



# Open By Default:

## A Best Practices Analysis for Meaningful Transparency in the City of Oakland

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*A Report by Master of Public Policy Students  
at the UC Berkeley Goldman School of Public Policy:*

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### Executive Summary

An open government is a cornerstone of a healthy democracy, and Oaklanders value transparency and insight into the inner workings of their city. The City of Oakland Public Ethics Commission promotes transparency in Oakland government and provides information and resources to ensure that residents can obtain City documents and data. However, the City as a whole currently faces a number of challenges in responding to requests for public records: disparate departmental processes, a lack of unified mandatory training, limited interdepartmental collaboration, and incomplete and obscure disclosure of data.<sup>1</sup> City departments tend to be siloed and understaffed, and find themselves in precarious situations where they are unable to meet requests for information.<sup>2</sup> This perpetual cycle results in a dysfunctional system, ultimately leading to government unresponsiveness and public mistrust. This is a critical point of policy intervention because greater transparency allows for iterative public conversations, ultimately enabling the City government to create better policies for the people it serves.

Oakland needs systems and processes in place that facilitate the proactive disclosure of public records to achieve *openness by default*, a standard that will advance the City to become a leader in the government transparency movement.

The Goldman School team met with journalists, nonprofits, and government jurisdictions nationwide to uncover best practices for government transparency and public records requests that the City of Oakland could implement. We focused on ten government agencies of interest, which surfaced four key best practices.<sup>3</sup> In the resulting analysis, we summarize each best practice and conduct an in-depth evaluation using qualitative data from current research and our source interviews. Ultimately, we present a set of short-term and long-term recommendations for achieving each best practice.

#### In summary, we recommend that the City of Oakland:

1. **Institute a centralized Public Records Office** to foster greater cross-departmental coordination so that public records requests can be processed more easily. This will increase staff efficiency and enable more seamless implementation of the other recommendations.
  - *In the short-term, the City should also:*
    - Institute bi-monthly meetings of all Public Records Liaisons.
    - Upgrade its NextRequest contract.
    - Mandate regular staff training on NextRequest and public records laws.
    - Create a citywide cheat sheet for making redactions.

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<sup>1</sup> Source: Conversations with PEC staff members.

<sup>2</sup> City of Oakland Public Ethics Commission. "[Spotlight on Oakland's Public Records System: A Data-Driven Review of City Agency Performance Opportunities for Improvement](#)", *Public Ethics Commission*, May 2021.

<sup>3</sup> Jurisdictions included the San Francisco Department of Public Works, DataSF, San Francisco Police Department, San Diego Police Department, Seattle Information Technology, Seattle Purchasing and Contracting Division, Berkeley Police Department, Louisville Jefferson County Metro Government Office of Records Compliance, Louisville Jefferson County Metro Technology Services, and the State of Vermont Agency of Human Services.

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- Create citywide guidance documents for responding to public records, including how to handle common issues and questions.
2. **Establish a more robust Open Data Policy and build upon the existing open data portal** to decrease the amount of staff time spent on responding to public records requests and enhance overall transparency.
    - *In the short-term, the City should also:*
      - Begin conversations with departmental heads about the importance of publishing more data and records.
      - Coordinate with the City Administrator's Office to make existing datasets in the open data portal more accessible.
      - Determine and categorize the most commonly requested types of records in NextRequest for each department.
      - Expand resources and guides for how to use the open data portal.
  3. **Integrate a detailed Police Data Dashboard into the open data portal** to foster public accountability and center real-time, public-facing data in law enforcement, an important step toward building trust between citizens and the Oakland Police Department.
    - *In the short-term, the City should also:*
      - Work with OPD and/or IT to establish a consistent schedule for updating all data on Oakland's current police data dashboard and make it more accessible.
      - Begin to involve the public via focus groups to give direction for how to best improve the dashboard.
  4. **Create a citywide Contract Tracking Dashboard** to increase public trust in the City contracting process and demystify public-private partnerships through proactive disclosure.
    - *In the short-term, the City should also:*
      - Work with the City Administrator's Office to begin the process of consolidating citywide contract information.
      - Produce summary reports that analyze contracts by type to identify asymmetries in contract distribution and frequency.

Through our analysis, we demonstrate that Oakland could incur significant cost savings by implementing any or all of these recommendations. Although working with limited information, we derived a formula for estimating preliminary cost savings for each best practice. With full implementation of the recommendations, this preliminary analysis shows that the City could *annually* save taxpayers \$200,000 with the Public Records Office, \$2,000,000 with the open data portal, \$2,500,000 with the police data dashboard, and \$300,000 with the contract tracking dashboard.

### Introduction

#### ***The Oakland Public Ethics Commission***

The City of Oakland Public Ethics Commission (PEC) is an independent commission of seven Oakland residents who volunteer their time to promote open and fair government. Established in 1996, the primary objective of the PEC is to uphold principles of “fairness, openness, honesty and integrity”<sup>4</sup> within the City government. The PEC is charged with overseeing compliance with the California Public Records Act, Brown Act, and the Oakland Sunshine Ordinance, among other laws. Historically, the PEC has set precedents for transparency and implements various policies and measures to enhance public trust in the City government.

#### ***Legal Landscape***

The California Public Records Act (CPRA) was passed by the California Legislature in 1968, requiring that government records be disclosed to the public on request. It defines applicable records as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics,”<sup>5</sup> which can include documents, reports, staff emails, and many other types of written records. The CPRA aims to 1) promote accountability of government to the public; 2) encourage the disclosure of governmental affairs; and 3) recognize that secrecy is contradictory to democracy’s core values.<sup>6</sup> The CPRA was modeled after the federal Freedom of Information Act (FOIA) of 1967 and establishes two types of rights for the public: the right to request records, and the right to inspect records. There are 76 exemptions to the CPRA, usually relating to privacy and confidentiality concerns, though some exemptions are voluntary and agencies can elect to produce records.<sup>7</sup> The League of California Cities notes that “disclosure obligations under the PRA must be construed broadly, and exemptions construed narrowly.”<sup>8</sup>

In addition to the CPRA, California voters approved Proposition 59 in 2004, which enshrines the right to access public records into the state Constitution. Ten years later, voters approved Proposition 42, which mandates adherence to the provisions of the CPRA notwithstanding whether the State reimburses local governments for costs related to adherence.<sup>9</sup> Additionally, the California Brown Act was enacted in 1953 and guarantees the right to attend and participate in public hearings.<sup>10</sup>

In California, the City of Oakland has been a leader in municipal transparency policy by adopting its own Sunshine Ordinance 1997, which builds upon the provisions of the CPRA.

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<sup>4</sup> “[Public Ethics Commission](#).” *City of Oakland*. Accessed 17 Apr. 2024.

<sup>5</sup> CA Govt Code § 6252(e)

<sup>6</sup> Govt Code, § 7920.000 et. seq. (formerly Gov. Code, § 6250 et seq.)

<sup>7</sup> “[The People’s Business: A Guide to the California Public Records Act](#).” League of California Cities, Sept. 2022.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> Lockyer, Bill (2003), “[The Brown Act: Open Meetings for Local Legislative Bodies](#)” (PDF), vol. Foreword, Introduction, and Table of Contents, [California Attorney General](#), archived from [the original](#) (PDF) on 2009-05-01.

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Specifically, it requires faster response times for certain types of public records and the release of more City documents than is required under the CPRA.<sup>11</sup> By guaranteeing access to certain government information, Oakland allows the public a wider window into its actions and processes.

The CPRA requires government agencies to respond within ten days to requests for public information. However, one of the unique features of Oakland's Sunshine Ordinance is its condition that allows for the "immediate disclosure" of specific records. When a person requests immediate disclosure of specific records (i.e. meeting agendas, agenda packages, calendars, etc.) the agency must provide a copy of these documents no more than three business days later.<sup>12</sup> Another unique feature of the Ordinance is that, if a City department denies a person's request for records, they may request that the Public Ethics Commission attempt to mediate the dispute.

### Exploring Challenges and Opportunities

Local governments nationwide face myriad challenges with making data and records publicly available, including staffing constraints, lack of technological investment, litigatory risk, and the complexities of federal, state, and local laws mandating disclosure. Local news stories are rife with cases of agencies falling behind on responding to requests for information, at times with the presumption that the delay is intentional.<sup>13,14,15</sup> Such challenges find their way into public perception: a Pew Research Center survey found that just 7% of Americans believe "local governments share data very effectively." Only 19% of respondents said that they "could think of an example where the local government did a good job providing information to the public about data it collects."<sup>16</sup> The City of Oakland faces similar challenges that erode residents' trust, including disparate departmental processes, a lack of unified training, limited interdepartmental collaboration, and incomplete and obscure disclosure of data. In a [2021 report](#), the PEC found that 70% of NextRequest users were dissatisfied with the service they received and the amount of redacted information included in their records request response.<sup>17</sup> In light of such challenges, it is imperative that the City of Oakland implement comprehensive reforms to current processes to rebuild public trust and fulfill its duty to serve Oaklanders and its community.

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<sup>11</sup> City of Oakland Public Ethics Commission. "[Spotlight on Oakland's Public Records System: A Data-Driven Review of City Agency Performance Opportunities for Improvement](#)", *Public Ethics Commission*, May 2021.

<sup>12</sup> Ibid.

<sup>13</sup> Jarmanning, Ally, and Todd Wallack. "[Keeping Public Records Secret Is Costing Mass. State and Local Agencies.](#)" WBUR News, WBUR, 21 Sept. 2023.

<sup>14</sup> Derby, Diane. "[Letters from the Editors: Public Records Are Just That.](#)" VTDigger, 20 Feb. 2024.

<sup>15</sup> McDonald, Jeff. "[In Chula Vista, When It Comes to Public Records, Not Much Is Public.](#)" Tribune, San Diego Union-Tribune, 4 Feb. 2024.

<sup>16</sup> Horrigan, John B. "[Americans' Views on Open Government Data.](#)" Pew Research Center: Internet, Science & Tech, Pew Research Center, 21 Apr. 2015.

<sup>17</sup> City of Oakland Public Ethics Commission. "[Spotlight on Oakland's Public Records System: A Data-Driven Review of City Agency Performance Opportunities for Improvement](#)", *Public Ethics Commission*, May 2021.

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### ***Current Records Request Process in the City of Oakland***

#### ***Decentralization and departmental discretion***

The City of Oakland uses the [NextRequest](#) online system as a central portal to track public records requests. Departments accept requests by phone, email, or mail. However, responses to these requests are decentralized and there is no central function to ensure timely response and compliance with statutory deadlines. Most City departments use NextRequest to field and organize requests. However, the coordination and response process is specific to each department, as members of the public select which department to send their request to with a drop-down feature, and the request is then delivered to the departmental Public Records Liaison. There is no centralized body that receives and routes requests, putting the onus on the requester to know which department holds the records they are seeking. Although there are standardized message templates to be sent to the requester in the NextRequest system, they are underutilized, and NextRequest's user-friendly redaction feature is also unused.<sup>18</sup> The PEC notes that Oakland currently uses a minimal version of NextRequest without many of the additional features that are used by other jurisdictions.

Oakland's NextRequest system has incurred significant complaints from staff members regarding its usability and issues with data tracking. An anonymous 2021 survey of 14 Public Records Liaisons in different departments at the City of Oakland provided enlightening insights.<sup>19</sup> One liaison noted that "training on NextRequest would be helpful – some staff do not seem to fully understand the mechanics of the site," while another liaison stressed the need for "more templated responses."

Additionally, there is not one unified or standardized citywide process for responding to public records requests. The public records collection and response protocols followed by each City department are not made accessible to the public without inquiry, but, considering the decentralized approach, it is likely there are significant differences across departments. In order to find out more about different City departments' public records staffing and processes, information would need to be collected from each department. Project timeline and capacity constraints rendered it infeasible for the research team to conduct additional outreach to internal City staff.

#### ***Lack of unified mandatory training***

As required by Oakland's Sunshine Ordinance, the City keeps a [public list](#) of 37 Public Records Liaisons, one for each of its departments, councils, and commissions, last updated in December 2022 as of the date of this report. These liaisons are trained within their respective departments, and according to a Public Records Liaison for the Public Ethics Commission, other than an [optional video overview](#) of the City's Sunshine Act produced by the Ethics Commission, there is no citywide training on how to respond to public records requests. The need for additional training is apparent in one response from the 2021 survey of Liaisons:

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<sup>18</sup> Source: Conversations with PEC staff members.

<sup>19</sup> The detailed survey results are not available to the general public. However, the results are loosely summarized in the [2021 PEC report](#).

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“It would be helpful to have available a more detailed description (some sort of written guide) of the subject areas, projects, programs, and contracts that each department oversees – on more obscure requests, it's very challenging for me to determine who is the appropriate party to respond, it's time consuming to have to track down this information. In addition, more training on the type of information that is subject to redaction would be very helpful. Staff without a legal background struggle to make these determinations, requiring greater reliance on City Attorneys, who also have capacity challenges and competing priorities. Having a written guide or training resources to refer to would be really helpful.”<sup>20</sup>

### *Volume and capacity*

Often, departmental liaisons work on public records part-time and have many other administrative duties to fulfill. The only department we were able to confirm as having full-time public records staff is the Police Department.<sup>21</sup> Given these staffing constraints, a central challenge is the sheer volume of requests for public information. Since going online in 2013, Oakland's public records request system, NextRequest, has received almost 50,000 requests. A [2021 report](#) conducted by the PEC found that in 2020, over 9,000 public records requests were submitted, a 46% increase over 2019.<sup>22</sup> A recent search in NextRequest finds that requests continue to skyrocket: 12,582 were submitted in 2023. With its records requests increasing, Oakland has found itself in a precarious position. Demands for records from the Police Department (OPD), Fire Department (OFD), and Planning and Building are where Oakland is currently falling behind. The 2021 report shows that 58% of all 2020 public records requests were concentrated in OPD, a proportion that has since increased.<sup>23</sup> In an article by Eli Wolfe of *The Oaklandside*, OPD attributes the lack of responsive requests to understaffing.<sup>24</sup> OPD staff members reported that the department receives almost 800 new requests for records every month in 2024, on track for a total of 9,500 requests this year.<sup>25</sup> Due to staffing issues and the sheer volume of requests, OPD is unable to fulfill its duties, causing frustration among the media and the public.

This came to a head with a class action lawsuit filed by a group of journalists and activists against OPD, whose records requests had “languished for years in a colossal backlog” according to a *Courthouse News Service* article.<sup>26</sup> The City settled in 2021, agreeing to pay \$127,000 in plaintiffs' legal fees and to reform its public records system.<sup>27</sup> However, in August 2023, *The Oaklandside* submitted a public records request for the Mayor's and City Council's appointment schedules, but the City has failed to respond.<sup>28</sup>

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<sup>20</sup> Source: Results from 2021 survey of Public Records Liaisons.

<sup>21</sup> Source: Conversations with PEC staff members.

<sup>22</sup> City of Oakland Public Ethics Commission. “[Spotlight on Oakland's Public Records System: A Data-Driven Review of City Agency Performance Opportunities for Improvement](#)”, *Public Ethics Commission*, May 2021.

<sup>23</sup> Ibid.

<sup>24</sup> Wolfe, Eli. “[Oakland Police Department Says It Is Drowning In Requests For Records](#)”, *The Oaklandside*, 21 Feb 2024.

<sup>25</sup> Ibid.

<sup>26</sup> Dinzeo, Maria. “[Judge Oks Settlement between Journalists, Oakland Police over Public Records Backlog](#).” *Courthouse News Service*, 9 Dec. 2021.

<sup>27</sup> Rosenberg, Tracy. “[Public Records Class Action Lawsuit against Oakland Police Department Settled](#).” *Oakland Privacy*, 7 Nov. 2021.

<sup>28</sup> Wolfe, Eli. “[Why Won't Oakland Leaders Let Us See Their Calendars?](#)”, *The Oaklandside*, 14 December 2023



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As for OFD in 2023, a total of 819 public records requests were submitted through NextRequest.<sup>29</sup> A significant number of requests are concentrated in three divisions: the Fire Prevention Bureau, Fire Dispatch Center, and Medical Services Division. The biggest challenge that OFD faces is that there is no full-time staff member dedicated to responding to public records requests. This places an administrative burden on OFD staff, who take time away from their primary role in order to service a request. This seems to be consistent with the experiences of staff at OPD and the Planning Department, and reveals opportunities to improve the public records request process within multiple departments.

A 2021 survey respondent mentioned that responding to public records is “understood to be an important function, but with low capacity and competing priorities it's difficult to manage the volume of requests received.” Additional feedback on the staff time needed to respond to requests and the confusion caused by the current system is reflected in this survey response:

“Responding to an unending stream of record requests from the public is an incredibly time consuming and expensive endeavor for taxpayers. Watching staff members who are trained and hired as (for ex.) urban planners or housing experts, spend entire work days reviewing and printing emails to adhere to a fishing expedition of a PRR is a waste of their tax-payer salary... Staff are habitually late and rarely deliver records on time, but not for lack of effort. The amount of requests consumes work days and weekends for some employees and contributes to work-flow bottlenecks in other areas. It's inefficient for everyone.”

### *Limited interdepartmental collaboration*

Interdepartmental collaboration is mostly limited to occasional requests for assistance from the City's Information Technology (IT) department and City Attorney's Office. Departments seem to occasionally collaborate with the IT department to systematically collect and sort through digital records. However, in large part, staff are expected to manage and organize their own emails and documents and manually collect all responsive emails in the event of a public records request. The City Attorney's Office answers staff questions about confidentiality issues and redaction, assists with responses to otherwise sensitive requests, and grants new user permissions for NextRequest.<sup>30</sup> When a records request involves more than one department, it takes longer to coordinate among departments and produce the relevant documentation.<sup>31</sup>

### *Data disclosure is incomplete or challenging to access*

In terms of proactive disclosure of data, the City has an [open data portal](#) and recently launched a [police data dashboard](#). The open data portal is powered by Tyler Technologies. While it is managed by the City Administrator's Office, departments can opt in to publishing their data and community members can add their own content to the portal. It contains mostly raw data about specific City services; the datasets are limited and it is unclear what they contain by reading the dataset name (for example: “Oakland PDA” or “Oakland Public

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<sup>29</sup> “[PEC Letter to OFD and Response](#),” City of Oakland Public Ethics Commission, 18 Mar. 2024.

<sup>30</sup> Source: Interview with an Oakland Public Ethics Commission Program Manager and Ethics Analyst.

<sup>31</sup> City of Oakland Public Ethics Commission. “[Spotlight on Oakland's Public Records System: A Data-Driven Review of City Agency Performance Opportunities for Improvement](#),” Public Ethics Commission, May 2021.

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*Housing 2014 Geocode*”). Currently, it is difficult to access the open data portal without doing a browser search, as it is linked only on the very bottom of the City website. The City’s separate [geospatial data platform](#) is not visibly accessible from the website at all. Oakland appears to have adopted an Open Data Policy in 2013, but the policy does not seem to be fully implemented and outcomes are unclear as it is not mentioned on the City website.<sup>32</sup> The new police data dashboard is somewhat sparse, though the more robust aspects connect directly to the open data portal. It also contains mostly raw data such as crime statistics, police shootings, and misconduct data, most of which was required to be disclosed by a 2021 court settlement.<sup>33</sup> The dashboard also contains a map of recent crime incidents as well as monthly gunshot reports; however, the later reports have not been updated beyond 2018 as of the date of this report.

