



 City Attorney

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 OAKLAND

OAKLAND CITY COUNCIL

2019 NOV -7 PM 2: 54

RESOLUTION NO. 87939 C.M.S.

Introduced by Councilmember

**RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT
 (OPD) PURSUIT MITIGATION SYSTEM USE POLICY AND
 SURVEILLANCE IMPACT REPORT**

WHEREAS, Oakland's Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018 adds Chapter 9.64 to the Oakland Municipal Code (OMC) covering policy areas related to surveillance technology; and

WHEREAS, OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology. Additionally, OMC Section 9.64.020.1 requires that, "Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030 city staff shall submit a surveillance impact report and surveillance use policy to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The surveillance impact report and surveillance use policy must address the specific subject matter specified for such reports as defined under 9.64.010," and

WHEREAS, Pursuit Mitigation Trackers, using Global Positioning Satellite (GPS) Tracking technology, offer officers a technology alternative to vehicle pursuits; pursuit Mitigation trackers provide solutions for apprehending individuals who are involved in serious crimes or who purposely evade lawful commands to stop, while mitigating many of the risks inherent to police vehicle pursuits; and

WHEREAS, the GPS Tag and Track Launcher System are comprised of a less-than-lethal, dual barrel GPS launcher which contains two GPS Tags (1 per barrel) mounted in the vehicle grille or on a push bumper. The launcher is equipped with compressed air and an eye-safe laser for assisting with targeting before launching the GPS Tag; and

WHEREAS, the Impact Use Report covers the following areas as required by the Surveillance Ordinance:

- Information describing the system and how it works;
- Purpose of the technology;

- Locations where, and Situations in which the technology may be used (along with area crime data);
- Privacy Impact of the technology;
- Mitigations to prevent privacy impacts;
- Data Types and Sources;
- Data Security;
- Costs;
- Third Party Dependence;
- Alternatives Considered; and
- Track Record of Other Entities; and

WHEREAS, the Pursuit Mitigation System Policy covers the following areas:

- Technology Description;
- Authorized Use
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting; and
- System raining; and

WHEREAS, OPD staff presented this technology to the PAC on two occasions, and the PAC voted unanimously at their September 5, 2019 meeting to recommend that the City Council approve OPD's Pursuit Management Technology Policy and Impact Use Statement; therefore be it

RESOLVED: that City Council does hereby approve the OPD Pursuit Mitigation System Use Policy and Surveillance Impact Report for the Gunshot Location Detection System; and be it

FURTHER RESOLVED: that City Council approves the surveillance impact report and technology use policy; and be it

FURTHER RESOLVED: that City Council considered the recommendations of the Privacy Advisory Commission and finds that the benefits to the community of this technology outweigh the costs, the technology will safeguard civil liberties and civil rights and no alternative would be as effective.

NOV 19 2019

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:


AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California