

CITY OF OAKLAND



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December 19, 2023

HONORABLE CITY COUNCIL  
Oakland, California

**Subject: Secure Justice, Inc. and Brian Hofer v. City of Oakland  
Alameda County Superior Court Case No. RG21111681  
City Attorney File No. X05345  
(Oakland Police Department – Writ of Mandate Re:  
Surveillance Technologies)**

President Fortunato Bas and Members of the City Council:

Pursuant to Section 401 of the Charter, the City Attorney has prepared and requests your approval of a resolution authorizing compromise and settlement of the above-entitled lawsuit for agreement to perform certain mandatory duties and payment of attorneys' fees and costs of Thirty Thousand Dollars and Zero Cents (\$30,000.00), payable to Petitioners in a manner specified by Petitioners' counsel.

Petitioners 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. The City has determined to settle and resolve the lawsuit by agreeing 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 perform certain mandatory duties required by ordinance or use policy, and payment of Petitioners' attorneys' fees and costs in the amount of \$30,000.00.

The City Council authorized settlement of this case in Closed Session on Thursday, December 7, 2023 (moved by Councilmember Noel Gallo and seconded by Councilmember Kevin Jenkins - 5 Ayes, 3 Absent - Councilmembers Carroll Fife, Dan Kalb and Rebecca Kaplan).

Respectfully submitted,

A handwritten signature in cursive script that reads "Barbara J. Parker".

BARBARA J. PARKER  
City Attorney

Assigned Attorney:  
Kevin P. McLaughlin