



Privacy Advisory Commission
October 3, 2024; 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Regular Meeting Agenda

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt*

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. Call to Order, determination of quorum
2. Review and approval of the draft July 9 and August 1 meeting minutes
3. Open Forum/Public Comment for non-agenda items
4. Surveillance Technology Ordinance – OPD – Hostage Throw Phone Proposed Use Policy and Impact Statement
 - a. Review and take possible action

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

Members of the public can view the meeting live on KTOP or on the City's website at <https://www.oaklandca.gov/topics/ktop-tv-10>.

Comment in advance. To send your comment directly to the Privacy Commission and staff BEFORE the meeting starts, please send your comment, along with your full name and agenda item number you are commenting on, to Felicia Verdin at fverdin@oaklandca.gov. Please note that eComment submissions close one (1) hour before posted meeting time. All submitted public comment will be provided to the Privacy Commission prior to the meeting.

To observe the meeting via Zoom, go to: <https://us02web.zoom.us/j/85817209915>
Or One tap mobile: +1 669 900 9128



Privacy Advisory Commission
July 9, 2024; 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
Special Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt*

Each person wishing to speak on items must fill out a speaker's card. Persons addressing the Privacy Advisory Commission shall state their names and the organization they are representing, if any.

1. Call to Order, determination of quorum

Chair Hofer called the meeting to order.

In attendance: Chair Hofer, Vice Chair Gage, Commissioners Katz and Tomlinson, Wang,

Absent: Commissioners Suleiman, Leavitt and Everhart

2. Review and approval of the draft April and June meeting minutes

Chair Hofer made a correction to the April minutes and requested that in the future staff list corrections in the meeting minutes. On number 7 in the narrative, correct decimation of data to distribution of data.

Chair Hofer moved to accept April minutes, second by Tomlinson. Minutes approved unanimously.

Chair Hofer returned to April minutes and requested that under item 7 delete the following sentence: They do not need to revisit the ordinance if it comes forward for upgrades. With the amendment, Chair Hofer moved to approve the April minutes, second by Katz. Minutes approved.

Chair Hofer made a motion to approve the June minutes. No opposition or abstentions.

3. Open Forum/Public Comment for non-agenda items

No public comment.

4. Surveillance Technology Ordinance – OFD – Automatic Resource Locator (ARL) (CAD GPS) Impact Statement and Proposed Use Policy

a. Review and take possible action

Assistant Fire Chief Tracey Chin provided an update regarding this item. She explained that there is an urgency for this item to move forward. The meet and confer is still in process with local 55. The only substantive changes are moving items into the definition section under the ARL and the mobile data terminal. Other changes in the document include the definition of an emergency and which classifications will have access to the data.

Chair Hofer requested information about the contract. Tony Batalla, IT director provided an update. The contract was first authorized in 2017. This project will upgrade the Computer Aided Dispatch (CAD) software. Oakland is the only jurisdiction “in the world” using this version of CAD. The contract is with Motorola. The fully supported, new Motorola software is scheduled to go live on July 29. Mr. Batalla shared that ARL will dispatch calls automatically for efficiency of the system. The data can be retained, and the policy calls for a 30 day retention.

Hofer motioned to forward this to the City council with no recommendation at this time to allow for the meet and confer process to play out with the understanding that we might pull it back if needed. Second by Tomlinson.

Commissioner Gage expressed that a recommendation is needed. It’s an unusual situation for the PAC as the concerns are usually related to the private rights of private citizens as opposed to public employees. He shared the meet and confer concerns are not in the wheelhouse of the PAC. Gage argued that the item is worthy of approval based on Privacy.

Amadis Sotello with the City Attorney’s office referenced the surveillance technology ordinance, and the three options are to adopt, modify or reflect the policy

Vice Chair Gage moved that the PAC forward this item to Council with a recommendation that Council modify the data retention section of this proposal in accordance with the outcome of a meet and confer process that is yet to occur. The Privacy implications are straight forward and non-controversial. Second by Chair Hofer.

Hofer withdrew his motion and seconded Vice Chair Gage’s motion.

