

March 7, 2024

CLOSED SESSION REPORT OF FINAL ACTION

Date of Meeting: *Thursday, March 7, 2024*

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(a)** on the Closed Session Agenda:

The council authorized settlement in the amount of N/A.

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 Council publicly approved settlement of the lawsuit on December 19, 2023, Resolution No. 90046 C.M.S.

One term of the settlement agreement is that “OPD will present to the City Council an ordinance codifying its use policy for its Forward Looking Infrared Thermal Imaging Camera System (“FLIR”) within 90 days of the Effective Date.” After finalizing the settlement agreement, OPD and Petitioners determined .” After finalizing the settlement agreement, both OPD and Hofer determined that codifying the FLIR use policy as an ordinance would be highly cumbersome, and that it would be more efficient to update the recently adopted Aircraft Mounted Camera (“AMC”) Surveillance Use Policy to address permissible uses of FLIR cameras in both helicopters and airplanes. Both OPD and Petitioners agreed to amend the settlement agreement to delete the term which provides that OPD will present an ordinance to Council that codifies the use policy for FLIR, and include a term which provides that OPD will present to the Privacy Advisory Commission draft updates to the AMC use policy to expand its scope to cover use of FLIR in fixed-wing aircraft as well as helicopters. This is the only change to the settlement agreement.

Motion Made by: **Councilmember Gallo**

Motion Seconded by: **Councilmember Jenkins**

AYES: Fife, Gallo, Jenkins, Kalb, Kaplan, Ramachandran, Reid, and President Fortunato Bas=**6**

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

EXCUSED: Fife, Gallo, Jenkins, Kalb, Kaplan, **Ramachandran, Reid**, and President Fortunato Bas=**2**

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