



Privacy Advisory Commission
October 5, 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

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

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

Absent: Commissioners Tomlinson and Leavitt

2. Review and approval of the draft June 8, July 6 meeting minutes

Draft Meeting Minutes for June 8.

motion to approve by Chair Hofer, seconded by Henry Gage III.

Approved unanimously.

Draft Meeting Minutes for July 6.

Chair Hofer reminded staff that Dela Cruz resigned from the Commission and to remove him from the meeting roster for both June and July. On July 6 add Commissioner Oliver as present not absent.

Chair Hofer moved to accept, second by Commissioner Gage

Approved unanimously.

3. Open Forum/Public Comment

No public comment.

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

Chair Hofer recused himself due to the proposed settlement agreement and left the meeting. Vice Chair Gage took over running the meeting.

Lt. Omar Daza-Quiroz made a presentation on ALPR, Department General Order I12. A couple of items that were agreed to were the retention schedule of ALPR from 6 months to 30 days. The other discussion included creating an auditing tool and look at how other nearby agencies managed this process. OPD explored the surrounding agencies usage of the Flock Camera system, including BART, San Leandro and Alameda. The ease of their auditing system creates transparency and accountability. There is a transparency report through Flock where the community can look at the number of cameras, the number of searches by officers and what was the reason. The policy also addresses making sure that data is only shared in the State of California. These were the primary areas covered. OPD chose Flock because they have a proven track record of working with other agencies.

Public Comment:

Jim Donet, Representing the Lakeshore Homes Association

He attended a public safety meeting on Lakeshore and following a discussion with Deputy Chief Beere he began researching Flock cameras and indicated that his HOA has purchased Flock cameras and will provide access to OPD.

Vice Chair Gage provided an overview and indicated that the draft policy which resulted from an ad-hoc with the Vice Chair and Commissioner Leavitt. They met with members of OPD to discuss the amendments proposed by the department.

Commissioner Katz raised a question about Flocks statewide and nationwide networks. He also commented on Flock services audio detection and requested clarification. Josh Thomas from Flock Safety responded. He indicated that the audio network is a separate product line that is not a part of this ALPR policy. Flock does have customers in 4,000 cities across the country, however, in this policy access could only be allowed in the State of California.

Mr. Joe DeVries clarified under SB34 state law, the city cannot share data or allow federal agencies or other agencies to query our system. This is also stated in the use policy.

Commissioner Brown raised a question about any remaining concerns or were they all addressed by the ad hoc. VC Gage explained that when handing over a new investigative tool to law enforcement there will always be concerns about how it is used. He further explained that the PAC's role is advisory, we look at a policy, craft language to meet the base needs and give law enforcement an opportunity to prove that it

works. An annual report is required in a year and the auditing capabilities will provide a better sense of efficacy. Privacy concerns are ongoing, but license plates are publicly viewable and prominently displayed so the privacy issues are a bit more limited.

Commissioner Brown requested a map or list of cameras.

Vice Chair Gage made a motion that the PAC approve the DGO as presented and forward to Council with a recommendation for adoption. Seconded by Commissioner Suleiman.

Roll call:

Commissioner Suleiman, yes

Commissioner Brown, yes

Commissioner Katz, abstain

Commissioner Oliver, yes

Commissioner Gage, yes

The motion carries.

The meeting was adjourned.