

December 7, 2023

**CLOSED SESSION REPORT OF FINAL ACTION**

Date of Meeting: *Thursday, December 7, 2023*

Litigation Negotiations

**NAME OF ACTION:**

**Secure Justice, Inc. and Brian Hofer v. City of Oakland**  
**Alameda County Superior Court Case No. RG21111681**

This matter is listed as **Item No. 1(b)** on the Closed Session Agenda:

The council authorized settlement in the amount of **\$30,000.00**.

This case arose out of an incident occurring on N/A.

**FACTS/ISSUES:**

Petitioners filed a petition for writ of mandate or prohibition, seeking to compel the Oakland Police Department (“OPD”) to comply with the Public Records Act, use policy and statutory requirements pertaining to automated license plate reader systems (“ALPR”), race stop data reporting required by Government Code section 12525.5, and the City of Oakland’s Surveillance Ordinance. The City has determined to settle and resolve the lawsuit by agreeing to the following: (1) confirm destruction of all ALPR data older than 30 days, including in OPD’s older BOSS ALPR system, which is no longer in use; (2) ensure its ALPR technology will comply with the ALPR use policy; (3) ensure its use of ShotSpotter, including access by third parties, will comply with the applicable use policy; (4) present an ordinance to the City Council codifying the use policy for its Forward Looking Infrared Thermal Imaging Camera System (“FLIR”); and (5) present to the Privacy Advisory Commission draft use policies for five specified surveillance technologies perform certain mandatory duties required by ordinance or use policy, and payment of Petitioners’ attorneys’ fees and costs in the amount of \$30,000.00.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Jenkins**

**AYES:** Fife, **Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato**  
**Bas= 5**

**NOES:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=

**ABSENT:** **Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato**  
**Bas=3**

**ABSTENTIONS:** Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=