From: Morodomi, Mark (MMorodomi@oaklandcityattorney.org)
To: [redacted]
Date: Thursday, September 3, 2009 2:32:52 PM
Subject: FW: Public Records Request PRR 090195

Marleen,
I am communicating with Ms. Sykes to find out why OPD is hesitant to provide the specific address of the two burglaries. They may be concerned about how disclosure may affect successful completion of their investigation. Once I hear from them I can advise them as to the law, and communicate to you.

Mark Morodomi

Office of the City Attorney
1 Ogawa Plaza, 6th Fl.
Oakland, CA 94612
510-238-6101
f: 510-238-6500

From: Marleen Sacks [mailto:m[redacted]t]
Sent: Monday, August 31, 2009 5:06 PM
To: Morodomi, Mark
Subject: Fw: Public Records Request

Mark:

See below a Public Records Request I made to Ms. Abney on August 18, 2009, which relates to an earlier PRA request I made to NSC Renee Sykes on August 10, 2009. Ms. Sykes never responded. More than 10 days after my request, I received the response below from Ms. Abney, which also does not comply with the requirements of the Public Records Act. Not to be overly picky about it, but I have already complained several times about the City's failure to comply with the law regarding Public Records Act, and specifically, the need to provide a formal response within 10 days. Moreover, from the newspaper article I am pasting below, it appears that the Police Department received an "F-" for PRA compliance two years ago. Whatever training was offered, it has clearly been insufficient. (Clearly, both the NSCs and Ms. Abney require additional training). If these problems continue, I will file a formal complaint with the Public Ethics Commission regarding the City's ongoing failure to comply with the PRA and its own Sunshine Ordinance.

Marleen

----- Forwarded Message ----
From: "Abney, Michelle" <MAbney@oaklandcityattorney.org>
To: Marleen Sacks <[redacted]>
Sent: Monday, August 31, 2009 2:16:55 PM
Subject: RE: Public Records Request

I just got back from vacation today. I will contact Ms. Sykes and inquiry regarding her response.

Michelle Abney
Open Government Coordinator
238-2965

Attachment 7A

From: Marleen Sacks [mailto:r[redacted]]
Sent: Tuesday, August 18, 2009 10:51 AM
To: Abney, Michelle
Subject: Public Records Request

Dear Ms. Abney:

During the week of August 3, 2009, NSC Renee Sykes informed our NCPC listserv that there had been several burglaries in the Dimond/Bret Hart area, and that one or more arrests had been made. When a member of the public asked for details (like the location of the burglaries) we received the response below - i.e. that the information requested could not be provided. I therefore sent Renee an e-mail on August 10, 2009 asking again for the information and stating that the request was a formal request for information under the Public Records Act. To date, I have received no response.

I am therefore forwarding to you a formal Public Records Request for information related to the burglaries referred to by Ms. Sykes, as outlined below. I am also requesting that all NSCs be provided with training on the Public Records Act and the City's obligation to provide this information to citizens. Thank you for your cooperation in this matter.

Marleen L. Sacks
[redacted]

Renee:

As far as I know the Montclarion regularly publishes the blocks where the residential burglaries occurred. I do think it is appropriate to disclose the block where the incidents occurred.

In addition, except in limited circumstances, the names of the persons arrested as well as the location of the complaint are public records, pursuant to Government Code 6254(f)(1) and (2), so again, I do think it is important for the neighborhood to have access to this information. I am asking that you consider this a formal request for information under the California Public Records Act. Thanks.

Marleen Sacks
[redacted]

From: Sykes, Renee [mailto:RSykes@oaklandnet.com]
Sent: Monday, August 10, 2009 3:30 PM
Subject: Location of Burglaries

Good afternoon everyone,

When I sent the e-mail out last week, I forgot to mention the location of the burglaries. .

Because this is an ongoing police investigation, I cannot provide the specific addresses of the incidents or how entry was made. I can tell you that one of the burglaries occurred in the Bret Harte area, the other one in the Dimond area.

Renee Sykes
Neighborhood Services Coordinator
Oakland Police Department

Attachment 7A

Beats 22x,22y and 25x
(510) 238-7929 (Office)
(510) 238-7685 (fax)

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Records still hard to obtain from cops

Oakland Tribune, Jun 26, 2007 by Cecily Burt

OAKLAND – Oakland police top brass, smarting from a scathing public records audit that earned the department an F-, vowed to improve. But more than six months later, the promised changes are still not in place.

More than 200 law enforcement agencies, including Oakland's, were audited last year to determine how well they adhered to the state public records law. Reporters posing as ordinary citizens fanned out statewide on Dec. 4 and asked to see information about crimes, arrests and other data. The reporters also tracked responses from the agencies for several days after the initial visit.

Each agency's response was graded by Californians Aware, an advocacy group that monitors open government access. The group coordinated the audit.

Oakland earned its dismal grade because the auditor, after waiting in line at the third-floor records division for 45 minutes, was referred to another department who told him they did not have time to handle his request.

Not good.

Twice this year department brass assured the city's Public Ethics Commission that it was already responding to the audit by shifting the Public Records Act function to the Patrol division rather than the records division.

Front-line staff, particularly those in public contact positions on the patrol desk would be trained in public records law, they said. A binderwith information about the law would be stationed at the patrol desk for easy reference by officers and the public. Forms would be available at the desk for people to fill out with their specific requests.

But if someone walked in to police headquarters today, he or she would once again be sent up to the third-floor records division, where they would have to wait in what is usually an agonizingly long line before being able to make their request.

Deborah Fallehy, the police records supervisor in charge of the project, admitted that it is taking a while to implement the changes.

Yes, they still must wait in line, but the good news is at least the records staff has been instructed to accept the request and respond to it immediately if possible, and without further jamming up the line, she said. Staff will also help the person fill out the form. A civilian department employee has also been reassigned to log and track public records requests to make sure responses are adequate and timely.

Fallehy blamed the delay on a pending roll-out of patrol car cameras and departmental training procedures that go along with it. Because members of the public might request access to videos under the Public Records Act, the binder will include instructions on that as well, Fallehy said.

Once the general orders are reviewed and approved, the training will take place rather quickly, she said, but could not predict when that might be.

Attachment 7A

"There will some lineup training that will give officers a feel (for what is) releasable," she said. "Right now, the pat answer is 'call records.' (The training will make them) more aware of what can or cannot be released, but it's not black and white ... each incident is treated individually."

The department also intends to update its Web site to provide a link to public records and an electronic request form for the public. But Fallehy said the department's Web guru is retiring in two weeks, so she wasn't sure when the link will be up and running.

The commission asked police department representatives to return in six to eight months with an update. Capt. Eric Breshears said he plans to periodically audit the department himself to make sure staff are helpful.

"I'll be calling and going up to the front desk and asking them questions to make sure they know how to respond," Breshears said.

[v1.02]

Attachment 7A