While Oakland has made some strides in promoting transparency and accountability, there remains a strong need to improve current systems that struggle to keep up with legal requirements and the public’s expectations of openness. A 2014 report commissioned by the PEC demonstrates that many of the same challenges the City faced 10 years ago remain active and unresolved today.<sup>34</sup> Oakland’s current Public Ethics Commission is now focused on finding solutions that would help improve records request processes, especially for the City’s large departments.

### **Why Public Records Matter**

Greater transparency of data and insight into the inner workings of government are incredibly important for policy outcomes – more accessible information enables conversations between citizens and government that ultimately lead to “better policy decisions”<sup>35</sup> and overall “good governance.”<sup>36</sup> Although sources are mixed on an authoritative definition,<sup>37</sup> transparency is loosely defined as “the principle of allowing those affected by administrative decisions to know about the resulting facts and figures... and about the process that resulted in those decisions.”<sup>38</sup> Similarly, the San Francisco Bay Area Planning and Urban Research Association’s (SPUR) definition of good government is outlined by six principles, one of them being transparency. SPUR asserts that an effective government ensures transparency by making information readily available to the public and maintaining clear communication regarding its decision-making procedures.<sup>39</sup> Transparency of public records heavily influences public perception: “When... the public can see what is happening and are involved in the process, they are more likely to accept what comes out of it. They believe that what occurred was lawful, fair and based on informed decision-making.”<sup>40</sup>

<sup>32</sup> “[File #: 13-0057](#).” *City of Oakland Legistar*, City of Oakland, 15 Oct. 2013.

<sup>33</sup> Dinzeo, Maria. “[Judge Oks Settlement between Journalists, Oakland Police over Public Records Backlog](#).” *Courthouse News Service*, 9 Dec. 2021.

<sup>34</sup> “[Toward Collaborative Transparency](#).” *City of Oakland Public Ethics Commission*, Jan. 2014.

<sup>35</sup> “[National League of Cities: Why Transparency Is Good \(or Bad\) for Governments?](#)” *New Hampshire Municipal Association*. Accessed 28 Feb. 2024.

<sup>36</sup> Grimmelikhuijsen, Stephan, et al. “[The effect of transparency on trust in government: A cross-national comparative experiment](#).” *Public Administration Review*, vol. 73, no. 4, 29 Apr. 2013, pp. 575–586, <https://doi.org/10.1111/puar.12047>.

<sup>37</sup> Krah, R. D. Y., & Mertens, G. (2020). [Transparency in Local Governments: Patterns and Practices of Twenty-first Century](#). *State and Local Government Review*, 52(3), 200–213.

<sup>38</sup> <https://icma.org/page/transparent-governance-anti-corruption>

<sup>39</sup> Karlinsky, Sarah, & Christie, Annie. “[Making Government Work: 10 ways city governance can adapt to meet the needs of Oaklanders](#).” SPUR, November 2021.

<sup>40</sup> Ibid.

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In the Pew Research Center poll, 66% of respondents displayed some sense of optimism that improved data and transparency practices in government would also increase accountability.<sup>41</sup> This is especially true for cities engaging in greater transparency through proactive disclosure, or the practice of publishing data and records online without the need for residents to make a formal request to city staff. Proactive disclosure is crucial considering the history of secrecy and inaccessibility in government and the groups who are more likely and able to access public records. According to an in-progress study by David Cuillier with the University of Florida's Brechner Center for Freedom of Information and A.Jay Wagner with Marquette University, a majority of public records requesters nationwide are educated, wealthy white men.<sup>42</sup> Historically, this demographic knows how to navigate the system compared to someone without the same resources or education. Ginny LaRoe, Director of Advocacy at the First Amendment Coalition, pointed out that individuals seeking public records often feel compelled to understand and adhere to the agency's protocols, meticulously prepare, and provide precise legal references. However, even for those familiar with the procedures, obtaining comprehensive or understandable information from governments is difficult.

The current approach of processing records perpetuates a system that is influenced by budgetary decisions and the individual beliefs and culture of departmental leadership. This report emphasizes the need for enhanced transparency practices in Oakland, but also highlights an even more urgent need for sufficient resources to facilitate transparency. In order to bring city government into the twenty-first century, it is critical that cities "forge new digital procedures where hard-copy practices still prevail." Meaningful transparency reform "is a matter of making a concerted effort to transition"<sup>43</sup> – in other words, "a matter of budgets and priorities."<sup>44</sup> For Oakland to become a leader in the transparency movement, it must reassess its existing systems and devise strategies to prioritize its residents' concerns, including a fresh approach to budget allocation. Oakland must prioritize transparency in its City budget in order for any of our recommended best practices to actualize.

### ***Oakland's Track Record for Transparency Reform***

The City of Oakland has been a leader in advancing transparency in the past with its campaign finance reform policies. The City could replicate its successful approaches to campaign finance with its public records systems.

For decades, Oakland kept only hard-copy records of campaign finance documents such as statements detailing monetary contributions to election campaigns. Members of the public interested in viewing such documents needed to visit City Hall in person for access. However, in 2013, Oakland was proactive in pursuing transparency when the City Council contracted

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<sup>41</sup> Horrigan, John B. "[Americans' Views on Open Government Data](#)." Pew Research Center: Internet, Science & Tech, Pew Research Center, 21 Apr. 2015.

<sup>42</sup> The research paper, titled "The Document Divide: Public Record Requester Demographics, Efficacy, and Those Left Behind," is not yet published as of April 2024. A draft was graciously provided by David Cuillier.

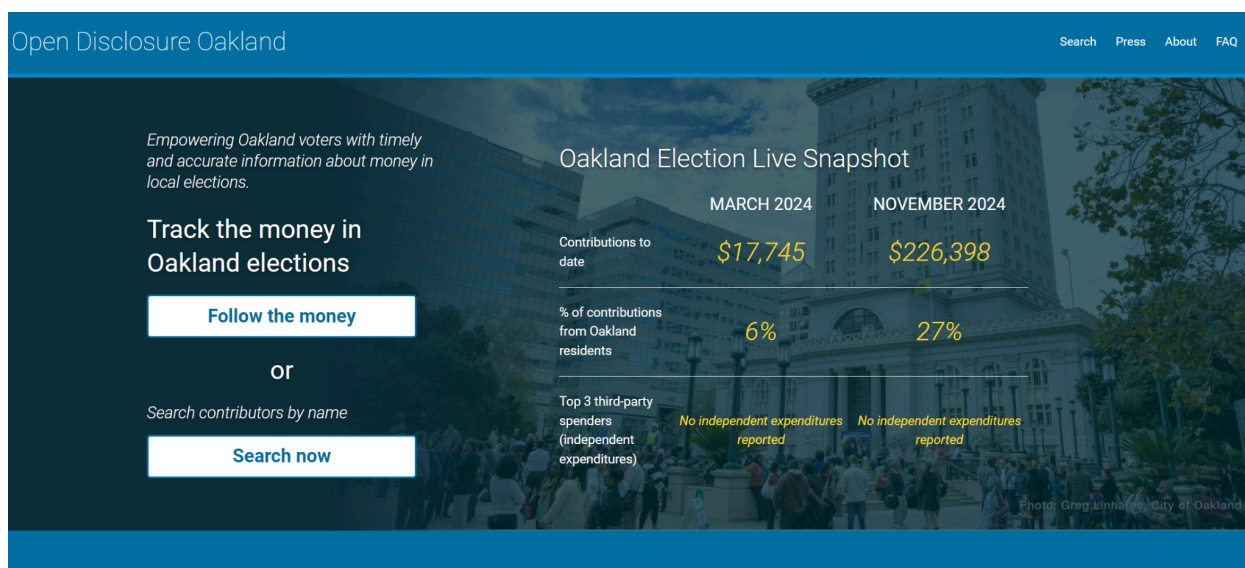
<sup>43</sup> Wagner, A.Jay, and Daxton "Chip" Stewart. "[Opening the Floodgates: Assessing and Implementing Affirmative Disclosure](#)." National Freedom of Information Coalition, 25 Oct. 2023.

<sup>44</sup> Gordon, Aaron. "[I Filed 136 Public Records Requests with Police and Learned Why Our System Is Broken](#)." VICE, Vice.com, 7 Dec. 2023.

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with [NetFile](#) to create a publicly-accessible online system for filing and reviewing campaign finance documents.<sup>45</sup> The California legislature caught up several years later in 2020 by amending the outdated Political Reform Act of 1974 with AB 2151. The new law required all local government agencies to post campaign finance documents online.<sup>46</sup>

Early on, the City of Oakland recognized the important role of digitally transparent campaign finance records in fostering confidence in local elections and elected officials. In 2022, the City once again surpassed state law when it amended its local Campaign Reform Act to require the disclosure of more campaign information than is required under state law.<sup>47</sup> Oakland continues to make improvements to its campaign finance systems and leverages technology by hosting a wide variety of information about campaign finance on its website. The City has also partnered with civic hackers at OpenOakland to make this information more digestible to the public, such as through a [public portal](#) for accessing information about campaign finance and lobbying, the “[Show Me The Money](#)” candidate search portal, and the “[OpenDisclosure](#)” contributor search portal, all of which are easily accessible from the PEC’s central “[Disclosure Information and Data](#)” webpage. In 2022, content in the OpenDisclosure portal received over 50,000 views.<sup>48</sup>



The City of Oakland has made tremendous progress in setting standards and expectations for digital transparency within campaign finance. With the recommendations in this report, the City has a significant opportunity to apply the successes seen with campaign finance to centralizing and upgrading its public records systems.

<sup>45</sup> “[Toward Collaborative Transparency](#).” *City of Oakland Public Ethics Commission*, Jan. 2014.

<sup>46</sup> “[Bill Text](#) - AB-2151 Political Reform Act of 1974: Online Filing and Disclosure System.” *California Legislative Information*, 30 Sept. 2020.

<sup>47</sup> [https://library.municode.com/ca/oakland/codes/code\\_of\\_ordinances?nodeId=TIT3MUEL\\_CH3.12THOACAREAC](https://library.municode.com/ca/oakland/codes/code_of_ordinances?nodeId=TIT3MUEL_CH3.12THOACAREAC)

<sup>48</sup> “[Annual Report 2022](#).” *City of Oakland Public Ethics Commission*, 2022.

### Setting up Our Analysis

#### **Main Research Questions**

This report seeks to answer the following questions:

- How have other jurisdictions streamlined their response to public records requests, both interdepartmentally and with requesters?
- What have other jurisdictions done in pursuit of proactively disclosing information to the public?
- What challenges do other jurisdictions face when implementing these practices, and what resources does successful implementation require?

#### **Methodology**

Our work comprises three phases: Background Research, Qualitative Interviews, and Selecting and Analyzing Best Practices. In the first phase of research, our team conducted a review of existing research on best practices of government transparency in California, nationwide, and internationally. This broad understanding allowed us to move into our second phase of conducting qualitative interviews. Qualitative interviews were our primary data collection method and were used to uncover promising innovations and approaches. After conducting 30 interviews with state and local jurisdictions, journalists, scholars, and nonprofit watchdogs, we transitioned to our final phase of selecting case studies and synthesizing key recommendations for how the City of Oakland can achieve meaningful transparency for its residents.

#### **Phase 1: Background Research**

While conducting background research, we considered many aspects of the overall landscape of government transparency as well as the current practices in the City of Oakland. Our review included articles from scholarly sources, news outlets, watchdog groups, and state and local laws – all focused on the current state of government transparency in cities and states nationwide. We also reviewed publicly available information and reports by the City of Oakland, which we used to outline the current records request processes and challenges that the City faces in working toward meaningful transparency.

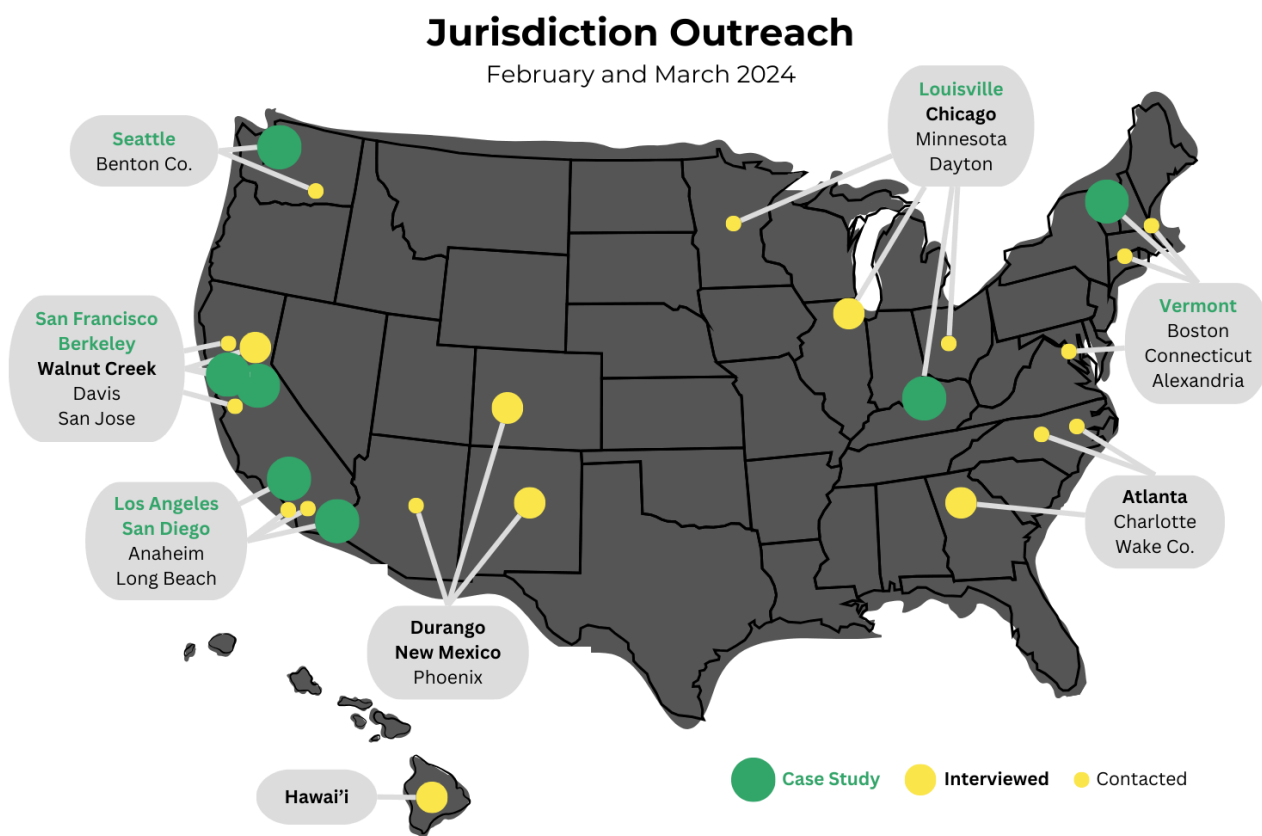
#### **Phase 2: Qualitative Interviews**

Conducting qualitative interviews was our primary source of data collection to conduct the best practices analysis. We first developed an initial list of potential interviewees, which happened concurrently with our research in Phase 1. In addition to identifying and contacting journalists and non profit organizations that had expertise in government transparency, we largely interviewed other government agencies. We began by contacting agencies that were positively cited in media outlets for their handling of data, records, and overall transparency. Although we focused primarily on reaching out to local jurisdictions in California that were somewhat comparable in size and structure to Oakland, we also looked for jurisdictions in

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other states. We narrowed our list based on the efficacy and accessibility of agencies' public records and transparency-related web pages, the tone of press coverage and direct feedback from journalists, and how responsive agency representatives were to our email and phone communications. As we began to conduct interviews, we also received cascading referrals to other potential interviewees.

In total, we contacted 61 different organizations and agencies for an interview. We conducted 30 interviews with 9 journalists and nonprofit watchdogs as well as 21 state and local agencies, in total, representing 11 U.S. states. The government agencies we contacted and/or interviewed are mapped below. Interviews lasted between 30 minutes to a full hour, allowing us to collect meaningful qualitative data with experts in government transparency as well as practitioners. After collecting this data from our interviews, our team organized a menu of promising transparency practices for the PEC.



*Note: Refer to the Appendix for a full list of interviewees, including department and staff names.*



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### Phase 3: Selecting and Analyzing Best Practices

Our team provided the PEC with a menu of 10 transparency best practices across 10 different government agencies. From this list, the PEC was asked to select 2-4 best practices for in-depth analysis in this report. The PEC selected the following four best practices: 1) Cross-Departmental Coordination, 2) Open Data Portals, 3) Police Data Dashboards, and 4) Contract Tracking Dashboards. From there, we analyzed each practice and compared jurisdictional approaches, with an eye toward the Key Priorities outlined below.

### *Initial Findings*

The interviews yielded initial findings that required us to rescope our analysis. Although the PEC was originally interested in finding **agencies that demonstrate transformative transparency practices, including but not limited to public records**, there are few cases where any single jurisdiction as a whole demonstrated innovations in transparency. Rather, particular departments and aspects of a jurisdiction's work were found to be relatively transparent. There are rarely standardized approaches to responding to public records requests, and agencies across the nation struggle due to decentralized processing systems and not enough designated staff.

In addition, the PEC was interested in technological innovations. Transparent agencies nationwide share similar practices, such as the use of NextRequest or the comparable GovQA to field public records requests. "Innovative" transparency is mostly limited to data sharing and coordination across departments. However, having software that can translate complex data and make it digestible for residents, such as with comprehensive open data portals and dashboards, is a powerful tool for enhancing openness.

While the project scope was originally quite ambitious, our research yielded few truly transformative or highly technological practices. Most of the cases examined involved structural, programmatic, or procedural changes. Agencies that were comparatively transparent often had policies of proactive disclosure. Indeed, research shows that public records requests decrease when a jurisdiction demonstrates greater proactive disclosure.<sup>49</sup> Therefore, we narrowed our analysis to **agencies that demonstrate or enable proactive disclosure of public records**.

When instituting policies of proactive disclosure, support from leadership such as the mayor and city council is essential. Larger cities are able to engage in proactive disclosure through open data portals and public safety dashboards, which encourage the public to do their research before making an official records request. Agency interviewees were in agreement that these practices significantly reduced the amount of staff time spent on public records requests, creating efficiencies for everyone.

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<sup>49</sup> Stern, Alena. "[Research: Cities Can Save Time on Records Requests by Doing Open Data Right](#)." *Sunlight Foundation*, 9 Oct. 2018.

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### Key Priorities

We conducted our analysis with an eye toward the following overall priorities to help us evaluate each of the best practices and explore their fit for the City of Oakland:

- ★ Ease of Implementation in Other Jurisdictions
- ★ Use of Technology
- ★ Data Aggregation
- ★ Sensitivity to Confidential Information
- ★ Feasibility in Oakland
- ★ Preliminary Cost Savings

### Ease of Implementation in Other Jurisdictions

We consider how easy or difficult it was for case study agencies to implement each best practice. Perhaps one of the most important factors when considering the implementation of a new policy is support from leadership. Jurisdictions that have a clear culture of transparency relayed that successful, large-scale change is largely predicated on the support of the mayor, city council, or a state-level equivalent. The ease with which a transparency policy can be implemented also requires analysis of varying levels of staff resources and protocols that would need to be altered.

