
City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 88095 C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT (OPD) MOBILE IDENTIFICATION DEVICE (MID) 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, OPD staff presented a draft MID Use Policy "Department General Order (DGO) I-21: Mobile Identification Devices" and the Surveillance Impact Report to the PAC at their December 5, 2019 and February 6, 2020 meetings; and

WHEREAS, the Use Policy DGO I-21 covers several relevant areas required by OMC 9.64.030, including the following area:

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

WHEREAS, the Surveillance Impact 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, through robust discussion and collaboration, OPD has developed substantial privacy mitigations outlined in the report accompanying this resolution; and

WHEREAS, OPD staff made a second presentation of a revised MID Use Policy and Surveillance Impact Report to the PAC on February 6, 2020, and at this meeting, after another robust discussion between PAC commissioners and OPD staff, the PAC voted unanimously to recommend that the City Council approve OPD's MID Use Policy (DGO I-21) and MID Surveillance Impact Report; therefore be it

RESOLVED; that City Council does hereby approve the OPD Mobile Identification Devices Use Policy as provided in **Attachment A** to the report accompanying this resolution; and be it

FURTHER RESOLVED: that City Council does hereby approve the OPD Surveillance Impact Report as provided in **Attachment B** to the report accompanying this resolution; and be it

FURTHER RESOLVED: that pursuant to OMC chapter 9.64, City Council has considered the PAC's recommendation to favor City Council authorization of the acquisition and use of OPD Mobile Identification Device technology; and be it

FURTHER RESOLVED: That pursuant to OMC chapter 9.64, for the reasons referenced above by City staff and addressed in the agenda report and surveillance impact report accompanying this resolution, the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost benefit determination); that the proposal will safeguard civil liberties and civil rights, and that, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator or designee's acquisition and use of the Mobile Identification Device technology; and be it

FURTHER RESOLVED: That in accordance with the City Charter, the MOU authorized by this resolution shall be approved by as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 07 2020

PASSED BY THE FOLLOWING VOTE:

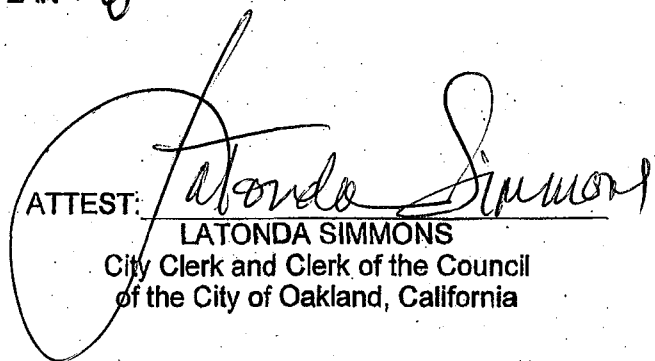
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN - 0

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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