



**Privacy Advisory Commission**  
**April 3, 2025; 5:00 PM**  
**Oakland City Hall**  
**Hearing Room 1**  
**1 Frank H. Ogawa Plaza, 1<sup>st</sup> Floor**  
***Regular Meeting Agenda***

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**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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*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 also raise their hand in Zoom if they have a question on an agenda item. The chair will determine the time allotted to speak on an agenda item.*

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1. Call to Order, determination of quorum
2. Open Forum/Public Comment on Non-Agenda matters
3. Review and approval of the draft November 20, February 6 and March 3 meeting minutes
4. Review and Possible Action on Federal Task Force Ordinance – OPD – Annual Reports:
  - a. Drug Enforcement Agency (DEA)
  - b. Alcohol, Tobacco, Firearms and Explosives (ATF)
  - c. Secret Service
  - d. United States Marshall Service (USMS)
  - e. Federal Bureau of Investigation Violent Crimes - Safe Streets (FBI)
  - f. Federal Bureau of Investigation Child Exploitation (FBI)
5. Review and Possible Action on Unmanned Aerial System (UAS or Drone) 2024 Annual Report
6. Review and Possible Action on ATF Bodyworn Cameras – MOU Addendum
7. Review and Possible Action on the Forward Looking Infrared (FLIR) 2024 Annual Report

## 8. Review and Possible Action on Sanctuary Contracting Ordinance – Presentation of Annual Report

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](mailto: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 and participate in the meeting via Zoom, go to: <https://us02web.zoom.us/j/85817209915>  
Or One tap mobile: 1 669 444 9171

To participate in the meeting virtually, you must log on via Zoom. If you have a question, please raise your hand in Zoom during open forum and public comment.

For those attending in person, you can complete a speaker card and submit to staff.





## **OAKLAND POLICE DEPARTMENT Drug Enforcement Agency (DEA) Task Force 2024 Annual Report**

### **OPD DEA Task Force**

The DEA State and Local Task Force combines federal leverage and the specialists available to the DEA with state and local officers' investigative talents and detailed knowledge of their jurisdiction to lead drug law enforcement investigations. The DEA shares resources with state and local officers, thereby increasing the investigative possibilities available to all. Participation in DEA Task Forces also allows the DEA to pay for the overtime and investigative expenses of participating police agencies.

### **Staffing**

1. **Number of full and part time Oakland Police Department (OPD officers assigned to DEA Task Force:** One full-time officer
2. **Number of hours worked as DEA Task Force Officer:** Regular 40 hours per week.
3. **Funding source for DEA Task Force Officer salary:** OPD Budget

### **Other Resources Provided**

1. **Communication equipment:** OPD handheld radio, cellular phone
2. **Surveillance equipment:** PLX (system used for GPS pings coming from cell carriers to identify and locate targets of federal of investigations), GPS trackers, Video Camera Recorders, Pole Cams, Title 3 Intercepts (wiretaps).
3. **Clerical/administrative staff hours:** None
4. **Funding sources for all the above:** OPD Budget

### **Cases**

1. **Number of cases DEA Task Force Officer was assigned to:** – case detail breakdown:

The goal of the Taskforce is to conduct targeted investigations into specific drug trafficking organizations (DTO) and the individuals within the DTOs who are engaged in high level narcotics distribution and trafficking. By conducting these longer federal investigations, the Taskforce is able to ensure entire DTO's are dismantled. Confronting and weakening DTOs closes off specific avenues in which drugs flow into the community. The Taskforce focuses primarily on heroin, methamphetamine, fentanyl, and cocaine trafficking; the Taskforce does not conduct any marijuana investigations.

**Below is a summary of the cases worked on in 2024:**

#### **OCDEFT Operation FLINT STONE**

In 2024, the DEA Oakland Resident Office working in conjunction with the Oakland Police Department (OPD), targeting a high crime area known as the GREENSIDE neighborhood, where violent street gangs sell firearms and drugs. Investigators have initiated 1<sup>st</sup> round of federal T-III intercepts into this criminal organization. So far,

investigators have made 1 arrest, seized 2.5 kilograms of methamphetamine pills and 45 grams of cocaine. A 2<sup>nd</sup> round of T-III intercepts is pending.

**OCDEFT Operation CHATEAUBRIAND**

In 2024, the DEA Oakland Resident Office working in conjunction with OPD and the San Francisco Police Department (SFPD) have been targeting a DTO that is led by Carlos BAQUEDANO, who distributes kilogram quantities of fentanyl and methamphetamine throughout the San Francisco Bay Area. 1 round of federal T-III intercepts were initiated for this investigation. This investigation resulted in 3 arrests, 3 search warrants, seizure of 2.1 kilograms of fentanyl, seizure of 22lbs of methamphetamine, 6 firearms, and 3000 rounds of ammunition.

**OCDETF Operation: AIRE LIBRE**

This investigation was initiated by the Drug Enforcement Administration (DEA) Oakland Resident Office Task Force Group (OTFG) targeting a fentanyl drug trafficking organization that operates out of the San Francisco Bay area. In November 2023, a DEA CS provided agents with intelligence that a fentanyl trafficker operating in the San Francisco Tenderloin, later identified as Dennis Josue MONCADA-Canaca. Through multiple controlled purchases with MONCADA-Canaca of fentanyl and methamphetamine agents identified Allan OCHOA as the SOS for MONCADA-Canaca. Through tolls analysis, LE deconflictions, and surveillance operations, OCHOA is believed to source numerous fentanyl distribution cells throughout the Bay Area and Oregon.

In March 2024, 1st round of T-III's were authorized for MONCADA-Canaca and OCHOA's telephones. During the course of interception, agents identified Ernesto RODRIGUEZ as a close associate of OCHOA who is believed to be OCHOA's business partner. Agents also identified Olbin ZUNIGA who is believed to be a frequent customer of OCHOA/RODRIGUEZ. During the 1st round of intercepts, agents identified OCHOA/RODRIGUEZ's fentanyl SOS as Lorena De Jesus NORZAGARAY-Cervantes. NORZAGARAY-Cervantes is a fentanyl SOS that operates and resides in Sinaloa, Mexico. Agents confirmed and corroborated that NORZAGARAY-Cervantes is a family member of and is trafficking on behalf of CPOT Ismael ZAMBADA-Garcia, aka "El Mayo". Based on CS information, financial records, T-III intercepts, and LE deconflictions, agents believe NORZAGARAY-Cervantes has ties to and distributes narcotics in California, Florida, Massachusetts, Pennsylvania, New York, the Dominican Republic, and Puerto Rico. NORZAGARAY-Cervantes has full control of the Port of Lazaro Cardenas in Michoacán, Sinaloa to facilitate her drug trafficking activities. NORZAGARAY-Cervantes has access to aircrafts for the purposes of transporting narcotics.

On July 17, 2024, 2nd round of T-III's were authorized for OCHOA, RODRIGUEZ, and ZUNIGA's telephones. In July 2024, a CS introduced a DEA UC to NORZAGARAY-Cervantes to conduct a sale of fentanyl in the Bay Area. On July 30, 2024, a controlled purchase of approximately ½ kilo of fentanyl was purchased from NORZAGARAY-Cervantes where RODRIGUEZ and OCHOA delivered the fentanyl to the UC in Oakland, CA. To date, 4 controlled purchases of fentanyl and methamphetamine has been made from this DTO in Oakland and Hayward, CA.

On September 13, 2024, arrest and search warrants were executed at 3 locations in Hayward, CA, where OCHOA, RODRIGUEZ, and 3 associates were arrested. On November 8, 2024, search and arrest warrant was executed at ZUNIGA's residence. Collectively, this investigation has resulted in the seizure of approximately 15.5 pounds of fentanyl, 1.1 pounds of methamphetamine, 4 firearms, 2 vehicles, approximately \$100,000 USC, and 13 arrests.

NORZAGARAY-Cervantes has been indicted federally. Agents are working towards locating her for her arrest.

**OCDETF Operation: FETTY QUEENS**

In February 2024, the Oakland Resident Office (ORO) Task Force Group (TFG), in coordination with the Oakland Police Department (OPD), Customs & Border Protection (CBP), and the Federal Bureau of Investigation (FBI) Safe Streets Task Force, initiated OCDETF Op. "Fetty Queens", an investigation into the Cristel CRUZ-BANEGAS Drug Trafficking Organization (DTO), responsible for trafficking large quantities of fentanyl across the San Francisco Tenderloin District and Oakland, CA. During the investigation, a DEA UC infiltrated the DTO via multiple undercover purchases of fentanyl from CRUZ-BANEGAS, and other organizational leaders who agents identified as Cesia RAMIREZ-BARAHONA, Jessy BANEGAS-BARAHONA, and Darwin ORTEGA-VAZQUEZ. Based on the investigation and undercover controlled purchases, agents determined the CRUZ-BANEGAS DTO was sourced with narcotics by the Sinaloa Cartel.

On November 19, 2024, the ORO TFG, FBI Safe Streets, U.S. Customs and Border Protection (CBP), the Oakland Police Department (OPD), and the Contra Costa County Major Crimes Task Force executed multiple search warrants at the residences of the DTO members across Oakland, CA and San Leandro, CA. Pursuant to the search warrant execution, agents seized 3.2 pounds of methamphetamine, 55 pounds of fentanyl, a 2016 Honda Accord, three kilo presses, a Glock-19 semi-automatic pistol, and \$422,439.00 of narcotics proceeds. In addition, agents arrested CRUZ-BANEGAS, RAMIREZ-BARAHONA, BANEGAS-BARAHONA, and ORTEGA-VAZQUEZ on federal narcotics distribution charges. At the time of the search warrant execution, agents also arrested DTO members Efrain IZAGUIRRE-ZERON, Sandra BANEGAS-MEDINA, Darlim SAMAI, and Owen VELASQUEZ on state narcotics charges pending federal prosecution. This investigation remains on-going.

2. **Number of "duty to warn" cases:** None
3. **General types of cases:** Narcotics investigations and money laundering investigations
4. **Number of times the DEA asked OPD to perform/OPD declined to perform:** None
  - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

**Operations**

1. **Number of times OPD officers were involved in undercover investigations:** OPD personnel were assigned in plain clothes or undercover capacity to approximately six investigations.
2. **Number of instances where OPD Task Force officer managed informants:** 0
3. **Number of informant-involved cases in which the OPD DEA Task Force Officer actively participated:** All
4. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None
  - a. **Number of such requests that were denied:** N/A
  - b. **Reason for denial:** N/A

5. **Whether DEA Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No

### **Training and Compliance**

1. **Description of training given to DEA Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the DEA Task Force follows all OPD policies and has received several police trainings, including but not limited to: continual professional training, Procedural Justice Training and annual firearms training. The officer has also reviewed all provisions of the DEA Task Force MOU.
2. **Date of last training update:** Continuous professional training (CPT) (yearly).
3. **Frequency with which DEA Task Force Officer briefs OPD supervisor on cases:** Weekly

### **Actual and Potential Violations of Local/State Law**

1. **Number of actual violations:** OPD will provide information on law and/or policy violations that are in connection with an officer's task force work, and subject to release under California's Public Records Act, Government Code section 6254 (the "PRA") and/or Cal. Penal Code 832.7. Disclosure of violations not connected to task force work is outside the scope of OMC 9.72. Disclosure of violations beyond those mandated or permitted by statute to be disclosed would violate the prohibition on disclosing personnel or other confidential records set forth in Cal. PC 832.7 & 832.8. OPD will provide information on violations that are subject to release under California's Public Records Act (the "PRA"), Government Code section 6254. Release of any of violations not covered by the PRA, however, would violate California law (832.7), as there is only one officer assigned to this task force. There were no actual violations.
2. **Actions taken to address actual or potential violations:** The officer follows OPD policies, except where DEA policies are more restrictive. OPD leadership consults with the Office of the City Attorney to ensure that all policies conform with State and Federal laws. Going forward, OPD will consult with Office of the City Attorney on a biannual basis. There were no actual or potential violations.
3. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney to ensure that personnel continue to follow federal, state, and local laws and policies. OPD will also consult with the Privacy Advisory Commission about any proposed changes.

### **Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)**

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

### **Command Structure for OPD Task Force Officer**

1. **Reports to whom at DEA?** HIDTA Task Force Group Supervisor Chi Do
2. **Reports to whom at OPD?** A/Sgt. Joe Jochim, Lt. Eric Kim, A/Cpt. Steve Valle



# ATTACHMENT 1

## Standard Operating Procedures for Task Force Officer Body-Worn Camera Program

### ATF TASK FORCE OFFICER BODY-WORN CAMERA AGENCY CHECKLIST

*\*Complete separate checklist for each agency employing task force officers that will use body-worn cameras (BWC). Attach additional sheets if necessary.\**

Date: 03/13/2025

ATF Division	Task Force	State/Local Agency
San Francisco	Crime Gun Enforcement Team	Oakland PD
Person Completing Checklist		
Name	Phone Number	Email Address
Abel Alcantar	916-220-9808	aalcantar@oaklandca.gov

A. State & Local Legal Authority		
List and attach any state or local laws applicable to BWCs or impacting BWCs (e.g., open records laws, legal retention requirements, etc.); and other pertinent legal guidance (e.g., significant case law, State AG Opinions, etc.). If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
California Penal Code	832.18	Establishes Best Practices for BWC
Cal. Public Rights Act	Ca. Gov. Code 7920.000 et seq.	See Gov. Code 7926.600-625 re law enforcement records; 7927.705 recognizing federal and state laws
SB1421 & SB16	Cal. Penal Code 832.5, 832.7, 832.8	Addresses police personnel records
	Iloh v. Regents of univ. of California, (2023) 87 Cal. App. 5th 513, 524	Permits federal agency to file "reverse" public records action if adversely affected by proposed disclosure
B. TFO Partner Agency Policies		
List and attach any policy, procedure, or other written directive from the TFO's partner agency applicable to TFOs' use of BWCs. Include any union or other labor agreement requirements regarding BWCs applicable to TFOs. If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
Oakland Police Departmental General Order	I-15	"Officers deputized as federal task force officers (TFO) shall follow the applicable Federal Law Enforcement agency guidelines for BWC use while conducting federal task force operations and investigations."

Answer the following questions, including any applicable citation (e.g., state or local law, agency policy, vendor contract, etc.).		
C. BWC System		
1	Name/model of BWC used by agency? Attach technical specifications.	Axon Body 3
2	Internal storage of recordings or external with a 3 <sup>rd</sup> party vendor? If a 3 <sup>rd</sup> party, identify the vendor, attach contract.	External with Axon.
3	Does the BWC system include a “buffer” or “pre-record” function, or a “post-record” function? If so, state the length of the buffer/pre-record and/or post-record, and whether it is audio only or both audio and video.	yes, 30 second (No audio, just video)
4	Can the system be configured to give designated ATF personnel direct access to view and copy TFO recordings at the ATF office?	Yes
5	Will ATF need specialized software or equipment to view recordings? If so, specify.	Cloud based, Internet access is required.
6	Will ATF need specialized software or equipment to copy recordings? If so, specify.	No
7	Does the system have an audit function that will identify persons who accessed, downloaded, or copied recordings?	Yes
8	How will ATF cases be identified in the agency’s system?	They will be labeled TFO
9	What metadata can be obtained from BWC recordings?	Time and date
10	How long will recordings be preserved in the agency’s system? Attach any agency retention schedule, and note whether it is mandated by state /local law or agency policy only.	2 years unless required for criminal, admin, research, civil litigation, training. No recordings shall be deleted while request for recording is pending.
11	Does the BWC system allow restriction of BWC recording access to specific persons within the agency?	Yes
12	How does agency handle inadvertent/accidental recordings?	Respective member may request that the BWC files be deleted. Or they can be tagged accidental.
13	How does agency handle requests to delete BWC recordings?	Submit email for request to first level commander with sufficient informaiton to locate he BWC files.
14	Will the TFO be able to charge the BWC and/or download/upload the recordings into the agency’s BWC system at the ATF task force office?	Yes
15	Does the BWC have a GPS function? If so, is the function available to the TFO, and what is the agency’s policy regarding use of GPS? Can it deactivated on TFO BWCs?	No

16	Does the BWC have a “live stream” capability? If so, is the function available to the TFO, and what is the agency’s policy regarding use of “live streaming” with BWCs? Can it deactivated on TFO BWCs?	No
17	Does the agency utilize facial recognition technology with BWC recordings?	No
18	Provide an agency point-of-contact who can provide information regarding system security and protections, and location and security precautions of data storage facilities. <b>*Do not attach this information.*</b>	Officer Dave Pullen dpullen@oaklandca.gov



<b>D. BWC Use</b>		
<b>1</b>	Are there any exceptions under agency policy to the requirement to record search warrant executions or arrests?	Yes
<b>2</b>	What is the agency's policy regarding BWC recording of Confidential Sources?	Members shall not intentionally use the BWC to record during any meetings with a Confidential Informant as defined in DGO O-04, Informants.
<b>3</b>	Does agency prohibit BWC recording in any specific situations? If so, list.	Yes, Shall not intentionally record personal conversation between members without knowledge. Shall not use in restrooms or private locker rooms, changing room
<b>4</b>	Under agency policy, are there circumstances when a supervisor may direct the officer to record or not record?	Yes
<b>5</b>	What is the agency's policy regarding citizen notification of BWC recording?	None
<b>6</b>	If the TFO's BWC is inoperable does the agency's policy permit the TFO to participate in enforcement activities if a replacement is not readily available?	Absent exigent circumstances, no. Broken or non-functional camera can be assigned a replacement.

<b>E. Law Enforcement Access to BWC Recordings</b>		
<b>1</b>	Are officers allowed to review BWC recordings before writing reports? Giving statements? <ul style="list-style-type: none"> <li>If so, are they allowed to view only recordings from their own BWC, or are they allowed view BWC recordings from other officers?</li> </ul>	Yes and yes.
<b>2</b>	If officers are allowed to review recordings are there any exceptions? If so list the exceptions, e.g., internal investigations, critical incidents (e.g., officer-involved shooting (OIS), use of deadly force, etc.)?	Level 1 investigation, Criminal investigation of a member, and administrative investigation of a member.
<b>3</b>	Who in the partner agency will have access to TFOs' BWC recordings involving ATF/federal cases?	Supervisors and above
<b>4</b>	Does agency restrict access to BWC recordings involving a critical incident (e.g., OIS)? If so, who has access in those situations?	For OIS BWC recordings are restricted to the investigators involved and supervisors.
<b>5</b>	Will members of the partner agency be able to identify ATF cases in the BWC system? How?	Yes. They will be labeled as such.
<b>6</b>	Does the agency require random or directed supervisory review/audit of officer videos for policy compliance or other issues? If so, will this include TFO recordings of ATF cases?	Yes and Yes.
<b>7</b>	Will non-law enforcement employees of the partner agency or municipality have access to ATF BWC recordings, e.g., IT? If so, are they CJIS-compliant (e.g., CJIS background checks)?	Yes and Yes.
<b>8</b>	Are officers allowed to make copies of BWC recordings, or must they obtain recordings from someone else within the agency?	Yes
<b>9</b>	Are officers allowed to possess copies of recordings outside the police facility, or retain possession of copies for personal use?	No.
<b>10</b>	Does the agency have a policy prohibiting sharing of recordings outside of law enforcement for non-official reasons?	Yes.
<b>11</b>	Does the agency have a policy prohibiting the posting of BWC recordings to the Internet, social media sites, or the media for non-official purposes?	Yes.
<b>12</b>	Does the agency have a policy prohibiting officers from wearing or using privately owned BWCs or any other non-issued BWC?	Yes, only issued body cameras are allowed.
<b>13</b>	Do any other law enforcement entities or personnel have direct access to recordings, e.g., prosecutor's office?	Yes, DA's office

<b>14</b>	<p>Does the partner agency investigate TFO-involved shootings (or other TFO-involved events involving death or serious injury), or is this done by another agency? If another agency:</p> <ul style="list-style-type: none"> <li>• Identify the agency.</li> <li>• Is there an agreement, policy, or protocol in place with the agency for handling these situations? If so, attach.</li> </ul>	<p>OPD and CPRA investigate, per Charter Sec. 604(f) and OMC 2.46.030.</p>
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**F. External Access to BWC Recordings**

<b>1</b>	How does the agency handle external requests for BWC recordings? <ul style="list-style-type: none"><li>• Criminal discovery, subpoenas?</li><li>• Civil/administrative discovery, subpoenas?</li><li>• Open record/freedom of information requests?</li><li>• Media requests?</li><li>• Union requests? Is there an agreement with the union regarding union disclosure of BWC recordings? If so, attach copy.</li></ul>	Discovery requests and subpoenas are processed in consultation with the City Attorney under applicable federal and state laws. Public records requests – including media and union requests – are processed in accordance with state and local laws, as well as DGO M-9.1, Public Records Access.
<b>2</b>	If the agency uses a 3 <sup>rd</sup> party vendor to store recordings: <ul style="list-style-type: none"><li>• is security of or access to recordings addressed in the contract?</li><li>• are background checks of vendor employees addressed in the contract?</li></ul> If so, attach copy.	Yes
<b>3</b>	How does the agency handle redaction of BWC recordings prior to public release?	OPD redacts BWC consistent with state and local laws.

<b>A. State &amp; Local Legal Authority (cont.)</b>		
<b>Title</b>	<b>Cite</b>	<b>Comments</b>
Oakland Sunshine Ord.	O.M.C. 2.20.220.D	[attached]
	O.M.C. 9.64	Oakland Surveillance Technology law [attached]
	Oakland Reso. 90193 C.M.S.	City Records Retention Schedule [attached]
	Cal. Penal Code 832.18	State minimum standards re downloading, storage, retention and sharing of BWC.
AB 1506	Cal. Gov. Code 12525.3	Requires Cal DOJ to investigate peace officer OIS resulting in death of unarmed civilian.
SB 2	Cal. Penal Code 13510.8 et seq.	Requires reporting to state of "serious misconduct" including excessive or unreasonable force; investigating agency may inspect any physical or documentary evidence.



## CONTRACTS/AGREEMENTS/GRANTS TRACKING FORM

Received Date: \_\_\_\_\_

### Contracts and Compliance

This is your Work Order 16238 confirmation. Submitted on 12-07-2021

You have till the end of the business day to submit your documents to the office of Contracts and Compliance at 250 FHO Building, 3rd. Floor, Suite 3341.

**\*\* Please print this copy and attach to your document submittal. \*\***

(All Work Order submitted after 2:00 PM of a business day will be processed on the next work day)

#### Date Submitted

12-07-2021

Work Order Number - 16238

Contact Department - Police Department

Resolution Number - 88825

Contract Title - Axon Enterprise, Inc.

Recipient - Axon Enterprise, Inc.

Description - For Equipment and Related Support Services (BWC)

Amendment - No

Amendment No. - 0

Amended Contract Amount - \$8,192,525.00

Total Amount - \$8,192,525.00

Start Date - 01-01-2022

End Date - 12-31-2026

Due Date - 12-07-2021

#### Date Contract Signed -

Dec 10, 2021

When retrieving your signed contracts, please print your name and date at the bottom of this document and leave it with Contracts and Compliance.

#### Received By:

*Gaspar Montoya*

Dec 10, 2021

#### Received Date:

*Paula Pear*

Paula Pear (Dec 8, 2021 17:34 PST)

#### Initial Review By:

Dec 8, 2021

#### Date:

*Deborah Lusk-Barnes*



City of Oakland

## SCHEDULE T

### CONTRACT SUMMARY TRANSMITTAL\*

FOR USE BY ALL CITY AGENCIES AND DEPARTMENTS FOR PROCUREMENT, CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

1. Agency: Oakland Police Department Department: Police Information Technology
2. Project Name: Axon- Body Worn Camera (BWC) Project Amount: \$8,192,525.00
3. Budget / Funding: ( \*\* Multiple Funding Sources - Complete Additional Funding Section on Page 2 )  
Fund #: 1010 Org #: 106410 Account #: 54919 Project #: 1000008 Program #: PS01 Encumbrance Amount \$:
4. Project Manager / Responsible Employee Name: Lt. Joseph Turner  
Title: Research and Planning Section Phone: 510-238-4476 email: JTurner3@oaklandca.gov
5. Supervisor / Direct Report or Alternate Employee Contact:  
Name: Deputy Director, Kiona Suttle Phone: 510-238-6971 email: KSuttle@oaklandca.gov
6. Consultant / Contractor Name: Axon Enterprise- Ben Rubke, National Director  
Address: 17800 N. 85th Street, Scottsdale, AZ 85255 Phone: 415-314-9573 email: brubke@axon.com
7. Type of Contract (Mark X): Professional Service: ☐ Construction: ☐ Commodities: ☐ Technology: ☒
8. Statement of Contract Goal / Purpose: Body worn cameras, electronic control weapons, cloud storage for BWC storage system.
9. Actual or Estimated Notice To Proceed (NTP) Date: 01/01/2022 Estimated Completion Date: 12/31/2026
10. Resolution Number: 88825 Resolution Date: 09/21/2021
11. Location of the Contract Documents: OPD- 455 7th Street, Oakland, Ca. 94607 and City Clerk

**THIS PORTION MUST BE COMPLETED BY THE AGENCY / DEPARTMENT AND/OR THE PROJECT MANAGER**

Insert language below regarding the evaluation of performance and/or audit requirements. For example: This contract is subject to an independent audit initiated by the City of Oakland and/or this contract will be evaluated quarterly according to the deliverables defined below.

Please attach separate sheets if required.

Performance, Inspection, Fiscal Reporting and Audit Requirements	
Performance Evaluation:	
Inspection Requirement:	
Fiscal Reporting Requirement:	
Audit Requirement:	

Deliverables	Date Due	Completion Date	Responsible Source (Prime, Sub, Supplier, Other)	Performance
1				
2				
3				

City Representative: <u>Gaspar Montoya for Lt. Joseph Turner</u> <small>(Please Print)</small> City Representative Signature: <u><i>Gaspar Montoya</i></u>	Date: <u>12/1/2021</u>
City Clerk: <u>Nai Phan</u> <small>(Please Print)</small> City Clerk Signature: <u><i>Nai Phan</i></u> <small>Nai Phan (Dec 10, 2021 11:17 PST)</small>	Date: <u>Dec 10, 2021</u>

\* Must be attached to the signed Contract / Agreement and the First and Final (last) Payment Requests.