Yes votes: Chair Hofer, Vice Chair Gage, Commissioners Wang and Katz.

Tomlinson abstained.

Public Comment: Zac Unger

5. Surveillance Technology Ordinance – OPD – Automatic Resource Locator (CAD GPS) Impact Statement and Proposed Use Policy
 - a. Review and take possible action

Dr. Beckman with OPD made a presentation on this item. He shared that it's the same system that OFD shared. He indicated that the meet and confer still needed to occur. He shared that the impact statement should be similar to OFD. Dr. Beckman also shared that the system would be used to locate an officer in the event of an emergency or when there is non-responsive radio traffic, to locate a vehicle that may be in close proximity to an incident, to locate a loss or stolen vehicle and to coordinate critical incidents. The data could also be used for a search warrant. These are the primary use cases that have been identified.

Dr. Beckman also provided an overview of prohibited uses such as shall not be uses or accessed in any manner outside of the official channels due to the risk of members. He shared that the retention period is 30 days.

Mac Muir executive director of the Community Police Review Agency (CPRA). They investigate allegations of OPD misconduct. On behalf of the CPRA, he addressed the retention policy of 30 days and his extensive experience with investigating allegations of misconduct. For example, he shared that in some cases the data created through this technology was the only basis by which to identify officers. The data assist with establishing that the facts are established correctly. He shared that the data could relate to cases with for sustained findings or exonerating officers. A not sustained find can create ambiguity of what occurred. Director Muir requested that the PAC consider a expanding the retention period beyond the 30 days as some cases come forward after this time.

Chair Hofer asked if Director Muir had a recommendation for data retention. Muir indicated that his preferred retention period is indefinitely, however; he recommended a one year retention.

Director Batalla shared that the 1 year data retention could likely be supported. He would need to evaluate the storage capacity.

Chair Hofer entertained. Indefinite retention would be costly. Location data amounts to a lot of data. Chair Hofer supported a 1 year retention period for the purpose of the greater good.

Chair Hofer motioned to adopt the policy with two amendments: change the 30 day period retention to one year and include the sentence that fire had that any employee shall have access to ARL data in the course of an investigation. Second by Tomlinson.

Vice Chair Gage stated that there are some specific deadlines with regards to misconduct investigations that could warrant a longer retention period. For the purposes of the PAC, it would be worth noting to revisit the efficacy of the longer retention at the annual report time.

Dr. Beckman shared that the technology could not bifurcate the retention policy for OFD and OPD.

Chair Hofer asked President Unger of Local 55 is opinion and he stated that he would need to confer with their attorneys and do the meet and confer.

Assistant Fire Chief Chin shared that in their initial draft of the policy, they did have a one of retention as outlined in their Firefighter Bill of Rights. It is one year of discovery to go through one year of discovery.

Chair Hofer agreed to reopen item 4 and go to a one year retention.

The PAC voted on Chair Hofer's motion, and it pass unanimously.

Chair Hofer made a motion to reconsider item 4, second by Vice Chair Gage. Motion passed. No opposition or abstentions.

Vice Chair Gage made a motion to forward this document to Council with a recommendation to modify as stated by the chair adding the retention language as well as a longer one year retention period. Subsequent to that vote need to do the same for the fire department given the technical limitation of the system. Second by Chair Hofer. Motion passed. No opposition or abstentions.

6. Surveillance Technology Ordinance – OPD – 1) Amended Automated License Plate Reader Use Policy, 2) Memorandum of Understanding For Automated License Plate Readers (Flock), 3) Memorandum of Understanding For Automated License Plate Readers (CA Highway Patrol)
 - a. Review and take possible action

Chair Hofer shared that ALPR has already passed. The PAC will review two Memorandum of Understandings.

Dr. Beckman started with DGO I12. He shared there were no substantive changes and requested feedback.

Public comment: Haley Hester, Chief of Staff for District 7. This is a long time coming and look forward to adding ALPR to our toolkit.

Chair Hofer made a motion to forward this to Council with three amendments, two are reflected in Section I, under third party data sharing: insert a sentence in Section I about the CHP have access to our data and rearrange subpart one and two to draw the distinction between one threshold if there is a legal obligation and the second is that everyone else needs to submit a request. The third amendment is the request form as amended and agreed to by OPD. Second by Gage. Motion passed unanimously.

