



Privacy Advisory Commission
November 20, 2024; 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Special 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 Brian Hofer, Vice Chair Henry Gage, Commissioners Sean Everhart, Don Wang and Lou Katz. Absent: Jessica Leavitt, Reem Suleiman and Gina Tomlinson

2. UC Berkeley Goldman School of Public Policy - Maria Climaco - Capstone Project Proposal
a. Review and take possible action

The PAC has partnered with UC Berkeley Goldman School of Public Policy in the past. Ms. Climaco made a presentation on her topic. Her capstone project is focused on tackling Oakland's low homicide clearance rate which is below the national average. She's going to look at current OPD surveillance tools, in addition to new technologies can be better utilized to improve public safety while respecting privacy and transparency which are key values for the Commission. The idea is to find ways to use these tools more effectively while building trust between the community and law enforcement. Ms. Climaco will make recommendations that balance safety and privacy. This project will be completed in the spring of 2025.

The PAC needs to approve and enter into an MOU with Ms. Climaco that will allow her to begin working. The majority of the information is available in the PACs approved use policies and impact statements.

Chair Hofer moved to authorize the PAC to enter into the memorandum of understanding with Ms. Climaco. Second by Commissioner Gage. Motion approved unanimously.

3. OPD & Dr. Jennifer Eberhardt - Recommendation to City Council Regarding Oakland Police Department's Written Agreement to Share Body-Worn Camera Video with Stanford University for Research Purposes
 - a. Review and take possible action

Chair Hofer explained that the request is for Dr. Eberhardt's, Director of SPARK at Stanford to analyze the body worn camera video for research purposes to determine how officers interact with the community.

Kristin Burgess from the OPD Office of Internal Accountability presented the data sharing agreement with Stanford University to the PAC. This will include Body Worn Camera (BWC) video and other datasets. OPD has partnered with Stanford for 10 years specifically working with Dr. Eberhardt. In 2014, at the direction of the compliance director for the Negotiated Settlement Agreement, OPD entered into a contract with Stanford and Dr. Eberhardt to analyze police stops with the goal of improving police community interactions and reducing disparities. The court has praised the collaboration.

Over the past 10 years, there have been positive outcomes for OPD with improved policies and enhanced trainings. The most significant policies were the impact on probation and parole stops that resulted in far less searches that were based solely on probation and parole. Their prior work resulted in 50 recommendations, which the department implemented, and it's been critical toward achieving compliance on negotiated settlement agreement tasks. There has been a reduced disparity in stops.

The agreement is a no cost agreement that will last for 5 years with the option to renew. It requires Stanford to return or destroy the data 3 years after termination of the agreement. Stanford's research protocols are to keep data or evidence for 3 years.

In addition to body worn camera data, other examples of data are provided in the agreement. OPD will provide policies and aggregate data to the Stanford research team.

The PAC discussed how the data is maintained or destroyed. There were also questions about confidentiality and ownership of data. Ms. Burgess indicated that researchers are required to go through a background check.

Chair Hofer made a motion to approve on condition that 10.3 in the first sentence, where it states all data is collected. Collected is changed to corrected. Second by Vice Chair Gage. Motion approved unanimously.

4. Surveillance Technology Ordinance – OPD – Hostage Throw Phone Proposed Use Policy and Impact Statement
 - a. Review and take possible action

Chair Hofer shared that this item is a condition of the Hostage Throw Phone use policy. There were some suggested amendments during the last meeting.

Captain Ausmus and Officer Sidney Kofford staff presented and indicated that they changed the retention period to 30 days as discussed previously. In section B they changed language as requested. The user manual was provided to the PAC.

Chair Hofer indicated under A1, paragraph 2 in the first sentence and under A5, the language can be struck in full since the sentences are not needed, also delete the iPhone recording.

Commissioner Gage raised concerns under C2 there is a sentence about optional annual reporting in the use policy. Annual reporting is required and not requested this needs to be changed. The efficacy of the technology needs to be reported.

Chair Hofer shared that under B4 needs to be changed to reflect to delete the word “minimally.” Under B6, 3rd paragraph the tactical team may delete information that is not needed after 30 days. The language needs to change as follows: If the data is not needed in 30 days for an ongoing investigation, OPD shall delete the data.

Hofer moved the item forward with a recommendation to adopt with amendments as discussed, second by Wan. The item was approved unanimously.

5. Surveillance Technology Ordinance - OPD - DGO I-32 Mobile Investigative Pan-Tilt-Zoom (MIPTZ) Camera Systems Proposed Use Policy and Impact Statement

a. Review and take possible action

Sgt. Gabriel Urquiza works in the policy unit and is tasked with FLOCK systems and field operations. He’s responsible for integrating existing technology to field operations and provided an update on the MIPTZ. Sgt. Urquiza provided an overview on the policy. The system is intended to deter criminal activity in an identified area. Camera footage is used often in OPD investigations. The quality of the video must be clear. The use cases will be provided in the annual report and any third-party data sharing will also be included. The Ceasefire team and the Assistant Chief of Police will oversee the technology.

PAC members had questions and concerns about the data and exigent circumstances need to be brought back to the PACs next meeting.

Chair Hofer moved to forward the item to City Council with amendments. Second by Vice Chair Gage. The item passed unanimously. Staff will return to the PAC once they have a vendor and a contract.