## CONTRACT SUMMARY TRANSMITTAL PROCEDURE

**Note:** This Contract Summary Transmittal form must be completed and attached to the signed Contract / Agreement

**Note:** Agency / Department - Project Managers are responsible and must ensure:

Contract Compliance and Employment Services performed the following:

- 1) Compliance Analysis
- 2) Equal Benefits Determination
- 3) Living Wage Determination



**Note:** Before submission of a Contract:

Schedule M (Part A and B) must be submitted to the City Attorney's Office for written approval

- 1) Consultant / Contractor must complete Schedule M – Part A
- 2) The City Agency / Department must complete Schedule M - Part B

**Note:** A photocopy of the completed Contract Summary Transmittal form must be attached to the first and final payment request:

- 1) Photocopy the front and back of the completed Contract Summary Transmittal form
- 2) Photocopy must be attached to the back-up documentation, on the first payment request and on the final payment request that is submitted to the Finance and Management Agency / Accounts Payable Section

Contract Transmittal Procedure	Date Received	Received Initials	Date Returned	Returned Initials
Contract: Send to the City Attorney's Office for First Review				
Contract: Send to the Consultant / Contractor				
Contract: Send to the City Attorney's Office for Final Signature	Dec 9, 2021	<u>T.S.</u> T.S.	Dec 9, 2021	<u>T.S.</u> T.S.
Contract: Send to the Agency / Department Fiscal Services to Encumber Funds				
Contract: Send to the Finance and Management Agency / Purchasing Division ***				
Contract: Send to the Agency / Department for Director's Signature				
Contract: Send to City Administrator's Office for Approval (for contracts over \$15,000)	Dec 10, 2021		Dec 10, 2021	
Contract: Send to City Clerk's Office	Dec 10, 2021	<u>NP</u> NP	Dec 10, 2021	<u>NP</u> NP

\*\*\* All Contracts are sent to the Finance and Management Agency / Purchasing Division to ensure the required Funds are encumbered

Funds that are not encumbered may result in a delayed payment to the Consultant and/or Contractor

### \*\*Additional Funding Section

Fund Number	Organization Number	Account Number	Project Number	Program Number	Encumbrance Amount





## DEPARTMENTAL GENERAL ORDER

### **I-15: BODY WORN CAMERA PROGRAM**

Effective Date: 19 DEC 23

Coordinator: Information Technology Unit

The Oakland Police Department (OPD) strives to use technology that promotes accountability, transparency, and public trust. OPD uses a Body Worn Camera (BWC) system to document the actions of sworn members during field operations. OPD seeks to balance the benefits provided by digital documentation with the privacy rights of individuals who may be recorded during legal and procedurally just public interactions.

The intent of this order is to set forth Departmental policy and procedure for the BWC system. OPD has adopted BWC technology because of its usefulness in capturing audio/video evidence and enhancing the Department's ability to conduct criminal investigations, administrative investigations, and review of police procedures and tactics. Failure to adhere to this policy will subject members to discipline.

#### **A. GENERAL PROVISIONS**

##### **A - 1. General Provisions**

The following provisions apply to the BWC program:

- All sworn members shall be assigned a BWC.
- All members assigned a BWC shall wear, carry, and use the BWC in accordance with the provisions of this order.
- All BWC files are the property of the Oakland Police Department.
- The OPD Information Technology Unit is designated as the Custodian of Records for all BWC data files.

##### **A - 2. Specific Prohibitions**

Members shall follow the expressed prohibitions regarding the BWC system:

- Unauthorized use, duplication, editing, and/or distribution of BWC files is prohibited.
- Members shall not delete any BWC file, except as specified in this policy.
- Members shall not remove, dismantle or tamper with any hardware or software component or part of the BWC.
- Members are prohibited from wearing or using personally owned video recording devices in place of, or in conjunction with, an assigned BWC.
- Members shall not intentionally use the BWC recording functions to record any personal conversation of, or between, another member without the recorded member's knowledge.
- Members shall not intentionally use the BWC to record in public or private locker rooms, changing rooms, restrooms, or medical or hospital

facilities, unless there is a legal right to record and a Departmental requirement to record.

- Members shall not intentionally use the BWC to record during any meetings with a Confidential Informant as defined in DGO O-04, *Informants*.

## **B. USE OF BWC**

### **B - 1. Wear Requirements**

Members are required to wear and use their BWC while working any uniformed field assignment. Members working non-field assignments (e.g., Criminal Investigation Division (CID), Training, or Internal Affairs Division (IAD)) shall wear and use the BWC if they go into the field in uniform or wearing uniform equipment (e.g., tac vest) for a law-enforcement assignment.

Uniformed assignments that are strictly ceremonial (e.g., assignments requiring Class A uniform) are exempt from BWC wear and use requirements.

### **B - 2. BWC Placement**

The position of the BWC may impact the clarity and sound of video files and could limit the quality of video and audio collected. Members required to **wear the BWC shall position and securely attach the BWC to the front of their uniform or uniform equipment**, as the primary recording location, to facilitate recording.

The BWC may be temporarily moved from the primary location to facilitate recording the encounter. This includes, but is not limited to, putting the BWC facing the rear of the patrol vehicle when a person is detained inside, setting the BWC in a static position to enhance safety or allow for distance from an engaged person, or moving the BWC to better focus on the key components of the incident.

Once the situation necessitating movement of the BWC has been resolved, the BWC shall be returned to the primary recording location as soon as practical.

### **B - 3. Carry Requirements**

Members working non-field assignments shall have their BWC easily accessible to them any time they go into the field for law enforcement assignments (e.g., to serve a search or arrest warrant), and activate it pursuant to section B-8, Required Activations.

### **B - 4. Undercover, Plainclothes, and Task Force Officer (TFO) Requirements**

Undercover or plainclothes members are not required to wear or carry a BWC unless they are wearing a police uniform or uniform equipment that identifies them as a law enforcement officers.

Officers deputized as federal task force officers (TFOs) shall follow the applicable Federal Law Enforcement agency guidelines for BWC use while conducting federal task force operations and investigations.

#### **B - 5. Function Check and Power On Prior to Shift**

Members utilizing a BWC shall test the BWC and have the BWC powered on in an allowed mode (see B-7, below) prior to every shift, to include ensuring that the BWC battery is fully charged.

If a member's camera is not functional, is not charged, or breaks during the shift, members shall – absent exigent circumstances – notify their supervisor, turn in a broken or non-functional camera, and be assigned a replacement camera by a supervisor or authorized user as soon as possible.

#### **B - 6. Signal Device Function Checks**

Members shall test all equipped signal devices (e.g., Axon Signal sidearm or Taser 7 Electronic Control Weapon [ECW]) prior to each shift to ensure the devices properly activate the BWC. All tests shall be conducted in a safe location and manner:

- Signal sidearm tests shall be done such that the firearm is partially removed from the holster only to the degree where the signal device recognizes the unholstered firearm; and
- Taser 7 ECW tests shall only be done on the safety switch signal trigger.

#### **B - 7. Allowed BWC Modes for Field Use**

Members shall have their BWC powered on while in the field. The following modes shall be used during fieldwork:

##### *Sleep Mode*

The BWC is in sleep mode when the camera is powered on and specifically switched to sleep mode. Sleep mode allows for immediate recording of events with the event button but does not have the 30-second buffer or automatic activation via signal technology.

Sleep mode is authorized for:

- Members who are at police or government facilities (e.g. Police Administration Building (PAB), Eastmont substation (EMM), transportation parking lot), if they are not in contact with detainees or arrestees;
- Members who are in the field on breaks (e.g., 908A and 908B) and are not in contact with detainees or arrestees;
- Members in non-uniformed assignments who are carrying a BWC in the field (refer to B-3), and
- At the direction of a commander or supervisor, including but not limited to debriefs or purely administrative functions.

##### *Ready Mode*

The BWC is in the ready mode when the camera is powered on and the 30-second buffer is active. Members shall have the BWC in ready mode while in the field unless sleep mode is authorized by this policy.

#### **B - 8. Body Worn Camera Activation Defined**

Activation is defined as initiating the audio and visual recording capabilities of the BWC, either by the member utilizing the event button or via automatic trigger (i.e. blue-tooth signal technology).

When the BWC is staged in Ready Mode it is passively recording video at all times. When the BWC is activated, it saves a video-only (no audio) clip of the 30-second period prior to activation.

#### **B - 9. Required Activation**

Members wearing a BWC shall activate it **prior to** participating in any of the following circumstances:

1. Contacts with a person to confirm or dispel a suspicion that the person may be involved in criminal activity as a suspect;
2. Detentions and arrests;
3. Actively searching<sup>1</sup> for a person or vehicle to detain or arrest them for criminal activity. Examples of actively searching include the following but are not limited to;
  - Searching a yard, building, or area for a criminal suspect;
  - Searching a nearby area after a crime has just been committed in hopes of detaining the suspect.
4. Assessment or evaluation for a psychiatric detention pursuant to Welfare and Institutions Code § 5150;
5. Engaging in or trailing a vehicle pursuit<sup>2</sup>, as defined in DGO J-04, *Pursuit Driving*;
6. Serving a search or arrest warrant;
7. Conducting any search of a person or property;
8. Escorting a detained or arrested person who is in custody at a police facility (e.g., from a patrol vehicle to an interview room or from the interview room to the restroom);
9. Transporting by vehicle any detained or arrested person (members working as the prisoner wagon transport officer may deactivate their BWC

<sup>1</sup> Actively searching does not include routine patrol or officers being on general alert for criminal suspects, BOLO vehicles, or hot sheet vehicles during their routine duties.

<sup>2</sup> DGO J-4, II A

during transport if they are transporting persons in the separate video-recorded prisoner wagon compartment);

10. Following incidents where a department member is involved in a vehicle collision while utilizing a department vehicle, the member is wearing or carrying a BWC, and it is practical and safe to do so
11. When conducting any photographic<sup>3</sup> or in-person<sup>4</sup> line-up that is not recorded by some other means (e.g., interview room camera system);
12. Whenever taking any enforcement action or when ordered to activate their BWC by a supervisor or commander during a crowd control situation in the City of Oakland<sup>5</sup> (Training Bulletin III-G).

#### **B - 10. Deactivation of the BWC**

**Prior to deactivating the BWC for any reason, members shall verbally note the reason they are deactivating the recording.**

Once activated pursuant to B-6, members shall not deactivate their BWC until one of the following occurs:

1. They determine that there is no person who is being investigated, detained, or arrested present (e.g., cold report, subject of a call for service gone on arrival);
2. They are no longer actively searching for the suspect or subject of the call for service, or the possibility of enforcement activity is unlikely;
3. Their involvement in the contact, detention, search, or arrest has concluded;
4. The contact, detention, or arrest becomes a hospital guard;
5. They receive an order from a higher-ranking member. That higher-ranking member shall note the reasoning for deactivation via Computer-aided Dispatch (CAD), their BWC, or report;
6. They are discussing administrative, tactical, or law enforcement sensitive information away from non-law enforcement personnel;
7. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.);

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<sup>3</sup> Reference [Training Bulletin I-T](#), *Double-Blind Sequential Photographic Line-Ups*

<sup>4</sup> Reference [DGO M-06](#), *Prisoner Lineups*

<sup>5</sup> Training Bulletin III-G Crowd Control Management

8. A pursuit has been terminated and the member performs the required terminating action as specified in DGO J-04 or notifies the Communications Division that they are back in service;
9. They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
10. They are meeting with an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

**If circumstances arise requiring re-activation members shall re-activate pursuant to B-8, above.**

#### **B - 11. When BWC Activation is Not Required**

BWC activation is not required under any of the following circumstances but is permitted:

- Members taking a report when available information indicates the suspect is not on scene;
- Members on a guard assignment at a police, medical, psychiatric, jail, or detention facility. Members shall assess the circumstances (e.g. suspect's demeanor/actions, spontaneous statements, etc.) of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC;
- They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
- They are interviewing an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

#### **B - 12. Discretionary Activation and De-Activation**

When not *required* to activate or *prohibited* from activation as described above (see B-9 – B-11), members may use their discretion when deciding to activate or de-activate their BWC.

#### **B - 13. Recording Statements with BWC**

Members are authorized to use the BWC to record statements in lieu of a written statement. BWC statements shall not be used to record statements from child abuse or sexual assault victims unless specifically exempted by Reporting Writing Manual S-01.

#### **B - 14. BWC Use Documentation**

Members are required to document all activations of their BWC, except for tests or accidental and false signal recordings. Documentation shall be made

in at least one of the following reports, as appropriate:

- Crime Report
- Consolidated Arrest Report or Juvenile Record
- Field Interview Report
- Computer-aided Dispatch (CAD) notes, or
- Use of Force Report.

**Delayed or non-activations of the BWC, when activation was required by policy, shall be documented in the appropriate report, and reported to the member's supervisor.**

#### **B - 15. Data Upload**

Members shall upload BWC data files (videos) at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.

#### **B - 16. Annotation and Categorization of BWC Files**

All members shall annotate BWC data files (videos) daily, or, if not feasible, by the end of the member's next regularly scheduled workday. The following information shall be annotated on every BWC data file:

- Report number associated with the incident recorded (in the ID field); or
- Incident number (in the ID field if there is no report number associated with the incident being recorded)
- The category of the video using the appropriate retention category. See Appendix A for the Department's category and BWC file retention schedule.

If neither the report number nor the incident number exists, members may use the letters "NA" or leave the ID field blank.

Members are authorized to view their video in order to identify the file for annotation unless otherwise prohibited by policy.

During incidents that require exceptional resources or large-scale activation of Department members (e.g. natural disaster), the incident commander may approve delayed annotation of BWC files except in cases that require an investigative call-out. The incident commander shall document any such orders in the appropriate after-action report.

### **C. VIEWING OF BWC FILES**

#### **C - 1. Member Review of Their Own BWC Files**

Members are authorized to review their BWC recordings to properly identify the data files and, refresh their memory regarding an incident, or for any other work-related purpose, unless otherwise prohibited by policy.

Personnel viewing any video file shall document the reason for access in the "Notes" field of each video file viewed.

#### **C - 2. When Members are Prohibited from Reviewing BWC Files**

1. Members designated as involved in a Level 1 Investigation. Members who are involved in a Level 1 Investigation<sup>6</sup> are prohibited from reviewing their BWC files until the Level 1 investigator allows the review pursuant to section D-7.
2. Criminal Investigation of a Member. Personnel who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon approval, as specified below, by the CID or Internal Affairs Division (IAD) Commander.
3. Administrative Investigation of a Member. Personnel having received notification (Complaint Notification Report [CNR]) from the IAD and who are considered to be a subject or witness officer, may not view any audio/video recordings related to the incident except upon approval, as specified below, by the IAD Commander.

**C - 3. Supervisor and Command Viewing of Subordinate BWC Files**

Unless prohibited under C-2, above, supervisors and commanders are authorized to review their own BWC video files, all video files of their subordinates' and, as necessary to complete required duties, any associated video files of non-subordinate members, unless otherwise prohibited by policy.

**C - 4. Review of BWC Files by Criminal Investigation Personnel**

Personnel assigned to CID or other investigatory units are authorized to view any BWC video file associated to their active or ongoing investigations, unless otherwise prohibited by policy.

Investigators conducting criminal investigations shall:

- Review the file to determine whether the BWC file is of evidentiary value and add categories to it as necessary to modify retention and/or access restrictions; and
- Notify the System Administrator to remove any access restriction when the criminal investigation is closed.

**C - 5. Use of BWC Files for Training**

Training staff is authorized to view BWC files regarding incidents which may serve as learning or teaching tool. A BWC file may be utilized as a training tool for individuals, specific units, or the Department as a whole. A recommendation to utilize a BWC file for such a purpose may come from any source.

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<sup>6</sup> Reference [BOI P&P 19-01](#), *Level 1 Investigations*



A person recommending utilizing a BWC file for training purposes shall submit the recommendation through the chain of command to the Training Section Commander.

The Training Section Commander shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means.

## **D. ACCOUNTABILITY AND INTERNAL INVESTIGATION REVIEWS**

### **D - 1. Review Considerations for all Supervisor or Commander Reviews of BWC**

Supervisors and commanders have the ability to review their subordinates' [C-3 BWC recordings] during the course of normal supervision and have the obligation to review certain recordings pertaining to specific events. In addition to required assessments during other reviews, all BWC recording reviews by supervisors and commanders shall follow these guidelines:

1. Supervisor and command review of subordinate BWC recordings shall include an assessment of:
  - a. Officer performance and training needs;
  - b. Policy compliance, including compliance with the provisions of this policy; and
  - c. Consistency between written reports and video files.
2. When a member does not activate or de-activate their BWC as required by policy, supervisors and commanders shall determine if the delayed or non-activation was reasonable, based upon the circumstances.
3. If the supervisor or commander determines that the delay or non-activation was reasonable, they shall document the justification in the appropriate report. If no report is generated, this shall be documented in a Supervisory Notes File (SNF)<sup>7</sup> for the officer. The supervisor's commander shall be advised, and their (commander) name noted in the SNF.
4. Supervisors, commanders, and managers who discover Class II misconduct during the review of the BWC video, that does not indicate a pattern of misconduct, may address the Class II misconduct through non-disciplinary corrective action. Any Class II violations of this policy shall be documented by SNF in the member's file, with the SNF entry including

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<sup>7</sup> **Practice note (Dec 2022):** In the Department's VISION system, notes documenting a **reasonable** BWC delay or non-activation should use the SNF Category "Supervisory Observations" and the Type "N/A". Such notes that a delay or non-activation was reasonable do not constitute a pattern and should not be used for the purposes of discipline or misconduct investigation (refer to DGO M-03).

documentation that a review of the member's SNF was completed, and that the violation was not evidence of a pattern of misconduct<sup>8</sup>.

#### **D - 2. Supervisor Random Accountability Review**

In addition to other required video recording reviews, all supervisors shall conduct a random review of at least one BWC recording for each of their subordinates on a monthly basis. Supervisors shall ensure that each selected recording has a minimum length of ten (10) minutes or the longest video if there is no 10-minute video.

#### **D - 3. Supervisor Specified Incident Review**

In addition to other required video recording reviews, all supervisors shall conduct a review of relevant BWC recordings of the arresting officer(s) involving:

- 69 PC (Resist or Deter Peace or Executive Officer)
- 148 PC (Resist, Delay, or Obstruct Peace Officer); and
- 243(b) or (c) PC (Battery on Peace or Government Officer)

For the above arrests/incidents, supervisors shall at minimum review the BWC recordings of the primary arresting officer(s) and the officer(s) who were victims of the engaged person (if different), starting from the officer(s) initial interaction with the subject of the arrest until the arrestee has been controlled.

During incidents involving multiple officers, and absent a reported Use of Force, supervisors are not required to view all of the involved officer's BWC recordings where doing so would be redundant.

#### **D - 4. Force Investigation Review (Level 2-4 UOF)**

When investigating a Use of Force (UOF) categorized under Level 2 or Level 3, supervisors shall conduct a review of the pertinent section of BWC recordings for all members who are **witnesses to** or **involved in** the UOF.

When approving a UOF categorized under Level 4, supervisors shall conduct at least a review of the pertinent section of BWC recordings **of the specific member(s) who used force**, for the purpose of determining if the Use of Force was in compliance with department policy.

In circumstances where the BWC video of the specific member(s) who used force is not sufficient to determine compliance (e.g., BWC obscured, clear angle captured from other BWC, force-using member's BWC fell off or wasn't activated, etc.), then supervisors shall conduct sufficient BWC review to be able to determine if the force was in compliance with department policy.

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<sup>8</sup> Refer to DGO M-03 at III, A, 9.

BWC related to a documented Level 4 Type 32 Use of Force where Type 32 is the only force type is only required under certain circumstances; reference [Special Order 9208](#).

**D - 5. Vehicle Pursuit Investigation Review**

When investigating a Vehicle Pursuit, Supervisors shall conduct a review of the pertinent section of BWC recordings for all members who were involved in the pursuit as a pursuing unit (at any point during the pursuit). This review shall include the BWC recordings of members from the beginning of their involvement in the pursuit, until the termination of their involvement in the pursuit.

For involved members who were riding together in the same vehicle during the pursuit, the approving or investigating supervisor may review only one member's BWC footage if the footage is redundant.

**D - 6. Internal Investigation Review**

When completing an internal investigation, the assigned investigator shall at minimum review BWC footage that is pertinent to the investigation, and which provides evidentiary value or assists in completing the investigation.

**D - 7. Level 1 Investigation Review**

In the event of a Level 1 investigation (reference [BOI P&P 19-01](#), *Level 1 Investigations*), all BWC recordings shall be uploaded to evidence.com as soon as practical.

An involved or witness member's BWC shall be taken from them and secured by a supervisor, commander, or appropriate investigator, as necessary. The recordings shall be uploaded by personnel designated by the CID investigator.

After the recordings are uploaded, the CID investigator or designee shall turn the BWC into property until the CID and IAD Commander determine it may be released back to the member. The CID investigator shall ensure the chain of custody is documented in their report.

Personnel uploading secured BWC video files shall not view the files unless authorized by the CID investigator.

No personnel involved in or a witness to a Level 1 incident may view any BWC recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.

Once a member's report(s) has been submitted and approved and/or the member has been interviewed by the appropriate investigator, the investigator may show the member his/her audio/video. This will occur prior to the conclusion of the interview process.

Personnel will be given the opportunity to provide additional information to supplement their statement and may be asked additional questions by the investigators.

**D - 8. Command Review (Level 2 or 3 Use of Force)**

Following the investigation of a Level 2 or Level 3 Use of Force by a supervisor, both the investigator's first level commander and the division commander shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.

**D - 9. Auditing and Other Review**

OIA staff (when conducting audits), supervisors, commanders, active Field Training Officers (FTOs), and the FTO Coordinator are authorized to view BWC files to assist with the conduct of audits and inspections (OIA) or evaluate the performance of subordinate or trainee members unless otherwise prohibited by policy.

**E. COPYING OF BWC FILES**

**E - 1. Court and Judicial Proceeding BWC File Copies**

Personnel requiring a copy of BWC audio/video file(s) for court (e.g., for Traffic court, or a proceeding in a different county) shall contact their first line supervisor or their designated System Administrator (for non-patrol assignments). If the first line supervisor is unavailable, personnel shall contact any System Administrator. Any BWC copies not entered into evidence shall be returned to the first line supervisor or a System Administrator for destruction.

CID and other investigative personnel taking a case to the District Attorney (DA) for charging are responsible for obtaining copies of, and/or using the evidence.com secure sharing capability to share, all applicable BWC files for presentation to the DA.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Notes" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.

The person receiving the copy shall maintain the copy in a secure location until it is needed for court or custody is transferred to another person. Additionally, they shall document, as soon as practical, the name and/or position of the person receiving the copy in the "Notes" field of each video file.

The documentation of the chain of custody and responsibility to secure the copy shall transfer to the person receiving the copy until:

- The copy is received by non-Department personnel (e.g. District Attorney, City Attorney, Court Clerk, etc.);
- The copy is admitted into evidence; or
- The copy is returned to a system administrator for destruction.

#### **E - 2. Public Records Requests for BWC File Copies**

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-09.1, Public Records Access, and forwarded to the Project Administrator.

Copies of BWC video files for release pursuant to a public records request, or as authorized by the Chief of Police or designee, shall be redacted as required by prevailing law and Department procedures prior to release.

#### **E - 3. Copying BWC Recordings for Reasons other than Court**

Members may make copies of BWC recordings to facilitate their review and accountability authorities and responsibilities, as set forth in Sections C and D of this order.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Notes" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.

Copies of BWC video files for internal use shall be maintained in the appropriate case file or a secure location. When the copy is no longer needed, it shall be returned to a system administrator for destruction. The system administrator shall make an entry in the "Notes" field of the video file that the copy was destroyed.

#### **E - 4. Prohibited Copies and File Sharing**

All personnel are prohibited from the following:

- Making unauthorized copies, digital and/or hard copies, of an original or copied BWC video file;
- Giving or showing copies of BWC video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police or designee and;
- Posting or having another person post a copied BWC video file on any social media site or public site unless authorized by the Chief of Police or designee.

### **F. DELETION OF BWC FILES AND AUDIT LOGS**

#### **F - 1. Removal Requests for Accidental Recordings**

In the event of an unintended or inappropriate activation of the BWC where the resulting recording is of no investigative or evidentiary value, the respective member may request that the BWC file be deleted by submitting an email request to their first level commander with sufficient information to locate the BWC file. The first level commander shall approve or deny the request.

Approved requests shall be submitted to the Project Administrator at [BWC@oaklandca.gov](mailto:BWC@oaklandca.gov) and the Project Administrator or designee will delete the accidental recordings.

#### **F - 2. Data Retention and Scheduled Deletion of Files**

BWC files shall be retained for a period of two years unless it is required for:

1. A criminal investigation;
2. An administrative investigation;
3. Research;
4. Civil litigation;
5. Training; and/or
6. No recordings shall be deleted while any request for the recordings is pending, including but not limited to a public records request or litigation hold request

BWC files that are not flagged for retention for any of the above reasons will be automatically deleted by the File Management System's data retention processes, which are set and maintained by the Project Administrator or designee.

#### **F - 3. Access and Deletion Logs**

Audit logs of access, review, copying and deletion of BWC files shall be retained permanently.

### **G. ADMINISTRATIVE INFORMATION**

#### **G - 1. Project Administrator**

The Project Administrator is the commander over the Information Technology unit unless otherwise designated by the Chief of Police. The Project Administrator has oversight responsibilities that include, but are not limited to, the following:

- Document and track malfunctions and equipment failures;
- Policy and procedure review and evaluation;
- Ensure BWC files are secured and retained for the appropriate time period. Such security shall include FBI Criminal Justice Information Services

(CJIS) compliant safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

- Ensure BWC files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, Public Records Access;
- Train the System Administrators to ensure consistency; and
- Establish policy and procedures for the replacement of non-functioning BWCs and the check-out of spare BWCs;
- The BWC Program Administrator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains all components required by the Surveillance Technology Ordinance, as listed in Oakland Municipal Code 9.64.

#### **G - 2. System Administrators**

System Administrators shall be designated by the Bureau Commander for non-patrol assignments or the CID Commander for CID personnel. All Sergeants of Police assigned to the Bureau of Field Operations are System Administrators.

System Administrator responsibilities shall include, but are not limited to, the following:

- Ensure officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced as soon as practical, in the manner specified by the Project Administrator;
- Refresher training for members as needed;
- Ensuring the return of damaged equipment to the Project Administrator;
- Making copies of BWC files for court or other authorized activities;
- Destruction of copied BWC files not admitted as evidence in court or no longer needed internally. System Administrators receiving a video file copy for destruction shall ensure the copy is destroyed and make an entry in the “Comments” field of the video file that the copy was destroyed.

#### **G - 3. Training**

The Training Section shall ensure that members receive department-approved training as needed for those who are assigned a BWC, and training regarding the process for uploading and downloading BWC data.


#### **G - 4. Description of the Technology BWCs**

The BWC is a combination camera and microphone that collects audio and video in a digital format.

#### **G - 5. Description of the Technology BWC File Management System**

The BWC system employed by OPD features BWC docking stations and an internet web interface for controlling how files are uploaded and archived. The interface allows for Internet Protocol restriction features to control the locations where the system can be accessed. These restrictions limit BWC video file access to only authorized OPD personnel. Videos that are tagged for any reason as part of an investigation are moved to separate folders where they cannot be deleted. The cloud-based archive system has built-in redundancy with multiple servers to ensure data integrity and CJIS compliance.

