



Privacy Advisory Commission
March 4, 2021 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Meeting Agenda

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*

Pursuant to the Governor's Executive Order N-29020, all members of the Privacy Advisory Commission as well as City staff will join the meeting via phone/video conference and no teleconference locations are required.

TO OBSERVE:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85817209915>

Or iPhone one-tap:

US: +16699009128, 85817209915# or +13462487799, 85817209915#

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 858 1720 9915

International numbers available: <https://us02web.zoom.us/j/85817209915>

TO COMMENT:

1) To comment by Zoom video conference, you will be prompted to use the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

2) To comment by phone, you will be prompted to "Raise Your Hand" by pressing "* 9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

ADDITIONAL INSTRUCTIONS:

1) Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193%20-%20Joining-a-Meeting#>

2) Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663%20Joining-a-meeting-by-phone>

3) Instructions on how to “Raise Your Hand” is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-In-a-webinar>

1. Call to Order, determination of quorum
2. Open Forum/Public Comment
3. Review and approval of the draft February meeting minutes
4. Surveillance Equipment Ordinance - DOT – Chinatown Camera Grant impact report and proposed use policy – review and take possible action.
5. OPD – presentation of Annual Reports – review and take possible action:
 - a. Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force
 - b. United States Marshalls Service Task Force
 - c. Drug Enforcement Agency Task Force



Privacy Advisory Commission

February 4, 2021 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, 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, Hofer, Katz, De La Cruz, Tomlinson, Oliver, Gage.

2. Open Forum/Public Comment

There were no Open Forum Speakers.

3. Review and approval of the draft January meeting minutes

After voting to modify a portion of Item #7 to more accurately reflect the conversation regarding the use of ALPR to maintain internal versus external hot lists, the minutes were approved unanimously.

4. Surveillance Equipment Ordinance - OPD – Automated License Plate Reader impact report and proposed use policy – review and take possible action.

Chairperson Hofer opened the conversation with a few clarifying questions for OPD about auditing and annual reports based on the current OPD Use Policy for ALPR. After that, he introduced a motion with several findings (attached) in which he recommended that the PAC vote to recommend to the City Council that OPD be prohibited from using ALPR technology for two years.

His recommendation was based on issues of compliance and efficacy:

Regarding compliance, the current Use Policy from 2015 required OPD to present annual reports to the City Council Public Safety Committee, perform regular audits, and document third-party data requests and

sharing. No reports had been provided to date and OPD acknowledged that the current technology needs updating in order to be able to conduct audits so currently none are being done. Also, OPD indicated that third party data sharing would be reviewed but did not provide any data.

Regarding efficacy, the data OPD provided to date shows only anecdotal evidence that the system is useful and more work needs to be done to demonstrate its usefulness. His motion cited research showing the technology is used in a manner that has disparate impacts.

Several Commissioners expressed frustration with the lack of information about the system and noted that OPD must provide data demonstrating a technologies impact if they wish to continue to use a technology.

There were two public speakers on this item: Nathan Sheridan with the Electronic Frontier Foundation and Sameena Usman with the Council on American Islamic Relations. Both speakers urged the PAC to support banning the use of ALPR due to the very low "hit rate" in which the technology actually finds vehicles on hot lists, noting the rates are very low. Both stating the harms outweigh the benefits of using the technology.

The motion was adopted unanimously by the PAC. Staff advised that it needed to bring this recommendation forward to the Public Safety Committee and based on the timing of when reports are due, this would likely take place in April.

The meeting adjourned at 6:25.

Based on OPD's proposal, and my own independent research on this matter, I find that:

1. **ALPR may be useful and appropriate, when scanning plates against hot lists of suspected wrongdoing or at-risk persons.**
2. **OPD's proposed use policy goes far beyond such use, by collecting and retaining data on all vehicles scanned, as indiscriminate mass surveillance. OPD has acknowledged that they are unaware of any legal authority that allows such action to occur. We concur that there is no legal authority authorizing law enforcement to indiscriminately collect sensitive data on individuals not suspected of wrongdoing.**
3. **OPD has failed under our ordinance requirements to provide evidence that ALPR use should be approved pursuant to its existing policy. A few unverifiable anecdotal reports compared against millions of plate scans is inadequate¹, especially in conjunction with the failure for five consecutive years to provide annual reports, maintain a record of third party data requests, and maintain a record of internal access required by SB 34.**
4. **OPD has failed under our ordinance to specifically justify its proposed 1-year retention period. Our ordinance requires the reasons why such retention period is justified. In fact, OPD's revised February 2021 impact statement directly contradicts the need for a one-year retention period, stating that "a recent analysis of ALPR queries shows that most revealed data that was less than one month old (13 cases), and the number of cases using older data diminishes."**
5. **OPD has also failed to answer seemingly basic questions about the technical capabilities of its use, such as manually adding a plate to a hot list, or even how many hot lists there are despite repeated written requests for such information.**
6. **OPD has been subject to federal Court oversight for eighteen years due to racial profiling and has failed to comply with its own negotiated settlement agreement for that same period of time, costing the taxpayers of Oakland millions of dollars and creating a lack of trust in our police department.**
7. **Independent expert analysis by the Electronic Frontier Foundation in 2015 has demonstrated that OPD's use of ALPR, even after controlling for property crime, disproportionately impacts certain communities².**
8. **OPD has failed to follow critical provisions of SB 34 since it was enacted January 1, 2016, a state law specifically addressing the use of ALPR.**
9. **OPD has violated its own policy enacted in 2016, by refusing to provide or retain the following:**
 - a. **Annual Reports for 2016, 2017, 2018, 2019, 2020**
 - b. **Audits for 2016, 2017, 2018, 2019, 2020**

¹ <https://arstechnica.com/tech-policy/2015/03/we-know-where-youve-been-ars-acquires-4-6m-license-plate-scans-from-the-cops/>

² <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data>

- c. Maintaining a “record of access” as referenced in the policy, and as required by SB 34 for 2016, 2017, 2018, 2019, 2020
 - d. Maintaining a record of third-party access requests for 2016, 2017, 2018, 2019, 2020
10. OPD has violated formal public record requests into SB 34 compliance. The footnoted request was submitted March 18, 2019 and OPD has provided no response to date³. The resulting litigation will thereby cause a further negative impact to the taxpayers of Oakland.
 11. OPD has violated a formal public record request into the alleged “147 emails” that OPD referenced in its April 2019 written Impact Report (and verbally at the April PAC meeting) that supposedly justified its data retention practices and the need for historical search. There is no evidence that these emails ever existed. The footnoted request was submitted April 16, 2019, and OPD has provided no response to date⁴. The resulting litigation will thereby cause a further negative impact to the taxpayers of Oakland.
 12. Expert witnesses advise that only four geo-spatial (time, location) data points are needed to identify over 95% of people, demonstrating that there is a measurable and significant privacy invasiveness to use of this equipment⁵.
 13. In 2018, the US Supreme Court ruled in *Carpenter v US* that the government’s warrantless acquisition of Mr. Carpenter’s cell-site records violated his Fourth Amendment right against unreasonable searches and seizures⁶. The question that was before the Supreme Court is the same one that is here - how do we apply the Fourth Amendment to a new phenomenon: the ability to chronicle a person’s past movements through the recording of his travel patterns? As stated so eloquently by Chief Justice Roberts – “*A person does not surrender all Fourth Amendment protection by venturing into the public sphere. To the contrary, what one seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected (quoting Katz). For that reason, society’s expectation has been that law enforcement agents and others would not secretly monitor and catalogue every single movement of an individual’s car for a very long period (quoting Jones).*” The CA Vehicle Code requires that license plates be visible and requires that driver ID be presented upon demand. Driver’s do not voluntarily reveal such information.
 14. Demonstrating a lack of mindfulness, OPD misstates the law by claiming in its proposed use policy that all scans are “investigatory records” and

³ <https://oaklandca.nextrequest.com/requests/19-1382>

⁴ <https://oaklandca.nextrequest.com/requests/19-1897>

⁵ <https://www.nature.com/articles/srep01376>

⁶ https://www.supremecourt.gov/opinions/17pdf/16-402_h315.pdf

thereby not subject to public disclosure, contradicted by a 2017 CA Supreme Court ruling⁷.