7. Surveillance Technology Ordinance – OPW – Report on OPD Request for Video Footage from Illegal Dumping Cameras
 - a. Review and take possible action

This item was tabled.

8. Surveillance Technology Ordinance – OPW – Illegal Dumping Camera Program Annual report
 - a. Review and take possible action

Department of Public Works, Assistant Director Kristin Hathaway provided an update on this item and shared a PowerPoint presentation. Commissioners asked questions about ALPR.

Chair Hofer made a motion to forward this to City Council with a recommendation to accept it and approve for ongoing use with an amendment to section H that staff will insert the date that the cameras were last rotated. Second by Gage. Item passed unanimously.



Privacy Advisory Commission
August 1, 2024; 5:00 PM
Oakland City Hall
Hearing Room 1
1 Frank H. Ogawa Plaza, 1st Floor
DRAFT Meeting Minutes

Commission Members: *District 1 Representative: Reem Suleiman, District 2 Representative: Don Wang, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Vacant, District 6 Representative: Gina Tomlinson, District 7 Representative: Sean Everhart, Council At-Large Representative: Henry Gage III, Vice Chair, Mayoral Representative: Jessica Leavitt*

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1. Call to Order, determination of quorum

In attendance: Chair Brian Hofer, Commissioners Everhart, Tomlinson, Suleiman, Wang

Absent: Commissioners Leavitt, Gage and Katz

Chair Hofer called the meeting to order and shared that Sean Everhart will chair the meeting and will allow other Commissioners to chair upcoming meetings in the future. Chair Hofer's term ends is scheduled to end in March 2025.

2. Open Forum/Public Comment for non-agenda items

No public comment.

3. Surveillance Technology Ordinance – OPW – Report On OPD Request For Video Footage From Illegal Dumping Cameras
 - a. Review and take possible action

Michael Tecson, Administrative Analyst with the Public Works Department, Recycling and Enforcement Program provided an overview of a request for camera footage from OPD. He requested to know if the illegal dumping cameras captured footage of alleged armed robbery of construction equipment in West Oakland. He reported that the cameras did capture footage of the incident.

Hofer requested that Commissioners review to the standard with sharing footage with OPD. Suleiman requested to know if the Chair was alerted of the request from OPD. Mr. Tecson informed the chair of the request the next day. Chair Hofer referenced the use policy that was in the packet and governs the rules for these type of request under third party data sharing. It is required that a request is made, and an authorization is given to release the footage. The standard is that it reasonable appears to be a forcible violent crime as defined in OPD's, Department General Order (DGO).

Commissioner Everhart made a motion to accept the report, second by Chair Hofer. The motion passed unanimously.

4. Surveillance Technology Ordinance – OPW – Illegal Dumping Camera Program Proposed Use Policy Amendments
 - a. Review and take possible action

Kristin Hathaway, Assistant Director of Public Works, Bureau of the Environment reported proposed changes to the use policy to replace references to digital video recorders with network video recorders. This will bring Public Works in compliance with the soon to be updated video recorders for the soon to be upgraded pods and the new LPR pods.

Ms. Hathaway also shared that the policy also reflects the reorganization of the Environmental Enforcement Unit from Keep Oakland Clean and Beautiful Division to the Environmental Services Division. Staff classifications have also been updated to show the superusers that have managerial access to the surveillance system.

Commissioner Wang recommended adding language under data access. He proposed adding a short phrase after the add and delete user, “will be able to add and delete user in accordance with the data access authorization outlined in this section.” This change is to ensure the scope is clear.

Chair Hofer made a motion to accept staff's changes and Commissioner Wang's amendment addition and forward to council with a favorable recommendation, second by Commissioner Tomlinson. The motion passed unanimously.

5. Assembly Bill 645 – DOT – Automated Speed Camera Implementation Impact Statement and Proposed Use Policy
 - a. Review and take possible action

Craig Raphael from DOT provided an update on AB 645 and shared a detailed PowerPoint presentation.