### Use of Technology

We also consider how agencies make use of technology for each best practice. Technology is integral to modern and effective government transparency processes. The most commonly used online tools for requesting access to government records are NextRequest and GovQA. Emerging technologies such as AI are promising possibilities for eventually streamlining public records procedures.<sup>50</sup> However, while the use of AI in requesting records is revolutionary, jurisdictions that have tried out AI tools for this purpose report problems with recognizing the same type of document from different periods of time or redacting the correct information.<sup>51</sup> With that said, a national survey finds that Americans in jurisdictions with self-service systems in place are “more satisfied with their local government than people still dependent on analog interactions to obtain government services.”<sup>52</sup> In addition, residents tend to be more civically engaged when jurisdictions have technology-forward approaches.

### Data Aggregation

Data aggregation describes the confluence of jurisdiction-wide data in one or only a few online touchpoints. This is especially important for complex datasets, such as police and public safety data. Interviewees repeatedly stressed the importance of ensuring that there is *translation* of complex data so that it is digestible for the public and that the same data platforms are easily accessible from several entry points.

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<sup>50</sup> Kamb, Lewis. “[Some U.S. Government Agencies Are Testing out AI to Help Fulfill Public Records Requests](#),” NBC News, NBCUniversal News Group, 1 Aug. 2023.

<sup>51</sup> Source: Interview with San Francisco Department of Public Works staff.

<sup>52</sup> [The Secret Solution to Increasing Resident Trust](#), CivicPlus, 2023.

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Aggregated data must simultaneously be readable and neutral. When data is readily available, there's often an assumption that the public should possess the ability to locate it or have the resources to navigate it. This is where providing in-house analysis of data and production of helpful summaries and visualizations can render it more accessible. However, while this supports the public's ability to digest complex information, it also provides an opportunity for agencies to manipulate the narrative that data tells. It is critical to present data in an impartial manner. When the true stories data tells are embraced, meaningful measures toward change and transparency can have real impacts. If data is used to advance a goal or serve a purpose, rather than tell the truth, it not only breaks down community trust, but contributes to inadequate solutions that do not address the root of the problem. The point of aggregating data in a dashboard or portal should not be to show only favorable information, such as a decrease in crime, but to reveal an accurate and informative snapshot of the status of community issues and exhibit transformative government transparency.

### Sensitivity to Confidential Information

We consider records containing confidential or sensitive information in our analysis. When working with potentially sensitive data, governments must proceed with caution. There are trade-offs to consider between the goal of greater transparency and following the relevant confidentiality laws. While a member of the public may want total transparency of information, jurisdictions have legal obligations to parties who may be endangered by the broad release of information. However, journalist Jeff McDonald with the San Diego Union-Tribune noted that there are serious shortcomings in this area when agencies redact “overly-broadly” and justify it by claiming attorney-client privilege, stating that there is an “ongoing review,” or labeling reports as “drafts” but failing to ever release a final report. There are competing interests when it comes to releasing sensitive or preliminary information, and it results in a tricky balancing act that jurisdictions everywhere must navigate when considering transparency reforms.

### Feasibility in Oakland

We analyze how feasible it is to implement each best practice in Oakland and what considerations are at play. This includes resources like staffing and technology as well as changes to the existing legal framework where applicable. All of the best practices derived from the case study interviews will have some form of cost, staffing burden, and/or technology upgrade. However, many interviewed jurisdictions stated that the long-term benefits of implementation far outweigh the short-term costs. Policy shifts also affect multiple departments in a jurisdiction. Departments like IT, the City Attorney's Office, and other stakeholders would need to be consulted before any implementation can occur. Aligning with the findings from our interviews, our recommended changes will also require support from leaders such as the Mayor and City Council. Receiving endorsement from these entities in Oakland is essential to making a lasting impact in pursuit of transparency.

### Preliminary Cost Savings

The City of Oakland is facing an upcoming budget deficit. Emphasizing how transparency would save the City money strengthens our recommendations. Therefore, throughout our

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analysis, we attempt to narrow in on a dollar amount of cost savings that the City could reasonably expect from implementing the recommended changes.

However, there are significant limitations to our estimates: we do not have specific or recent information on the time spent by all City staff on public records requests, nor do we have any aggregated information about litigation costs. Such limitations led us to analyze the available panel data for the State of Washington, which provides specific dollar costs for every public agency in the state. Consumer Watchdog asserts that it makes sense to compare Washington and California: “The WPRC provides a useful comparison to the CPRA as the laws have similar disclosure requirements, and the WPRC, like the CPRA, is modeled on FOIA.”<sup>53</sup> Consumer Watchdog also points out that “*Administrative* costs will always be necessary to implement the Constitutional promise of access. However, most agency *litigation* costs over the CPRA are wholly avoidable.”<sup>54</sup> (Interviewees repeatedly emphasized that in general, the costs of poor transparency far outweigh litigation costs, rendering this cost savings analysis quite conservative.) We were able to locate both administrative data (in terms of staff time)<sup>55</sup> and litigation data (in terms of settlements and legal costs) for the State of Washington.<sup>56</sup> For both the administrative and litigation data, we took the top three most populous cities – Seattle,<sup>57</sup> Spokane, and Tacoma, which together average to roughly Oakland’s population – and calculated their average administrative cost per request and their average yearly litigation expenses:

### *Washington Cities’ Data:*

- Average Administrative Cost Per Request (2021) = \$404
- Average Litigation Costs (2018-2021) = \$462,759 yearly, \$8,899 weekly

Next, we used these numbers to estimate the costs of the status quo for the City of Oakland. Oakland received 12,582 requests in 2023, or 242 requests per week. We can estimate total weekly costs by multiplying the average cost per request of the Washington cities by the number of Oakland requests, and adding that to the Washington weekly litigation costs:

### **Rough Estimate of Current Total Weekly Costs to Oakland**

$$\begin{aligned} &= (242 \times \$404) + \$8,899 \\ &= \mathbf{\$106,882} \end{aligned}$$

By estimating five additional variables, we can arrive at a new total weekly cost for each recommended practice:

1. Proportion of litigation costs under the proposed system as compared to the current system,
2. Any ongoing new software or technology costs,

<sup>53</sup> Flanagan, Jerry, and Ryan Mellino. *Letter to LAO Re: Government Transparency Act (A.G. File No. 23-0015)*, Consumer Watchdog, 17 Aug. 2023.

<sup>54</sup> Flanagan, Jerry, and Ryan Mellino. *Letter to LAO Re: Government Transparency Act (A.G. File No. 23-0015)*, Consumer Watchdog, 12 Sep. 2023.

<sup>55</sup> WA Joint Legislative Audit & Review Committee (JLARC). “[2021 - Metric 11](#).” *Tableau*.

<sup>56</sup> WA Joint Legislative Audit & Review Committee (JLARC). “[2021 - Metric 13](#).” *Tableau*.

<sup>57</sup> Because Seattle operates as a case study in this report, including their costs here boosts the conservatism of our estimates because their current costs are likely lower than they would be without their current public records practices.

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3. Proportion of liaison staff time under the proposed system as compared to the current system,
4. Number of new full-time staff, and
5. Number of weekly public records requests.

Because the City has 37 Public Records Liaisons, and the 14 liaisons surveyed in 2021 spent an average of about 10.5 hours per week responding to public records, the total weekly hours dedicated to public records is as follows:

$$37 \text{ liaisons} \times 10.5 \text{ hours} = \mathbf{388.5} \text{ total weekly hours}$$

For the purposes of being conservative in our estimates, and because we cannot estimate how much time non-liaison staff spend collecting responsive records (though survey respondents contend it is significant), we are only including staff time of Public Records Liaisons and any proposed new staff. Although proposed new staff would present additional costs to the City, such as medical benefits, we are unable to estimate those costs at this time, and therefore rely on the highly conservative exclusion of non-liaison staff time to even out the analysis. The full formula for potential cost savings is as follows:

### **Rough Estimate of Proposed Total Weekly Costs to Oakland =**

$$\begin{aligned} & (\text{Litigation costs} \times \text{Estimated new litigation rate}) + \\ & \text{Ongoing new software costs} + \\ & ((\text{Total staff hours} / \text{Old total staff hours at } 388.5) \times \text{Cost per request at } \$404 \times \text{Number} \\ & \text{of weekly public records requests}) \end{aligned}$$

Where Total Staff Hours =

$$\begin{aligned} & (\text{Current weekly liaison time at } 388.5 \text{ hours} \times \text{Estimated new proportion of} \\ & \text{liaison time}) + \\ & (\text{Number of new full-time public records staff} \times 37.5 \text{ hours}) \end{aligned}$$

**To find estimated Cost Savings,** we then subtract the proposed weekly cost from the current cost:

$$\text{Current weekly cost at } \$106,882 - \text{Proposed weekly cost} = \text{Cost Savings}$$

The estimates yielded by this formula, though conservative, are very rough. Without more data on each City department's costs and staff hours, both in terms of public records administration and litigation, they represent our best guesses given the limited scope of this report. In any case, there are tangible benefits to transparency: a growing body of research suggests that the costs associated with responding to public records requests far exceed what would be spent if agencies proactively disclose more information,<sup>58</sup> and our cost savings estimates reflect that.

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<sup>58</sup> Egilman, A.C., Wallach, J.D., Morten, C.J. et al. [Systematic overview of Freedom of Information Act requests to the Department of Health and Human Services from 2008 to 2017](#). *Research Integrity & Peer Review* 4, 26 (2019).

### Best Practices Analysis

Our research and informational interviews yielded four best practices in government transparency:

1. Cross-Departmental Coordination
2. Open Data Portals
3. Police Data Dashboards
4. Contract Tracking Dashboards



### **Cross-Departmental Coordination**

Cross-departmental coordination involves helping all city departments work together directly in the public records sphere and providing space for continual process improvement on a citywide level. Standardized management of public records and coordination of response is a crucial structural consideration for heightening transparency.

In this report, cross-departmental coordination is characterized by:

- A centralized office or department with full-time staff dedicated to receiving requests and coordinating responses,
- Regular meetings of staff who are involved with public records (including trainings),
- Involvement of the city attorney's office and information technology department in a standardized way and on a citywide level, and/or
- Citywide standardization of public records guidance and technologies.

Cross-departmental coordination requires intentional investments in staff and other structural decisions that may involve the creation of a new office or department. According to Ginny LaRoe of the First Amendment Coalition, “No matter what technology or policy you’re implementing, it won’t matter unless you’re spending time on staffing and training.”<sup>59</sup> Technological upgrades alone do not result in meaningful transparency. Achieving a citywide culture of transparency requires enough funding for public records staff members and investments in staff knowledge and retention, often accompanied by changes to departmental structure.

### **Case Study Agencies**

Four government agencies demonstrate exceptional cross-departmental coordination: the City and County of San Francisco Department of Public Works, the City of Seattle Department of Information Technology, the State of Vermont Agency of Human Services, and the Louisville Jefferson County Metro Government.

**City and County of San Francisco Department of Public Works (DPW)** staff noted that every City department has a designated Custodian of Records whose duties include receiving and responding to public records requests.<sup>60</sup> DPW’s Custodian of Records, upon starting his position, saw a need for better knowledge-sharing among records staff and instituted bi-monthly meetings for all custodians.<sup>61</sup> The meetings supplement the custodians’ knowledge of public records procedures and trends, and they discuss what changes they want to see within their departments and citywide to handle requests more efficiently. This is especially salient given the San Francisco Sunshine Ordinance’s “immediate disclosure” requirement that certain requests for public records are acknowledged within one day.<sup>62</sup> According to the DPW Custodian of Records as well as the Custodian for the San Francisco

<sup>59</sup> Source: Interview with Ginny LaRoe, Director of Advocacy with the First Amendment Coalition.

<sup>60</sup> Source: Interview with David Steinberg, Executive Assistant and Custodian of Records with San Francisco DPW.

<sup>61</sup> Source: Interview with David Steinberg, Executive Assistant and Custodian of Records with San Francisco DPW.

<sup>62</sup> “[Frequently Asked Questions](#),” *Sunshine Ordinance Task Force*, City and County of San Francisco. Accessed 12 Apr. 2024.

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Public Ethics Commission, these regular meetings help significantly with standardizing best practices and procedures.

**Seattle IT's Data Privacy, Accountability, and Compliance Division** supports the public records function and operates the open data program for the whole city. The Citywide Public Records Program Manager and Open Data Manager noted that having a city leader who is serious about transparency is a key factor in making structural changes.<sup>63</sup> Seattle has achieved citywide consistency through more centralized training, transitioning to more comprehensive and auditable technologies, and education to departments concerning the City's general public records obligations. The division provides training and support to public disclosure officers embedded throughout City departments to help ensure that records are delivered accurately and timely. In total, the City of Seattle received approximately 22,000 public records requests in 2023. Within the division, the Citywide Public Disclosure Program Manager has five full-time staff: three senior public disclosure officers (who run a help desk specific to public records, handle GovQA licensing, and general troubleshooting), one eDiscovery lead (who runs searches of responsive files on behalf of other departments, should they need or want that service), and one developer.

**The State of Vermont Agency of Human Services (AHS)** encompasses six departments that account for over half of the workforce of the Vermont state government. After widespread frustration with handling paper and digital agency records and information, AHS created an agency-wide Information Governance Committee, which meets monthly; the Vermont AHS Chief Operations Officer, with support from the Vermont State Archivist/Chief Records Officer, established the Committee in 2017 by formal charter.<sup>64</sup> It took Vermont AHS about 18 months to plan and formalize the committee, which included hiring a full-time records and information management (RIM) specialist to provide support, before regular meetings were held. The Committee brings together designated departmental "records officers" (most of whom manage a team of 30-40 records liaisons), IT managers, and legal counsel at monthly meetings that are led by the Chief Operations Officer and supported by the AHS RIM specialist. The State Archivist characterized the Committee as an interdisciplinary, information-sharing, "problem-solving" group and the Vermont AHS RIM Specialist noted that getting the right people in the same room is crucial to standardizing information management and records response practices agency-wide and achieving meaningful transparency. With the success of AHS's Information Governance Committee, other Vermont departments such as the Agency of Transportation are considering something similar.<sup>65</sup>

**The Louisville Jefferson County Metro Government** established its Office of Records Compliance in 2015 by mayoral decree after a department received a public records request and released records that legally should have been redacted or withheld.<sup>66</sup> The Louisville

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<sup>63</sup> Source: Interview with Julie Kipp, Citywide Public Records Program Manager, and Mark Schmidt, Data Governance Program Manager, with the City of Seattle Data Privacy, Accountability, and Compliance Division.

<sup>64</sup> [NAGARA 2020 Program Excellence Award Recipient](#), National Association of Government Archives and Records Administrators, 2020.

<sup>65</sup> Source: Interview with Tanya Marshall, State Archivist and Chief Records Officer, and Jennifer Treadway, Records and Information Management Specialist IV, with the State of Vermont.

<sup>66</sup> Source: Interview with Robin Berry, Executive Director/Records Retention Officer with the Louisville Jefferson County Metro Government.

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Jefferson County Metro Government receives about 12,000 requests for records annually and its [Office of Records Compliance](#) is an independent department with two divisions: Open Records, and Records Management/Archives. Since 2015, the Open Records Division has coordinated responses to public records requests for 45 City departments, including the police department, in a semi-centralized manner. The division is staffed by a supervisor and 8 Open Records Specialists. The Metro Government uses NextRequest to manage the public records submission and response process, and the Open Records Division reviews departmental records submissions before releasing the records and clarifies any questions with departmental staff. The Executive Director/Records Retention Officer contended that the formation of the Division has vastly improved consistency for departments and has helped the City maintain standardized procedures for responding to records requests.

### Comparison and Analysis

The need for greater coordination was approached differently by each agency. The bi-monthly records custodian meetings at the City and County of San Francisco were brought about through staff initiative, which, though effective for instituting regular meetings, limited how much structural change could be achieved. Other agencies saw a top-down approach: Seattle's and Louisville's changes arose through mayoral decree, while Vermont AHS's changes were conceived and implemented by department heads. A top-down approach enabled not only better support for public records staff, but also the establishment of new offices and committees that could more effectively and efficiently standardize and streamline public records systems. All of the agencies described in this section implemented procedural changes, while the latter three were also able to make significant structural changes.

Vermont AHS and Seattle IT both demonstrate effective use of technology. During AHS's Information Governance Committee meetings, they discuss approaches to digitization of old hard copy records, trends in public records requests and responses, and push for the use of technology in public recordkeeping and response. They are currently testing file analysis tools and machine learning for their application to public records. The State Archivist/Chief Records Officer and Records and Information Management Specialist emphasized the importance of bringing together personnel in both records management and the IT department, partnerships that are essential for driving innovations forward. Seattle IT has taken a more direct approach by creating citywide standards, requiring that all departments use the Microsoft Compliance function to gather documents and data when responding to public records requests, making integration of workflows seamless across departments. Seattle IT is also moving toward building an intelligent mapping of data domains, which will help elucidate and address any overlap and duplication of work between departments.

Greater coordination also allows for better handling of sensitive or confidential information. The Louisville Jefferson County Metro Government's Open Records Division reviews any redacted documents before they are released to the requester and ensures that they are not under- or over-redacted. As experts in the Kentucky Open Records Act, staff with the Louisville Open Records Division have created and distributed a "cheat sheet" of redaction guidance to all metro departments, including a requirement that the relevant section of the Kentucky Open Records Act must be cited for each redaction. The Open Records Division also

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regularly trains departmental records staff on the law and usage of NextRequest. The division makes full use of NextRequest's redaction feature, which allows a brief and clear reason for the redaction to show up over each block of redacted text. Robin Berry, the Open Records Division's Executive Director and Records Retention Officer, stated that "The more information we give them [the requester], the more receptive they are to accepting it." Such citywide processes minimize litigatory risk while maximizing openness with the public.

To some extent, all four cases involve close collaboration with the agency's legal counsel, further insulating risk of litigation. San Francisco DPW uses citywide NextRequest messaging templates that were created and updated by the City Attorney's Office. Vermont AHS invites each department's legal counsel to the Information Governance Committee meetings. A common theme in our interviews, however, was that the involvement of legal counsel should be measured. There can be natural conflicts between true transparency and a staff attorney's goal of protecting the agency from lawsuits.

### Feasibility in Oakland

The institution of regular meetings of Public Records Liaisons at the City of Oakland is by far the simplest practice to implement among those examined in this report. Establishing a new office to oversee records compliance is a more challenging task – however, it could be made more feasible in the short-term by starting small and scaling the changes over time. For example, the Vermont AHS Information Governance Committee covers AHS only, but the Agency of Transportation is now considering a similar approach. Oakland could initially establish a committee or office catering exclusively to the highest-volume departments, and slowly phase out to eventually encompass all departments. One of the key factors in Vermont, and which will be similarly important in Oakland, is the development of clear goals and principles for the new committee or office, as well as bringing in the right stakeholders and decision-makers early on such as IT, the City Attorney, PEC, and public records staff. The Information Governance Committee charter outlined objectives that the participating cohort could easily rally around, and the State's Chief Operations Officer was deeply involved as the committee's co-lead. Having someone in the position of setting policy to champion and lead the new body would be crucial in Oakland. Even more crucially, Louisville's Office of Records Compliance has encountered recent challenges in meeting deadlines for responding to records requests.<sup>67</sup> This highlights the need for continual adequate funding and staffing of these offices after their creation.

