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# 21<sup>st</sup> Century Public Surveillance and Privacy Conference

THURSDAY, JUNE 30, 2016  
UC Hastings College of the Law  
198 McAllister Street  
San Francisco, CA 94102

We gratefully acknowledge UC Hastings College of the Law  
for their generous support for this event

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# PROGRAM SCHEDULE

## Registration

7:30 a.m. – 8:00 a.m.

## Welcome and Opening Remarks by David Faigman, Acting Chancellor and Dean, UC Hastings College of the Law

8:00 a.m. – 8:15 a.m.

## Surveillance Technologies and Fourth Amendment Privacy

8:15 a.m.– 9:30 a.m.

This session will address the application of the *Katz* standard's reasonable expectation of privacy as it applies to particular surveillance methods. Panelists will discuss its existing and anticipated applications to GPS, drones, as well as Automatic License Plate Readers (ALPRs), International Mobile Subscriber Identity ("IMSI") catchers (Stingrays), and police body cameras. The discussion will also include the overall future of the *Katz* standard as expectations of privacy are subject to rapidly developing technological capabilities and shifting expectations.

**SPEAKERS:** Prof. Dean Erwin Chemerinsky, UC Irvine School of Law  
Prof. Rory Little, UC Hastings College of the Law  
Prof. Susan Freiwald, University of San Francisco School of Law

## Dean Erwin Chemerinsky

9:45 a.m. – 10:45 a.m.



Dean Erwin Chemerinsky, founding Dean of the University of California, Irvine School of Law and renowned constitutional law scholar will discuss the constitutional privacy concerns posed by high-tech surveillance, as well as concerns all individuals should have concerning the proliferation of private information about ourselves.

## Breakout sessions (11:10 a.m. – 12:25 p.m.)

### SESSION 3—Surveillance and Data Collection and the Public Records Act 11:10 a.m. – 12:25 p.m.

Enormous amounts of data are collected using various technologies including global positioning systems (GPS), stingray phone trackers, police body cameras and license plate trackers. This session will discuss the impacts of this data collection on the Public Records Act, and application of the Public Records Act's exception for records related to law enforcement investigations. The session will address preserving privacy when disclosing records, including names, home addresses, telephone numbers, email addresses, financial data, and social security numbers. Panelists will discuss potential liability for inappropriate or inadvertent disclosures, as well as best practices for retention and storage policies.

**SPEAKERS:** Heather Aubry, LA Deputy City Attorney  
Michael Risher, Senior Staff Counsel, ACLU of Northern California

### SESSION 4—GPS and Stingray Technology 11:10 a.m. – 12:25 p.m.

This session will discuss current improvements in global positioning systems (GPS), Stingray phone trackers (also known as International Mobile Subscriber Identity catchers) and current Constitutional and California law governing their use, as well as uses currently unaddressed by current law. The panel will also discuss whether public entities can, or should, enter into agreements with private makers of Stingray devices requiring confidentiality, including the prohibition about revealing how the technology works in criminal prosecutions. Such agreements may invalidate search warrants and lead to the inadmissibility of important evidence. Attendees will also learn about constitutional limitations governing searches incidental to police stops and arrests where individuals are carrying computer devices such as smart phones, lap tops, and other devices. Finally, the session will address best practices discussing how to best use this technology.

**SPEAKERS:** Prof. Dorothy Glancy, Santa Clara University School of Law  
Linda Lye, Senior Staff Attorney, ACLU of Northern California  
Michael Blazina, Asst. Chief Deputy District Attorney, Sacramento District Attorney's Office

**Networking Lunch****12:25 p.m. – 1:00 p.m.****Drone Technology, Existing Law, and Privacy Concerns****1:00 p.m. – 2:15 p.m.**

This session will examine developments in and use of drone technology. The panel will discuss the safety and privacy concerns raised by private-party drone use and the existing and proposed laws regulating its use by the FAA, as well as by local and state entities, including potential preemption concerns. The session will also address existing and proposed laws governing drones use by law enforcement, as well as the constitutional concerns uniquely raised by its use in law enforcement. The discussion will include the issues which remain unaddressed by the Legislature and the courts as this technology evolves. And finally, attendees will learn about recommended best practices in using this technology.