By order of

  
Darren Allison  
Acting Chief of Police

Date Signed: 11/21/23



**Appendix A**

<b>Category Name</b>	<b>Retention Period</b>	<b>Legal Retention Requirements</b>
Incident / Citizen Contact (No Crime)	2 yrs	Basic (set by policy DGO I-15)
Traffic / Bike / Ped Stop	2 yrs	Basic
Accidental / False Signal / Signal Testing	2 yrs or sooner if deleted per policy	Basic
Test / Vehicle Inspection	2 yrs or sooner if deleted per policy	Basic
Mental Health	2 yrs	Basic
Violent Felony / DOA	Indefinite	Statute of Limitations (SOL)
Misdemeanor Case (including report, statements, cite, or arrest)	2 yrs	SOL
Felony Case (including report, statements, cite, or arrest - no violent felonies or sex crimes)	3 yrs	SOL
Domestic Violence	5 yrs	SOL, prior action charging
Collision	5 yrs	13552 Traffic Collisions non-fatal is 5 years for reports - matching to keep digital evidence the same

Missing Person / Runaway	Indefinite	SOL (Possible homicide)
DUI	10 yrs	SOL, prior action charging
Sex Crimes	Indefinite	SOL
Vehicle Pursuit	5 yrs	Administrative SOL
Sergeants / Commanders Admin	2 yrs	Possible IA/DLI - intake/Sergeant/etc. to update category if so
IA/DLI	Indefinite	Administrative SOL
Never Delete	Indefinite	Administrative SOL
Use of Force - Levels 1 and 2	Indefinite	Administrative SOL
Use of Force - Levels 3 and 4	Indefinite	Administrative SOL
Felony - Filed by DA	20 yrs	SOL plus appeals
Homicide	Indefinite	SOL
Misdemeanor - Filed by DA	10 yrs	SOL plus appeals
Missing Person / Runaway - Returned (replace other missing person category)	2 yrs	Basic (cures possible homicide SOL of other Missing Person category)
Legal - OCA/Records/Authorized Users Only	Indefinite	City Attorney's Office (CAO) Order
Collision - 901C	Indefinite	CAO Order
Collision - Major Injury / Fatal	Indefinite	SOL
Training	2 yrs	Basic

## 2.20.220 - Non-exempt public information.

Notwithstanding any right or duty to withhold certain information under the California Public Records Act or other law, the following shall govern specific types of requests for documents and information:

- A. Drafts and Memoranda. No completed preliminary drafts or memoranda shall be exempt from disclosure under Government Code Section 6254(a) if said completed preliminary draft or memorandum has been retained in the ordinary course of business or pursuant to law or agency or department policy. Completed preliminary drafts and memoranda concerning contracts, memoranda of understanding or other matters subject to negotiation and pending a local body's approval need not be subject to disclosure until final action has been taken.
- B. Litigation Material. Unless otherwise privileged or made confidential by law, records of all communications between a local body's representatives and the adverse party shall be subject to public inspection and copying, including the text and terms of any settlement agreement, once the pending litigation has been settled or finally adjudicated.
- C. Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254(c):
  - 1. Job pool information, to the extent such information is compiled for reporting purposes and does not permit the identification of any particular individual. Such job pool information may include the following:
    - a. Sex, age and ethnic group;
    - b. Years of graduate and undergraduate study, degree(s) and major or discipline;
    - c. Years of employment in the private and/or public sector;
    - d. Whether currently employed in the same position for another public agency;
    - e. Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.
  - 2. The professional biography or curriculum vitae of every employee who has provided such information to the city, Redevelopment Agency or the Board of Port Commissioners excluding the home address, home telephone number, social security number, date of birth, and marital status of the employee.
  - 3. The job description of every employment classification.
  - 4. The exact gross salary and paid benefits available to every public employee.
  - 5. Any adopted memorandum of understanding between the city or Board of Port Commissioners and a recognized employee organization.

D.

Law Enforcement Information. The Oakland Police Services Agency shall cooperate with all members of the public making requests for law enforcement records and documents under the California Public Records Act or other applicable law. Records and documents exempt from disclosure under the California Records Act pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public to the full extent permitted by law after the District Attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Information may be redacted from such records and documents and withheld if, based upon the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure. Such redacted information may include:

- a. The names of juvenile witnesses or suspects;
    - b. Personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;
    - c. The identity of a confidential source;
    - d. Secret investigative techniques or procedures;
    - e. Information whose disclosure would endanger law enforcement personnel, a witness, or party to the investigation; or
    - f. Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is likely.
  2. The Oakland Police Services Agency shall maintain a record, which shall be a public record and which shall be separate from the personnel records of the agency, which reports the number of citizen complaints against law enforcement agencies or officers, the number and types of cases in which discipline is imposed and the nature of the discipline imposed. This record shall be maintained in a format which assures that the names and other identifying information of individual officers involved is not disclosed directly or indirectly.
- E. Contracts, Bids and Proposals. Contracts, contract bids, responses to requests for proposals and all other records of communications between the city, Redevelopment Agency and Board of Port Commissioners and individuals or business entities seeking contracts shall be open to inspection and copying following the contract award or acceptance of a contract offer. Nothing in this provision requires the disclosure of a person's net worth or other proprietary financial information submitted for qualification for a contract until and unless that person is awarded the contract. All bidders and contractors shall be advised that information covered by this subdivision will be made available to the public upon request.
- F. Budgets and Other Financial Information. The following shall not be exempt from disclosure:
1. Any proposed or adopted budget for the city, Redevelopment Agency and the Port Department, including any of their respective agencies, departments, programs, projects or other categories, which have been submitted to a majority of the members of the City

Council, Redevelopment Agency or Board of Port Commissioners or their standing committees.

2. All bills, claims, invoices, vouchers or other records of payment obligations, as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law.

(Ord. 12483 (part), 2003; Ord. 11957 § 00.23, 1997)

## Chapter 9.64 - REGULATIONS ON CITY'S ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

## 9.64.010 - Definitions.

The following definitions apply to this Chapter.

1. "Annual Surveillance Report" means a written report concerning a specific surveillance technology that includes all the following:
  - A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology;
  - B. Whether and how often data acquired through the use of the surveillance technology was directly 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);
  - 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;
  - D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year;
  - 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;

- 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.

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;

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes;
  - I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates;
  - 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; and
  - K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request.
- 2. "Biometric Surveillance Technology" means any computer software that uses face recognition technology or other remote biometric recognition in real time or on a recording or photograph.
  - 3. "City" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by Chapter 2.29 of the Oakland Municipal Code.
  - 4. "City Staff" means City personnel authorized by the City Administrator or designee to seek City Council approval of surveillance technology in conformance with this Chapter.
  - 5. "Continuing Agreement" means an agreement that automatically renews unless terminated by one (1) party.
  - 6. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving danger of, or imminent threat of the destruction of evidence regarding, death or serious physical injury to any person requires the use of surveillance technology or the information it provides.
  - 7. "Face Recognition Technology" means an automated or semi-automated process that: (A) assists in identifying or verifying an individual based on an individual's face; or (B) identifies or logs characteristics of an individual's face, head, or body to infer emotion, associations, expressions, or the location of an individual.
  - 8. "Large-Scale Event" means an event attracting ten thousand (10,000) or more people with the potential to attract national media attention that provides a reasonable basis to anticipate that exigent circumstances may occur.
  - 9. "Other Remote Biometric Recognition" means: (A) an automated or semi-automated process that (i) assists in identifying an individual, capturing information about an individual, or otherwise generating or assisting in generating information about an individual based on physiological, biological, or behavioral characteristics ascertained from a distance; (ii) uses voice recognition technology; or (iii) identifies or logs such characteristics to infer emotion,

associations, activities, or the location of an individual; and (B) does not include identification based on fingerprints or palm prints that have been manually obtained during the course of a criminal investigation or detention.

10. "Personal Communication Device" means a mobile telephone, a personal digital assistant, a wireless capable tablet and a similar wireless two-way communications and/or portable internet accessing devices, whether procured or subsidized by a city entity or personally owned, that is used in the regular course of city business.
11. "Predictive Policing Technology" means computer algorithms that use preexisting data to forecast or predict places or times that have a high risk of crime, or individuals or groups who are likely to be connected to a crime. This definition does not include computer algorithms used solely to visualize, chart, or map past criminal activity (e.g. heat maps).
12. "Police Area" refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.
13. "Surveillance" or "Surveil" means to observe or analyze the movements, behavior, data, or actions of individuals. Individuals include those whose identity can be revealed by license plate data when combined with any other record.
14. "Surveillance Technology" means any software, electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of surveillance technology include, but is not limited to the following: cell site simulators (Stingrays); automatic license plate readers; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems; body-worn cameras; social media analytics software; gait analysis software; video cameras that record audio or video, and transmit or can be remotely accessed. It also includes software designed to monitor social media services or forecast criminal activity or criminality, biometric identification hardware or software.

"Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined above:

- A. Routine office hardware, such as televisions, computers, credit card machines, badge readers, copy machines, and printers, that is in widespread use and will not be used for any surveillance or law enforcement functions;
- B. Parking Ticket Devices (PTDs);
- C. Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;



- D. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
  - E. Manually-operated technological devices used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems;
  - F. City databases that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology, including payroll, accounting, or other fiscal databases.
  - G. Medical equipment used to diagnose, treat, or prevent disease or injury.
  - H. Police department interview room cameras.
    - I. Police department case management and records management systems, including computer aided dispatch systems, and field-based reporting systems.
    - J. Police department early warning systems.
  - K. Personal communication devices that have not been modified beyond stock manufacturer capabilities in a manner described above, provided that any bundled face recognition technology is only used for the sole purpose of user authentication in the regular course of conducting City business.
  - L. Live scan machines (owned by Alameda County Sheriff but operated by Oakland Police personnel.)
15. "Surveillance Impact Report" means a publicly-released written report including at a minimum the following:
- A. Description: information describing the surveillance technology and how it works, including product descriptions and manuals from manufacturers;
  - B. Purpose: information on the proposed purposes(s) for the surveillance technology;
  - C. Location: the location(s) it may be deployed, using general descriptive terms, and crime statistics for any location(s);
  - D. Impact: an assessment of the technology's adopted use policy and whether it is adequate in protecting civil rights and liberties and whether the surveillance technology was used or deployed, intentionally or inadvertently, in a manner that is discriminatory, viewpoint-based, or biased via algorithm;
  - E. Mitigations: identify specific, affirmative technical and procedural measures that will be implemented to safeguard the public from each such impacts;
  - F. Data Types and Sources: a list of all types and sources of data to be collected, analyzed, or processed by the surveillance technology, including "open source" data, scores, reports, logic or algorithm used, and any additional information derived therefrom;

- G. Data Security: information about the steps that will be taken to ensure that adequate security measures are used to safeguard the data collected or generated by the technology from unauthorized access or disclosure;
  - H. Fiscal Cost: the fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, operative or proposed contract, and any current or potential sources of funding;
  - I. Third Party Dependence: whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis;
  - J. Alternatives: a summary of all alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate; and,
  - K. Track Record: a summary of the experience (if any) other entities, especially government entities, have had with the proposed technology, including, if available, quantitative information about the effectiveness of the proposed technology in achieving its stated purpose in other jurisdictions, and any known adverse information about the technology (such as unanticipated costs, failures, or civil rights and civil liberties abuses).
16. "Surveillance Use Policy" means a publicly-released and legally enforceable policy for use of the surveillance technology that at a minimum specifies the following:
- A. Purpose: the specific purpose(s) that the surveillance technology is intended to advance;
  - B. Authorized Use: the specific uses that are authorized, and the rules and processes required prior to such use;
  - C. Data Collection: the information that can be collected by the surveillance technology. Where applicable, list any data sources the technology will rely upon, including "open source" data;
  - D. Data Access: the category of individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information;
  - E. Data Protection: the safeguards that protect information from unauthorized access, including encryption and access control mechanisms;
  - F. Data Retention: the time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period;
  - G.

Public Access: how collected information can be accessed or used by members of the public, including criminal defendants;

- H. Third Party Data Sharing: if and how other city departments, bureaus, divisions, or non-city entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information;
  - I. Training: the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology, and the category of staff that will provide the training;
  - J. Auditing and Oversight: the mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy; and
  - K. Maintenance: The mechanisms and procedures to ensure that the security and integrity of the surveillance technology and collected information will be maintained.
17. "Voice Recognition Technology" means the automated or semi-automated process that assists in identifying or verifying an individual based on the characteristics of an individual's voice.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13563, § 3, 9-17-2019; Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.020 - Privacy Advisory Commission (PAC) notification and review requirements.

1. PAC Notification Required Prior to City Solicitation of Funds and Proposals for Surveillance Technology.
  - A. City staff shall notify the Chair of the Privacy Advisory Commission prior to:
    1. Seeking or soliciting funds for new surveillance technology or to replace existing surveillance technology that has not been previously approved by the City Council pursuant to the requirements of this Chapter, including but not limited to applying for a grant; or,
    2. Soliciting proposals with a non-city entity to acquire, share or otherwise use surveillance technology or the information it provides.
  - B. Upon notification by city staff, the Chair of the Privacy Advisory Commission shall place the item on the agenda at the next Privacy Advisory Commission meeting for discussion and possible action. At this meeting, city staff shall inform the Privacy Advisory Commission of the need for the funds or equipment, or shall otherwise justify the action city staff will seek

Council approval for pursuant to 9.64.030. The Privacy Advisory Commission may make a recommendation to the City Council by voting its approval to proceed, object to the proposal, recommend that the city staff modify the proposal, or take no action.

- C. Should the Privacy Advisory Commission not make a recommendation pursuant to 9.64.020 1.B., City staff may proceed and seek Council approval of the proposed surveillance technology initiative pursuant to the requirements of Section 9.64.030.
- 2. PAC Review Required for New Surveillance Technology Before City Council Approval.
    - A. Prior to seeking City Council approval under Section 9.64.030, city staff shall submit a surveillance impact report and a surveillance use policy for the proposed new surveillance technology initiative to the Privacy Advisory Commission 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.
    - B. The Privacy Advisory Commission shall recommend that the City Council adopt, modify, or reject the proposed surveillance use policy. If the Privacy Advisory Commission proposes that the Surveillance Use Policy be modified, the Privacy Advisory Commission shall propose such modifications to city staff. City staff shall present such modifications to City Council when seeking City Council approval under Section 9.64.030.
    - C. Failure by the Privacy Advisory Commission to make its recommendation on the item within ninety (90) days of submission shall enable the city entity to proceed to the City Council for approval of the item.
  - 3. PAC Review Requirements for Existing Surveillance Technology Before City Council Approval.
    - A. 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 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.
    - B. Prior to submitting the surveillance impact report and proposed surveillance use policy as described above, city staff shall present to the Privacy Advisory Commission a list of surveillance technology possessed and/or used by the city.
    - C. The Privacy Advisory Commission shall rank the items in order of potential impact to civil liberties.
    - D. Within sixty (60) days of the Privacy Advisory Commission's action in 9.64.020 3.C., city staff shall submit at least one (1) surveillance impact report and proposed surveillance use policy per month to the Privacy Advisory Commission for review, beginning with the highest-ranking items as determined by the Privacy Advisory Commission, and continuing thereafter each month until a policy has been submitted for each item on the list.

City staff, acting on behalf of a particular department, agency, bureau, or other subordinate division of the City, is not required to submit a new surveillance impact report and surveillance use policy, until the Privacy Advisory Commission has completed its recommendation and analysis on any outstanding surveillance technology that has been previously submitted from such department, agency, bureau, or other subordinate division of the City.

- E. Failure by the Privacy Advisory Commission to make its recommendation on any item within ninety (90) days of submission shall enable city staff to proceed to the City Council for approval of the item pursuant to Section 9.64.030.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

9.64.030. - City Council approval requirements for new and existing surveillance technology.

1. City staff must obtain City Council approval prior to any of the following:
  - A. Accepting state or federal funds or in-kind or other donations for surveillance technology, except for surveillance technology that has already been approved by City Council and for which a corresponding use policy is in effect;
  - B. Acquiring new surveillance technology, or replacing existing surveillance technology that has not been previously approved by the City Council pursuant to the requirements of this Chapter, including but not limited to procuring such technology without the exchange of monies or consideration;
  - C. Using new surveillance technology, or using existing surveillance technology or the information it provides for a purpose, in a manner, or in a location not previously approved by the City Council pursuant to the requirements of this Chapter. However, for surveillance technology that was acquired or was in use prior to enactment of this ordinance, such use may continue until the City Council votes to approve or reject the surveillance technology's corresponding surveillance use policy; or
  - D. Entering into a continuing agreement or written agreement with a non-city entity to acquire, share or otherwise use surveillance technology or the information it provides, including data sharing agreements.
  - E. Notwithstanding any other provision of this Section, nothing herein shall be construed to prevent, restrict or interfere with any person providing evidence or information derived from surveillance technology to a law enforcement agency for the purposes of conducting a criminal investigation or the law enforcement agency from receiving such evidence or information.
2. City Council Approval Process.
  - A.

After the PAC notification and review requirements in Section 9.64.020 have been met, city staff seeking City Council approval shall schedule for City Council consideration and approval of the proposed surveillance impact report and proposed surveillance use policy, and include Privacy Advisory Commission recommendations. City Council consideration and approval may only occur at a public meeting that has been noticed in conformance with the Oakland Sunshine Ordinance. City staff shall not unreasonably delay scheduling any item for City Council consideration and approval at the next earliest opportunity.

- B. The City Council shall only approve any action as provided in this Article after first considering the recommendation of the Privacy Advisory Commission, and subsequently making a determination that the benefits to the community of the surveillance technology outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective.
  - C. For approval of existing surveillance technology for which the Privacy Advisory Commission failed to make its recommendation within ninety (90) days of review as provided for under 9.64.020 3.E, if the City Council has not reviewed and approved such item within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the city shall cease its use of the surveillance technology until such review and approval occurs.
3. Surveillance Impact Reports and Surveillance Use Policies are Public Records. City staff shall make the Surveillance Impact Report and Surveillance Use Policy, as updated from time to time, available to the public as long as the city uses the surveillance technology in accordance with its request pursuant to Section 9.64.020 A.1.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.035 - Use of unapproved technology during exigent circumstances or large-scale event.

- 1. City staff may temporarily acquire or use surveillance technology and the data derived from that use in a manner not expressly allowed by a surveillance use policy in two (2) types of circumstances without following the provisions of Section 9.64.030: (A) exigent circumstances, and (B) a large-scale event.
- 2. If city staff acquires or uses a surveillance technology in the two (2) circumstances pursuant to subdivision 1., the city staff shall:
  - A. Use the surveillance technology to solely respond to the exigent circumstances or large-scale event.
  - B. Cease using the surveillance technology when the exigent circumstances or large scale event ends.
  - C.

Only keep and maintain data related to the exigent circumstances and dispose of any data that is not relevant to an ongoing investigation.

- D. Following the end of the exigent circumstances or large-scale event, report that acquisition or use to the PAC at their next respective meetings for discussion and/or possible recommendation to the City Council in accordance with the Sunshine Ordinance, the Brown Act, and City Administrator deadlines.
3. Any technology temporarily acquired in exigent circumstances or during a large-scale event shall be returned within seven (7) days following its acquisition, or when the exigent circumstances end, whichever is sooner, unless the technology is submitted to the City Council for approval pursuant to Section 9.64.030 and is approved. If the agency is unable to comply with the seven-day timeline, the agency shall notify the City Council, who may grant an extension.

(Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.040 - Oversight following City Council approval.

1. By April 30<sup>th</sup> of each year, or no later than one (1) year after adoption of a Surveillance Use Policy, city staff must present a written annual surveillance report for Privacy Advisory Commission review for each approved surveillance technology item. If city staff is unable to meet the deadline, city staff shall notify the Privacy Advisory Commission in writing of staff's request to extend this period, and the reasons for that request. The Privacy Advisory Commission may grant a single extension of up to sixty (60) days to comply with this provision.
  - A. After review by the Privacy Advisory Commission, city staff shall submit the annual surveillance report to the City Council.
  - B. The Privacy Advisory Commission 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.
  - C. Failure by the Privacy Advisory Commission to make its recommendation on the item within ninety (90) days of submission shall enable the city entity to proceed to the City Council for approval of the annual surveillance report.
  - D. In addition to the above submission of any Annual Surveillance Report, city staff shall provide in its report to the City Council a summary of all requests for City Council approval pursuant to Section 9.64.030 and the pertinent Privacy Advisory Commission recommendation, including whether the City Council approved or rejected the proposal and/or required changes to a proposed surveillance use policy before approval.

2.

Based upon information provided in city staff's Annual Surveillance Report and after considering the recommendation of the Privacy Advisory Commission, the City Council shall re-visit its "cost benefit" analysis as provided in Section 9.64.030 2.B. and either uphold or set aside the previous determination. Should the City Council set aside its previous determination, the city's use of the surveillance technology must cease. Alternatively, City Council may require modifications to the Surveillance Use Policy that will resolve any deficiencies.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

9.64.045 - Prohibition on City's acquisition and/or use of Biometric Surveillance Technology and Predictive Policing Technology.

- A. Notwithstanding any other provision of this Chapter (9.64), it shall be unlawful for the City or any City staff to obtain, retain, request, access, or use:
  - 1. Biometric Surveillance Technology; or
  - 2. Predictive Policing Technology; or
  - 3. Information obtained from either Biometric Surveillance Technology or Predictive Policing Technology.
- B. Only surveillance technology that uses biometric information in a manner that meets the definition of Biometric Surveillance Technology, as provided in Section 9.64.010, shall be prohibited.
- C. City staff's inadvertent or unintentional receipt, access of, or use of any information obtained from Biometric Surveillance Technology or Predictive Policing Technology shall not be a violation of this Section 9.64.045 provided that:
  - 1. City staff did not request or solicit the receipt, access of, or use of such information; and
  - 2. City staff shall immediately destroy all copies of the information upon its discovery and shall not use the information for any purpose, unless retention or use of exculpatory evidence is required by law; and
  - 3. Upon discovery of such use, City staff logs such receipt, access, or use in a written report and submits such report at the next regularly scheduled meeting of the Privacy Advisory Commission for discussion and possible recommendation to the City Council. Such a report shall not include any personally identifiable information or other information the release of which is prohibited by law. In its report, City staff shall identify specific measures taken by the City to prevent the further transmission or use of any information inadvertently or unintentionally obtained through the use of such technologies; and
  - 4. After review by the Privacy Advisory Commission, city staff shall submit the report to the City Council.



(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13563, § 3, 9-17-2019)

9.64.050 - Enforcement.

1. Violations of this Article are subject to the following remedies:

- A. Any violation of this Article, or of a surveillance use policy promulgated under this Article, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Article. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Article or a surveillance use policy (including to expunge information unlawfully collected, retained, or shared thereunder), any other governmental agency with possession, custody, or control of data subject to this Article, to the extent permitted by law.
- B. Any person who has been subjected to a surveillance technology in violation of this Article, or about whom information has been obtained, retained, accessed, shared, or used in violation of this Article or of a surveillance use policy promulgated under this Article, may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).
- C. A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under paragraphs A. or B.
- D. Violations of this Article by a city employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and in accordance with any memorandums of understanding with employee bargaining units.

(Ord. No. 13489, § 2, 5-15-2018)

9.64.060 - Secrecy of surveillance technology.

It shall be unlawful for the city to enter into any surveillance-related contract or other agreement that conflicts with the provisions of this Article, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

To the extent permitted by law, the city shall publicly disclose all of its surveillance-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

(Ord. No. 13489, § 2, 5-15-2018)

## 9.64.070 - Whistleblower protections.

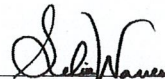
1. Neither the city nor anyone acting on behalf of the city may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:
  - A. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data based upon a good faith belief that the disclosure evidenced a violation of this Article; or
  - B. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Article.
2. It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any surveillance use policy or administrative instruction promulgated under this Article.
3. Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

(Ord. No. 13489, § 2, 5-15-2018)

2024 APR -4 PM 4: 18

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 901930 C.M.S.