Given that the City of Seattle and Louisville Jefferson County Metro Government are comparable to Oakland in that they are large municipal governments, and that they extend beyond merely conducting staff meetings, we recommend the establishment of a citywide, centralized office after their fashion. Should the City of Oakland opt to establish such a dedicated office for public records requests – which would receive requests, solicit relevant records from various departments, ensure deadlines are met, make redactions in collaboration with the City Attorney or department(s) fulfilling the request as needed, and respond to requesters – we propose that the office be structured in one of the following ways:

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<sup>67</sup> Velzer, Ryan Van. "[An Affront to Transparency' Louisville's Open Records Backlog Grows, Hampers Journalists.](#)" *Louisville Public Media*, LPM, 11 Dec. 2023.

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either as fully independent, modeled after Louisville; integrated within the IT department to prioritize technological streamlining and advancement, similar to Seattle's approach; or be situated under the PEC for greater political insulation. We recommend modeling the office's staffing after Seattle, adjusting down slightly to four full-time staff to account for differences in city population: one Public Records Program Director, two Senior Public Records Officers, and one File Manager/Developer. We also recommend that someone in a leadership position at the City be recruited to champion the creation of the office and lead it in an advisory capacity. The Oakland Sunshine Ordinance would likely need to be amended to account for these changes in structure and responsibilities.

It is important that the specific duties and processes of the dedicated office do not contribute to more of a bottleneck or add a layer of bureaucracy. However, it is also important to recognize that the current system is rife with inefficiencies. For example, a records request that was submitted by the research team on April 7, 2024 has been routed to four different departments, as we did not initially submit our request to the correct department, and remains open as of May 15. The request was for a single document: the City's most recently executed contract with Tyler Technologies. Further, the City's current system relies on all Public Records Liaisons to be fully trained on the relevant laws and confidentiality/redaction requirements, and dedicate a significant portion of their time to coordinating response when many of them have other, more directly service-related duties. Seattle's and Louisville's dedicated public records offices are both responsible for coordinating every request submitted, and the interviewees from those jurisdictions strongly contended that such centralization has contributed to greater citywide coordination and efficiency.

### Preliminary Cost Savings

By estimating these five variables, we can arrive at a new ongoing cost for establishing a Public Records Office at the City of Oakland:

- 1. Proportion of litigation under the proposed system as compared to the current system = 0.7**
  - Rationale: We roughly estimate that streamlining public records response through cross-departmental coordination will moderately reduce litigation costs. We believe that increased collaboration and standardization across City departments will help mitigate inconsistencies in public records response, including response times, translating to fewer lawsuits.
- 2. Any ongoing new software or technology costs = \$0**
  - Rationale: No software changes are proposed in this section.
- 3. Proportion of liaison staff time under the proposed system as compared to the current system = 0.6**
  - Rationale: We roughly estimate that Public Records Liaisons spend around 40% of their time spent on public records coordinating receipt of requests, communicating with the requester, and organizing responsive records, with the other 60% being spent on actually gathering records. If the first set of responsibilities could be concentrated in the new office, thereby taken up by new staff, *liaison* staff time is reduced by 40%.

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### 4. Number of new full-time staff = 4

- Rationale: We propose that the new office be staffed with four full-time employees.

### 5. Number of weekly public records requests = 242

- Rationale: We do not estimate that greater cross-departmental coordination will reduce the number of public records requests.

### Rough Estimate of Proposed Total Weekly Costs to Oakland =

$$\begin{aligned} &(\$8,899 \times 0.7) + \\ &\$0 + \\ &((383 / 388.5) \times \$404 \times 242) \\ &= \mathbf{\$102,850} \end{aligned}$$

$$\begin{aligned} \text{Where Total Staff Hours at 383} = \\ &(388.5 \times 0.6) + \\ &(4 \times 37.5) \end{aligned}$$

### Conservative Cost Savings

$$\begin{aligned} &= \$106,882 - \$102,850 \\ &= \mathbf{\$4,000 \text{ Weekly, } \$200,000 \text{ Annually}} \end{aligned}$$

*Potential Weekly Range: -\$8,000 in costs to +\$15,000 in savings*

## Recommendations

**Long-term action:** We recommend that the City of Oakland establish a new Public Records Office that is either independent, housed within the IT department, or housed within the PEC. The Public Records Office would be championed and advised by someone in a leadership position and would start out with four full-time staff who coordinate receipt of public records requests, solicit relevant records from departments, make clear redactions or withholdings where legally required, and issue responses to requesters.

**Short-term actions:** In the short-term, we recommend that the City of Oakland take the following actions (costs not calculated):

- Institute bi-monthly meetings of all Public Records Liaisons to initiate knowledge-sharing.
- Upgrade the City's NextRequest contract to include more functionality.
- Mandate regular training on NextRequest and public records laws for Public Records Liaisons.
- Create a cheat sheet for making lawful and clear redactions of sensitive information to be used citywide.
- Create guidance documents for generally responding to public records, including how to handle common issues and questions, to be used citywide.



### Open Data Portals

Open data portals are online platforms that allow agency staff to publish data that informs the public and contributes to an open and transparent government. These portals are valuable tools for City staff and residents, as they provide facts, statistics, and documents that can be referenced for analysis. Accessible data is imperative to understanding how government works and can inform future policymaking. A common theme in our interviews with journalists and nonprofit watchdog groups is that commonly requested information should already be published online. Many interviewees explicitly advocated for proactive disclosure of records, and open data portals are an important mechanism for achieving this.

In this report, open data portals are characterized by:

- The use of an open data software platform,
- Data that is sourced from multiple agency departments,
- Downloadable tabular data (often in CSV format), and
- Summary visuals (such as maps or graphics) where appropriate.

Interviewees provided mixed responses on whether the institution of a robust open data portal reduced the number of public records requests they received. Some contended that they experienced a reduction in requests after their jurisdiction's portal went live, others were not involved in public records and therefore could not answer, while others maintained that they did not see a difference in the volume of requests. However, empirical research shows a significant reduction in public records requests following a city's adoption of a strong open data policy.<sup>68</sup> Further, every interviewee strongly asserted that their jurisdiction's open data portal significantly reduced the amount of administrative staff time spent on responding to public records requests. This is because, instead of sorting through files and emails to locate responsive records, in many cases staff could redirect the requester to the available data and records on the portal. This is especially true for jurisdictions like Seattle and Louisville, which publish document records and not just tabular data on their portals.

As previously mentioned, the City of Oakland already has an [open data portal](#) powered by Tyler Technologies, but it contains a limited array of datasets and it is often unclear what they contain. It is difficult to access the open data portal without doing a browser search. Moreover, the [geospatial data platform](#) is not connected to the open data portal. Oakland appears to have adopted an Open Data Policy in 2013, but the policy has not been fully implemented and there is no information about it on the City website.<sup>69</sup>

Through interviews with other jurisdictions and analysis, we find that true transparency goes beyond mere disclosure of data. "The intent" behind disclosure matters, and simply sharing information is not transparent "if the available information is not comprehensible to the users" and if the technology used is not "interactive."<sup>70</sup> In addition, there are many different

<sup>68</sup> Stern, Alena. "[Research: Cities Can Save Time on Records Requests by Doing Open Data Right](#)." *Sunlight Foundation*, 9 Oct. 2018.

<sup>69</sup> "[File #: 13-0057](#)." *City of Oakland Legistar*, City of Oakland, 15 Oct. 2013.

<sup>70</sup> Krah, R. D. Y., & Mertens, G. (2020). [Transparency in Local Governments: Patterns and Practices of Twenty-first Century](#). *State and Local Government Review*, 52(3), 200-213.

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data formats to consider for publishing on a portal, including data comprising a list of actual public records (such as crime incidents), document records themselves, or more aggregate data (such as crime statistics), which are not public records. In any case, approachable and user-friendly open data portals are a critical tool for achieving openness-by-default.

### Case Study Agencies

Three government agencies have robust open data portals: the City and County of San Francisco ([DataSF](#)), the City of Seattle ([Seattle Open Data](#)), and the Louisville Jefferson County Metro Government ([LouKY Open Data](#)).

**DataSF** was established in 2009 after Executive Directive 09-06 was signed by the then-Mayor Gavin Newsom.<sup>71</sup> The directive affirmed that DataSF “will enhance open government, transparency, and accountability by improving access to City data that adheres to privacy and security policies.” It aimed to make all non-confidential datasets publicly available, increasing government transparency with the hope that it could lead to further innovation for the City. Although DataSF was originally housed within the Mayor’s Office, it is now situated within the City Administrator’s Office and has seven full-time staff.<sup>72</sup> There are 35 City departments that publish data. The Chief Data Officer at the City and County of San Francisco noted that City staff are the demographic that accesses DataSF most often. DataSF is powered by Tyler Technologies (formerly known as Socrata), software that is used widely by other cities nationwide, including Oakland. Behind the scenes, San Francisco City staff have different levels of data maturity (i.e., how they manage their datasets, systems they use, how they approach analysis), which has signaled to DataSF that they need to modernize their data infrastructure to make cross-departmental coordination easier.<sup>73</sup> Because DataSF’s small team must serve both the City and County of San Francisco, they make weekly and daily publishing priorities. The Chief Data Officer noted that they prioritize data related to citywide initiatives first, and move on to other projects and priorities as capacity allows.

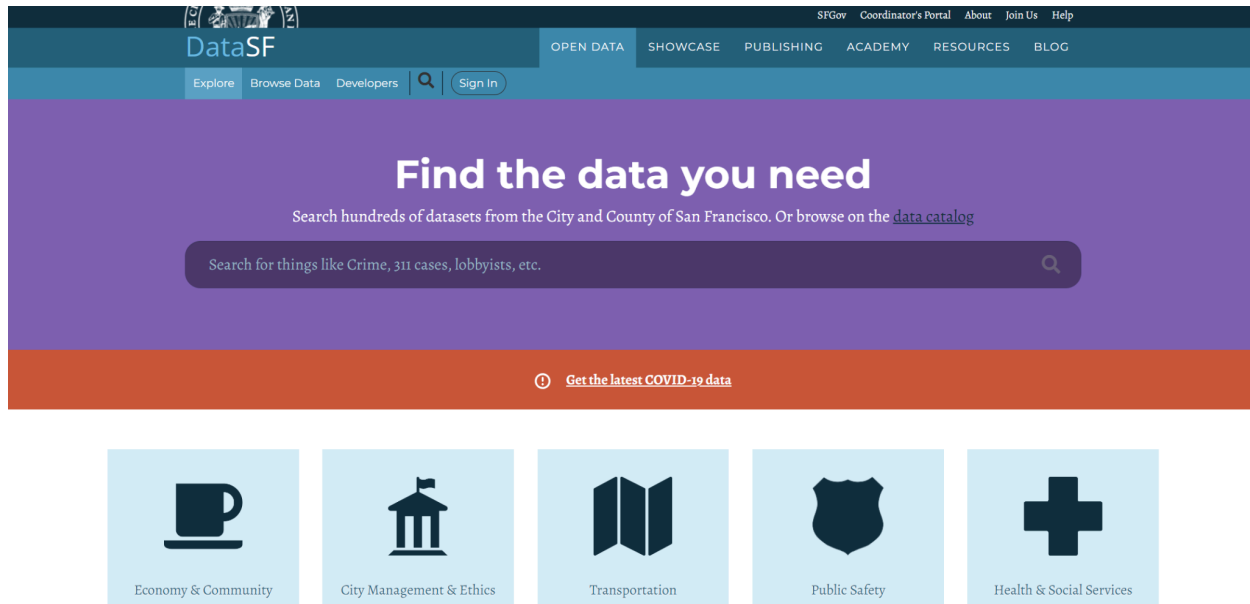
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<sup>71</sup> “[Open Data in San Francisco, California](#),” Centre For Public Impact (CPI). Accessed 9 Apr. 2024.

<sup>72</sup> Source: Interview with Michelle Littlefield, Chief Data Officer with the City and County of San Francisco.

<sup>73</sup> Source: Interview with Michelle Littlefield, Chief Data Officer with the City and County of San Francisco.

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**Seattle's Open Data** portal launched in 2010, but the program did not gain significant traction until 2016. In February 2016, then-Mayor Ed Murray signed an Executive Order directing all departments to comply with a new Open Data Policy requiring all City data to be "[open by preference](#)." The policy ensures that after screening for privacy and security, data would become publicly accessible.<sup>74</sup> It also calls for City data to be available in machine-readable formats and requires all departments to name [Open Data Champions](#) who are responsible for connecting with stakeholders, training staff in their departments, taking inventory of their data, addressing privacy concerns, and handling eventual data publication. The open data portal is run by the City's IT department and requires two full-time staff of two: one technical developer (who handles data integrations and technical issues) and one data analyst (who administers the platform and coordinates meetings with the designated Open Data Champions across all City departments to develop and upload open data).<sup>75</sup> Like DataSF, Seattle Open Data is powered by Tyler Technologies. The Open Data Manager emphasized that Seattle is currently working towards an "open by default" policy. Its Open Data program seeks to improve public understanding of City operations, generate economic opportunities for individuals and companies that benefit from Open Data knowledge, and empower City employees to become more coordinated.<sup>76</sup> In 2023, Seattle was re-certified as a Gold-level city by What Works Cities because it "embed[s] data and evidence into decision-making."<sup>77</sup>

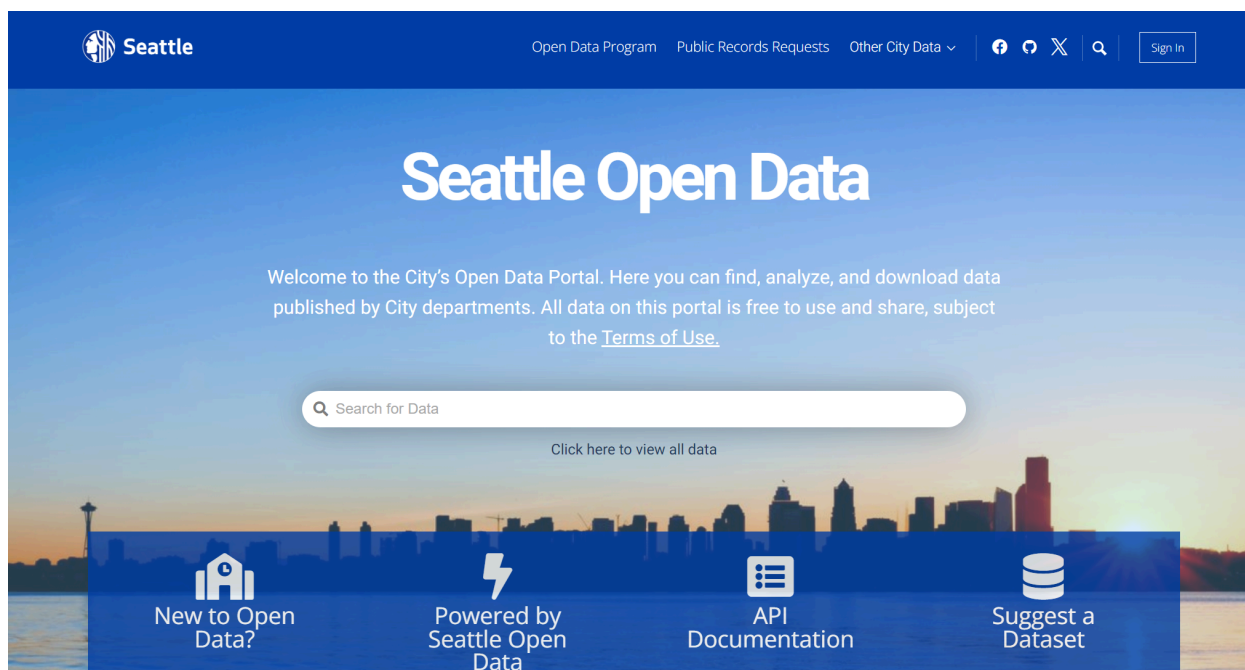
<sup>74</sup> Murray, Edward B. [Executive Order 2016-01](#), City of Seattle Office of the Mayor, 27 Feb. 2016.

<sup>75</sup> Source: Interview with Julie Kipp, Citywide Public Records Manager, and Mark Schmidt, Data Governance Program Manager, with the City of Seattle Data Privacy, Accountability, and Compliance Division.

<sup>76</sup> "[Open Data](#)," *Seattle Information Technology*. Accessed 6 Apr. 2024.

<sup>77</sup> "[Our Cities](#)," *What Works Cities Certification*, Bloomberg Philanthropies. Accessed 2 Apr. 2024.

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**LouKY Open Data** is managed by the Louisville Jefferson County Metro Government's IT department and contains over 500 datasets. The Metro Government has been on the cutting edge of open data for many years. Its open data portal was established in 2013 when then-Mayor Greg Fischer solidified the Metro Government's commitment to transparency by signing an Executive Order mandating the publication of structured and standardized data in readable formats.<sup>78</sup> When he signed the Executive Order, his statement, "It's data, man," became a landmark moment in Louisville's transparency journey. The order aims to increase public access to information and embraces the concept of an open-by-default government. Since then, Louisville has continued to publish interactive maps, visuals, and generally furthered access to data. The open data portal in its current form, now called LouKY Open Data, launched in 2018 and is run primarily through a cloud platform called ArcGIS Hub.<sup>79</sup> LouKY Open Data is staffed by two data engineers and a GIS coordinator within the IT department. The Metro Government has consolidated LouKY Open Data with its multi-agency spatial data platform – the Louisville/Jefferson County Information Consortium (LOJIC) – aggregating more data in one place.<sup>80</sup> In 2022, the Metro Government formalized its practices by instituting an official Open Data Policy in its municipal code.<sup>81</sup> Each department has employees who are responsible for collecting and synthesizing data for the portal and updating the data on either a monthly or quarterly basis. A key factor in departments' decisions about what types of data they post is whether the data is frequently requested by the public.<sup>82</sup>

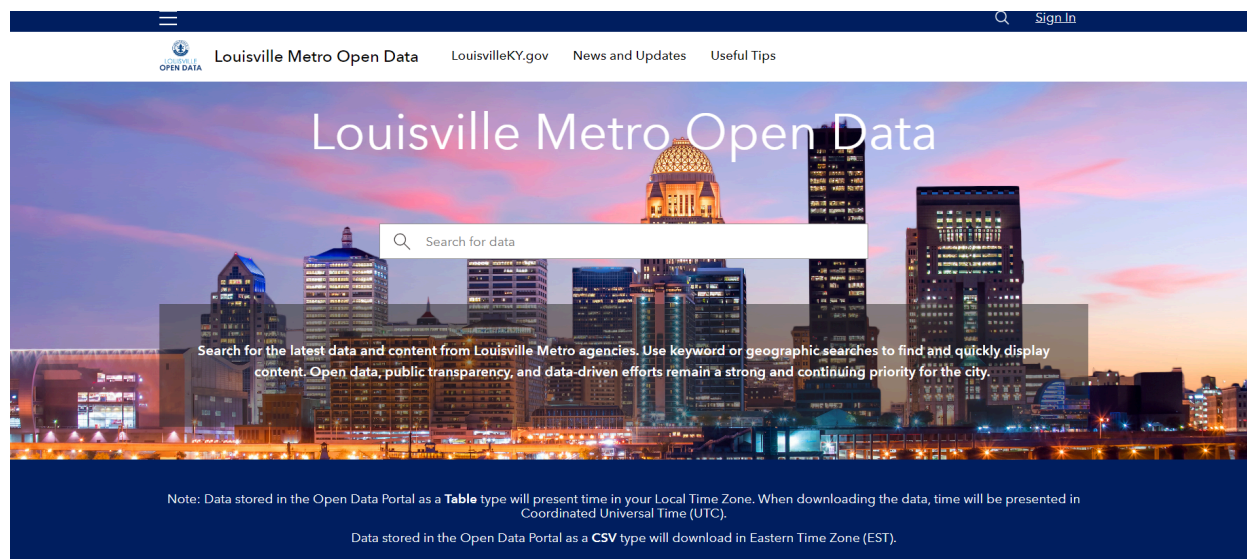
<sup>78</sup> Williams, Rebecca. [New Louisville Open Data Policy Insists Open By Default Is the Future](#), Sunlight Foundation, 21 Oct. 2013.

