



**Privacy Advisory Commission**  
**April 4, 2024, 5:00 PM**  
**Oakland City Hall**  
**Hearing Room 1**  
**1 Frank H. Ogawa Plaza, 1<sup>st</sup> Floor**  
***Draft Meeting Minutes***

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**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: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt*

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*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

In attendance: Chair Hofer, Vice Chair Gage, Commissioners Tomlinson, Brown, Everhart, Suleiman, Katz and Leavitt.

2. Review and approval of the draft March 7 meeting minutes

Chair Hofer made a motion to accept the minutes with corrections, second by Commissioner Leavitt. The minutes were approved unanimously.

3. Open Forum/Public Comment for non-agenda items

Jim Donatell provided an update on the flock cameras at the Lakeshore Homeowners Association. They will start to create smart patrols based on the data received through the ALPR network in the neighborhood. There are 8 cameras in their neighborhood.

4. Annual Election of Chair and Vice Chair

For the election of Chair, Vice Chair Gage and Commissioner Tomlinson nominated Chair Hofer. Chair Hofer nominated Vice chair Gage to continue serving as vice chair.

No abstention or opposition. Both items were passed unanimously through a simple voice vote.

5. Surveillance Technology Ordinance – DVP – Apricot 360 Database Annual Report
  - a. Review and take possible action

This item was removed from the agenda and will be placed on a future agenda.

6. Surveillance Technology Ordinance – OPD - UAV (Drones) Annual Report
  - a. Review and take possible action

Item 7 was heard first.

LT Omar Daza-Quiroz made a presentation on this item. He is the commander with the Electronic Services Unit. In 2023, there was an increase in deployments. He indicated that it was necessary to provide an updated report with more accurate numbers. DQ presented case items previously to the PAC. Chair Hofer mentioned the importance of using the drone to protect law enforcement and requested that OPD present the data.

Chair Hofer moved to forward the item to City Council with a recommendation that the Use Policy be approved and that ongoing use be authorized as the benefits outweigh the cost. Second by Commissioner Brown.

Commissioner Leavitt had a question about the possible edits needed regarding the data. Chair Hofer indicated that the data changes were not significant enough to bring the item forward again.

The motion was approved.

7. Surveillance Technology Ordinance – OPD – FLIR Camera DGO I-29 Proposed Use Policy
  - a. Review and take possible action

Item 7 was heard ahead of item 6.

Officer Brandon Mart provided the update. He is a pilot and assigned to the Air Support Unit.

This item has previously been approved by the PAC and City Council. The changes are only to cover the camera that is installed on the helicopter. The helicopter camera image quality is poor, and the camera is rarely used. The policy is amended to reflect fix wing aircraft camera and the helicopter. They are under the same requirements for recording, data tracking and decimation of data to outside agencies. These items are covered under the same policy.

Chair Hofer reminded the PAC that this item includes Downlink (a communication stream) was previously reviewed and approved. They do not need to revisit the ordinance if it comes forward for upgrades.

Chair Hofer moved that the policy is forward to City Council with a recommendation to adopt it. Second by Vice Gage.

The item passed unanimously.

8. Surveillance Technology Ordinance – OPD – ShotSpotter Annual Report
  - a. Review and take possible action

Chair Hofer provided an overview of the item, including a handout with an update on the ShotSpotter motion. The handout included the motion.

Chair Hofer indicated that the City has been in contract with ShotSpotter since approximately 2008. He stated that the technology is not effective in solving violent crimes and provided other reasons that the technology is not effective. Members of the PAC made a case for and against ShotSpotter.

Acting Captain Shavies provided an update on the ShotSpotter program. He indicated that it is a tool to conduct policing work, including investigations and can save lives.

Chair Hofer read the following motion: The PAC recommends that the City Council not renew or extend the contract with ShotSpotter (now Sound Thinking) which expires June 30, 2024, and that the approximately \$1.8 million+ in future savings (if a similar 2 year contract were to be renewed) be directed towards the crime lab which is greatly understaffed and lacking in capacity to process our multi-year backlog of evidence. Improved processing of evidence will increase our low clearance rates and is a far more effective and proven alternative with less impact to civil liberties from over policing compared to ShotSpotter, that will actually improve public safety as we solve violent crimes.

Seconded by Commissioner Katz

Acting Captain Shavies indicated that the question in the annual report dictated a response that does not address the full impact of the technology. He agreed that the solve rates can be higher and provided examples on how ShotSpotter is a useful investigative tool.

The Commissioners had a lengthy conversation about the purpose and effectiveness about ShotSpotter.

Chair Hofer amended the motion as follows: The PAC recommends that the City Council not renew or extend the contract with ShotSpotter (now Sound Thinking) which expires June 30, 2024, and that the approximately \$1.8 million+ in future savings (if a similar 2 year contract were to be renewed) be directed towards a more effective and proven alternative with less impact to civil liberties that will improve public safety.

Commissioner Katz approved the amendment.

Suleiman – yes

Brown – Abstained

Chair Hofer - Yes

Katz – Yes

Tomlinson – no

Everhart - yes

Vice Chair Gage – no

Leavitt - yes

5 yes votes, 2 no votes and 1 abstention. The motion passed.

Announcement by Joe DeVries: He indicated that he will no longer regularly staff the PAC on a regular basis. Joe is the original staff to the commission. The PAC will continue to be staff by Felicia Verdin.

There is still no official designation of a Chief Privacy Officer. However, that is forthcoming.

Hofer recognized Joe for his commitment and dedication to the work of the PAC