

DeVries, Joe

From: Linda Lye [llye@aclunc.org]
Sent: Tuesday, February 18, 2014 12:06 PM
To: DeVries, Joe
Cc: nadia@eff.org
Subject: RE: Ad Hoc Advisory Committee/Draft Policy Framework for the DAC

Dear Joe, I understand that CM Schaaf included my name along with the names of several other individuals as her recommendations for who should be invited to serve on this committee. Nadia Kayyali was among the names, I believe. She is with the Electronic Frontier Foundation and I have cc'd her on this email so that you have her current email address.

Best, Linda

Linda Lye
 Staff Attorney, ACLU-NC

From: Linda Lye
Sent: Tuesday, February 18, 2014 12:04 PM
To: 'DeVries, Joe'
Subject: RE: Ad Hoc Advisory Committee/Draft Policy Framework for the DAC

Dear Joe, Enormous apologies for the belated response. I was out on Thurs and Fri for medical reasons and neglected to turn on my out of office message. I am honored to receive this invitation and would be willing to serve on the committee. My contact info is below.

Best, Linda

Linda Lye
 Staff Attorney
 ACLU Foundation of Northern California
 39 Drumm Street
 San Francisco, California 94111
 tel. (415) 621-2493
 fax. (415) 255-8437

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From: DeVries, Joe [mailto:JDeVries@oaklandnet.com]
Sent: Thursday, February 13, 2014 9:35 AM
To: Linda Lye
Subject: Ad Hoc Advisory Committee/Draft Policy Framework for the DAC

Hello Linda,

I don't have a phone number for you but would like to talk about the creation of the ad hoc committee to provide guidance on the creation of the Privacy and Data Retention Policy for the DAC. As you probably saw, we released the framework for discussion on Tuesday and are expecting to conduct two public input meetings in the next month on the framework in hopes that this process will turn the framework into an acceptable policy to present to the City Council.

I would like to know if you would be interested in serving on this committee. If possible give me a ring to discuss

2/25/2014

this.

Thanks,

Joe DeVries

Neighborhood Services Supervisor
Office of the City Administrator, City of Oakland
250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510) 238-3083
jdevries@oaklandnet.com

2/25/2014

DeVries, Joe

From: Thomason, Jeffrey R.
Sent: Thursday, January 30, 2014 1:43 PM
To: DeVries, Joe
Subject: RE: City Council Meeting
thanks

From: DeVries, Joe
Sent: Thursday, January 30, 2014 1:42 PM
To: Thomason, Jeffrey R.
Subject: RE: City Council Meeting

Its been pushed back two weeks, I just got off a conference call about it.

Joe DeVries
Neighborhood Services Supervisor
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Oakland, CA 94612
(510) 238-3083
jdevries@oaklandnet.com

From: Thomason, Jeffrey R.
Sent: Thursday, January 30, 2014 1:39 PM
To: DeVries, Joe
Subject: City Council Meeting

Any word on the DAC for next week?

Thanks,

Jeff Thomason
Sergeant of Police
Oakland Police Department
Problem Solving Unit (PSO 1)
510.238.3154

2/25/2014

DeVries, Joe

From: Suttle, Kiona
Sent: Thursday, January 23, 2014 12:36 PM
To: DeVries, Joe; Norfleet, Vijay
Subject: DAC Deliverables
Attachments: CLETS Policy Section 1.6.4.doc; CLETS Training Specifications.doc; TB V C 1_Criminal History Inquiry.doc; Criminal Offender Record Info CORI 010507.pdf

Joe,

Neither Vijay nor I will be able to attend tomorrow's DAC policy meeting, but I have attached the information needed from OPD. I apologize for any inconvenience this may cause.

Kiona Suttle
Police Services Manager
Oakland Police Department
Records Division
(510) 238-6886

Mission:

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Motto:

"We will be there when you need us."

2/25/2014

DeVries, Joe

From: Norfleet, Vijay
Sent: Thursday, January 23, 2014 12:44 PM
To: Suttle, Kiona; DeVries, Joe
Subject: RE: DAC Deliverables

These are the DAC Deliverables requested by Amadis and Ahsan after you left the meeting.

