

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

MEMORANDUM

TO: All Personnel

DATE: 7 Dec 07

SUBJECT: Revision of Departmental General Order M-9.1,
PUBLIC RECORDS ACCESS

The subject order has been published to set forth Departmental policy and procedures to assist the public in obtaining information maintained by the Oakland Police Department.

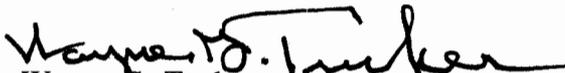
The evaluation coordinator for this order shall be the Records Division Manager, who, without further notice, shall forward the required report to the Chief of Police on or by 7 Jun 08.

The Evaluation Coordinator shall receive, review and document the acceptance or rejection of all comments and/or recommendations received prior to submitting his/her six-month evaluation report.

The Evaluation Coordinator shall forward a copy of the six-month evaluation report, along with the comments/recommendations received, to the Office of Inspector General to be maintained in the appropriate Departmental General Order archive folder.

Personnel shall acknowledge receipt, review, and understanding of this directive in accordance with the provisions of DGO A-1, DEPARTMENTAL PUBLICATIONS.

By order of


Wayne G. Tucker
Chief of Police

Date Signed: 07 Dec 07



DEPARTMENTAL
GENERAL
ORDER

M-9.1

Index as:

Public Records Access

Effective Date:
7 Dec 07

Evaluation Coordinator:
Records Division Manager

Evaluation Due Date:
7 Jun 08

Automatic Revision Cycle:
3 Years

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. POLICY

- A. It is the policy of the Oakland Police Department (OPD) to accept all requests for information maintained by the OPD and to provide feedback to the requestor regarding the status of each request within the required statutory timelines. If necessary, the Office of the City Attorney shall be contacted to prepare the necessary documents should additional time be needed to make a decision to approve or deny a request.
- B. The position of Public Records Request Coordinator (PRRC) has been established for the purpose of managing all Public Records Act requests.

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

- C. The records maintained by the OPD are enumerated in the Appendix and can be categorized as follows:
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. In-car video electronic files;
 8. Special enforcement projects; and
 9. Departmental training records.

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

- D. All Public Records Act requests shall be accompanied by a Public Records Request Form (TF-3281) (hereafter referred to as Request Form) available on the Oakland Police Department Website (www.oaklandpolice.com).
- E. Written requests are encouraged, but are not required. Request Forms shall be processed when received:
1. In person, Monday through Friday, between the hours of 0800 and 1600, except holidays;
 2. Via email to OPDPublicRecordsRequest@oaklandnet.com;
 3. Via U.S. Mail;
 4. Via Facsimile (FAX); and

5. Via telephone to the PRRC, Monday through Friday, between the hours of 0800 and 1500, except holidays.
- F. The Department's Public Information Officer shall forward all major and high profile requests to the PRRC for entry into the log for tracking purposes. All minor or routine type requests received and managed by the Department's Public Information Officer shall be exempt from the PRRC tracking process.

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. PATROL INFORMATION DESK RESPONSIBILITIES

The OPD Patrol Division Information Desk Officer shall process all requests received as follows:

- A. Assist the person in making a request that reasonably describes an identifiable record or records.

NOTE: Requests for public records shall be accepted even if the Custodian of Record is unknown or cannot be readily determined.

- B. Ensure requests for information/records are documented on a Request Form and assist in completing the Request Form, upon request.

- C. Ensure requests for traffic-related information/records, other than vehicle collision reports or related photos, are documented on a Request Form. For convenience, the requestor may be referred directly to the Traffic Section.

- D. Refer requests for vehicle collision reports or related photos directly to the Traffic Section during their regular business hours.

- E. Upon completion of the Request Form:

1. Provide the requestor with the PINK copy. Advise the requestor that he/she shall be notified by the responsible Custodian of Record as to the status of their request within 10 calendar days.
2. Place the WHITE and YELLOW copies of the Request Form in a secure box for pick-up by the Records Division.

IV. REQUEST COMPLETION PROCEDURES

- A. Upon receipt of the Request Form, the assigned Custodian of Records shall:

1. Review and evaluate the request; and
2. Advise the requestor within the due date established by the PRRC (10 calendar days from the date the Department received the request) of the following:

A determination as to whether the information exists and:

- a. If the information can be released, when, and how the record/information is to be released.

OR

- b. If the information is not to be released, either all or in part, as to the statutory reasons for the withholding of the information. If the information may be released in the future, when or under what conditions need to be met before the information is releasable (i.e., completion of an investigation or adjudication in court).

B. Request Determination Extensions

1. The 10 day period may be extended up to 14 calendar days if additional time is needed to make a determination regarding the release of information.
2. An extension is only permitted under the following circumstances:
 - a. A request requires the collection of documents from multiple locations;
 - b. Is a voluminous request;
 - c. Requires computer programming; or
 - d. Requires consultation.
3. When an extension is permitted, the Custodian of Record shall immediately notify:
 - a. The requestor¹ stating the reason(s) for the extension and the date on which a determination is expected, not to exceed the 14 calendar day time period.
 - b. The PRRC, who shall document the extension in the Log.

¹ The City Attorney's Office may be contacted to assist with this process.