15. OPD knowingly misrepresented verbally and in writing (in the proposed Use Policy) to the PAC at its January and February 2021 meetings that audits would be performed per its policy, even though OPD knew at the time it made such representations that its system was incapable of performing such audits, and indeed confirmed at the January 2021 meeting that performing the audits was impossible.
16. Demonstrating its lack of regard for the annual reporting obligation, and despite having six years of informal notice, and three years of formal notice of the legal obligation, OPD now states in its impact report that it will begin a “multi-year review process” to track use of this technology.
17. OPD knowingly misrepresented in writing (in the proposed Use Policy) to the PAC at its January and February 2021 meetings that it would comply with SB34, which includes among other things an obligation to “maintain a record of access” as discussed above, even though OPD knew at the time it made such a representation that it would not maintain such a record, and that it never has maintained such a record since the law took effect January 2016.
18. The potential and actual negative impact from use of such technology according to the OPD use policy outweigh the speculative and unverified benefits from use of such technology. OPD has failed to meet the standard imposed by our ordinance that the benefits outweigh the costs to civil liberties and the taxpayer.

Motion by Hofer

Based on the above findings, my motion and recommendation to the City Council is that due to a) the years-long refusal of OPD to comply with its own policy, b) the years-long refusal of OPD to comply with state law pertaining to use of such technology, c) the years-long refusal of OPD to honor public record requests into such use, d) the lack of demonstrated efficacy from use of such technology, and e) the negative impact to our privacy interests and civil liberties from the collection of highly revealing location and association data without a necessary criminal predicate justifying such collection, that OPD’s use of automated license plate readers immediately terminate, that the Chief of Police shall certify in writing to the City Council and the PAC that such use has terminated within thirty (30) days, and that for a period of two years OPD may not seek City Council approval for ALPR use. The above findings #1-18 are to be incorporated into the PAC’s recommendation to the Council.

⁷ <https://www.eff.org/document/aclu-v-la-superior-court-ca-supreme-court-opinion>

City of Oakland/Oakland Chinatown Chamber of Commerce

Surveillance Camera Grant Program

Impact Statement

- A. Description:** City grant funds (\$75,000) will be provided by the Department of Transportation (DOT) to the Oakland Chinatown Chamber of Commerce (OCCC) to purchase and install security cameras on private property at several locations in Chinatown. The data from the cameras will be transmitted to the OCCC offices and only made available to OPD for the purposes of investigating reported crimes. Signs will be placed in the locations where cameras are installed advising people that the area is under video surveillance.
- B. Purpose:** The cameras and the warning signs are designed to deter crime by establishing that the area is monitored. Additionally, if a crime were to occur, the footage could aid in criminal investigations.
- C. Location:** The cameras will be on several buildings in the Chinatown Area with general borders of Broadway to Fallon Street, and 6th Street to 12th Street.
- D. Impact:** Using surveillance cameras in public places, while common, can have an impact on people's civil liberties, especially when those cameras are owned or controlled by governmental bodies where public access to records is a standard. Members of the public could file a Public Records Request to access footage. The footage cameras collect could be used to determine a person's shopping patterns, religious affiliation (if they are surveilled entering a place of worship), or a person's daily schedule. Also, knowledge of cameras in one area may deter crime in that location but push it to another nearby location without cameras.
- E. Mitigations:** To avoid the collection of large amounts of surveillance footage by the City, these cameras will be purchased, owned, and monitored by the OCCC and therefore the data that they collect is not considered public record. Storage of bulk video footage will be limited to 30 days, at which point it will be deleted except for any portions that have been collected in support of an investigation and or as evidence of a possible crime. The City (OPD) will only be provided access upon request for the purpose of investigating crimes. This allows the cameras to serve as a deterrent, reduces bulk collection of video to a practical minimum, and protects the data collected in cases of criminal wrongdoing.
- F. Data Types and Sources:** The cameras will be transmitting video and audio footage via the internet to the OCCC offices in Chinatown.
- G. Data Security:** The data will be accessed only by OCCC Staff. No data will be stored with the City other than data requested by OPD in the investigation of a crime.
- H. Fiscal Cost:** This is a one-time grant of \$75,000 to the OCCC. The City will not absorb any ongoing maintenance costs.
- I. Third Party Dependence:** OCCC is a third party and they will contract with a local vendor to install the cameras.

- J. Alternatives:** An alternative to placing surveillance cameras is to have human surveillance in those same areas. This would be a costly endeavor and would not have the benefit of verifiable proof of a crime occurring after-the-fact. Eye witness testimony is known to be very inaccurate.
- K. Track Record:** Surveillance cameras have a mixed track record of making people feel safer and actually lowering crime. It is difficult to measure the level of deterrence or displacement of crime in any given area.

