

Ventura County Grand Jury 2014 - 2015



Final Report

Port Hueneme Police Department Public Records Request Process

April 23, 2015

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Port Hueneme Police Department Public Records Request Process

Summary

When members of the public contact the police to “call for service,” to report a crime, or to file a complaint, they have an expectation of what actions the police will take and what information relative to those actions will be provided to them. The public may expect the police to physically respond to a call for service, to investigate reported crimes and complaints, to provide status on the progress of an investigation, or to issue a copy of an investigative report.

A member of the public reported an incident to the Port Hueneme Police Department (PHPD) and requested—but did not receive—a police report. In response to a complaint from this person, the 2014-2015 Ventura County Grand Jury (Grand Jury) investigated the processes and procedures used by the PHPD to respond to requests for reports and information and to document complaints, reported crimes, and calls for service.

The Grand Jury performed this investigation by examining the policies and procedures used by the PHPD to document a Call for Service, an allegation of a crime, a complaint, or a request for information and reports. The Grand Jury researched City of Port Hueneme (City) and PHPD websites for relevant content. The Grand Jury interviewed PHPD personnel regarding their response to calls from the public and requests for investigative status and reports. The Grand Jury compared PHPD policies and procedures and website content with those of other city police departments within Ventura County (County). Police department personnel from those cities were also interviewed.

The Grand Jury found that:

- The PHPD follows State of California (State) law and its own internal policies in determining the need to generate a police report.
- The PHPD has a process in place for the public to request Call for Service reports, police reports, and other information. The process and applicable forms are not well publicized or easily available to the public.
- The criteria for the PHPD to write a police report are not publicized. The public is not entitled to police reports where no police report is warranted.

The Grand Jury recommends that:

- The Port Hueneme City Council direct the PHPD to publicize its criteria for producing police reports and the types of information/reports available to the public
- The Port Hueneme City Council direct the PHPD to update its website to contain information on how to request records and reports and directly

provide any necessary forms, including the Request for Information or Records form, on the website.

Background

When members of the public contact the police to call for service, to report a crime, or to file a complaint, they have an expectation of what actions the police will take and what information relative to those actions will be provided to them. The public may expect the police to physically respond to a call for service, to investigate reported crimes and complaints, to provide status on the progress of an investigation, and/or to issue a copy of any investigative report.

In response to a public complaint from a person reporting a crime and requesting, but not receiving, an investigative report from the PHPD, the Grand Jury investigated the processes and procedures used by the PHPD to:

- Document calls for service
- Document reported crimes and complaints
- Respond to requests for reports and information

The PHPD is regulated by internal policies and State law as to what type of incident requires a police report and the release of information. [Ref-01]

Methodology

The Grand Jury performed this investigation by examining the policies and procedures of the PHPD for documenting a Call for Service, an allegation of a crime, a complaint, or a request for information and/or a report. The Grand Jury researched City of Port Hueneme and PHPD websites for relevant content. The Grand Jury interviewed PHPD personnel regarding their response to calls from the public and requests for investigative status and reports. The Grand Jury compared PHPD written policies and procedures and website content with that of other city police departments within the County. The Grand Jury also interviewed police department personnel from those cities.

Facts

FA-01. The PHPD uses a Computer Aided Dispatch (CAD) system to document public complaints, reported crimes, and requests for service that initiate a response by the PHPD personnel to the site of a reported incident.

FA-02. When members of the public call for service, the PHPD follows the sequence below:

- The initial public contact is entered into the CAD system and given an incident number.
- An officer is assigned to evaluate the incident. The evaluation may include a site visit.
- The officer, using PHPD policies and State law, determines if further investigation is to be done and a police report written or if the process

terminates at the incident stage. [One purpose of a police report is to document sufficient information to refresh the officer's memory for follow-up investigation.]

- The CAD system is updated to reflect the disposition of the incident and whether further investigation is required and/or a police report is to be written.
- If a police report is not written, a Call for Service report—which includes the date, type of call, and disposition—is available from the CAD system.
- Once a police report is completed and approved by senior PHPD staff, it cannot be changed.
- Supplements to an initial report may be written by the police.
- Any person may provide a supplement to a report at the discretion of the watch commander.
- When an investigation is completed, a letter is sent to the victims informing them of its status.