**RESOLUTION APPROVING A RECORDS RETENTION SCHEDULE FOR PREVIOUSLY OMITTED OAKLAND POLICE DEPARTMENT (OPD) AND COMMUNITY POLICE REVIEW AGENCY (CPRA) RECORDS AND OTHER ERRONEOUSLY OMITTED REVISIONS; MODIFYING TO THE EXTENT NECESSARY RESOLUTION NO. 90117 C.M.S. TO EXPRESSLY INCORPORATE THESE AMENDMENTS; AND REAFFIRMING THE AUTHORITY AND ROLE OF THE CITY CLERK TO 1) REVIEW AND APPROVE REQUESTS FOR THE DELETION AND/OR DESTRUCTION OF CITY RECORDS; AND 2) TO REVIEW AND AMEND THE RECORDS RETENTION SCHEDULE ON A PERIODIC BASIS WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, on May 2, 2023, the City Council passed Resolution No. 89700 C.M.S. authorizing the City Clerk to retain a consultant to prepare a new records retention policy that updates and replaces the existing policy, which was last updated in 2003; and

**WHEREAS**, on February 20, 2024, the City Council passed Resolution No. 90117 C.M.S., which, among other things, approved a Records and Information Management Policy (Exhibit A to Council Resolution 90117 C.M.S.) and a Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.);

**WHEREAS**, the Records and Information Management Policy (Exhibit A to Council Resolution 90117 C.M.S.) provides direction to staff on the rules for managing records of the City of Oakland; and

**WHEREAS**, the Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.) identifies categories of records created or received by City departments and establishes retention periods for those records consistent with federal, state and local law and policy, and was prepared with input from and in consultation with City departments; and

**WHEREAS**, on February 20, 2024, the Council approved the Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.) except for the following categories relating to the Oakland Police Department (OPD) and Community Police Review Agency (CPRA): Record Nos. 9b, 14b, 45 through 47, 67, 71, 84 and 105-126. Record Nos. 5 and 12, which are generally applicable to all departments, were approved except as applicable to OPD records; and



**WHEREAS,** Council provided additional time for staff to further consult on the retention schedules for those categories with the expectation that a subsequent resolution would be brought back to Council addressing the omitted records; and

**WHEREAS,** the City Clerk now presents an updated Records Retention Schedule in consultation with the outside consultant, Office of the City Attorney, Office of the Inspector General, CPRA and OPD, which includes the previously omitted categories and additional erroneously omitted revisions; and

**WHEREAS,** future updates and changes to the Records Retention Schedule will be reviewed and approved by the City Clerk and the City Attorney in compliance with then-existing laws and policies; now, therefore, be it

**RESOLVED:** The Council hereby approves and adopts the attached updated Records Retention Schedule (Exhibit B-Updated) and, to the extent necessary, modifies City Council Resolution No. 90117, to expressly incorporate the amendments set forth in this updated Records Retention Schedule; and be it

**FURTHER RESOLVED:** That, the City Clerk, in collaboration with the Office of the City Attorney, is authorized to review and approve requests for the deletion and/or destruction of any City records prior to deletion and/or destruction of such records in accordance with City procedures; and be it

**FURTHER RESOLVED:** That the City Clerk in collaboration with the Office of the City Attorney, is authorized to review and amend the Records Retention Schedule on a periodic basis to make updates and changes in compliance with then-existing laws and policies without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA, **APR 16 2024**

PASSED BY THE FOLLOWING VOTE:

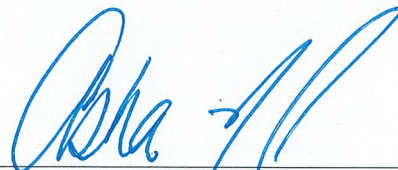
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

3343806v1/SW

# **EXHIBIT B-UPDATED**

## **[RECORDS RETENTION SCHEDULE]**

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CL = Closed    GU = Current Year    FR = Final Resolution    LA = Letter of Agreement Asses    M = Month  
MA = Majority    MAINT = Maintained Records    PR = Permanent    S = Supported    Y = Year

001	<b>Record Name and Description</b>  <b>Accounts Payable and Receivable</b> Records and information related to the accounting of monies paid by or received by the City including payment for financial obligation.	<b>Example Documents</b> Aging Reports Cash Records (cash count reports, cash flow book, information, cash disbursement, cash register, receipts, cash receipts) Check Listing Credit Memos Collections Donations Employee Expense Reports, Reimbursements Fees Paid Fees Received Form 1099 Form W-9 Invoices and Vouchers Purchasing Cards Expense Reconciliation/Allocations Reconciliations Refunds Taxes Paid Tax Revenue Received Tuition Reimbursements Utility Billing (registers, adjustments, deposit reports, payment subs)	<b>Department/Office of Record</b> All Departments	<b>Retention</b> 10Y	<b>Legal Citations and Comments</b> CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 28 CFR 31.6001-1(a)(2) - (CU+4Y) US - 29 CFR 97.42 - (3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y; 2Y)
002	<b>Agreements, Contracts and Leases - Goods and Services</b> Executed agreements, contracts, leases (which includes any type of contract, such as an agreement, franchise, or purchase order) and associated ancillary documents, between the City and other parties. Examples include: <ul style="list-style-type: none"> <li>- Collective Bargaining Agreements</li> <li>- Contractor Agreements</li> <li>- Equipment Agreements</li> <li>- Franchise Agreements</li> <li>- Licensing Agreements</li> <li>- Maintenance Agreements</li> <li>- Memoranda of Agreement (MOA)</li> <li>- Memoranda of Understanding (MOU)</li> <li>- Professional Services Agreements</li> <li>- Service Contracts</li> </ul>	Addendums and Amendments Attachments / Exhibits Certificates of Insurance Concessions Contractor Agreements (updated annually, semi-annually) Disclosures Equipment Agreements Family Resources & Referral Agreements (annually) Instructor Agreements Letters of Understanding Maintenance Agreements Memoranda of Agreement (MOAs) Memoranda of Understanding (MOUs) - other than labor MOUs Professional Services Agreements Purchase Orders Statements of Work (SOWs)	All Departments	While Active+4Y	CA - CCP 337 - (4Y) CA - CCP 337.1 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.703 - (AC3Y) US - 48 CFR 4.705-1 - (4Y) US - 49 CFR 107.504 - (AC+2Y)
003	<b>Community Outreach, Media and Public Relations</b> Records and information regarding external-facing communications, advertising and press relations materials, including documentation of outreach activities/events held in cooperation or for the benefit of the local community.	Brochures, Flyers City FAQs Mailers Marketing Plans Media Packets, Releases, Kits PowerPoint Presentations for Council Members Public / Media Inquiries Public Outreach / Education Publications Produced by the City (newsletter, visitors guide) Publicity Files Seasonal Brochures Social Media Documentation Special Events Surveys Waivers of Liability	All Departments	4Y	CA - CCP 337 - (LA4Y) CA - GOV 34090 - (2Y)



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>AGREEMENTS USED IN LEGAL CITATIONS:</b>            CL = Closed    CU = Current Year    FR = Forwardation    LA = Limitation of Action    M = Month            MA = Maturity    MAINT = Maintaining Records    PR = Permanent    S = Supervisor    T = Termination    Y = Year</p>				
004	Record Name and Description	Example Documents	Department/Office of Record	Retention
	<b>Department Administration</b> General internal administrative records of City departments, including: - Documentation of department internal activities - Routine department reports - Information captured on a log or a list - Correspondence, memos, notes and emails that do not require acknowledgment and do not pertain to another category - Department projects	<b>Example Documents</b> Certificate of Life Attestations Constituent Correspondence Department Administrative Documents (calendars, committees, goals, objectives, meeting agendas, meeting minutes, meeting tapes/recording, plans) Department Generated Routine Studies / Reports Employee Communication Letters (announcements, new programs, notices) In-House Committees / Employee Committees Log Books and Lists Recorded Messages for Non-English Speakers Routine Correspondence Shipping and Receiving Records Unsuccessful Grant Funding Applications	All Departments	2Y
005(a)	<b>External Audits</b> Records and information related to audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit done by a third party.	Annual Audit Reports Audit Files, Plans Auditors Reports Management Responses Recommendations Remediation Plans / Results	All Departments <b>except Police</b>	CL+6Y
005(b)	<b>External Audits</b> Records and information related to audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit done by a third party.	Annual Audit Reports Audit Files, Plans Auditors Reports Management Responses Recommendations Remediation Plans / Results	Police	CL+10Y*
006	<b>Grants Administration of Grants Issued To and Given by the City</b> Documents the application, evaluation, awarding, administration, monitoring, reporting, and status of grants and other funding sources in which the City receives or gives monies, as well as when the City serves only as pass-through for grant funds. Includes: - Federal grants - Local grants - State grants - Combined Federal, State, and Local grants - Regional grants and funding sources - Grant Funds awarded by the City	Applications (including project proposals) Award Notification Grant Administration Grant Evaluations Program Rules, Regulations, Procedures Property Taxes Funding Reports to Funding Agencies	All Departments	CL+5Y
<b>Legal Citations and Comments</b> CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 2.30.080 - (MAINT) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) *As required by Office of Inspector General CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 28 CFR 97.42 - (3Y) Closed* = Closeout of Grant Plus All Final Audit Reports Completed; if grant is in perpetuity, it never closes or retain per contract stipulation, whichever is longer. Unsuccessful applications are retained for 2 years. NOTE: If a grant requires longer retention, its specific requirements will take precedence.				

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CA = California; CC = County Code; CU = Current Year; FR = Final Resolution; LA = Letter of Agreement; M = Month; MA = Majority; MIN = Minimum; PR = Permit; R = Retention; S = Superseded; T = Termination; Y = Year

	Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
007	<b>Historical Documents, Events, and Collections</b> Records and information documenting the history and significant milestones of the City as determined by the City Manager or City Clerk	Biographies of City Officials Census Information City Seal and Logo City Incorporation City Publications Demographics Elections ( <i>historic, significant</i> ) Executive, City Official Communications, Speeches, Videos Historic Districts Historical Events, Artifacts, Architecture, Designations, Projects Memorial Programs Picture Collections Publicity Photographs Registered Logos Significant News Clippings, Releases Sister City Program(s)	All Departments	Permanent*	CA - GOV 34090 - (2Y) *The decision about what is historical is up to the City to decide.
008	<b>Permits Issued</b> Documentation of permits issued by the City for the use of City property and facilities or for special activities within the City limits and are not long-term permits. <ul style="list-style-type: none"> <li>Alarms</li> <li>Block Parties</li> <li>Concealed Weapons</li> <li>Filing Permits</li> <li>Fire Code Permits</li> <li>Special Events</li> <li>Street Permits</li> <li>Tent Permits</li> <li>Transportation Permits (<i>oversize, overweight</i>)</li> <li>Tree Removals</li> </ul>	Applications Backup Documentation Fingerprints Renewals	All Departments	While Active+4Y*	CA - CCP 337 (4Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 12.36.090 - (PR) *Exception: Permits for removal of City Protected trees will be maintained in a permanent file
009(a)	<b>Policies, Procedures and Work Instructions</b> Documentation of Council policies and administrative documentation of City policies, procedures, and work instructions for all departments.	Directives General Orders Guidelines Handbooks Instructions Manuals Policies Procedures Retention Schedule Standards Work Instructions	All Departments except Police	S+2Y	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)
009(b)	<b>Policies, Procedures and Work Instructions</b> Documentation of Council policies and administrative documentation of City policies, procedures, and work instructions for the Police Department.	Directives General Orders Guidelines Handbooks Standards	Police	S+50 Years	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)
5010 of 194	<b>Procurement - Agreements and Contracts Not Awarded</b> Records and information utilized in solicitation of goods and services where the purchase order, contract or agreement was not awarded.	Bids, Exhibits ( <i>unaccepted, rejected, not awarded</i> ) Price Lists Quotations Requisitions Requests for Information ( <i>RFI</i> ) Requests for Proposal ( <i>RFP</i> ) Requests for Quote ( <i>RFQ</i> ) Scorecards Specifications	All Departments	CL+4Y	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>           GL= Closed    GU= Current Year    FR= Final Resolution    LA= Limitation on Action    M= Month            MA= Maturity    MAINT= Maintenance    PR= Permit    S= Supported    T= Termination    Y= Year         </p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>011</b> <b>Public Notices</b> Records documenting compliance with laws requiring public notice of government activities, excluding agendas and legislative body-related documents. Subjects may include assessments, elections, land use changes, public meetings and hearings, sale of property, and others.	Affidavits of Mailing Affidavits of Posting Affidavits of Publication/legal Notices Meeting Agenda Lists and Notices Public Hearing Notices Vacancy Notices	All Departments	2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>012</b> <b>Service Requests, Issues, and Complaints</b> Documentation regarding complaints and requests for service received by City departments.	Complaints and Inquiries Follow-up Investigations Issues Log OAK311 Work Requests Trouble Reports Work Orders	All Departments	2Y  Complaints of misconduct by OPD go to OPD Internal Affairs.	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>013</b> <b>Strategic Planning</b> Records and information relating to financial planning.	Business Plans Consolidated Action Plans Financial Plans Forecasts Strategic Plans	All Departments	2Y	CA - GOV 34090 - (2Y)
<b>014(a)</b> <b>Training Materials, Courses, Scheduling</b> Documentation regarding the content of courses and schedules for training offered to employees, officials and volunteers, including: - Ethics - Fire Extinguisher - First Aid/CPR - Privacy - Safety - Specialized Equipment - Records and Information Management - Sexual Harassment - Agenda Training	AB1234 Attendance Lists Employee Development Employee Training Files Presentation Materials PowerPoint Slide Decks Rosters Sign-in Sheets Testing Training Bulletins	All Departments except Police	CU+5Y	CA - 8 CCR 3203 - (1Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) US - 29 CFR 1602.14 - (AC+1Y)
<b>014(b)</b> <b>Training Materials, Courses, Scheduling</b> Documentation regarding the content of courses and schedules for training offered to police officers including: - Ethics - First Aid/CPR - Privacy - Safety - Specialized Equipment - Records and Information Management - Sexual Harassment - Weapons Training	Attendance Lists	Police	CU+20 Years*	CA - 8 CCR 3203 - (1Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) US - 29 CFR 1602.14 - (AC+1Y)  *As required by Office of City Attorney and Office of Inspector General
<b>015</b> <b>Volunteer Management</b> Records and information regarding the onboarding and management of departmental volunteer staffing.	Employee Development	All Departments	2Y	CA - GOV 34090 - (2Y)
<b>016</b> <b>Legislative Administrative Records</b> Administrative documents associated with meetings and activities of the City's legislative bodies, as well as documentation of non-legislative commissions, committees and task forces.	Employee Training Files	All Departments	5Y	CA - CDP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code - 3.20.080 - (5Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p style="text-align: center;"><b>AGRONIMS USED IN LEGAL CITATIONS:</b>            CL = Closed, CU = Current Year, FR = Final Resolution, LA = Limitation Action, M = Month, U = Life (Program Asset), T = Termination, S = Suspended, MA = Maturity, MAINT = Main In Records, PR = Preparation, J = Jail</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>017</b> <b>Animal Care - Care and Service of Animals</b> Records that document the care, feeding, adoption, fostering or destruction of animals under the care of the City's Animal Care Facility.	Presentation Materials	Animal Services	4Y	CA - CCP 340(c) - (LA1Y) CA - CCP 337 - (LA4Y) CA - FAC 32003 - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 12231 - (MAINT) CA - PEN 597.1(d) - (3Y)
<b>018</b> <b>Children's Accountability Oversight</b> Records and information regarding the services of the Children's Accountability Initiatives that are created by the Children's Accountability Officer	PowerPoint Slide Decks	City Administrator	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>019</b> <b>City Administrator Project Administration</b> Records and information received or created for implementing and/or monitoring the implementation of a project. When a project becomes a part of the normal operations, the records belong to the operations.  Types of Special Projects: - ADA Projects - Lead Settlement - Transformative Climate Communities (TCC) Grant Oversight - Sugar Sweetened Beverage Distribution Tax (SSBT) - ECAP/Sustainability	Rosters	City Administrator	CL+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>020</b> <b>Organization Charts</b> Documents that depict the departmental and reporting structure of the City government.	Sign-in Sheets	City Administrator	While Active+6Y	CA - GOV 34090 - (2Y)
<b>021</b> <b>Legislative Records - Audio/Video Records</b> Audio and video recordings of City Council, Commissions, Boards, City Committees and Redevelopment Successor Agency and their governing boards.	Testing	City Administrator City Clerk	Permanent	CA - GOV 34090.7 - (90D) CA - GOV 54953.5(b) - (30D) Oakland Municipal Code 2.20.160(B) - (4Y)
<b>022</b> <b>Legislative and Advisory Body Records</b> Records of all action taken by City legislative and advisory bodies, including City Council, Oversight Board, Successor Agency, Redevelopment Agency, Planning Commission, City Boards and Commissions, Task Forces, Committees, and Subcommittees taken during public and closed session meetings and are subject to the rules of the Brown Act.	Training Bulletins	City Administrator City Clerk Public Ethics Commission	Permanent	CA - GOV 34090(e) - (PR)

## CITY OF OAKLAND

ACRONYMS-USED IN LEGAL CITATIONS: CL=Closed; CU=Current Year; FR=Final Resolution; LA=Limitation of Action; M=Month; W=Week; Y=Year; T=Termination; S=Superseded; PR=Permanent; S=Superseded					
Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
023	<b>Business Licenses and Permits</b>  Records and information documenting the issuance of City business licenses and business permits. Includes, but is not limited to, permits for the following types of businesses:  - Airports - Auctions and auctioneers - Bingo - Business Tax Certificates - Cabarets - Cannabis sales - Carnivals - Dance halls - Firearms dealers - Massage establishments and massage therapists - Miniature golf courses - Pawnbrokers and second-hand sellers - Poolrooms, bowling alleys and skating rinks - Private patrol services - Taxis and other for-hire vehicles (cabs, drivers) - Theaters - Tow trucks	Annual Business Tax Certificates Applications* Business Tax (applications, fees, financial history, reports) Special Licenses (pesticides, applicators, painting)	City Administrator Finance	While Active+6Y*	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 5.66.060 - (PR)* Oakland Municipal Code 5.02.030 - (PR)*  * Exception: Acknowledged versions of applications are retained permanently by City Administrator
024	<b>Business Continuity Records - Facilities and Emergency Operations</b>  All documentation for dealing with preparation for and responses to emergencies, disasters and/or system failures in the City. Includes the Emergency Operations Center.	Business Continuity Plans Damage Assessment Disaster Recovery Plan and Case History/Plan Emergency Contact Lists, Employee Lists, Roster of Workers Emergency Evacuation Procedures Emergency Operations Center Emergency Operations Plan Emergency Preparedness Emergency Response Evacuation Plans Fire Prevention Plan Telephone Trees Volunteer Lists	City Administrator Fire Police	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
025(a)	<b>Routine Legal Advice and Opinions</b>  Memoranda containing legal advice and/or opinions prepared by the City Attorney.	Legal Memorandum Attorney Opinions	City Attorney	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
025(b)	<b>Significant/Notable Advice and Opinions</b>  Memoranda containing legal advice and/or opinions prepared by the City Attorney.	Legal Memorandum Attorney Opinions	City Attorney	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
026	<b>Public Information Requests</b>  Records requested by the public, required for provision to the public, and related inquiries.	Collection Lists Formal Public Records Requests Inquiries Public Records Requests	City Attorney	Permanent	CA - GOV 34090 - (2Y)



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>027</b> <b>Routine Litigation and Third Party Claims</b> Records generated for or related to routine cases or action before a judicial, arbitral, or administrative officer or body	Claims Complaints Court Orders Discovery Exhibits Judgments Pleadings Related Correspondence Settlement Agreements Subpoenas (for civil subpoenas and criminal subpoenas) Third Party Claims	City Attorney	FR+10Y	CA - 2 GCR 11013 - (FR+2Y) CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 338.1 - (LA5Y) CA - GOV 911.2 - (LA6M; LA1Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - RTC 19704 - (LA5Y) CA - UIC 1132 - (LA5Y) US - 28 USC 6531 - (LA6Y) US - 26 USC 6532 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626(d) - (LA300D) US - 42 USC 2000e-5(e) - (LA180D) US - 42 USC 2000e-5(f) - (LA180D)
<b>028</b> <b>Settlement Agreements</b> Records and information regarding the final settlement in an action between the City and another party.	Agreement Court Rulings/Decisions	City Attorney	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y)
<b>029</b> <b>Significant/Notable Litigation</b> Records generated for or related to significant cases or action before a judicial, arbitral, or administrative officer or body.	Claims Complaints Court Orders Discovery Exhibits Judgments Pleadings Related Correspondence Settlement Agreements Subpoenas (for civil subpoenas and criminal subpoenas) Third Party Claims	City Attorney	Permanent	CA - 2 GCR 11013 - (FR+2Y) CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 338.1 - (LA5Y) CA - GOV 911.2 - (LA6M; LA1Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - RTC 19704 - (LA5Y) CA - UIC 1132 - (LA5Y) US - 28 USC 6531 - (LA6Y) US - 26 USC 6532 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626(d) - (LA300D) US - 42 USC 2000e-5(e) - (LA180D) US - 42 USC 2000e-5(f) - (LA180D)
<b>030</b> <b>Property Claims by the City</b> Records detailing claims lodged by the City for damages to City property.	Accident/Incident Reports Actuarial Reports Annual Audit of Open Claims Appraisals Claims By the City Closing Letters Damage Estimate Reports Supporting Documentation Insurance Claims, Appraisals, Reports Investigations	City Attorney Human Resources	Final Resolution+4Y	CA - CCP 337 - (LA4Y) CA - CCP 338.1 - (LA4Y) CA - GOV 34090 - (2Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CL = Closed CU = Current Year FR = Final Resolution LA = Limitation of Action  
MA = Majority MAINT = Maintaining Records PR = Permanent S = Superseded  
T = Termination Y = Year

M = Month

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
031	<b>Audits, Official - Internal and Administration</b> Records and information related to internal performance audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit.	Annual/Audit Reports Audit Files, Plans Audit Schedules Audit Worksheets Auditors Reports Improvement Plans Investigations/Workpapers Management Responses Observations Recommendations Remediation Plans / Results Responses	City Auditor	Audit Closure+6Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.517 - (AC+3Y) US - 26 USC 6531 - (LA6Y)
032	<b>Election Records - Administrative Files</b> Documentation of the administration of City elections as well as the submission and processing of initiatives, referenda, recalls, or ballot measures, excluding petitions.	Ballot Measure (arguments for/against, full text, rebuttals, impartial analyses) City Attorney Opinion Election Correspondence Election Results Research Notes	City Clerk	4Y	CA - GOV 34090 - (2Y) CA - GOV 81009 (f) (g) - (4Y), (2Y)
033	<b>Election Records - Initiative, Recall, or Referendum Petitions</b> Petitions for initiative, referendum, or recall, whether successful or not.	Petitions (Initiatives, recall or referendum)	City Clerk	8M	CA - ELEC 17200 - (8 Months) CA - ELEC 17400 - (8 Months)
034	<b>FPPC Forms - Mandated Reporting</b> Forms mandated by state law related to receipt and redistribution of gifts and honoraria, ceremonial roles, and holding of multiple positions for certain employees, elected or appointed officials, or consultants.	Form 801 Form 802 Form 803 Form 804 Form 805 Form 806	City Clerk	7Y	CA - GOV 34090 - (2Y) CA - GOV 81009(e) - (7Y)
035	<b>FPPC Forms - Statements of Economic Interest</b> Statements of economic interest mandated by state law for certain employees, elected or appointed officials, or consultants.	Form 700	City Clerk	Term+7Y	CA - GOV 34090 - (2Y) CA - GOV 81009 (e) - (7Y) *Term = Term of Office, Term of Service or Termination of Employment
036	<b>Records, Information Management</b> Documentation of the compliance with Records and Information Management policy and procedures.	Certificates of Destruction Inactive Records Storage Information Lists of Stored / Destroyed Records Records Transfers (to storage, to other depts, )	City Clerk	10Y	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y)
037	<b>Public Meeting Speaker Requests</b> Cards or similar records submitted by public attendees at City Council and Commission sessions who wish to speak during the session.	Speaker Requests	City Clerk	6 Months	
038	<b>Final Budget</b> Records and information relating to final approved City budgets.	Final Budget Document Gann Limit Annual Review	City Clerk Finance	2 years	CA - GOV 34090 - (2Y)
039	<b>Election Records - Candidates Not Elected</b> Campaign statements and election documentation for candidates who are not elected.	Campaign Statements Nomination Papers	City Clerk Public Ethics Commission	5Y	CA - ELEC 17100(a) - (T+4Y) CA - GOV 81009(b) - (5Y) CA - GOV 84616(b) - (4Y)
040	<b>Election Records - Committee Campaign Forms</b> Campaign statements for Political Action Committees, General Purpose Committees and all other FPPC campaign reports, Oakland-specific campaign reports, public financing reports and forms, and other statements not specified in Record #s 034 & 035.	FPPC Series 400 Forms OCRA Forms Public Financing Vouchers Public Financing Reimbursement Claims	City Clerk Public Ethics Commission	7Y	CA - GOV 81009(e) - (7Y)



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<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Letter of Appreciation    M = Month            MA = Majority    MAINT = Maintenance    PA = Permanent    S = Suspended    T = Termination    Y = Year</p>				
<b>Record Name and Description</b>				
<b>041</b>	<b>Election Records - Officeholders, Candidates Elected, and Supporting Committees</b> Campaign statements and election documentation for candidates who are elected or appointed to City offices, their controlled and supporting committees, and officeholders.	<b>Example Documents</b> Campaign Statements (candidates, candidate-controlled committees, primarily-formed committees in support, officeholders) Nomination Papers	<b>Department/Office of Record</b> City Clerk Public Ethics Commission	<b>Retention</b> Permanent
				<b>Legal Citations and Comments</b> CA - ELEC 17100(a) - (T+4Y) CA - GOV 31009(b) - (PR)
<b>042</b>	<b>Elected Officials Administrative Records</b> Records and information regarding administration of the activities and work of the Oakland City Council and other elected City officials.	Chron Files Constituent Correspondence Presentations Projects Social Media Postings Special Events Travel Schedules	City Council Office	2Y
<b>043</b>	<b>Economic Development Programs and Services</b> Records and information documenting the City's economic development programs and redevelopment successor programs including marketing, events and customer relationships management.	Adult and Youth Training Program Documents Business Incentive Programs (grants, funding) Business Recruitment Programs Climate Action Plan Community Activities Demographics Economic Development Programs Economic Development Strategy Emergency Funding Job Connect and Listings Job Fairs and Recruitment Marketing (web site) On-the-Job Training for Adults and Youth Outreach Signage and Facade Program Workforce Investment Grant Agreements Workforce Statistics and Data	City Council Office Economic & Workforce Development	While Active+4Y
				CA - CCP 337 - (LA4) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502 - (CL+4Y)
<b>044</b>	<b>Redevelopment/Successor Agency Official Reports</b> Official reports issued by the former Oakland Redevelopment Agency or the Successor agency to the Oakland Redevelopment Agency.	Administrative Budgets Annual Report to State Bond Expenditure Agreement Bond Spending Plan, Amendments Compensation Agreements with Taxing Entities Due Diligence Reviews Enforceable Obligation Payment Schedule (EOPS) Excess Bond Proceeds Housing Asset Inventories ORSA Formation Documents Oversight Board Formation Documentation Prior Period Adjustment Records Recognized Obligation Payment Schedule (ROPS) Reports Resolutions State Controllers Report State Department of Finance Determination Letter Statement of Indebtedness Successor Agency Property Management Plans	City Council Office Economic & Workforce Development Finance Department	Bond Payoff+2Y
				CA - GOV 34090 - (2Y) CA - HSC 34177(n) - (1Y) US - 24 CFR 570.502 - (CL+4Y)
<b>045</b>	<b>Police Review Activity Reporting</b> Records and information documenting the disclosures, reporting and investigations of the Community Police Review Agency.	Annual Report Disclosures Special Projects Statistical Reports	Community Police Review Agency	CL+20Y*
				CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct) CA - PEN 832.5(b) - (15Y, where there is a sustained finding of misconduct) *As required by Office of Inspector General

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS				
CR = Closed    CU = Current Year    ER = Final Resolution    CA = Limitation on Action    M = Month MA = Maturity    MAINT = Maint. Records    PR = Permanent    S = Superseded    T = Terminations    Y = Year				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>046</b> <b>Complaints, Internal Investigations - No Sustained Finding of Misconduct</b> Documentation of complaints received, formal inquiries and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where this is no sustained finding of misconduct	Internal Investigations - Citizen Complaints Internal Investigations - Departmental Complaints and Informal Complaints	Community Police Review Agency Police	CL+20Y	CA - EVID 1045 - (AC+5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct) CA - VEH 2547 - (3Y) *As required by Office of Inspector General
<b>047</b> <b>Complaints, Internal Investigations - Sustained Finding of Misconduct</b> Documentation of complaints received, formal inquiries and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where this is a sustained finding of misconduct	Internal Investigations - Citizen Complaints Internal Investigations - Departmental Complaints and Informal Complaints	Community Police Review Agency Police	CL+20Y	CA - EVID 1045 - (AC+5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (15Y, where there is a sustained finding of misconduct) CA - VEH 2547 - (3Y) *As required by Office of Inspector General
<b>048</b> <b>Cultural Development Program Funding</b> Documents and funding related to the programs, awards and activities for the benefit of local nonprofit arts and cultural organizations.	Applications Art Loans and Submittals Awards Community Garden Events and Programs	Economic & Workforce Development	6Y	CA - CCP 337 - (LA4Y) CA - CCP 338(c)(3)(A) - (LA6Y) CA - GOV 34090 - (2Y)
<b>049</b> <b>Agreements, Contracts and Leases - Construction, Infrastructure, and Real Property</b> Executed agreements and contracts for acquisition of modifications to, or disposal of real property, including construction services, as well as associated ancillary documents, between the City and other parties. Examples include: - Acquisition Agreements - Contractor Construction Agreements - Professional Services Agreements - Property Improvement Contracts - Personal Property Sales Agreements - Subdivision Improvement Agreements (SIAs)	Addendums and Amendments Attachments/Exhibits Awarded Bids Performance Bonds Certificates of Insurance Dislosures Letters of Intent Private Land Development Bond Purchase Orders Specifications Statements of Work (SOWs) Storm Water Maintenance Agreements (SWMAs) Supplemental Subdivision Improvement Agreements (SSIAs) Warranties Wastewater Agreements	Economic & Workforce Development Housing & Community Development Public Works	Permanent	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 3546.7 - (CL+3Y) CA - GOV 34090(a) - (PR) US - 2 CFR 200.334 - (CL+3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y)
<b>050</b> <b>Civil Rights and Employment Investigations</b> Records and information documenting complaints, investigations, mediation, and counseling regarding civil rights and employment violations. Includes: - Civil Rights Violations - Discrimination and Harassment - Sexual Harassment - EEOC Complaints	Closure Letters Coaching and Counseling Records Complaints Compliance Audits Mediation Records Reports Training Records	Employment Investigations & Civil Rights Compliance	FR+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12965 - (LA1Y; LA2Y) CA - GOV 34090 - (2Y)



