



DEPARTMENTAL  
GENERAL  
ORDER

M-9.1

Index as:

Public Records Access

Effective Date:  
25 Apr 22

Coordinator:  
Records Division Manager

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**PUBLIC RECORDS ACCESS\***

The purpose of this order is to set forth Departmental policy and procedures to assist the public in obtaining information maintained by the Oakland Police Department. In keeping with the City's Sunshine Ordinance, which states in part, "the Oakland Police Services Agency shall cooperate with all members of the public making requests for law enforcement records and documents that are a matter of public record under the California Public Records Act..."

The policy and procedure for releasing information is outlined in Departmental General Order M-9, RELEASE OF RECORDS.

**I. OVERVIEW**

- A. It is the policy of the Oakland Police Department (OPD) to accept all requests for records maintained by the OPD, to provide a timely records determination, and to promptly produce responsive records. Where requests are unreasonably burdensome or do not request identifiable records, OPD will make reasonable efforts to assist requestors in overcoming the shortcomings of their request.
- B. The position of Public Records Supervisor has been established for the purpose of managing all Public Records Act (PRA) requests.

The Public Records Supervisor shall have the authority to assign and expedite requests to ensure compliance policies established under the PRA and the Sunshine Ordinance.

\*This policy has been amended to reflect the settlement in *Morris et al. v. City of Oakland*. OPD anticipates further review and updating of the policy in the near future.

- C. The Public Records Supervisor shall oversee a team of Public Records Specialists (PRS) who review requests, provide records determinations, coordinate searches for records, update requestors on the status of their requests, and publish disclosable records.
- D. The records maintained by the OPD are enumerated in the Appendix, and can generally be
  - 1. Department General Orders, Training Bulletins, and other non-sensitive materials;
  - 2. Internal Affairs Division records;
  - 3. Crime statistics;
  - 4. Offense reports, investigations, and arrest logs;
  - 5. Computer-Aided Dispatch Events (CAD)/communication tapes;
  - 6. Communications Division Voice Tape Recordings;
  - 7. Special enforcement projects; and
  - 8. Departmental training records.

Information pertaining to business, financial, and personnel records are maintained as official documents in other City departments.

- E. All requestors are encouraged, whenever possible, to make written records requests via the online NextRequest platform, available at <https://oaklandca.nextrequest.com/>. This portal allows requestors to track and receive updates on the status of the request, and to communicate with the OPD Records Division.
- F. Requests can also be made in person, via email, mail, or by phone. Instructions for submitting requests by these methods, and a public records request form to be filled out in connection with all written requests, are available at <https://www.oaklandca.gov/services/police-reports-and-documents>
- G. If a record requested in person or by email, mail, or phone cannot be immediately provided, a PRS shall enter the request into the NextRequest system so the request can be tracked and processed on the portal. Disclosable records shall be uploaded to NextRequest and provided to the requestor directly via phone or mail when so requested.

## II. LEGAL REFERENCES

### A. California Government Code (CGC) § 6253

- (a) Public records are open to inspection at all times during the office hours of the state or local agency and every person has a right to inspect any public record, except as hereafter provided. Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.
- (b) Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication, or a statutory fee if applicable. Upon request, an exact copy shall be provided unless impracticable to do so.
- (c) Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and shall promptly notify the person making the request of the determination and the reasons therefore. In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determines that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, "unusual circumstances" means the following, but only to the extent reasonably necessary to the proper processing of the particular request:
  - (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request.
  - (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request.

- (3) The need for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.
- (4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.
- (d) Nothing in this chapter shall be construed to permit an agency to delay or obstruct the inspection or copying of public records. The notification of denial of any request for records required by Section 6255 shall set forth the names and titles or positions of each person responsible for the denial.

