



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



310.05 REQUESTS FOR LEGAL REVIEW, ADVICE AND OPINIONS 8-28-17

PURPOSE

The purpose of this order is to establish guidelines for requesting legal review, advice and opinions.

POLICY

It shall be the policy of the Sacramento Police Department to permit employees to obtain legal review, advice, and/or opinions relating to Departmental employees, their official duties, or their occupational skills.

PROCEDURE

A. GENERAL

1. All requests for legal review, advice, and/or opinions shall be made electronically to the Government Affairs Unit (GAU), Office of the Chief.
2. The GAU shall review each request. If an answer cannot be developed from internal Department resources or existing legal files, the GAU shall draft and forward requests for legal advice or a legal opinion to the Senior Deputy City Attorney assigned to the Police Department.

B. CITY ATTORNEY

1. All written request to the City Attorney's Office shall be logged in the GAU's tracking system and assigned a priority.
 - a. Priority 1 – Exigent Request
 - b. Priority 2 – Moderate Priority Request
 - c. Priority 3 – Non-Priority Request
2. The assigned attorney shall be asked to direct all written responses to the GAU.
3. The GAU shall coordinate with the City Attorney's Office on a monthly basis for updates on outstanding legal opinion requests.

C. RESPONSE FORMAT

The City Attorney's office will respond to requests for legal advice and or legal opinions in one of three formats.

1. **INFORMAL LEGAL OPINION** – Responses to issues requiring immediate action that may be handled without extensive legal research. Example: A request concerning the legality of a policy.
2. **ADVICE LETTER** – Responses requiring the same type of legal research as legal opinions. However, an advice letter will simply be the City Attorney's advice on the status or effect of laws enacted by jurisdictions other than the City of Sacramento (e.g., federal, state, other local jurisdictions). The City Attorney is not authorized to give binding opinions on such laws. Thus, the Department is not required to rely on such advice when proposing a course of action. Example: A request for clarification of a state law and its applicability to the Department's method of operation.
3. **FORMAL LEGAL OPINION MEMORANDUMS** – Responses to issues relating to legal instruments to which the City is a party or to laws enacted by the City. Legal opinions often require substantial legal research. The Department should rely on legal opinions by the City Attorney. Example: A request for an interpretation of a City Code Section or the validity of a proposed City Fee Ordinance.



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D. EXCEPTIONS TO GENERAL PROCEDURE

1. The following instances/organization are exempt from these procedures:

- a. 5150 cases (Property Section)
- b. Criminal and civil subpoenas (Records Section)
- c. Orders staffing (Professional Standards Unit)
- d. Routine investigations (Internal Affairs Section)

NOTE: These functions shall follow the general procedure when written responses to significant questions need to be documented.

2. In special cases, such as cases under investigation by the Office of Investigations (OOI), the OOI Captain or their designee may contact the City Attorney's Office or the District Attorney's Office by phone or email. Special cases are defined as those cases where an immediate response is necessary to complete the investigation.