



Privacy Advisory Commission

May 6, 2021 5:00 PM

Videoconference

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, District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair* **Mayoral Representative:** *Heather Patterson*

1. Call to Order, determination of quorum

Members Present: Hofer, Suleiman, Brown, Katz, De La Cruz, Tomlinson, Patterson

2. Open Forum/Public Comment

Gene Hazard spoke about the Chinatown Chamber of Commerce Surveillance Camera Proposal. He believes they should not be supported with Public Funds. He thinks it is a conflict to have cameras all over the city.

Assata Olugbala spoke about her concern that the PAC is addressing issues that impact select communities as opposed to all Oaklanders.

3. Review and approval of the draft April meeting minutes

The April Minutes were approved unanimously.

4. Surveillance Equipment Ordinance – DOT – Informational presentation on Safe Oakland Streets Initiative, including Automated Speed Safety Systems – no formal action was taken at this meeting. *Nicole Ferrara from OakDOT presented an overview of the Safe Oakland Streets (SOS) Initiative. The SOS initiative is an interdepartmental project that has a goal of reducing traffic fatalities and injuries, reduce the disparities in those to certain communities. For example, the initiative found that African Americans are twice as likely to be killed in a traffic accident in Oakland than white Oaklanders. The research from the SOS Initiative also demonstrates that speed is a significant factor in traffic fatalities and severe*

injuries. Further, the study showed that the most effective technique to control speed is automated speed enforcement because it is constant and lasting (unlike a police officer being stationed in an area.

The City Council is already publicly supporting Assembly Bill 550 which will allow the City of Oakland to implement an Automated Speed Enforcement system on a limited basis with steps to avoid disparate impacts such as making the tickets a civil penalty on the vehicle and not a moving violation for the owner. Other measures to limit the amount of the fines were also built into the measure. In anticipation of the bill passing the PAC was asked to begin discussion of components of a Use Policy.

There were two public speakers: Assata Olugbala raised concern about the Sideshow which she believes is the most important traffic safety issue in the city. Also, she believes that OakDOT should take responsibility for Miesha Singleton's death on 98th Avenue because of the design of the street.

Gene Hazard also spoke about the sideshow and is concern about the disparate impact on African Americans.

Commissioners had several questions about the details of AB550, including the locations of cameras, the need to still use engineering options, and the concern for disparate impacts in enforcement. Commissioner Oliver discussed past tactics such as mobile radar trailers, and Commissioner Brown asked about OakDOT's paving plans. The Chair noted the discussion is about pending legislation and if it is passed the PAC would be evaluating a Use Policy but at this time it's just a discussion.

5. Surveillance Equipment Ordinance – DOT – informational presentation of Mobile Parking Payment program – no formal action was taken at this meeting

Chair Hofer noted the PAC would be both discussion a data breach and the Use Policy at the beginning of the contracting/procurement process at this meeting. Michael Ford with OakDOT provided an overview of what happened with the data breach and the City' public response. He also asked that Park Mobile be available tonight for additional question. Quinn Wallace with OakDOT introduced Jeff Perkins and Barry Hodges with Park Mobile to discuss the data breach and response. Jeff Perkins gave an overview of the breach and the mitigations they took to reduce any negative effect. He explained that sensitive data such as credit card information was not accessed.

Commissioners had several questions about the technical nature of Park Mobiles efforts and received some responses about the mitigation but a lot of the Park Mobile response was confidential t avoid future reaches.

Chair Hofer moved the conversation to the proposed Use Policy and Impact Statements that were provided to ensure commissioners had the ability to raise any concerns they have with those documents.

Commissioner Katz raised some concerns about data ownership, noting that this data, as collected, is essentially owned by the City. Commissioner Gage also asked about data ownership and if there are provisions already in the City's contracting process. The item was continued to a future date as needed.

6. Surveillance Equipment Ordinance - DOT – presentation of Chinatown Camera Grant impact report and proposed use policy – review and take possible action.

Chair Hofer summarized the process by which the PAC considered this item which included significant changes in the proposal over the past months and acknowledged that just before the meeting the process changed another time. In short, the Oakland Chinese Chamber of Commerce has sought a Use Policy in which their contract would be tied to it, a second idea of the City owning the cameras and data was entertained since last month but was withdrawn.

Due to the changing nature of the proposal, the original Use Policy was not re-posted in the packet which caused confusion and concern and the staff sought City Attorney guidance on the Brown Act. In the end, the PAC did not take action but agreed to take action in June that would likely recommend against the proposal. Michael Ford with OakDOT clarified that it was not likely the item could come before City Council until the end of June so there would still be time for the PAC to act.

7. Surveillance Equipment Ordinance - OPD – presentation of Annual Reports – review and take possible action:

a. Live Stream Transmitter

The Chair raised issues with some of the reporting on this item including an interest in evidence of actual criminal activity that would warrant use of the system. DC Lindsey addressed those questions, noting that there is BWC footage of injuries to Sherriff's deputies that was included in the rational for using the system.

There were two public speakers on this item; Gene Hazard raised issues about the prior item. J.P. Masser raised concern about prior public records request not being fulfilled.

A motion was made to forward the report to Council for approval and it passed unanimously.

b. ShotSpotter

The ShotSpotter annual report was about to begin but there was no longer a quorum so no substantive discussion or actions took place. OPD raised concern that they need to bring the contract renewal to City Council in June. The PAC will consider a special meeting but it's more likely will not take up the item until June and the Chair recommended OPD wait until June to go to council.