



May 2, 2017

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Hon. Noel Gallo (ngallo@oaklandnet.com)  
Hon. Abel Guillen (aguillen@oaklandnet.com)  
Hon. Larry Reid (lreid@oaklandnet.com)  
Oakland City Council Public Safety Committee  
City of Oakland, California

**Re: Oakland Surveillance and Community Safety Ordinance**

To the Honorable Members of the Oakland Public Safety Committee:

The Electronic Frontier Foundation (EFF) and the Freedom of the Press Foundation (FPF) strongly urge the Oakland Public Safety Committee to approve the Oakland Surveillance and Community Safety Ordinance.

EFF is a member-supported, nonprofit civil liberties organization that protects free speech and privacy rights in the digital world. EFF was founded in 1990, is headquartered in San Francisco, and has nearly 36,000 members.

FPF is a non-profit organization based in the Bay Area that supports and defends journalism dedicated to transparency and accountability. FPF uses internet advocacy, crowdfunding, and digital security tools to protect journalists and whistleblowers worldwide.

All too often, government executives unilaterally decide to adopt powerful new surveillance technologies that invade our privacy, chill our free speech, and unfairly burden communities of color. These intrusive and proliferating tools of street-level surveillance include drones, cell-site simulators, surveillance cameras, and automated license plate readers.

Under the proposed Ordinance, the power to decide whether or not to adopt new surveillance technologies would rest instead with the Oakland City Council. Most importantly, the Ordinance would provide the general public with an opportunity to comment on proposed surveillance technologies and use policies for these technologies, before the City Council decides whether to adopt them. This will ensure community control over decision-making about these powerful spying technologies.

The proposed Ordinance is part of a statewide movement to ensure this community control. Last year, Santa Clara County enacted an ordinance requiring it.<sup>1</sup> Legislative committees have advanced similar bills statewide,<sup>2</sup> in Palo Alto,<sup>3</sup> and for BART.<sup>4</sup> Further, a pair of 2015 California statutes require transparency and oversight of automatic license plate readers<sup>5</sup> and cell site simulators.<sup>6</sup> The proposed Oakland Ordinance would be the strongest of these salutary laws.

Public safety requires trust between government and the community served. To ensure that trust, Oakland needs a participatory process for deciding whether or not to adopt new government surveillance technologies, and ongoing transparency and oversight of any adopted technologies.

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<sup>1</sup> See Santa Clara County Code A40, at [https://www.municode.com/library/ca/santa\\_clara\\_county/codes/code\\_of\\_ordinances](https://www.municode.com/library/ca/santa_clara_county/codes/code_of_ordinances).

<sup>2</sup> See S.B. 21, at [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB21](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB21).

<sup>3</sup> See Gennady Sheyner, "Policing surveillance in Palo Alto," *Palo Alto Online* (4/29/16), at <http://www.paloaltoonline.com/news/2016/04/29/policing-surveillance-in-palo-alto>.

<sup>4</sup> See Joe Kukura, "BART considers measure to limit surveillance," *SF Weekly* (1/26/17), at <http://www.sfweekly.com/news/bart-considers-measure-to-limit-surveillance/>.

<sup>5</sup> See S.B. 34, codified at Cal. Civil Code Title 1.81.23, at <http://law.justia.com/codes/california/2015/code-civ/division-3/part-4/title-1.81.23>.

<sup>6</sup> See S.B. 741, codified at Cal. Govt. Code Section 53166, at <http://law.justia.com/codes/california/2015/code-gov/title-5/division-2/part-1/chapter-1/article-11/section-53166>.



Thank you for considering EFF's and FPF's strong support for this important law. If you have any questions, please do not hesitate to contact Adam Schwartz at [adam@eff.org](mailto:adam@eff.org) or (415) 436-9333, extension 176.

Sincerely,

Adam Schwartz  
Senior Staff Attorney  
Electronic Frontier Foundation

Trevor Timm  
Executive Director  
Freedom of the Press Foundation

cc: Hon. Annie Campbell Washington  
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