



Privacy Advisory Commission
November 26, 2018 5:00 PM
Oakland City Hall
Hearing Room 2
1 Frank H. Ogawa Plaza, 1st Floor
Special Meeting Agenda

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

Quorum was met with the following members in attendance: Hofer, Suleiman, Katz, Jacquez, Oliver, and Karamooz.

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

The November 1st Meeting Minutes were approved unanimously.

3. 5:10pm: Open Forum

There were no Open Forum Speakers.

4. 5:15pm: Surveillance Equipment Ordinance – Unapproved Use of UAV by OPD during exigent circumstances – presentation of revised staff report and take possible action

OPD shared the updated report that included questions the PAC had asked at the October 4th meeting and the PAC voted to recommend the report be forwarded to the City Council.

5. 5:25pm: Review and take possible action on a Federal Task Force MOU with the U.S. Marshals Service (USMS)

The PAC reviewed the Resolution and the actual draft MOU and made three recommendations:

- a. That the second to last resolved in the resolution be changed to limit the City Administrator's authority to negotiate any changes to the MOU, its schedule, extensions, etc. this is because the Charter requires that the City Council approves all MOUs and therefore, giving the City Administrator authority to make changes, without returning to Council, would be a violation. The new language ensures that the final MOU is what the City Council approves, keeping the authority with the Council.*

- b. *That the resolution language refer to the actual MOU (as an exhibit) so that there is no confusion that the Council is adopting an MOU versus granting the City Administrator to do so.*
- c. *The PAC recommends that the City Council insert the same language it recommended for the DEA MOU that holds the Federal Members of the Task Force to the higher standards that OPD Officer's must abide by. Below are the recommended additions:*

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)*

Staff indicated that they would take these recommendations into account in the supplemental report but also noted that the federal agencies have all stated they would NOT enter into the agreement with the more restrictive language.

6. 5:35pm: Review and take possible action on a Federal Task Force MOU with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)

The same conversation and recommendations that were made on the above item were also made on this item.

7. 5:45pm: Surveillance Equipment Ordinance – Cell Site Simulator draft Use Policy – review and take possible action on revised staff policy.

Approved with the motion that OPD return to the PAC with a determination as to whether the CAL ECPA applies to the use of this technology.

8. Adjournment: the meeting adjourned at 6:15.