Commissioners made a series of comments about the High Injury Network, privacy and civil liberties, and the proposed retention schedule.

Michael Ford shared that aggregated zip codes will be provided in the use policy.

Chair Hofer moved that the item is forwarded to the City Council with a favorable recommendation to adopt this use policy with an amendment to the retention schedule as drafted changing confidential information up to 60 days, down from 120 days, creating a third row for administrative records with a retention period of 120 days per code and striking all references to the city data standard classification in both the impact statement and/or use policy. Second by Vice Chair Gage.



DEPARTMENTAL GENERAL ORDER

I-29: Law Enforcement Technology Systems (LETS) – Throw Phone Policy

Effective Date: DD MMM YY

Coordinator: Special Operations Division

COMMAND INTENT

The Oakland Police Department believes in protecting and serving its diverse community and city through fair, equitable, and constitutional policing. OPD believes in the usage of technology to aid in this mission and in the investment into progressive forms of surveillance technology which both protects the rights of members of the community, while also ensuring and enhancing the safety of community members, officers, and engaged persons. This includes a multipronged approach related to tactics, methodology, and technology that allows for de-escalation in often rapidly evolving and tumultuous environments and crisis events.

It shall be the policy of the Oakland Police Department to deploy the *throw phone* to maximize the safety of all individuals involved in an incident. The *throw phone* shall be used as a tool to assist in communication from safe distances, which ultimately provides more time for interaction and de-escalation. Regardless of deployment, the *throw phone* will be utilized in accordance with OPD Core Values and our Mission.

A. Description and Purpose of the Technology

A - 1. Throw Phone

The hostage negotiation “throw phone” is a phone that has historically been contained in a hardened protective case that is part of a communications system for use during police hostage/crisis situations. The phone case included microphones and speakers to enable two-way communications in an overt or covert manner. It also included hidden cameras to support threat and tactical assessments. Technology has advanced and replaced the previous cumbersome equipment with a mobile phone that is easy to deploy and utilize, while also being equipped with a Lockdown feature. The Lockdown feature is a specialized LETS app that only allows the deployed phone to text or call the Crisis Negotiators.

City-owned iPhones do not have the standalone capability to record calls (incoming or outgoing). The Oakland Police Department may use city-owned (Department managed) Apple iPhones to communicate with the person using the LETS throw phone. The LETS throw phone is equipment that may be deployed during a critical incident (to include but not limited to: barricaded suspect, hostage incident, search warrants) for the purpose of de-escalating an incident and minimizing risk by establishing communications between an OPD member and a victim, suspect, or involved person(s).

A - 2. LETS

LETS is the name of the company which makes and supplies the throw phone and software. LETS stands for “Law Enforcement Technology Systems.”

A - 3. LETS Respond

The LETS Respond application is a smartphone application available via both Apple and Android. The LETS Respond app allows negotiators and authorized users to listen and communicate to a subject’s call with the negotiator.

Any city of Oakland owned Apple iPhone is capable of utilizing the LETS Respond application, allowing approved members and commanders to monitor the application.

A - 4. LETS Android Throw Phone

The LETS Android throw phone is an Android device that is part of a communications system for use in police hostage/crisis negotiations with subjects. The phone is enabled with two-way communication in an overt or covert manner.

This system is intended to provide a reliable means of communication between a hostage taker or barricaded subject and a member of the Hostage Negotiation Team (HNT). At times there are no other means of phone communication with the subject and this system allows for safe and reliable communication from a distance. The system allows the HNT team to monitor and record conversations to facilitate the development of negotiation strategies and ensure the safety related information is relayed. In addition to the overt communication capabilities, this technology may also capture images and audio of identifiable individuals (additional suspects or victims/hostages), some of whom are unaware of the recording.

Throw phone systems of this nature are standardized equipment for Hostage/Crisis Negotiation Teams according to the National Council of Negotiation Associations, FBI Crisis Negotiation Unit, National Tactical Officers’ Association, and other industry standards. Approximately 15 years ago, the industry standard for these systems began to include video monitoring capabilities. Such monitoring capabilities were deemed important to be able to assess the demeanor of the subject and whether there were any life-safety factors present such as the injured parties or threats of violence.

