



INTER OFFICE MEMORANDUM

TO: Privacy Advisory Commission

FROM: G. Harold Duffey,
Director, OPW

SUBJECT: Illegal Dumping Surveillance (POD) Camera
OPD Video Data Request & Data Sharing

DATE: May 4, 2023

Recommendation

Receive informational report on Oakland Police Department's (OPD's) request for video data and subsequent data sharing in accordance with the *OPW Illegal Dumping Surveillance Camera Program's Use Policy (Camera Use Policy)*.

Background

Per Section H of the *Camera Use Policy* (approved in January 2022 by City Council Resolution No. 89000 C.M.S.), City staff is required to "report within 72 hours any Oakland Police Department (OPD) request for video recordings captured by POD [Portable Observation Devices] units to the Chief Privacy Officer and Privacy Advisory Commission (PAC) Chair. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next regularly scheduled meeting."

Executive Summary

- ❖ Wednesday, April 12, 2023 (end of day): OPD's Officer F. Maio reported to the Environmental Enforcement Unit (EEU) to retrieve video footage from April 11, 2023, to support investigation of crimes committed during the Wood Street encampment closure. EEU staff was unable to view requested footage due to technical difficulties; footage was not downloaded nor distributed to Officer Maio.
- ❖ Thursday, April 13, 2023: Police Service Tech Henry Correa was dispatched to the EEU office to retrieve footage. Correa was instructed to retrieve over 6 hours of video data to show activities leading up to the incidents. Due to continued technical issues with downloading, the video data was inaccessible. POD vendor, Security Lines, U.S., was contacted for technical assistance.
- ❖ Friday, April 14, 2023: Officer F. Maio contacts OPW's Use Policy Administrator Victoria Chak requesting authorization to access POD #2 directly to expedite video data retrieval. Victoria Chak informed Officer Maio of the *Camera Use Policy* requirements for OPD to request video data. Victoria Chak also advised Officer Maio that, per the *Camera Use Policy*, only video footage containing "violent forcible crimes" as defined in OPD's Departmental General Order J-04 – Pursuit Driving Appendix A, Paragraph H: "Violent Forcible Crime," may be released to OPD.

- ❖ Officer Maio immediately complied with the *Camera Use Policy* by submitting a written request for video data from POD #2 to investigate crimes committed near 18th Street and Wood Street in the context of conducting an investigation into the following Penal code sections, PC 484, PC 496, and PC 182(a)(1). In the event the request is denied as the crimes are not “violent forcible crimes”, Officer Maio indicated OPD would apply for a search warrant to retrieve the footage.

Nature of Crimes:

- Theft of City-owned fences at Wood Street homeless encampment
- Impeding OPW/OPD operations at Wood Street homeless encampment by barricading under OPW and OPD vehicles

Victoria Chak notified Oakland Privacy Officer Joe DeVries and PAC Chair Brian Hofer upon receiving Officer Maio’s written request.

- ❖ Monday, April 17, 2023: Officer Maio presents Use Policy Administrator Victoria Chak with an approved court order from the Honorable Judge K. Colwell (attached) ordering the production of and collection of surveillance video for the date of 4/11/2023 which is contained on Illegal Dumping Camera POD #2.

EEU staff decommissioned POD #2 and brought the camera unit back to the EEU office.

- ❖ Tuesday, April 18, 2023: Acting Clean Community Supervisor was served the above-referenced court order. Pursuant to the court order, OPD took custody of POD #2 to retrieve video data.
- ❖ Wednesday, April 19, 2023: POD #2 was returned to the EEU; OPD confirmed the requested video footage was retrieved.

Device Information

- Illegal dumping surveillance camera name: POD #2
- Camera location: 18th Street & Wood Street
- Video data downloaded: video footage from April 11, 2023
- Maximum viewable data on POD #2: video footage from April 4 -17, 2023
- OPD personnel granted access: Officer F. Maio; Police Service Tech Henry Correa
- Other personnel granted access: vendor Security Lines, U.S.



G. Harold Duffey
Director, Oakland Public Works

For questions, please contact Victoria Chak, Administrative Services Manager, at x5446.

Attachment: Court order from the Honorable Judge K. Colwell






PAC Info Memo - OPD Video Data Request & Data Sharing (Final)

Final Audit Report

2023-04-28

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