- C. Request Form Completion, Documentation Delivery, and Request Form Retention
1. The Custodian of Record shall:
 - a. Complete Part 4 of the Request Form.
 - b. Determine and document the fees for the request, if any, in Part V of the Request Form;
 - 1) If there are no fees associated with the request, the Custodian of Record shall send a notification to the requestor that the request is available for pick-up (or make alternate arrangements for delivery) and forward the completed original Request Form to the PRRC.
 - 2) If there are fees associated with the request, the Custodian of Record shall forward the request documentation and the completed original Request Form to the PRRC.
 - c. Maintain a copy of the Request Form, all written responses, and all extension letters for five (5) years.

By Order of



Wayne G. Tucker
Chief of Police

Date Signed: 07 Dec 07

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OAKLAND POLICE DEPARTMENT

M-9.1 Effective Date
7 Dec 07

APPENDIX

Record/Document Type	Responsible Division/Section/Unit	Contact
911 Dispatch Recordings	Communications Division	Division Commander
Accident Photos	Traffic Division	Division Commander
Ad Hoc Reports (Specific Purposes)	Crime Analysis	Section Supervisor
After Hearing Stay Away Orders	Records Division	Division Manager
Alcohol Beverage Activity Programs	Criminal Investigation Division	Division Commander
Animal Control Records	Animal Services Division	Division Manager
Arrest Logs (current 30 days)	Records Division	Division Manager
Arrest Reports	Records Division	Division Manager
Arrest Report Lists	Crime Analysis	Supervisor
Arson Registrants	Identification 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	Personnel Division	Division Manager
Bicycle Recovery	Traffic Division	Division Commander
Bite Reports	Animal Services Division	Division Manager
Calls for Service - 1999 to 07/28/04	Crime Analysis	Section Supervisor
Canines	Patrol Division	Patrol Administrative Staff
Case Tracking Records	Criminalistics	Division Manager
Caseload Records	Criminalistics	Division Manager
Chief's Correspondence	Office of the Chief of Police	Chief of Staff
Clearance Letters	Identification Division	Division Manager
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 Commander
Court Appearance Records	Identification Division	Division Manager
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 Supervisor
Dangerous & Vicious Dogs	Animal Services Division	Division Manager

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Record/Document Type	Responsible Division/Section/Unit	Contact
Department Personnel Orders	Personnel Division	Division Manager
Department Personnel Rosters	Personnel Division	Division Manager
Department Promotion Lists	Personnel Division	Division Manager
Department Publications	Training Division	Division Commander
Department Seniority Lists	Personnel Division	Division Manager
Department Teletype Records	Records Division	Division Manager
Drug and Latents Casework Records	Criminalistics	Division Manager
Drug Registrants	Identification Division	Division Manager
DUI Investigations	Traffic Division	Division Commander
Evidence Photos	Identification Division	Division Manager
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	Identification Division	Division Manager
Forensic Biology Casework Records	Criminalistics	Division Manager
Forensic Firearms Casework Records	Criminalistics	Division Manager
Gang Data	Criminal Investigation Division	Division Commander
Grant/Contract Records	Fiscal Services Division	Division Manager
Handler Daily Log books	Patrol Division	Patrol Administrative Staff
Handler Monthly Reports	Patrol Division	Patrol Administrative Staff
Homicide Investigations	Criminal Investigation Division	Division Commander
In Service-Curriculum Records	Training Division	Division Commander
In-Car Video	Communications Division	Division Commander
Internal Affairs Investigations	Internal Affairs Division	Division Commander
Jail Records - 2001, 2002, 2003, 2004, 2005	Records Division	Division Manager
Laboratory Reports	Criminalistics	Division Manager
Massage Permits	Youth & Family Services Division	Division Commander
Medical Records	Animal Services Division	Division Manager
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	Personnel Division	Division Manager
Offense Report Lists 1996 to 2004	Crime Analysis	Section Supervisor
Parade Permits	Traffic Division	Division Commander
Patrol Daily Logs	Patrol Division	Patrol Administrative Staff

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Record/Document Type	Responsible Division/Section/Unit	Contact
Patrol Watch Detail Assignments	Patrol Division	Patrol Administrative Staff
Peddler-Solicitor Permits	Records Division	Division Manager
Pet Licenses	Animal Services Division	Division Manager
Photo Logs	Identification Division	Division Manager
Police Academy-Master Examination Roster	Training Division	Division Commander
Police Academy-Master Training Sites & Events	Training Division	Division Commander
Police Academy-Officer Training	Training Division	Division Commander
Police Activities League	Youth & Family Services Division	Division Commander
Problem Pet Owners	Animal Services Division	Division Manager
Product Proficiency Tests	Criminalistics	Division Manager
Property Logs	Property Section	Section Supervisor
O.C. Logs	Property Section	Section Supervisor
Recruiting Records	Personnel Division	Division Manager
Radio Inventory Logs	Property Section	Section Supervisor
Second-Hand Dealer Permits	Criminal Investigation Division	Division Commander
Sexual Offender Registrants	Identification Division	Division Manager
Sound Permits	Traffic Division	Division Commander
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)	Crime Analysis	Section Supervisor
Subpoena Logs	Patrol Division	Patrol Administrative Staff
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