

APPROVED AS TO FORM AND LEGALITY

2023 DEC -7 PM 7:35

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

*Barbara J. Parker*

CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 90046 C.M.S.

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**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SECURE JUSTICE, INC. AND BRIAN HOFER V. CITY OF OAKLAND, ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG21111681, CITY ATTORNEY FILE NO. X05345, FOR AGREEMENT TO PERFORM CERTAIN MANDATORY DUTIES AND PAYMENT OF THE SUM OF THIRTY THOUSAND DOLLARS AND ZERO CENTS (\$30,000.00) – (OAKLAND POLICE DEPARTMENT – WRIT OF MANDATE RE: SURVEILLANCE TECHNOLOGIES)**

**WHEREAS**, Petitioners Secure Justice, Inc. and Brian Hofer 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; and

**WHEREAS**, the City Council recently approved purchase of a new ALPR system and revised ALPR use policy; and

**WHEREAS**, OPD agrees to the following: (1) confirm destruction of all ALPR data older than 30 days, including in OPD’s older BOSS ALPR system, which is no longer in use; (2) ensure its ALPR technology will comply with the ALPR use policy; (3) ensure its use of ShotSpotter, including access by third parties, will comply with the applicable use policy; (4) present an ordinance to the City Council codifying the use policy for its Forward Looking Infrared Thermal Imaging Camera System (“FLIR”); and (5) present to the Privacy Advisory Commission draft use policies for five specified surveillance technologies; and

**WHEREAS**, the City has considered all the evidence, litigation costs, and litigation risks in this case; and

**WHEREAS**, the City admits no wrongdoing or liability; and

**WHEREAS**, the City has determined to compromise Petitioners’ claims for writ of mandate, for payment of Petitioners’ attorneys’ fees and costs for Thirty Thousand Dollars and No Cents (\$30,000.00) and the agreement to perform certain mandatory duties required by ordinance or use policy; now, therefore, be it

**RESOLVED:** That the City Attorney is authorized and directed to compromise and settle the case of Secure Justice, Inc. and Brian Hofer v. City of Oakland, Alameda County Superior Court Case No. RG21111681, City Attorney File No. X05345 for Thirty Thousand Dollars and No Cents (\$30,000.00); and be it

**FURTHER RESOLVED:** That the City Attorney is authorized and directed to compromise and settle Petitioners' claims for writ of mandate; and be it

**FURTHER RESOLVED:** That the City Attorney is authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: DEC 19 2023

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, ~~WILLIAMS~~, AND  
PRESIDENT FORTUNATO BAS -7

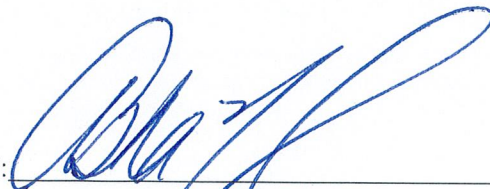
NOES 8

ABSENT 0

ABSTENTION 0

7 Excused - Reid

ATTEST:



ASHA REED

City Clerk and Clerk of the Council of the  
City of Oakland, California