

Anonymous

Attn: Executive Director
Public Ethics Commission
City of Oakland
via email

March 1, 2021

For Mediation and Complaint, Mun. Code § 2.20.270

To Whom it May Concern:

I allege that the Oakland Police Department violated the following sections of the Sunshine Ordinance in failing to lawfully respond to my request, reference 19-2865:

1. 2.20.230(B) and 2.20.190 – Because my request does not state that it is an "Immediate Disclosure Request," the City was required to respond within the requirements of CPRA, Gov Code § 6253(c). That section requires a response within 10 days indicating whether the City has disclosable public records (and an explanation, which explanation locally constitutes the written justification required by 2.20.250 if records were public records but not disclosable due to one or more exemptions), or an extension of up to 14 days with which to provide that notice. Within a total of 24 days of my request, neither responsive records nor the required notice of disclosable records was provided. Because the request has been pending for over a year, this delay is also unreasonable.
2. 2.20.250 – Because the City has not actually provided any records in response to my request, the City has effectively withheld them, even if it has not explicitly stated that it has withheld them. See *Cmty. Youth Athletic Ctr. v. City of Nat'l City*, 164 Cal. Rptr. 3d 644, 676 (Cal. Ct. App. 2013) ("The effect of the City's inability or unwillingness to locate the records had the same effect as withholding

requested information from the public.”). However, the City failed to provide a written legal justification for such withholding.

Please cause the Oakland Police Department to comply with my request.

Sincerely,

Anonymous