The LETS throw phone has the capability to “lockdown” so the HNT member may control the Android from a Command Post or the Negotiation Operations Center.

A - 5. Utilized Throw Phone

The Department utilizes the *throw phone* technology with the following platforms:

- An Android cell phone with LETS software preinstalled; The Android has the capability to “lockdown” so the HNT member may control the Android from the Command Post or Negotiation Operations Center.
- A City of Oakland owned Apple iPhone provided by the IT department; the iPhone does not have the standalone capability to record calls (incoming or outgoing).

Any city of Oakland owned Apple iPhone may download and utilize the LETS Respond application, allowing approved members or commanders to monitor the application during a crisis event.

B. Use of the LETS Android Throw Phone

B - 1. HNT Authorized Users

The LETS Android throw phone will only be used by HNT members who have been authorized and trained in its use. The LETS Android throw phone will not be used by officers who are not certified or trained in its use unless required by exigent circumstances.

B - 2. Authorized Uses

The LETS Android throw phone shall only be used in circumstances where there is a credible threat to life or a vital infrastructure to include but not limited to: barricaded suspect, hostage incident, kidnapping incident, suicidal incident, mass homicide threat.

Although any City-owned Apple iPhone is capable of downloading the LETS Respond application, only HNT Members will be granted access to the OPD account. Furthermore, only HNT Members may monitor the application during active negotiations. Any member not on the HNT shall not utilize the LETS Respond Application during any crisis event.

B - 3. Prohibited Use

1. The LETS Android throw phone shall not be equipped with, or have its data processed through, analytics capable of identifying groups or individuals, including but not limited to Artificial Intelligence, facial recognition, and gait analysis.
2. The LETS Android throw phone shall not be used for the following activities:
 - a. Conducting surveillance of anyone not subject to an active investigation.
 - b. Targeting a person or group of people based on their characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, clothing, tattoos, sexual orientation and/or perceived affiliation when not connected to actual information about specific individuals related to criminal investigations.
 - c. For the purpose of harassing, intimidating, or discriminating against any individual or group.
 - d. To conduct personal business of any type.

B - 4. Deployment and Reporting Requirements

Prior to the activation of the LETS Android throw phone in the field, HNT shall obtain authorization of the incident commander, who shall be of the rank of Lieutenant of Police or above. Pre-planned operations that may require the use of the LETS Android throw phone should be included within the operations plan and be pre-approved.

Pursuant to *Penal Code Section 633.8*:

As explained in the statute, "It is the intent of the Legislature in enacting this section to provide law enforcement with the ability to use electronic amplifying or recording devices to eavesdrop on and record the otherwise confidential oral communications of individuals within a location when responding to an emergency situation that involves the taking of a hostage or the barricading of a location."

The statute requires a complex procedure that officers must follow *after* the *emergency* had been defused. Specifically, **within 48 hours** they must apply for an eavesdropping warrant that must comply with all the requirements for a California *wiretap* order.

B - 5. Privacy Considerations

Members utilizing the LETS Android throw phone shall only use the device related to specific crisis incidents.

B - 6. Data Collection and Access

The data captured by the LETS Android throw phone is automatically uploaded to the secure LETS cloud.

The LETS cloud has unlimited storage and will be managed only by those who have access to the OPD account. The OPD account will only be accessed by a username and password given to authorized users. The incident can be deleted only upon the approval of the HNT Commander, or their designee.

If the data and information uploaded to the Cloud is not relevant to any ongoing investigation, or subject to a specific document retention request, then the Tactical Negotiation Team Commander or designee may determine that it will delete such data or information after 2 years.

The data will be protected from unauthorized access as it's uploaded to the Cloud, which is only accessible by authorized users via username and password.

B - 7. Annotation and Categorization of LETS Files

All authorized HNT members shall annotate LETS files (saved phone calls/text messages/video streams) once the crisis incident is concluded. The associated report number shall be annotated on every LETS data file.

