**From:** Linda Lye
**To:** Schaaf, Libby
**Subject:** RE: DAC
**Date:** Tuesday, February 18, 2014 3:53:23 PM

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Dear Libby,
Thanks again for sharing this. I apologize for the subsequent late edit but there is some additional language that I think needs tightening. I'm including a modified suggestion to your proposed language, which I think is a very very important step in the right direction:

FURTHER RESOLVED: The previously stated limits on current and future technology allowed in the DAC specified in Resolution 84593 are superseded and shall be limited only to the operational capabilities already completed in Phase 1, in particular, Port Security Cameras, Port Intrusion Detection System, Shot Spotter, City GIS, and the City Traffic Cameras in the non-residential locations specifically identified in the Supplemental Report prepared for the January 28, 2014 Public Safety Meeting, as well as limited to only the following operational capabilities that shall comprise Phase 2: Port GIS, Port Vessel Tracking System, Port Truck Management System, Police and Fire CAD Data, Police and Fire Records Management System, WebEOC Notifications, Tsunami Alerts, Police and Fire Vehicle Location, NOAA Weather Alerts, USGS Earthquake Information and News Feeds & Alerts; and that the addition of any new capability or data source, including but not limited to new surveillance~~,~~ or security sensor systems, new components of existing surveillance or security sensor systems, or ~~video~~ analytics capability, ~~feed or data sources~~ shall require approval of the Council, including confirmation of compliance by the DAC and all City and Port data sources with the City's Privacy and Data Retention Policy to the extent allowed by law.

The first set of changes is intended to clarify as I mentioned before that new traffic cameras can't be added (either in number or location). The second edit is equally important to prevent confusion or circumvention of the City Council's intent based on slippery definitions. I think the existing language "the addition of any new surveillance, security sensor or video analytics capability, feed data sources" provides inadvertent loopholes in the sense that it could authorize without City Council approval the addition of cameras in an existing auth'd system, and of greater concern, could authorize without City Council approval an additional capability that is some new kind of capability that may or may not yet exist but that doesn't fall under the definition of "video analytics." I think the safer approach is what I have included in highlighting above.

I do have questions about what is entailed with each of the operational capabilities that are enumerated in the Suppl Report as being part of Phase 2, but I realize it will be tough to answer those questions before tonight. If you are willing to propose the language as modified above, that would be really really terrific.

Thanks so much for all your efforts on this.

Linda Lye
Staff Attorney, ACLU-NC

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**From:** Linda Lye

**Sent:** Tuesday, February 18, 2014 2:34 PM
**To:** 'Schaaf, Libby'
**Subject:** RE: DAC

Thanks for sharing this. I think this is an enormous improvement over the current state of things (though I hope you will still consider not pursuing at all).
I am concerned that the current language could allow expansion of the traffic cameras currently in Phase 1, b/c it refers only to capabilities, not to specific cameras or their locations. Thus, under the language of this reso, the City could, without City Council approval, arguably add traffic cameras all over the city. If the idea is to limit to the cameras identified in the Suppl Report, perhaps you might consider adding the highlighted language:

FURTHER RESOLVED: The previously stated limits on current and future technology allowed in the DAC specified in Resolution 84593 are superseded and shall be limited only to the operational capabilities already completed in Phase 1, in particular, Port Security Cameras, Port Intrusion Detection System, Shot Spotter, City GIS, and the City Traffic Cameras in the non-residential locations specifically identified in Supplemental Report prepared for the January 28, 2014 Public Safety Meeting, as well as limited to only the following operational capabilities that shall comprise Phase 2: Port GIS, Port Vessel Tracking System, Port Truck Management System, Police and Fire CAD Data, Police and Fire Records Management System, WebEOC Notifications, Tsunami Alerts, Police and Fire Vehicle Location, NOAA Weather Alerts, USGS Earthquake Information and News Feeds & Alerts; and that the addition of any new surveillance, security sensor or video analytics capability, feed data sources shall require approval of the Council, including confirmation of compliance by the DAC and all City and Port data sources with the City's Privacy and Data Retention Policy to the extent allowed by law.

Linda Lye
Staff Attorney, ACLU-NC

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**From:** Schaaf, Libby [mailto:LSchaaf@oaklandnet.com]
**Sent:** Tuesday, February 18, 2014 2:07 PM
**To:** Linda Lye
**Subject:** Fwd: DAC

Sent from my iPhone

Begin forwarded message:

> **From:** "Schaaf, Libby" <LSchaaf@oaklandnet.com>
> **Date:** February 18, 2014 at 1:53:59 PM PST
> **To:** "Kalb, Dan" <DKalb@oaklandnet.com>
> **Cc:** "Luby, Oliver" <OLuby@oaklandnet.com>, "Stoffmacher, Bruce" <BStoffmacher@oaklandnet.com>
> **Subject: DAC**

Dan,
I'm still having tremendous concerns about the cost-benefit of the DAC and whether it is good policy for us to continue pursuing it at all. I'm concerned that our crime-fighting and emergency response resources (even if we're only talking staff time) could be better spent elsewhere. That said, here is some language that could further tighten the scope of the project and guard against mission-creep:

FURTHER RESOLVED: The agreement(s) and other actions authorized hereunder shall be reviewed and approved by the Office of the Attorney for form and legality and filed with the Office of the City Clerk, and shall comply with previous resolutions regarding this particular project's successful adoption of a privacy and data retention policy as a condition of project implementation; <u>and be it</u>

<u>FURTHER RESOLVED: The previously stated limits on current and future technology allowed in the DAC specified in Resolution 84593 are superseded and shall be limited only to the operational capabilities already completed in Phase 1 as well as limited to only the following operational capabilities that shall comprise Phase 2: Port GIS, Port Vessel Tracking System, Port Truck Management System, Police and Fire CAD Data, Police and Fire Records Management System, WebEOC Notifications, Tsunami Alerts, Police and Fire Vehicle Location, NOAA Weather Alerts, USGS Earthquake Information and News Feeds & Alerts; and that the addition of any new surveillance, security sensor or video analytics capability, feed data sources shall require approval of the Council, including confirmation of compliance by the DAC and all City and Port data sources with the City's Privacy and Data Retention Policy to the extent allowed by law.</u>