station.
- Requests may also be made in-person at the Records and Identification Bureau (RIB).
- Requesters must provide identification and any other relevant documentation establishing their identity and/or authorization to receive the requested information, as appropriate. Required documentation is outlined in the "Report Release Criteria per Family Code Section 6288(A)" above.

Watch Deputy (or Assigned Desk Personnel) Responsibilities:

- Upon arrival of Requester, Watch Deputy (or assigned desk personnel) instructs the Requester to complete the Release of Crime Report Form (SH-R-645) and mark the 5-day due date.
- Obtain a copy of the report and provide it free of charge if immediately available.
- Ensures the requester provides contact information, including an accurate email address for receipt of any remaining documents, which will be provided via download link through evidence.com.
- If no email address is available, the Requester can provide a physical media storage device (e.g. media/flash drive) for requested media. If no email and no physical media is provided by requester, a physical media storage device will be provided by the Department.

NOTE: *The preferred method is a download link provided through Evidence.com, so an e-mail address, if available, is the most advantageous to both the victim and the Department.*

RIB Duties *[FOR REQUESTS MADE AT RIB ONLY]*:

- Upon arrival of Requester, RIB personnel instructs the Requester to complete the Release of Crime Report Form (SH-R-645) and mark the five (5) day due date.
- Obtain a copy of the report and provide it free of charge if immediately available.
- Ensures the requester provides contact information, including an accurate email address for receipt of any remaining documents, which will be provided via download link through Evidence.com.
- Via email, forward the completed Release of Crime Report Form (SH-R-645) to the Detective Bureau (DB) Secretary and DB Sergeant of the relevant station.

NOTE: *Requests made at RIB will require an additional five (5) days but shall be produced within the ten (10) day windowas defined by statute.*

Detective Responsibilities:

- As soon as Detective receives the Release of Crime Report request form from the Detective Sergeant, Detective locates requested media on Evidence.com.
- Reviews the case and uploads only the 911 calls and photographs into the case under a new RMT

number.

- Gives a request to either Detective Sergeant or Watch Commander (depending on the availability of the personnel) for release within five (5) days .
- Places a copy of the request form in the station master file and places a copy of the request in the detective case file.
- Once the request has been released via email by the Detective Sergeant or Watch Commander (outlined in Section 5 below), contact the Requester to notify them.

***NOTE:* No Body Camera footage is to be made available to the victim or their representative. Only Photographs and 911 calls are to be made available.**

Detective Sergeant or Watch Commander Responsibilities:

- Upon receipt of the Release of Crime Report Form (SH-R-645) from the station or via email from RIB:
  - In the Station Bureau Administrative Portal (SBAP) Risk Management Tracker (RMT), create an RMT case utilizing the “DV Release” section.
  - Note in the case creation or case note the purpose of the download using the RMT number.
- Assign Detective to upload Photographs and 911 calls to Evidence.com under the RMT number.
- Release the case with the media to the email address provided by the requester via download link with 10 days to expiration. Or, in the rare circumstances an email cannot or will not be provided, then download the contents of the RMT case to a flash drive.
- ONLY if the media will be made available on a physical media storage device, notify the Requester that the media is ready FOR PICK-UP.

ATTACHMENTS

Release of Crime Report Form (SH-R-645)

REFERENCES

California Family Code 6228

3-09/090.40 - Procedure for Release of Information