



Privacy Advisory Commission

March 2, 2023

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 Hofer, Chair, District 4 Representative: Lou Katz, Vice Chair District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III Mayoral Representative: Jessica Leavitt*

1. Call to Order, determination of quorum

In attendance: Gina Tomlinson, Lou Katz, Brian Hofer, Omar de la Cruz, Jessica Leavitt, Robert Oliver, and Henry Gage.

2. Review and approval of the draft January 5 meeting minutes

A motion was made by Commissioner Lou Katz to approve the minutes and seconded by Chair Brian Hofer. Motion passed unanimously.

3. Open Forum/Public Comment

Assata Olugbala

4. Federal Task Force Ordinance – OPD – NESS ATF MOU

- a. Review and take possible action on the proposed Resolution and MOU between the Oakland Police Department and Bureau of Alcohol Tobacco and Firearms & Explosives for enhanced data access to the National Integrated Ballistic Information Network through use of NIBIN Enforcement Support System (NESS)

Chair Hofer explained that this item was brought forward by OPD and is a proposed MOU with the ATF. The National Integrated Ballistic Information Network (NIBIN) is a database used for tracking and tracing guns and ballistics. The information is used to prosecute gun crimes. This comes to the PAC under Oakland's Federal Task Force Ordinance.

Dr. Sandra Sachs, Oakland Police Department, Criminalistics Laboratory Manager provided an update on this item. Dr. Sachs indicated that the resolution and agenda report in the packet will go to the Public Safety Committee and City Council. OPD is requesting to enter into an MOU with NESS. NIBIN is the way in which investigations make associations between gun crimes. NESS is the NIBIN enforcement support system is a platform that the ATF hosts and allows those with NIBIN systems to participate in mining the data that exists in their system if an MOU is the system that agencies use to engage with the ATF. There has been decades long participation with OPD and ATF and this will allow OPD to get information more easily from the system and make associations and present an entire picture during forensic investigations.

The database is a portal with a link to the federal system. When OPD has access to the NIBIN and the NESS system they are able to produce data similar to the link chart provided in the agenda report.

Public Comment: Assata Olugbala - Ms. Olugbala expressed that her area of concern on this item is ghost guns since this type of gun usage is growing.

Hofer had a similar question regarding ghost guns and requested that Dr. Sachs respond.

Dr. Sachs stated that the NIBIN system can associate varying scenes and associations with ghost guns.

To avoid any future amendments in the resolution returning to the PAC, Chair Hofer and the City Attorney Sotelo discussed approving the resolution with modifications in the second to the last paragraph, deleting "to accept, modify and/or amend the MOU" and adding language that any changes are to be made in agreement with the requirements of the Federal Task Force Ordinance, [OMC 9.72.010](#).

Chair Hofer made a motion to approve the item with a modification to avoid any future potential non-compliance with the federal taskforce ordinance, OMC 9.72.010. Seconded by Commissioner Lou Katz.

The item passed unanimously.

5. Chair Status Update – Old Business – informational discussion only – no action will be taken
 - a. Cash Payment Ordinance

Chair Hofer wants to revive the topic of a cash payment ordinance that was discussed by the PAC pre-covid. The ordinance was drafted. Oakland does not have an expressed ordinance to accept cash for payment and neither does the State of California. San Francisco and Berkeley have requirements to accept cash for payment. The PAC wanted to discuss concerns including theft and meet with the BID and conduct other community engagement.

The PAC had an ad-hoc. Requested that Mr. DeVries make connections with the business community and others.

Chair Hofer requested that PAC members volunteers for the ad-hoc. Volunteers included:

Commissioner Tomlinson

Commissioner Oliver

Commissioner Katz

b. Rent Registry

Chair Hofer reported that around 2018-19 some tenant advocates requested that the PAC look at the Rent Registry. It is scheduled to go operational in July and will collect Personal Indefinable Information (PII) and other information. The PACs formation ordinance does allow comment by the PAC and it also falls under the Privacy Principles. This is an opportunity to talk with staff, tenants, and landlords. The Chair requested to create an ad-hoc and discuss with Housing and Community Development staff to get an update on the registry. An ad hoc will be set up and Joe agreed that staff can set up a meeting the HCD.

c. Illegal Dumping Cameras (ad hoc status)

A meeting is needed to discuss the illegal dumping camera. The Department of Public Works will bring forward an annual report and a use policy that DPW wants to amend.

Joe reported that the DA offered 10 more camera systems. The team wants to implement and bring forward a recommended change to allow the city to prosecute illegal dumpers. They cannot take enforcement since they do not have quality license plate images. The request could include the same data restrictions and retention requirements.

OPW would also bring forward an updated MOU. An ad-hoc was formed including:

Vice Chair Katz, Commissioner Leavitt, Commissioner Oliver

d. Retreat

The PAC needs funding and infrastructure, however amazing work has been completed with a small budget. It would be helpful if PAC members could discuss infrastructure and tracking. Some discussions are also needed around sustainability, including building tools to assist staff with policy, impact reports and a resource repository.

Joe suggested meeting on Saturday from 9am – 1pm. There was a suggestion about meeting locations, which needs to be publicly accessible. Chair Hofer may bring in a professional facilitator.

There was a discussion about possible dates for the retreat and the group agreed on Saturday, April 15 in a city facility.

Public Comment

Assata Olugbala – Request information on current ALPR systems and other information on registration systems. She expressed concerned about policy for the citizen complaint form with the community police review agency.

The meeting was adjourned.