



MEMORANDUM

TO: LeRonne L. Armstrong, Chief of Police
FROM: Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations
SUBJECT: Forensic Logic CopLink System – 2021 Annual Report
DATE: March 22, 2022

Background

Oakland Municipal Code (OMC) 9.64.040: Surveillance Technology “Oversight following City Council approval” requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for Privacy Advisory Commission (PAC). After review by the Privacy Advisory Commission, city staff shall submit the annual surveillance report to the City Council. The PAC shall recommend to the City Council that:

- The benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are safeguarded.
- That use of the surveillance technology cease; or
- Propose modifications to the corresponding surveillance use policy that will resolve the concerns.

Oakland Police Department (OPD) Department General Order (DGO) I-24: Forensic Logic CopLink, as well as OMC 9.64.040 together require that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and Public Safety Committee. The information provided below is compliant with these annual report requirements.

DGO I-24 explains that authorized members may use CopLink for the purpose of searching the system in the service of conducting criminal investigations, such as apprehending subjects, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system. Authorized purposes also include other appropriate OPD organizational investigations (e.g., internal affairs, missing persons, and use of force investigations).

Captain Paul Figueroa, Criminal Investigations Division Commander, was the Program Coordinator for 2021.

A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

Forensic Logic search technology is used regularly by both OPD sworn field / patrol personnel and command staff. Search parameters include the following criteria which are submitted to a search engine where data originating from law enforcement records, calls for service, field interviews, arrest/booking records and citations are stored:

- *License plate numbers*

- *Persons of interest*
- *Locations*
- *Vehicle descriptions*
- *Incident numbers*
- *Offense descriptions/penal codes*
- *Geographic regions (e.g., Police Beats or Police Areas)*

Data is stored in an FBI Criminal Justice Information Service (CJIS) compliant repository in the Microsoft Azure GovCloud and encryption of data both at rest and in transit is protected by being compliant with FIPS 140-2.

In 2021, there were a total of 573 distinct users who conducted Forensic Logic searches, for a total of 498,267 separate queries. Table 1 below breaks down this search data by month and by distinct user and total searches.

Table 1: OPD CopLink Searches; by Distinct User and Search Totals

Search Type	January	February	March	April	May	June
<i>Number of OPD distinct users in each month</i>	345	352	345	359	365	366
<i>Number of searches conducted</i>	41,665	46,601	45,940	47,718	43,929	40,302

Search Type	July	August	September	October	November	December
<i>Number of OPD distinct users in each month</i>	342	336	342	334	313	307
<i>Number of searches conducted</i>	40,141	42,506	36,149	45,949	33,725	33,642

- B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

Data searched with the Forensic Logic CopLink system is entirely acquired from incident reports, citations, calls for service and field interviews that have already been recorded in originating Records Management Systems, Computer Aided Dispatch Systems, and Mobile Field Reporting Systems – from both OPD systems as well as from other law enforcement agency systems (other Forensic Logic client agencies). The data is collected from OPD systems at least once every 24 hours; once the data is collected and resides in the Forensic Logic cloud repository, it is made available to agencies subscribing to the Forensic Logic service who are permitted by their agency command staff to access CJIS information¹.

¹ Below is the warning message on the service user sign-on page that every user sees prior to accessing the system:

Data sourced from the Oakland Police Department cannot be accessed by US DHS ICE nor US DHS CBP staff.

- C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to.

The CopLink service is accessible by authorized OPD users on OPD computers with appropriate an user-id and password (criteria for both defined by FBI CJIS Security Addendum). OPD data sources that provide data accessible to the search tool include the following:

- *Arrest records*
- *Field contacts*
- *Incident reports*
- *Service calls*
- *Shots fired (ShotSpotter)*
- *Stop Data reports*
- *Traffic Accident reports*

- D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year:

CopLink software is not deployed in a manner as is physical hardware technology. The software is used by OPD personnel at the Police Administration Building, Eastmont Building, Communications Center, the Emergency Operations Center, (when active) and in patrol vehicles to search crime incidents and related data. The data itself can relate to crime data with geographic connections to anywhere in the City as well as the broader region and even nationally.

WARNING: You are accessing sensitive information including criminal records and related data governed by the FBI's Criminal Justice Information System (CJIS) Security Policy. Use of this network provides us with your consent to monitor, record, and audit all network activity. Any misuse of this network and its data is subject to administrative and/or criminal charges. CJIS Security Policy does not allow the sharing of access or passwords to the Forensic Logic Coplink Network™. The data content of the Forensic Logic Coplink Network™ will not be considered for use as definitive probable cause for purposes of arrests, searches, seizures or any activity that would directly result in providing sworn testimony in any court by any participating agency. Information available in the Forensic Logic Coplink Network™ is not probable cause, but indicates that data, a report or other information exists in the Records Management System or other law enforcement, judicial or other information system of an identified participating agency or business.

In accordance with California Senate Bill 54, applicable federal, state or local law enforcement agencies shall not use any non-criminal history information contained within this database for immigration enforcement purposes. This restriction does not pertain to any information that is regarding a person's immigration or citizenship status pursuant to 8 U.S.C. §§ 1373 and 1644.

- E. A summary of community complaints or concerns about the surveillance technology, and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties. The analysis shall also identify the race of each person that was subject to the technology's use. The Privacy Advisory Commission may waive this requirement upon making a determination that the probative value in gathering this information to evaluate the technology's impact on privacy interests is outweighed by the City's administrative burden in collecting or verifying this information and the potential greater invasiveness in capturing such data. If the Privacy Advisory Commission makes such a determination, written findings in support of the determination shall be included in the annual report submitted for City Council review.

