



Privacy Advisory Commission

October 1, 2020 5:00 PM

Online Zoom Meeting

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:** *Vacant*

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, Brown, Hofer, Katz, De La Cruz, Tomlinson, and Oliver.

2. Open Forum/Public Comment

Asada Olugbala spoke about the proposal to end the City's involvement with the Joint Terrorism Task Force that the PAC is supporting which is coming before the City Council soon. She expressed concern that this could impact the City and Federal Government's efforts to combat domestic terrorism by right-wing white supremacist groups that target communities of color.

3. Review and approval of the draft September meeting minutes

The September minutes were passed unanimously.

4. Surveillance Equipment Ordinance – OPD – Exigent Circumstances Use Report (UAV) – review and take possible action.

Lt. Daza-Quiroz presented the UAV Use Report from two instances in which OPD was provided UAV support from the Alameda County Sherriff. In both instances the UAV was used to photograph crime scenes (and aid in collecting evidence) and in one instance it was used to locate a missing K9 (dog) that went missing during the operation. The Lieutenant read to the PAC an email he sent department-wide

after these uses that directed all staff to contact him prior to any future use of a UAV to ensure the planned use is allowable.

Member Suleiman noted her concern about department staff needing training on all Use Policies based on this instance which clearly was not exigent. She also spoke about her concern that the evidence was collected by the Alameda County Sherriff and therefore outside OPD's control. Chair Hofer stated that the collection of evidence does not qualify as exigent.

There was one Public Speaker: Asada Olugbala also aired concern that the evidence collected is outside the City's control and that the AC Sherriff retains that data for up to three years. She asked how this can be prevented in the future.

Chair Hofer moved that the PAC accept the report but to include the email the Lieutenant sent to staff and a letter from the Co-Chairs about the need for training staff on existing policies.

DC Holmgren noted that the use of the drone to track down the K9 was actually exigent and Chairperson agreed and modified the motion to note that difference. The motion passed unanimously.

5. Surveillance Equipment Ordinance – OPD – Live Stream Use Reports (2) – review and take possible action.

Captain Wingate delivered the reports to the PAC and the reports included information about why the department felt it was necessary to deploy the cameras during large scale gatherings following the George Floyd killing and subsequent protest and civil unrest. The reports contained a greater amount of detail than prior reports which members appreciated.

Member Suleiman asked about adding more information about outcomes—explaining after-the-fact how the equipment was helpful. Captain Wingate agreed to incorporate that type of detail into subsequent reports. Chairperson Hofer asked if it would be easier for OPD to provide immediate notification when the equipment is deployed as opposed to a report afterwards and Captain Wingate confirmed that would be an easier process. Joe DeVries noted the EOC is updating its procedures and perhaps that notification can be built into that process. Captain Wingate also offered a tour of the EOC for PAC members.

There was one public speaker: Asada Olugbala raised concerns about what other jurisdictions do when they come into Oakland to provide Mutual Aid. She worries that they do not follow the same procedures that OPD is held to.

A motion was made to accept the reports and it passed unanimously.

6. Surveillance Equipment Ordinance – OPD – Crime Lab Biometric Technology Impact Report and proposed Use Policy -review and take possible action.

Dr. Sandra Sachs presented the Use Policy on behalf of the department and was supported by staff member Laura Silva. The PAC had several questions that mostly focused on data storage and security. Member Tomlinson asked what vehicle is used to transfer data and Laura Silva explained that a CD is

burned and then handed off with a close tracking of the chain of custody. For electronic transfers it is done through the CODIS server which is walled off from other networks/internet in the building.

Member Suleiman asked about “documented consent” in the Use policy and Laura explained that all evidence must be lawfully collected and there are different levels of consent that must be adhered to. Member Katz asked if we know who can access our data in CODIS and Laura confirmed there is a careful audit trail. The lab staff noted they chose not to use a cloud system to backup data to maintain security and all CD back-up copies are kept under lock and key.

Chairperson Hofer asked Dr. Sachs about any backlog of evidence kits and she reported that there currently is no backlog and expressed pride in her team for their diligence in addressing the one that had existed.

There was one public speaker: Asada Olugbala noted that the City Council directed staff to bring a policy forward by September 2020 to the PAC and Chairperson Hofer stated he felt the department had abided by that direction.

Chairperson Hofer made motion to approve the redlined policy as presented and it was adopted unanimously.

- 7. Surveillance Equipment Ordinance Amendments – Hofer/Gage/De La Cruz – review and take possible action.*

There was some discussion on Annual Reporting requirements, prioritizing policies, and consensus was reached on when a department needs to return to Council. After some conversation, a motion was made to approve the modified ordinance and it passed unanimously.