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RECORDS RETENTION SCHEDULE**

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Record ID	Record Name and Description	Example Documents	Department/Office of Record	Retention
051	<b>Bank Account Information</b> Records and information related to banking authorities, activities, transactions and correspondence. This category includes reconciliations	Bank Account Administration Bank Statements (all agencies) Check Copies Checks, Canceled Check Registers, Journals Corrections/Returns/Adjustments Credit Card/Merchant Activity Statements Deposit Permits, Deposits Electronic Banking Transactions Reconciliations Signature Cards Transfers Treasurer Receipts	Finance	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y) US - 48 CFR 4.705-1 - (4Y)
052	<b>Debt Administration</b> Records and information relating to City financing and debt activities.	Amortization Schedules Arbitrage Reports Bond Documents and Reports (continuing disclosures, bond rating reports, official statements, transcripts, requisitions) Bond RFP/RFQ Loans/Master Leases (debt state loans) Payment History/Schedules/Trustee statements	Finance	CA - CCP 336a - (LA6Y) CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) * Maturity includes cancellation and redemption
053	<b>Financial Reporting - Annual, Periodic</b> Annual and periodic financial reports, whether required by regulations or generated to track financial transactions and achievements by the City	ACFR Worksheets Payroll Reports (FRA, RMT, CMA 457 accounts, Material/deferred compensation) Revenue/Expenditures Reports Treasurer's Report Workers Compensation Reports	Finance	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CU+1Y) US - 26 USC 6531 - (LA6Y)
054	<b>Financial Reporting - Official</b> Official financial reports of the City.	Annual Report of Financial Transactions To State Annual State Controller Filings Audited Financial Statements CalPERS Reports and Retirement Plans State Controller's Report U.S. Equal Employment Opportunity Commission (EEOC) Reports	Finance	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CU+1Y) US - 26 USC 6531 - (LA6Y)
055	<b>Fixed Assets</b> Records and information related to the ownership, transfer, acquisition, disposition, capital leased, or improvement of fixed assets owned by or used by the City.	Acquisitions Amortization Asset Retirement Records Capital Asset Records Capital Improvements Depreciation Schedules Dispositions Equipment Rental/Usage Reports Fixed Asset Ledger Fixed Asset Reports Fixed/Capital Asset Accounting Possessory Interest Valuation Information	Finance	CA - COP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 USC 6631 - (LA6Y) * Life of Asset



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p align="center"><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>CL=Closed; CU=Current Year; FR=Final Resolution; LA=Initiation and Action; LI=Life Program/Process; M=Month; MA=Majority; MAINT=Main; PR=Permanent; S=Superseded; T=Termination; Y=Year</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<p>056</p> <p><b>General Ledger, Journal Entries, Budget Adjustments</b></p> <p>Records and information related to the transfer of charges between accounts and summaries of account information, including year end summaries of general ledger transactions.</p>	<p>Account Ledgers</p> <p>Balance Sheets</p> <p>Budget Adjustments</p> <p>Cash Journal Entries</p> <p>Chart of Accounts</p> <p>Downloads / Data Exports</p> <p>Expenditure Reports</p> <p>General Ledger</p> <p>Journal Entries and Backup Documentation</p> <p>Revenue</p> <p>Sub-Ledgers</p> <p>Summary Reports</p> <p>Trial Balance</p> <p>Year-End / Account Detail History Report</p>	Finance	10Y	<p>CA - GOV 34090 - (2Y)</p> <p>US - 26 CFR 31.6001-1(e)(2) - (CU+4Y)</p> <p>US - 26 USC 6531 - (LA6Y)</p>
<p>057</p> <p><b>Investments and Treasury</b></p> <p>Records and information relating to City investment activities.</p>	<p>Certificates of Deposit (CDs)</p> <p>Financial Investment Planning</p> <p>Investment Reporting and Portfolio Management</p> <p>Investment Reports</p> <p>Local Agency Investment Fund (LAIF)</p> <p>Quarterly Investment Report</p> <p>Security Instruments</p> <p>Third Party Trustee Account Statements</p>	Finance	Maturity+6Y	<p>CA - CCP 336 - (LA5Y)</p> <p>CA - CCP 337 - (LA1Y)</p> <p>CA - CCP 338 - (LA3Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 85467 - (CL+3Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>• Maturity includes cancellation and redemption</p>
<p>058</p> <p><b>Payroll</b></p> <p>Records and information related to the accounting of payroll earnings, deductions, and issuance. This also includes records and information reflecting all earnings and benefits paid to each employee, including:</p> <ul style="list-style-type: none"> <li>- Name, address, SSN</li> <li>- Total amount and date of payments</li> <li>- Period of service covered for each</li> <li>- Withholding</li> <li>- Tax collected</li> </ul>	<p>Benefit Payments</p> <p>Deduction Authorizations, Registers, Reports</p> <p>Deferred Compensation</p> <p>Employee Master Lists, Addresses</p> <p>Extra Help Reports</p> <p>Federal and State Tax</p> <p>P.E.R.S. Reporting</p> <p>Payroll Checks, Copies, Stub Reports</p> <p>Payroll Certifications, Controls, Earnings</p> <p>Payroll Taxes</p> <p>Processing Reports, Reports to Government</p> <p>Salary Schedules</p> <p>Timekeeping Records (attendance sheets, leave slips, overtime slips, Telestaff payroll reports, timecards, out of class forms/reports, extra help requests)</p> <p>W-2, W-4</p> <p>Wage Rate Tables</p>	Finance	20Y	<p>CA - 2 CCR 570.5 - (5Y)</p> <p>CA - 2 CCR 571(b)(1)(E) - (5Y)</p> <p>CA - 8 CCR 11040(7) - (3Y)</p> <p>CA - 22 CCR 1085-2 (c) - (CU+4Y)</p> <p>CA - GOV 12946 - (4Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>CA - LAB 226a - (3Y)</p> <p>CA - LAB 1174(d) - (3Y)</p> <p>CA - LAB 1197.5 - (LA2Y, LA3Y)</p> <p>CA - UIC 1132 - (LA3Y)</p> <p>US - 26 CFR 31.6001-1(e)(2) - (CU+4)</p> <p>US - 26 USC 6531 - (LA6Y)</p> <p>US - 29 CFR 516.5 - (3Y)</p> <p>US - 29 CFR 516.6 - (2Y)</p> <p>US - 29 CFR 1620.32 - (2Y)</p> <p>US - 29 CFR 1627.3(a) - (3Y)</p> <p>US - 29 USC 436 - (5Y)</p> <p>US - 48 CFR 4.705-2 - (4Y; 2Y)</p>
<p>059</p> <p><b>Procurement - Purchasing and Requisitioning - Awarded</b></p> <p>Records and information created during the process of gathering information and awarding purchase orders or contracts for goods and services, including the terms and conditions under which vendors will provide those goods or services.</p>	<p>Bids</p> <p>Bonds</p> <p>Change Orders</p> <p>Compliance with City Purchasing Requirements</p> <p>Evaluation Sheets</p> <p>Exhibits</p> <p>Notices of Intent (to award, to bid)</p> <p>Price Lists</p> <p>Proof of Insurance Certificates</p> <p>Proposals</p> <p>Purchase Orders</p> <p>Quotations</p> <p>Receiving Reports</p> <p>Requests for Proposal (RFP)</p> <p>Requests for Qualifications (RFQ)</p> <p>Specifications</p>	Finance	CL+4Y	<p>CA - CCP 337 - (LA4Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 85467 - (CL+3Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>US - 2 CFR 200.334 - (CL+3Y)</p> <p>US - 29 CFR 516.5 - (3Y)</p> <p>US - 48 CFR 4.703 - (AC3Y)</p> <p>US - 48 CFR 4.705-1 - (4Y)</p> <p>US - 49 CFR 107.504 - (AC+2Y)</p> <p>Oakland Municipal Code 2.23.050 - (MAINT)</p>

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Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
060	Unclaimed Funds Records and information pertaining to unclaimed or outstanding checks not cashed by recipient.	Uncashed Checks Unclaimed Funds	Finance	10Y	CA - CCP 1513 - (3Y) CA - GOV 34090 - (2Y) US - Uniform Unclaimed Property Act (2016), Section 404 - (10Y)
061	<b>Funding Districts</b> Records and information documenting the formation and operations of the City's funding districts, including those for: - Business Improvement Districts (BIDS) - Fire Prevention - Infrastructure Finance Districts (IFDS, EIFDS) - Maintenance - Transit - Street Lighting - Landscaping - Open Space - Mello Roos - Parking	Continuing Disclosures Debt Reporting District Formation Documents	Finance Public Works	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090(a) - (PR) CA - GOV 60201 - (PR)
062	<b>Budget and Financial Planning</b> Records and information regarding the development of District, agency, assessment district, special district, council, commission or departmental budgets and plans.	Budget Planning Documents Capital Improvement Program Budget document, reports Five-Year Plans Program / Initiative Plans Revenue/Expenditure Reports Trial Balance/Balance Sheets (Finals)	Finance	6Y	CA - GOV 34090 - (2Y)
063	<b>Fire Academy and Volunteers</b> Records and information documenting the activities of the City-run Fire academy and any volunteer programs.	Applications Course Syllabus Reports Testing Materials	Fire	4Y	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) CA - State Fire Training Procedures Manual 5.1.1(A) - (4Y) CA - State Fire Training Procedures Manual 5.1.1(B) - (4Y)
064	<b>Fire Investigations</b> Records and information associated with arson investigations.	Evidence Files Fire Origin and Cause Investigation Reports Investigations Photographs	Fire	Permanent	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 800 - (LA6Y) CA - PEN 801 - (LA3Y)
065	<b>Fire Prevention Inspections and Programs</b> Records and information associated with the Fire Department programs and inspections of facilities and undeveloped parcels for vegetation management.	Commercial Facility Files Fire Education Inspection Reports Lien and Cost Recovery Information Residential or Lot Files	Fire	LP+5Y	CA - California Fire Code, 104.6 - (5Y or Life of Structure or Activity, whichever is longer) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) - Life of Structure or Activity
066	<b>Station Activity Records</b> Records and information created and maintained by the department for activities at the fire station.	Equipment and station maintenance logs Fire Incident Logs Station Logs	Fire	2Y	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y)

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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>Incident Reports</b> Records and information associated with department responses to fires and emergency incidents, including medical emergencies.	Death Declarations Emergency Medical Services Forms Emergency Services False Alarm Reports Hazardous Waste Spills Incident Reports Investigation Reports Mandated Reporting: Child Abuse, Elder Abuse Patient Care Reports (PCRs)/Refusal of Treatment/Release of Liability Forms Strike Team Records Suspicious Activity Reports (SARs)	Fire Police	10Y	CA - California Fire Code, 104.6 - (5Y) CA - 13 CCR 1100.7 - (3Y) CA - 22 CCR 100170 (MAINT) CA - 22 CCR 100171 (e) - (MAINT) CA - CCP 340.5 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 11191 - (3Y)  *PCRs for minors must be retained for AC+7Y or until the minor reaches the Age of Majority Status (18Y), whichever is longer.
<b>068 Application, System Development and Maintenance</b>  Technical documentation related to development and management of City technology processes, applications, or systems, as well as conversions, changes or modifications to existing applications or systems.	Business, Functional Requirements Change Requests Data Element Attribute Reports Data Migration Documentation Database Dictionary / Schema End User Documentation, User Manuals Hardware Configurations Intranet Joint Dispatch Center Network Circuits Inventories Network/Equipment Control Support Documentation Police and Fire Dispatch Source Code System Documentation (codebooks, record layouts, reference guides, schematics, specifications) System, Application Maintenance Documentation System, Application Maintenance Documentation (hardware/operating system requirements, monitoring logs, operating manuals) Telecommunications System (telephones, voicemail) Websites	Fire Police Information Technology	L*+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)  *Life of Application.
<b>069 Fire Equipment</b>  Records and information associated with fire protection and emergency response equipment.	Apparatus and Maintenance Records Certification/Binder Equipment Checks Inventories (apparatus, equipment, fixture)	Fire Public Works	L*+2Y	CA - 8 CCR 3203(b)(1) - (1Y) CA - GOV 34090 - (2Y) US - 29 CFR 1910.157 (Life of extinguisher)  * Life of Equipment
<b>070 Hazardous Waste, Monitoring and Remediation</b>  Planning, monitoring and contingency/emergency action plans for hazardous waste, emergency and spill response, natural and exposure emergencies, notifications and response; environmental action plans and supporting documentation; hazardous communications plans, including labeling, MSDS controls, training programs and procedures.	Emergency Response Programs Employee Hazardous Chemical Exposure Hazardous Material Incident Reports Hazardous Substances Shipping Manifests Hazardous Waste Material Safety Data Sheets (MSDS) Proposition 65 Monitoring Site Mitigation Toxic Substance Inventory	Fire Public Works	While Active+30Y	CA - 8 CCR 3204(d) - (CL+30Y) CA - 22 CCR 66262.40 - (3Y) CA - 22 CCR 66263.22 - (3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25160.8(c)(3)(D) - (AC+3Y) US - 29 CFR 1910.1020 - (CL+30Y)
<b>071 Fire and Police Routine Dispatch Telephone and Radio Communications Records</b>  Routine daily recording of telephone communications and all radio communications relating to the operations of the department.	Audio Telephone Recordings Audio Radio Recordings 911 Call Recordings Logs Dispatch Activity Logs	Fire Police	100D*	CA - GOV 34090.6 - (Routine Audio: 100D)  * Exception: If recordings are evidence in any criminal prosecution, claims filed, potential claims or any pending litigation, they shall be preserved for 100 days after the conclusion of the court action.



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>AGRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed    CU = Current Year    ER = Eminent Domain    LA = Limitation on Action    LI = Lease (for program cases)    M = Month            MA = Monthly    MAINT = Maintenance    PR = Permanent    S = Superseded    T = Termination    Y = Year</p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
072	Community Development Block Grant Project Files Records and information of CDBG projects.	Applications Awards CDBG District Documents CDBG Grant Agreements Project Files	Housing & Community Development	CL+5Y  CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7) - (CL+4Y)
073	<b>Housing Assistance Programs</b> Records and information regarding programs that provide housing and/or housing assistance to those in need including: - Access improvement program (AIP) - Covid relief financial assistance - Displaced tenant relocation - Emergency home repair program (EHRP) - Eviction moratorium - Home maintenance and improvement program (HMIP) - Lead-safe improvement program (LSIP) - PHA Housing Choice Voucher Program - Rental adjustment program (RAP)	Applications Citizen Participation Plans Complaints Fee Schedules Public Hearing Records (Petitions, Responses, Decisions) Shelter Records	Housing & Community Development	CL+5Y  CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 5514 - (5Y) US - 24 CFR 91.105(b) - (5Y) US - 24 CFR 92.508 - (CL+5Y) US - 24 CFR 570.490(a) - (CL+3Y) US - 24 CFR 570.502(a)(7) - (CL+4Y) US - 24 CFR 884.214 - (3Y) US - 24 CFR 908.101 - (3Y) US - 24 CFR 982.156 - (AC+3Y) US - 29 CFR 97.42 - (3Y)
074	<b>Housing Financing Files</b> Records and information regarding programs that provide assistance to home purchasers and home owners, including: - Accessory dwelling unit loan program (ADULP) - Acquisition Conversion to Affordable Housing (ACAH) - Affordable housing new construction loan program - Homebuyer mortgage assistance program (MAP) - Homeless Assistance - Homekey Program - Pre-development loan program - Residential rehabilitation loans	Affordability Agreements Applications Commitment Letters Deeds of Trust Escrow Instructions Estoppel Certificates Grant Agreements Intercreditor Agreements Lender Title Insurance Policies Loan Agreements Measure KK Implementation Records Measure U Implementation Records Monitoring Files Notices of Funding Availability (NOFAs) Promissory Notes Regulatory Agreements Settlement Statements Subordination Agreements Title Reports Underwriting Guidelines	Housing & Community Development	CL+5Y*  CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 5514 - (5Y) US - 24 CFR 92.508 - (CL+5Y) US - 24 CFR 908.101 - (AC+3Y) US - 29 CFR 97.42 - (3Y)  * Closes when Loan is Fully Paid

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS				
CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation Action    M = Month MA = Maturity    MAUT = Maturity    PR = Permanent    S = Superseded    T = Termination    Y = Year				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>075</b> <b>Real Estate and Economic Development Transactions</b> Records and information related to the ownership, acquisition, disposition, transfer of, lease of infrastructure and facilities including grant deeds, owned by or used by the City.	Acquisitions Appraisals Attachments Buildings Capital Improvements Disposition and Development Agreements (DDAs) Easements Escrow Instructions Exclusive Negotiating Agreements (ENAs) Grant Deeds Ground Leases Housing Authority Owned Properties Lease Disposition and Development Agreements (DDAs) Leases Letters of Intent Letters of Interest License Agreements Possessory Interest Purchase and Sales Agreements Real Estate Property Agreements Right of Way Subdivision Improvement Agreements (SIAs) Term Sheets Title Insurance Policies Valuation Information	Housing & Community Development EWD Real Estate Division	Permanent	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090(e) - (PR) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y)
<b>076</b> <b>Benefit Plans and Programs</b> Benefit Plans established to provide employee benefits and associated administrative documents.	COBRA Rates, Records, Histories Employee Benefit Plans (e.g. medical, dental, vision, EAP, FMLA, etc.) Group Insurance Cost Data Retirement Plans Summary Plan Descriptions	Human Resources	L+6Y	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 29 CFR 1627.3(b)(2) - (T+1Y) US - 29 CFR 4007.10(a)(1) - (6Y) US - 29 CFR 4041.5 - (L+6Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (T+1Y) US - 29 USC 1113 - (LA6Y) US - 29 USC 1451 - (LA6Y) * Life of Plan or Benefit
<b>077</b> <b>Employee Benefit Files</b> Employee election (selection), enrollment or termination forms and related correspondence, including transmissions to carriers of additions, changes, claims and deletions (includes employee medical records subject to HIPAA requirements).	Benefits Files, Enrollments, Appeals Beneficiary Designations Death Claims/Life Event Documents Disability Claims Employment Status Changes (authorizations, terminations, confirmations, status changes, coverage changes) Flexible Spending Enrollment Life Insurance Notification Letters(EO) Premium Information Required Benefits Reporting Retirement Supplemental Forms	Human Resources	While Active+6Y	CA - 22 CCR 1085-2 - (CU+4Y) CA - GOV 12946 - (AC+4Y) CA - GOV 34090 - (2Y) US - 26 CFR 301.6501 - (CU+3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (AC+2Y) US - 29 CFR 1602.32 - (3Y) US - 29 CFR 4007.10 - (6Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (T+1Y)
<b>078</b> <b>Labor Relations Grievances</b> Documentation related to labor grievances filed under current collective bargaining agreements.	Grievance Files/Commission Hearing Grievance/Hearing Logs Union Grievances	Human Resources	FR+4Y	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12960 - (LA3Y) CA - GOV 12965 - (LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y) US - 29 CFR 1602.31 - (CL+2Y) US - 29 USC 255 - (LA2Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p> <b>GL</b> = Closed    <b>CU</b> = Current Year    <b>PR</b> = Final Resolution    <b>LA</b> = Limitation on Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Superseded  <b>AC</b> = Archival    <b>CU</b> = Current Year    <b>PR</b> = Final Resolution    <b>LA</b> = Limitation on Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Superseded  <b>AC</b> = Archival    <b>CU</b> = Current Year    <b>PR</b> = Final Resolution    <b>LA</b> = Limitation on Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Superseded </p>				
<p> <b>ACRONYMS USED IN ELEGANT CITATIONS</b>  <b>CU</b> = Current Year    <b>PR</b> = Final Resolution    <b>LA</b> = Limitation on Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Superseded  <b>AC</b> = Archival    <b>CU</b> = Current Year    <b>PR</b> = Final Resolution    <b>LA</b> = Limitation on Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Superseded </p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
079	<b>Labor Relations Negotiations</b> Documentation related to the negotiations between labor unions for collective bargaining purposes.	Confidential Memos Costing Ground Rules Handouts Information Requests Miscellaneous Information Notes Proposals - City Proposals - Union	Human Resources	While Active+20Y
080	<b>Regulatory Reporting for Human Resources</b> Official non-financial Human Resources reports issued by City organizations to comply with regulatory requirements.	Annual Asbestos Notification EEO-4 Reports IRS Form 1095-C Labor Reports OSHA 300 Reports	Human Resources	5Y
081	<b>Risk Management Insurance Coverage</b> Records detailing the City's general coverage against property damage and liability, including renewal submission information, insurance quotes, & broker correspondence.	Binding Information Broker Correspondence California Joint Powers Insurance Authority (C/JPIA) Certificates of Insurance Completed Applications Excess Insurance Authority (EIA) Flood Insurance Insurance Policies Insurance Quotes Insurance Submissions Liability Insurance Renewal Strategy	Human Resources	While Active+4Y
082	<b>Salary, Compensation</b> Documentation of job classification compensation.	Classification Studies Compensation Plans, Planning, Analysis Cost of Living Adjustments Job Descriptions Salary Range History Salary Surveys	Human Resources	2Y
083	<b>Work Authorizations and Supporting Documentation</b> Employment eligibility verification forms collected for active employees and supporting documentation regarding immigration status.	I-9 Documents and copies of associated documents Immigration Supporting Documentation	Human Resources	Termination+3Y
084	<b>Staffing and Recruitment</b> Records and information related to recruitment of qualified persons for full part-time, part-time and seasonal paid positions with the City: - applications and related records of candidates interviewed but not hired or accepted - applications received but not acted upon.	Applications, CVs, Resumes (rejected, unsolicited) Applicant Tracking Records (hired, rejected) Background Checks, Investigations - candidates not hired/accepted (except Police See 85(b)) Civil Service Examination Results and Rankings Drug Testing, Pre-Hire Screening - candidates not hired/accepted Interview Notes Job Descriptions and Specifications Job Postings, Announcements Job Requisition Requests Recruitment of Commission/Committee Candidates Temporary Intern Staffing Test Results (non-hires) Test and Examination Materials	Human Resources Fire Police	4Y



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS				
CL - Closed    CU - Current Year    PR - Final Resolution    LA - Litigation on Action MA - Maturity    MAINT - Maintain Records    PR - Permanent    S - Suspended T - Termination    Y - Year    M - Month				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>085(a) Background Checks - Personnel Not Hired</b> All documentation related to background checks for Applicants and unpaid volunteers that were not hired.	LiveScan Forms	Human Resources	4Y	CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) NOTE: Background checks for personnel hired are part of the personnel file.
<b>085(b) Background Checks - Personnel Not Hired</b> All documentation related to background checks for Applicants and unpaid volunteers that were not hired.	LiveScan Forms	Police	20Y*	CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) NOTE: Background checks for personnel hired are part of the personnel file. *As required by Office of City Attorney and Office of Inspector General
<b>086(a) Personnel Files</b> All documents related to paid employees (full and part-time), seasonal workers, and interns including but not limited to: - selection/hiring - assignments - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation - individual's training records	Applications, Applicant Reference Verifications Awards, Rewards, Commendations, Certificates Background Checks, Investigations, LiveScan Forms - candidates hired Complaints and Disciplinary Actions Drivers License Data Employee Policy Acknowledgements Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Leave of Absence Documentation, FMLA Oaths of Office Performance Evaluations, Reviews or PIPs Recognition	Human Resources <b>Except</b>  Police	Termination+5Y	CA - 2 GCR 11013 - (AC+2) CA - 8 GCR 11040(7) - (3Y) CA - 22 GCR 10852 - (CU+4Y) CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 31050 - (T+5Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 5323(2b) - (5Y) CA - LAB 432.3 - (TE+3Y) CA - LAB 1198.5(c)(1) - (T+3Y) CA - LAB 2810.8 - (T+3Y) CA - VEH 1808.1(c) - (1Y) US - 29 CFR 825.500(b) - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (T+2Y) US - 29 CFR 1627.3 - (T+1Y) US - 29 USC 1059 - (T+1Y) US - 41 CFR 60-1.12(a) - (2Y) US - 41 CFR 60-1.12(b) - (2Y) US - 49 CFR 40.333 - (5Y) US - 49 CFR 382.401(b)(1) - (1Y; if negative, 5Y if positive)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed, CU = Current Year, FR = Final Resolution, LA = Limitation Action, MA = Maturity, ME = Materiality, PR = Permanent, S = Suspended, T = Termination, Y = Year, M = Month</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>086(b)</b> <b>Personnel Files</b> All documents related to paid employees (full and part-time), seasonal workers, and interns including but not limited to: - selection/hiring - assignments - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation - individual's training records	Applications, Applicant Reference Verifications Awards, Rewards, Commendations, Certificates Background Checks, Investigations, LiveScan Forms - candidates hired Complaints and Disciplinary Actions Drivers License Data Employee Policy Acknowledgements Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Leave of Absence Documentation, FMLA Oaths of Office Performance Evaluations, Reviews or PIPs Recognition	Police	Termination+20Y*  *As required by Office of the City Attorney and Office of Inspector General	CA - 2 CCR 11013 - (AC+2) CA - 8 CCR 11040(7) - (3Y) CA - 22 CCR 1085-2 - (CU+4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 3105(f) - (T+5Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) CA - LAB 432.3 - (TE+3Y) CA - LAB 1198.5(c)(1) - (T+3Y) CA - LAB 2810.8 - (T+3Y) CA - VEH 1808.1(c) - (1Y) US - 29 CFR 825.500(b) - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (T+2Y) US - 29 CFR 1627.3 - (T+1Y) US - 29 USC 1059 - (T+1Y) US - 41 CFR 60-1.12 (a) - (2Y) US - 41 CFR 60-741.80 - (2Y) US - 49 CFR 40.333 - (5Y) US - 49 CFR 382.401(b)(1) - (1Y, if negative; 5Y if positive)
<b>087</b> <b>Employee Hazardous Exposure and Worker Compensation Records</b> Documents pertaining to work-related injuries and related medical records of City employees, including exposure to hazardous substances and chemicals	Exposure Files Exposure Monitoring Field Exposure Workers Compensation	Human Resources Public Works	Termination+30Y	CA - 8 CCR 3204(d) - (T+30Y) CA - 8 CCR 10102 - (Injury+5Y or Closed+1Y) CA - 8 CCR 14300.33 - (5Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 34090 - (2Y) CA - 29 CFR 1904.33 - (CU+5Y) US - 29 CFR 1910.95(m)(3)(i) - (T) US - 29 CFR 1910.1020 - (T+30Y)
<b>088</b> <b>Employee Health &amp; Safety</b> Documents related to the Injury Illness Prevention Program (IIPP), the protection of employee health and safety, and drug screening.  NOTE: May include employee medical information subject to HIPAA requirements.	Accident (Injury or Illness) Investigation Reports ADA Compliance and Reasonable Accommodation Bloodborne Pathogen/Exposure Control Plan Certifications Drug Screenings Emergency Action Plans Employee Safety Training Records Ergonomic Evaluations Health and Safety Bulletins Instructor Agreements Lockout Tagout New Hire Health & Safety Orientation Checklist Forms Public Access Defibrillation Reports (Unsafe Conditions, Hazards, Hazard Correction) Reviews Safety Committee (employee suggestions and responses, safety letters/memos, meeting minutes) Safety Inspections	Human Resources	6Y	CA - 8 CCR 3203(b)(1) - (1Y) CA - 8 CCR 5157 - (1Y) CA - 8 CCR 10102 - (Injury+5Y or Closed+1Y) CA - 8 CCR 14300.33 - (CU+5Y) CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 6401.7 - (MAINT) CA - LAB 6409.6 - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (AC+2Y) US - 29 CFR 1904.33 - (5Y) US - 49 CFR 382.401(b)(1) - (5Y)