**SPEAKERS:** Amy Albano, Burbank City Attorney

Prof. Dorothy Glancy, Santa Clara University School of Law

**The Use of Police Cameras and Facial/Speaker Recognition Software****2:15 p.m. – 3:30 p.m.**

This session will explore the expanding use of police body cameras, its pro's and con's, including recommendations for policies governing its use and oversight. Panelists will also discuss public's interest and related privacy concerns over whether this footage should be made public. The discussion will address best practices for using this technology, including storage and retention policies. Attendees will also learn about new technology related to facial and voice recognition software which may be integrated into the use of any kind of surveillance, including police body cameras. This discussion will include concerns about the accuracy of this software and legal concerns about potential racial profiling where this technology may be used to track known criminals before police have a reason to suspect any criminal conduct.

**SPEAKERS:** Rocky Lucia, Rains Lucia Stern, P.C.

Prof. James Wayman, PhD., San Jose State University, Biometric Identification Research Program  
 Prof. Hadar Aviram, UC Hastings College of the Law  
 Catherine Wagner, Police Practices Fellow, ACLU of Northern California

**Break****3:30 p.m. – 3:45 p.m.****CalECPA's (SB 178) Requirements and Impacts on Law Enforcement****3:45 p.m. – 5:00 p.m.**

In 2015, California passed the California Electronic Communications Privacy Act (CalECPA) placing the state at the forefront of digital privacy information law for law enforcement investigations. Participants will learn about CalECPA's scope and requirements, including warrant requirements for compelling the production of electronic communication information from service providers and accessing such information on electronic devices. Attendees will learn about CalECPA's application to electronic surveillance devices (such as Stingrays [also known as IMSI catchers]) to obtain communication content, geo-location data, and IP addresses, and other metadata. Panelists will also address open issues and ambiguities in CalECPA and offer best practice advice in achieving compliance.

**SPEAKERS:** Prof. Susan Freiwald, University of San Francisco School of Law

Nicole Ozer, Technology & Civil Liberties Director, ACLU of Northern California  
 Michael Blazina, Asst. Chief Deputy District Attorney, Sacramento District Attorney's Office

# REGISTRATION INFORMATION

**Online registration:**

<http://publiclaw.calbar.ca.gov>

**Mail To:**

Program Registrations, The State Bar of California  
180 Howard Street  
San Francisco, CA 94105

**Fax to:**

Program Registrations at 415-538-2368. In order to fax your registration credit card information is MANDATORY.

**Cancellations and Deadlines:**

Cancellations and request for refunds must be received in writing by June 23, 2016 and are subject to a \$50 service charge. Substitute registrants are allowed but must register in their own name at the meeting to receive MCLE credit.

**Onsite Registration:**

Limited and subject to availability. Call to confirm space availability. Please register in advance.

**Special Assistance:**

For special assistance please call 415-538-2248.

**Questions:**

For registration questions please call 415-538-2508. Telephone registrations will not be accepted. For program content and/or section information please call 415-538-2248.

**CYLA MEMBERS:** Now offering 25% off registration. Call 415-538-2248 for more information. (All CA members that have been in practice 5 years or less OR are 36 years old or younger)



# 21<sup>st</sup> Century Public Surveillance and Privacy Conference

Thursday, June 30, 2016 • San Francisco, CA

## REGISTRATION FORM

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(Required for email confirmation)

Program package includes 7.25 hours of MCLE, program materials, continental breakfast and lunch.

Check here if you do not want your information released.

### REGISTRATION FEES (CHECK THE APPROPRIATE BOX):

- \$175 for Public Law Section members
- \$225 for Non-Section members (includes membership in the Public Law Section for 2016)
- \$150 for Paralegals/Non attorneys
- \$100 for Full-time Law Students

**AMOUNT ENCLOSED OR TO BE CHARGED** \$ \_\_\_\_\_

### CHOOSE 1 COURSE FOR BREAKOUT SESSION

11:10 a.m. – 12:25 p.m.

- Session 3—Surveillance and Data Collection and the Public Records Act
- Session 4—GPS and Stingray Technology

### REGISTRATION INFORMATION

**Deadline:** In order to pre-register, your form and check, payable to The State Bar of California, or credit card information, must be received no later than June 23, 2016.

**Register Online:** <http://publiclaw.calbar.ca.gov>

**Mail To:** Program Registrations, The State Bar of California, 180 Howard Street, San Francisco, CA 94105.

**Fax To:** Program Registration at 415-538-2368. In order to fax your registration, credit card information is MANDATORY. **(Photocopies of checks will NOT be accepted.)**

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