From: Suttle, Kiona
Sent: Thursday, January 23, 2014 12:36 PM
To: DeVries, Joe; Norfleet, Vijay
Subject: DAC Deliverables

Joe,

Neither Vijay nor I will be able to attend tomorrow's DAC policy meeting, but I have attached the information needed from OPD. I apologize for any inconvenience this may cause.

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DeVries, Joe

From: Suttle, Kiona
Sent: Monday, January 13, 2014 11:57 AM
To: DeVries, Joe
Subject: RE: DAC Privacy Policy Framework

Thanks, Joe.

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From: DeVries, Joe
Sent: Monday, January 13, 2014 9:25 AM
To: Suttle, Kiona
Subject: RE: DAC Privacy Policy Framework

Good Morning Kiona,

I'm sorry I left you off the last email; it was a total oversight on my behalf. I assume Vijay forwarded it to you so you are up to speed on what we are hoping to accomplish in the next few weeks. I would like to put together the draft policy overview so that on Friday we can send it along to the City Administrator for her review. Let me know if you have any questions.

Thanks,

Joe DeVries

Neighborhood Services Supervisor
Office of the City Administrator, City of Oakland
250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510) 238-3083
jdevries@oaklandnet.com

2/25/2014

From: Suttle, Kiona
Sent: Friday, January 10, 2014 3:52 PM
To: DeVries, Joe
Subject: FW: DAC Privacy Policy Framework
Importance: High

Hi Joe,

Although Vijay will be attending the DAC meetings on my behalf, please copy me on all emails.

Thanks,

Kiona Suttle
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DeVries, Joe

From: Baig, Ahsan
Sent: Friday, January 31, 2014 6:03 PM
To: Binda, George; DeVries, Joe
Cc: To, Annie; Domingo, Renee
Subject: RE: Definition DAC Systems

Thanks George.

From: Binda, George
Sent: Friday, January 31, 2014 5:42 PM
To: DeVries, Joe
Cc: Baig, Ahsan; To, Annie
Subject: Defination DAC Systems

Joe,

As discussed during our meeting this afternoon. Here is our definition of the DAC System:

The Domain Awareness Center (DAC) system provides a technology solution to integrate disparate public safety, emergency management and security technologies, into one Physical Security Information Management System (PSIM) platform. The core of City and Port of Oakland DAC is the PSIM software, provided by VidSYS, which connects various City and Port systems. Primarily, VidSYS provides the Common Operating Picture, by linking various systems for situation awareness across the organization.

Thanks.

George Binda
Information Systems Supervisor, Public Safety Services
City of Oakland | Department of Information Technology
150 Frank H. Ogawa Plaza, 7th Floor, Suite 7204 | Oakland, CA 94612
(510) 238-2024 | Office | (510) 238-2281 | Fax | (510) 590-7476 | Cell
gbinda@oaklandnet.com | <http://www.oaklandnet.com/>

2/25/2014

DeVries, Joe

From: DeVries, Joe
Sent: Friday, October 25, 2013 11:17 AM
To: Breshears, Eric
Subject: RE: DAC Privacy and Data Retention Policy Working Group Meeting
Okay, see you next week.

Joe DeVries

Neighborhood Services Supervisor
Office of the City Administrator, City of Oakland
250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510)238-3083
jdevries@oaklandnet.com

From: Breshears, Eric
Sent: Friday, October 25, 2013 10:45 AM
To: DeVries, Joe
Subject: RE: DAC Privacy and Data Retention Policy Working Group Meeting

I agree. I unfortunately cannot make the meeting as I have a mandatory meeting for a couple hours at that time for the captain's exam review.

From: DeVries, Joe
Sent: Friday, October 25, 2013 10:34 AM
To: Breshears, Eric
Subject: RE: DAC Privacy and Data Retention Policy Working Group Meeting

This is really helpful, with this and the other information collected by Deidre and the input from the port I think we can start to draft a policy.

