

OAKLAND, BERKELEY, AND EAST BAY NEWS, EVENTS, RESTAURANTS, MUSIC, & ARTS  
NEWS & OPINION » OPINION FEBRUARY 26, 2014

## Why We Oppose the Oakland Spy Center

City staffers and OPD have proven that they can't be trusted to oversee it. Plus, it won't solve crime and the city can't afford to operate it.

By Brian Hofer and the Oakland Privacy Working Group

SEARCH:

Email Tweet Share {48} Print 

On March 4, the Oakland City Council is scheduled to decide to award a contract that, if approved, will impact your civil rights. The Domain Awareness Center (DAC) is a full-time mass surveillance project encompassing the city and the Port of Oakland and is being initially funded by the US Department of Homeland Security ("DHS"). The Oakland Privacy Working Group opposes this project because city staff and the Oakland Police Department (OPD) have proven they can't be trusted to oversee something this critical. Furthermore, the DAC won't solve crime, there is great potential for abuse of civil liberties, and the city cannot afford to operate it. The city has no data retention and privacy policy or oversight committee for the DAC, which is absurd when one considers the potential harm and past wrongdoing by the city.

The DAC will share live video and data with regional government, law enforcement, and as stated by Port Facilities Security Officer Mike O'Brien at the February 18, 2014 City Council meeting, "there is an expectation by the feds that we will share information with them." Future proposed DAC phases include adding cameras at Oakland Unified School District buildings and throughout Oakland Housing Authority properties, automatic license plate readers, facial recognition software, and social media monitoring. Strangely, OPD has suggested including planning, business, and property tax databases, which are unrelated to crime fighting.

We are being sold the line that the DAC will help solve Oakland's crime problem, yet there is no data that proves mass surveillance does so. And city staff has shown no interest in solving crimes with the DAC. As stated by a December 18, 2013 story "The Real Purpose of Oakland's Surveillance Center" in the *Express* concerning internal city documents related to the DAC, "while the emails reveal a great deal about the DAC, they are also notable for what they do not talk about ... city staffers do not discuss any studies pertaining to the use of surveillance cameras in combating crime, nor do they discuss how the Domain Awareness System could help OPD with its longstanding problems with solving violent crimes. In more than 3,000 pages of emails, the terms 'murder,' 'homicide,' 'assault,' 'robbery,' and 'theft' are never mentioned."

OPD can't manage its resources and has a poor relationship with the community. In a February 6, 2014 report by the city auditor, "OPD spent at least \$1.87 million on technology that was never used or underused." According to OPD's report to the Public Safety Committee at its September 2013 meeting, the city has more than 650 homicide investigations with unexamined evidence, some cases going back seven years. Alameda County has more than 1,900 rape kits that have never been looked at. In the same September 2013 meeting, OPD stated that it needed \$1.2 million to increase staff at its crime lab, an amount that will now be usurped by the DAC's estimated annual operating costs to the city of \$1.6 million.

For ten-plus years running, OPD has failed to comply with the Negotiated Settlement Agreement from the infamous Riders scandal. Yet the city council is poised to hand over to OPD the most advanced surveillance and tracking tools

in history. In her February 13, 2014 letter to the City Council, ACLU staff attorney Linda Lye noted that “black people were twice as likely (68%) to be surveilled for ‘no obvious reasons’ than whites” by video surveillance systems.

City staff disregards Oakland’s contracting policies and cannot be trusted to oversee something more critical like our private data. The work on Phase 1 of the DAC was completed by SAIC, a contractor found to be in noncompliance with the city’s Nuclear Free Zone Ordinance. SAIC defrauded the City of New York on a payroll system contract, agreeing in 2012 to pay \$500 million to avoid prosecution. As revealed by internal city emails, Oakland city staff knew these facts prior to execution of the Phase 1 contract and concealed these facts from the city council as SAIC received payment. Unsurprisingly, SAIC overcharged the city on Phase 1. In 2013, SAIC was exposed and prevented from pursuing the Phase 2 contract. Noncompliance with the nuclear free ordinance is also a problem for the staff-selected Phase 2 contractor.

Most importantly, ours is a civil rights movement. The Bill of Rights codified our civil liberties. The California Constitution includes an express right to privacy. Long-held legal doctrines such as freedom of speech, the press, and assembly and the requirement of due process and probable cause, form the basis of our civil society. Many lives have been lost defending these rights. The result of mass surveillance is a chilling effect upon legal activities, such as meeting in a public plaza or attending a mosque for worship in this post-9/11 world.

Oakland has in the past rejected mass surveillance, in 1997 and 1999. Then-Councilmember Henry Chang reflected on his decision to come to the United States, saying, “We came because we don’t want to be watched by Big Brother all the time.” Then-Councilmember Ignacio De La Fuente cast his no vote by citing a lack of evidence that cameras are effective in reducing crime and concluding that the program was not “worth the risk of violating people’s privacy rights.”

The DAC won’t reduce crime. It is a financial boondoggle. Staff and OPD have proven they cannot be trusted to oversee it. Most importantly, the DAC will infringe upon our civil liberties.

---

Contact the author of this piece, send a letter to the editor, like us on Facebook, or follow us on Twitter.

« [When Girl Scouts and Medical W...](#)      [Congressman Eric Swalwell Puts...](#) »