

From: [Kalb, Dan](#)
To: [Bryan Westfall](#)
Subject: RE: Media Inquiry re: DAC
Date: Thursday, August 22, 2013 4:57:00 PM

Hi Bryan,

Sorry for the delay in getting back to you. I assume that you are contacting other Councilmembers as well, since I am not a lead councilmember on this issue.

See some of my thoughts written below...
Good luck,
-Dan

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**Dan Kalb**  
**District One Councilmember**  
**Oakland City Council**

**Oakland City Hall**  
**One Frank Ogawa Plaza**  
**Oakland, CA 94612**

**510-238-7001**

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**From:** Bryan Westfall [mailto:[forabitmorecontext@gmail.com](mailto:forabitmorecontext@gmail.com)]  
**Sent:** Tuesday, August 20, 2013 12:51 PM  
**To:** Kalb, Dan  
**Subject:** Re: Media Inquiry re: DAC

Hello,

There's still some time if you want to chime in. I'd rather not speculate.

Thanks,  
Bryan

On Aug 15, 2013 10:56 AM, "Bryan Westfall" <[forabitmorecontext@gmail.com](mailto:forabitmorecontext@gmail.com)> wrote:  
Hello again,

I'm currently writing a piece on the idea of the Bay Area city leaders and law enforcement reaching out for counsel from experts when confronted with something like the DAC in Oakland.

What I would love to know from you is a few things. Firstly, I'd love to know the overall philosophy of the council (if there is one, as members do come and go) on seeking counsel on topics from the experts (such as from the ACLU on the DAC). I know in this specific case Ms. Schaaf had a meeting with Linda, and you said you've adopted some ideas for privacy protection before the DAC is running....but Linda mentioned to me that she recommended you all don't move forward with the DAC as outlined here: [https://www.aclunc.org/blog/blog\\_-](https://www.aclunc.org/blog/blog_-)

[\\_aclu\\_urges\\_oakland\\_city\\_council\\_to\\_put\\_the\\_brakes\\_on\\_surveillance\\_center.shtml](#)

I had been a public interest and environmental advocate for over 25 years often meeting with local and state-level elected officials and sharing information and a clear perspective on what I (and the organization I worked for) thought and wanted, and why.

I welcome and often proactively seek out advocates/experts for information and advice on issues that will come before the Council. When seeking expert information and advice, inevitably there will be some disagreements in the information/advice I receive. Ultimately, I have to make the best decision I can after considering different perspectives that are not always in alignment.

What I'd love to know is, in this case (you mentioned an urgency to use the funds or lose them) and overall, the approach to what advice from experts to embrace and what not to.

What I want to accomplish with this piece is to give the public in the Bay Area a sense of how open their city/county leaders and law enforcement are to counsel on very important local topics.

Look forward to hearing from you,  
Bryan  
[morecontext.net](#)

PS. I have no means to record a phone convo to accurately quote from, so email works best.

On 8/1/13, Kalb, Dan <[DKalb@oaklandnet.com](mailto:DKalb@oaklandnet.com)> wrote:

> Attached is the language that we added to the Resolution to mandate that  
> privacy and data retention policies and procedures be created and  
> adopted by the Council before the DAC goes forward next June. The ACLU  
> was consulted in coming up with the wording for the resolution.

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> The funds that we approved for Phase two are coming from the Federal  
> govt. If we did not approve them now and very soon, we would risk losing  
> them. The Port needs these funds to improve security.

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> Feel free to call me if you'd like to chat.

>

> Best,

> -Dan

> [510-238-7001](tel:510-238-7001)

