



STAND FOR JUSTICE

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CITY OF ANAHEIM

*Via United States Postal Service Certified Mail*

October 9, 2015

Jennifer L. Hall, Records and Information Manager  
Records Division  
P.O. Box 3222  
Anaheim, California 92803

**Re: California Public Records Act Request**

Dear Ms. Hall:

We received your response, dated September 1, 2015, to our request for certain public records, pursuant to the California Public Records Act ("CPRA"), Cal. Gov't Code § 6250 *et seq.* We appreciate your timely response. I write to clarify and provide additional information to enable you to fulfill our original request to the greatest extent.

- (1) We request clarification regarding the retention and discarding of FI cards you have on file. Specifically:
  - a. The documents produced do not appear to relate to any retention policy for paper and electronic copies of field information cards (our request # 3). Is that information missing from the production?
  - b. Does your department follow the same policies to purge FI card data as you do to purge FI card photos (440.5.1 ("The Records Manager will be responsible for ensuring that photographs maintained by the Records Bureau that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained."))), such that your production of policy 440.5.1 is responsive to our request # 3?

**Executive Director** Hector O. Villagra

**Chair** Shari Leinwand **Vice Chair** Susan Adelman **Vice Chair** Richard Barry

**Chairs Emeriti** Danny Goldberg Allan K. Jonas\* Burt Lancaster\* Irving Lichtenstein, MD\* Jarl Mohn Laurie Ostrow\* Stanley K. Sheinbaum Stephen Rohde  
\*deceased

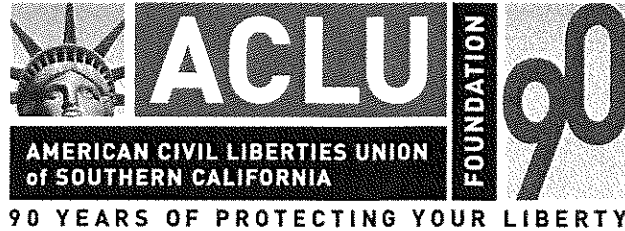
If you have any questions about this request, please do not hesitate to contact me at

Sincerely,

A handwritten signature in black ink, appearing to read 'JP', written over a horizontal line.

Jessica Price  
Staff Attorney  
ACLU of Southern California

Enclosure: Request dated July 20, 2015  
Response cover letter dated September 1, 2015



*Via United States Postal Service Certified Mail*

July 20, 2015

Anaheim Police Department  
c/o Linda N. Andal, CMC  
City Clerk, City of Anaheim  
200 S. Anaheim Blvd., #217  
Anaheim, CA 92805

**Re: California Public Records Act Request re: Field Interview Cards**

To Whom It May Concern:

I am writing to request, pursuant to the California Public Records Act (California Government Code § 6250 *et seq.*), the following public Records<sup>1</sup> related to your agency's use of field interview cards:

**A Field Interview Card**

- (1) Any field interview card used in the past three years, or the types of information collected in field interview cards.

**Field Interview Card Policies**

- (2) All Records<sup>2</sup> related to the policies, practices, customs, or training related to writing, typing, filling out, modifying or completing field interview cards, including but not limited to:
  - Standards or criteria for when officers should fill out field interview cards;

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<sup>1</sup> The term "Records," for purposes of these requests, is defined to include "writing" as that term is defined by Govt. Code § 6252(g), as "any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored," and includes but is not limited to emails, notes, presentations, manuals, proposals, policies, maps, training materials, powerpoints, handouts, computer files, memos, drafts or other documents.

<sup>2</sup> The term "field interview card," which is also commonly referred to as an "FI card" or a "field information card," for the purposes of these requests, is a document or electronic record, that law enforcement officers complete after stopping an individual. These cards are often in the form of an index-sized information card, that "police officers use to record information, such as date, names, addresses, and incident descriptions . . ." See 73 S. CAL. L. REV. 879, 925 (2000). Field information cards can also "detail the nature of the contact and note the person's physical description, attire, . . . telephone number, gang affiliation, and moniker" often in order to keep track of an individual's contacts and activities. *People v. Diaz*, No. B214406, 2010 WL 2779803, at \*3 (Cal. Ct. App. July 15, 2010).