<sup>79</sup> Source: Interview with Andrew McKinney, Data Officer with Louisville Jefferson County Metro Technology Services. [Louisville/Jefferson County Information Consortium \(LOJIC\)](#). Accessed 10 Apr. 2024.

<sup>81</sup> Louisville-Jefferson County Code, [§ 44 Open Data Policy](#). American Legal Publishing. Accessed 15 Mar. 2024.

<sup>82</sup> Source: Interview with Andrew McKinney, Data Officer with Louisville Jefferson County Metro Technology Services.

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### Comparison and Analysis

DataSF, Seattle Open Data, and LouKY Open Data are all clean and easily navigable portals. DataSF and Seattle Open Data are hosted by Tyler Technologies, while LouKY Open Data is hosted by ArcGIS Hub. Each portal demonstrates excellent user accessibility by organizing the browse categories on the home page primarily by data topic – which is what most public users will be looking for – and not by the name of the publishing department, though searching by publishing department is possible in the search options. While Seattle Open Data and LouKY Open Data actively serve members of the public, DataSF is geared more toward serving its City staff. DataSF has an “Academy” tab that sends the user to the Data Academy, a training program for staff that allows them to keep up with their skills as data and technology continue to advance. In addition, the “Resources” tab on the main pages helps staff understand “*your department’s data and create a publishing plan.*” Both Seattle Open Data and LouKY Open Data are more public-facing: they explicitly mention the word “transparency” on their open data portals’ landing pages and do not offer staff resources on the portal, though both do conduct regular staff training.

Seattle Open Data has several guides and videos instructing members of the public on how to navigate and use the tools that the portal offers, including instructions for how to “*find the dataset you need and filter it to find local information*” and “*create your visualization.*” This “[Getting Started](#)” webpage is immediately accessible from the portal’s homepage. Although LouKY Open Data has a similar “*Useful Tips*” tab on its main page, it contains only one tip: a PDF describing how to link directly to CSV files. Seattle Open Data and the City of Seattle’s [public records webpage](#) both link to each other, with the public records page containing a direct link to the most commonly requested datasets on the open data portal. On Seattle Open Data itself, a direct link to make a public records request is visible at the very top of the page, encouraging would-be requesters to take a look at the portal first. Although the Louisville Metro Government’s [open records webpage](#) links to the open data portal, the portal does not link to the open records page, and DataSF’s public records and open data portal sites do not mention each other at all.

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LouKY Open Data excels in other areas, namely with aggregating its data among many sources (geospatial and tabular) and regionally. Further, it goes beyond mere spreadsheets by posting PDF records as well, although both Louisville and Seattle post a limited array of PDF records. LouKY Open Data has a [“Featured Visuals”](#) button on the homepage, which takes the user to a variety of data visualizations, including a visual, updated weekly, of the salaries of all Metro employees by name. The LouKY Open Data and Seattle Open Data teams also decide what data to publish primarily based on what is most requested by users, a tactic that DataSF does not employ given its staff-dominated audience.

### Feasibility in Oakland

The City of Oakland could establish a revamped Open Data Policy, mirroring all three of the case study agencies. Drafting such a policy could be made relatively easy by using the Sunlight Foundation’s [Open Data Policy Generator](#) tool or by copying language from the other cities’ policies. Since Oakland’s current open data portal is already hosted by Tyler Technologies, improvements to the existing structure and data are extremely feasible. However, we are unable to determine what the City is already paying Tyler Technologies for this platform and whether additional functionalities would require a more expensive contract. The research team submitted a public records request to the City of Oakland for its most recently executed contract with Tyler Technologies on April 7, 2024 and have not received a response as of May 15.

There may need to be adjustments to the current staffing structure in order to implement any improvements. Mirroring Seattle’s approach, Oakland could easily select an Open Data Champion in each City department, which would likely not require hiring any new staff. However, the Open Data Champions would need to be educated and trained about what types of data should be open data and in what form (lists of records, document records, or aggregated data, for example). The champions would be responsible for connecting with stakeholders, training staff in their department, taking inventory of their data, addressing privacy concerns, and handling eventual data publication. There are likely already data- and IT-related positions in each department whose duties could more formally absorb an “Open Data Champion” designation. Although Oakland’s data portal is currently run through the City Administrator’s Office and departments can opt to publish their data, any substantial improvements in coordination, collection, translation, and updating of data will also necessitate hiring full-time staff in the IT department dedicated to the open data portal. Also similar to Seattle, two full-time staff should be sufficient, consisting of one technical developer to manage the platform and one administrator to coordinate with departmental data champions, create publishing plans to ensure all data is regularly updated, and lead process improvements.

Oakland’s portal has something similar to Seattle’s *“Getting Started”* user guides, though these resources are sparse and should be expanded. Although Seattle Open Data has a *“Files and Documents”* search option, going beyond mere tabulated and visualized data, it currently only posts *“paid parking occupancy”* documents in that category. Oakland can learn from this by making greater use of the *“Files and Documents”* option and could locate



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many of its PDF records in Tyler Technologies. To aggregate disparate data even further, like Louisville, Oakland could consider ways to integrate its [geospatial data platform](#) in ArcGIS.

In order to operationalize a process for determining which data should be publicly posted on the open data portal, and how often, the City of Oakland could conduct an in-depth analysis of the most commonly requested types of records using recent NextRequest data and prioritize publishing those records, to the extent it is legal to do so, on a regular basis (e.g., weekly, monthly, or quarterly, depending on whether the data is urgent in nature). In addition, each department head could examine what types of records are most commonly requested by the public and whether they are well-suited to being posted online with little to no redaction needs. Establishing protocols for redaction of certain records will be a necessary part of this process. As all three of the analyzed open data portals came about through mayoral support, a top-down approach will be key to realizing a more comprehensive and user-friendly open data portal. In addition, departmental directors will need to be engaged early and often in the process.

### Preliminary Cost Savings

By estimating these five variables, we can arrive at a new ongoing cost for improving the City of Oakland's open data portal:

**1. Proportion of litigation under the proposed system as compared to the current system = 0.6**

- Rationale: We estimate that proactively posting records online will significantly reduce litigation costs, as recent litigation has alleged withholding of records. Records being already available online will minimize unnecessary lawsuits. However, records that require redaction are not easily proactively disclosed, limiting the extent to which litigation lessens. We believe that proactive disclosure of a wide variety of records across City departments will help insulate the City from litigatory risk.

**2. Any ongoing new software or technology costs = \$0**

- Rationale: Although the City of Oakland already has a contract with Tyler Technologies, we cannot anticipate additional contractual costs as a result of improving the data portal without examining the current contract and how it compares with Seattle's Tyler Technologies contract. We are still awaiting a response to our Oakland public records request. To fully estimate this variable, conversations with Tyler Technologies representatives would also be needed.

**3. Proportion of liaison staff time under the proposed system as compared to the current system = 0.7**

- Rationale: We estimate that Public Records Liaisons would experience a sizable reduction in time spent on public records (30%), including in both coordination/communication and gathering of records, if a majority of commonly requested records are already available online. Interviewees agreed that the presence of a comprehensive data portal significantly reduces the amount of staff time spent on responding to public records requests because



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requesters can be quickly referred to information that is already available online.

#### 4. Number of new full-time staff = 2

- Rationale: We propose that the open data portal be staffed with two full-time employees.

#### 5. Number of weekly public records requests = 172

- Rationale: A 2018 research study examined the link between adopting a robust open data policy and a reduction in public records requests.<sup>83</sup> It found that, “on average, adopting an open data policy is associated with a decrease of 6.48 public record requests received per 10,000 residents per month.” For Oakland, this would mean 278 fewer public records requests per month, or 70 fewer per week:  $242 - 70 = 172$ .

#### Rough Estimate of Proposed Total Weekly Costs to Oakland =

$$\begin{aligned} &(\$8,899 \times 0.6) + \\ &\$0 + \\ &((346 / 388.5) \times \$404 \times 172) \\ &= \mathbf{\$67,530} \end{aligned}$$

$$\begin{aligned} \text{Where Total Staff Hours at 346} = \\ &(388.5 \times 0.7) + \\ &(2 \times 37.5) \end{aligned}$$

#### Conservative Cost Savings

$$\begin{aligned} &= \$106,882 - \$67,530 \\ &= \mathbf{\$39,300 \text{ Weekly, } \$2,000,000 \text{ Annually}} \end{aligned}$$

*Potential Weekly Range: +\$25,000 to +\$70,000 in savings*

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<sup>83</sup> Stern, Alena. [“Research: Cities Can Save Time on Records Requests by Doing Open Data Right.”](#) Sunlight Foundation, 9 Oct. 2018.

### Recommendations

**Long-term action:** We recommend that the City of Oakland take more intentional and direct control of its open data platform by enlisting the Mayor to establish a revamped Open Data Policy. The policy should 1) redeclare Oakland's commitment to data transparency, 2) designate an Open Data Champion for every City department who would connect with data stakeholders, train staff, take inventory of departmental data, address privacy concerns, and handle publication, 3) establish citywide and departmental protocols for determining what kinds of records and data should be published based on what is commonly requested in NextRequest, defaulting to posting records and data whenever possible, and 4) allow for hiring one technical developer and one administrator in the IT department. These new staff would be fully dedicated to managing the open data portal, hosting regular training for data champions, coordinating with the data champions and departmental leadership, creating and enforcing publishing plans to ensure all data is regularly updated, and spearheading process improvements.

**Short-term actions:** In the short-term, we recommend that the City of Oakland take the following actions (costs not calculated):

- Begin conversations with departmental heads about the importance of publishing more data and records, and in accessible formats.
- Coordinate with the City Administrator's Office to rename existing datasets in the open data portal and include explanations and visualizations wherever possible.
- Conduct an in-depth analysis of the most commonly requested types of records in NextRequest for each department, and categorize the types of document records that tend to require redaction.
- Expand resources and guides for how to use the open data portal, geared to both City staff and members of the public.

### ***Police Data Dashboards***

Police data dashboards are often thought of as the visual representation of any public safety data that is available on open data portals. Making dashboards navigable for the average resident is a consistent challenge across agencies. Dashboards are intended to provide user-friendly displays of data that aim to make information digestible for the general public. Ongoing pressure from advocacy groups and the general public demanding access to police data has propelled dashboards to become effective transparency measures.

As previously mentioned, the City of Oakland recently launched a [police data dashboard](#). However, it is sparse and contains mostly raw data on crime, police shootings, and misconduct, most of which was required to be disclosed by a 2021 court settlement.<sup>84</sup> The dashboard contains a map of recent crime incidents, which appears to be up-to-date and quite usable. However, the dashboard also includes gunshot reports that are supposed to be updated monthly, but have not been updated since 2018 as of the date of this report.

We find that there are several aspects of police data reporting that make it unique. First, accessibility and format are important, because data without adequate cleaning and presentation does not tell a story. Second, clear categorization of crimes and offenses are especially important to point users in the right direction in their navigation. Finally, narrative framing of data is a critical, yet often overlooked component of data visualization; data should be presented neutrally and with relevant context, otherwise it can lead to misleading conclusions.

### **Case Study Agencies**

Staff at the Berkeley, San Francisco, and San Diego Police Departments were interviewed to get a better understanding of the inception of their police data dashboards and how their current systems work. While there was some overlap between the departments, each possesses distinct data characteristics and internal policies that establish them as exemplary agencies.

**The Berkeley Police Department** is on the cutting edge of innovation when it comes to publicizing police data. As noted throughout our case studies, data is often the focus of modern day transparency efforts. With immense support from Berkeley's Chief of Police and other leadership, they've been able to form a Strategic Analysis team that is composed of an officer, a lieutenant, and a data and policy analyst.<sup>85</sup> The Data and Policy Analyst from the Berkeley Police Department claimed that their dashboard is one of the most innovative and frequently updated dashboards in the state. Daily live updates to the dashboard demonstrate their commitment to utilizing technology and maintaining consistent practices, ensuring the public remains informed about ongoing developments in the community. The Data and

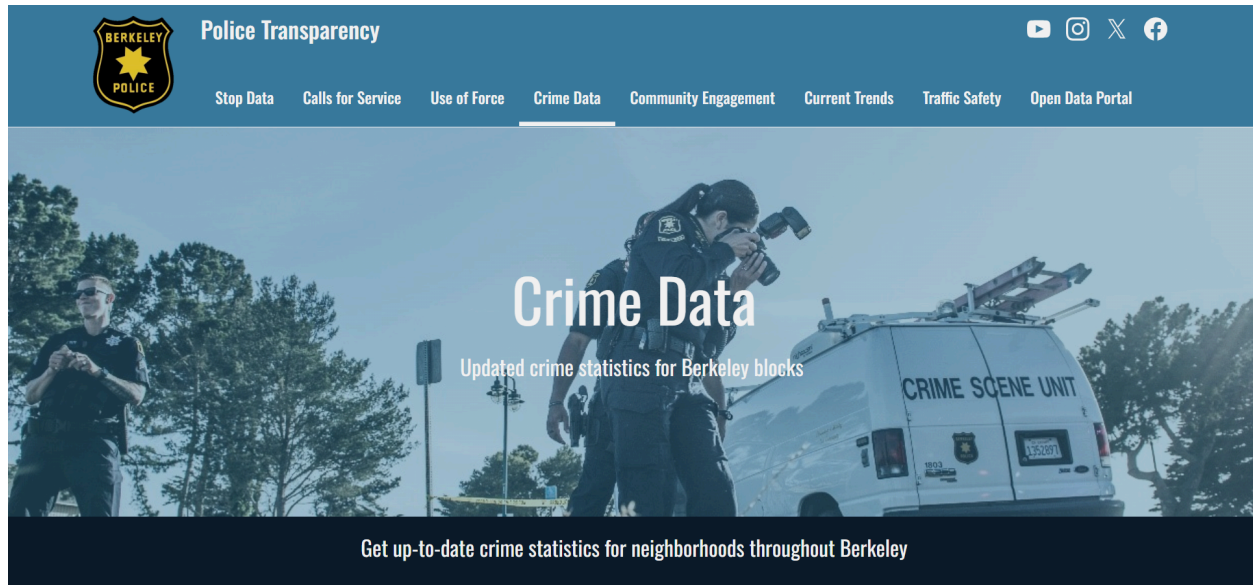
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<sup>84</sup> Dinzeo, Maria. "[Judge Oks Settlement between Journalists, Oakland Police over Public Records Backlog](#)." *Courthouse News Service*, 9 Dec. 2021.

<sup>85</sup> Source: Interview with Arlo Malmberg, Data and Policy Analyst with the Berkeley Police Department.

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Policy Analyst indicated that the goal of the transparency hub is to be neutral, informative, and does not push a specific interpretation or narrative with the Hub.<sup>86</sup>



In scanning the [Berkeley Police transparency dashboard](#), one encounters the following sections and slogans.

Stop Data: Analyzing officer-generated data

“Ensuring fair and impartial policing through analysis of stop data”

Calls for Service: Examining public safety needs through calls made to BPD

“Providing a level of service correspondent to community need”

Use of Force: Accountability and transparency when force is used

“Transparent oversight when force is used in the community”

Crime Data: Updated crime statistics for Berkeley blocks

“Get up-to-date crime statistics for neighborhoods throughout Berkeley”

Community Engagement

“Building bridges through community partnerships”

Current Trends: Our Community

“At BPD... what is important to you is important to us”

Traffic Safety

“Promoting traffic safety through data-driven, community-informed, accountable practices”

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<sup>86</sup> Ibid.

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PD Open Data Portal

*“Serving with transparency, a diverse workforce and collaborative strategies developed with the community”*

While a slogan doesn't ensure complete accountability, it can have a significant impact when coupled with real-time data display that is conveniently categorized and available for instant download. By combining a concise explanation of data interpretation with a slogan that defines the department's commitment to providing data, thereby enhancing transparency, a clear picture is presented to citizens who otherwise may have been struggling to understand the data or struggle with interpretation.

Berkeley's [use-of-force data](#) describes a special rating system that defines the extent to which force was used in the incident at hand: level 1 involves grabs or body weight with no injury, and level 4 applies when an officer uses a firearm or when there is an in-custody death. Below this clear description, there is a “*Use of Force Data Snapshot*” that is updated daily and shows data from the last 30 days compared to the same period from the previous year; it also shows year-to-date counts compared to the same period from the previous year. It can be further filtered to a custom date range. The dashboard also includes total incidents, count of officers involved, count of subjects involved, and level 1-4 frequency breakdown. All of this data encases a live map of incidents reported in the city, equipped with color- and shape-coded markers.

**The San Francisco Police Department (SFPD)** dashboard has a basic appearance and provides an annual snapshot of the total frequency of each crime committed throughout the city, which can be filtered by neighborhood. There is an automatic summary feature which requires the user to select a start and end date within the present year, and the data is then automatically compared to reported numbers from the previous year. There is a summary row that shows the total number of incidents per year, followed by another summary of year-to-year increases or decreases in crime. Several sample searches yield consistently negative percentages, which appear to show overall or even across-the-board decreases in crime. SFPD shared that their dashboard is an accurate reflection of incidents that mirror police reports, but does not account for 911 calls.

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SFPD's commitment to providing and publicizing body camera footage on their website, although not a function on their public safety dashboard, sets them aside in their transparency with the public. SFPD uses GovQA to upload requested documents related to officer-involved shootings such as police reports, internal affairs investigations, internal powerpoints, CSI reports, and body-worn cam footage from all present officers, etc. SFPD staff shared that 20-30% of their overall public records requests are for body cam footage. They have a specific team of 10 legal assistants that handle body cam footage requests.<sup>87</sup>

SFPD also emphasized that they “do not do a good enough job putting information in a citizen-friendly format. We give people information expecting them to be second-year computer engineers – dig down into a CSV file and remove 15 columns and sort it in a certain way.”<sup>88</sup> The technicalities of their police data dashboard could be presented in a more user-friendly way by redesigning their dashboard to explain the data, rather than requiring analysis, which most members of the public are willing to do.