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> From: Bryan Westfall [mailto:[forabitmorecontext@gmail.com](mailto:forabitmorecontext@gmail.com)]  
> Sent: Sunday, July 21, 2013 9:21 PM  
> To: Kalb, Dan  
> Subject: Media Inquiry re: DAC  
>  
> Hello,  
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>  
> My name is Bryan Westfall and I am an independent journalist based in  
> the East Bay. My website can be found here: <http://morecontext.net>  
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>  
> I'm writing a piece on the idea of 'Mission Creep' in the push for  
> progressing surveillance in the Bay Area (Oakland's DAC, ALCO Sheriff  
> wanting a drone, SFPD Chief Suhr wanting more cameras on Market St.)  
>  
>  
> My approach to this piece is as a regional matter. I know you are  
> concentrated on Oakland affairs, such as the DAC, but I'd also love to  
> ask you a few questions on how the DAC might play into mission creep in  
> the region. Because of this approach I'd like to introduce you to some  
> coverage of the privacy discussions in neighboring cities  
>  
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>  
> I'm sure by now you've heard the idea of mission creep, but just in case  
> here's a link to audio from Jennifer Urban (  
> [http://www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facI](http://www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=579)  
> [D=579](http://www.law.berkeley.edu/php-programs/faculty/facultyProfile.php?facID=579)) speaking at a town hall on drones (link) in Berkeley:  
> <https://soundcloud.com/forabitmorecontext/berkdrone-jennifer-urban>  
> (start at :45 mark)  
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> Ms. Urban states, With mission creep: "The expansion of the new technology will expand  
> and sometimes this meets with public expectations and sometimes  
> this does not meet with public expectations."  
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>  
> Question: I attended the City Council meeting on July 16th and while I  
> noticed a spirited debate between the council and the privacy advocates,  
> it made me wonder what kind of outreach have you and the rest of the  
> council done with the public to make sure the people you represent  
> understand the DAC? Do you think this integration of existing cameras  
> (mission creep) meets with public expectations?  
>  
> Based on what I'm hearing from many people in North Oakland neighborhoods who  
> are understandably concerned about crime, Yes, I do believe that most residents are  
> willing to accept some cameras in appropriate places in order to assist in investigations

of crimes—and possibly in deterring crimes in the future. I'm not thrilled about having large numbers of cameras out there, but if they can help with investigations of crimes, it may prove to be worthwhile.

The DAC funding grant that we approved will only include the Port security cameras and four traffic cameras near OAK airport. Also, the privacy and data retention policies will have to be written and vetted in a public process, and approved by the City Council before they flip the switch. If other cameras are to be added, they would have to also comply with the privacy policies; and in most cases they would have to come before the council for further consideration. I explicitly did not support including cameras in residential areas to be part of any DAC operation.

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> Back in February there was an Alameda Co. BOS meeting on drones in

> Oakland (

> <https://www.eff.org/deeplinks/2013/02/eff-and-aclu-testify-against-drone>

> -use-alameda-county). Trevor Timm from the EFF spoke out against the

> purchase of a drone for many reasons, one of which being a lack of

> "binding and substantive privacy safeguards." He went on to state "it is

> crucial to have rules of the road in place now. Because once the door is

> opened, it will become much harder to restrict drone use in the future."

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> Question: I know Oakland is talking about cameras not drones, but

> considering the lack of understanding that some of the council and

> system architects seemed to have on how the DAC would work (would it

> record etc), what kind of steps are being taken to better understand the

> system? Is the 2 weeks you've given yourselves long enough to create,

> understand, and publicly vet operating guidelines (or 'best practices')?

> Are you comfortable approving 2mil for a program that is still being

> "work-shopped"?

>

> Berkeley has an anti-drone push which predates even the Sheriff's

> request for one. In May they held a town hall on drones (

> <http://forabitmorecontext.tumblr.com/post/49446839744/if-berkeley-cant-s>

> top-drones-theres-little) and invited the public to come and dialogue

> with the Peace And Justice commission and Police Review Commission. Each

> of those commissions has a subcommittee on drones, but each full

> commission was in attendance.

>

> Question: Have you had conversations with city leaders in Berkeley or

> San Francisco re: the feedback they've had from their public on matters

> of increased surveillance?

> Haven't talked with my neighboring counterparts about this as of yet. I do meet with some Berkeley city council members on various items, so this may come in a future conversation.

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> ALCO Sheriff Ahern has talked with the ACLU about guidelines for use if

> he should purchase a drone.  
> I do not support drones in Oakland. I have not talked with Sheriff Ahern about this.  
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>  
> Question: Have you sought advice from civil liberties/rights orgs about  
> the DAC?  
> I (and one other councilmember) participated in a meeting with Oakland City and  
Port staff and two ACLU representatives. This was a helpful and informative meeting.  
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>  
> The SF Board of Supervisors have pushed back (in a meeting back in  
> April) against the proposed cameras on Market. Supervisor Mar and Campos  
> made very strong arguments to Chief Suhr about making sure it's  
> absolutely necessary and the need to make sure both privacy and safety  
> are addressed.  
>  
> Good. I have tremendous respect for Supervisors Mar and Campos.  
>  
> I know you are all very busy keeping Oakland running. Any feedback you  
> could give me on these issues would be fantastic. I'm hoping to publish  
> by the end of the weekend.  
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> Thanks!  
>  
> Bryan Westfall  
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