Staff reached out to each City Council office to ask about possible community complaints or concerns related to this surveillance technology. No community complaints or concerns were communicated to staff.

OPD is not able to provide the race of each person connected to each CopLink query. There are thousands of queries and not all queries would provide race data of each suspect or person connected to each data result. Staff therefore recommend that the PAC makes the determination, that the administrative burden in collecting or verifying this information as well as the associated potential for greater invasiveness in capturing such data outweighs the public benefit.

- F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information:

Forensic Logic conducted an audit of OPD system queries to ensure all logins were conducted by existing OPD personnel

Forensic Logic is notified of additions or deletions to its subscription services by the designated Point of Contact at the Oakland Police Department. Forensic Logic also would modify the user census upon the request of any Chief of Police, Assistant Chief of Police or Deputy Chief of Police of the Oakland Police Department.

In addition, all Oakland Police Department users can only use Forensic Logic services from within OPD designated facilities such as the Police Administration Building, the Eastmont satellite location, the Communications Center, the Emergency Operations Center and from inside a patrol vehicle due to Forensic Logic's requirement that Internet Protocol (IP) addresses for users be whitelisted (be enabled for access). Any attempt to log in to the Forensic Logic services outside of those locations would fail by any person with an authorized OPD user id (email address).

In addition, on an annual basis, Forensic Logic will prepare a list of enabled OPD users for review by the OPD Point of Contact to confirm that all users should be enabled for access to the Forensic Logic services. Should individuals need to be removed from the services, the Point of Contact will notify Forensic Logic at that time.

- G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.

Neither OPD, Oakland Information Technology Department, nor Forensic Logic are aware of any data breaches.

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes:

Table 1 below provides 2021 Part 1 Crime Data. This data illustrates the high levels of both violent crime and property crimes that occur in Oakland including for the 2021 year

Table 1: 2021 OPD Type 1 Crime Data

Part 1 Crimes <i>All totals include attempts except homicides</i>	01-01-2020 through 12-31-2020	01-01-2021 through 12-31-2021	Year-to-Date % Change 2020 vs. 2021	3-Year Year-to-Date Average	YTD 2021 vs. 3-Year YTD Average
Homicide - 187(a)	102	124	22%	100	24%
• Homicide - all other *	7	10	43%	7	50%
Aggravated Assault	3,315	3,559	7%	3,206	11%
• With Firearm	499	599	20%	462	30%
Rape	217	158	-27%	193	-18%
Robbery	2,417	2,693	11%	2,641	2%
Burglary Total	8,689	10,197	17%	11,291	-10%
• Auto	6,221	8,179	31%	8,921	-8%
• Residential	1,247	1,055	-15%	1,370	-23%
• Commercial	958	670	-30%	750	-11%
• Other/Unknown	263	293	11%	249	18%
Motor Vehicle Theft	8,722	9,010	3%	8,071	12%
Larceny	5,974	6,186	4%	6,643	-7%
Arson	193	170	-12%	172	-1%
Total Part 1 Crimes	29,636	32,107	8%	32,324	-1%

- I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates:

There are no existing or newly opened public records requests relating to Forensic Logic, CopLink, or LEAP (former name for CopLink).

- J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year:

Tables 2 and 3 below provides costing data from the current Oakland Forensic Logic contract.

Table 2: Oakland Forensic Logic Contract Cost; July 2020 - June, 2022

For the Period 07/01/2020 through 06/30/2022 payable upon execution of agreement:

Product Number	Description	List Price	Sales Price	Quantity	Subtotal	Discount (%)	Total Price
	CopLink SEARCH (07/01/20-06/30/21)	\$275	\$199	794	\$158,006	0%	\$158,006
	CopLink Analytics (07/01/20-06/30/21)	\$1,000	\$1,000	794	\$794,000	100%	\$0
	CopLink CONNECT (2 Years)	\$20,000	\$20,000	1	\$20,000	0%	\$20,000
	Integration Services NIBIN	\$5,000	\$5,000	1	\$5,000	0%	\$5,000
	Integration Services Motorola Premiere One CAD and RMS	\$25,000	\$25,000	1	\$25,000	0%	\$25,000
	CopLinkX (07/01/21-06/30/22)	\$275	\$275	794	\$218,350	0%	\$218,350
	Integration and Maintenance Services	\$25,000	\$25,000	1	\$25,000	0%	\$25,000
	Round down discount		(\$356)	1	(\$356)		(\$356)
						TOTAL	\$451,000

Table 3: Oakland Forensic Logic Contract Cost; July 2022 - June, 2023

For the Period 07/01/2022 through 06/30/2023 payable on July 1 2021:

Product Number	Description	List Price	Sales Price	Quantity	Subtotal	Discount (%)	Total Price
	CopLink SEARCH						
	CopLink Analytics						
	CopLink CONNECT	\$10,000	\$10,000	1	\$10,000	0%	\$10,000
	CopLinkX	\$275	\$275	794	\$218,350	0%	\$218,350
	Integration and Maintenance Services	\$25,000	\$25,000	1	\$25,000	0%	\$25,000
	Round down discount		(\$350)	1	(\$350)		(\$350)
						TOTAL	\$253,000

K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request:

No requests for changes at this time.

OPD is committed to providing the best services to our community while being transparent and instilling procedural justice through daily police activity. This report is compliance with these OPD commitments. OPD hopes that this report helps to strengthen our trust within the Oakland community.

Respectfully submitted,

Drennon Lindsey, Deputy Chief of Police
OPD, Bureau of Investigations

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