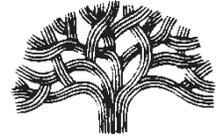


# CITY OF OAKLAND



ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney  
Barbara J. Parker  
City Attorney

(510) 238-3601  
FAX: (510) 238-6500  
TTY/TDD: (510) 238-3254

March 19, 2024

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  
(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 amendment of the existing settlement agreement in this case.

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 (“ALPR”); (3) race stop data reporting required by Government Code section 12525.5; and (4) the City of Oakland’s Surveillance Ordinance. The City Council publicly approved settlement of the lawsuit on December 19, 2023, Resolution No. 90046 C.M.S.

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.” 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. Both OPD and Hofer have agreed to amend the settlement agreement to delete the term that 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. This is the only change to the settlement agreement.

President Fortunato Bas and Members of the City Council

March 19, 2024

**Re: *Secure Justice, Inc. and Brian Hofer v. City of Oakland***

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The City Council authorized amendment of the settlement of this case in Closed Session on Thursday, March 7, 2024 (moved by Councilmember Noel Gallo and seconded by Councilmember Kevin Jenkins - 6 Ayes, 2 Excused - Councilmembers Janani Ramachandran and Treva Reid).

Respectfully submitted,

A handwritten signature in blue ink that reads "Barbara J. Parker". The signature is written in a cursive style with a large, looped initial "B".

BARBARA J. PARKER

City Attorney

Assigned Attorney:  
Kevin P. McLaughlin