Joe DeVries

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250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510)238-3083
jdevries@oaklandnet.com

DeVries, Joe

From: DeVries, Joe
Sent: Monday, November 18, 2013 3:41 PM
To: Sanchez, Arturo M
Subject: DAC Privacy policy Framework
Attachments: DAC Privacy policy Framework.doc

Arturo,

Attached is a DRAFT framework for the DAC Privacy Policy that I have been working on. I thought it would help you to see what direction we are moving in. We intend to meet with the ACLU after Thanksgiving to go over this first policy framework and get their feedback.

Joe

2/25/2014

Data Retention and Storage Policy for the Domain Awareness Center Proposed framework:

1. The DAC will only retain data for 72 hours except when an incident is recorded by the monitoring team or when a camera system that is linked to the DAC does not have any recording (such as traffic cameras). In that situation, the DAC will retain data/footage from the device/system for a maximum of 30 days. Anytime an incident is recorded, the normal data retention policies of the agency (OPD, OFD, Port) will go into affect.
2. The DAC will not attempt to store data recorded by outside camera systems (except when those systems have no recording capability) nor will the City attempt to require outside systems to modify their data storage and retention policies. If a private system wishes to connect to the DAC, it's data will only be stored if an incident is recorded.
3. If the City provides funding for the purchase and installation of any private or quasi-public video surveillance system that is connected to the DAC, the only data storage requirement that the city will impose is that the owner/operator provide access to the footage for the city when there is a recorded incident or major crime in the area. If the private system wishes to retain data for any length of time, the data will not be subject to the City's policies nor considered public and therefore not subject to FOIA requests.
4. Only public employees of the City of Oakland will be used to monitor the DAC, no private contractors will be allowed to serve in that role. All employees who are assigned to monitor the DAC will be required to undergo specific training around constitutional rights, protections, and appropriate uses of the surveillance system.
5. Periodical audits of the surveillance monitoring will be conducted by supervisorial staff to ensure compliance with the policies and procedures that area implemented.
6. Annual Performance Audits will be conducted by the City Auditor.
7. Review of the policy including an assessment of the impact of the current level of data storage will take place annually and be reported back to the City Council Public Safety Committee.

DeVries, Joe

From: DeVries, Joe
Sent: Friday, November 08, 2013 11:09 AM
To: Baig, Ahsan
Cc: Sanchez, Arturo M; Domingo, Renee; Breshears, Eric
Subject: RE: DAC Privacy Policy...

Ahsan,

Your timing is impeccable; I was beginning to draft an email to you, Renee, and DC Breshears regarding the privacy policy this morning but decided to go get a breakfast burrito first. Now that I ate, here is an update you can provide and some important questions we need answered in order to move a policy forward:

The Working Group has reviewed the ACLU concerns regarding the DAC and wants to develop a policy that addresses the 8 points they delineated in their letter to the City Council in July. We have studied recommendations made by the Department of Justice regarding surveillance as well as recommendations made by the Constitutional Law Project for Fusion Centers which are similar in scope to the DAC although not identical. We have also been in the process of gathering information on our partnering agencies' privacy and data storage policies.

Key Points:

The cost of retaining and storing ANY data is prohibitive and the cost of fulfilling an information request seeking video footage from the DAC could be crippling to staff. One information request about Occupy Oakland alone has taken close to a year to process and therefore records management staff in the City Clerk's Office, City Attorney's Offices, and OPD are extremely reluctant to store anything for fear of the impact on their day to day work. This staff concern has a real and incalculable cost associated with it that is the biggest concern for staff.

Therefore, the Working Group's first recommendation is that no surveillance footage be stored unless there is an incident identified by DAC monitors or that any storage of footage is for a very limited period of time such as one week. This avoids the cost of massive amounts of storage and public information requests that will be impossible to fill. The downside is if a major crime takes place and OPD feels that surveillance footage from a particular camera may help solve the crime; that footage will disappear quickly. This would mean that CID would need to develop an internal policy around retrieving data in a timely manner. ***I need DC Breshears to weigh in on this policy recommendation from an investigative standpoint.***

I also need Renee to verify that this won't violate the terms of the grant. If the City claimed in the grant application that it would retain data for longer periods or that the data would be retained for investigative purposes (when there is no identified incident) then we may need to modify this policy recommendation.