**The San Diego Police Department (SDPD)** shared that they are a “progressive police department”<sup>89</sup> that strives to be as accessible as possible to the public. In this vein, they have continuously invested in and upgraded their programmatic and technological commitments to advancing transparency through displaying highly sought after crime data on their police data dashboard. Though they did not provide specific data, SDPD staff communicated confidence that publishing more data means fewer public records requests, and believe that the more the public knows the results of their work, the better public perception will be.<sup>90</sup>

SDPD's website domain is powered by ArcGIS and features a user-friendly interface that highlights data, short narratives, and visuals that present information in a digestible format. Their new [Neighborhood Crime Summary Dashboard](#) is meant to “visualize crime data

<sup>87</sup> Source: Interview with Lieutenant Christopher Beauchamp with the San Francisco Police Department.

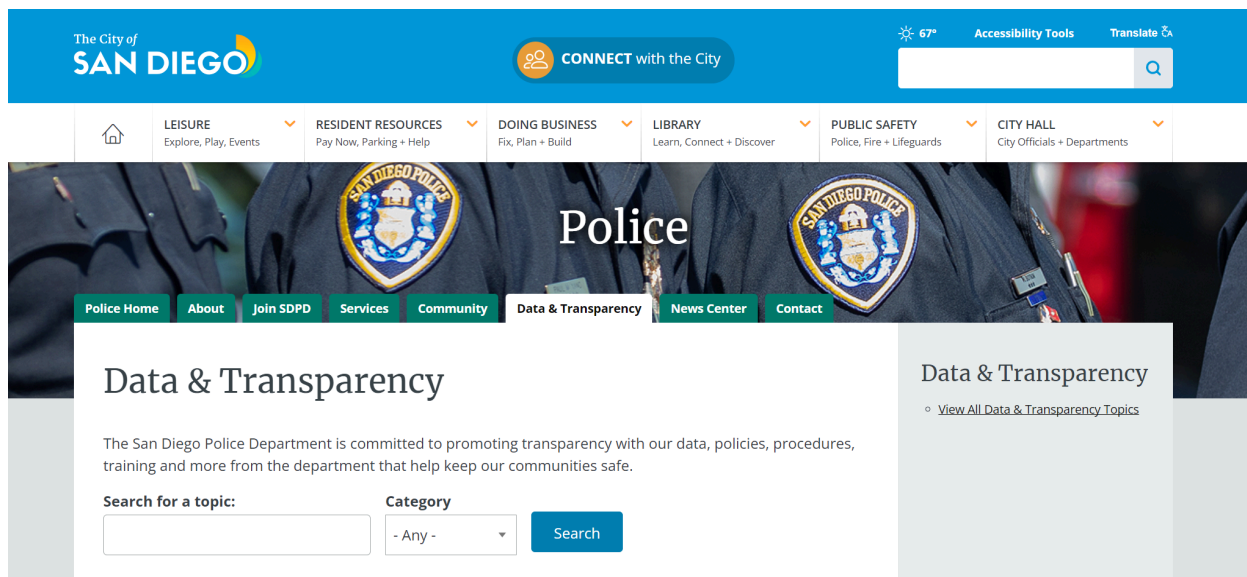
<sup>88</sup> Ibid.

<sup>89</sup> Source: Interview with Lieutenant Charles Lara with the San Diego Police Department.

<sup>90</sup> Ibid.

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dynamically.” You can select a neighborhood of focus or do a citywide profile for each category on the dashboard. Their crime dashboard centers summarized reports that represent geographic and temporal snapshots of crime. Lists of crimes are presented numerically in order of frequency and provide a sense of what types of crime the department encounters most.



All of the categories of crime listed beneath crime trends are defined by the Uniform Crime Reporting Program National Incident Based Reporting System (NIBRS).<sup>91</sup> In NIBRS, each offense reported is either a Group A or Group B offense type and stored in a national database to bolster accountability and visibility. SDPD began reporting to NIBRS in 2021, and now goes above and beyond their former reporting style of simply documenting counts of violent crime and property crime.<sup>92</sup>

Crime data is visualized through the “[Neighborhood Crime Summary Year-to-Date](#)” page, which conveys overall crime trends for different categories. Graphs show data of total number of offenses over a three-year period and total crime growth rate in respective focus areas. Currently, raw crime numbers are stable while overall percentage rates of crime decrease; the reason these types of crime were chosen is unclear and might indicate bias in the selection of which data to publish.

The data hub is organized into three helpful categories:

1. Crime Trends: A summary of NIBRS crime type, derived by frequency over time.
  - o NIBRS categories are:
    - i. Crimes Against Persons: Murder; Rape Assault.
    - ii. Crimes Against Property: Robbery; Bribery.

<sup>91</sup> “[Crimes Against Persons, Property, and Society](#).” *National Incident-Based Reporting System*, Uniform Crime Reporting Program, 2019.

<sup>92</sup> “[San Diego Police Department Launches Online Neighborhood Crime Website](#).” CBS 8, CBS, 25 Mar. 2024.



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- iii. Crimes Against Society: Gambling; Prostitution; Drugs
2. Crime Categories: Lists the most frequent types of crimes in each NIBRS category in numerical order of frequency.
3. Crime Map: Shows geographic location of NIBRS crimes on a user friendly map that can be easily segmented by neighborhood.

### Comparison and Analysis

Each police department has unique strengths that constitute best practices for public safety dashboards and transparency. The primary purpose of each dashboard can be understood through the systems, software, and policies that guide them. Software is used to convey the social implications of the complex and technical data displayed. Making the decision to provide accessible data seems to be the first step in what should be a two-step process of providing both access and readable analysis of datasets. In using user-friendly, multi-format software like ArcGIS, Berkeley PD and SDPD achieve relatively higher levels of transparency to the public. SFPD uses GovQA for public records requests to fulfill transparency benchmarks around body cam footage requests. However, they supplement this work with 10 body cam-specific legal assistants in addition to their 13-member Crime Information Services Unit that handles police reports.

Consistently updating data is something that all three jurisdictions do, but Berkeley PD and SDPD excel in providing innovative visuals with multiple filters that enable more specific searches, while SFPD allows for date range searches, but only in a restrictive, comparison-based format.

Berkeley hired an in-house data analyst who works closely with an officer and lieutenant to form the Strategic Analysis Team. This team is uniquely poised to internally analyze their data, break it down into a digestible format, and work to update it after it is uploaded.

**Each jurisdiction has unique strengths that should be raised up to constitute best practices for police data dashboards. Some of these unique features include:**

*Berkeley PD: Forward-facing communication and data display.*

Berkeley does an excellent job providing an impartial and comprehensive raw data display and search engine. Data presented without manipulation is valued for its neutrality. This is combined with unique transparency-forward framing. They use strong language that values the public's perception of the Police Department within the dashboard itself, reinforcing the purpose of dashboards in clear, community-centered language. Finally, they center support from their Police Chief upholding the importance of the dashboard in real-world contexts:

“In recent years our community and our country have confronted difficult facts about race and policing, and the effects law enforcement policies and actions have on our communities... I am committed to being transparent about our policies and actions, to sharing data with our city partners and community stakeholders, and to carefully listen and improve our policies and practices in appropriate and intelligent ways.”<sup>93</sup>

<sup>93</sup> Louis, Jen, Chief of Police. [Berkeley Police Transparency Hub](#), Berkeley Police Department. Accessed 10 Apr. 2024.

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### *San Diego PD: User support and training.*

Among the dashboards analyzed, San Diego's was the most oriented toward providing support resources for users. It displays educational training materials that aim to teach users how to access and interpret data through videos and modules. Additionally, their “*crime mapping*” feature displays a legend to interpret intuitive maps with tracking symbols, and a summary feature generates a daily report that lists every crime that occurs. User-friendly neighborhood search features allow users to personalize searches to their neighborhood and encourage navigation of the site.

### *San Francisco PD: Body cam compliance and instant downloads.*

San Francisco exceeds compliance with body cam video requests. They have specific staff to promptly handle these requests. Further, they keep comprehensive data and offer instant downloads for officer-involved shootings on their dashboard. Their heightened visibility around use-of force in data and officer training may help reinforce the relatively low number of officer-involved shootings in San Francisco, which averages at 2-5 shootings per year in the last five years.<sup>94</sup>

### Feasibility in Oakland

Oakland currently has a “*Crime Data and Crime Maps*” tab on its [police data webpage](#). While there is a live crime map display similar to that of SFPD, which shows symbols to code various crimes, it is not user-friendly and does not provide snapshots of crime data like Berkeley and San Diego. The Oakland Police Department already has the data they need to input into a more readable dashboard, which provides a “plug-and-play” opportunity to invest in visualizing data in a meaningful way. Further, Tyler Technologies, the open data software used in Oakland, is easily integrated into ArcGIS mapping software. An investment in a more detailed police data dashboard would certainly help build community trust. As mentioned above, Oakland's open data portal does provide some information, but providing data without synthesizing and summarizing it does not help community members understand the City's commitment to transparency. There are several reports that could be directly integrated with the current data in OPD's crime map to create an intuitive and informative dashboard that will surpass the outdated dashboard that is currently utilized. Specifically, “*OPD Daily Log Info*,” “*Police Crime Incident Data over the past 90 Days*,” and “*Crime Watch Maps over the past 90 Days*” could be combined with use of force and stop data.

The City of Oakland could integrate a police data dashboard similar to the ones used in Berkeley and San Diego. Spotlighting current, timely data that is on the hearts and minds of the residents is critical. For example, the Oakland police data dashboard has old data from 2014 and 2016 cited in plain text. Removing or de-centering outdated data and performing simple formatting updates will go a long way. Replacing extended lists of hyperlinks that lead to inaccessible data downloads and replacing them with innovative, user-friendly dashboards will show a commitment to fostering public understanding of the complex analysis of crime data, which has little meaning on its own. It may be most beneficial to organize focus groups of community members to help inform the process of determining which data is most helpful and the best ways to present it.

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<sup>94</sup> [Officer involved shootings \(OIS\) data](#). San Francisco Police Department. Accessed 5 Apr. 2024.

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The cost of upgrading the dashboard display software, specifically for crime, use of force, stop, and safety data, should not be exorbitant. However, with efficiency in mind, the city must decide whether it will pay contractors to set up a new platform or whether existing IT staff could manage some of the logistics of the system upgrades. Further, the frequency with which the dashboard would be updated is another area of decision. For example, Oakland could choose to do periodic updates rather than live updates like Berkeley PD; this could start on an annual basis like San Francisco, or Oakland could choose to divert in-house IT capacity to provide at-cost internal updates on a more consistent basis, such as quarterly, at cost.

Beyond software considerations, hiring new staff or shifting current practices can provide in-house capacity that could cut costs and heighten efficiency. As suggested previously in the report, hiring additional staff will make the integration of a police data dashboard far more feasible. Berkeley PD is able to do live updates because they recently added an analyst position who collaborates with other staff to provide data analysis and updates, and continuously works to improve the interface internally. While San Diego outsources its data uploads, San Francisco pulls capacity from their existing IT team. The sweet spot between completely outsourcing and relying on already existing staff may be in hiring one new full-time staff member and providing additional training to current staff to support them. Situating this additional staff member in the IT department would help with political insulation.

### Preliminary Cost Savings

By estimating these five variables, we can arrive at a new ongoing cost for improving the City of Oakland's police data dashboard:

**1. Proportion of litigation under the proposed system as compared to the current system = 0.5**

- Rationale: We estimate that proactively publishing comprehensive police and public safety data will reduce litigation costs by about 50%. Although lawsuits against OPD are currently most common among Oakland public records lawsuits, full data transparency may counterbalance that effect by revealing more litigation-attracting information.

**2. Any ongoing new software or technology costs = \$0**

- Rationale: As the City of Oakland already has a contract with Tyler Technologies, we propose fully integrating police and public safety data into the existing open data portal. Oakland also already has a contract with ArcGIS for its geospatial data platform, which it would use for building out its crime maps. To fully estimate this variable, conversations with Tyler Technologies and ArcGIS representatives would be needed.

**3. Proportion of liaison staff time under the proposed system as compared to the current system = 0.80**

- Rationale: Although only OPD records are affected by this practice, we roughly estimate that total liaison staff time would decrease by about 20%. This is because OPD has more full-time public records staff than other departments,

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and spends more time on public records in general given the volume of requests. For example, for a large 2021 records request, OPD staff spent “5,000 hours and nearly \$1 million in taxpayer dollars” gathering responsive records.<sup>95</sup>

#### 4. Number of new full-time staff = 1

- Rationale: We propose that the public safety dashboard be staffed with one new full-time employee.

#### 5. Number of weekly public records requests = 150

- Rationale: Requests to OPD comprise over half of total public records requests. As a result, we estimate a roughly 40% reduction in total requests, from 242 to 150.

#### Rough Estimate of Proposed Total Weekly Costs to Oakland =

$$\begin{aligned} &(\$8,899.23 \times 0.5) + \\ &\$0 + \\ &((348 / 388.5) \times \$404.89 \times 150) \\ &= \mathbf{\$58,898} \end{aligned}$$

Where Total Staff Hours at 348 =

$$\begin{aligned} &(388.5 \times 0.8) + \\ &(1 \times 37.5) \end{aligned}$$

#### Conservative Cost Savings

$$\begin{aligned} &= \$106,882 - \$58,898 \\ &= \mathbf{\$48,000 \text{ Weekly, } \$2,500,000 \text{ Annually}} \end{aligned}$$

Potential Weekly Range: +\$18,000 to +\$70,000 in savings

## Recommendations

**Long-term action:** We recommend that the City of Oakland expand on its existing police data dashboard by mirroring that of Berkeley PD and San Diego PD. The dashboard should: 1) be integrated with Oakland's open data portal using Tyler Technologies, 2) populate geospatial data in ArcGIS, and 3) be staffed by one full-time Data Analyst in the IT department. The dashboard itself should clearly display up-to-date crime, use of force, public safety, and stop data.

**Short-term action:** In the short-term, we recommend that the City of Oakland take the following actions (costs not calculated):

- Work with OPD and/or IT to establish a consistent schedule for updating all data on Oakland's current police data dashboard and add explanations, summaries, and visuals wherever possible.
- Begin to involve the public via focus groups to give direction for how to best improve the dashboard, including what types of data and records to add.

<sup>95</sup> Dinzeo, Maria. "[Judge Oks Settlement between Journalists, Oakland Police over Public Records Backlog.](#)" *Courthouse News Service*, 9 Dec. 2021.

### ***Contract Tracking Dashboards***

A contract tracking dashboard is a tool used to display and track important information about a jurisdiction's contracts with both public and private entities in a digestible and visual format. The goal of contract tracking dashboards is to provide easy access and visibility to the public. Dashboards typically present a brief overview of contracts, including cost, duration, parties involved, and status of the contract. This data provides insight into conflicts of interest, frequency of contract issuance, and contract completion ratios.

#### **Case Study Agency**

**City of Seattle Purchasing and Contracting** staff affirmed that generally, City documents are public knowledge. This speaks to Seattle's culture of and commitment to transparency. Leading with a public commitment to transparency externally will support a shift within culture internally when coupled with forward-facing accountability measures such as dashboards. When the City of Seattle launched their [contract search portal](#) in 2018 as part of a larger mayoral push for centering transparency, it had a public portal where all three types of contracts were viewable: blanket citywide, consulting, and public works. However, they aspired to innovate a new system that would increase transparency for the public as well as the vendors with whom the City contracts. The subsequent search for software that would achieve that goal led to Masterworks. The City hired Masterworks to do an assessment, which found that the City needed to be more transparent in its contracting practices.<sup>96</sup> As a result of ongoing collaboration between Masterworks and ERGO, the contract management portal that Masterworks employs to populate their dashboard, the public can now see the length of time and potential cost with additional types of contracts. Within the portal, the public can see memorandums of agreement (MOAs), download PDFs of contracts, and even create a profile in which they can save their searches and results. City departments have the autonomy to decide which contracts are viewable by checking a box during file upload; however, the Purchasing and Contracting Division noted that the vast majority of City contracts are viewable in the dashboard.

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<sup>96</sup> Source: Interview with Carmalinda Vargas, Business Systems Application Manager, Pat Malai, Business Systems Analyst, and Joe Benton, Business Systems Analyst with the City of Seattle Purchasing and Contracting Division.



The City of Seattle is committed to transparency in our business commitments with our partners.





A "How To" document on using this search page can be found [here](#).

If you are unable to find a blanket or construction contract, or need technical assistance using this search tool, please contact Purchasing and Contracting at [PC-CAMS\\_Support@seattle.gov](mailto:PC-CAMS_Support@seattle.gov).

If you are unable to find a consultant contract, please search the [City Clerks Office](#).

You can request the complete version of the contract (subject to exemptions as allowed by RCW 42.56) by submitting a [public records request](#).

Search for contracts by choosing one or more search filters below. Click on the search button to see your result.

|                                                                                                                                         |                                                   |                                                                                   |                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------------------------------|
| <b>Select one or more types of contract</b>                                                                                             |                                                   | <b>Supplier (Payable contract vendors / firms)</b>                                |                                                                  |
|                                                                                                                                         | <input type="text" value="Select contract Type"/> |                                                                                   | <input type="text"/>                                             |
| <b>Keywords</b>                                                                                                                         |                                                   | <b>Customers (Receivable contract firms / entities)</b>                           |                                                                  |
| <input type="text"/>                                                                                                                    |                                                   |                                                                                   | <input type="text"/>                                             |
| <small>Enter Keywords (multiple values can be entered comma separated) to describe the product or service you're interested in.</small> |                                                   | <b>Doing Business As (DBA)</b>                                                    |                                                                  |
|                                                                                                                                         |                                                   |                                                                                   | <input type="text"/>                                             |
| <b>Contract Start Dates between</b>                                                                                                     | <b>From Date</b>                                  | <input type="text"/>                                                              | <b>Payable / Receivable / NonFinancial Contracts</b>             |
|                                                                                                                                         |                                                   |  | <input type="text" value="Payable / Receivable / NonFinancial"/> |
|                                                                                                                                         | <b>To Date</b>                                    | <input type="text"/>                                                              |                                                                  |
|                                                                                                                                         |                                                   |  |                                                                  |
| <b>Contract End Dates between</b>                                                                                                       | <b>From Date</b>                                  | <input type="text"/>                                                              | <b>Woman and/or Minority Business Enterprise Status</b>          |
|                                                                                                                                         |                                                   |  | <input type="text"/>                                             |
|                                                                                                                                         | <b>To Date</b>                                    | <input type="text"/>                                                              | <b>Include closed contract</b>                                   |
|                                                                                                                                         |                                                   |  | <input checked="" type="checkbox"/>                              |
|                                                                                                                                         |                                                   |                                                                                   | <b>Department</b>                                                |
|                                                                                                                                         |                                                   |                                                                                   | <input type="text"/>                                             |
|                                                                                                                                         |                                                   |                                                                                   | <b>Contract Title</b>                                            |
|                                                                                                                                         |                                                   |                                                                                   | <input type="text"/>                                             |

Providing this level of detail in disclosure is a huge step toward building the public's trust in government contracting, which is so often directly connected to campaign finance contributions and political corruption. Such transparent approaches give smaller, individual contractors more equitable opportunities to learn about opportunities and secure contracts.

