

Item #10c - M2021-14; Mediation Summary



Michael B. MacDonald, Chair
Jerett Yan, Vice-Chair
Avi Klein
Ryan Micik
Arvon Perteet
Joe Tuman

Whitney Barazoto, Executive Director

TO: Whitney Barazoto, Executive Director
FROM: Jelani Killings, Ethics Analyst
DATE: July 13, 2021
RE: *In the Matter of the Police Department (Case No. M2021-14); Mediation Summary*

I. INTRODUCTION

On June 29, 2021, the Commission received a request for mediation alleging that the Oakland Police Department failed to disclose records in response to a public records request made by the Requester on January 21, 2020. On June 29, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided all responsive documents per the requests, Staff closed the mediation without further action.

II. SUMMARY OF LAW

One of the primary purposes of the Oakland Sunshine Ordinance is to clarify and supplement the California Public Records Act (CPRA), which requires that all government records be open to inspection by the public unless there is a specific reason not to allow inspection.¹ The CPRA requires each agency to make public records promptly available to any person upon request.²

Any person whose request to inspect or copy public records has been denied by any City of Oakland body, agency, or department, may demand mediation of his or her request by Commission Staff.³ A person may not file a complaint with the Commission alleging the failure to permit the timely inspection or copying of a public record unless they have requested and participated in the Commission's mediation program.⁴

Once the Commission's mediation program has been concluded, Commission Staff is required to report the matter to the Commission by submitting a written summary of the issues presented, what efforts were made towards resolution, and how the dispute was resolved or what further efforts Commission Staff would recommend to resolve the dispute.⁵

¹ Oakland Municipal Code § 2.20.010(C); California Government Code § 6250 et seq.

² Government Code § 6253(b).

³ O.M.C. § 2.20.270(C)(1).

⁴ O.M.C. § 2.20.270(F).

⁵ Complaint Procedures § IV (C)(5).

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III. SUMMARY OF FACTS

On January 21, 2020, the City received, via email, the following public records request (No. 20-332):

Reports/CAD/Audio/PDRD: 8/15, 9/1, 10/1 & 12/12 of 2019 involving incident location and persons listed...190909000465, 190907001082, 190906000917

On January 31, 2020, the Police Department changed the due date in NextRequest stating:

03/02/2020 (was 01/31/2020). Our agency is in the process of reviewing your requested records to determine what information can be released in accordance with the California Public Records Act. All records must be reviewed and in some cases redaction may be necessary. Due to the Department's limited staffing resources and the numerous public records requests received, our agency needs additional time to respond to your request. All records that are not exempt will be provided within 30 days. Please contact the undersigned if you need the records sooner or can identify a shorter list of records (for voluminous requests) that can be provided to you. We will do our best to work with you. We appreciate your patience.

On June 23, 2020, the Police Department released a document to the Requester in response to the public records request.

On July 23, 2020, the Police Department changed the due date in NextRequest stating:

08/24/2020 (was 03/02/2020). Additional time is required to answer your public records request. We have the need to search for and/or collect the requested records from field facilities or other establishments that are separate from the office processing the request - CGC 6253(c)(1).

On September 22, 2020, the Police Department released an additional seven documents to the Requester in response to the public records request.

On September 23, 2020, the Police Department changed the due date in NextRequest stating:

10/23/2020 (was 08/24/2020).

On November 28, 2020, the Police Department changed the due date in NextRequest stating:

12/05/2020 (was 10/23/2020).

On November 30, 2020, the Police Department released an additional three documents to the Requester in response to the public records request.

On January 11, 2021, the Police Department changed the due date in NextRequest stating:

01/31/2021 (was 12/05/2020). We will give you an update by 1/18/21.

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On June 29, 2021, the Commission received a complaint against the Police Department related to public records requests No 20-332 stating.

Request 20-332. I have been requesting the 911 call that led to my false and scripted arrest since 1/20/2020. OPD first lied & said it didn't exist. When I pushed they admitted to having it and now they are 521 days into the delay game.

On June 29, 2021, Staff initiated its mediation program and notified the Police Department of the mediation request.

On July 7, 2021, the Police Department released three audio recordings to the Requester in response to public records request 20-332.

On July 7, 2021, Staff followed up with the Requester to see if they had received all the responsive documents to their public records request including the requested audio files. The Requester responded:

Hello, we appreciate your response. The recordings attached are sufficient. This ethics complaint may be closed

Subsequently, Staff notified the Requester that the mediation cases would be closed.

IV. RECOMMENDATION

Because the Police Department provided the responsive records for the public records requests, and because the Requester indicated that they received all the responsive documents, Staff closed the mediation without further action.