



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO AMEND THE SETTLEMENT IN 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, AS IT PERTAINS TO FORWARD-LOOKING INFRARED CAMERA TECHNOLOGY – (OAKLAND POLICE DEPARTMENT – WRIT OF MANDATE RE: SURVEILLANCE TECHNOLOGIES)

WHEREAS, Petitioners Secure Justice, Inc. and Brian Hofer (“Hofer”) filed a petition for writ of mandate or prohibition, seeking to compel the Oakland Police Department (“OPD”) to comply with (1) the Public Records Act; (2) use policy and statutory requirements pertaining to automated license plate reader systems; (3) race stop data reporting required by Government Code section 12525.5; and (4) the City of Oakland’s Surveillance Ordinance; and

WHEREAS, the City Council publicly approved settlement of the lawsuit on December 19, 2023, Resolution No. 90046 C.M.S., resulting in a settlement agreement embodying the parties’ settlement (the “Settlement Agreement”); and

WHEREAS, one term of the Settlement Agreement provides that “OPD will present to the City Council an ordinance codifying its use policy for its Forward Looking Infrared Thermal Imaging Camera System (“FLIR”) within 90 days of the Effective Date”; and

WHEREAS, after finalizing the Settlement Agreement, both OPD and Hofer determined that codifying the FLIR use policy as an ordinance would be highly cumbersome, and that it would be more efficient to update the recently adopted Aircraft Mounted Camera (“AMC”) Surveillance Use Policy to address permissible uses of FLIR cameras in both helicopters and airplanes.; now, therefore, be it

RESOLVED: That the City Attorney is authorized and directed to amend the Settlement Agreement to delete the term which provides that OPD will present an ordinance to Council that codifies the use policy for FLIR, and include a term which provides that OPD will present to the Privacy Advisory Commission draft updates to the AMC use policy to expand its scope to cover use of FLIR in fixed-wing aircraft as well as helicopters; and be it

FURTHER RESOLVED: That there are no other amendments to the Settlement Agreement; and be it

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

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

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