

Anonymous and Confidential Complaints

PURPOSE

To specify when anonymous complaints may be accepted, when a complainant may be offered confidential status and to establish a procedure for maintaining confidentiality.

GENERAL

On July 23, 2002, the Board of Supervisors approved limiting the acceptance of anonymous complaints to emergency situations that threaten public health and safety. If we determine that the potential for an emergency situation may exist, the complaint shall take precedence over all other non emergency complaints and shall be investigated at our first available opportunity. Anonymous complaints for any issue other than an emergency situation will not be accepted.

During the complaint interview process, complainants may refuse to give their name or request confidential status. Typically, a complaint received from a private citizen, a group of private citizens or any county official may be granted confidential status. Complaints received from a corporation, public trust or referrals from Federal or State agencies may not be granted confidential status. Due to the nature of tenant-landlord complaints, tenants reporting substandard conditions within their own unit cannot be granted confidentiality but tenants who report substandard conditions of common areas may be granted confidentiality. However, if the condition reported by a tenant is an emergency situation regardless of the location, the complaint may be accepted anonymously.

Once we grant confidential status, we shall make every effort to maintain confidentiality and may only disclose the complainant's identity under court order. A subpoena calling for disclosure of the information shall not be considered a court order. Any subpoena requesting disclosure of a complainant shall be forwarded to County Counsel for a response.

AUTHORITY

- A. Section 1040 and 1041 of the California Evidence Code
- B. Section 6254 (k) and 6255 of the California Government Code

PROCEDURE

Information submitted by a confidential complainant; i.e. photos, web sites or letters will be considered public information. Any markings on the submitted information that identifies the confidential complainant shall be blacked out or otherwise concealed to the best of our ability.

All complaints received shall be documented on the Violation Complaint Form (CDE-001). All anonymous complaints shall be marked "ANONYMOUS" and confidential complaints shall be marked "CONFIDENTIAL" in the complainant section of form CDE-001. All anonymous complaints received that do not appear to be emergency situations shall be forwarded to the Code Enforcement Supervisor for review and possible disposal. The Confidential Violation Complainant Form (CVCF) shall be completed for all confidential complaints and forwarded to a code enforcement clerk for initialization in Permits Plus and distribution to staff for investigation.

The Code Enforcement Supervisor shall review anonymous complaints to determine if an emergency situation may exist. Some examples of emergency situations are: exposed, energized electrical conductors; structures in threat of imminent structural collapse; gas leaks or grading that may undermine occupied structures. As a rule, we will accept anonymous complaints for any public safety threat that could cause immediate death or catastrophic consequences to citizens, property or the environment.

The code enforcement clerk shall include the CVCF in the abatement file, placed face down to conceal the information from public view. The CVCF shall remain in the abatement file throughout the investigation and abatement process.

The CVCF and any other confidential information (i.e. attorney-client privilege) shall be removed prior to public review. The CVCF shall be separated and discarded when the file is closed.

ATTACHMENTS

- A. Violation Complaint Form (CDE-001)
- B. Confidential Violation Complainant Form
(S:\OFCFORMS\POL&PROC\CODE_ENF\7-0-7 form.wpd)

Approved by:

/s/ Pete Parkinson

Pete Parkinson, Director

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