



Privacy Advisory Commission
June 7, 2018 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 3rd Floor
Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian M. Hofer, District 4 Representative: Lou Katz, District 5 Representative: Raymundo Jacquez III, District 6 Representative: Clint M. Johnson, District 7 Representative: Robert Oliver, Council At-Large Representative: Saied R. Karamooz, Mayoral Representative: Heather Patterson*

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. 5:00pm: Call to Order, determination of quorum

Members Present: Brown, Hofer, Katz, Jacquez, Oliver, Karamooz, and Patterson.

Members Absent: Suleiman and Johnson.

2. 5:05pm: Review and approval of May meeting minutes

The May Minutes were approved unanimously.

3. 5:10pm: Open Forum

There were no Open Forum Speakers.

4. 5:15pm: Surveillance Equipment Ordinance - Oakland Department of Transportation/Vendor use of UAV/Drones. Review and take possible action on use policy and anticipated impact report.

The PAC reviewed the draft Impact Report as presented by Nicole Farrera from the Department of Transportation. Questions were raised by Member Brown about Thermal Imaging capabilities, the use of mapping software, and high powered surveillance and the potential for voyeurism with high resolution cameras. One note was that the anticipated policy will require two persons to be present during operation to avoid voyeurism. Member Katz noted there are two distinct uses for the proposed drones: DOT Project

management and Disaster Mitigation. He also asked about rights and access to the data by the vendor. Ms. Farrera noted that the vendor would not have rights to the data but would need to be granted some access since they would be operating the drones. Member Oliver had questions about the level of accuracy of pinpointing locations and Ms. Farrera noted that some data tracking would be required to ensure the ability to return to the same spot. The PAC agreed to assign an ad hoc committee to work directly with DOT staff on further revisions and bring back the policy at a future meeting.

5. 5:25pm: Illegal Dumping Project – a) staff update on project and District Attorney direct monitoring of video; b) discuss Surveillance Equipment Ordinance compliance next steps.

Greg Minor from the City Administrator's office spoke about the status of the program and clarified that the District Attorney does not have access to a live feed from the cameras. This was a misstatement that had been captured in the media and caused some concern. In fact, a fellow City Administrator staff member checks the feed daily for new cases of illegal dumping and only forwards evidence when one occurs. Chairperson Hofer noted that as per the new ordinance, a draft Impact Statement would need to be brought back to the PAC and that the use would need to also abide by the rules set forth on SB34.

6. 5:30pm: Surveillance Equipment Ordinance – status update regarding department outreach for survey of existing equipment.

Joe DeVries stated that he had briefed all of the City's Department Directors at their most recent staff meeting and was able to give them a sense of what to expect by sharing what other jurisdictions had encountered. He will be drafting an Administrative Instruction for the implementation of the ordinance which is a way to ensure there is an internal guideline regardless of changes in the administration or staffing. Some department heads raised concerns about what technology would need to be captured and asked for a timeline. He suggested they look at the technologies considered by other jurisdictions and think about what is already in use in their departments. He expects to ask for a full list within 45-60 days and that they should add anything that might fall under the ordinance to allow the PAC to make the determination as to whether the technology needs review. One Director asked about surveillance cameras inside their building and it was clarified that there would be an overarching policy that would cover all security cameras—not an individual policy by site or department. The Director of Race and Equity voiced concern that Equity be considered and noted the current language in the ordinance under reporting requirements speaks to this issue. She is looking forward to working with the PAC to see that the reporting metrics capture this.

7. 5:45pm: Drug Enforcement Administration Memorandum Of Understanding - review and take possible action on staff proposed MOU.

Chairperson Hofer reviewed the background that led to the PAC review of these MOUs and Captain Roland Holmgren and Tim Birch from OPD presented the MOU received feedback. Mr. Birch articulated that it is important to the department that the public understand that they do require their officers to abide by OPD policy when part of a task force (as opposed to a public misperception that they do not). Member Karamooz asked if section 3 that requires OPD members to abide by OPD policy could also be included in section 5, requiring DEA members to also abide by OPD Policy. Member Oliver noted the purpose of these agreements is because OPD knows the local landscape and this can lead to more effective policing. Member Jacquez asked about cannabis policy and whether state or federal law would be followed since there is an inherent conflict between the two. Mr. Birch noted that there may be challenges in aligning

these two organizational policies but that he would certainly ask the DEA about these items and return in July with the DEA responses.

8. 5:55pm: Surveillance Equipment Ordinance - "Large Scale Event" - discuss potential monitoring of Warriors championship parade.

Captain Holmgren presented two components of the plan that OPD is developing in preparation for a (potential) Warriors Parade. First, OPD intends to have a contractor use a device that detects drones so that OPD can intervene with the drone operator to avoid the potential for a drone attack or drones being used in a way that jeopardizes public safety. Second, OPD intends to place pole cameras along the parade route that have pan/tilt/zoom capabilities. The cameras are being provided by the Northern California Regional Intelligence Center (NCRIC). OPD understand that the Surveillance Technology Ordinance requires an after-the-fact report which they will provide in July but felt it would be helpful to present ahead of time.

9. 6:25pm: Surveillance Equipment Ordinance – Oakland Department of Transportation/Automated license plate reader proposal. Review and take possible action on use policy and anticipated impact report.

Michael Ford with the Department of Transportation presented the draft Impact Report and noted that the work done by Member Brown to provide meaningful edits was very helpful. Member Brown noted a need to site what the City currently collects in regard at ALPRs to track the size of increase in data collection upon using these new devices. Acknowledging more work to be done, the item will be brought back in either July or September.

10. 7:00pm: Adjournment