Seattle's demonstrated ability to consistently achieve intersectional outcomes shines an

<sup>98</sup> Internet Archive. "[Mayor Harrell Signs New Executive Order to Expand Contracting Equity With the City: City of Seattle](#)." November 1, 2023.

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important light on the concept of transparency and the notion that support from leadership can be detrimental to transparency. City leadership has made lasting strides toward making Seattle one of the strongest leaders in the country in equitable, forward-thinking, and innovative transparency policy.

### Feasibility in Oakland

As previously discussed, the transition from storing documents internally to publishing them on an online platform is highly feasible, furthered by the seamless integration of Tyler Technologies, and pursuing a contract with Mastercraft, the software that the City of Seattle uses for its contract tracking dashboard. Hiring additional staff to perform data uploading and management internally may avoid a costly external contract with a company. Another alternative to continuous external contracts is to hire Mastercraft to provide training to newly hired or current staff, whose duties can be reallocated to ensure their institutional knowledge of how the systems work. If one additional full-time staff member was hired to coordinate the open data portal with this contract tracking dashboard, the contract-related duties could possibly be rolled into their responsibilities.

In regards to autonomy and control of which contracts would be published, Oakland can follow Seattle's protocol of allowing departments to decide; on the internal-facing side of Seattle's Masterworks program, there is a box that can be checked or left blank during the processing of the contracts. Staff with the Oakland PEC or the City Attorney's Office could act as an at-cost decision-making entity to uphold or deny requests for contract exclusion.

Finally, petitioning support from important entities like the City Attorney's Office, City Council, and Mayor will be important in successfully instituting a contract tracking dashboard. As outlined earlier in this report, several Seattle mayors have been instrumental in taking executive action to spearhead the City's open data portal and contract tracking initiatives. While additional coordination with Oakland's IT department will be critical, the buy-in of leadership to get the process going will be instrumental.

### Preliminary Cost Savings

By estimating these five variables, we can arrive at a new ongoing cost for creating a contract tracking dashboard for the City of Oakland:

- 1. Proportion of litigation under the proposed system as compared to the current system = 1**
  - Rationale: We estimate that the creation of a contract tracking dashboard will not significantly affect litigation costs.
- 2. Any ongoing new software or technology costs = \$3,330**
  - Rationale: We estimate that a contract with Masterworks will cost approximately \$3,330 weekly. We took the annual Seattle Masterworks contract amount (\$298,656) and divided it by 52 weeks to yield \$5,743.38; and since Oakland's population is 58% of Seattle's population,  $\$5,743.38 \times 0.58 = \$3,330$ .
- 3. Proportion of liaison staff time under the proposed system as compared to the current system = 0.9**



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- Rationale: Contracts are likely to comprise a small number of public records requests and account for a comparatively small amount of liaison staff time.

#### 4. Number of new full-time staff = 1

- Rationale: Although Oakland has a range of staffing options, we conservatively propose that the contract tracking dashboard be staffed with one full-time employee.

#### 5. Number of weekly public records requests = 220

- Rationale: We estimate that the number of public records requests would be reduced, but only slightly from 242 to 220.

#### Rough Estimate of Proposed Total Weekly Costs to Oakland =

$$\begin{aligned} &(\$8,899 \times 1) + \\ &\$3,330 + \\ &((387 / 388.5) \times \$404 \times 220) \\ &= \mathbf{\$100,995} \end{aligned}$$

$$\begin{aligned} \text{Where Total Staff Hours at 387} = \\ &(388.5 \times 0.9) + \\ &(1 \times 37.5) \end{aligned}$$

#### Conservative Cost Savings

$$\begin{aligned} &= \$106,882.61 - \$100,995 \\ &= \mathbf{\$5,800 \text{ Weekly, } \$300,000 \text{ Annually}} \end{aligned}$$

*Potential Weekly Range: -\$3,000 in costs to +\$15,000 in savings*

## Recommendations

**Long-term action:** We recommend that the City of Oakland create an innovative contract dashboard in alignment with the City's political transparency and campaign finance priorities. The dashboard should: 1) use Masterworks software, 2) be staffed with one full- or part-time Contracts Analyst, 3) allow users to search both active and terminated contracts, 4) allow users to view and download or export actual documents, and 5) include comprehensive Invitations to Bid (ITBs).

**Short-term actions:** In the short-term, we recommend that the City of Oakland take the following actions (costs not calculated):

- Work with the City Administrator's Office to begin the process of consolidating citywide contract information. This would entail tracking current and recent contracts and compiling an annual citywide report that includes timeline, status, and pricing.
- Produce preliminary reports that summarize contracts by type to identify asymmetries in contract distribution and the frequency with which certain contracts are awarded.

### Summary of Recommendations and Next Steps

The best practices analyzed in this report demonstrate reasonable applicability to Oakland's context, and implementation of any one of the following recommendations would move the needle forward on City transparency.

We recommend that the City of Oakland:

1. Institute a centralized Public Records Office,
2. Establish a more robust Open Data Policy that builds upon its open data portal,
3. Expand on the Police Data Dashboard and integrate it into the open data portal, and
4. Create a citywide Contract Tracking Dashboard.

#### **Instituting an Official Public Records Office will increase efficiency in Oakland.**

Establishing a new Public Records Office, whether as an independent entity, within the IT department, or within the PEC, is the solution Oakland seeks to improve efficiency in addressing public records requests. Adopting this practice would require the City to rethink its budgetary expenses in order to establish the new department and hire new staff.

However, we have identified that in the long-run this will be extremely beneficial for the City and will help increase efficiency among staff. It will also enable more seamless execution of the other recommendations.

#### **Developing an Open Data Policy will enhance general transparency.**

The creation of an Open Data Policy will show Oaklanders that the City is serious about enhancing general transparency practices. This intentional and direct approach would require the PEC to work with city council members and staff to create a comprehensive policy that requires non-private information to be made publicly available. This policy should clearly designate an open data champion for every City department, establish appropriate protocols for adhering to the CPRA while responding to records requests, and working with the IT department to bring this vision to life.

#### **A detailed Police Data Dashboard will help rebuild public trust.**

A significant percentage of Oakland records requests target the Oakland Police Department (OPD), indicating a wide gap between Oakland residents and OPD. Introducing a police data dashboard wouldn't just bolster transparency and accountability but also work toward rebuilding trust between citizens and law enforcement. Despite the contentious history of the Oakland Police Department, there's ample room for improvement. The ultimate goal is fostering positive interactions between OPD and the community, achievable through the implementation of police data dashboards. Given the common requests for use of force statistics and stop data, integrating a comprehensive, user-friendly display of real-time crime information could propel Oakland into the broader transparency movement.

#### **A Contract Tracking Dashboard will demystify public-private partnerships.**

By creating a contract tracking dashboard, Oakland will be able to share pertinent information about emerging projects and partnerships with the private sector and other entities. Residents often inquire about the progress of various projects in their community, ranging from new housing developments or park enhancements. With a new contract

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dashboard, any resident can search active contracts, download agreements, and view a timeline of a city contract. The unintended secrecy of city contracts has long been the status quo in many jurisdictions. By creating a new contract dashboard, the City will be a beacon of transparency in this context.

To best prioritize these recommendations, the City might consider beginning with building out the Police Data Dashboard and creating a Contract Tracking Dashboard, given that these best practices would affect fewer departments and are more actionable in the short-term. The first two best practices (Public Records Office and Open Data Policy) would entail citywide changes and represent longer-term endeavors.

### ***Limitations***

The scope of this analysis was limited to interviewing external organizations and government agencies, rather than conversations with City staff. In addition, this report paints with a broad brush in three ambitious functions: 1) providing an overview of what jurisdictions around the nation are doing to increase transparency, 2) surfacing best practices from other jurisdictions' policies, and 3) analyzing feasibility in the City of Oakland, including a rough estimate of costs and savings. The research team's limited time and capacity and the broad project scope leaves uncovering additional details to future reports. It is our belief that each of the analyzed best practices deserves its own report covering implementation in the City of Oakland. To inform a more thorough internal analysis, more information is needed about what each department at the City is doing around public records, including low-volume departments, and any policies and practices around the City's existing open data portal and police data dashboard that are not yet publicly available.

### ***Next Steps for the City of Oakland***

The following are specific next steps that the City of Oakland can take in the immediate term:

- Conduct an in-depth review of Oakland's current costs for public records management and response, including all staff time (both liaisons and other staff) and litigation costs. Factor these costs into this report's preliminary cost savings analysis to yield more precise numbers for each best practice, which can better inform policy decisions and priorities.
- Reach out to case study interviewees of interest for additional details on their implementation of best practices and the specific benefits they saw.
- Craft detailed reports/plans on implementation for each of the four long-term best practices highlighted in this report, factoring in more specific information about the City's current practices around public records and open data.
- Begin working on the sub-recommendations for the Police Data Dashboard and Contract Tracking Dashboard and establish a timeline for beginning work on the other two best practices.

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### ***Theoretical Approaches for Consideration***

There are several innovative ideas that emerged through qualitative interviews in addition to the aforementioned four best practices that are both feasible and potentially effective in increasing transparency in the City of Oakland.

The following practices were recommended by various experts and organizations who are esteemed leaders in the field of transparency and accountability:

#### **Support Government Transparency Act overhaul in California.**

In 2023, Consumer Watchdog [filed a proposed ballot measure](#) intended for the 2024 general election titled the “[Government Transparency Act](#).” Although the measure had promise, garnering 70% support from a poll of California voters, Consumer Watchdog has decided to make some tweaks to the act before it goes to a vote, meaning that it will appear on a post-2024 ballot. Oakland can join other local jurisdictions and organizations in being outspoken advocates of the Government Transparency Act at the state level. Doing so will build a groundswell of support in advance of the potential ballot measure. Oakland could also implement specific provisions of the legislation that are feasible at the local level.

#### **Launch a local government transparency campaign in Oakland.**

The PEC can begin to build out a transparency campaign at the local level. Starting with allies who are natural transparency advocates, the campaign can grow internally for current electeds and incumbents. These advocates along with City staff could meet with supportive staffers and get them to take the “transparency pledge.” The PEC could then work with the individuals that “sign the pledge” to put in place a statement or principles of transparency that can be passed as a City ordinance or a “statement of principle” that emphasizes Oakland’s commitment to transparency.

#### **Be proactive in working with the media.**

The PEC could work to build stronger and better relationships with members of the media, such as giving them a heads up when policies or practices are being introduced or changing. The City could also provide briefings and training to explain changes and updates outside of public meeting spaces, and reach out to invite the media to media-specific events. The New Mexico Ethics Commission found outreach and training with the media extremely beneficial in sharing updates with the public, especially in terms of garnering positive vs. negative coverage about ethics and transparency work.<sup>99</sup>

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<sup>99</sup> Source: Interview with Jeremy Farris, Executive Director and Jane Kirkpatrick, Communications and Administrative Manager with the New Mexico Public Ethics Commission.

### Appendix: List of Interviewees

We would like to thank the following individuals for contributing their expertise to this report through their participation in interviews:

**Jerry Flanagan**, *Litigation Director, Consumer Watchdog*

**David Cuillier**, *Director of the Freedom of Information Project, Brechner Center, University of Florida*

**Ginny LaRoe**, *Director of Advocacy, First Amendment Coalition*

**Jeff McDonald**, *Investigative Reporter, San Diego Union-Tribune*

**Angelica Salceda**, *Director of Civic Engagement Program, American Civil Liberties Union of Northern California*

**Shaila Nathu**, *Staff Attorney for Democracy & Civic Engagement, American Civil Liberties Union of Northern California*

**Sean McMorris**, *Transparency, Ethics, and Accountability Program Manager, California Common Cause*

**Ali Winston**, *Investigative Reporter and Author*

**Amye Bensenhaver**, *Board Member and Former Assistant Attorney General, Kentucky Open Government Coalition*

**Fritz Mulhauser**, *Secretary and Co-chair, Legal Committee, D.C. Open Government Coalition*

**Robin Berry**, *Executive Director and Records Retention Officer, Louisville Jefferson County Metro Government Office of Records Compliance*

**Andrew McKinney**, *Data Officer, Louisville Jefferson County Metro Technology Services*

**Julie Kipp**, *Citywide Public Records Act Program Manager, City of Seattle Information Technology*

**Mark Schmidt**, *Open Data and Data Governance Program Manager, City of Seattle Information Technology*

**Michelle Littlefield**, *Chief Data Officer, DataSF, City and County of San Francisco*

**David Steinberg**, *Executive Assistant to the Director & Custodian of Records, San Francisco Public Works*

**Christopher Beauchamp**, *Lieutenant, San Francisco Police Department*

**Arlo Malmberg**, *Data and Policy Analyst, Berkeley Police Department*

**Charles Lara**, *Lieutenant and Special Projects & Legislative Affairs, San Diego Police Department*

**Tanya Marshall**, *State Archivist and Chief Records Officer, State of Vermont*

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**Joe Benton**, *Business Systems Analyst, City of Seattle Purchasing and Contracting*

**David Tristan**, *Executive Director, Los Angeles Public Ethics Commission*

**Heather Holt**, *Deputy Executive Director, Los Angeles Public Ethics Commission*

**Michael Canning**, *Policy and Legislative Affairs Manager, San Francisco Public Ethics Commission*

## Item 5 - Goldman Student Presentation on Transparency

**Eamonn Wilson**, *Senior Investigator and Legal Analyst, San Francisco Public Ethics Commission*

**Pedro Hernandez**, *Legal and Policy Director at California Common Cause and Commissioner, Berkeley Public Ethics Commission*

**Faye Harmer**, *City Clerk, City of Durango*

**Ben Florine**, *Deputy Clerk, City of Durango*

**Jena Beck**, *Records Clerk, City of Durango*

**Bonita Chang**, *Compliance Director, Hawaii Public Ethics Commission*

**Jeremy Farris**, *Executive Director, New Mexico Public Ethics Commission*

**Jane Kirkpatrick**, *Communications and Administrative Manager, New Mexico Public Ethics Commission*

**Kristen Denius**, *Chief Transparency Officer, City of Atlanta*

**Emily Chen**, *Assistant to the City Clerk, City of Walnut Creek*

**Tricia Lyall**, *Secretary and Chief of Staff, UC Board of Regents*

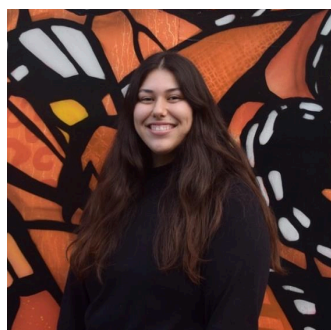
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### The Authors



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Chelsea is a Master of Public Policy candidate committed to enhancing local government mechanisms and equitable service delivery. She has experience working in local government at Marin County, where she supported two divisions simultaneously: Housing and Environmental Planning. Before that, she worked for the Sacramento News & Review as a project manager, facilitating the production of engaging public outreach materials on topics ranging from voters' rights to climate change. She received a Bachelor of Arts in Political Science with minors in English and Law & Ethics from the University of San Diego.



#### **Kelsey Perez**

Kelsey Perez is a Master of Public Policy candidate at the UC Berkeley Goldman School of Public Policy. Born and raised in Los Angeles, California, Kelsey developed a passion for preserving the diverse communities surrounding her. She is committed to fighting for criminal justice reform, immigration reform, and violence prevention. Prior to joining Goldman, she worked as an immigration paralegal in San Francisco, where she aided clients in their asylum applications at both the San Francisco Asylum Office and San Francisco Immigration Court. She also interned with the Human Rights Campaign in Washington, D.C. Kelsey holds a Bachelor of Arts in Communication Studies from the University of San Francisco.



#### **D. Azarmi**

D. is a long-time advocate, campaigner, and organizer who specializes in coalition building. They have assisted non-profit organizations in base-building, campaign, and outreach strategies. A seasoned facilitator and trainer, their work has reached thousands of people in intergenerational, multi-racial social justice spaces. They enjoy acting as a connector between communities, government, and stakeholders. Before pursuing a Master of Public Policy at Goldman, D. acquired a B.A. in Environmental Studies at the University of North Carolina at Wilmington and Certificate in Nonprofit Management at Duke University.



#### **Ryan Manriquez**

Ryan is a Master of Public Policy candidate at the Goldman School of Public Policy. Prior to arriving at Goldman, Ryan served as Senator, President, and Chairperson for the Disability Justice Committee for the Associated Students of UC Davis. Currently, Ryan serves as President of the UC Graduate and Professional Council which represents over 64,000 students across the UC system. Their extensive policy background in higher education has allowed them to build relationships with local and state officials. Ryan earned their B.A. in Political Science and Communication from the University of California, Davis.