If OPD feel strongly that a longer data storage window be created then we would still want to limit it to a month and will need to really evaluate the potential cost of having to fulfill a records request. Regardless, I would like to include an estimated cost associated with an "average" request if such a thing exists and have asked the records people to try to come up with some rough numbers.

The City should not attempt to modify the data policies of any partnering agencies, nor should we retain those agencies' data for the sake of uniformity. It does not seem wise to suggest altering what the Port's policies are or BART's, Caltrans, etc. as they have their own policies and we would recommend that they keep their own data. In other words, the DAC should not "own" any data collected by other agencies unless there has been an identified incident that has been captured on video.

The DAC should only be monitored by City (public) Employees: Renee informed me that the port wanted to use a private contractor to monitor the system but I think this will lead to huge opposition as private contractors are not held to the same standards as public employees. Politically this would be an insurmountable obstacle in my opinion.

We need some data on the costs associated with data storage: Ahsan, I need you to provide some technical information so we can draft a thorough policy recommendation. This would include cost estimates for the storage.

2/25/2014

Last, I had an informal conversation with a friend that happens to be very involved with the ACLU and indeed the data storage aspect of all of this is their biggest concern. I feel strongly that if we don't store useless data we can implement this system without overwhelming opposition.

We meet again next Friday and I really need to have everyone there to move forward. The last two meetings have been poorly attended which has slowed our work considerably.

I hope this update is helpful.

Joe DeVries

Neighborhood Services Supervisor
Office of the City Administrator, City of Oakland
250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510)238-3083
jdevries@oaklandnet.com

From: Baig, Ahsan
Sent: Friday, November 08, 2013 9:35 AM
To: DeVries, Joe
Cc: Sanchez, Arturo M; Domingo, Renee
Subject: DAC Privacy Policy...

Good Morning Joe,

How are we doing on this effort? I am meeting with some of the CMs on DAC Phase II, and may get questions about the Privacy Policy work effort.

Thanks,

Ahsan Baig

Interim Director/CIO

City of Oakland | Department of Information Technology
150 Frank H. Ogawa Plaza | 7th Floor | Oakland, CA 94612
(510) 238-3010 Office | (510) 238-2281 Fax
abaig@oaklandnet.com

DeVries, Joe

From: Suttle, Kiona
Sent: Wednesday, January 15, 2014 4:25 PM
To: DeVries, Joe
Cc: Norfleet, Vijay
Subject: RE: DAC Privacy Policy Framework

Thank you!

Kiona Suttle
Police Services Manager
Oakland Police Department
Records Division
(510) 238-6886

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-----Original Message-----

From: DeVries, Joe
Sent: Wednesday, January 15, 2014 4:12 PM
To: Suttle, Kiona
Cc: Norfleet, Vijay
Subject: RE: DAC Privacy Policy Framework

Based on Lt. Hamilton's explanation, I think we can stick with state law. The exceptions you denote are not really relevant to the storage of video surveillance so I think we're good.

Thanks,

Joe DeVries
Neighborhood Services Supervisor
Office of the City Administrator, City of Oakland
250 Frank Ogawa Plaza Suite 6303
Oakland, CA 94612
(510) 238-3083
jdevries@oaklandnet.com

-----Original Message-----

From: Suttle, Kiona
Sent: Wednesday, January 15, 2014 4:10 PM
To: DeVries, Joe
Cc: Norfleet, Vijay
Subject: FW: DAC Privacy Policy Framework

Hi Joe,

In regard to the information Vijay forwarded you regarding the DAC privacy policy

framework, I was just sent the below email from a lieutenant in the Criminal Investigations Division. It appears that although for the most part the Department retains evidence based on the time period specified by State Law there are a few exceptions, which are outlined below. Can we stick with the State Law or do we need to address each exception in the DAC policy?

