



Privacy Advisory Commission
November 1, 2018 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st 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: Vacant, 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 Hofer, Karamooz, Jaquez, Patterson, Katz, Suleiman, and Oliver were present.

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

The minutes were approved with one correction.

3. 5:10pm: Open Forum

There were no Open Forum Speakers.

4. 5:15pm: Surveillance Equipment Ordinance – discussion with staff and take action to adopt sequence of impact analysis and use policy writing for existing Fire Department equipment

Staff identified three surveillance technology items:

- a. ***Thermal Imaging Cameras (TIC):*** used by Engine Companies to check for heat signatures while inspecting for heat during emergency response. The Commission asked that staff clarify if these have Gait Analysis Technology.
- b. ***Forward Looking Infrared Cameras (FLIR):*** on 2 aircraft rescue units. The Commission asked for clarification if these are the same as those that already have a policy in place from before the PAC was created.

c. **Emergency Operations Center live video feed:** from OFD Communications van and joint OFD/OPD Command Van. The Commission asked that staff from the EOC present in December to clarify how this technology works and is used.

5. 5:20pm: Surveillance Equipment Ordinance – Unapproved Use of UAV by OPD during exigent circumstances – presentation of staff report and take possible action

The Commission had questions regarding the sequence and timing of events in which the Sheriff's Office was asked to assist in the exigent circumstance and whether the suspect was caught and if the UAV contributed to the capture. Also, the Commission would like to know what data was captured. Further, questions arose regarding whether and how often OPD would seek support from the Sheriff's Office in these circumstances and if it warrants developing a more formal agreement for PAC consideration.

Staff will return with an edited report addressing these concerns at the next meeting.

6. 5:30pm: Review and discuss Federal Task Force MOU with Drug Enforcement Agency – take possible action

The Commission spent considerable time discussing proposed amendments to the MOU that were developed by the ad hoc working group that are listed below:

The Oakland Police Department's Task Force Officer will not participate in any enforcement action relating to the cultivation, sale, possession, or use of marijuana unless such action violates California law and/or City of Oakland ordinance(s).

The DEA Special Agents assigned to the Task Force Group (Oakland) agree to adhere to the following state or local laws, policies, or procedures, when performing as part of the Task Force Group (Oakland), unless existing DEA policies or procedures are more restrictive:

- *SB 54 – California Values Act (Cal. Gov. Code §7284 et seq.)*
- *SB 31 – California Religious Freedom Act (Cal. Gov. Code §8310.3 et seq.)*
- *Oakland Sanctuary City Ordinance (code pending)*
- *Oakland Police Departmental General Order M-17, Section V "Professional Standards"*
- *Oakland Police Departmental General Order M-19, Sections III and VIII (A, C)*

Since the DEA indicated they were not willing to agree to the additions related to their agents abiding by state and local laws, policies, and procedures, the Commission was conflicted over what to recommend to the City Council. Ultimately the Commission voted to forward the ad hoc committee's revised MOU and ask that the Council support this version instead of the version the DEA had agreed to.

7. 5:50pm: Surveillance Equipment Ordinance – Cell Site Simulator Impact Analysis and draft Use Policy – review and take possible action.

The Commission made several editing suggestions to staff that were supported and staff agreed to bring back a revised draft at the next meeting for final approval.

8. Adjournment

The meeting adjourned at 6:35pm but a Special Meeting was proposed for November 26th.