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<p><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>CL = Closed    GB = Current Year    FR = Final Resolution    LA = Limitation on Action    E = Life (of program/assets)    M = Month</p> <p>MA = Maturity    MAINT = Maintenance    PR = Permanent    S = Supervised    T = Termination    Y = Year</p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
089	<p><b>Human Services Programs</b></p> <p>Records and information documenting the services and programs of the Human Services Department:</p> <ul style="list-style-type: none"> <li>- Aging &amp; Adult Services</li> <li>- Child and Youth Services</li> <li>- Community Cabin Program</li> <li>- Community Homelessness Services</li> <li>- Head Start and Early Learning</li> <li>- Paratransit Services</li> <li>- Supportive Financial Services</li> </ul>	<p><b>Applications</b></p> <p>Case Files, including Medical Files</p> <p>Family Records (confidential)</p> <p>Homelessness Voucher Records</p> <p>Means for Seniors Records</p> <p>Participation Metrics</p> <p>Program Files</p> <p>Reports</p> <p>Schedules</p> <p>Teacher Records</p> <p>Video Recordings of Events</p> <p>Walters</p>	Human Services	<p>While Active+7Y</p> <p>CA - BPC 2919 - (AC+7Y; Adults; Age of Majority+7Y; Minors)</p> <p>CA - BPC 4960.49 - (AC+7Y; Adults; Age of Majority+7Y; Minors)</p> <p>CA - BPC 4993 - (AC+7Y; Adults; Age of Majority+7Y; Minors)</p> <p>CA - CCP 335.1 - (LA2Y)</p> <p>CA - CCP 337 - (LA4Y)</p> <p>CA - CCP 340.15 - (LA3Y)</p> <p>CA - CCP 340.5 - (3Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>US - 2 CFR 200.334 - (CL+3Y)</p> <p>US - 24 CFR 5514 - (5Y)</p> <p>US - 24 CFR 908.101 - (3Y)</p> <p>US - 24 CFR 982.156 - (EXP+3Y)</p>
090	<p><b>Asset Management, Maintenance</b></p> <p>Records related to the management and maintenance of City assets, including equipment, fleet vehicles, parks, real property and infrastructure assets.</p>	<p>Air Quality Permits</p> <p>Calibration Records</p> <p>Equipment Certifications</p> <p>Irrigation (parks, public green space)</p> <p>Landscaping</p> <p>Maintenance and Repair Work Orders</p> <p>Maintenance Inspection Reports (equipment, facilities, trees)</p> <p>Maintenance Reports (buildings, equipment, streets, sidewalks)</p> <p>Parking Lots</p> <p>Pool Chemical Readings</p> <p>Streets (alleys, highways)</p> <p>Tree Service / Tree Requests</p> <p>Vehicles / Fleet (automobiles, buses, trucks, forklifts, etc.)</p>	Human Services Public Works Transportation	<p>L+5Y</p> <p>CA - 3 CCR 6824(g) - (2Y)</p> <p>CA - 22 CCR 65523(e) - (2Y)</p> <p>CA - 22 CCR 66266.130(c)(5) - (3Y)</p> <p>CA - CCP 337 - (LA4Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 4216.2(f) - (3Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>CA - HSC 25250.18(b) - (3Y)</p> <p>CA - VEH 34505.5(c) - (2Y)</p> <p>* Life of Asset</p>
091	<p><b>Business Continuity Records - Computing Equipment and Network Operations</b></p> <p>All documentation for dealing with preparation for and responses to emergencies, disasters and/or system failures for City computing resources.</p>	<p>Business Continuity Plans</p> <p>Disaster Recovery Plan</p> <p>Emergency Response</p>	Information Technology	<p>S+2Y</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 34090 - (2Y)</p>
092	<p><b>Technology Help Desk, Access and Security</b></p> <p>Records and technical documentation of internal controls and system security. Includes data / information security breaches, notifications, and supporting documentation.</p>	<p>Access Requests</p> <p>Annual Database &amp; System Security Reviews</p> <p>Audit Trail Files</p> <p>Automated Logs</p> <p>Change Management Case Files</p> <p>Computer Usage Files</p> <p>Data Breaches (notifications, reports, responses)</p> <p>Data Sets, Extracted Data Summaries</p> <p>Firewall</p> <p>Hardcopy Publication, Printouts of Report Data</p> <p>Security Access (buildings, doors, systems)</p> <p>Special Access Approvals</p> <p>Trouble Tickets</p> <p>User Reports (summary, system)</p> <p>User Access Records (passwords, security logs, user accounts, log-in files, data entry logs, accounts)</p> <p>User Incident, Response Files</p>	Information Technology	<p>3Y</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>CA - CIV 1798.27 - (3Y)</p>
093	<p><b>Operational Maps</b></p> <p>Informal maps and geographical information pertaining to City operations and services.</p>	<p>Sewer TV Surveys</p> <p>Street Sweeping</p> <p>Tree Trimming</p> <p>Trash Pick-up</p>	Information Technology, Public Works	<p>2Y</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 34090 - (2Y)</p>

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<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed; CU = Current Year; FR = Final Resolution; LA = Limitation of Action; IM = Month; LI = Life (Indefinite); MA = Maturity; MAINT = Main Item; PE = Permanent; S = Superseded; Y = Year</p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
094	Inspector General - Closed Case Reviews Records and information regarding the findings and decisions of the Inspector General after review of Police and Community Police Review Agency closed cases.	Recommendations and Findings Reports Review Notes	Inspector General	CL+20Y*
095	Inspector General Program Records Records and information regarding the routine monitoring and assessment of the Community Police Review Agency and Police Department's activity.	Annual Reports Audits Risk Assessments Surveys Work Plans	Inspector General	CL+20Y*
096	Library Records related to the operation and maintenance of the City's public Library.	Accession Records Circulation Records Correspondence and Communication (with patrons, with Friends of the Library) Outreach Overdue Records Patron Requests Reports	Library	While Active+2Y
097	Appointments to Boards and Commissions Staff records related to appointments and membership made by authorized elected officials to councils, committees, boards, and commissions.	Applications (appointed, unsuccessful) Interview Notes Letters of Appointment Letters of Recommendation Oaths of Office Resumes	Mayor	Term of Office+2Y
098	Parks and Recreation Facility Rentals Records and information documenting rental arrangements for the City's parks and recreational facilities, including: - Dunsmuir Hellman Historic Estate - Jack London Aquatic Center - Joaquin Miller Community Center - Lake Merritt Sailboat House - Lakeside Park Garden Center - Leona Lodge - Morcom Rose Garden - Sequoia Lodge	Facility Rentals (use applications - approved and unapproved, permits, reservation books, insurance certificates, users, reports)	Parks, Recreation & Youth Development	While Active+4Y
099	Parks and Recreation Programs and Services Records and information documenting the City's parks and recreational programs and services.	Applications Day Care Program/Class/Leagues Program/Event Evaluations Recreation Schedules Registrations Forms Reservations and Waivers Special Events Sports Team Rosters Summer Camp Withdrawal Forms	Parks, Recreation & Youth Development	While Active+4Y
				CA - CCP 337 - (LA4Y) CA - 22 CCR 65523 - (2Y) CA - 22 CCR 101221 - (AG-3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)

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AGRONIMS USED IN LEGAL CITATIONS  
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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>100</b> <b>Planning and Zoning Services</b> Records and information pertaining to the activities of the planning division, including zoning. Includes Discretionary Entitlement records (hearing required).	Administrative Meeting Minutes, Decisions Appeals CEQA Documents Design Review Development Agreements Entitlements (administrative, planning) General Plan Home Occupancy Permits Land Use Permits, Studies Master Plans and Specific Plans Planned Development (PD) Planning Review Case Files (notices, neighbor letters, plans, blueprints) Variances Zoning, Rezoning and Map Amendments	Planning & Building	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12981 - (1Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)
<b>101</b> <b>Code Compliance and Enforcement</b> Records and information documenting compliance with City codes, including violations and hearings.	Citations Compliance with Conditions of Approval Hearings Illegal Dumping Inspections / Enforcement (business, residential) Investigations Notices of Noncompliance Notices of Violation Photographs	Planning and Building Public Works	While Active+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (2Y) NOTE: Records for repeat offenders may be retained longer to document a history of violations
<b>102</b> <b>Building Plans, Building Permits, Appeals and Decisions</b> Records and information documenting the building services provided by the City regulating private property.	Alternate Materials and Methods of Construction Appeals Building Inspections Building Permits (issued, active, history) Building Plans - Commercial & Residential Certificates of Occupancy Design and Construction Standards Developer Fees and Waivers Modifications and Related Tests	Planning and Building	Permanent	CA - CBC 107.5 - (Completion+180D) CA - CRC 106.5 - (Completion+180D) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)* Oakland Municipal Code 15.04.2.325 - (MAINT) Oakland Municipal Code 15.04.2.330 - (MAINT) Oakland Municipal Code 15.04.2.335 - (MAINT) * Life of Building
<b>103</b> <b>Real Property Maps and Drawings</b> Final maps and geographical information pertaining to City properties.	Aerial Photos Assessor's Parcel Maps Annexations Benchmarks Building Site Determination Center Line Files Drainage Flood Hazard Boundary Maps (FHBM) Geographic Information System (GIS) Grading Plan Drawings Improvement Plans: Drawings Lot Line Adjustments Parcel Mergers Parcels, Plats Record of Survey Maps Rights of Way Sphere of Influence Street Address Files Subdivisions Tentative Maps Tracts	Planning and Building Public Works	Permanent	CA - CCP 337.15 - (LA10Y) CA - GOV 34090(a) - (PR) CA - HSC 19850 - (LI)* US - 44 CFR 60.3 - (MAINT) * Life of Building, Asset or Facility



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Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
104	<b>Encroachments</b> Records documenting encroachments upon City property, or by the City on the property of others that are not stored in a project file.	Certificates of Compliance Encroachment Permits	Planning and Building Public Works Transportation	While Active+10Y CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y)
105	<b>Case Files - Felonies, Excluding Murder/Homicide, Capital Offenses, Crimes of Sexual Violence, Child Abuse, Elder Abuse, and Violations of Public Trust</b> Records, crime reports and evidence associated with felony violations of laws, excluding homicide and capital violations, crimes of sexual violence, child abuse, elder abuse, embezzlement of public funds, or falsification of public documents. Includes felony hit-and-run traffic accidents and driving under the influence (DUI) cases.	Case Files Reports	Police	CL+10Y CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 800 - (LA3Y) CA - PEN 801 - (LA3Y) CA - PEN 801.1(b) - (LA10Y) CA - PEN 851.8 - (SEAL&DESTROY) CA - Law Enforcement Evidence and Property Management Guide * Provided there are not outstanding warrants, deaths, and it is not classified under PC §800 and 290 and HSC §11850, Statute of limitations is 2 years
106	<b>Criminal Registrations - Gangs</b> Records for those required to register as a gang violence offender.	Registrations	Police	5Y CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 186.32 - (5Y)
107	<b>Criminal Registrations - Juvenile Arsonists</b> Records for those juveniles required to register as arsonists.	Registrations	Police	Age 25 or SEAL+5Y CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 457.1(d) - (Upon reaching age of 25 or when records are sealed) CA - WIC 781 - (SEAL+5Y)
108	<b>Criminal Registrations - Sex Offenders, Adult Arsonists</b> Records for those required to register as sex offenders or arsonists.	Registrations	Police	LI+2Y CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 290 - (Life of Offender) CA - PEN 290.008(d) - (5Y; 10Y) CA - PEN 457.1(b)(2) - (Life of Arsonist) * LI = Life of the offender or arsonist
109	<b>Logs of Access or Deletion of Data for Body-Worn Cameras</b> Documentation of when and by whom access to or deletion of data from body-worn cameras takes place.	Logs of Access or Deletion	Police	Permanent CA - GOV 34090 - (2Y) CA - PEN 832.18(b)(5)(E) - (PR)
110	<b>Police - General Administrative Records</b> Records of general community support activities and administrative records received and/or generated in the routine course of law enforcement activities and not associated with a case number.	Activity Reports Crime Statistics and Reporting Daily Bulletins Extradition Files (out of state) False Alarm Reports Incident Logs LiveScan Research (for non-city organizations) Peace Officer Traffic Stops Report Refund Letters Ride-Along Program Records Tow Notifications and Reports Traffic Information Reports Uniform Crime Reporting Vehicle Release Documents Waiver Letters	Police	While Active+3Y CA - 11 CCR 999.228(j) - (3Y) CA - 11 CCR 999.229(a) - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y) CA - GOV 12525.5 - (CU+1Y)

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<p align="center"><b>AGREEMENT USED IN LEGAL CITATIONS</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation on Action    M = Month            MA = Material    MAIN = Main    PR = Permanent    S = Suspended    T = Termination    Y = Year</p>				
<b>Record Name and Description</b>	<b>Example Documents</b>	<b>Department/Office of Record</b>	<b>Retention</b>	<b>Legal Citations and Comments</b>
<b>111 Police Case Files - Dead Bodies</b> Records, crime reports and evidence associated with investigations of dead bodies, whether by natural causes or found.	Reports Statements	Police	CL+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *Case remains active until body has been identified and cause of death determined. If determination is made that the death was a homicide, records are recategorized as "Felony Murder/Homicide" case files
<b>112 Police Case Files - Domestic Violence</b> Records, crime reports and evidence associated with investigations and served protective orders for domestic violence.	Criminal Protective Orders Reports Restraining Orders Statements	Police	CL+20Y*	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 13710 - (MAINT) *As required by Office of the City Attorney
<b>113 Police Case Files - Felony Murder/Homicide, Capital Offenses, Child Abuse, Elder Abuse, Sex Crimes and Violations of Public Trust</b> Records, crime reports and evidence associated with capital felony violations of laws, including homicide, child abuse, elder abuse, sex crimes, embezzlement of public funds, or falsification of public documents.	Case Files Reports	Police	Permanent	CA - COP 340.1 - (Longer of Plaintiff's Age of Majority+8Y or Discovery of Injury+3Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) No limitation on commencement of action; PC §261, 286, 288, 288.5, 289, 289.5, and 799
<b>114 Police Case Files - Misdemeanors, Infractions, Bicycle and Pedestrian Stops</b> Records, crime reports and evidence of misdemeanors and infractions, including traffic incidents, bicycle stops, pedestrian stops, and parking/moving citations and appeals.	Case Files Field Contact Reports	Police	2Y*	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (LA1Y) CA - VEH 2547 - (3Y) * Provided there are no outstanding warrants, deaths, and it is not classified under PC §800 & 290 and H&S §11850; Statute of Limitations is 2 years
<b>115 Police Case Files - Missing Persons, Protective Custody and Runaways</b> Records, crime reports and evidence associated with missing persons and runaways	Case Files Reports	Police	CL+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *Case remains active until solved or person is found
<b>116 Police Case Files - Officer Use of Force</b> All use of force records, crime reports and evidence associated with criminal cases dealing with officer involved shootings and any other types of use of force.	Case Files Reports	Police	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 832.18 - (2Y) CA - PEN 832.5 - (5Y, where there is not a sustained finding of misconduct; 15Y where was a sustained finding of misconduct) *As required by the Office of the City Attorney and Office of Inspector General
<b>917 Police Case Files - Sealing of Records</b> Records of court orders or other valid legal requests to seal records and the underlying case files.	Case Files Reports	Police	SEAL+3Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 851.8 - (SEAL+3Y) CA - PEN 851.90 - (MAINT) CA - WIC 781.5(a) - (SEAL+3Y) *SEAL = Date Records Sealed

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Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
118	Police Case Files - Stolen Property Records, crime reports and evidence associated with stolen property.	Case Files Reports	Police	CL+20Y**  * Case remains active until solved **As required by the Office of the City Attorney
119	Police Case Files - Traffic Collisions - Fatal Records, crime reports and evidence associated with traffic collisions involving fatalities.	Case Files Reports	Police	Permanent  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR)
120	Police Community Programs Records and information regarding community activities and programs managed by the Police Department.	Cadets Citizens Academy Explorers	Police	CL+5Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
121	Police Laboratory Records Records and information regarding the testing and laboratory results performed during investigations of a crime.	Equipment Records Laboratory Results Reports	Police	10Y  CA - CCP 343 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 4901 - (LA10Y)
122	Police Routine Video Records Recordings of routine video monitoring, to include time and date of video, location of video and other related information.	Body Cam Drone Recordings	Police	Defer to current OPD policy  CA - PEN 832.18 - (60D)  DGO 1-15 F-2 provides that BWC files shall be retained for a period of 2 years unless required for criminal investigation, administrative investigation, research, civil litigation, training and no recordings may be deleted while a request for recordings is pending including litigation holds or PRA requests.  DGO 1-25 provides that recordings are retained for 5 days unless the recording is needed for a criminal or administrative (IAD) investigation.
123	Police Shooting Range Records and information regarding the shooting range managed by the City's Police Department.	Sign-In Sheets	Police	2Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
124	Police Academy Records Records and information generated or received in the recruitment of new police officers and training records of the Police Academy	Accreditation Records Attendance Course Work and Grades Recruitment Letters Training Schedules	Police	20Y*  CA - CCP 343 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)  *As required by the Office of the City Attorney
125	Seized or Unclaimed Property Records Records documenting tracking and management of physical property seized by the Police department, or collected by the Police department but unclaimed, and not assigned to a case number or considered as evidence in a criminal investigation.	Evidence Files Inventory Reports Logs - Sign in	Police	2Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - VEH 10650(g) - (1Y)



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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>126</b> <b>Police K-9 and Equestrian Records</b> Records documenting the acquisition, assignment and care of the Police Department's K-9 and equestrian units.	Animal Acquisition Records Animal Medical Records Assignment and Ownership Records Training Records	Police	LI*+10Y	CA - CCP 335.1 - (LA2Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *LI = life of the animal
<b>127</b> <b>Lobbyist Registration and Activity Disclosure</b> Registration records and reports disclosing lobbyist activity required by the Lobbyist Registration Act.	Lobbyist Quarterly Activity Reports Lobbyist Registration Lobbyist Registration Termination Training Records	Public Ethics Commission	While Active+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8548.7 - (CI+3Y) CA - GOV 34090 - (2Y) CA - GOV 86106 - (2Y) CA - GOV 86110 - (MAINT) CA - GOV 86116.5 - (1Y) US - 11 CFR 102.96 - (3Y) US - 11 CFR 104.14(b) - (3Y) Oakland Municipal Code 3.20.080 - (5Y)
<b>128</b> <b>Public Ethics Commission Investigations</b> Records and information documenting complaints, investigations, mediation, settlements and administrative hearings regarding violations within the Public Ethics Commission's jurisdiction. Includes: - Government Ethics Act Violations - Oakland Campaign Reform Act Violations - Lobbyist Registration Act Violations - Limited Public Financing Act Violations - Fair Elections Act Violations - Sunshine Act Violations - Other miscellaneous provisions of the City Charter and OMC (e.g. Chapter 2.24, 2.45) giving jurisdiction to the PEC to investigate certain types of violations	Complaints Dismissal, Warning and Advisory Letters Evidence Used in Support of any of the Above Final Settlement Agreements Hearing Officer Findings and Recommendations Investigative Reports Investigation Summaries Legal Analysis Memoranda Preliminary Review Memoranda Probable Cause Reports Request For Settlement Authority Memoranda	Public Ethics Commission	FR+5Y	CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 1092(b) - (LA4Y) CA - GOV 34090 - (2Y) CA - PEN 801 - (LA3Y) CA - PEN 802 - (LA1Y) Oakland Municipal Code 2.28.080(6) - (LA4Y) Oakland Municipal Code 3.15.190(A) - (LA5Y)
<b>129</b> <b>Building, Property Management</b> Records and information regarding the structure of City buildings.	As-Built Blueprints Construction Records Electrical Wiring Schematics Floor Plans Property Inventory Utility Consumption Tracking	Public Works	LI*+10Y	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)* *LI = Life of Building or Facility
<b>130</b> <b>Fuel Management</b> Records related to the purchase, storage, tracking and management of fuel for City vehicles.	California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump Maintenance and Testing Fuel Reports, Billing Reports, Journals, Fuel Tickets Fuel Tank Integrity Testing Fuel Tank Maintenance (aboveground, below ground) Storage Tanks - above and below ground	Public Works	LI*+5Y	CA - 23 CCR 2712 - (LI)* CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GC 34090 - (2Y) CA - HSC 25283.5(a)(3) - (MAINT) CA - HSC 25285 - (5Y) CA - HSC 25292(b)(4) - (1Y) CA - HSC 25293 - (MAINT) *LI = Life of Tank
<b>131</b> <b>Security, Access Operations</b> Records and information regarding physical access controls and protection for City buildings and facilities.	Access Controls Access Reports Badge Lists Daily/Activity Logs Facility Key Lists Key Cards Security Camera Footage Transaction Logs	Public Works	2Y*	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - GOV 34090.6 - (Routine Video 1Y) *Exception: 1) Records that are evidence in any civil or criminal litigation or 3rd party claim shall be preserved pursuant to any litigation hold notice or to 100 days after the conclusion of the court proceeding if no such hold; 2) routine building security recordings may be purged after one year with written consent of the City Attorney

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U=Life of program/asset T=Termination Y=Year

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
132	<b>Storm Drainage Management</b> Records and information documenting the operations and maintenance of the City's storm drains, pump stations and drainage ditches.	Drainage Ditches Pump Stations Storm Drains	Public Works	5Y	CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) US - GOV 34090 - (2Y) US - 40 CFR 122.41(f) - (3Y)
133	<b>Water, Sewer and Solid Waste</b> Records and information associated with the maintenance of sewers, storm drains, waste, water, and land use.	Backflow Prevention Environmental Conservation Programs Flood Control (plans, SS/S) Inventory (equipment, materials, meters, pipes) Irrigation (management, plans, SS/ID) Pollution Control Permits Sewer System Storm Drains Storm Water Monitoring Underground Service Alerts (USA) Waste Water (lab groups, reports to state) Water Runoff Testing Weight Tickets	Public Works	While Active+5Y	CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25244.19 - (4Y) CA - HSC 25244.20 - (4Y) US - 40 CFR 122.21(p) - (5Y) US - 40 CFR 122.41(f) - (5Y) US - 40 CFR 122.44(f)(4) - (3Y)
134	<b>Facility Maintenance and Inspection Records</b> Reports of inspections of maintenance performed on City facilities and infrastructure including: - Buildings - Equipment - Janitorial - Parks - Streets - Sidewalks - Storm Drains - Streetlights - Traffic Signals - Trees	Air Quality Inspections Backflow Inspections Elevator Certificates Equipment Inspections Graffiti Removal Facility Inspections Inspections Inventory of City Trees Logs Playground Inspections Reports Staffing Schedules Street Striping and Signing Tree Trimming Schedules Traffic signal repairs and maintenance	Public Works Transportation	4Y	CA - 22 CCR 65523 - (2Y) CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 4216.2(f) - (3Y) CA - GOV 34090 - (2Y)
135	<b>Capital Project Files</b> Records and information related to the administration, analysis, design, development, planning, construction and maintenance of public works, Capital Improvement (CIP) and Engineering & Capital Projects for City facilities and infrastructure. Includes projects funded from various sources including bonds, grants, capital improvement and general fund.	Assessments Capacity (water, wastewater) Fees Certificates of Compliance/Notice of Non-Compliance Daily Inspections and Progress Meetings E.I.R./Notice of Determination, Categorical Exemptions Encroachment Permits, Certificates Field Inspections, Closures Final Improvement Plans/As-Built Plans NPDES Permits Photos/Pictures Project Plans and Schedules, Insurance, Permits Real Estate Appraisals Reports (Geotechnical, Soil, Drainage, Stormwater, Sewer, and Traffic) Specifications, Calculations, Change Orders Studies and Surveys Underground Utilities Maps	Public Works	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - 14 CCR 15095 - (Reasonable) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (U) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 92.508(G) - (AC+5Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 29 CFR 97.42(b) - (AC+3Y) *U = Life of Building, Asset or Facility
82 of 136 194	<b>Race and Equity Program Records</b> Records and information regarding the services and support provided by the office of Race and Equity.	Advice Memos Correspondence Reports Statistics and Indicators	Race and Equity	While Active+3Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 29 CFR 1602.31 - (CL+2Y) US - 29 CFR 1607.4 - (MAINT) US - 41 CFR 80-1.12 (a) - (2Y) US - 41 CFR 80-741.44 - (3Y) US - 41 CFR 80-741.80 - (2Y)



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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>137</b> <b>Traffic and Transportation Design and Planning</b> Records and information of activities impacting City streets and traffic, as well as transportation projects and efforts to manage traffic circulation and plan for upcoming improvements, including studies and surveys.	Bicycle and Pedestrian Program City Street Projects (potholes) Highway Corridors Impact Studies Parking Plans Rights-of-Way Signs, Signals and Street Markings Speed Surveys Street/Highway Studies/Surveys Street Name Changes Streetscape Services Temporary Street Closures Traffic Counts Traffic Management Plans Transportation Planning	Transportation	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>138</b> <b>Transportation Traffic Safety and Enforcement</b> Records and information regarding the safety and control of streets and parking meters. Includes: • Parking enforcement • Vehicle abatement from private property	Citations Hearing of Appeals Parking Meters Collections	Transportation	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>139</b> <b>Violence Prevention Program Records</b> Records and information regarding the services and programs offered by the City for Violence Prevention. • Community Healing and Restoration • Life Coaching, Adult and Youth • Family Support, Hospital Response and Relocation • Gender-Based Violence Response • Gun Violence Response • Youth Diversion • School-site Violence and Prevention Teams • Violence Interruption Services	Coaching Records Diversion Records Evaluations Reports Response Records Strategic Plans	Violence Prevention	While Active+3Y	CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>140</b> <b>Small and Disadvantaged Business and Supplier Files</b> Records and information of small and disadvantaged businesses and suppliers to all City organizations created or retained in the purchasing or acquisition of goods and services.	Small and Disadvantaged Contractors - Vendor List Vendor Applications, Profiles Vendor Packets	Workplace and Employment Standards	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>141</b> <b>Small Business Inclusion Enforcement</b> Records and information generated or received by the City to monitor the inclusion of small and disadvantaged businesses in City projects and programs.	Applications Certificates to Businesses Fees and Penalties Project Files Reports	Workplace and Employment Standards	While Active+4Y	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>142</b> <b>Workplace Claims and Complaints</b> Records and information regarding any labor complaints against the City or a City business.	Investigations Letters and Correspondence Living Wage Complaints, Hearings, Determinations and Findings MOUs	Workplace and Employment Standards	FR+4Y	CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 2.28.060 - (MAINT)
<b>143</b> <b>Police - Internal Affairs Records</b> Records and information received or created in the investigation of a police officer misconduct completed by the Police Department.	Case File	Police	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *As required by Office of City Attorney

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation on Action    M = Month            MA = Maturity    MAINT = Maintain Records    PR = Permanent    S = Superseded    T = Termination    Y = Year</p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
144	<p>Case Files - Officer Vehicle Pursuits</p> <p>Records and information regarding the officers vehicle pursuits.</p>		Police	CL+20Y*
				<p>CA - GOV 945.6(a)(2) - (LA&amp;M; LA2Y)            CA - GOV 34090 - (2Y)            CA - PEN 800 - (LA6Y)            CA - PEN 801 - (LA3Y)            CA - PEN 801.1(b) - (LA10Y)            CA - PEN 851.8 - (SEAL&amp;DESTROY)</p> <p>*As requested by Office of Inspector General</p>



## Oakland Police Department Secret Service 2024 Annual Report

### **OPD United States Secret Service (USSS) Agreement**

OPD and the USSS formalized an agreement related to the USSS Bay Area Identify Theft Strike Force / Electronic Crimes Task Force ("Task Force"). The Memorandum of Understanding (MOU) was signed by both parties in 2009 and articulates rules for reimbursement of participating OPD officers when working on overtime on official Task Force investigations.

