



Privacy Advisory Commission
April 4, 2019 5:10 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Special 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: Vacant, 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. 5:10pm: Call to Order, determination of quorum

Members Present: Hofer, Jacquez, Katz, Suleiman, Oliver.

2. 5:15pm: Open Forum/Public Comment

Although there were no public speakers, Chairperson Hofer took this opportunity to honor the participation of former Member Saied Karamooz who stepped off the commission last month.

3. 5:20pm: Review and take possible action on the OPD Automated License Plate Reader Anticipated Impact Report and draft Use Policy.

Chairperson Hofer entertained public speakers first on this item. J.P. Masser provided a written letter and also spoke about inconsistencies in the policy that he is concerned with. He asked if the intent was to use ALPEs for all crime, serious felonies, or even just in routine patrol operations. He noted that LPR use amounts to mass surveillance of people without any probable cause to surveil most of them.

Member Katz echoed some of his concerns and noted that the system scoops up data at an alarming rate. Member Jacquez also noted his concern about the retention of data which the department currently discards after 6 months.

Lt. Robert Rosen presented on behalf of OPD and noted that as a 14-year veteran with 8 years as an investigator and 6 years working on solving homicides, he uses ALPR Data every day. He noted that the process for using the tool is very transparent and that no random surveillance of the data is allowed by the department. Each investigation starts with a specific piece of information that the officer is looking for and they must log in every use of the system and explain why they are using it. In order to query the system, it requires an incident number to be entered.

The Commission still had questions about data retention schedules, auditing capabilities, and allowable uses. They articulated a desire to have a specific list of allowable uses similar to the DAC Policy that was adopted prior to the PAC Creation. The item was continued to the May meeting to allow staff to provide further clarification in the proposed use policy.

4. 6:00pm: Review and take possible action on the OPD Remote Camera Impact Report and draft Use Policy.

Bruce Stoffmacher presented the Impact Assessment and proposed Use Policy for discussion. He noted that currently OPD has 4 transmitters and a number of consumer grade cameras and the department hopes to replace 4 older cameras and add 6 new pole cameras with an upcoming JAG Grant. The Policy and Impact Statement contemplate two very different situations for use: 1) The Pole Cameras can be affixed to Utility Poles for specific covert operations (often with a prior court order) and monitored remotely. 2) the cameras can be "hand held" by officers in large scale events during which situational awareness is critical to protect public safety. Because these types of cameras can be controlled/monitored from afar, they fall under the surveillance technology ordinance for review and approval.

The Commission asked several clarifying questions about the type of cameras, the transmitters, and the contract with an outside vendor. The direction given to staff was to separate out the uses in the policy and bring refined documents back in May.

5. 7:00pm: Adjournment