



Privacy Advisory Commission
March 3, 2022 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: 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: Jessica Leavitt

1. Call to Order, determination of quorum

Members Present: Katz, Oliver, Suleiman, Hofer, Tomlinson

Chair Hofer also introduced new Member Leavitt who was confirmed by the City Council but not yet sworn in. she will begin serving officially next month.

2. Adopt a Renewal Resolution regarding AB 361 establishing certain findings justifying the ongoing need for virtual meetings

The resolution was adopted unanimously.

3. Review and approval of the draft December meeting minutes

The minutes were approved unanimously.

4. Open Forum/Public Comment

There were three public speakers:

J.P. Masser expressed concern about recently cancelled meetings, suggesting the public should have a better explanation for their cancellation. He also is concerned about the lack of Equipment Reports coming forward in the past 6 months.

*Nino Parker raised a concern about cameras that have been installed on light poles on Lakeshore Avenue in the cul-de-sac area and their impact on people's privacy. *staff noted that these cameras were NOT installed by the City and the City does not know who installed them.*

Assata Olugbala raised concerns about privacy at a recently established City homeless intervention, the Lake Merritt Tiny Homes, she also is concerned about gentrification pushing black people away from Lake Merritt.

5. Federal Task Force Ordinance – OPD – Review Annual Reports (ATF, USMS, DEA, FBI Child Exploitation and Violent Crime, Secret Service)

Chair Hofer opened this item with questions about any expired MOUs, noting that they would need to come back to the PAC and Council. Captain Holmgren noted he was aware of only the DEA MOU being expired, but staff would check each of them before returning to the PAC.

Member Suleiman asked about the ongoing training of officers involved in these task forces and Captain Holmgren noted they participate in 40 hours of POST training each year along with additional departmental trainings.

Member Katz noted an error in the FBI report for correction, Chair Hofer asked for clarity regarding the use of surveillance equipment: the DEA and Secret Service reports state none was used but further in the reports there are references to wire taps. He asked that this be clarified.

Chair Hofer also inquired about the arrest of females in trafficking cases cited in the Child Exploitation task Force Report. Sgt. Campos explained that the department does not criminalize juveniles that are being trafficked but does use an arrest as a way to get the victims into immediate services including safe housing where their trafficker cannot locate them.

Last, Chair Hofer raised a long-standing concern about the many reports referencing CA Penal Code 832.7: the department consistently references this statute as reason to not report whether any violations of policy were committed by the officers involved in the task force. The argument made in the past is that if one officer is assigned and a violation is reported, it will expose that officer in violation of CA Penal Code 832.7 which prohibits the release of such information in a public hearing. Chair Hofer asked OPD to cite the legal authority that OPD is using and if they cannot, that they modify this section of all of the reports.

There was one Public Speaker on the item: Assata Olugbala asked about a home for girls that was located in Council District 7 that abruptly closed down.

The reports were tabled to next month for approval after the issues raised are addressed.

6. Surveillance Equipment Ordinance – OPD – Crime Analysis Software

Nicole Freeman, Manager of OPD's Crime Analysis Unit presented on the item.

Chair Hofer addressed several sections of the Impact Statement that require attention: Under Section A he noted the PAC would need to see the training manual as it is in those manuals that discoveries of prohibited uses are sometimes discovered. In Section C he would like to see some crime stats, in Section H he asked if there were any proposed or operative contracts that could be shared with the PAC (as required by the ordinance), and in Section I he wanted to see more information about third party access which is always a concern.

Nicole explained the handbook is embedded in the software and it was agreed the ad hoc committee that will go into detail will meet online so they can view the handbook on her screen.

In the Use Policy, Chair Hofer had several questions about the databases and access. Nicole explained that there is no connection to outside databases, and no data sharing as this is an internal product. She went on to explain how the tool is used, citing an example of tracking auto burglaries in Jack London Square. She explained the focus is on the geographic data and trends and can actually help reduce disparate enforcement. Member Tomlinson had questions about how the data is pulled in and aggregated, noting that if there is already disparate enforcement that the data is based on, it could create bias. She also asked about data manipulation. Nicole explained that the data is queried geographically to help the department determine where to deploy.

There were two public speakers on the item: Assata Olugbala expressed her concern that racism can seep in anywhere so even though this technology is about geography, the PAC should still be wary. Nino Parker echoed those sentiments, noting that the OPD Stop Data still shows huge disparities in how often Black people are stopped versus others.

An ad hoc committee was formed to work with staff that includes Members Tomlinson, Katz, Oliver, and Hofer. The item was continued to next month.

The meeting adjourned at 6:33pm.