



OAKLAND POLICE DEPARTMENT

Surveillance Impact Report: Live Stream Transmitter

1. Information Describing Live-Stream Transmitters and How They Work

OPD utilizes different types of cameras to capture single image and video data. Cameras that are strictly manually operated are not considered “surveillance technology” under the Oakland Surveillance Ordinance No. 13489 C.M.S. Handheld Live stream transmitters are affixed to handheld video cameras to allow the live stream transmission to a different location such as OPD and the City of Oakland Emergency Operations Center (EOC). The camera and transmitter are operated by a team of two or more uniformed officers, referred to as Video Teams. OPD and the City of Oakland have Emergency Operations Centers (EOC). Cameras attached to handheld live stream transmitters “handheld live stream cameras” allow an officer to transmit a live view of what they see to the EOC.

2. Proposed Purpose

Live stream camera transmitters allow OPD to deploy a minimal level of police presence while providing critical situational awareness to OPD commanders. A small number of officers can monitor events and provide real-time footage to Command. This information helps OPD Command to make efficient deployment decisions. OPD at times must otherwise deploy ten or more officers and sergeants to events where crowds or large events (or Special Events, as defined by the Oakland Municipal Code, which occur in public places) are occurring – so that officers can adequately convey local information to remote-stationed commanders. At times people in crowds and large or special events might not appreciate or understand the need for a large police presence – the transmitters allow OPD to maintain needed information with a minimal police footprint.

3. Locations Where, and Situations in which Live Stream Transmitters May be Deployed or Utilized.

Live stream transmitters may be used anywhere in the public right of way within

the City of Oakland – under conditions outlined in Department General Order (DGO) I-23 Live Stream Transmitter Use Policy, III.A ‘Authorized Use’: “Live stream transmitters are authorized by OPD...when such exigent circumstances exist – and when a city commander (captain or above) has authorized a partial or full activation of the City’s Emergency Operations Center (EOC) as well as the use of the live-stream transmitters.” Personnel may use transmitters within in the public right of way within the City of Oakland; however, these cameras are generally only used for mass-person events to as to provide situational awareness during events where public safety must be monitored (e.g. large gatherings of people and/or parades. **OPD’s 2018 4th Quarter Crowd Control Report is provided as an attachment** to this report to provide relevant data on events where OPD may use live stream transmitters for crowd situational awareness.

4. Privacy Impact

OPD recognizes that the use of live stream transmitters in the public right of way raises civil liberties concerns. There is concern that the use of this technology can be utilized to identify the activity, behavior, and/or travel patterns of random individuals, and that this usage may have a chilling effect on protected activity; however, OPD only proposes to use live stream transmitters under specific conditions – DGO I-23 III: “General Guidelines, A. Authorized Use” explains that a critical use restriction as: “Large events with numerous people pose challenges to public safety. Live stream transmitters are authorized, by an OPD commander (captain or above) when exigent circumstances exist – and when the City Administrator has authorized a partial or full activation of the City’s Emergency Operations Center (EOC) and a police commander (captain or above) has approved the use of the live-stream transmitters.

OPD does not randomly employ this technology throughout the City. Rather, these transmitters are only used during events where public safety has a greater likelihood of being negatively impacted, or where there is a need to provide an Incident Commander real time information to manage resources for a given situation.

Live stream transmitters offer situational awareness in numerous ways that challenge measurement. OPD commanders need real time situational awareness to ensure public safety in public spaces. Real-time information regarding events (e.g. crowd management facilitation, coordinated response to catastrophic unplanned events) provides critical information for OPD commanders when making resource deployment decisions; OPD needs to see where people present in order to adjust resources in real-time to better ensure public safety is maximized.

5. Mitigations

"Protected Activity" means all rights including without limitation: speech,

associations, conduct, and privacy rights including but not limited to expression, advocacy, association, or participation in expressive conduct to further any political or social opinion or religious belief as protected by the United States Constitution and/or the California Constitution and/or applicable statutes and regulations. The First Amendment does not permit government "to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." *White v. Lee* (9th Cir. 2000) 227 F.3d 1214, 1227; *Brandenburg v. Ohio* (1969) 395 U.S.

