

OFFICE OF CONSTITUTIONAL POLICING AND POLICY

NOTICE
1.14

December 20, 2018

TO: All Department Personnel

FROM: Director, Office of Constitutional Policing and Policy

SUBJECT: RIGHT OF THE PUBLIC TO ACCESS DEPARTMENT RECORDS AND CALIFORNIA PUBLIC RECORDS ACT

The California Public Records Act (CPRA), Government Code Sections 6250 – 6257, establishes the right of the public to access public records. Department records are subject to public disclosure unless a specific legal exemption exists. The purpose of this Notice is to clarify Department procedures pertaining to the CPRA and other information release requests.

RIGHT OF THE PUBLIC TO ACCESS DEPARTMENT RECORDS

The Department recognizes and supports the right of the public to access records and information concerning the conduct of the people's business consistent with the Constitution of the State of California and the California Public Records Act (CPRA). It is the Department's policy to protect the confidentiality of Department records and to provide the public with access to Department records as required by the CPRA. The Department recognizes its obligation to facilitate public records access, and to promote a culture of transparency and accountability. It is the policy of the Department to accept all requests for records maintained by the Department and to respond to requests within the required statutory timelines. All Department records are subject to public disclosure unless a specific legal exemption exists.

Exemptions. The CPRA contains exemptions from disclosure and there are additional laws outside the CPRA that create exemptions from disclosure. The CPRA requires that, within 10 calendar days from receiving a request, the Department notify the requestor whether the Department is in possession of the requested public records and specify any exemptions asserted by Department. When unusual circumstances exist, as defined by the CPRA, the Department may extend this time to respond by an additional 14 calendar days. The Department must then promptly provide the requestor access to or copies of the responsive and non-exempt records.

Method of Accepting Requests. The Department accepts CPRA requests in person, by phone, in writing, or online at lapdonline.org.

THE CPRA UNIT RESPONSIBILITIES

The CPRA Unit, Discovery Section, Legal Affairs Division, has primary responsibility for accepting, processing, and responding to CPRA requests for the Department. The CPRA Unit shall log, process, and respond to every public record request it receives, in accordance with the CPRA.

The CPRA Unit employees shall assist requestors by helping to identify records and information applicable to the request, describing the information technology and physical location in which the records exist and providing suggestions for expediting the production of records.

DEPARTMENT EMPLOYEE RESPONSIBILITIES

The duties of Department employees in response to a request for assistance from the CPRA Unit include, but are not limited to:

- Reviewing and responding to a request for assistance from the CPRA Unit;
- Describing categories of potentially applicable documents and identifying locations where responsive documents may be located within the unit for which the Department employee is responsible;
- Identifying other Department employees with knowledge of possible responsive documents and/or their locations;
- Searching for requested documents; and,
- Reviewing documents and assisting the CPRA Unit to identify information that requires withholding and/or redaction.

A Department employee responding to a request for records from the CPRA Unit shall provide all requested records to the CPRA Unit. If a Department employee believes that some or all of the information in a record is protected from public disclosure, he or she should provide the record to the CPRA Unit and recommend to the CPRA Unit what information should be withheld and why. If for any reason a Department employee cannot respond to a request for assistance from the CPRA Unit within the time requested by the CPRA Unit, the employee shall notify the CPRA Unit promptly that he or she cannot comply with the request.

Any Department employee not assigned to the CPRA Unit who receives a public records request from a member of the public shall promptly notify his or her supervisor of the request.

DEPARTMENT SUPERVISOR RESPONSIBILITIES

A supervisor who receives a public records request shall attempt to determine if the requested records are readily available for public release. Many frequently requested Department records are readily available online at lapdonline.org or from other Department resources. It is not necessary to refer such requests to the CPRA Unit. If the requested records are readily available for public release, the supervisor shall provide the records to the requestor. Supervisors may call the CPRA Unit for advice regarding such requests. If the requested records are not readily available for public release, or if the requestor is not satisfied by the records provided, the requestor should be advised to submit a CPRA request to the CPRA Unit at: <https://recordsrequest.lacity.org>. The supervisor may also accept the request and forward it to the CPRA Unit no more than one calendar day after receipt of the request.

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If you have any questions regarding this Notice, please contact Legal Affairs Division at (213) 978-8300.



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