For questions about this Use Policy, please contact Wlad Wlassowsky in the City of Oakland Department of Transportation at wwlassowsky@oaklandca.gov

City of Oakland/Oakland Chinatown Chamber of Commerce

Surveillance Camera Grant Program

Use Policy

- A. Purpose:** City grant funds (\$75,000) will be awarded to the Oakland Chinatown Chamber of Commerce (OCCC) to install security cameras on private property at various locations in Chinatown to deter crime and aid in criminal investigations.
- B. Authorized Use:** The OCCC will be the sole owner of the equipment and the data it collects. The OCCC will make video footage available to the Oakland Police Department (OPD) only upon their request, and only in connection with a crime that has been committed. Other uses are strictly prohibited.
- C. Data Collection:** Video footage from the cameras will be recorded and stored for a period not to exceed 30 days.
- D. Data Access:** Video data will be stored and accessed by the OCCC, and will be made available to OPD only upon their request, and only in connection with a crime that has been committed.
- E. Data Protection:** The data will be accessed only by OCCC Staff. No data will be stored with the City other than data requested by OPD in the investigation of a crime.
- F. Data Retention:** Video data will be stored for a period not to exceed 30 days, unless it is accessed and made available to OPD in connection to a crime, in which case a copy may be made in connection with investigation and/or prosecution and subject to OPD's data and evidence retention policies.
- G. Public Access:** General public access of the video data will not be permitted. Because the City will not retain any ownership of the cameras or the data they collect, the information is not subject to the CA Public Records Act and therefore not available to the public.
- H. Third Party Data Sharing:** No third-party video data shall be made.
- I. Training:** Since the City is solely providing grant funding for the purchase of the cameras, no City Staff training is required.
- J. Auditing and Oversight:** Although the City will not own or operate the cameras or manage the data that they collect OCCC will be required to submit annual reports that include number of requests made by OPD for video footage, the number of other requests (that were denied), and any unauthorized uses and what remedy the Chamber used to address them.
- K. Maintenance:** The City will not own or operate the cameras therefore no maintenance will be funded by the City.

For questions about this Use Policy, please contact Wlad Wlassowsky in the City of Oakland Department of Transportation at wwlassowsky@oaklandca.gov



OAKLAND POLICE DEPARTMENT

Alcohol Tobacco and Firearms (ATF)

2020 Annual Report

OPD ATF Taskforce

The OPD ATF Taskforce supports investigations related to firearms violations. These violations are also connected to illegal narcotics sales, social media threats to the residents of Oakland, organized crime related to the City Oakland and cases of Arson. The Taskforce also provides OPD with access to the San Francisco Crime Gun Intelligence Center (CGIC). The CGIC utilizes the National Integrated Ballistic Information Network (NIBIN), which provides crucial intelligence about firearms related crimes committed in Oakland and the San Francisco Bay Area. The ATF Special Agents compile NIBIN leads which have been linked to hundreds of violent crimes in our community. ATF Special Agents and OPD Taskforce Officer/s frequently respond to assist law enforcement agencies and the Oakland Police Department to conduct investigations of individuals or groups who victimize Oakland residents.

Staffing

- 1. Number of full and part time OPD officers assigned to ATF Task Force:** Two full-time officers.
- 2. Number of hours worked as ATF Task Force Officer:** Regular 40 hours per week. However, the current task force officer is often assigned to other OPD operations based on OPD needs and priorities and whether or not there are active investigations.
- 3. Funding source for ATF Task Force Officer salary:** OPD Budget.

Other Resources Provided

- 1. Communication equipment:** OPD handheld radio, cellular phone.
- 2. Surveillance equipment:** None.
- 3. Clerical/administrative staff hours:** None.
- 4. Funding sources for all the above:** OPD Budget.

