



Privacy Advisory Commission
November 7, 2019 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Regular 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: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, 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. Call to Order, determination of quorum

Quorum was reached with these members present: Suleiman, Hofer, Katz, Jacquez, Oliver, and Gage.

2. Open Forum/Public Comment

There were no Open Forum Speakers.

3. Review and approval of the draft October 3 meeting minutes

The October Minutes were approved unanimously.

4. Surveillance Equipment Ordinance – OPD – Live Stream Camera Impact Report and proposed Use Policy – review and take possible action

Captain Randy Wingate presented OPD's revised Use Policies with specific emphasis on the standard that the cameras will only be used during a partial or full activation of the EOC and only with command level approval.

Members Reem, Gage, and Katz who were part of the ad hoc working group also added/ask for clarification on a few items; that specifics be added to the policy describing when an activation occurs,

that language be included regarding any data stored on the cameras themselves. Chairperson Hofer asked for tighter language on uses and on data access—clarifying reasons for law enforcement access.

Captain Wingate will return with a new draft in December.

5. Surveillance Equipment Ordinance – OFD – Data Collection for Wildfire District and Fire Safety Inspections – review and take possible action

OFD Captain Saunders who oversaw the development of the new Wildfire District and Fire Safety Inspections system for the department presented the Impact Statement and Use Policy and provided a demonstration of exactly how the technology works. He explained that the first application was during the wildfire district safety inspections (which inspect the outside of properties) but that the department will be using the same technology to perform commercial building inspections in the future. He explained the need to capture images to monitor inspection quality for auditing purposes, to help identify violations so owners can correct them successfully.

Member Oliver asked what authority OFD has to enter or photograph private areas of a property and other members also asked about the authority to enter and photograph the inside of businesses. Captain Sanders noted the State Fire Code provides this authority and could provide the code number and text for the PAC.

Member gage also asked about training protocols for photographing sensitive areas and Captain Sanders explained the staff are trained to only photograph vegetation during wildfire inspections.

Chairperson Hofer expressed concern about merging the two types of inspections into one Use Policy due to past experience with other technologies that have different uses and suggested separating them may be appropriate. Ultimately the PAC agreed to keep them together but to delineate the difference in the policy.

There was one public speaker: Ken Pratt raised concerns about OFD or their agents being in people's private yards for inspection purposes.

OFD will return in December with a revised policy.

6. Federal Task Force Transparency Ordinance – OPD – FBI's Joint Terrorism Task Force MOU – review and take possible action

Chairperson Hofer first allowed the public speakers on this item to speak.

Javeria Jamil, Mohamed Talib, and Jeffrey Wang all spoke about the concerns they have with how the FBI has conducted itself in regard to JTTF investigations in the past. They cited a recently published White paper that highlighted questionable practices. At issue for the policy discussion is whether OPD officers involved in the JTTF would be allowed to abide by local policies/standards versus FBI policies and what level of information would be reported to the City. Additionally, the resolution appears to be "pro FBI" and weakens local laws.

Members and OPD Command staff discussed ways to address the limited reporting details in the annual report and how to more explicitly note that OPD participants would abide by local policies first and foremost when in conflict.

Many noted their concern with the information that was published recently in the White paper referenced above in that it highlighted ways in which the FBVI abused its authority in JTTF cases around the country and misled local law enforcement agencies.

The group agreed to have the Ad hoc group meet with OPD leadership to continue to refine the MOU and Resolution.

7. Adjournment

The meeting adjourned at 7pm.