UNIT ORDER

SUBJECT:
Special Victims Unit Policy and Procedures on the Release/Redaction of Police Reports Requested by the Victim or Designated Representative pursuant to Cal. Family Code §6228.

ISSUED TO: Special Victims Unit (SVU)
ISSUED BY: Captain Sergio Chin

I. PURPOSE

The purpose of this Unit Order is to establish the policy and procedures to ensure SVU assists CISU with release of incident reports to a victim, or to his or her designated 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 CISU Unit Order 18-XXX).

SVU members shall have a working knowledge of this Order.

II. POLICY

It is the policy of the SVU to direct victims as defined above, or his or her designated representatives to CISU for proper release of Family Code §6228 incident reports, to the victim 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, incident reports shall be released by CISU no later than ten working days after request is made.

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, 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.
Unit Order, continued:

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 Designated 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.

g) The public administrator if one has been 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

I. SVU REQUESTS

a. If a request is made in person at the SVU office, SVU staff will provide the requestor with a copy of the Request for Incident Report: Family Code § 6228
(SFPD Form XXX).

b. SVU shall verify identification of requestor and note on the SFPD Form XXX before sending to CISU. 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.

c. SVU shall send form to CISU via email sfpd.records@sfgov.org
d. CISU shall process the priority request, per CISU Unit Order XXX, within the 5 day timeline and will send to requestor in the manner in which requested on Section 3 of SFPD Form XXX.

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 under 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 witness names or statements unless a protective order is obtained.

Juvenile suspect information will 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.
VI. 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, 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.

References:

California Family Code §6228
DGO 3.16 Release of Police Reports
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)