Cases

- 1. Number of cases ATF Task Force Officer was assigned to:** Fifteen – a breakdown of these cases provided below:

- a. There are multiple defendants in this case. The initial case began with the ATF adopting the case from OPD. The individuals in this case are part of a violent Oakland Gang. The individuals were arrested on various firearms charges. Several of the individuals are currently being investigated for several high-profile homicides. The firearm cases are being used to gather further information in recent shootings and homicides. This case is ongoing.
- b. ATF officers were purchasing firearms and narcotics from an individual. ATF officers were advised that this individual was selling firearms through social media. ATF officers contacted the individual and began to purchase firearms.
- c. Officers were advised of an individual who shot a child. OPD/ATF officers conducted a search warrant at a residence believed to be the suspect involved in the shooting. Multiple firearms were recovered and the individual is currently going through court for his pending charges.
- d. Officers adopted a case from OPD. Suspect was arrested for several firearms related charges. The suspect is part of a gang with several ties Oakland. The suspect was arrested on the pending gun charges.
- e. Officers were given several targets that were related to shootings and homicides in Oakland. Officers were directed to an individual and were able to purchase narcotics from the individual. Officers were then able to purchase firearms from the defendant. The individual was arrested for the charges and OPD Homicide was advised of the individual's status due to related homicide investigations.
- f. ATF agents were advised of a gang member who was purchasing firearms in another state and transporting them into Oakland. ATF officers purchased narcotics from the individual in hopes of purchasing firearms from the individual. Case is pending.
- g. ATF officers purchased weapons and narcotics from several gang members in the Bay Area. There are 5 open cases stemming from this investigation.
- h. OPD/ATF adopted a case of a violent Oakland gang member. The suspect was indicted federally on federal gun charges. The suspect plead guilty to federal weapons charges and sentenced to federal prison.
- i. OPD suspect of shooting was arrested by OPD/ATF agents with several firearms. NIBIN was conducted to determine association to the shooting. The suspect is currently pending federal charges.
- j. OPD/ATF agents adopted cases to 6 known member of a violent Oakland gang. Each individual is pending federal weapons charges.
- k. OPD/ATF agent's area currently involved in several other cases with known Oakland Gang members. ATF/OPD task force is currently investigating these individuals to determine if Federal charges can be filed.

2. Number of "duty to warn" cases: N/A

3. General types of cases: Firearms and narcotics investigations.

4. **Number of times the FBI asked OPD to perform/OPD declined to perform:** None.
 - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

Operations

1. **Number of times use of undercover officers were approved:** Five
2. **Number of instances where OPD Task Force officer managed informants:** None.
3. **Number of cases involving informants that ATF Task Force Officer worked on:** All cases except adopted cases.
4. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None.
 - a. **Number of such requests that were denied:** N/A
 - b. **Reason for denial:** N/A
5. **Whether ATF Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No.

Training and Compliance

1. **Description of training given to ATF Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the ATF Task Force follows all OPD policies and has received several trainings, including but not limited to: continual professional training, Procedural Justice Training and annual firearms training. The officer has also reviewed all provisions of the ATF Task Force MOU.
2. **Date of last training update, and last training audit:** June 2020
3. **Frequency with which ATF Task Force Officer briefs OPD supervisor on cases:** Weekly

Actual and Potential Violations of Local/State Law

1. **Number of actual violations:** Release of any of this information would violate California law (832.7), as there are two OPD officers currently assigned to this task force.
2. **Number of potential violations:** Same answer as above.
3. **Actions taken to address actual or potential violations:** The officer follows OPD policies. OPD leadership consults with the Office of the City Attorney to ensure that all policies conform to State and Federal laws.
4. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney and the Privacy

Advisory Commission to ensure that personnel continue to follow federal, state, and local laws and policies.

Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

Command Structure for OPD Task Force Officer

1. **Reports to whom at ATF?** Supervisory Agent in Charge (ARAC) Richard Timbang
2. **Reports to whom at OPD?** Sergeant Mike Valle and Lieutenant Steven C Nowak



OAKLAND POLICE DEPARTMENT United States Marshals Service (USMS) 2020 Annual Report

OPD USMS Taskforce

The USMS is responsible for enforcing federal court orders and serves as the administrative custodian of all federal warrants until they are executed or dismissed. The USMS also manages warrant information, investigates fugitive matters and executes arrest warrants.

The U.S. Marshals have a long history of providing assistance and expertise to other law enforcement agencies in support of fugitive investigations. The USMS Task Forces does not conduct an independent investigation of possible criminal activity. The USMS only seeks to apprehend individuals with active arrest warrants issued for them related to crimes which have targeted local residents. These crimes include; murder, rape, child molestation, robberies, felony assaults and large scale fraud operations. USMS TFs work by leveraging local police intel as well as other data sources (e.g. database searches, open source social media inquiries, and interviews of associates/ and family members).