B – 8. Data Sharing

All images and recordings uploaded by the LETS application is for the official use of this department. Some information may not be disclosable to the general public. Investigatory records are not generally disclosable in response to a public records request. Non-investigatory records shall be disclosed in response to a public records request. Requests for information by non-law enforcement or non-prosecutorial agencies will be processed in accordance with Government Code §6253 et seq, this policy, and applicable case law and court orders.

B – 9. Third Party Data Sharing

All data and recordings uploaded by the LETS application may be shared only as otherwise permitted by law and this policy.

OPD personnel may share LETS data and information when there is a legal obligation to do so, such as a subpoena, court order or warrant to share such information, such as the following:

- The District Attorney's Office for use as evidence to aid in prosecution, in accordance with laws governing evidence;
- The Public Defender's Office or criminal defense attorney via the District Attorney's Office in accordance with applicable California criminal discovery laws;
- California law enforcement agencies as part of a formal criminal or administrative investigation;
- To a party to civil litigation, or other third parties, in response to a valid court order only.

When there is no legal obligation to provide the requested data, requests for LETS data and information from other California law enforcement agencies shall be made in writing and may only be approved by the BOS deputy director or designee per the protocol below. These requests shall be maintained in a secure folder so that information about these requests can be shared in required annual reports with the Privacy Advisory Commission. Server access shall be restricted only to authorized OPD personnel who will extract the required information and forward it to the requester.

1. The requesting party shall have a right to know, and a need to know. A right to know is the legal authority to receive information pursuant to a court order, statutory law, case law, or sworn officer status. A need to know is a compelling reason to request information such as direct involvement in an investigation.
2. The Department shall record the requesting party's name and document the right and need to know the requested information.
3. The Department shall record whether the request was honored or denied, the reason for such action, and the name of the Department officer that processed the request.

C. ADMINISTRATIVE INFORMATION

C - 1. Training

The SOD Commander shall ensure that all authorized HNT members have completed all department-approved training in the operation, applicable laws, policies, and procedures regarding the use of the LETS Android throw phone.

C - 2. Auditing and Oversight

The SOD Commander, or other designated HNT personnel, shall develop a protocol for documenting all HNT deployments in accordance to this policy with specific regard to safeguarding the privacy rights of the community. The SOD Commander, or other designated HNT personnel, will develop a record of successful deployments of the LETS Android throw phone, as well as maintain a roster of authorized users.

C - 3. Maintenance

The SOD Commander or other designated HNT personnel, are responsible for ensuring that the LETS Android throw phone device is functional and operating in a manner that allows the device to both serve its crisis resolution purpose and operate within policy and law.

By order of

Floyd Mitchell
Chief of Police

Date Signed: _____



Surveillance Impact Report

Throw Phone (LETS) System

A. Description

The LETS Android throw phone is an Android device that is part of a communications system for use in police hostage/crisis negotiations with subjects. The phone is enabled with two-way communication in an overt or covert manner.

The LETS Android throw phone system consist of (1) the LETS Android throw phone, and (2) a phone software application installed on authorized Department members' phones to allow members to communicate with the throw phone and monitor communications with the throw phone. This system is intended to provide a reliable means of communication between a hostage taker or barricaded subject and member of HNT. At times there are no other means of phone communication with the subject and this system allows for safe and reliable communication from a distance. The system allows the HNT team monitoring and recording conversations to facilitate the development of negotiation strategies and ensure the safety related information is relayed. In addition to the overt communication capabilities, this technology also may also capture images and audio of identifiable individuals (additional suspects or victims/hostages), some of whom are unaware of the recording.

Throw phone systems of this nature are standardized equipment for Hostage/Crisis Negotiation Teams according to the National Council of Negotiation Associations, FBI Crisis Negotiation Unit, National Tactical Officers' Association, and other industry standards. Approximately 15 years ago, the industry standard for these systems began to include video monitoring capabilities. Such monitoring capabilities were deemed important to be able to assess the demeanor of the subject and whether there were any life-safety factors present such as the injured parties or threats of violence.

The LETS throw phone has the capability to "lock down" so the HNT member may control the Android from the Command Post or Negotiation Operations Center.

