



**Privacy Advisory Commission**  
**February 6, 2020 5:00 PM**  
**Oakland City Hall**  
**Hearing Room 1**  
**1 Frank H. Ogawa Plaza, 1st Floor**  
***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: Robert Oliver, Council At-Large Representative: Henry Gage III, Mayoral Representative: Heather Patterson, Co-Chair*

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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

*Members Present: Suleiman, Hofer, Katz, Tomlinson, Oliver, Gage, Patterson.*

2. Open Forum/Public Comment

*There were no Open Forum Speakers.*

3. Review and approval of the draft January Special Meeting minutes

*The minutes were approved unanimously.*

4. Census Team – Presentation on 2020 Census – Informational report only

*Richard J. Luna, Assistant to the City Administrator, gave a presentation regarding the 2020 Census. The 2020 Census will be conducted primarily online and made available in only 13 languages, which makes it a challenge in ensuring a complete count for Oakland. The City of Oakland and County of Alameda have partnered in outreach efforts to ensure everyone is counted during the 2020 Census. This includes efforts by non-profit service providers to go to homeless encampments and get as many unsheltered persons counted as well.*

*Member Katz asked about who produces and controls the Census forms and Richard explained it all comes from the Federal Census Bureau. Member Oliver asked about the controversial citizenship question and Richard*

*explained that not only is that question NOT on the census, it is illegal for the bureau to share any personal information from the census forms with any other federal department or agency.*

5. Chair report – Informational report only

*Joe DeVries provided an update on the Privacy Principals which are scheduled to go before the Public Safety Committee on 2/25. Also, Chairperson Hofer hopes to present the PAC Annual Report to the committee on the same evening. The Chair reviewed the calendar/workplan for the year with the PAC and the group looked at the list of outstanding surveillance equipment and reordered the priorities.*

6. Surveillance Equipment Ordinance – OPD – Cell Site Simulator Annual Report (2019) – review and take possible action

*The department did not seek use of the Alameda County Cell Site Simulator in the past year so the report was accepted. There was one public speaker on the item, Michael Katz-Lacabe who noted that in 2007 when there were no Use Policies in place, the department used the equipment dozens of times, and since the ordinance was adopted it has only done so three times. He believes this is an example of how oversight creates a level of restraint in the department that inherently protects people’s civil liberties.*

7. Surveillance Equipment Ordinance – OPD UAS (Drone) Exigent Use Report – review and take possible action.

*Sgt. Daza-Quiroz presented the Report and explained the two circumstances in which the UAVs were used. Chairperson Hofer raised concern that the second incident listed in the report did not meet the exigency standard and therefore was a violation of the ordinance. Member Patterson noted this is a situation where OPD was executing Arrest Warrants and therefore were planning for the event which by default removes an exigency. She noted that this may in fact be a legitimate use of the technology to protect public and Officer safety in the future but until a Use Policy is submitted that identifies these situations as authorized uses, this use violates the ordinance.*

*Member Tomlinson stated she did not have a problem with this use, recognizing the danger involved in the situation. However, Member Gage noted there are no “one-off” allowable uses and therefore the report should reflect the fact that this use was a violation. Chairperson Hofer pointed out that this is a good process to help identify holes/gaps in the current ordinance that could speak to needed amendments in the future but most importantly an overall Use Policy needs to be adopted.*

*Member Gage made a motion to change the executive summary of the report to acknowledge that the January 7<sup>th</sup> use was a violation and to include a memo from the CPO noting the characteristics of the circumstances that were not exigent (even though they were potentially dangerous). The motion passed unanimously.*

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

*Sgt. Daza-Quiroz again presented the Impact Statement and Use Policy for review. Member Patterson noted several areas of each that still require clean-up. The link to the footnote on the statement is broken*

*so that information was not readily available. In Section 4 (page 6) the policy refers to a Chinese vendor that is very problematic and was banned by the Department of the Interior. Many members had questions about the potential uses of the technology, including for monitoring large crowds and/or protected activity. There were also questions about the use of this technology and how it is regulated by the FAA. The item was referred to an Ad Hoc committee and will be brought back in March.*

9. Surveillance Equipment Ordinance – OPD – Mobile ID Impact Report and proposed Use Policy – review and take possible action

*Sgt. Daza-Quiroz was available to answer questions about the policy and Bruce Stoffmacher noted that the new version included an auditing section since the department will be able to audit data. Chairperson Hofer praised the proposed purpose section of the documents as clear and concise in explaining the goal of the technology is to avoid taking people to jail.*

*Members Oliver and Patterson questioned the language around a 100% hit rate noting that no fingerprint technology has a 100% accuracy. Bruce explained that the technology assesses 11 ridgelines which is considered accurate and suggested he could change the language to “verified match.”*

*Member Katz asked if it only identifies people that have formerly been incarcerated in either Alameda and Contra Costa Counties (it does) and member Oliver noted that this is a very limited use for the technology.*

*Chairperson Hofer made some recommended edits including changing the word biometric to fingerprint and the item was approved unanimously to be forwarded to the City Council.*