LARA WEISIGER

From: Rasheed Shabazz <rasheed@berkeley.edu>
Sent: Wednesday, December 18, 2019 3:33 PM
To: IRMA Glidden; LARA WEISIGER
Cc: Ashley Zieba; Michael Roush; John Le; Henneberry, Mike; Heather Little
Subject: Comments for 12/18 OGC Meeting - Re: 10-7-2019 Open Government Commission Agenda Packet

Peace,

Below is an email that was in my draft folder. I was under the impression that I'd sent it.

I'm sharing it now since the same items are on tonight's OGC meeting agenda.

I do have a question related to what type of correspondence or communications are OK with staff or other commissioners prior to meetings.

Rasheed

Greetings Irma,

I will not be in attendance on Oct. 7 as I have a conflict on first Mondays during this season, however, I would like to share the following feedback on the agenda items. My responses are below. Some of these may be best addressed to staff, while others in public or to the public. However, since I will not be present, please share with Commissioners, staff, and attach to the minutes or appropriate agenda items.

Thank you!

Rasheed

3-A
Minutes of July 23, 2019

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- Add summary or my previous
- correspondence/ remarks to “Shabazz gave a brief presentation.” For example:
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    -
    - Shabazz proided background
    - on SB 1421, facts related to his complaint, background on relevant state law related to police records, comments on the importance of transparency and perception, and recommendations to make local government accessible to the public.
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- Question/Clarification:
- Commissioner Little's remark about "Commissioners can reach out," what are the limitations of that? My understanding is if we talk to multiple people that could violate the Brown Act. p. 6
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3-B

Action on Commission's Decision.

Since I will be recusing myself from action, I do have a couple questions and a brief statement.

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- When is it necessary to
- recuse myself? During voting portion or during discussion?
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- In regards to reaching out
- to me, states that there was an effort to resolve informally "in light of the facts." Which/what facts? P. 1
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- Also, please change "Commissioner
- Shabazz" to "Mr. Rasheed Shabazz," as i was not filing complaint as a member of the public.
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- Statement: While it states
- in this agenda item that there is no evidence of a subsequent similar violation, this seems inaccurate. First, this assumes that all people who are able to complete a Public Records Act request would (a) not give up after being ignored, and (b) that they also
- know about the OGC or Sunshine ordinance. For example, included within item 3-C there is a reference to a lack of response to Kaitlin Bruce. This would've qualified as a violation. Additionally, the 2018 Annual Report lists a complaint that was withdrawn.
- A violation may have been found there as well; however, we don't know. The City Attorney recommended that the OGC not find a violation, but instead a "technical violation." Had I not filed my complaint and gone forward to this commission, there would not have
- been a violation.
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Restating questions from my complaint:

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- Have other residents or
- members of the press had requests refused or improperly delayed?
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-
- Have there been other errors
- with the "internal system for tracking records requests"?
-
-
- What recommendations does
- the City Attorney's office have to improve the internal tracking system and reporting to increase transparency of the people's business?
-

In addition to tracking the Requests to the City Attorney's Office, how can other departments and offices be included in maintaining a more accurate log and record of the "hundreds of requests" that are received annually.

3-C

Public Records Act

During the July 23 Open Government Commission meeting, city attorney's office staff told commissioners that hundreds of requests came to the city annual, with 30 to 40 coming through their office. This spreadsheet includes 59 and provides some insight into public concerns with their government. Among those filing public records act requests include journalists, bloggers, elected and appointed officials, activists, etc, all interested in what is going on in government.

I have a few clarifications, questions, and recommendations.
Clarifications:

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- Commissioner and add Rasheed
- Shabazz, as I made recommendation as member of public and not in role as commissioner.
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- "Tracking system indicated."
- This appears to be a passive sentence. Unless there is Artificial Intelligence operating it, there is likely an (human) error in the process or a flawed process. To avoid, please clarify what the process is and how you believe it can be improved?
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- Other requested documents
- not subject would be ongoing policing investigations. Another way of interpreting this is "could" be," as police are able to release information based on their own discretion but choose to do so and not to do so based on their own prerogatives.
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Since I am listed on the PRA spreadsheet, I would like to clarify or correct some of the dates and entries as there had been a few different requests, all related:

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- First, The incident at Target
- lists January 14 as the filing date and January 24 as the acknowledgment date and January 24.
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- On February 27, 2018, I
- requested body camera footage related to the August 21, 2017 incident at Target when Alameda Police officers drew their weapons.
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-
- On September 25, 2018, I
- requested the arrest report from that incident via See Click Fix and on October 5, 2018, Lt. McMullen denied the request and closed the report, on the basis of an investigatory exemption. On January 12, 2019, I followed up with a request for the arrest report,
- noting that Lt. McMullen could make the report available, but was not required to withhold it. On February 13, 2019, Mr. Cohen provided me with a copy of the report via email.
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Questions:

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- There are a few differences
- in response time to requests received. On June 25, Boreinstein of the East Bay Times requested documents related to claims by Councilmembers–including one whose name is misspelled. The next day, Peter Hegarty of the Alameda Journal–owned by the East Bay Times,
- requested the same document, but did not receive it for five days.
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- In response to the PRA from
- Kaitlin Bruce, there was a lack of a timely response. Could or would that have been a violation had Bruce filed a complaint?
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Recommendations:

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- In 2020, the City Attorney's
- Office would benefit by numbering requests using the year and number of the request, i.e. 2020-01, similar to the staff reports for our meetings. This could improve the internal tracking system.
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- Secondly, incorporating
- a summary of PRA requests and dispositions into the Annual Report.
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- Finally, a long-term suggestion
- would be for city departments to either (a) consolidate all PRA requests to one person/office, or develop a method for requests outside of the scope of the City Attorney's or Clerk's office to also be tracked and enumerated. This would enable the city to track
- the total number of requests.
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3-D

Annual Report

Although I was not a member of the Commission in 2018, I realize that I am needed to fulfill quorum in order to approval annual report. I have a slight discomfort approving records that I am unfamiliar with.

3-E

Special Meeting

Although I will be traveling in much of November, with proper notice and a few options, I can be available for a special OGC meeting.

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Commissioner Communications

I am interested in collaborating with the city and civic groups to host a workshop on the California Public Records Act request. The intention would be to inform the public on its purpose and how to file Requests. I would appreciate direction from City staff and Commissioners on the appropriateness of this as a commissioner and any potential connections that can make this happen.

On Mon, Sep 30, 2019 at 5:25 PM IRMA Glidden <IGlidden@alamedaca.gov> wrote:

> Hello Commissioners,
>
> Attached is the 10-7-2019 OGC Agenda Packet. If requested, a hard copy has been sent to you as well.
>
> Thank you,
>
> Irma
>
> Irma Glidden
>
> Assistant City Clerk
>
> 2263 Santa Clara Ave. #380
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> Alameda, CA 94501
>
> 510-747-4800

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Support my oral history project "Rooted in Alameda"