I. PURPOSE

The purpose of this Unit Order is to establish policy and procedures to ensure CISU processes incident reports requested by a victim or his or her representative for the alleged crimes of domestic violence, sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult as outlined in Family Code §6228 (see SVU Unit Order 18-XXX).

CISU members shall have a working knowledge of this Order.

II. POLICY

It is the policy of the CISU to process Family Code §6228 incident reports to a victim as defined above or his or her designated representative no later than five working days from the date of the request unless good cause exists. If good cause exists, reports shall be released no later than ten working days after request is made. CISU Records will process all SVU Family Code §6228 reports that are assigned to this Unit.

III. FAMILY CODE SECTION 6228

A. Types of Incident Reports Covered

1. Domestic Violence, as defined in Family Code section 6211.

2. Sexual assault, as defined in Sections 261, 261.5, 262, 265, 266, 266a, 266b, 266c, 266g, 266j, 267, 269, 273.4, 285, 286, 288, 288a, 288.5, 289, or 311.4 of the Penal Code.

3. Stalking, as defined in Section 1708.7 of the Civil Code or Section 646.9 of the Penal Code.

4. Human trafficking, as defined in Section 236.1 of the Penal Code.
5. Abuse of an elder or a dependent adult, as defined in Section 15610.07 of the Welfare and Institutions Code.

B. Who may receive the Incident Report

1. A Victim or Representative may receive the incident report. This includes:

a) A parent, guardian, or adult child of the victim, or an adult sibling of a victim 12 years of age or older, who shall present to law enforcement identification pursuant to Family Code Section 6228(c). A guardian shall also present to law enforcement a copy of his or her letters of guardianship demonstrating that he or she is the appointed guardian of the victim. Cal. Family Code § 6228 (g)(2)(A).

b) An attorney for the victim, who shall present to law enforcement identification pursuant to Family Code Section 6228(c) and written proof that he or she is the attorney for the victim. Cal. Family Code § 6228 (g)(2)(B).

c) A conservator of the victim, who shall present to law enforcement identification pursuant to subdivision (c) and a copy of his or her letters of conservatorship demonstrating that he or she is the appointed conservator of the victim. Cal. Family Code § 6228 (g)(2)(C).

2. If the victim is deceased, a “representative” of the victim means any of the following:

a) The surviving spouse.

b) A surviving child of the decedent who has attained 18 years of age.

c) A domestic partner, as defined in subdivision (a) of Section 297.

d) A surviving parent of the decedent.

e) A surviving adult relative.

f) The personal representative of the victim, as defined in Section 58 of the Probate Code, if one is appointed.

3. A representative of the victim does not include any person who has been convicted of murder in the first degree, as defined in Section 189 of the Penal Code, of the victim or any person identified in the incident report face sheet as a suspect.

IV. PROCEDURES

IDENTIFICATION VERIFICATION: Any person requesting copies under Family Code §6228 shall present identification in order for CISU to determine eligibility.
**Unit Order, continued:**

Identification required:

- i. Current, valid driver's license, SF City ID card, a state-issued identification card, or a passport.
- ii. A guardian shall also present a copy of his or her letters of guardianship.
- iii. An attorney for the victim, shall present ID and written proof that he or she is the attorney for the victim.
- iv. A conservator of the victim shall present ID and a copy of his or her letters of conservatorship.
- v. A personal representative of the victim, if victim is alive and not the subject of a conservatorship, shall present a written authorization, signed by the victim.
- vi. A representative of a victim who is deceased, shall present a certified copy of the death certificate or other satisfactory evidence of the death of the victim at the time the request is made.

1. **In-Person Requests: CIS Window**

   If the requestor has not already done so, CISU shall direct the requestor to complete the Request for Incident Report: Family Code § 6228 (SFPD Form XXX). Once eligibility is determined, CISU will process request. If possible, CISU shall process request same-day.

2. **From SVU:**

   If the requestor submits the Request for Incident Report: Family Code § 6228 (SFPD Form XXX) with SVU personnel at 850 Bryant, Room 500, SVU will verify identity of requestor, contact CISU and notify them of the request and email to sfpd.records@sfgov.org. CISU will process the request.

3. **Mail or Electronic Requests:**

   Requests received by way of mail/email/fax can be processed with the understanding that the requestor is required to pick-up in person, allowing CISU staff to verify identity before providing the copy of the incident report to the requestor.

**Documentation Tracking:**

- A. CISU staff will review the form to ensure all sections are complete and meet the provisions of Family Code 6228.
- B. Once redactions are completed, a supervisor shall sign SFPD Form XXX prior to release of police report.
- C. Regular audits shall be conducted and provided to the Commanding Officer of the CISU to ensure compliance with this order.
- D. Questions/concerns shall be directed to a CISU Supervisor or Lead.
V. REDACTIONS UNDER FAMILY CODE § 6228:

List of items that must be redacted:

☐ Suspect and witness serialized government identification numbers
☐ All Juvenile suspect information
☐ All Juvenile victim (of sexual assault, stalking, human trafficking) information, if under 12 years of age
☐ Redact per California Government Code §6254 IF Requestor does not meet the statutory requirements of Family Code § 6228:
  • suspect, or was convicted of murder of the victim or any person named in report
  • not able to present written authorization from victim
  • not able to provide letters of guardianship or conservatorship (if claiming to be either)
  • not a representative as defined in the code

Redaction of police reports pursuant to Family Code § 6228 are minimal. Suspect and/or witness serialized government identification numbers such as DL, CII, FBI, Social Security Number, SF #, and any other identifying number are the only items that should be redacted from the incident report. Do not redact suspect’s information or witness names or statements unless a protective order is obtained.

Juvenile suspect information shall be redacted unless a court order directing SFPD to release juvenile suspect information is presented. Family Code and the Public Records Act do not override a police officer’s ability to redact based on investigation status.

IV. NOTICE OF GOOD CAUSE FOR DELAY:

• If there is a reason for not completing the request in the mandated five working days, CISU shall provide the requestor with a copy of the Notice of Good Cause for Delay (SFPD Form #) in the appropriate language of the reportee/victim (English, Spanish, Chinese, Russian, Vietnamese or Tagalog). All reports must be returned no later than ten working days from the requested date.

• The Notice of Good Cause for Delay (SFPD Form #) shall be reviewed by a Supervisor.

V. EXCEPTIONS TO PRIORITY FIVE DAY RELEASE

• Per Family Code 6228(d)(1), all requests for domestic violence incident reports made over five years from the date of completion of the incident report are not subject to priority requests.

• Per Family Code 6228(d)(2), all request for sexual assault, stalking, human trafficking, and abuse of an elder or dependent adult incident reports made over two years from the date of completion of the incident report are not subject to priority requests.

• Per Family Code 6228, all request submitted by a suspect or any member of the public that is not the victim, his or her designee or representative are not subject to priority requests.

• Members shall follow guidelines set forth in California Government Code §6254 and Section B.2 of DGO 3.16, for report release protocol in the above listed exceptions.
Unit Order, continued:

References:

- California Family Code §6228
- DGO 3.16 Release of Police Reports
- DGO 5.20, Language Access Services for Limited English Proficient (LEP) Person
- California Government Code §6254, Public Records Act
- The San Francisco Sunshine Ordinance, Administrative Code, Chapter 67
- Request for Incident Report: Family Code § 6228 (SFPD Form XXX)
- Notice of Good Cause for Delay (SFPD Form #_XXX)