Staffing

- 1. Number of full and part time OPD officers assigned to USMS Task Force:** One full-time officer.
- 2. Number of hours worked as USMS Task Force Officer:** Regular 40 hours per week. However, the OPD officer sometimes is asked to assist with OPD operations. The work assignment of this officer is based on OPD needs and priorities and whether there are active investigations.
- 3. Funding source for USMS Task Force Officer salary:** OPD Budget.

Other Resources Provided

- 1. Communication equipment:** OPD handheld radio, cellular phone.
- 2. Surveillance equipment:** None.
- 3. Clerical/administrative staff hours:** None.
- 4. Funding sources for all the above:** OPD Budget.

Cases

1. **Number of cases USMS Task Force Officer was assigned to:** 63 – a breakdown of fugitive apprehensions is provided below.

Originating Crime Type Leading To Warrant	Amount
Homicide	31
Robbery	7
Assault	4
Weapons Charges	9
Burglary	3
Rape	2
Aiding Escapee	2
Molesting a Minor	1
Kidnapping	1
Other (e.g. Hit and Run, PAL*, Probation)	3

PAL=parolee at large

2. **Number of “duty to warn” cases:** None
3. **General types of cases:** Local, state, and federal criminal arrest warrants.
4. **Number of times USMS asked OPD to perform/OPD declined to perform:** None
 - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

Operations

1. **Number of times use of undercover officers were approved:** None.
2. **Number of instances where OPD Task Force officer managed informants:** None.
3. **Number of cases involving informants that USMS Task Force Officer worked on:** None.
4. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None.
 - a. **Number of such requests that were denied:** N/A
 - b. **Reason for denial:** N/A
5. **Whether USMS Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No.

Training and Compliance

1. **Description of training given to USMS Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the USMS Fugitive Task Force follows all OPD policies and procedures, and has

received several police trainings, including, but not limited to: continued professional training, procedural justice training, and annual firearms training.

2. **Date of last training update, and last training audit:** August 2020.
3. **Frequency with which USMS Task Force Officer briefs OPD supervisor on cases:** Weekly.

Actual and Potential Violations of Local/State Law

1. **Number of actual violations:** OPD will provide information on violations that are subject to release under California's Public Records Act (the "PRA"), Government Code section 6254. Release of any of violations not covered by the PRA, however, would violate California law (832.7), as there is only one officer assigned to this task force.
2. **Number of potential violations:** Same answer as above.
3. **Actions taken to address actual or potential violations:** The Task Force Officer follows OPD policies. OPD leadership consults with the Office of the City Attorney to ensure that all policies conform with State and Federal laws.
4. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney and the Privacy Advisory Commission to ensure that personnel continue to follow federal, state, and local laws and policies.

Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

Command Structure for OPD Task Force Officer

1. **Reports to whom at USMS?** U.S. Marshal Assistant Chief Inspector Ivan Peric.
2. **Reports to whom at OPD?** Sergeant Michael Valle and Lieutenant Steven Nowak.



OAKLAND POLICE DEPARTMENT

Drug Enforcement Agency (DEA) Task Force

2020 Annual Report

OPD DEA Taskforce

The DEA State and Local Task Force combines federal leverage and the specialists available to the DEA with state and local officers' investigative talents and detailed knowledge of their jurisdiction to lead drug law enforcement investigations. The DEA shares resources with state and local officers, thereby increasing the investigative possibilities available to all. Participation in DEA Task Forces also allows the DEA to pay for the overtime and investigative expenses of participating police agencies.

Staffing

1. **Number of full and part time Oakland Police Department (OPD officers assigned to DEA Task Force:** One full-time officer
2. **Number of hours worked as DEA Task Force Officer:** Regular 40 hours per week.
3. **Funding source for DEA Task Force Officer salary:** OPD Budget

Other Resources Provided

1. **Communication equipment:** OPD handheld radio, cellular phone
2. **Surveillance equipment:** None.
3. **Clerical/administrative staff hours:** None
4. **Funding sources for all the above:** OPD Budget

Cases

1. **Number of cases DEA Task Force Officer was assigned to:** 19 – case detail breakdown:

The goal of the Taskforce is to conduct targeted investigations into specific drug trafficking organizations (DTO) and the individuals within the DTOs who are engaged in high level narcotics distribution and trafficking. By conducting these longer federal investigations, the Taskforce is able to ensure entire DTO's are dismantled. Confronting and weakening DTOs closes off specific avenues in which drugs flow into the community. The Taskforce focuses primarily on heroin, methamphetamine, fentanyl, and cocaine trafficking; the Taskforce does not conduct any marijuana investigations.

