



Privacy Advisory Commission

May 5, 2022 5:00 PM

Teleconference

Meeting Minutes

Commission Members: **District 1 Representative:** Reem Suleiman, **District 2 Representative:** Chloe Brown, **District 3 Representative:** Brian Hofer, Chair, **District 4 Representative:** Lou Katz, Vice Chair **District 5 Representative:** Omar De La Cruz, **District 6 Representative:** Gina Tomlinson, **District 7 Representative:** Robert Oliver, **Council At-Large Representative:** Henry Gage III **Mayoral Representative:** Jessica Leavitt

1. Call to Order, determination of quorum

All members present.

2. Adopt a Renewal Resolution regarding AB 361 establishing certain findings justifying the ongoing need for virtual meetings

The Resolution was adopted unanimously.

3. Review and approval of the draft April meeting minutes

Chair Hofer introduced the below amendments to the Minutes:

#8 – Existing Language in paragraph 2

Joe DeVries noted for the record that this presentation opposing the measure is being made without staff being able to present on the benefits of the measure as had been requested and denied by the Chair.

New paragraph 2

*Joe DeVries noted for the record that this presentation opposing the measure is being made without staff being able to present on the benefits of the measure as had been **repeatedly** requested and **repeatedly** denied by the Chair. **Upon questioning by the Chair, Mr. DeVries was unable to identify another instance where he had previously requested that a fair and balanced conversation occur, or that an opposing viewpoint be given equal time.***

#10 (bottom of page 7 paragraph 8) Existing Language

For the record, Joe DeVries noted his concern that the Chair ordered the agenda to place an info item before pending items that actually had Use Policies that needed to be reviewed which is the charge of the PAC under the ordinance. Chair Hofer responded that staff was conflicted on the traffic camera issue.

New paragraph 8/page 7

*For the record, Joe DeVries **objected to the Chair's management of the Chair's own agenda, by placing an info item before other pending items that had Use Policies that needed to be reviewed, which is but one function of the PAC. Chair Hofer responded that Mr. DeVries and EDW failed to bring forward the East Oakland camera proposal the previous month as Mr. DeVries previously represented.***

Member Oliver made a motion to change #8. Paragraph 6 to reflect that Officers are far more effective than cameras as to speeding and other traffic concerns.

The amended minutes were approved unanimously.

4. Open Forum/Public Comment

There were 2 public commenters.

5. Federal Task Force Ordinance – OPD – Presentation of Annual Reports (ATF, USMS, DEA, FBI Violent Crimes, FBI Child Exploitation, Secret Service)

After a discussion about including additional information in future reports as to the use of certain technologies, the Annual Reports were adopted unanimously.

6. AB 2336 (Friedman) Speed Safety System Pilot Program – DOT/Chair – evaluation of proposed bill solely as to potential privacy impact

After discussion about the narrow privacy aspects of the legislation, the PAC voted to recommend support of AB2336 with 7 yeses and one abstention (Oliver).

7. Surveillance Equipment Ordinance – OPD – Crime Analysis Software

The Commission voted unanimously to approve the OPD Crime Analyst Software.

8. Surveillance Equipment Ordinance – DVP – Apricot 360 database

The Commission heard from several public speakers, many representing Community-based service providers airing concerns about client privacy. After lengthy discussion with staff about the functionality and privacy protections, the Chair referred the item to an ad hoc committee and agreed to schedule a Special Meeting after the Commission could review the contract for the technology.

9. Surveillance Equipment Ordinance – EDW – East Oakland Security Camera Proposal

Chair Hofer opened and stated an ad hoc would be needed on this item and noted some confusion about the way staff is proposing to use an intermediary and whether the ordinance protections could be applied. Staff gave an overview of the program goals—to support small businesses who don't have the resources they need, but to rely on only one third-party contractor to keep the program more nimble to implement.

There were 7 public speakers airing concerns about public safety in EAST Oakland. The item was then tabled to next month and an ad hoc committee was selected.

10. Surveillance Equipment Ordinance – OPD – Annual Reports (Automated License Plate Readers, Cell-Site Simulator, Biometric Crime Lab, Forensic Logic/Coplink, GPS Tag Tracker, ShotSpotter, Live Stream Camera, Mobile Fingerprint ID, Unmanned Aerial Vehicles/Drones)

This item was tabled to the June meeting.