

Questions From Commissioner Cambra

Claim #2 Electronic Format

To the City of Alameda – Alameda Police Department

The APD receives and collects “records” in a variety of formats depending on the types of media such as documents, data, audio, video, etc. Please provide a list of formats that APD ***routinely*** uses in the course of business to store the original record of the various media.

To Erin Fraser

This request should not be interpreted as asking the question, “Why you are requesting a copy of a record in its original form?” It is a question relating to the ability of a particular copying process to reproduce exactly the information contained in the original record. For example, making a copy of a paper document reproduces the text content exactly as it appears on the page, but it is still a copy that could have been altered. The only way to see the original would be to go to the custodian of records and request to see the document. Obviously, the original could not leave the possession of the custodian.

If one “copies” an MP3 or MP4 file, would the nonvisible, nonaudio portion of an electronic record (i.e. the metadata) transfer to the copy? Other examples would be a live WORD document created on a computer at APD that was “Saved as” to a PDF format for distribution. I am assuming it would not be permissible to release the live copy because of the ease in altering the content. The same applies to emails and other media.

This is a long way of asking, are their simple and available methods of reproduction that would transfer all of the information contained on the media to the copy?

To Elizabeth McKenzie

Is there any case law or dicta from any jurisdiction that could be used either directly or provide some guidance covering this issue?

From: [Krystal LoPilato](#)
To: [Lara Weisiger](#)
Cc: [Elizabeth Mackenzie](#)
Subject: [EXTERNAL] OGC Fraser Complaint Supplemental Questions for the Parties
Date: Wednesday, May 4, 2022 2:33:07 PM

Hi Lara,

In advance of the Open Government Commission's continued hearing on May 18, I'd like to share the following questions on which the parties are invited to submit optional "supplemental briefing." These questions are in addition to the separate clarification requests (1 to each party) regarding Claim #2 that were framed by the Commission at the end of Monday's meeting.

As mentioned in our hearing on May 2, these additional responses can be short. They do not need to be submitted as a "legal brief" or in memorandum form unless the parties have a preference to use those formats. An email to the Clerk for distribution to the Commission / hearing file is fine.

Question for Complainant:

- In light of the 5/4/22 Press Release containing the investigation report from Renee Public Law Group, could the Complainant please list the records or types of records which he believes are disclosable and responsive to his CPRA request but which have not yet been released or produced to him?
 - The City's 5/4/22 press release indicates (as of 1:35pm) that "report exhibits and additional information" will be posted "as soon as they are available," so if the Complainant chooses to provide a response to this question, he is also encouraged to update that response up to the date/time of the hearing if the City's disclosure of additional records changes any aspect of his response.

Question for Respondent:

- If it is possible to respond without breaching the attorney/client privilege or disclosing attorney work product, can you identify which custodians of records (names or groups of individual City employees) were informed of the Complainant's PRA request in the process of collecting potentially responsive records? Put another way: To whom did the City reach out to in requesting that individual employees provide responsive records to the City for the City's analysis of whether such records were responsive to Complainant's request?

Please also extend my gratitude to both parties for their presence and patience during this last hearing, and for making themselves available for our continued hearing.

Best,
Krystal LoPilato
Chair, Open Government Commission

From: [Serena Chen](#)
To: [Lara Weisiger](#)
Subject: [EXTERNAL] Clarifying questions re: Fraser Complaint
Date: Wednesday, May 4, 2022 3:22:45 PM

Hi Lara,

After reviewing my notes and the complaint file, I have the following questions to clarify Claim #6 -- that the City improperly withheld entire records .

To: Assistant City Attorney Alan Cohen/Chief Nishant Joshi

1. Were the actions of City employee Charlie Clemmens investigated by the Sheriff's department as a participant in the case since he did participate in subduing Mr. Gonzalez?
2. If so, then why were the records redacted pertaining to his participation, thereby resulting in the withholding of entire records?
3. Can you describe the steps that were taken to request personal emails by PD employees pertaining to the case?
4. Can you describe the steps that were taken to review internal PD terminal messages pertaining to the case?

To: Erin Fraser, Complainant

1. Did you receive copies of materials in their original format on April 12 or subsequently?
 - a. If you did not, can you identify which documents you are seeking and in what format?

Thank you.

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[Serena](#)

Serena Chen, 陳月眉