- Any limitations on which officers are authorized to fill out field interview cards (such as particular units or departmental divisions, officers with certain levels of experience or training, or whether any screening is required before officers can fill out field interview cards)
- Any policies, newsletters, bulletins, orders, or training, if any, that officers receive on how and when to write, type, fill out, modify or complete field interview cards;

#### **Protection/ Safekeeping of Field Information Card Data**

- (3) All Records related to how the data collected from field information cards are stored, including but not limited to:
- Whether paper field interview cards are converted to electronic format or entered into an electronic database;
  - Any retention policy for paper and electronic copies of field information cards and the information gathered from them;
  - Whether officers can search records of field information cards.

#### **Who Has Access to the Field Information Card Data**

- (4) All Records relating or referring to which departments, units, assignments, and individuals both working within your agency and outside your agency that currently have access to the data gathered from field interview cards and for what purposes.

#### **How Many Field Interview Cards Were Filled Out**

- (5) All Records related to, referring to, or mentioning the number of field interview cards your officers wrote, typed, filled out, modified or completed within the past two months, starting from May 15, 2015 to the present.

#### **The Use of Field Interview Cards in Crimes**

- (6) The number of times that data gathered from field interview cards were used in the investigation of any crime, including the role, if any, it played in identifying, arresting and/or convicting suspects from January 1, 2014 through the present.

These requests are made pursuant to the California Public Records Act (“CPRA”), California Government Code § 6250 *et seq.* The CPRA requires responding agencies to provide a response within ten (10) days regarding whether copies of the Records requested can be provided. *See* Gov. Code § 6253(c).

In enacting the PRA, the Legislature recognized that “a requester, having no access to agency files, may be unable to precisely identify the documents sought. Thus, writings may be described by their content . . . An agency is thus obliged to search for records based on criteria set forth in the search request.” *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); *see also* § 6253(b). The PRA also requires the government to “assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records” by taking steps to “[a]ssist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated. § 6253.1(a). An agency that receives a request must also “[p]rovide suggestions for overcoming any practical basis for denying access to the records or information sought.” *Id.*

If any records are claimed to be exempt from disclosure, I request that: (1) you exercise your discretion to disclose some or all of the records notwithstanding the exemption; and (2) with respect to records containing both exempt and non-exempt content, you redact the exempt content and disclose the rest, consistent with California Government Code § 6253(a). Additionally, if any records are withheld or redacted, please provide a written response that describes with specificity each and every record that is being withheld or redacted and the claimed reason for exemption under the California Public Records Act, along with supporting legal authority or authorities.

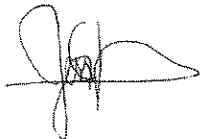
I request that you waive any copying fees because the ACLU of Southern California is a non-profit civil rights organization. *See North County Parents Organization v. Department of Education*, 23 Cal. App. 4th 144 (1994). No part of the information obtained will be sold or distributed for profit. If you do not agree to waive the copying fees, please inform me of any potential duplication costs exceeding \$50.00 prior to copying.

I also request that you provide any public record identified above that exists in the following electronic formats to me in that electronic format, instead of in paper format: PDF format or all Microsoft Office formats, including Word, Excel, and PowerPoint. *See California Government Code § 6253.9.*

I look forward to working with you to obtain the public records we have requested and look forward to your response to this request within ten days of receipt of this letter. *See California Government Code § 6253(c).* Please send all public records responsive to this request to my attention, either by mail or email.

If you have any questions about this request, please do not hesitate to contact me at  
or my legal assistant, Maricela Lopez-Krulak, at

Sincerely,



Jessica Price  
Staff Attorney  
ACLU of Southern California



City of Anaheim  
**OFFICE OF THE CITY CLERK**

September 1, 2015

Jessica Price  
ACLU of Southern California

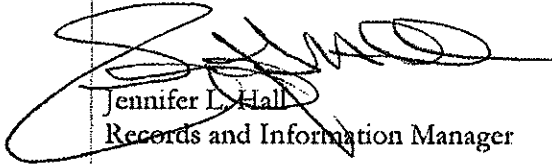
RE: Production of Records – PRA #07222015-3  
Field Interview Card Records

Dear Ms. Price,

We are in receipt of your payment in the amount of \$12.50 (Check #23812) for production of records related to the above referenced records requests. Enclosed are copies of the responsive records.

If you have any questions, please don't hesitate to call me at (714) 765-5166.

Sincerely,



Jennifer L. Hall  
Records and Information Manager

Enclosure