

7-0-7 ANONYMOUS AND CONFIDENTIAL COMPLAINTS

PURPOSE

To specify when anonymous complaints may be accepted, complainant confidentiality, 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 hazardous situations that threaten public health and safety. If a determination is made that the potential for injury or damage to people or property may exist, the complaint shall take precedence over all other non-urgent complaints and shall be investigated at the first available opportunity. Anonymous complaints for any issue other than an emergency situation will not be accepted.

A complaint received from a private citizen, a group of private citizens, or any County official shall 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.

Every effort to maintain confidentiality shall be made, and the disclosure of the complainant's identity shall require a 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

California Evidence Code Section 1040 and 1041
California Government Code Section 6254(k) and 6255

PROCEDURE

Generally, all complainants are considered confidential. 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 as much as possible.

All complaints received shall be documented on 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 and forwarded to a Code Enforcement clerk for initialization of the complaint as a new activity 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

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conductors; structures in threat of imminent structural collapse; gas leaks; or grading that may undermine occupied structures. We will accept anonymous complaints for any public safety threat that could cause immediate death or catastrophic consequences to citizens, property, or the environment. No action will be taken on non-emergency and anonymous complaints.

ATTACHMENTS

None

APPROVED BY: Tennis Wick, Director

Reviewed By Department Manager: Tyra Harrington, Code Enforcement Manager

Reviewed By County Counsel: Diana Gomez, Deputy County Counsel

Lead Author: Mark Franceschi, Code Enforcement Supervisor

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Intranet

Internet