### **Staffing**

- 1. Number of full and part time OPD officers assigned to USSS Task Force:**  
One (1) part time officer, who also assists in Criminal Investigations Division (CID) General Crimes Unit (GCU).
- 2. Number of hours worked as USSS Task Force Officer:** Currently the task force officer spends most of their time in the GCU and works with the USSS to assist with active investigations as needed. The assigned officer also uses the USSS task force to assist with digital forensic searches including computers and cell phones.
- 3. Funding source for USSS Task Force Officer salary:** OPD Budget – funded by OPD General Purpose Fund.

### **Other Resources Provided**

- 7. Communication equipment:** OPD handheld radio and OPD cellular telephone.
- 8. Surveillance equipment:** None.
- 9. Clerical/administrative staff hours:** None.
- 10. Funding sources for all the above:** OPD Budget.

### **Cases**

- 12. Number of cases USSS Task Force Officer was assigned to:**
  - OPD Officer assisted with a fraudulent bank cash out case that was occurring across the bay area. This was a joint operation with the USSS and banks to stop an organized crime group from conducting fraudulent ATM cash outs of accounts that had received funds from tax returns.
  - The USSS also assisted with computer searches for 5 computers that were recovered from an individual who was making online threats to Kaiser Hospital, Plan Parenthood and the President of the US.
  - Due to the election in 2024 the work with the USSS was limited because of USSS agent travel assignments.
- 13. General types of cases:** Fraud and Identity Theft Investigations
- 14. Number of times the USSS asked OPD to perform/OPD declined to perform:**  
None.

- a. Reason for OPD declination (e.g. insufficient resources, local/state law): N/A

### **Operations**

11. Number of times OPD officers were involved in undercover investigations: None  
12. Number of instances where OPD Task Force officer managed informants: None.  
13. Number of informant-involved cases in which the OPD USSS Task Force Officer actively participated: None  
14. Number of requests from outside agencies (e.g. ICE) for records or data of OPD: None.  
b. Number of such requests that were denied: N/A  
c. Reason for denial: N/A  
15. Whether USSS Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected: No.

### **Training and Compliance**

10. Description of training given to USSS Task Force Officer by OPD to ensure compliance with Oakland and California law: The OPD officer assigned to the USSS Task Force follows all OPD policies and has received several trainings, including but not limited to: Continual Professional Training (CPT), Procedural Justice Training, Project Reset and Annual Firearms Training. The officer has also reviewed all provisions of the USSS Task Force MOU.  
11. Date of last training: January 2022 Video Surveillance Recovery; October 2022 Crisis Recognition and Response; September 2023 Digital Currency Investigations; December 2024 CPT  
12. Frequency with which USSS Task Force Officer briefs OPD supervisor on cases: Daily

### **Actual and Potential Violations of Local/State Law**

1. Number of actual violations: None. At a meeting with the Task Force Officer on 3/11/25, the Officer noted that they had never been asked to violate any local or state laws, policies or ordinances to assist in the goals of the Secret Service. Furthermore, the Officer volunteered that they comply with the OPD BWC policy at all times and have advised the Secret Service members that they will activate their BWC when required by OPD policy. The Task Force Officer has not been asked to and has never shared immigration status with any Secret Service personnel.  
2. Number of potential violations: None. The Task Force Officer has not been pressured or asked to violate any local or state laws, policies or ordinances.  
3. Actions taken to address actual or potential violations: The officer follows OPD policies. OPD leadership consults with the Office of the City Attorney to ensure that all policies and procedures conform to state and local laws/policies.  
4. Recommendations by OPD to address prevention of future violations: OPD will continue to consult with the Office of the City Attorney to ensure that personnel continue to follow state, and local laws and policies. Going forward, they will consult on an annual basis. OPD will also consult with the Privacy Advisory Commission

about any proposed changes.

**Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)**

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

**Command Structure for OPD Task Force Officer**

1. **Reports to whom at USSS?** Special Agent in Charge (SAIC) Sean Bradstreet
2. **Reports to whom at OPD?** Sergeant Wenceslao Garcia and Act LT Smoak

## **OPD USMS Taskforce**

The USMS is responsible for enforcing federal court orders and serves as the administrative custodian of all federal warrants until they are executed or dismissed. The USMS also manages warrant information, investigates fugitive matters and executes arrest warrants.

The U.S. Marshals have a long history of providing assistance and expertise to other law enforcement agencies in support of fugitive investigations. The USMS Task Forces does not conduct an independent investigation of possible criminal activity. The USMS only seeks to apprehend individuals with active arrest warrants issued for them related to crimes which have targeted local residents. These crimes include; murder, rape, child molestation, robberies, felony assaults and large scale fraud operations. USMS TFs work by leveraging local police intel as well as other data sources (e.g. database searches, open-source social media inquiries, and interviews of associates/ and family members). The USMS TF also provides OPD Criminal Investigations Division (CID) with assistance in locating and arresting fugitives who have fled the City, County, State and Country.

## **Staffing**

- 10. Number of full and part time OPD officers assigned to USMS Task Force:** Two full-time officer.
- 11. Number of hours worked as USMS Task Force Officer:** Regular 40 hours per week. However, the OPD officer sometimes is asked to assist with OPD operations. The work assignment of this officer is based on OPD needs and priorities and whether there are active investigations.
- 12. Funding source for USMS Task Force Officer salary:** OPD Ceasefire/CGIC funding.

## **Other Resources Provided**

**Communication equipment:** OPD/USMS radio, cellular phone, laptop.

- 7. Surveillance equipment:** Handheld video camera, GPS vehicle trackers, Gladiator Forensics (Pen Register Data System, GPS, call-data record analysis.)
- 8. Clerical/administrative staff hours:** None.
- 9. Funding sources for all the above:** USMS Funds

## **Cases**

- 1. Number of cases USMS Task Force Officer was assigned to:** 380; a breakdown of fugitive apprehensions by originating crime type is provided below.

<b>Originating Crime Type Leading To Warrant</b>	<b>Amount</b>
Homicide	81
Robbery	68
Assault	63
Weapons Charges	33
Burglary	43
Rape	29
Narcotics	9
Failure to Register, Arson, Extortion, Fraud and Veh Theft	27
Kidnapping	7
Other (e.g. Hit and Run, PAL*, Probation)	20

<b>Total</b>	<b>380</b>
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\*PAL=parolee at large

<b>Seizure</b>	<b>Amount</b>
Handguns	84
Rifles	15
Shotgun	1

Ammunition	10,413
Currency	\$31,902

2. **Number of “duty to warn” cases:** None
3. **General types of cases:** Local, state, and federal criminal arrest warrants.
4. **Number of times USMS asked OPD to perform/OPD declined to perform:** None
  - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

### **Operations**

11. **Number of times OPD officers were involved in undercover investigations:** None.
12. **Number of instances where OPD Task Force officer managed informants:** None.
13. **Number of informant-involved cases in which the OPD USMS Task Force Officer actively participated:** None.
14. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None.
  - i. **Number of such requests that were denied:** N/A
  - j. **Reason for denial:** N/A
15. **Whether USMS Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No.

### **Training and Compliance**

1. **Description of training given to USMS Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the USMS Fugitive Task Force follows all OPD policies and procedures, and has received several police trainings, including, but not limited to continued professional training, procedural justice training, and annual firearms training.
2. **Date of last training update:** PLX Penlink Cell phone training Jan 17<sup>th</sup>, 2024. PSWRFTF – N/CA Taskforce Training Sep 3<sup>rd</sup> – Sep 6<sup>th</sup>, 2024. Covert Surveillance Training Aug 7<sup>th</sup>, 2024. (Ofc. J. Barnard received all this training)
3. **Frequency with which USMS Task Force Officer briefs OPD supervisor on cases:** Daily.

### **Actual and Potential Violations of Local/State Law**

1. **Number of actual violations:** OPD will provide information on violations that are subject to release under California's Public Records Act (the "PRA"), Government Code section 6254. Release of any of violations not covered by the PRA, however, would violate California law (832.7), as there is only one officer assigned to this task force.
2. **Number of potential violations:** Same answer as above.
3. **Actions taken to address actual or potential violations:** The Task Force Officer follows OPD policies. **USMS Task Force Supervisor meets with OPD CGIC supervisor and commander weekly.** OPD leadership consults with the Office of the City Attorney to ensure that all policies conform with State and Federal laws. **Going forward OPD will consult with City Attorney on a biannual basis.**
4. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney to ensure that personnel continue to follow federal, state, and local laws and policies. OPD will also consult with the Privacy Advisory Commission about any proposed changes.

### **Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)**

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

### **Command Structure for OPD Task Force Officer**

1. **Reports to whom at USMS?** U.S. Marshal Assistant Chief Inspector Gerry Gutierrez.
2. **Reports to whom at OPD?** A/Sergeant Joe Jochim and Lieutenant E. Kim.





## OAKLAND POLICE DEPARTMENT

### FBI Child Exploitation Taskforce

### 2024 Annual Report

#### **OPD FBI Child Exploitation Taskforce Mission:**

The mission of the Child Exploitation and Human Trafficking Task Force (CEHTTF) is to provide a rapid, proactive, and intelligence-driven investigative response to the sexual victimization of children, other crimes against children, and human trafficking within the FBI's jurisdiction; to identify and rescue victims of child exploitation and human trafficking; to reduce the vulnerability of children and adults to sexual exploitation and abuse; to reduce the negative impact of domestic and international parental rights disputes; and to strengthen the capabilities of the FBI and federal, state, local, and international law enforcement through training, intelligence-sharing, technical support, and investigative assistance.

The taskforce follows the following goals and priorities:

1. To rescue victims of sex trafficking that are being exploited on both city streets and through internet crimes.
2. To arrest those individuals who are in violation of prostituted related offenses including 647(a), 647(b), 653.23 P.C, 266 PC, 236.1 PC.
3. To gather intelligence and possibly initiate/pursue investigations on cases involving Human Trafficking or other criminal acts.
4. To assist OPD/FBI investigators on any open/active criminal case. Utilize Federal, state, and local resources to locate victims of Human Trafficking and Child Exploitation and look for opportunities to prosecute the subjects Federally.

The defined priority threats that are aligned with the mission of the CEHTTFs are:

1. Child Abductions (Non-Ransom and Ransom)
2. Production/Manufacturing of Child Pornography
3. Sextortion
4. Electronic Groups/Organizations/Enterprises for Profit
5. Travelers/Enticement
6. Traders/Distributors of Child Pornography
7. Interstate Transportation of a Minor with Intent that Minor Engage in Any Illegal Sexual Activity
8. Human Trafficking
9. Child Sex Trafficking
10. Adult Sex Trafficking
11. Forced Labor
12. Domestic Servitude
13. International Parental Kidnapping
14. Possessors of Child Pornography
15. Child Sex Tourism
16. Unlawful Flight to Avoid Prosecution – Parental Kidnapping

Privacy Advisory Commission

17. All other Crimes Against Children and Human Trafficking matters within the FBI's jurisdiction

#### **Staffing**

1. **Number of full and part time Oakland Police Department (OPD officers assigned to FBI Task Force:** All Part-Time: (1 Lieutenant, 1 Sergeant and 4 Officers work Part-time Overtime Juvenile Rescue and Internet Crimes Against Children Operations)
2. **Number of hours worked as FBI Task Force Officer:** Each part-time TFO works on average 8 hours a week.
3. **Funding source for FBI Task Force Officer salary:** FBI

#### **Other Resources Provided**

1. **Communication equipment:** OPD handheld radio, cellular phone
2. **Surveillance equipment:** Cellebrite machine, GoPro camera
3. **Clerical/administrative staff hours:** None
4. **Clerical/administrative equipment:** laptop computers, hard drives, vehicle usage
5. **Funding sources for all the above:** OPD Budget funds all OPD personnel standard salary and benefits; the FBI in 2024 reimbursed OPD for overtime expenses worked by the federally-deputized OPD members.

#### **Cases**

1. Number of cases FBI Task Force Officer was assigned to: 3 separate cases; the taskforce conducted over 41 operations in the city of Oakland related to these cases. The results were the following:

- a. Seventy-two (72) female adults were arrested for solicitation of prostitution (647(a) and (b) PC). They were all offered resources by a combination of several non-profit sexual assault advocate agencies.
- b. Thirty-Two (32) male adults were arrested for solicitation of prostitution (647(a) and (b) PC). The Special Victim Section followed up with "Dear John" letters to applicable residences.
- c. Sixteen (16) female juveniles were rescued from Human trafficking. They were all provided resources by a combination of several non-profit sexual assault advocate agencies.
- d. Twelve (12) sex traffickers were arrested and charged with human trafficking (236.1, 266 PC) as a direct result of operations.
- e. The OPD/FBI VICE/Child Exploitation Unit Task Force vetted hundreds of child pornography cyber tips in 2024. This resulted in over 200 search warrants. Six (6) subjects were arrested and prosecuted for Child Pornography (311.11 PC).
- f. The OPD/FBI VICE/Child Exploitation Unit Task Force has provided unmarked vehicles for the use of human trafficking investigations and operations.

**Number of "duty to warn" cases:** None

1. **General types of cases:** Human Trafficking and Internet Crimes
2. **Number of times the FBI asked OPD to perform/OPD declined to perform:** None
  - a. **Reason for OPD declination (e.g. insufficient resources, local/state law):** N/A

#### **Operations**

Privacy Advisory Commission

1. **Number of times OPD officers were involved in undercover investigations:** 41  
Operations that included undercover officers
2. **Number of instances where OPD Task Force officer managed informants:** None
3. **Number of informant-involved cases in which the OPD FBI Task Force Officer actively participated:** None
4. **Number of requests from outside agencies (e.g. ICE) for records or data of OPD:** None
  - a. **Number of such requests that were denied:** N/A
  - b. **Reason for denial:** N/A
5. **Whether FBI Task Force Officer was involved in any cases where USPER (U.S. person status) information was collected:** No

#### Training and Compliance

1. **Description of training given to FBI Task Force Officer by OPD to ensure compliance with Oakland and California law:** The OPD officer assigned to the FBI Task Force follows all OPD policies and has received several police trainings, including but not limited to: Continual Professional Training (CPT), Procedural Justice Training and annual firearms training. OPD VICE/CEU Officers have attended collaborative FBI surveillance training and monthly Innocence Lost meetings. The officer has also reviewed all provisions of the FBI Task Force MOU. OPD TFOs hold bi-weekly meetings to address concerns, including any conflicts between local or state laws, OPD policies, and federal laws or FBI regulations.
2. **Date of last training update:** FBI taskforce training in Data Sharing and Policy.
3. **Frequency with which FBI Task Force Officer briefs OPD supervisor on cases:** Weekly

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#### Actual and Potential Violations of Local/State Law

1. **Number of actual violations:** There were zero reportable potential or actual violations of law or policy during the reporting period.
2. **Number of potential violations:** Same answer as above.
3. **Actions taken to address actual or potential violations:** The officer follows OPD policies. OPD leadership consults with the Office of the City Attorney to ensure that all policies conform to State and Federal laws.
4. **Recommendations by OPD to address prevention of future violations:** OPD will continue to consult with the Office of the City Attorney to ensure that personnel continue to follow federal, state, and local laws and policies. Going forward, they will consult on a biannual basis. OPD will also consult with the Privacy Advisory Commission about any proposed changes.

#### Suspicious Activity Reports (SARs) and Northern California Regional Intelligence Center (NCRIC)

1. **Whether OPD Task Force Officer submits SARs to NCRIC:** No.
2. **Whether OPD officer receives SAR information:** No.

Privacy Advisory Commission

**Command Structure for OPD Task Force Officer**

1. **Reports to whom at FBI?** Resident Agent in Charge (RAC) Martha Parker
2. **Reports to whom at OPD?** ask Officer reports to Sergeant of the SVS/VICE unit, who is currently A/Sgt. Wendoly Ferrufino. The Sergeant reports to the Lieutenant of Special Victims Section is A/Lt. Marcos Campos



## MEMORANDUM

**TO:** Floyd Mitchell,  
Chief of Police

**FROM:** Omar Daza-Quiroz, Lieutenant of Police  
OPD, Bureau of Investigations

**SUBJECT:** Unmanned Aerial System (UAS  
or Drone) – 2024 Annual Report

**DATE:** March 8, 2025

### **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 PAC, 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.

The PAC voted unanimously to recommend City Council adoption of OPD’s Departmental General Order (DGO) I-25: Unmanned Aerial System (UAS) Use Policy on May 14, 2020. The City Council adopted Resolution No. 88454 C.M.S. which approved OPD’s DGO I-25. OMC 9.64.040 requires that, after City Council approval, OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council.

Lieutenant Omar Daza-Quiroz is currently the UAS Program Coordinator and has been since 2022.

### **2023 Data Points**

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

*From the “Surveillance Impact Use Report for the Unmanned Aerial System (UAS)”*

*An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV) or drone, and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means.*

*UAV are controlled from a remote-control unit (similar to a tablet computer). Wireless connectivity lets pilots view the UAV imagery from a birds-eye perspective. UAV pilots can leverage control unit applications to pre-program specific GPS coordinates and create an automated flight path for the drone. (This is mainly conducted for mapping purposes or known preflight destinations. OPD*

*has not utilized this feature as it does not have mapping software. Similar to previous years, OPD still does not have a mapping software, but has utilized UAVs to assist in crime scene video documentation. If funding becomes available, OPD would consider and request mapping software to assist in crime scene documentation of large-scale crime scenes (e.g., homicides, shootings, fatal collisions.)*

*UAV have cameras so the UAS pilot can view the aerial perspective. UAS proposed for use by OPD, and any other outside law enforcement agency, use secure digital (SD) memory cards to record image and video data; SD cards can be removed from UAV after flights to input into a computer for evidence uploading.*

*Total deployments of UAS technology in previous years, to include 2024 as follows:*

<u>Year</u>	<u>Total UAS Deployments</u>
<u>2022</u>	<u>132</u>
<u>2023</u>	<u>220</u>
<u>2024</u>	<u>126</u>
<u>Total</u>	<u>478</u>

*In 2024 the OPD, with the assistance of outside law enforcement agencies, deployed UAS technology 126 (one hundred and twenty-six) times. This is a decrease of 94 (ninety-four) deployments and missions from prior year 2023, which saw 220 (two hundred and twenty) deployments and missions. This is almost the same number we saw in 2022. OPD’s UAS Program went live in March of 2022. Of the 126 deployments and missions in 2024, four (4) deployments and missions were conducted by Alameda County Sheriff’s Office (ACSO); there were no other agencies which deployed or assisted OPD in UAS deployments in 2024. As stated in the 2022-2023Annual Reports, at times ACSO, or neighboring agencies with similar UAS Programs, will offer their services prior to being requested<sup>1</sup>, or at times OPD UAS pilots are not on duty, unavailable or have insufficient resources (UAS fleet or personnel) to properly deploy. However, all agencies will only deploy if requested or approved by an OPD commander and if policy requirements are met.*

*OPD Electronic Services Unit (ESU) created a spreadsheet in 2022 to track and monitor all UAS deployments, including outside agency deployments. In 2022, Lieutenant O. Daza-Quiroz sent a department wide email mandating all commanders who deploy UAS to author documentation, similar to the protocol for use of the Emergency Rescue / Armored Vehicles. The process allowed for appropriate documentation. In 2023, commanders distributed Military Equipment Utilization (MEU) notifications via email when any militarized equipment was utilized, which included UAS deployments from OPD or outside agencies. This made it easy to track any outside agency deployments that ESU was not on scene for. ESU was also directed to manually input their deployments into a Microsoft Teams Excel Spreadsheet in order to keep property documentation.*

*Table 1 below details OPD, ACSO, and other outside agencies deployments in 2024 and compares it to 2022-2023 deployments.*

**Table 1: 2023 OPD & Outside Agency UAS Deployments**

<b>Incident Type</b>	2022	2023	2024	2024 Outside Agency
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<sup>1</sup> ACSO has access to OPD radio channels and can monitor; ACSO personnel at times can respond to a call for service.

Mass casualty incidents	0	0	0	0
Disaster management	1	0	0	0
Missing or lost persons	3	5	0	0
Hazardous material releases	0	0	0	0
Sideshow events	4	3	5	0
Rescue operations	5	3	0	0
Training	4	15	10	0
Barricaded suspects	23	49	19	1
Hostage situations	2	0	0	0
Armed suicidal persons	0	1	0	0
Arrest of armed and/or dangerous persons	60	70	48	3
Scene documentation for evidentiary or investigation value	2	3	2	0
Operational pre-planning	0	0	0	0
Service of high-risk search and arrest warrants	22	71	38	0
Exigent circumstances	0	0	0	0
<b>Total</b>	<b>132</b>	<b>220</b>	<b>122</b>	<b>4</b>

All four outside agency deployments occurred within the City of Oakland and described below:

- 17Jan24 – 6436 Foothill Blvd; Officers were dispatched to a report of a brandishing of a firearm. Upon their arrival subjects fled into the building and into the yards. ACSO responded with exterior and interior drones and three subjects were detained. No firearms were located. Multiple stolen vehicles were located inside the location and ACRATT was notified.
- 26Jan24 – 9924 D St; Officers responded to a report of a person shooting a firearm. Suspect fled into a nearby residence and Officers located a firearm in the street. ACSO responded and deployed exterior and interior drones, and the suspect surrendered.
- 13Feb24 – 10327 International Blvd; Officers were dispatched to a commercial burglary. Upon arrival 15-20 subjects fled the business and offices detained one suspect who was armed with a firearm. Another suspect pointed a firearm at the officers and fired multiple rounds in the air and fled the scene. ACSO responded and deployed an interior drone to search the business. No other suspects were located.
- 17May24 – Fruitvale Av & International Blvd; Officers responded to a report of a vehicle collision where the suspect fled the scene armed with a firearm. ACSO responded and deployed an exterior drone during a yard search. The suspect was arrested, and a firearm was located.

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):

Outside Law Enforcement Agencies (ACSO) assisted in four (4) UAS deployments in Oakland in 2024. Because of this, the UAS aircrafts that they used captured and stored data. If requested, these agencies provide OPD with the recordings and the outside agencies stored the information in their logs per their respective policy requirements. No

outside entity made any requests to OPD to share any of OPD's data acquired using OPDs UAS, nor did OPD share any data acquired through OPDs UAS with outside entities.

- 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 technology was never installed upon fixed objects.

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

Table 2 below details the Police Areas where UAS were deployed in 2022-2024.

**Table 2: OPD UAS Deployment by Police Area**

<b>Deployment by Area</b>	<b>Total Deployments in 2022</b>	<b>Total Deployments in 2023</b>	<b>Total Deployments in 2024</b>
Area 1	21	39	24
Area 2	8	11	10
Area 3	21	30	13
Area 4	26	34	13
Area 5	27	39	22
Area 6	24	40	29
Outside City*	5	26	15
<b>Total*</b>	<b>132</b>	<b>219</b>	<b>126</b>

*\* Deployments outside the city consist of assistance provided by OPD UAS to local agencies, or provided to assist OPD enforcement activities that took place outside the city of Oakland.*

- 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

No community complaints or concerns were communicated to staff.

Table 3 below provides race data related to 2022-2024 UAS deployments.

**Table 3: Race of Detainees Connected to OPD UAS Deployments in 2022**



	<b><i>Race – Female 2022</i></b>	<b><i>Race – Female 2023</i></b>	<b><i>Race – Female 2024</i></b>	<b><i>Race – Male 2022</i></b>	<b><i>Race – Male 2023</i></b>	<b><i>Race – Male 2024</i></b>
<b><i>Black</i></b>	27	74	30	81	104	84
<b><i>Hispanic</i></b>	16	36	14	42	95	35
<b><i>Asian</i></b>	0	7	2	13	17	3
<b><i>White</i></b>	4	4	1	4	12	6
<b><i>Other</i></b>	1	10	3	12	17	7
<b><i>Total</i></b>	<b>48</b>	<b>131</b>	<b>50</b>	<b>152</b>	<b>245</b>	<b>135</b>

OPD will know the race of detainees connected to UAS deployments. However, the race of all individuals involved in many UAS deployments is not known (e.g., cases such as armed and dangerous or barricaded suspects, where no suspect is ever discovered or detained). There could also be UAS uses for missing persons where the person's identity is not entirely known nor discovered (there were zero deployments related to missing persons in 2024). The number of detainees in 2024 are similar to 2022 as the number of deployments were also similar. 2023 had 220 deployments/missions while 2022 had 132 and 126 deployments/missions respectfully.

- 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

The OPD Electronic Services Unit (ESU) maintained a list of all UAS deployment logs for record and tracking purposes. This list was reviewed periodically for accuracy and for assessment of any policy violations. All OPD commanders, per policy, were directed to send communications to ESU for any UAS use – similar to OPD protocols for use of Emergency Rescue Vehicles (ERV) / Armored Suburban. No policy violations were found, and no corrective actions were warranted nor needed in 2024. There was also zero in 2022-2023.

- 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.

There were no identifiable data breaches or unauthorized access during the year of 2024, similar to that of 2022-2023.

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

Similar to 2022-2023, in reviewing the 2024 data associated with UAS deployments it was apparent that the unit has been effective at achieving safer outcomes for members of the community, officers, and those we have contacted during investigations.

