

BOARD OF SUPERVISORS



RICHARD VALLE
Vice President
Supervisor, District 2

June 27, 2017

The Honorable Board of Supervisors
County Administration Building
1221 Oak Street, Suite 536
Oakland, California 94612

Dear Board Members:

SUBJECT: ESTABLISH A SURVEILLANCE TECHNOLOGY WORKGROUP

RECOMMENDATION:

Establish a Surveillance Technology Workgroup tasked with developing a Surveillance Technology Ordinance with a membership including the District Attorney's Office, Sheriff's Office, Public Defender's Office, Probation Department, County Counsel, American Civil Liberties Union, and Oakland Privacy.

SUMMARY/DISCUSSION:

Thoughtful and inclusive decisions about surveillance technology are essential to protecting the rights of community members and the responsible management of public resources. A Surveillance Ordinance enables the Board of Supervisors to ensure that the right questions are asked and answered and informed decisions about surveillance technology are made in Alameda County.

These decisions have wide-ranging impacts on the rights and lives of the people of Alameda County. In order to ensure that there is proper transparency, accountability, and oversight of surveillance technology a Surveillance Technology Workgroup (Workgroup) shall convene to develop a Surveillance Technology Ordinance. The Workgroup will include, but not be limited to, representatives from the District Attorney's Office, Sheriff's Office, Public Defender's Office, Probation Department, County Counsel, American Civil Liberties Union, and Oakland Privacy. This Workgroup builds upon the collaborative efforts of the District Attorney in developing the Cell-Site Simulator Technology Use Policy in 2015.

Senate Bill 21 (Hill) has passed through the Senate and is currently being heard in the Assembly. As currently drafted SB 21 would "beginning July 1, 2018, require each law enforcement agency...to submit to its governing body...a proposed Surveillance Use Policy for the use of each type of surveillance technology and the information collected." Alameda County prides itself in being a leader, innovator, and being accessible to citizens. Creating a workgroup to develop an Alameda County appropriate Surveillance Technology Ordinance will continue that

tradition of leadership and collaboration. Should SB 21 become law Alameda County would be well positioned with the Workgroup in place to ensure our local efforts comply with State law.

The goal of the Workgroup is to develop a draft Surveillance Technology Ordinance with the following guiding transparency, accountability and oversight principles:

- **Informed Public Debate:** Public notice, production and distribution of an easy-to-understand Surveillance Impact Report and opportunity for public input prior to obtaining technology.
- **Determination that Benefits Outweigh Costs:** In 2015 Santa Clara County adopted an ordinance that facilitates a meaningful and informed public debate, expressly considers costs (fiscal and civil liberties) and determines whether surveillance technology is the appropriate answer before moving forward.
- **Thorough Surveillance Use Policy:** Legally enforceable Surveillance Use Policy with robust civil liberties, civil rights, and security safeguards approved by the Board of Supervisors.
- **Ongoing Oversight & Accountability:** Proper oversight of surveillance technology use and accountability through annual reporting and public review by the Board.

The Workgroup would meet over a period of no longer than one (1) year, report its progress to and seek direction from the Board Public Protection Committee, and bring a draft Surveillance Technology Ordinance to the full Board for consideration before the end of Fiscal Year 2017-18.

FINANCING:

There are no additional net county costs associated with this action.

Respectfully submitted,



Richard Valle, Vice President
Supervisor, Second District