



Privacy Advisory Commission

September 2, 2021 5:00 PM

Oakland City Hall

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, District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair* **Mayoral Representative:** *Heather Patterson*

1. Call to Order, determination of quorum

Members Present: Suleiman, Brown, Hofer, Katz, De La Cruz, Tomlinson, Oliver, and Patterson.

2. Open Forum/Public Comment

There were no Open Forum Speakers.

3. Review and approval of the draft June 2, June 9 Special Meeting and August meeting minutes

The June 2nd and June 9th Meeting Minutes were approved unanimously.

4. Surveillance Equipment Ordinance – OPD – Body Worn Camera impact report and proposed use policy – review and take possible action

Assistant Chief Darren Allison provided an overview of the importance of Body Worn Cameras (BWC) in holding officers and the general public accountable for what transpires when officers engage with the public. He noted that Oakland has been a national leader in implementing these systems and that the cameras are critical to Oakland coming into full compliance with the negotiated Settlement Agreement. He also noted that newer technology and funding allows for a better system that will allow for faster activations and other built-in features.

Next, Lt. Joe Turner presented the BWC Impact Statement and Use Policy and went into detail about authorized versus prohibited uses, including outside access by the District Attorney and Public Defender (among others).

The Commission had a couple of key subject areas they wished to explore as noted below:

Activation: Commissions explored the topic of when a camera is activated. Specifically, when do cameras automatically activate versus when they are activated manually. The concern being that officers would fail to annually activate before a use of force incident (for example) and there would be no record to review.

The vendor confirmed that the new camera technology will allow for automatic activation anytime an officer draws their gun or taser using Bluetooth technology that is tripped by a magnetic sensor on the holsters of those devices. The current contract with OPD includes this feature. An additional feature that activates the camera anytime an officer opens the car door is being considered as well but would represent an increased cost.

There were some questions about an officer's ability to turn off the camera once it automatically activated but the vendor explained that in such an instance the data would still be available from 30 seconds prior to and thirty seconds after the activation so a significant incident would be captured. It also would trigger significant disciplinary action against the officer.

Audits and Access to Data: Lt. Turner confirmed there are ongoing audits of the system and its use that OPD maintains and that the vendor (Axon) does not have access to the content of the cameras.

Consent to Record: Commissioners asked about when an officer must seek consent to record, such as interviewing a witness and conducting a search.

Deleting data: It was clarified that video cannot be manually deleted from a camera by the officer.

Approval Process: It was noted that the Police Commission, the federal Monitor, and the City Council will need to approve the final policy and the PAC recommendations are only advisory. Also, there will be conversations with the Oakland Police Officers Association about the impact of the policy on officers.

Chairperson Hofer made a motion recommending approval of the BWC Use policy with the following conditions:

- That the City Council allocate funding for, and the contract include the instant activation features and that OPD use them.
- That the buffering be lengthened from the current 30 seconds to 2 minutes and includes audio as well as the currently included video.
- Add a requirement that officers record when they request consent to search and require verbal consent to use BWC when officers take a statement from members of the public
- Clarify in the "Training Section" of the Use Policy that training, "for those who are assigned a BWC, and training regarding the process for uploading and downloading BWC data," will be for the BWC Use Policy in particular.

The motion was seconded by Member Oliver and passed unanimously.

The meeting adjourned at 6:26.