



Privacy Advisory Commission
March 6, 2025; 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
DRAFT Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, 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*

1. Call to Order, determination of quorum

In attendance: Chair Brian Hofer, Vice Chair Henry Gage, Commissioners Lou Katz, Jessica Leavitt (virtual), Reem Suleiman, Gina Tomlinson, and Don Wang. Absent: Sean Everhart

2. Open Forum/Public Comment on Non-Agenda matters

No Public Comment.

Deputy City Administrator Joe DeVries recognized Commissioners Brian Hofer and Reem Suleiman for their years of service with a proclamation from Mayor Jenkins thanking them for their years of service.

3. Review and approval of the draft October 3 meeting minutes

Chair Hofer moved to approve the minutes, seconded by Commissioner Katz. Minutes approved unanimously.

4. Federal Task Force Ordinance – OPD – Annual Reports: Drug Enforcement Agency (DEA); Alcohol, Tobacco, Firearms and Explosives (ATF); Secret Service; United States Marshall Service (USMS); Federal Bureau of Investigation Violent Crimes - Safe Streets (FBI); Federal Bureau of Investigation Child Exploitation (FBI)

- a. Review and take possible action on each annual report

Chair Hofer introduce this item and shared that the annual reports are a requirement of the Federal Taskforce Ordinance.

Sgt. Zhou started the presentations. He runs the OPD FBI violent crime taskforce and provided an overview of their work. They respond to cold case homicides. There are two other officers assigned to the taskforce fulltime. Some OPD overtime expenses are paid for by the FBI. The FBI focuses on gang related crime and is an evidence response team. The officer's intake cold cases through a victim's family/loved ones or in some cases former OPD personnel. The crime lab is backlogged and work with the resources provided to them. Resources are very limited. It is rare that surveillance technology is used, information is primarily collected through interviews from witnesses or DNA testing. Occasionally a cell phone is used. Sgt. Zhou indicated that his unit does receive training from the FBI.

Commissioner Tomlinson asked a question about the success metrics to measure the value add and viability of the task force. Sgt. Zhou pointed to the number of cold cases that were solved by the taskforce annually. In 2023, 14 or 15 cases were solved with two officers and that was the highest number of solved cases since the unit was founded and there have been fewer cases solved since that time.

Chair Hofer thanked Sgt. Zhou for his presentation.

Marcos Campos, Acting Lieutenant for the Special Victims Section made the next presentation. His unit investigate sex crimes, domestic violence, missing persons and human trafficking. In that section, the FBI vice child exploitation task force that includes one lieutenant, one sergeant and four (4) officers (one from the missing person unit and 3 from the vice child exploitation unit). One FBI agent is assigned to the Section. They do have a partnership to work with the US Attorney's Office to charge human trafficking cases. Forty-one operations were conducted in 2024 and overtime was paid by the FBI. The FBI also assisted with providing undercover vehicles.

Chair Hofer asked Lt. Campos about surveillance technology violations. Lt. Campos updated the PAC on use of the Cellebrite and indicated that it is used by OPD in human trafficking cases and there needs to be a warrant before downloads can take place.

Chair Hofer chose to hold the documents and return to the PAC to ensure a more thorough understanding of the Federal Taskforce Ordinance. He raised questions about the purpose of the ordinance to educate members of the PAC and OPD on the guidelines outlined in the Ordinance, including reporting requirements. It's important that OPD and the FBI understand their roles under local and state law to protect the integrity and trust that the community has with Oakland officers. The PAC has a responsibility for protecting Oaklanders. The goal is to prevent harm to the community. The Chair indicated that he

would share information related to the Federal Task Force Ordinance with the officers that presented during this meeting.

Commissioner Gage requested that someone from OCA attend the next PAC meeting to hear concerns. There was also discussion about ongoing training in regard to OPD participating in the federal taskforce and potential issues Officers need to be aware of in the course of their duties.

An example that Lt. Campos provided is the OPD policy of recording interviews and also following other OPD policies when working with outside agencies.

Lt. Jeff Smoak is an acting lieutenant in the Criminal Investigations Division (CID). He supervises one officer assigned to the secret service taskforce parttime and works with them when needed. The officer assigned to the taskforce worked on two cases last year. One was a joint operation regarding an organized crime group that targeted fraudulent ATM withdrawals after people received tax returns. The other case involved Planned Parenthood and the US president at the time. Lt. Smoak shared how training from OCA would be beneficial.

Chair Hofer raised a question about potential violations and providing clarification under this section in the secret service and other reports. Lt. Smoak clarified that there were no violations that the officers observed. Vice Chair Gage clarified that OPD could not provide details to those questions as it is a violation of officer's labor rights. The department could provide anonymized data. Chair Hofer requested the report come back with the legal authority to justify what data regards violations can be shared.

Acting Captain Eric Kim of the Ceasefire Division reported out on three taskforces with the DEA, ATF and the USMS. The DEA is staffed by one fulltime officer, and they conducted four long term investigations resulting in 17 arrests, over 70lbs of fentanyl and a dozen firearms. He provided examples of other operations with the ATF and USMS, including trainings that were included in his report.

Vice chair Gage indicated that surveillance technology that needs to be addressed in the report include type 3 wire taps which is covered under the Ordinance. Other technology would include Drones and GPS tags. Captain Kim stated he will address the concerns.

All annual reports discussed during this meeting will return to the April PAC meeting.

5. Privacy Advisory Commission – Annual Election of Chair/Vice-Chair

a. Vote on nominee(s) for chair and vice-chair positions

Chair Hofer opened the floor for nominees. He nominated Jessica Leavitt as chair and Henry Gage as vice chair. Vice Chair Gage seconded the nomination. The motion passed unanimously.