Kiona Suttle
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Oakland Police Department
Records Division
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-----Original Message-----

From: Hamilton, Freddie
Sent: Wednesday, January 15, 2014 3:47 PM
To: Suttle, Kiona
Cc: Williams, Sharon J
Subject: RE: DAC Privacy Policy Framework

Kiona

Based on my research, it looks like the Department uses the same retention dates for most investigation as state and federal law require. The exception seem to be Police report (solved and unsolved). The Department require us to keep them Indefinite and the law only require them to be kept 2 years after the investigation is completed. The law require Temporary Restraining Orders to be kept two years after they have been completed and we can destroy after they expire or the investigation has completed. The law require Warrants to be kept 2 years after the date of service and we can destroy when they have been served and the investigation has been completed.

It seems it would be a lot easier to use State and Federal law for everything.

Freddie Hamilton
Lieutenant of Police
Robbery

-----Original Message-----

From: Suttle, Kiona
Sent: Wednesday, January 15, 2014 3:06 PM
To: Hamilton, Freddie
Subject: FW: DAC Privacy Policy Framework

Kiona Suttle
Police Services Manager
Oakland Police Department
Records Division

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-----Original Message-----

From: Carman, David
Sent: Wednesday, January 15, 2014 7:31 AM
To: Suttle, Kiona; Williams, Sharon J
Cc: Norfleet, Vijay; Breshears, Eric
Subject: RE: DAC Privacy Policy Framework

I have attached the email I sent to Captain Allison regarding what I found on regarding some of the requested DAC information.

Dave

Dave Carman
Sergeant of Police
Policy and Publications Unit
Oakland Police Department
Office 510-238-7617
Cell 510-750-4582

-----Original Message-----

From: Suttle, Kiona
Sent: Tuesday, January 14, 2014 5:55 PM
To: Williams, Sharon J
Cc: Norfleet, Vijay; Breshears, Eric; Carman, David
Subject: RE: DAC Privacy Policy Framework

Thanks!

Kiona Suttle
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Oakland Police Department
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-----Original Message-----

From: Williams, Sharon J
Sent: Tuesday, January 14, 2014 5:51 PM
To: Suttle, Kiona
Cc: Williams, Sharon J; Norfleet, Vijay; Breshears, Eric; Carman, David
Subject: Re: DAC Privacy Policy Framework

I'm not aware of any. Our retention of evidence is based on statutes as you have documented.

Sharon J. Williams

> On Jan 14, 2014, at 5:44 PM, "Suttle, Kiona" <KSuttle@oaklandnet.com> wrote:

>

> Sharon,

>

>

>

> Attached is a copy of the current records retention schedule that is used City-wide. In the police department tab under "Investigations" there are several government and penal codes cited regarding records retention related to investigations. Other than what I have provided does the Department have any DGOs or P&Ps related to evidence retention? If not I will advise the committee the Department maintains/retains evidence based on the time periods specified by State Law. Please advise.

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> Kiona Suttle

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> Police Services Manager

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> Oakland Police Department

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> Records Division

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> (510) 238-6886

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> Motto:

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> From: Williams, Sharon J
> Sent: Tuesday, January 14, 2014 5:24 PM
> To: Suttle, Kiona
> Cc: Norfleet, Vijay; Breshears, Eric; Williams, Sharon J; Carman, David
> Subject: Re: DAC Privacy Policy Framework
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> Kiona,
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> The time evidence needs to be kept for cases is specific to the statutes of limitation for crimes. So, it's different for each type of crime.
>

> Sharon J. Williams
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> On Jan 14, 2014, at 5:17 PM, "Suttle, Kiona" <KSuttle@oaklandnet.com> wrote:
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> Has the information on retention policies for evidence/information gathered in the course of a normal investigation been provided?
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> Kiona Suttle
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> Police Services Manager
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> Oakland Police Department
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> From: Norfleet, Vijay

> Sent: Wednesday, January 08, 2014 9:23 AM

> To: Suttle, Kiona

> Subject: FW: DAC Privacy Policy Framework

> Importance: High