



Agenda Planning Request Form



Instructions

Complete this form for any new or amended Agenda Planning (AP) Request. Each request requires the endorsement of **at least three (3) Directors** (including the requestor). Directors are limited to a **maximum of fifteen (15)** AP requests per calendar year, with no more than two requests made per meeting. AP requests are non-transferrable to any other Director and any “unused” AP requests shall not be carried over to the next calendar year. Requests for presentations by individuals or organizations outside of AC Transit are excluded from the AP request limit.

Prior to making a request, Directors shall make their best effort to discuss the item with the General Manager, a member of his/her Executive Staff or appropriate Board Officer in advance of the Board meeting at which the request will be made.

AP Request Forms are due to the District Secretary no later than 5:00 p.m. on the Wednesday one week prior to the scheduled Board meeting in order for the form to be included in the agenda packet. Email completed forms to districtsecretary@actransit.org

Information

Directors Name:	Peeples	Meeting Date the AP Request will be Made:	24 January 2024
Is Request New or Amended?	New	Include in the GMs Report? (Yes or No)	Either way
Type (Action or Briefing):	Briefing	Expected Staff Report Due Date (if known):	UNK
Was the report Discussed w/ GM, Board Officer or Exec Team Member, Yes or No?	Yes		

*****Please type responses in the boxes shown below.*****

Item Description: (Please be thorough. Attach additional information if needed.)

Purpose:

To Conform With Our Privacy Policy Regarding The TEMPO Video Surveillance



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The Oakland Observer (article attached) pointed out that we were not following our policy on reporting on outside police agencies requesting video from the TEMPO video cameras. That report should be added to the annual reports in our agenda planning list.

What will be Accomplished/Desired Outcome:

Annual reports per our policy.

The Section Below is for District Secretary Office Use Only

Information on requested additions by Board Members:

Concurrence By: ☐ Beckles ☐ Walsh ☒ Syed ☒ McCalley ☐ Shaw ☐ Young ☒ Peeples

Tracking Number (if applicable):

The Oakland Observer
15Jan24

AC Transit Failed to Follow Policy Requirements for Tempo Cameras

Public documents obtained by the Oakland Observer strongly suggest that AC Transit [ACT] failed to follow its own policies on the surveillance system for Tempo platforms installed primarily in East Oakland. ACT's Tempo line begins adjacent to City Center in downtown Oakland, but most of the system runs through the International Blvd corridor—over 20 median stations are located through East Oakland with cameras pointed at the public right of way. The cameras capture housing, schools, businesses, and churches 24 hours a day on both sides of the street. ACT Grudgingly Took on Policy After Pressure from Advocates

Tempo had originally been intended to go live in late 2019 but was delayed into 2020. Yet ACT did not create a use policy for the surveillance system in 2019, and only produced a policy after pushback from privacy advocates a month after Tempo went live in August 2020. Though the same privacy advocates that had urged the creation of the use policy asked the ACT board to revise and strengthen the policy before voting, the board moved forward and passed it at a September board meeting.

The policy required regular audits and annual reports on how ACT uses the surveillance system. The policy also prohibits any law enforcement agency except for the ALCO Sheriff, which is the official policing entity for ACT, from accessing footage without a court order.

The Oakland Observer filed a request for the stipulated annual reports and “periodic” audits in August, 2023. ACT's response should have consisted of at least three annual reports and various periodic audits. But on January 1, 2024, ACT provided only two documents in response to the request on its Nextrequest system. ACT immediately closed the request with the claim that all documents had been released.

The released documents consisted of only one audit covering the entire three-year span of the Tempo system and a spreadsheet noting completed requests for Tempo video from various law enforcement agencies and public records requests. The audit was apparently the only one conducted in the three-year time span, and the timing—conducted after the receipt of the request—suggests it was only created to satisfy the request.

Regardless, the audit notes that AC Transit did not follow its own policy in releasing video to law enforcement agencies over the three-year period of the policy. According to the policy passed in 2020, AC Transit's internal process clears all requests with Legal department and the Protective Services Manager—but 42% of the 101 non-ALCO Sheriff requests for video showed no evidence of having been approved by those bodies or readily viewable evidence that court-ordered search warrant had been obtained.

From the 147 video requests we reviewed, 101 were from the Oakland police (84) and San Leandro police (17) departments and thus requiring court-ordered search warrants. Of these 101 video requests, we could not find written evidence of Legal or Protective Services department approval on 42 (or 42%) of these requests. It is important that video requests requiring court-ordered search warrants are reviewed and properly approved by Legal or Protective Services to ensure that they were properly executed.

Additionally, no annual reports were provided in the request—despite language by this publication requesting a statement from AC Transit that would read “no such records exist” if that were to be the case. A request for more information along these lines was unanswered by press time. Presumably, ACT never followed its own policy and failed to produce Tempo surveillance system annual reports.

The failures occur as a worrisome number of deaths and injuries on the Tempo-altered International corridor infrastructure have occurred as well. More as this story develops.