FA-03. The PHPD provides access to information about public complaints, reported crimes, and requests for service, following State and internal guidelines:

- A person not personally involved in a Call for Service incident or reported crime/complaint will receive only general public information. [Ref-01]
- A redacted CAD report for the current month is available for public viewing at the Port Hueneme police station.
- Any time a written report is requested by phone, a Request for Information or Records form is sent to the requestor. The completed form may be returned by mail, but must include a copy of the requester's driver's license. (Att-01, Att-02)
- Any time a written report is requested in person at the PHPD headquarters, the Request for Information or Records form must be completed and identification provided. (Att-01, Att-02)
- Incident information and records are archived. There is no time limit for submitting the Request for Information and Records form.
- If a request for information or records is denied, an appeal process is available.

FA-04. The Request for Information or Records form is available in English and Spanish by contacting the PHPD in person or by phone. It is not available online. [Ref-02, Ref-03, Ref-04]

The form includes:

- Type of record/information requested
- Party requesting report/information

- Reason for requesting report/information
- Signature, driver’s license number, and address of the person making the request
- Disposition of the request completed by records personnel

The Request for Information or Records form states that the “Port Hueneme Police Department’s Records Personnel have the right to refuse access to Records if the requestor does not satisfactorily establish his/her identity and the right to access such records.”

(Att-01, Att-02)

FA-05. State law and PHPD internal policy regulate the types of incidents requiring a police report:

- Officer finding of criminal activity
- Missing persons
- Found property or evidence
- Incidents involving the death of a human being
- Traffic collisions above minimum reporting level
- Injury or damage by City personnel
- Injury as the result of drug overdose
- Attempted suicide
- Injury that is major/serious, where death could result
- Any incident of juvenile gunshot injuries

FA-06. Police reports for incidents other than those identified above are at the discretion of the PHPD. Not every incident leads to a police report.

FA-07. The PHPD website does not contain information about how to request documentation of a Call for Service or how to appeal a denied Request for Information or Records. [Ref-02, Ref-03, Ref-04]

Findings

FI-01. The PHPD follows State law and its own internal policies in determining the need to generate a police report. (FA-01, FA-02, FA-03, FA-04, FA-05, FA-06)

FI-02. The PHPD has a process in place for the public to request Call for Service reports, police reports, and other information. The process and applicable forms are not well publicized or easily available to the public. (FA-03, FA-04, FA-05, FA-06, FA-07)

FI-03. The criteria for the PHPD to write a police report are not publicized. The fact that the public is not entitled to a police report when the incident did not warrant a police report is also not publicized. (FA-05, FA-06)

Recommendations

- R-01.** The Grand Jury recommends that the Port Hueneme City Council direct the PHPD to publicize its criteria for producing police reports and the types of information/reports available to the public. (FI-01, FI-02, FI-03)
- R-02.** The Grand Jury recommends that the Port Hueneme City Council direct the PHPD to update its website to contain information on how to request records and reports and to directly provide any necessary forms, including the Request for Information or Records form. (FI-02)

Responses

Responses required from:

Port Hueneme City Council (FI-01, FI-02, FI-03) (R-01, R-02)

Responses requested from:

Police Chief, Port Hueneme Police Department (FI-01, FI-02, FI-03) (R-01, R-02)

References

- Ref-01.** State of California, Department of Justice, Office of the Attorney General, *Public Records*, <http://oag.ca.gov/consumers/general/pra> (accessed February 11, 2015).
- Ref-02.** City of Port Hueneme Police Department, Investigative Division, <http://www.ci.port-hueneme.ca.us/index.aspx?NID=221> (accessed February 16, 2015).
- Ref-03.** City of Port Hueneme Police Department, <http://www.ci.port-hueneme.ca.us/index.aspx?NID=187> (accessed February 4, 2015).
- Ref-04.** City of Port Hueneme Police Department, Tracker Request, <http://www.ci.port-hueneme.ca.us/requesttracker.aspx> (accessed February 4, 2015).

Attachments

- Att-01** Port Hueneme Police Department Request for Information or Records Form (ENGLISH)
- Att-02** Port Hueneme Police Department Request for Information or Records Form (SPANISH)

Glossary

<u>TERM</u>	<u>DEFINITION</u>
CAD	Computer Aided Dispatch system used by police departments to document public complaints and/or requests for service and to send police personnel to the site of a reported incident
Call for Service	A public request that a dispatcher enters into the CAD system to initiate a response to an incident
City	City of Port Hueneme
County	Ventura County
Finding	A conclusion based on one or more facts reached as the result of an investigation
Grand Jury	2014-2015 Ventura County Grand Jury
PHPD	Port Hueneme Police Department
Police Report	Legal document containing the specifics of an incident or crime and the police response and findings
Redact	To select or adapt by removing certain information prior to publication or release
State	State of California
Victim	Person who is involved in an incident and believes he/she is an injured party
Watch Commander	The shift supervisor at police headquarters