B. CGC § 6253.1

- (a) When a member of the public requests to inspect a public record or obtain a copy of a public record, the public agency, in order to assist the member of the public make a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following, to the extent reasonable under the circumstances:
  - (1) Assist the member of the public to identify records and information that are responsive to the request or to the purpose of the request, if stated.
  - (2) Describe the information technology and physical location in which the records exist.
  - (3) Provide suggestions for overcoming any practical basis for denying access to the records or information sought.
- (b) The requirements of paragraph (1) of subdivision (a) shall be deemed to have been satisfied if the public agency is unable to identify the requested information after making a reasonable effort to elicit additional clarifying information from the requester that will help identify the record or records.
- (c) The requirements of subdivision (a) are in addition to any action required of a public agency by Section 6253.

(d) This section shall not apply to a request for public records if any of the following applies:

- (1) The public agency makes available the requested records pursuant to Section 6253.
- (2) The public agency determines that the request should be denied and bases that determination solely on an exemption listed in Section 6254.
- (3) The public agency makes available an index of its records.

C. CGC § 6253.4 (b)

Guidelines and regulations adopted pursuant to this section shall be consistent with all other sections of this chapter and shall reflect the intention of the Legislature to make the records accessible to the public. The guidelines and regulations adopted pursuant to this section shall not operate to limit the hours public records are open for inspection as prescribed in Section 6253.

D. CGC § 6257.5

This chapter does not allow limitations on access to a public record based upon the purpose for which the record is being requested, if the record is otherwise subject to disclosure.

### **III. REQUEST COMPLETION PROCEDURES**

A. Evaluate request and search for records.

Upon receipt of a PRA request, the assigned Public Records Specialist shall:

1. Review and evaluate the request, assisting the requestor as necessary as required by CGC § 6253.1;
2. Perform a search for responsive records, or contact Division Commander non-sworn equivalent for the responsible division(s) to perform a search for records; and
3. Evaluate whether the responsive records appear to be disclosable or whether any exemptions apply in coordination with the responsible division and City Attorney's Office as appropriate.

B. Communicate Records Determination.

After searching for records, the PRS shall:

1. Advise the requestor within the due date established by Government Code § 6253(c) (10 calendar days from the date the Department received the request) of the following:

The general categories of disclosable responsive records identified, if any, and a rough quantity and description of the records. This description must enable the records requestor to verify that a search for records was performed, including any departments or divisions that were contacted; and

- a. For the that records can be released, if any, an estimated date of production. The timeframe for production shall be tailored to each individual request, though OPD may utilize presumptive timeframes for routinely requested categories of documents;
  - b. If any records are to be withheld in their entirety, a general description of the records withheld, the statutory reasons for the withholding, and a brief explanation why any statutory exemption applies. If the records may be released in the future, the explanation should state when or under what conditions need to be met before the records are releasable. No description of records or explanation for withholding is required if the description or explanation would necessarily reveal non-disclosable information.
2. The 10-day period to provide a Records Determination may be extended up to 14 calendar days in unusual circumstances for the reasons provided in CGC § 6253(c).
  - a. When an extension is permitted, a PRS shall notify the requestor, stating the specific reason(s) why the extension is necessary based on the particular request, and the date on which a determination is expected, not to exceed the 14 calendar day time period.
3. The Records Determination shall also notify requesters of the availability of mediation within 10 days before Oakland's Public Ethics Commission under Oakland Municipal Code § 2.20.270(C) if OPD denies a request for documents.

- C. Review records and redact as necessary.

1. For straightforward records requests, OPD may be able to provide the requested records at the same time it communicates its records determination. Other documents require more careful review. For more complicated records, after OPD performs an initial review to determine if documents will be withheld in their entirety, the custodian of record or PRS should review the records further to determine if any redactions are necessary.
2. Redactions and withholding of records must be consistent with the Public Records Act and Oakland Sunshine Ordinance.

D. Publish Records and Close Request

1. Responsive, disclosable records should be published on NextRequest so that they are searchable and accessible to the public. Records should generally be published as viewable by the general public, except when the requestor is entitled to non-public information (e.g. where the requestor is a victim of crime requesting their own report or is a journalist requesting information for journalistic purposes), in which case the records should be published only to the requestor.
2. Once records are provided, the PRS should mark the request as closed.