Spring 2024 Policy Analysis

# **OPEN BY DEFAULT: A BEST PRACTICES ANALYSIS FOR MEANINGFUL TRANSPARENCY IN THE CITY OF OAKLAND**

*The Goldman School Team:*

Chelsea Hall

Kelsey Perez

D. Azarmi

Ryan Manriquez



# Agenda

01

Introduction

02

Current Challenges

03

Methods

04

Analysis & Recommendations





# Project Initiation



- This project was part of a policy analysis class for first-year Master of Public Policy (MPP) students at the **UC Berkeley Goldman School of Public Policy**
- Four students partnered with PEC Executive Director Nicolas Heidorn and Commissioner Francis Upton over the course of three months



# The Goldman School Team



**Chelsea Hall**



**Kelsey Perez**



**D. Azarmi**



**Ryan Manriquez**



# CHALLENGES IN OAKLAND

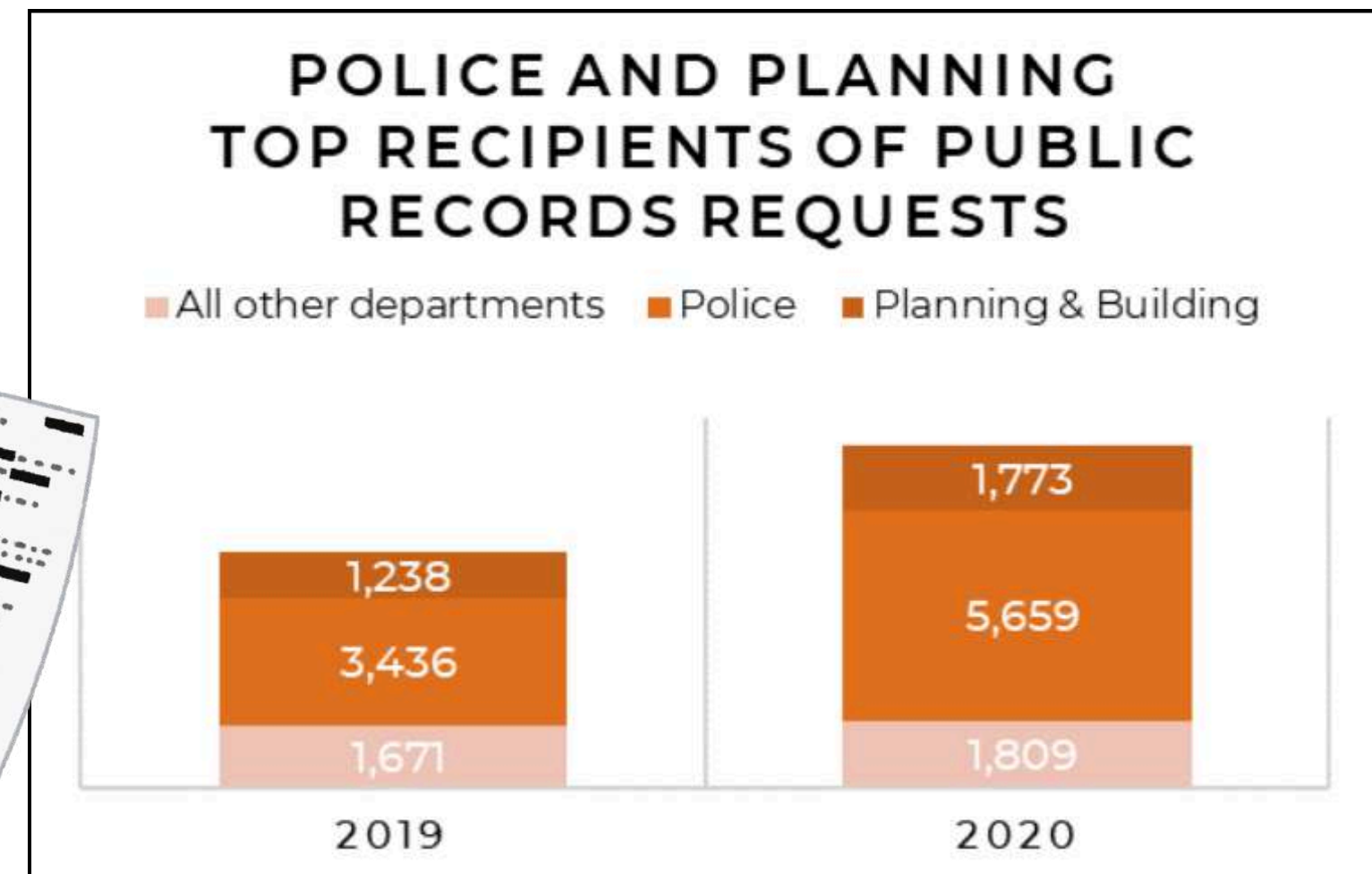
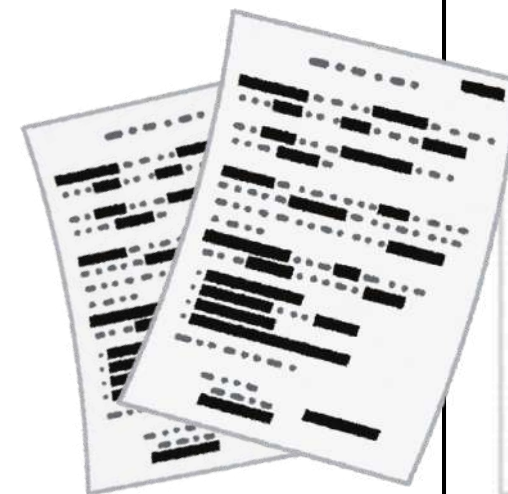
# Features of Oakland's Public Records Landscape

## High-volume departments

The Police Department receives the most requests for records by far, trailed by Fire and Planning.

## Existing disclosure mechanisms

- NextRequest
- Open data portal
- Police data dashboard



# Oakland's Policy Problem

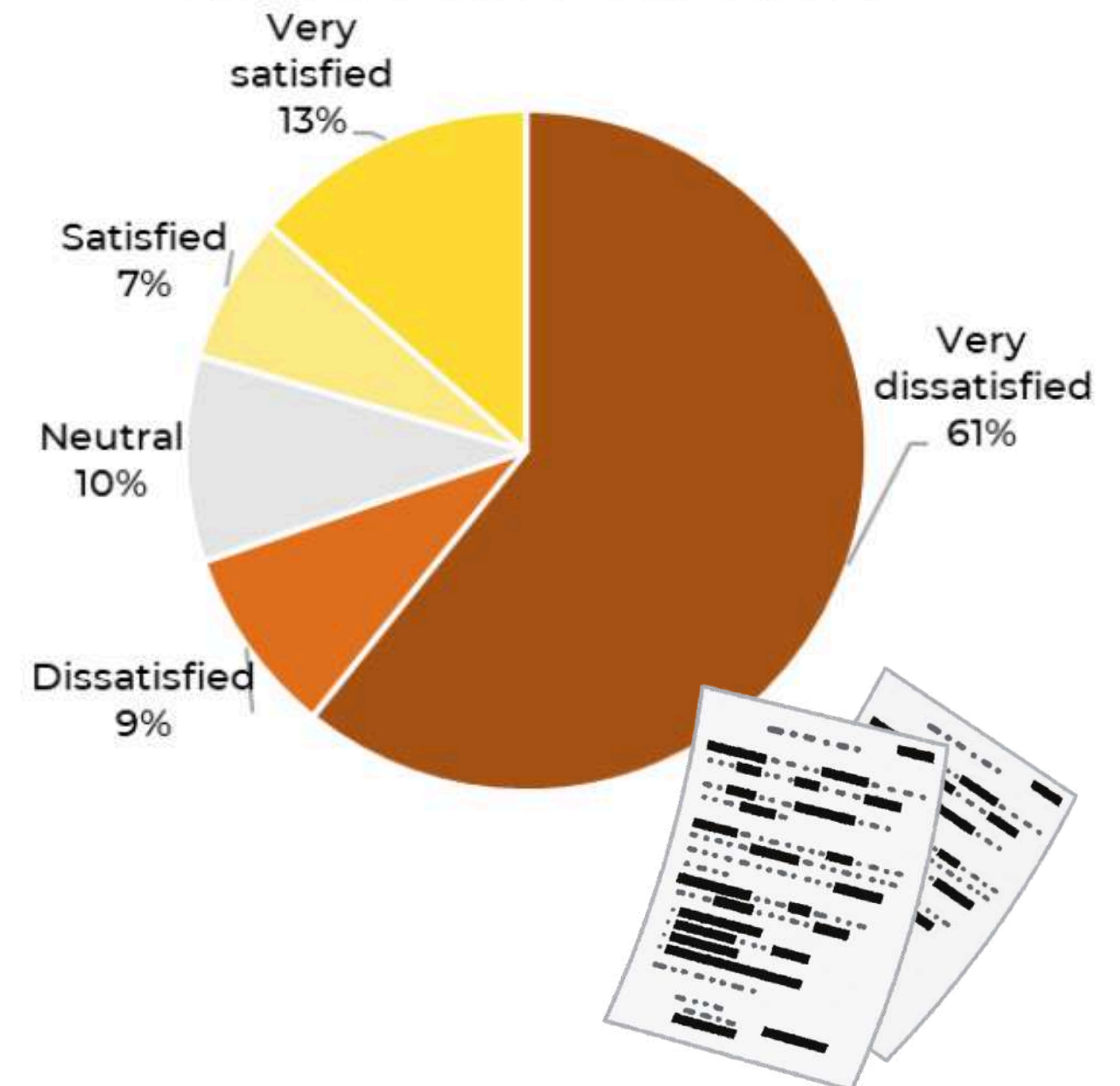
01

70% of public records requesters were dissatisfied with their experience and the public records they did or did not receive.

02

City departments struggle to meet statutory deadlines for responding to public records requests and delivering relevant records.

## SEVENTY PERCENT OF RESPONDENTS DISSATISFIED WITH PUBLIC RECORDS EXPERIENCE OVERALL





# Specific Challenges

1

**Decentralization, departmental discretion, and limited interdepartmental collaboration**

2

**Lack of unified training**

3

**Data disclosure is incomplete or challenging to access**

4

**Volume of records requests and capacity of staff**





# Project Roadmap

## *PRIMARY OBJECTIVE:*

Improve access and responsiveness to Oaklanders' requests for records and create a culture of increased public transparency.

## Step 01

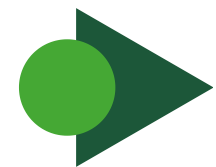
Identify other government agencies whose mission is to proactively disclose records, uphold highest transparency standards, and/or empower use of data in agency-wide initiatives.

## Step 02

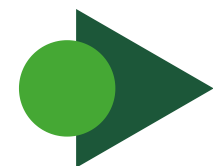
Evaluate those agencies for best practices and analyze feasibility of practices in Oakland.



# RESEARCH QUESTIONS



How have other jurisdictions **streamlined their response to public records requests**, both interdepartmentally and with requesters?



What have other jurisdictions done in pursuit of **proactively disclosing information to the public**?



**What challenges do other jurisdictions face** when implementing these practices, and **what resources does successful implementation require**?



# METHODOLOGY

## The Goldman Team...

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- emailed **61** organizations and agencies
- held **30** informational interviews







# Best Practices:



## 01 Cross-Departmental Coordination

*City and County of San Francisco*

*City of Seattle*

*State of Vermont Agency of Human Services*

*Louisville Jefferson County Metro Government*

## 02 Open Data Portals

*City and County of San Francisco*

*City of Seattle Information Technology*

*Louisville Jefferson County Metro Government*

## 03 Police Data Dashboards

*San Francisco Police Department*

*San Diego Police Department*

*Berkeley Police Department*

## 04 Contract Tracking Dashboards

*City of Seattle Purchasing & Contracting Division*



# Key Priorities:



- ▶ **Ease of Implementation**
- ▶ **Use of Technology**
- ▶ **Data Aggregation**
- ▶ **Sensitivity to Confidential Information**
- ▶ **Feasibility in Oakland**
- ▶ **Preliminary Cost Savings**

# Cost Savings Analysis



- Factoring in litigation and staff costs, Oakland is currently spending about **\$106,000 every week** on public records requests
- *How much could the City save by implementing changes?*
- Using limited information, we derived a formula for estimating savings
- Refer to full formula and rationale on **pages 19-21** of the provided report

# BEST PRACTICES ANALYSIS



## *Agencies*

1. **SAN FRANCISCO:** regular public records meetings
2. **SEATTLE:** centralized division in IT
3. **VERMONT:** centralized independent committee
4. **LOUISVILLE:** centralized independent department

## *Analysis*

- Cross-departmental coordination looks different everywhere
- A top-down approach is crucial for meaningfully streamlining public records systems
- Consistent use of technology and guidance across departments is instrumental
- Greater coordination allows for better handling of sensitive information



# **KEY FINDINGS: Cross-Departmental Coordination**

# RECOMMENDATION:



- Establish a new **Public Records Office** that is either independent, housed within IT, or within PEC.
- Hire 4 full-time staff in the Office to coordinate receipt of public records requests, solicit relevant records, make required redactions, and issue responses to requesters.

## ***PRELIMINARY COST SAVINGS:***

= \$4,000 Weekly, \$200,000 Annually

*Potential Weekly Range: -\$8,000 in costs to +\$15,000 in savings*



# Actions for the short term:

- **Institute bi-monthly meetings** of all Public Records Liaisons to initiate knowledge-sharing, and mandate regular trainings on NextRequest and public records laws
- **Upgrade the City's NextRequest contract** to include more functionality
- **Create citywide guidance documents** for responding to public records, including how to handle redactions and common issues/questions.



## *Agencies*

1. **SAN FRANCISCO:** DataSF
2. **SEATTLE:** Seattle Open Data
3. **LOUISVILLE:** LouKY Open Data

## *Analysis*

- Accessible data portals serve both City staff and citizens
- Robust open data creates efficiencies for staff and requesters (staff can send direct links to data)
- Publishing frequently requested data helps with the volume of requests
- Including summaries, explanations, and visuals is a best practice



# KEY FINDINGS: Open Data Portals



# RECOMMENDATION:



- Enlist the Mayor to establish a **revamped Open Data Policy** and build upon the existing open data portal.
- Hire 2 new staff in the IT department to manage it.
- **Establish protocols for determining what kinds of records/data will be published** based on what is commonly requested in NextRequest, defaulting to posting *more* whenever possible.

## **PRELIMINARY COST SAVINGS:**

= \$39,300 Weekly, \$2,000,000 Annually

*Potential Weekly Range: +\$25,000 to +\$70,000 in savings*

# Actions for the short term:

- Begin **conversations with departmental heads** about the importance of publishing more/better data and records.
- Coordinate with City Administrator's Office to **rename existing datasets** in the open data portal and **include explanations and visualizations**.
- **Conduct in-depth analysis of the most commonly requested types of records** in NextRequest for each department, and categorize types of documents that tend to require redaction
- **Expand resources and guides** for how to use the open data portal, geared to both City staff and members of the public





## *Agencies*

1. **SAN FRANCISCO POLICE DEPARTMENT**
2. **SAN DIEGO POLICE DEPARTMENT**
3. **BERKELEY POLICE DEPARTMENT**

## *Analysis*

- User-friendly, multi-format software achieves relatively higher levels of transparency to the public.
- Consistency in uploading data and providing innovative visuals enable more specific searches to increase public safety awareness.
- Body cam compliance, instant downloads, user support, training, and forward-facing communication and data displays help the public regain trust in the government.



# **KEY FINDINGS:**

## **Police Data Dashboards**

# RECOMMENDATION:



- **Expand the existing police data dashboard**
  - Display up-to-date crime, use of force, public safety, and stop data
  - Use ArcGIS for crime mapping
- Staff one full-time Data Analyst in the IT department
- **Involve the public** via focus groups

## ***PRELIMINARY COST SAVINGS:***

= \$48,000 Weekly, \$2,500,000 Annually

*Potential Weekly Range: +\$18,000 to +\$70,000 in savings*



# Actions for the short term:

- Work with OPD and/or IT to **establish a consistent schedule for updating all data** on Oakland's current police data dashboard and add explanations, summaries, and visuals wherever possible
- Begin to involve the public via **focus groups** to give direction for how to best improve the dashboard, including what types of data and records to add



## Agency



1. **SEATTLE:** dashboard managed by Contracting & Purchasing Division

## Analysis



- Users can search for active and terminated contracts, with the option to view actual documents.
- Excel files are easily exported
- allows for data to be translated into more usable formats for auditors and businesses competing for contracts.
- Disclosure is a huge step toward building the public's trust in government contracting, which is so often directly connected to political corruption.



# KEY FINDINGS:

## Contract Tracking Dashboards



# RECOMMENDATION:



- Create an **innovative contract dashboard** using Masterworks software
- Employ one full or part-time Contract Analyst

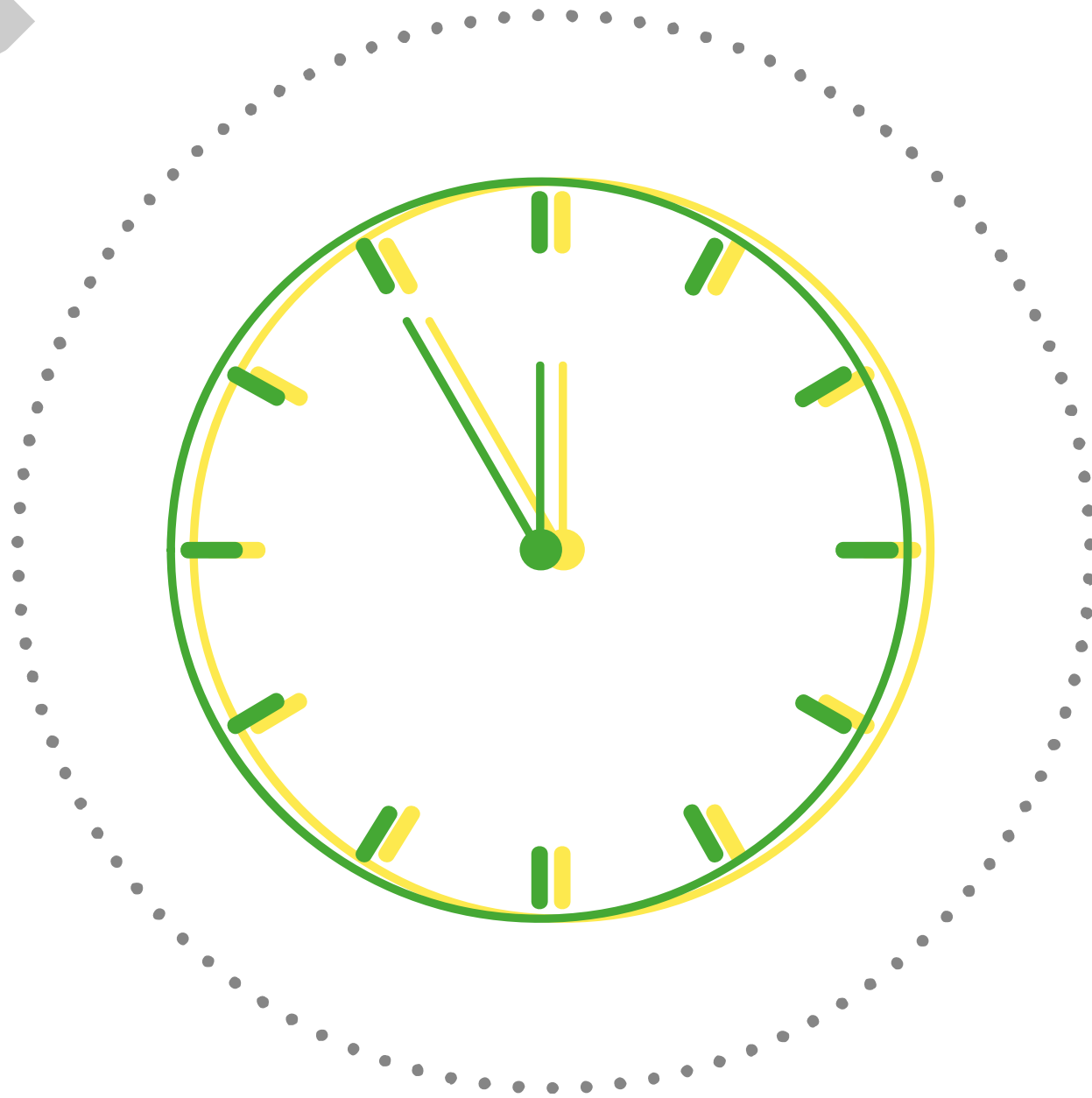
## ***PRELIMINARY COST SAVINGS:***

= \$5,800 Weekly, \$300,000 Annually

*Potential Weekly Range: -\$3,000 in costs to +\$15,000 in savings*



# Actions for the short term:



- Work with the City Administrator's Office to **begin consolidating citywide contract information**
  - Would entail tracking current and recent contracts and compiling an annual citywide report that includes timeline, status, and pricing.
- **Produce preliminary reports that summarize contracts by type** to identify asymmetries in contract distribution and the frequency with which certain contracts are awarded



# RECOMMENDATIONS

1

***ESTABLISH  
NEW PUBLIC  
RECORDS  
OFFICE***

2

***ENLIST THE  
MAYOR TO  
ESTABLISH A  
NEW DATA  
POLICY***

3

***EXPAND  
EXISTING  
POLICE DATA  
DASHBOARD***

4

***CREATE  
CONTRACT  
TRACKING  
DASHBOARD***



# LIMITATIONS

- Three-month project, limited time and capacity
- Scope was limited to interviewing **external organizations** and government agencies; little time to look internally and have conversations with City staff about current costs, policies, and practices
- Each of the recommendations/best practices **deserves its own report** covering the details of implementation in the City of Oakland





# Thank You!