Attachment 01

**Port Hueneme Police Department
Request for Information or Records Form (ENGLISH)**

PORT HUENEME POLICE DEPARTMENT
REQUEST FOR INFORMATION OR RECORDS

Date of Request _____ Report # _____

Name of Person on Record: _____ Date of Birth: _____

Date/Time of Incident: _____ Location of Incident: _____

TYPE OF RECORD OR INFORMATION REQUESTED (Check One)

- [] Burglary [] Crime of Violence [] Robbery [] Traffic Accident
[] Theft [] Vandalism [] Other _____

PARTY REQUESTING REPORT/ INFORMATION (Check One)

- [] Victim/Driver/Passenger/Pedestrian [] Insurance Company _____
[] Property/Vehicle Owner [] Claim Number: _____
[] Parent or Guardian [] Attorney [] Representative of Law Enforcement/
[] Other Party of Interest (Specify) _____ Criminal Justice Agency: _____

REASON FOR REQUESTING REPORT/ INFORMATION (Check One)

- [] Insurance Claim [] Personal Records [] Civil Action [] Parole/ Probation Investigation
[] Criminal Investigation [] Other (explain) _____

I certify that the information requested will be used for professional purposes and in no way that may jeopardize or hinder the duties or performance of any other criminal justice agency. I further certify the requested information shall not be used in any manner which will harass, degrade, humiliate or intimidate any person for any person or for any employment related purpose.

REQUESTED BY: _____ DRIVER'S LICENSE # _____
(Signature)

PRINTED NAME: _____ ADDRESS: _____

NOTE: Port Hueneme Police Department's Records Personnel have the right to refuse access to Records if the requestor does not satisfactorily establish his/her identity and the right to access such records.

TO BE COMPLETED BY RECORDS PERSONNEL

DISPOSITION OF REQUEST

- [] Information Given (Describe): _____
[] Crime Report - Complete Copy Given [] Yes [] No
Suspect Information Omitted: [] Yes [] No
[] Traffic Collision Report [] Face Sheet/ Property List

RECORDS CLERK _____ DATE _____ FEES _____

Attachment 02

**Port Hueneme Police Department
Request for Information or Records Form (SPANISH)**

DEPARTAMENTO DE POLICIA DE PORT HUENEME

SOLICITUD POR INFORMACION O REPORTE

Fecha de Solicitud _____ Numero de Reporte # _____

Nombre de Persona de Reporte: _____ Fecha de Namimiento: _____

Hora y Fecha de Incidente: _____ Lugar de Incidente: _____

QUE CLASE DE REPORTE O INFORMACION SOLICITA (Marque Uno)

- [] Robo [] Crimen de Violencia [] Accidente de Trafico
[] Vandalismo [] Otro _____

PERSONA SOLICITANDO EL REPORTE/ INFORMACION (Marque Uno)

- [] Victima/Cochero/Pasajero/Peaton [] Compania de Seguros _____
[] Dueno de Propiedad o Vehiculo [] Padres or Guardian Numero de Reclamacion: _____
[] Abogado [] Otra Persona Interesada (Especificar) [] Representativo de Ejecucion de la Ley/
Agencia de Jusricia Criminal: _____

RAZON PORQUE SOLICITA EL REPORTE/ INFORMACION (Marque Uno)

- [] Reclamacion de Seguro [] Record Personal [] Accion Civil [] Investigacion de Crimen
[] Investigacion de Liberacion Condicional/ Probacion
[] Otro (explicar) _____

Yo estoy de acuerdo que la informacion solicitda se usara solo por propositos profesionales y de ninguna manera se usara para perjudicar, humiliar o amenazar a la persona relacionada con el reporte. Tambien estoy de acuerdo que la informacion que se le entregue no se usara para impedir los deberes profesionales de otras agencias de justicia criminal.

SOLOCITADO POR: _____ NUMERO DE LICENSIA DE MANEJAR# _____
(FIRMA)

NOMBRE EN LETRA: _____ DOMICILIO: _____
DE MOLDE

NOTA: Personal de Departamento de Policia de Port Hueneme tiene el derecho de negarie el derecho de obtener la copia del record si el solicitante no tiene la identificacion satisfactoria.

TO BE COMPLETED BY RECORDS PERSONNEL
DISPOSITION OF REQUEST

- [] Information Given (Describe): _____
[] Crime Report – Complete Copy Given [] Yes [] No
Suspect Information Omitted: [] Yes [] No
[] Traffic Collision Report [] Face Sheet/ Property List

RECORDS CLERK _____ DATE _____ FEES _____