**IV. COMMAND AND DIVISIONAL RESPONSIBILITY FOR COMPLAINEE**

- A. While PRA requests are processed by the PRA Unit within the Records Division, officers or civilian personnel in other divisions are sometimes responsible for collecting and compiling documents that must ultimately be processed and produced by the PRA Unit.
- B. The commanding officer of each division (or nonsworn equivalent) shall be responsible for ensuring officers within their division comply with PRA requests, including requests from other divisions or units for information. Failure to adequately comply with the PRA may result in discipline.
- C. For two years from the final court approval of the *Morris v. City of Oakland* Public Records Act class action settlement, the Records Manager shall submit a report every other week to the commanding officer in each division and also the executive team of the Chief of Police identifying all pending delinquent requests in each division. This report shall include a summary of the number of delinquent requests outstanding in each division and within OPD overall.

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OAKLAND POLICE DEPARTMENT

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25 Apr 22

By Order of

A handwritten signature in blue ink, consisting of a stylized 'L' followed by a series of loops and a long horizontal stroke.

LeRonne L. Armstrong  
Chief of Police

Date Signed: \_\_25 Apr 22\_\_



DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

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1 Apr 22

**APPENDIX**

<b>Record/Document Type</b>	<b>Responsible Division/Section/Unit</b>	<b>Contact</b>
911 Dispatch Recordings	Communications Division	Division Manager
Accident Photos	Traffic Division	Division Commander
Ad Hoc Reports (Specific Purposes)	Crime Analysis	Division Manager
After Hearing Stay Away Orders	Records Division	Division Manager
Alcohol Beverage Activity Programs¶	Criminal Investigation Division	Division Commander
Animal Control Records	Animal Services Department	Director
Arrest Logs (current 30 days)	Records Division	Division Manager
Arrest Reports	Records Division	Division Manager
Asset Forfeiture Records	Youth & Family Services Division	Division Commander
Assignment Cards - Calls for Service	Records Division	Division Manager
Audit Records	Office of Inspector General	Inspector General
Background Investigations	Recruiting and Background Unit	Unit Sgt.
Bicycle Recovery	Traffic Division	Division Commander
Bite Reports	Animal Services Department	Director
Canines	Patrol Division	Canine Unit Sgt.
Case Tracking Records	Criminalistics Division	Division Manager
Caseload Records	Criminalistics Division	Division Manager
Chief's Correspondence	Office of the Chief of Police	Chief of Staff
Clearance Letters	ID and Offender Registry Unit	Unit Sgt.
Compliance Assessor Reports	Office of Inspector General	Inspector General
Computer Aided Dispatch (CAD) Purge Printouts) 2002, 2003, 2004	Records Division	Division Manager
Computer Aided Dispatch Records	Communications Division	Division Manager
Court Appearance Records	Court Liaison Unit	Unit Sgt.
Crime Analysis Statistical Reports	Identification Division	Division Manager
Crime/Incident Reports	Records Division	Division Manager
Daily Bulletins	Patrol Division	Patrol Administrative Staff
Daily Communication Orders	Patrol Division	Patrol Administrative Staff
Daily Crime Report back to 2000	Crime Analysis Section	Section Manager
Dangerous & Vicious Dogs	Animal Services Department	Director
Department Personnel Orders	Human Resources Section	Section Manager
Department Personnel Rosters	Human Resources Section	Section Manager
Department Promotion Lists	Human Resources Section	Section Manager

