



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



310.05 REQUESTS FOR LEGAL REVIEW 12-13-2024

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 (SPD) to permit employees to obtain legal review, advice, and opinions relating to departmental employees, their official duties, or their occupational skills.

PROCEDURE

A. GENERAL

1. All requests for legal review, advice, and opinions shall be made electronically to the Office of the Chief, Government Affairs Unit (GAU).
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 SPD.

B. CITY ATTORNEY

1. All written requests to the City Attorney's Office (CAO) shall be logged in the GAU's tracking system and assigned a numerical priority.
2. The Office of the Chief captains of Specialized Services and Administrative Services shall review all CAO requests and confer with the chief of police for assignment to the CAO.
3. The assigned attorney shall be requested to direct all written responses to the GAU.
4. The Office of the Chief captains of Specialized Services and Administrative Services shall review shall coordinate with the CAO on a regular basis for updates on outstanding requests.

C. RESPONSE FORMAT

1. The CAO will respond to requests for legal advice and opinions in one of three formats.
 - a. **INFORMAL LEGAL OPINION** – Responses to issues requiring immediate action that may be handled without extensive legal research.
 - b. **ADVICE LETTER** – Responses requiring the same type of legal research as legal opinions. However, an advice letter will simply be the CAO'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 CAO 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.
 - c. **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 CAO.

D. EXCEPTIONS TO GENERAL PROCEDURE

1. The following instances and organization are exempt from these procedures:
 - a. 5150 cases (Property and Evidence Section)
 - b. Criminal and civil subpoenas (Records Division)
 - c. Orders staffing (Professional Standards Unit)
 - d. Routine investigations (Internal Affairs Division)(1) 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 CAO or the District Attorney's Office by phone or



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email. Special cases are defined as those cases where an immediate response is necessary to complete the investigation.