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Whitney Barazoto, Executive Director

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TO: Whitney Barazoto, Executive Director  
FROM: Jelani Killings, Ethics Analyst  
DATE: March 22, 2021  
RE: *In the Matter of the Oakland Police Department (Case No. M2021-06); Mediation Summary*

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## I. INTRODUCTION

On March 10, 2021, the Commission received a request for mediation alleging that the Oakland Police Department failed to completely disclose records in response to a public records request made by the Requester on January 29, 2021. On March 11, 2021, Staff initiated its mediation program pursuant to the Oakland Sunshine Ordinance.

Because the responding department has provided the responsive documents per the request, Staff has 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.<sup>1</sup> The CPRA requires each agency to make public records promptly available to any person upon request.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

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

<sup>2</sup> Government Code § 6253(b).

<sup>3</sup> O.M.C. § 2.20.270(C)(1).

<sup>4</sup> O.M.C. § 2.20.270(F).

<sup>5</sup> Complaint Procedures § IV (C)(5).

### **III. SUMMARY OF FACTS**

On January 29, 2021, the City received, via NextRequest, the following public records request (No. 21-835):

Police report for a theft of a bike on 12/26/2020 needed for insurance claim.

On February 21, 2021, OPD released responsive documents to the requester stating that personal information had been redacted pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

On March 10, 2021, the Commission received a mediation request seeking the following:

A police report that isn't blacked out. I need the part of the report that list items that were on the bike when stolen.

On March 11, 2021, Staff initiated its mediation program and notified OPD of the mediation request.

Subsequently, OPD notified Staff:

The supplemental report listing all of the items was uploaded to request #21-835 yesterday [March 10, 2021] morning. I will reach out to the requester to confirm they received it.

Also, on March 10, 2021, OPD closed the record request and stated the following:

We have redacted personal information, including but not limited to, telephone numbers, social security numbers, credit card numbers and other personal identifying information pursuant to the constitutional rights of privacy and to protect against identity theft pursuant to Government Code Section 6254(c).

Your request for information has been: approved - authorized redactions or omissions made pursuant to: 6254(f) CGC (Specifies information releasable to victims, or authorized representatives, of specific crimes).

The additional records released to the Requester appear to provide the details, unredacted, that the Requester was seeking.

On March 22, 2021, Staff followed up with the Requester and notified her that since all responsive documents had been made available, the PEC would be closing the mediation. The Requester did not respond to Staff's outreach.

### **IV. RECOMMENDATION**

Because OPD provided the responsive records for the public records request, Commission Staff closed the mediation without further action.