



Privacy Advisory Commission
March 5, 2020 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, 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: Heather Patterson, Co-Chair*

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

Members Present: Suleiman, Brown, Hofer, Katz, De La Cruz, Tomlinson, Oliver, and Gage.

2. Open Forum/Public Comment

There was one speaker under Open Forum, Rick de Silva speaking in favor of item 6. He wanted to be on the record but needed to leave early.

3. Review and approval of the draft February meeting minutes

The February Minutes were approved unanimously.

4. Election of Vice Chair

Chairperson Hofer nominated Member Gage as the Vice-Chair, and he was approved unanimously.

5. Federal Task Force Transparency Ordinance – OPD – Presentation of Annual Reports for US Marshals, DEA, ATF – review and take possible action

Bruce Stoffmacher gave an overview of the reports and noted the following: There was no work with ICE, no personal information was shared with ICE or other agencies. Officers are trained to adhere to OPD

Policy not Federal Policy and that with only one officer on the task force, OPD is not reporting any violations because this would be a personnel issue under P.C. 832.7, identifying the officer for a violation that otherwise would not be publicly reported/would be protected.

Chairperson Hofer asked about PC832.7 and argued that the Skinner Bill allows for the release of this type of information and asked for a legal opinion about this conflict. Both Joe DeVries and DC Holmgren agreed they would submit a request for a legal opinion on this topic. Member Reem asked what the threshold number of task force members there would need to be to release data on violations. Member Gage noted his concern for blanket confidentiality, he moved that the item be forwarded for approval with the caveat that the PAC has a real concern about the department citing P.C. 832.7 and the impact on the task force reporting.

There was one public speaker, Asada Olugbala who stated that she did not believe this should be the purview of the PAC but instead should be reviewed by the Police Commission.

6. Surveillance Equipment Ordinance – DOT – Chinatown Chamber of Commerce Camera Grant Program Impact Report and proposed Use Policy – review and take possible action

Chairperson Hofer explained why this program is required to be presented first to the PAC and DOT Assistant Director Wlad Wlasowsky explained how the program was allocated funding during the budget process and placed into DOT (it was originally under a street light improvement program). He also explained that the proposal was an addition to an earlier camera project from 2012.

There were 6 public speakers on the issue as summarized below:

Asada Olugbala argued that Chinatown should pay for the cameras themselves as there is crime all over the City and its not equitable for one neighborhood to receive this help.

Jessica Chen from the Chinatown Chamber of Commerce described the plan to install and monitor the cameras and the need that her group has identified.

Carl Chan of the Chamber stated his support and discussed the crime stories he hears at the NCPC Meetings.

Juan-Gong also aired their support, citing his wife's experience of being assaulted last year.

Michael Katz-Lacabe argued this proposal is public funding of private surveillance and is flawed. It provides for little oversight and transparency and needs stronger reporting requirements.

The PAC Members raised significant concerns about this program being anathema to the goals of transparency and public oversight of surveillance technology. Chairperson Hofer noted the need for better reporting requirements, auditing, and performance evaluation. Member Katz asked if there was any data to suggest these cameras actually reduce crime. DC Holmgren was asked about and discussed Chinatown Crime trends in general and explained that OPD is using video footage to solve a lot of crimes so it can be very useful even if not well measured. He also offered to help with a more thorough oversight plan if the proposal moves forward. The item was tabled to a later date to allow DOT, OPD, and the CAO to work on a more developed oversight plan.

7. Surveillance Equipment Ordinance – OPD – Live Stream Cameras – review and take possible action

Joe DeVries reviewed the Emergency Operations Center activation standards that were provided for discussion and DC Holmgren discussed the Reasonable Suspicion language concerns. The Chair noted that the lack of clarity on the department's proposed uses is around the EOC activation standards. He wants to see a set of activation standards that are transparent and clear to better support the use of these cameras when there is an activation. However, he proposed supporting the Use Policy if there is a clause requiring a written notification any time the department activates the cameras and uses them to observe Protected Activity.

There was one public speaker, Asada Olugbala who raised serious concern about OPD being under a long-term consent decree and having a history of racial profiling. She believes these cameras will be used disproportionately on African Americans.

With several proposed edits, the PAC unanimously approved forwarding the policy to the City Council.

8. Surveillance Equipment Ordinance – OPD – UAS (Drone) Impact Report and proposed Use Policy – review and take possible action

There was minor discussion about some of the uses listed in the Use Policy but the item was continued to a later meeting due to the time.