B. Purpose

The LETS Throw Phone is used for the following operational purposes:

- ❖ There is credible threat to life or a vital infrastructure to include but not limited to: barricaded suspect, hostage incident, kidnapping incident, suicidal incident, mass homicide threat

Impact Report – LETS Throw Phone

- ❖ Allows negotiators and authorized users to listen and communicate to a subject's call with the negotiator
- ❖ Provides a reliable means of communication between a hostage taker or barricaded subject and a member of HNT. At times there are no other means of phone communication with the subject, this system allows for safe and reliable communication from a distance
- ❖ May capture images and audio of identifiable individuals (additional suspects, victims/hostages) in addition to the location of the subjects within a target location
- ❖ Monitoring capabilities to assess the demeanor of the subject and any life-safety factors present such as injured parties or threats of violence

C. Location

The LETS Throw Phone will be stored in the designated Tactical Negotiation Team Command Post.

The LETS Respond application will be downloaded to the City of Oakland owned Apple iPhone's assigned to the Tactical Negotiation Team Members. Only those members will be granted access to the OPD account.

D. Impact

All communication and data generated by the LETS Throw Phone are for the official use of the Department for the expressed purpose of enhancing the safety of its members and the subjects we're communicating with. It bolsters communication during critical incidents by providing a direct line of communication allowing negotiators to establish a rapport and communicate calmly and clearly. Effective communication can prevent the situation from escalating into violence, illustrating our commitment to resolving conflicts peacefully. The LETS Throw Phone device will not be used in a manner that is discriminatory, view point based, or biased based.

E. Mitigations

The Department does not foresee any points of concern related to a negative impact on the community. The Department will conduct an assessment of the technology and analyze any negative impacts if they are discovered during the annual report.

F. Data Types and Sources

The data captured by the LETS Android throw phone is automatically uploaded to the secure LETS cloud.

Impact Report – LETS Throw Phone

The LETS cloud has unlimited storage and will be managed only by those who have access to the OPD account. The OPD account will only be accessed by a username and password given to authorized users. The incident can be deleted only upon the approval of the Tactical Negotiation Team Commander, or their designee.

If the data and information uploaded to the Cloud is not relevant to any ongoing investigation, or subject to a specific document retention request, then the Tactical Negotiation Team Commander or designee may determine that it will delete such data or information after 2 years.

G. Data Security

The data will be protected from unauthorized access as it's uploaded to the Cloud, which is only accessible by authorized users via username and password. The use of LETS data is regulated by Department policy (DGO I-29).

H. Fiscal Cost

The LETS system costs \$6045 and includes a FirstNet Throw phone Bundle with a 2-year subscription. The bundle includes the LETS license, access to the application from the application store, evidence manager, the LETS Respond Service, the LETS Lock-down app, and Transmitter app for FirstNet phone and 2 years of FirstNet cell service.

I. Third Party Dependence

The Department will rely on LETS support for technology related issues, consistent with the support offered related to the Motorola Radio systems.

All images and recordings uploaded by the LETS application is for the official use of this department. Some information may not be disclosable to the general public. Investigatory records are not generally disclosable in response to a public records request. Non-investigatory records shall be disclosed in response to a public records request. Requests for information by non-law enforcement or non-prosecutorial agencies will be processed in accordance with Government Code §6253 et seq, this policy, and applicable case law and court orders.

J. Alternatives

Though there are several more expensive alternative Throw Phones offered by various companies, there is no other technology able to directly replace and fulfill the need and benefits of a throw phone in a critical incident.

Impact Report – LETS Throw Phone

A less ideal alternative would be to use a regular department-issued cell phone as a makeshift solution.

K. Track Record

Most law enforcement agencies nationwide, particularly larger and well-resourced ones, have Throw Phones as part of their crisis negotiation and tactical response equipment. Smaller agencies or those with limited budgets might not have their own dedicated throw phones, but they often rely on nearby larger agencies or specialized units for assistance in critical situations that require such equipment. Throw Phones have been a proven critical tool in the negotiation arsenal to establish a secure and reliable line of communication. They indisputably enhance the safety of everyone involved and help facilitate a peaceful resolution to critical incidents.