In respect to honoring protected activity, OPD's DGO I-23: Live Stream Transmitter Use Policy restricts the use of the technology as follows:

1. Live-stream transmitters shall only be used in conjunction with a partial or full activation of the City's Emergency Operations Center (EOC);
2. Department members shall not use or allow others to use handheld live-stream cameras, software or data for any unauthorized purpose.
3. Personnel shall not affix a live-stream camera to any fixed structure and not remain present at the same location; livestream cameras shall not be used for any remote surveillance.
4. Live stream transmitters shall not be used except when authorized by the Chief of Police or designated commander.

For each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission. This statement (and the use itself) shall be included in the required Annual Report.

All live-stream transmitters shall be housed and secured within the Police Administration Building only accessible to authorized personnel. Regular camera data, if the camera attached to a live stream transmitter is recording data, shall be uploaded onto a secure computer at the with user and email password protection, stored with OPD's IT Unit within the Police Administration Building (PAB). For data that is captured and used as evidence, such data shall be turned in and stored as evidence pursuant to existing policy. Otherwise, camera data will be destroyed after 30 days.

OPD will monitor its use of live stream transmitters to ensure the accuracy of the information collected and compliance with all applicable laws. The IT Unit Coordinator and/or designated staff shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains activity usage information for the following for the previous 12-month period. This report shall be compliant with reporting aspects outlined in Ordinance No. 13489 C.M.S.

6. Data Types and Sources

Live stream transmitters attached to cameras that record directly onto an internal memory device (e.g. secure digital (SD) card) and operate similar to consumer digital video cameras. These types of cameras contain an internal storage device for storing audio and video data – an integrated element that can be connected to a computer for data downloads, or a removable device (e.g. SD card) which can be connected to a computer for digital downloads.

Live stream transmitters can use different technologies (e.g. cellular 3G/4G/5G, LTE, WiFi, Ethernet, and Microwave) to transmit the video stream. Transmitters allow the live-stream images or video to be viewed on a screen with the appropriate data connection and reception technology. The transmitters specifically transmit the data to a receiver where the data can then be viewed (OPD only has receivers at the EOC).

7. Data Security

Live stream transmitters shall be housed and secured within the Police Administration Building and not accessible with to the public or to personnel without permission to use such equipment. Regular camera data shall be uploaded onto secure computer with user and email password protection, stored with OPD's IT Unit within the Police Administration Building. For data that is captured and used as evidence, such data shall be turned in and stored as evidence pursuant to existing policy. Otherwise, camera data will be destroyed after 30 days.

8. Costs

OPD currently has four transmitters from TVU networks that allow standard single shot or video cameras to live-stream data to OPD's Administration Building or the City's Emergency Operations Center (this data is not recorded). These transmitters are approximately eight years old. OPD does not currently pay for ongoing maintenance service; the cost to upgrade the unsupported system would cost about \$120,000 for a two-year maintenance contract and then \$12,000 for additional years. OPD is planning to use approximately \$130,000 from the Justice Assistance Grant (JAG) Program¹ to pay for four new modern TVU Networks transmitters.

9. Third Party Dependence

OPD uses TVU Networks-brand transmitter and receiver equipment for live-stream video transmission. This is an encrypted point-to-point data stream, only accessible via the receiver.

¹ <https://www.bja.gov/jag/>

10. Alternatives Considered

OPD officers and personnel rely primarily on traditional policing techniques to monitor large events and to gather evidence related to criminal investigations. For decades evidence gathering also includes the use of cameras, sometimes with live-stream transmitters, to record images, video and audio. Police personnel must maintain some level of situational awareness when hundreds and thousands of people gather on public streets and threats to public safety increase. Alternatives to live-stream cameras would include having more officers and personnel deployed during every mass-event. Such a deployment extends beyond OPD budget capacity.

11. Track Record of Other Entities

OPD has not yet found others agencies using live stream transmitters with mobile cameras to live stream crowd-control events. However, OPD will continue to research the use of the technology by other agencies.