



Privacy Advisory Commission
July 6, 2023 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
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, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt

1. Call to Order, determination of quorum

In attendance: Commissioner Tomlinson, Commissioner Brown, Commissioner Suleiman, Commissioner/Vice Chair Gage, Chair Hofer, Commissioner Katz, Commissioner Oliver, Commissioner Leavitt

Absent: Commissioner Oliver

2. Open Forum/Public Comment

No public comment.

3. Surveillance Technology Ordinance – DOT – Mobile Parking Payment System
 - a. Review and take possible action on the proposed use policy

This item was withdrawn during the meeting.

4. Surveillance Technology Ordinance – OPD – Annual Reports
 - a. Review and take possible action on the annual reports for ShotSpotter, Forensic Logic/Coplink, Automated License Plate Readers (ALPR)

Chair Hofer wanted to begin with ShotSpotter and Forensic Logic and requested clarification on any changes to the ShotSpotter policy.

Captain Jones stated that the policy needs to be revised to reflect what is occurring regarding data sharing. For example, ShotSpotter data is shared with the District Attorney's Office, and this is currently not outlined in the policy. The policy does need to be modified to indicate that OPD will share information with the court if it's related to ShotSpotter evidence.

There was amended language in the policy indicating that the DA will subpoena the vendor to provide a more detailed report in terms of where the gun fire occurs.

Commissioner Katz requested clarification on the criteria to file incident reports. Captain Jones explained that unfortunately in the City of Oakland we cannot respond to every ShotSpotter report. Officers only file an incident report when the officer responds and only when they find evidence. The demand for police services is overwhelming and every ShotSpotter activation cannot be responded to due to high call volume.

Commissioner Oliver requested information on OPD's response to gunshot incidences. If police officers arrive and if they find vehicles and homes shot up that it is a scenario where officers will complete an incident report. The information obtained from a shooting scene provides the ability to link incidences together based on casings and other evidence to provides a clearer picture of where conflicts are occurring and deploy officers as needed.

Commissioner Oliver requested information on the accuracy of the system to deliver officers to correct location. Captain Jones provided examples of how ShotSpotter provides a benefit to the city and public safety. If an officer is in the area, they can drive straight to the victim and don't have to get dispatched. In contrast, there are areas where the city does not have ShotSpotter and the outcomes are not always as positive as in areas where the system is located.

Captain Jones indicated that if there is an alert, then medical is requested after an officer arrives and the officer will provide first aid until the EMT arrives. EMT, MACRO and other agencies do not have access to ShotSpotter. Captain Jones does not recommend that EMT have access to the system.

Public Comment: Assata Olugbala

Commissioner Tomlinson made a motion to continue use of the ShotSpotter technology, second by Commissioner Suleman. No discussion.

D 1 yes

D 2 yes

D 3 abstain

D 4 abstain

D 6 yes

D 7 abstain

At large yes

Mayor – yes

The item passed.

The PAC moved to discuss the Forensic logic. Chair Hofer explained that the technology is a search tool that allows users to query law enforcement records from several partners during their investigative work. There are many searches as outlined in the report.

Acting Deputy Chief Elzey, Bureau of Investigations presented and indicated that this is one of OPD main investigative tools.

During the discussion, Chair Hofer made a motion to waive the race requirement for ShotSpotter and Forensic Logic. Second by Commissioner Tomlinson. No one opposed or abstained.

Chair Hofer made a recommendation for ongoing use of Forensic Logic. Second by Commissioner Oliver.

D1 yes

D 2 yes

D 3 yes

D 4 yes

D 6 yes

D 7 yes

At large yes

Mayor yes

The item passed.

Public Comment: Assata Olugbala

5. Surveillance Technology Ordinance – OPD – Fixed Wing Aircraft (with surveillance technology)
 - a. Review and take possible action on a proposed use policy

Chair Hofer provided background on this item and summarized that the City Council asked for alternatives to the helicopter for numerous reasons including cost and the impact of the helicopter to the community and the environment.

Lt Febel provided an overview of the fixed wing aircraft. The use of a camera system 3,000 -4500 feet in the area. Fixed wing aircraft can view a robbery in process, the flight observer cannot capture audio. It is required to be activated during the use of a search warrant. The flight operator can see through the camera, but not record, unless activated.

Commissioners Leavitt requested information about data retention connected to the fixed wing aircraft. Lt. Febel indicated that the data retention recommended by OPD is 2 years to mirror other surveillance technology.

The PAC will discuss data retention needs and a proposed contract for this technology during the ad hoc meeting

Public Comment:

Rachel Beck

Assata Olugbala

6. Surveillance Technology Ordinance – OPD – Automated License Plate Readers (ALPR)
 - a. Review and take possible action on a proposed use policy

Update from Chair Hofer, the PAC twice recommended a 2-year moratorium on ALPR due to violations of the policy and a lack of proven efficacy. Ultimately, the council approved a modified policy that was adopted in October of 2022. In the compromised document a lot more reporting was required.

Dr. Beckman provided an update on the audit and explained that there were challenges with contracting and obtaining the necessary hardware to capture the needed data. ALPR was taken offline by OPD during the ransomware attack and will restore following discussions with the PAC and approval by City Council. The PAC previously recommended \$16k for auditing.

The PAC discussed software and the necessity to track data and reporting of ALPR. Chair Hofer emphasized the need to track efficacy data. He referenced how other cities can track the data. OPD is required to report quarterly on ALPR, and it has not occurred. Dr. Beckman reported that the hardware update will allow gathering data, input disposition codes, and tag it appropriately. OPD's new LRMS system includes the capacity to collect ALPR once it's up and running.

Commissioner Oliver made a case to track the data manually. Hofer provided examples of how other systems track data using an excel spread sheet, including date and time of the incident and other narrative data points.

Captain Tedesco explained that the manual process is multilayered. A cloud sharing document is used to track drone usage. Clarification is needed on the policy and ALPR will be turned back on once they are confident in the reporting. ALPR is extremely useful for law enforcement.

Public Comment: Assata Olugbala

The next step is for the set up an ad hoc to meet regarding policy amendments.