Below is a summary of the cases worked on in 2020:

- An investigation targeting cartel members who were transporting methamphetamine from Southern California to Oakland, CA. Multiple suspects were arrested within this investigation.
- A multi-state poly Drug Trafficking Organization (DTO) operating out of Oakland. Multiple suspects were arrested and charged.
- Multi-state cocaine traffickers, who would travel to the bay area and purchase large quantities of cocaine. Multiple suspects were arrested and charged in this case.
- An investigation targeting street level narcotics dealers, operating in Oakland. This investigation is ongoing.
- A methamphetamine dealer operating within the bay area. The suspects was arrested charged during this investigation.
- A methamphetamine and fentanyl dealer operating within the Bay Area. This investigation is ongoing.
- A fentanyl dealer operating between San Francisco and Oakland, who sold large amounts of pure fentanyl. This investigation is ongoing.
- A street level buy bust operation targeting a heroin dealer operating within the city of Oakland. Multiple suspect was arrested on state charges.
- A poly Drug Trafficking Organization (DTO) involved with violent gang activities within the bay area. Numerous suspects were arrested and charged federally.
- An investigation targeting violent gang members engaged in street level narcotics. This investigation is ongoing.
- A methamphetamine and cocaine trafficker operating throughout the bay area. Multiple suspects were arrested and charged federally.
- A large fentanyl and methamphetamine Drug Trafficking Organization (DTO) operating within Oakland and San Francisco. Numerous suspects were arrested and charged federally.
- A poly Drug Trafficking Organization (DTO) operating within Oakland and San Jose. Multiple suspects were arrested and charged federally.
- A poly Drug Trafficking Organization (DTO) operating within the bay area and San Joaquin County. This investigation is ongoing.
- An investigation targeting violent gang members, selling street level narcotics, operating within the bay area. Multiple suspects were arrested during this investigation.
- An investigation targeting gang members distributing large quantities of methamphetamine, and heroin. Multiple suspects were arrested and charged federally.
- An investigation targeting a street level narcotics dealer who was armed with a firearm, operating in Oakland. The suspects was arrested and charged.
- An investigation targeting a fentanyl dealer operating in Oakland. This investigation is ongoing.

- An investigation targeting a multi-state poly Drug Trafficking Organization (DTO), operating primarily out of Oakland. Numerous suspects were arrested and charged federally.
2. **Number of “duty to warn” cases:** None
 3. **General types of cases:** Narcotics investigations and money laundering investigations
 4. **Number of times the DEA asked OPD to perform/OPD declined to perform:** None
 - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

Operations

1. **Number of times use of undercover officers were approved:** None
2. **Number of instances where OPD Task Force officer managed informants:** None
3. **Number of cases involving informants that DEA Task Force Officer worked on:** All
4. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None
 - a. **Number of such requests that were denied:** N/A
 - b. **Reason for denial:** N/A
5. **Whether DEA Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No

Training and Compliance

1. **Description of training given to DEA Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the DEA Task Force follows all OPD policies and has received several police trainings, including but not limited to: continual professional training, Procedural Justice Training and annual firearms training. The officer has also reviewed all provisions of the DEA Task Force MOU.
2. **Date of last training update, and last training audit:** January, 2020
3. **Frequency with which DEA Task Force Officer briefs OPD supervisor on cases:** Weekly

Actual and Potential Violations of Local/State Law

1. **Number of actual violations:** Release of any of this information would violate California law (832.7), as there is only one OPD officer assigned to this task force.
2. **Number of potential violations:** Same answer as above.
3. **Actions taken to address actual or potential violations:** The officer follows OPD policies, except where DEA policies are more restrictive. OPD leadership consults with the Office of the City Attorney to ensure that all policies conform with State and Federal laws.
4. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney and the Privacy Advisory Commission to ensure that personnel continue to follow federal, state, and local laws and policies.

Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)

1. Whether OPD Task Force Officer submits SARs to NCRIC: No.
2. Whether OPD officer receives SAR information: No.

Command Structure for OPD Task Force Officer

1. **Reports to whom at DEA?** Resident Agent in Charge (RAC) James Rider
2. **Reports to whom at OPD?** Sergeant Valle and Lieutenant Nowak