

## CALIFORNIA PUBLIC RECORDS ACT (CPRA)

### WHAT IS THE CALIFORNIA PUBLIC RECORDS ACT?

In 1968, the California Legislature enacted the California Public Records Act (CPRA) under Government Code (GC) §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's business.

The City of Eureka understands and supports the public's right to access the public records created and maintained by the City in the course of their normal business. It is the goal of the City and the Eureka Police Department to provide service in a transparent manner. The Eureka Police Department's Records Section processes public records requests for information on behalf of the Department.

### WHAT IS A PUBLIC RECORD?

As defined in the California Public Records Act, Government Code §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."

### WHO CAN MAKE A PUBLIC RECORDS REQUEST?

Any person can make a Public Records request.

### WHAT TYPES OF RECORDS ARE AVAILABLE?

It is the responsibility of the Eureka Police Department to allow the public access to certain information obtained during the normal course of daily business. All agency records not exempted by statutory or case law are available. Certain records or portions of records are subject to privacy laws and/or other exemptions and are rarely ever available for viewing.

### GOVERNMENT CODE 6254 AND EXEMPTIONS

GC §6254 specifies exemptions in order to balance an individual's right to privacy with the public's need for information. Items that will most likely be withheld or redacted from Eureka Police Department public records are:

- Juvenile information
- Victim information associated with crimes related to Penal Code Sections 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a-c, e, f, and j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, or 289, 422.6, 422.7, 422.75, 647.6, or 647.9
- Confidential informant information
- Criminal offender record information
- Information that may endanger the safety of a witness or person involved in an incident
- Information that may jeopardize an investigation, related investigation, or law enforcement proceeding

- Any portion of the report that reflects analysis, recommendation, or conclusion of the investigating officer
- Information that may disclose investigative techniques
- Preliminary drafts, notes, or memorandums which are not retained in the ordinary course of business
- Records pertaining to pending litigation to which the city is a party until the litigation is adjudicated or settled
- Personnel, medical, or similar files
- Peace Officers' personnel files, including investigation of citizen complaints or any related discipline with the exception of those records disclosed under SB1421.

#### HOW TO MAKE A PUBLIC RECORDS ACT REQUEST

You will want to include the following information to ensure the scope of the request is understood and clear enough for personnel to determine if we have the records you are requesting.

- The date(s) of the record
- The subject of the record
- A clear and specific description of the record
- Any additional information that helps staff identify the record
- Your complete contact information, so that we may notify you when your request is available

Prompt access to public records is required by the CPRA (Government Code 6253). The 10-day period mentioned in the CPRA is not a deadline for producing records. Should the request be voluminous or entail that the EPD needs a reasonable amount of time to review and inspect records, it may take longer before the records can be made available.

The rights under the CPRA provide for the inspection of public records or to obtain copies of identifiable records, it does not compel the agency to create lists or reports in response to the request.

Under Government Code 6253(b), agencies may charge for the "direct costs" for providing copies of an identifiable record.