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<b>Record/Document Type</b>	<b>Responsible Division/Section/Unit</b>	<b>Contact</b>
Department Publications	Research and Planning Section	Section Commander
Department Seniority Lists	Human Resources Section	Section Manager
Department Teletype Records	Records Division	Division Manager
Drug and Latent Casework Records	Criminalistics Division	Division Manager
Drug Registrants	ID and Offender Registry Unit	Unit Sgt.
DUI Investigations	Traffic Division	Division Commander
Field Contact Report Lists 1996-2004	Crime Analysis	Section Supervisor
Field Contact Reports (Hard copy) 2001 to present	Crime Analysis	Section Supervisor
Film Archive Records	Photo Lab	Unit Sgt.
Forensic Biology Casework Records	Criminalistics Division	Division Manager
Forensic Firearms Casework Records	Criminalistics Division	Division Manager
Gang Data	Criminal Investigation Division	Division Commander
Grant/Contract Records	Fiscal Services Division	Division Manager
Handler Daily Log books	K9 Unit	Unit Sgt.
Handler Monthly Reports	K9 Unit	Unit Sgt.
Homicide Investigations	Criminal Investigation Division	Division Commander
In Service-Curriculum Records	Training Division	Division Commander
In-Car Video	Police Info. Tech. Unit	Unit Sgt.
Internal Affairs Investigations	Internal Affairs Division	Division Commander
Jail Records - 2001, 2002, 2003, 2004, 2005	Records Division	Division Manager
Laboratory Reports	Criminalistics Division	Division Manager
Massage Permits	Youth & Family Services Division	Division Commander
Monthly Arrest & Citation Report - Sept. 2004 to current	Records Division	Division Manager
Negotiated Settlement Agreement	Office of Inspector General - Compliance	Inspector General
Off-duty Work Permits	Human Resources Section	Section Manager
Parade Permits	Special Events Unit	Unit Sgt.
Patrol Daily Logs	Patrol Division	Patrol Administrative Staff
Patrol Watch Detail Assignments	Patrol Division	Patrol Administrative Staff
Peddler-Solicitor Permits	Records Division	Division Manager
Pet Licenses	Animal Services Division	Division Manager
Photos and Photo Logs	Photo Lab	Unit Sgt.
Police Academy-Master Examination Roster	Training Division	Division Commander
Police Academy-Master Training Sites & Evens	Training Division	Division Commander

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Police Academy-Officer Training	Training Division	Division Commander
Police Activities League	Youth & Outreach Unit	Unit Sgt.
Problem Pet Owners	Animal Services Division	Division Manager
Product Proficiency Tests	Criminalistics Division	Division Manager
Property Logs	Property and Evidence Section	Section Supervisor
O.C. Logs	Property and Evidence Section	Section Supervisor
Recruiting Records	Recruiting and Backgrounds Unit	Unit Sgt.
Radio Inventory Logs	Property Section	Section Supervisor
Second-Hand Dealer Permits	Criminal Investigation Division	Division Commander
Sexual Offender Registrants	ID and Offender Registry Unit	Unit Sgt.
Sound Permits	Special Events Unit	Unit Sgt.
Span of Control Reports	Office of Inspector General	Inspector General
Special Duty Unit Statistic Sheets	Patrol Division	Patrol Administrative Staff
Statements of Economic Interest (Form 700)	Office of the Chief of Police	Chief of Staff
Stolen Vehicle Lists (Hot Sheet)	Records Division	Division Manager
STOP Data Forms (Electronic & Original)	Office of Inspector General	Inspector General
Subpoena Logs	Court Liason Unit	Unit Sgt.
Taxi Permits	Traffic Division	Division Commander
Temporary Restraining Orders	Records Division	Division Manager
Testimony Records	Criminalistics	Division Manager
Towed Vehicle Records	Records Division	Division Manager
Traffic Accident Reports	Traffic Division	Administrative Sergeant
Travel Records	Fiscal Services Division	Division Manager
Uniform Crime Report - Sept. 2004 to current	Records Division	Division Manager
Use of Force Records	Internal Affairs Division	Division Commander
Vehicle Abatement Records	Traffic Division	Division Commander
Warrants	Records Division	Division Manager