

APPROVED AS TO FORM AND LEGALITY

2024 FEB 29 PM 5:13

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Lindsay Chan
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90161 C.M.S.

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT'S UNIVERSAL FORENSIC EXTRACTION DEVICE USE POLICY AND IMPACT REPORT IN ORDER TO UPDATE EXISTING TECHNOLOGY.

WHEREAS, Oakland's Surveillance and Community Safety 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), and covers 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 9.64.020.3 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 (SIR) and Surveillance Use Policy (SUP) to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The SIR and SUP must address the specific subject matter specified for such reports as defined under 9.64.010"; and

WHEREAS, OPD has developed Departmental General Order (DGO) I-30: Universal Forensic Extraction Device (a SUP) and accompanying SIR, and presented them to the PAC at the regularly scheduled PAC meetings on November 2, 2023; and December 7, 2023; and

WHEREAS, on December 7, 2023, the PAC voted unanimously to adopt DGO I-30 and recommended that the City Council also adopt DGO I-30 and the accompanying SIR; and

WHEREAS, DGO I-30 Universal Forensic Extraction Device (**Attachment A**) covers relevant areas as required by the Surveillance Ordinance including: Purpose; Authorized Use; Data Collection; Data Access; Data Protection; Data Retention; Public Access; Third Party Data Sharing; Training; Auditing and Oversight; and Maintenance; and

WHEREAS, the SIR for Universal Forensic Extraction Device (**Attachment B**) covers the following areas as required by the Surveillance Ordinance: Information describing how the technology works; Purpose of the technology; Locations and situations in which the technology may be used; Privacy impact of the technology; Mitigations to prevent privacy impacts; Data types and sources; Data security; Fiscal costs; Third party dependence; Alternatives considered; and Track record of other entities; and

WHEREAS, through discussion and collaboration, OPD has developed substantial privacy mitigations outlined in the SIR; now, therefore, be it

RESOLVED: That City Council hereby adopts and approves OPD's DGO I-30: Universal Forensic Extraction Device Use Policy, as a SUP (**Attachment A**); and be it

FURTHER RESOLVED: That City Council hereby adopts and approves the accompanying SIR on the Universal Forensic Extraction Device (**Attachment B**); and be it

FURTHER RESOLVED: That pursuant to OMC 9.64.030, City Council has considered the PAC's recommendation in favor of City Council adoption of DGO I-30; and be it

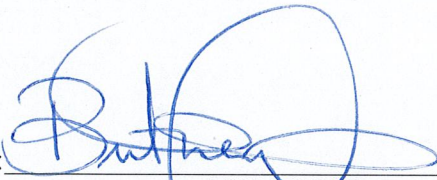
FURTHER RESOLVED: That pursuant to OMC 9.64.030, for the reasons referenced above and in the agenda report and SIR accompanying this resolution, the City Council hereby finds that the benefits to the community of the surveillance technology outweigh the costs (cost-benefit determination); that the proposal 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 to acquire and use updated Universal Forensic Extraction Devices.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAR 19 2024**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8
NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California