



Privacy Advisory Commission
June 6, 2024 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
FINAL Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, 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, Commissioners Leavitt, Everhart, Tomlinson and Wang
Absent: Vice Chair Gage and Suleiman.

2. Review and approval of the draft May 2 meeting minutes

Motion by Chair Hofer, second by Tomlinson. One (1) abstention by Don Wang. The minutes were adopted.

3. Open Forum/Public Comment for non-agenda items

No public comment.

4. Surveillance Technology Ordinance – OPW – Annual Report for Illegal Dumping Cameras

a. Review and take possible action

This item was pulled.

5. Surveillance Technology Ordinance – DVP – Apricot 360 Database Annual Report (to be heard with item below)

a. Review and take possible action

Items 5 or 6 were heard together.

Chair Hofer introduced the item and indicated that staff will present the annual report and proposed amendments to the existing Use Policy.

Chief Holly Joshi with the Department of Violence Prevention introduced herself and staff to the PAC. Jennifer Linchey, Deputy Chief of Grants, Programs and Evaluation and Caitlin Grey, Analyst, DVP made the presentation.

Ms. Linchey explained that Apricot 360 is a cloud based system for use by City staff and social service providers to track information on service delivery and also grant management. It was originally approved by the PAC in July 22 and later approved by the City Council. It has a few different uses to track service enrollment, engagement, outcomes among other uses. Staff also uses the system for fiscal purposes to track spending. It's also used to monitor deliverables and outcome data and identify challenges that need to be addressed by service providers. Ms. Linchey provided information on the data that has been collected.

Commissioner Thomlinson asked questions about password protection and information downloads. Staff reported that the system requires regular password changes and does not allow downloads.

Linchey explained the requested changes in the use policy were outlined in the agenda packet.

Chair Hofer praised DVP staff for their presentation.

Chair Hofer made a motion to adopt the proposed amendments in the use policy and also accept the annual report and forward to the City Council with a recommendation that the benefits outweigh the costs and ongoing use should be authorized. Second by Commissioner Everhart.

The motion passed with one abstention by Commissioner Wang.

6. Surveillance Technology Ordinance – DVP- Apricot 360 Database proposed amendments to Use Policy (to be heard with item above)

- a. Review and take possible action

This item was heard above.

7. Surveillance Technology Ordinance – OPD – Annual Reports for Livestream Cameras, StarChase GPS Tracker, CrimeTracer (f/k/a Forensic Logic)

- a. Review and take possible action

Officer Pullen presented this item. He is in the IT unit. He reported that the Livestream technology was not used in 2023.

Hofer made a motion to approve for the Livestream cameras for ongoing use. Second by Commissioner Katz.

The item was approved unanimously.

Lieutenant Toribio presented on the StarChase GPS annual report. He reported that OPD will not renew the contract on this technology and do not plan to use it further. In 2023, there were 3 deployments and only 1 was successful. In 2022, there were zero deployments.

Mr. DeVries requested that the annual report and council report are amended to reflect that technology does not have efficacy and explain the reason.

Chair Hofer made a motion to accept the annual report with a mutual finding between OPD and the PAC that the benefits do not outweigh the costs and ongoing authorization be rescinded. Second by Commissioner Tomlinson. The item passed unanimously.

Sgt. Yun Zhou provided a report on Crime Tracer (Forensic Logic) was rebranded to Sound Thinking/Crime Tracer. It's a search engine for reports, dispatch calls and interviews that OPD conducts.

Commissioner Leavitt raised a comment about how decisions are made regarding audits to ensure the technology in compliance. Commissioners also had a question about data collection.

Chair Hofer made a motion to waive the obligation to provide race data and forward to City Council with a finding that the benefits outweigh the cost and the ongoing use be authorized. Second by Everhart. Item approved with one abstention by Commissioner Wang.

8. Surveillance Technology Ordinance – OPD – Remote Audio Telecommunications (Penlink)
 - a. Review and take possible action

An ad hoc committee consisting of Commissioners Leavitt, Katz, Everhart, Chair Hofer and OPD met to discuss this technology. OPD and the PAC agreed on the language included in the agenda packet regarding Penlink. Commissioner Leavitt recommended capitalizing Pen Register and to keep the name of the technology consistent throughout the document.

Chair Hofer made a motion to approve the technology and switch vendors. Second by Commissioner Katz. Approved with 1 abstention by Commissioner Wang.

9. Surveillance Technology Ordinance – OPD – Call Detail Record Analytics
 - a. Review and take possible action

Sgt. Yun Zhou presented this item and provided background on the technology. He indicated that it provides phone statements similar to what was used in the past. The data allows criminal investigations to obtain data on suspects. Commissioners asked questions about retention practice and how the data is deleted and stored as needed.

The PAC made an amendment for staff to delete data after the final right to appeal and recommended a calendar reminder to ensure data is deleted.

Chair Hofer made a motion to forward the proposed used policy as amended to the City Council with a recommendation that they adopt it and that the PAC appreciates OPD for honoring the sanctuary contracting ordinance by find an alternative vendor. Second by Everhart. The item passed with 1 abstention by Commissioner Wang.