During this review period OPD had a decrease of 94 deployments and or missions from prior year, which totaled 126. Specific records were kept tracking the efficacy of those deployments with the following results:

- Comparative to 2023, during a deployment in 2024, 83% of the time UAS were involved in locating and or detaining a subject as opposed to 70%. This is an increase of 13%. In 2022, OPD UAVs saw a 75% chance.
- Again, similar to previous years, arrest or armed and/or dangerous persons, service of high-risk search and arrest warrants and barricaded suspects saw the highest deployments.
- UAS deployments continue to provide aerial views and interior clearance for police officers, which in turn help mitigate use of force and allow for quicker resolutions. It is this real-time intelligence that allows for negotiation when subjects are located hiding and allows for mitigated use of force incidents. Not all subjects are always hiding when a UAV is overhead or searching an interior dwelling. However, the real time intelligence allows officers to understand the layout of the dwelling or have a clear understanding of subjects emerging from dwellings and surrendering. In 2022, 200 subjects were located by the UAS. In 2023, this number increased to 376 subjects being located. 2024 saw a decrease back down to 185, which is on par with 2022. It is important to note that all subjects captured through UAV deployment cameras were arrested but it highlights the importance of real-time intelligence and providing additional technology to police officers.
- 66 firearms were recovered from the scenes where UAS were deployed. The firearms were either located during a search of the flight path a suspect took, observed being discarded by suspect(s) during surround and callouts in rear yards or located by officers during searches of areas.
- All police areas (Area 1 – Area 6) had UAS deployments. Areas 1, 5 and 6 the most deployments while Areas 2, 3 and 4 had the least number of deployments/missions.
- In 2022 canine deployments decreased by nearly 20% (192 requests and 35 deployments). In 2023, the number decreased by 42% with 157 canine requests and 20 deployments. In 2024, we had 184 canine deployments with 48 deployments (two of those resulting in bites).

As previously discussed in 2022-2023 annual reports, the number of deployments were the highest for persons who were considered armed and/or dangerous. 2024 was no different with these criteria being the number one deployment reason and seeing 48 deployments. Because of the ability to deploy UAS, responding emergency personnel were better able to create an environment of de-escalation. Absent the UAS, officers would typically resort to calling out the Entry Team, deploying a canine, or physically clearing the area with a search team for the subject(s). All these options have potential for chance encounters resulting in the possibility of force escalation. These options decrease safety for everyone involved to include the community, subjects being searched for and the officers.

The number of deployments in each category were similar to that of 2022, which saw a similar total number of deployments across the board. A shortcoming can be the lack of usage for missing persons, sideshow and crime scene documentation. ESU has advised Watch Commanders that UAS can be requested during missing person search, especially during at risk missing persons. Additionally, there existed more than five incidents of sideshow throughout the city of Oakland in all of 2024 and Commanders also understand that UAS can be deployed for such incidents. As far as criminal follow-up investigations as they relate to homicides, shootings and fatal hit and run collisions, investigators have been advised to reach out to their respective commanders if they believe the deployment of a UAV can assist in video recording of the incident through aerial view.

A sample below outlines just a few of the successful UAS deployments that provided officers increased safety and conditions for de-escalation:

1. *OPD VCOC units located a robbery and shooting suspect in the parking lot of 2166 E 27th St. The suspect and his associates attempted to evade police detention. A UAV was deployed, providing real-time visual intelligence that firearms were discarded into nearby yards. The UAV also provided overwatch and cover, aiding officers in apprehending two suspects and recovering three firearms. (RD#24-002525)*
2. *San Leandro Police Department tracked an armed carjacking vehicle from Oakland to the City of Oakland. Four suspects exited the stolen vehicle near High St. and Porter St. and fled in a secondary vehicle. The secondary vehicle was disabled using spike strips, prompting three occupants to flee on foot while one remained inside. Three of the fleeing suspects were later arrested, while the fourth barricaded himself in a backyard. A UAV was deployed, locating the suspect lying on the ground, leading to his apprehension. (RD#24-017688)*
3. *Berkeley Police Department engaged in a pursuit of a vehicle involved in an armed robbery, which fled to Oakland. The suspects crashed near Harrison St. and Pearl St. and fled into a nearby backyard. UAVs were deployed to search for armed suspects and provide overwatch for the search team. One suspect was located and apprehended in connection with the armed robbery. (RD#24-021444)*
4. *Officers located an occupied armed carjacking vehicle, which was covertly followed by plainclothes officers and OPD Air Support (ARGUS). When the driver exited to enter a store, he was detained. Meanwhile, the passenger moved into the driver's seat and fled in the vehicle. Three remaining occupants fled on foot near E 32nd St. and Randolph Ave. One suspect barricaded himself in a nearby yard. UAVs were deployed to locate and apprehend the suspect. (RD#24-032010)*
5. *OPD specialized units executed a high-risk search warrant at an illegal gambling operation near 1400 17th Ave. The occupants were suspected of involvement in multiple recent shootings. A surround-and-call-out operation was conducted, resulting in nine individuals being detained—eight of whom were found barricaded in an attic. UAVs provided aerial intelligence and cover for officers. Interior UAVs and the Avatar ground robot were deployed to search the residence before officers entered. A pole camera was used to survey the attic layout and monitor suspect movements. (RD#24-050408)*
6. *Officers responded to a reported shooting inside a residence near 2200 82nd Ave. The victim reported that their neighbor discharged a firearm following a physical altercation. When officers attempted to negotiate a peaceful surrender, the suspect barricaded himself inside, threatening to kill both himself and officers if police attempted entry. A full tactical operations callout was initiated. UAVs and ground robots were deployed to clear and search the residence. ESU operators located the suspect hiding in a bedroom, leading to his safe apprehension. (RD#24-060405)*
7. *Police specialized units assisted patrol officers in locating an armed carjacking vehicle minutes after the initial dispatch call. Plainclothes officers followed the vehicle from 38th St. and West*

*St. to Fairmount Ave. and Frisbie St., where two suspects fled on foot into yards behind the 2900 block of Broadway. A perimeter was quickly established with patrol officers. An exterior UAV detected a heat signature in a creek behind 2900 Broadway. Officers confirmed the heat signature to be one of the suspects, who was safely taken into custody. A firearm was recovered along the suspect's flight path. (RD#24-060835)*

8. *OPD Ceasefire officers located a suspect who had previously fired at plainclothes officers. With assistance from the U.S. Marshals, a search and arrest warrant was executed at the suspect's associated residence. UAVs were deployed to search the interior, where the suspect was ultimately located and taken into custody. (RD#24-063749)*

As UAS deployments increase in response to demands from calls for service, the OPD expects continuous positive outcomes from the use of this technology.

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

There was one UAS PRR request in 2024. There was one in 2022 and zero in 2023.

- PRR 24-8854 (2024)
- PRR 22-3024 (2022)

- 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

The UAS unit currently has 1 Lieutenant, 2 Sergeants and 17 Officers. These members engage in 240 hours of training annually to ensure compliance with Department policy and FAA regulations. The member's training is conducted during their regular scheduled shifts, when possible, minimizing costs. Offices not assigned to specialized units and working patrol will normally have to backfill for themselves, which can create overtime costs. Adjusting for top rate salary, the training is estimated to cost \$282,621.60 (for 17 top step officers), \$38,361.60 (for 2 sergeants) and \$22,185.60 (for 1 Lieutenant).

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

In 2023 there were slight modifications to the DGO I-25 due to Assembly Bill (AB) 481 which required California law enforcement agencies to obtain approval of a Military Equipment Use Policy. City of Oakland Police Commission and OPD reviewed the policy and provided minor edits and additions. The Police Commission and Public Safety approved the changes.

OPD is committed to providing the best services to our community while being transparent and instilling trust through constitutional and procedurally just policing. This report follows these OPD commitments. OPD hopes that this report helps to strengthen our trust within the Oakland community.

Respectfully submitted,

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Floyd Mitchell, Chief of Police,  
OPD, Office of Chief of Police

Casey Johnson, Deputy Chief  
OPD, Bureau of Field Operations 2

Reviewed by,

Prepared by:  
Omar Daza-Quiroz, Acting Captain  
OPD, Special Operations Division

Tracey Jones, Police Services Manager  
OPD, Research and Planning Unit



**U.S. Department of Justice**

**Bureau of Alcohol, Tobacco,  
Firearms and Explosives**



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[www.atf.gov](http://www.atf.gov)

**Addendum to Task Force Agreements Pertaining to Body Worn Cameras**

This addendum supplements the agreement between the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the partner agency establishing an ATF sponsored Task Force. Pursuant to the Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force Officer Use of Body-Worn Camera (BWC) Policy, the partner agency has advised ATF that it will require its deputized officers participating in the Task Force to use Body Worn Cameras (BWCs). This addendum governs that use.

The parties hereby agree to the following:

- I. TFOs will adhere to ATF's Standard Operating Procedures for Task Force Officer Body Camera Program, and other applicable ATF policies and procedures.
- II. The partner agency confirms that prior to executing this agreement it has provided to ATF details regarding the BWC system and cameras, including the details of any system protections, and any state or local policies or laws applicable to the TFO's use of BWCs, including any retention policies as detailed in Attachment 1 – Agency Checklist.
- III. Use of BWCs During ATF Federal Task Force Operations:
  - A. Deputized Task Force Officers (TFO) through the Joint Law Enforcement Operations (JLEO) Program will be allowed to wear and activate their recording equipment with BWCs for the purposes of recording their actions only during:
    1. A planned attempt to serve an arrest warrant or other planned arrest; or
    2. The execution of a search warrant.
  - B. TFOs are authorized to activate their BWCs upon approaching a premises or a subject, and must deactivate their BWCs when the scene is secured as determined by the federal supervisor on the scene as designated by the ATF.

1. For purposes of this agreement, the term “secured” means that the scene is safe and under law enforcement control.
  2. In the event circumstances arise requiring additional law enforcement assistance to secure the scene, the TFO will end BWC recording when relieved from the scene by another law enforcement agency.
  3. If there are unanticipated interactions with the public or other exigent circumstances, such as contentious or violent interactions that could lead to the use of force, TFO’s will, if and when it is safe to do so, reactivate their BWC either before, during, or after a planned arrest or execution of a search or seizure warrant or order.
  4. For the execution of a search warrant, BWCs should not be used for searches of property lawfully in government custody or control, or a search to obtain digital or electronic records executed by a third party, such as an electronic service provider or custodian of electronic records.
- C. TFOs will follow the provisions set forth in this agreement for use of BWCs, and the provisions of this agreement will supersede any conflicting provision in the agency’s policy for TFOs while serving on the ATF Federal Task Force.
- D. TFOs may use BWCs in accordance with this policy anywhere they are authorized to act as a police or peace officer under state, local, territorial or tribal law.
- E. TFOs may use only agency-issued and agency-owned BWCs. TFOs will not be allowed to use any privately owned BWC or other recording device of any kind.
- F. In the event a TFO’s BWC is not working or inoperable due to a technical problem or cannot be used due to physical damage, and, in the judgement of the Task Force supervisor, delaying the operation to repair or obtain a replacement BWC is not practical or would impair the operation, the TFO may participate in the operation without using a BWC.
- G. Even when BWC use would be permissible in the circumstances set forth in Section III A above, TFOs are prohibited from recording:
1. Undercover personnel;
  2. Confidential informants or confidential sources;
  3. On-scene witness interviews prior to or after the operation;
  4. Personnel using specialized investigative techniques or equipment; or
  5. Actions by any non-law enforcement persons at the scene who are assisting law enforcement personnel prior to or after the operation.
- H. Even when BWC use would be permissible in the circumstances set forth in Section III A above, TFOs are prohibited from activating their BWC if in the judgment of the ATF the cases involve:



1. National security (including international and domestic terrorism investigations or cases involving classified information);
  2. Public corruption;
  3. Medical facilities; or
  5. Other sensitive investigations as determined by ATF.
- I. Even when BWC use would be permissible in the circumstances set forth in Section III A above, TFOs shall not use BWCs to record any activities related to:
1. Specialized or sensitive investigative techniques;
  2. In a sensitive area; or
  3. An undercover or covert status on behalf of the ATF Federal Task Force.
- IV. Partner Agency Internal Controls:
- A. Partner Agency Chief/Sheriff or a Departmental Designee will serve as a point-of- contact (POC) for ATF on BWC matters.
  - B. The partner agency will notify ATF of any change in state or local law that will modify how ATF TFOs must use BWCs or will affect release or redaction of BWC recordings from TFO BWCs made while working under federal authority on behalf of ATF (“TFO BWC recordings”), see Appendix A.
  - C. The partner agency will notify ATF of any change in agency policy that will affect the storage, release, or redaction of TFO BWC recordings.
  - D. The partner agency will familiarize ATF Task Force personnel on the BWCs, specifically concerning their capabilities and operation during task force activities.
- V. Handling of BWC Recordings Made During Task Force Operations:
- A. For purposes of this agreement, the term “TFO BWC recordings” refers to audio and video recordings, and associated metadata, from TFO BWCs made while the TFO is working under federal authority.
  - B. In accordance with current agency policy and practice, the partner agency will provide full, un-redacted copies of TFO BWC recordings to ATF within 72 hours unless approved in writing by the ATF SAC.
  - C. TFOs will document BWC use and the existence of BWC recordings in the Report of Investigation (ROI). The TFO will include in the ATF ROI a statement attesting that the data provided is a fair and accurate copy of the data recorded by the BWC.

D. All TFO BWC recordings made during ATF Federal Task Force operations, including such recordings retained by the the partner agency and/or in the possession of any third party engaged by the partner agency to store or process BWC recordings, shall be deemed federal records of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (DOJ/ ATF) pursuant to the Federal Records Act.

E. Internal Dissemination:

The TFO's partner agency is authorized to use TFO BWC recordings for internal investigations of its personnel consistent with the partner agency's policies and procedures, not involving dissemination outside the partner agency or public release. The parent agency shall provide written notification to ATF prior to any internal review.

F. Expedited Public Release:

All TFO BWC recordings made during ATF Federal Task Force operations are federal records and shall be retained and disseminated in accordance with all applicable federal laws, policies and procedures including the Federal Records Act, Freedom of Information Act, and/or the Privacy Act. All TFO BWC recordings made during ATF Federal Task Force operations will be provided to ATF. The Department will work to expedite the public release of BWC recordings depicting conduct resulting in serious bodily injury or death of another consistent with DOJ policies and subject to any redactions as appropriate. If a TFO partner agency plans to release TFO BWC recording(s) from a BWC issued by the partner agency that depict conduct committed solely by a TFO resulting in serious bodily injury or death of another, the TFO's partner agency shall notify ATF, providing as much advance notice as possible as to the time and manner of its release. Following the notification, the TFO's partner agency may release such recording(s), subject to any redactions as appropriate.

If a TFO partner agency plans to release TFO BWC recording(s) from a BWC issued by the partner agency that depict conduct committed solely by an ATF agent resulting in serious bodily injury or death of another, the TFO's partner agency shall notify and coordinate the release with ATF, providing as much advance notice as possible as to the time and manner of its release. Following the notification, the TFO's partner agency may release such recording(s), subject to any redactions as appropriate.

G. In all circumstances, TFO BWC recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with enforcement proceedings, and as potential evidence in a federal investigation, subject to applicable federal laws, rules, and policy concerning

disclosure or dissemination (including but not limited to 28 C.F.R. Ch. 1, Pt. 16, Subpart B, "Touhy", absent appropriate redaction prior to disclosure or dissemination). Accordingly, these recordings are deemed privileged absent appropriate redaction prior to disclosure and may be entirely exempt from public release under federal laws, rules and policies.

- H. If a TFO BWC recording involves a use of force incident to include: a shooting incident, any incident involving serious bodily injury or death, or where any enforcement action by ATF resulted in the use of force or deadly force; physical assault or attempted physical assault on a Law Enforcement Officer; intentional damage to any facility, conveyance or any property owned by ATF, or involves another time-sensitive or urgent situation, the partner agency will provide ATF copies on an expedited basis, including during non-business hours. For purposes of this provision, use of force incidents include, but are not limited to, incidents utilizing intermediate weapons, i.e., TASERS, expandable batons, kinetic energy projectiles, emergency/improvised intermediate impact weapons, such as, a flashlight or radio; any use of force resulting in serious injury or death; canine bites resulting in penetration of human skin; and all shooting incidents.
- I. The partner agency will provide witnesses as needed to authenticate TFO recordings in ATF cases.
- J. The partner agency will inform ATF of the length of time TFO BWC recordings will be retained by the agency before deletion. The partner agency will honor any request by ATF to retain the TFO BWC recordings for a longer period of time.
- K. The partner agency will notify ATF immediately of any unauthorized access to TFO recordings discovered by the agency.
- L. The partner agency will cooperate fully with ATF in the investigation of any unauthorized access to or disclosure of TFO recordings, including providing ATF the name(s) of any agency personnel determined by the agency to be involved in unauthorized access, copying, or disclosure.
- M. The partner agency's failure to comply with any part of this addendum may result in immediate termination of the Task Force Memorandum of Understanding.
- N. The partner agency will notify ATF as soon as possible regarding any request or demand for release or disclosure of TFO recordings, including but not limited to subpoenas, discovery demands or motions, open record/freedom of information requests, media requests, or union or other professional association requests.

ATF and the partner agency agree to the provisions set forth in this agreement.

\_\_\_\_\_  
Printed Name of Special Agent in Charge

\_\_\_\_\_  
Signature of Special Agent in Charge

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Partner Agency  
Representative and Name of Partner Agency

\_\_\_\_\_  
Signature of Partner Agency Representative    Date

**OR**

Due to state and/or local law(s) requiring recording outside the parameters of this agreement, ATF and the partner agency agree to the provisions set forth in this agreement along with the revised language detailed in, *ATF TFO BWC MOU Addendum-Appendix A*.

\_\_\_\_\_  
Printed Name of Special Agent in Charge

\_\_\_\_\_  
Signature of Special Agent in Charge

\_\_\_\_\_  
Date

*Floyd Mitchell*

\_\_\_\_\_  
Printed Name of Partner Agency  
Representative and Name of Partner Agency

*Floyd Mitchell* 3-24-25

\_\_\_\_\_  
Signature of Partner Agency Representative    Date

Attachment: ATF TFO BWC MOU Addendum-Appendix A



## Bureau of Alcohol, Tobacco, Firearms and Explosives

### Body Worn Camera Program

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#### TFO BWC MOU ADDENDUM

##### Appendix A

The following is controlling guidance for situations that may affect a Task Force (TF) partner agency regarding the TFO (Task Force Officer) BWC (Body Worn Camera) MOU (Memorandum of Understanding) Addendum. This guidance is issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Body Worn Camera Program (BWCP) and ATF Office of Chief Counsel (CC):

- **Review Boards/Other Public Dissemination:** If an agency is under a consent decree or otherwise required by statute, law, or agreement to disclose BWC footage to a review board, that entity and their access to the agency BWC and the qualifying events or incidents that are the subject of the agreement will be described in a letterhead memo that the ATF will keep in the BWC MOU tracking system. The memo should include the timeline for that board to receive the footage, if their access to an agency BWC Video Retention System is direct or indirect, and whether the review board has independent/unilateral public disclosure authority. This information will assist the ATF Chief Counsel in determining what timeline they may be under to perform agency review if a qualifying incident occurs where TFO and/or ATF BWC footage has been recorded.
- **State/Local Law(s):** If state law or statute requires recording outside the parameters of ATF TFO BWC MOU Addendum, the agency will provide that information and a copy of the legal justification to the ATF BWCP. Any recording of events outside of the TFO enforcement action (i.e., medical facilities, prisoner transport) should be separated if possible. This separation can be achieved by deactivating the recording of the TFO BWC prior to re-activation of recording upon the start of an ATF enforcement action, and/or deactivating the recording of the TFO BWC when a scene is concluded and secure. The TFO can then reactivate recording when the officer is operating under their agency policy alone for a non-TFO agency responsibility. When separate recording(s) are possible, ATF will receive only the enforcement BWC recording. If deactivation and reactivation of recording are not feasible or are not permitted by state law, the entire recording will be shared with ATF with the understanding that ATF will, if necessary, redact the entire portion of any recording that shows the TFO performing an agency duty where they are not operating under the ATF Task Force (TF) MOU parameters for enforcement actions. If a partner agency TFO BWC has the technical capability to apply a marker during a recording, the TFO will apply the marker at the beginning and end of the enforcement action, if feasible.
- **Short term operations:** Any TF partner agency not covered by an existing executed ATF TFO BWC MOU Addendum and any non-partner state, local, federal, or tribal agency are authorized to utilize their BWC during an ATF short term operation or ATF led national initiative after agreeing to share any BWC footage obtained during the operation with the ATF upon request. Any BWC footage of a critical incident such as an Officer Involved Shooting or other use of force leading to death will be shared as soon as possible after the incident. Other footage will only be requested if the ATF has a mission-related requirement that can only be supported by receipt of the BWC recording from the BWC agency.

# ATTACHMENT 1

## Standard Operating Procedures for Task Force Officer Body-Worn Camera Program

### ATF TASK FORCE OFFICER BODY-WORN CAMERA AGENCY CHECKLIST

*\*Complete separate checklist for each agency employing task force officers that will use body-worn cameras (BWC). Attach additional sheets if necessary.\**

Date: 03/13/2025

ATF Division	Task Force	State/Local Agency
San Francisco	Crime Gun Enforcement Team	Oakland PD
Person Completing Checklist		
Name	Phone Number	Email Address
Abel Alcantar	916-220-9808	aalcantar@oaklandca.gov

A. State & Local Legal Authority		
List and attach any state or local laws applicable to BWCs or impacting BWCs (e.g., open records laws, legal retention requirements, etc.); and other pertinent legal guidance (e.g., significant case law, State AG Opinions, etc.). If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
California Penal Code	832.18	Establishes Best Practices for BWC
Cal. Public Rights Act	Ca. Gov. Code 7920.000 et seq.	See Gov. Code 7926.600-625 re law enforcement records; 7927.705 recognizing federal and state laws
SB1421 & SB16	Cal. Penal Code 832.5, 832.7, 832.8	Addresses police personnel records
	Iloh v. Regents of univ. of California, (2023) 87 Cal. App. 5th 513, 524	Permits federal agency to file "reverse" public records action if adversely affected by proposed disclosure
B. TFO Partner Agency Policies		
List and attach any policy, procedure, or other written directive from the TFO's partner agency applicable to TFOs' use of BWCs. Include any union or other labor agreement requirements regarding BWCs applicable to TFOs. If none, enter "N/A." Add additional rows as necessary.		
Title	Cite	Comments
Oakland Police Departmental General Order	I-15	"Officers deputized as federal task force officers (TFO) shall follow the applicable Federal Law Enforcement agency guidelines for BWC use while conducting federal task force operations and investigations."



**Answer the following questions, including any applicable citation (e.g., state or local law, agency policy, vendor contract, etc.).**

***C. BWC System***

<b>1</b>	Name/model of BWC used by agency? Attach technical specifications.	Axon Body 3
<b>2</b>	Internal storage of recordings or external with a 3 <sup>rd</sup> party vendor? If a 3 <sup>rd</sup> party, identify the vendor, attach contract.	External with Axon.
<b>3</b>	Does the BWC system include a “buffer” or “pre-record” function, or a “post-record” function? If so, state the length of the buffer/pre-record and/or post-record, and whether it is audio only or both audio and video.	yes, 30 second (No audio, just video)
<b>4</b>	Can the system be configured to give designated ATF personnel direct access to view and copy TFO recordings at the ATF office?	Yes
<b>5</b>	Will ATF need specialized software or equipment to view recordings? If so, specify.	Cloud based, Internet access is required.
<b>6</b>	Will ATF need specialized software or equipment to copy recordings? If so, specify.	No
<b>7</b>	Does the system have an audit function that will identify persons who accessed, downloaded, or copied recordings?	Yes
<b>8</b>	How will ATF cases be identified in the agency’s system?	They will be labeled TFO
<b>9</b>	What metadata can be obtained from BWC recordings?	Time and date
<b>10</b>	How long will recordings be preserved in the agency’s system? Attach any agency retention schedule, and note whether it is mandated by state /local law or agency policy only.	2 years unless required for criminal, admin, research, civil litigation, training. No recordings shall be deleted while request for recording is pending.
<b>11</b>	Does the BWC system allow restriction of BWC recording access to specific persons within the agency?	Yes
<b>12</b>	How does agency handle inadvertent/accidental recordings?	Respective member may request that the BWC files be deleted. Or they can be tagged accidental.
<b>13</b>	How does agency handle requests to delete BWC recordings?	Submit email for request to first level commander with sufficient informaiton to locate he BWC files.
<b>14</b>	Will the TFO be able to charge the BWC and/or download/upload the recordings into the agency’s BWC system at the ATF task force office?	Yes
<b>15</b>	Does the BWC have a GPS function? If so, is the function available to the TFO, and what is the agency’s policy regarding use of GPS? Can it deactivated on TFO BWCs?	No

16	Does the BWC have a “live stream” capability? If so, is the function available to the TFO, and what is the agency’s policy regarding use of “live streaming” with BWCs? Can it deactivated on TFO BWCs?	No
17	Does the agency utilize facial recognition technology with BWC recordings?	No
18	Provide an agency point-of-contact who can provide information regarding system security and protections, and location and security precautions of data storage facilities. <b>*Do not attach this information.*</b>	Officer Dave Pullen dpullen@oaklandca.gov

<b><i>D. BWC Use</i></b>		
<b>1</b>	Are there any exceptions under agency policy to the requirement to record search warrant executions or arrests?	Yes
<b>2</b>	What is the agency's policy regarding BWC recording of Confidential Sources?	Members shall not intentionally use the BWC to record during any meetings with a Confidential Informant as defined in DGO O-04, Informants.
<b>3</b>	Does agency prohibit BWC recording in any specific situations? If so, list.	Yes, Shall not intentionally record personal conversation between members without knowledge. Shall not use in restrooms or private locker rooms, changing room
<b>4</b>	Under agency policy, are there circumstances when a supervisor may direct the officer to record or not record?	Yes
<b>5</b>	What is the agency's policy regarding citizen notification of BWC recording?	None
<b>6</b>	If the TFO's BWC is inoperable does the agency's policy permit the TFO to participate in enforcement activities if a replacement is not readily available?	Absent exigent circumstances, no. Broken or non-functional camera can be assigned a replacement.

<b>E. Law Enforcement Access to BWC Recordings</b>		
<b>1</b>	Are officers allowed to review BWC recordings before writing reports? Giving statements? <ul style="list-style-type: none"> <li>If so, are they allowed to view only recordings from their own BWC, or are they allowed view BWC recordings from other officers?</li> </ul>	Yes and yes.
<b>2</b>	If officers are allowed to review recordings are there any exceptions? If so list the exceptions, e.g., internal investigations, critical incidents (e.g., officer-involved shooting (OIS), use of deadly force, etc.)?	Level 1 investigation, Criminal investigation of a member, and administrative investigation of a member.
<b>3</b>	Who in the partner agency will have access to TFOs' BWC recordings involving ATF/federal cases?	Supervisors and above
<b>4</b>	Does agency restrict access to BWC recordings involving a critical incident (e.g., OIS)? If so, who has access in those situations?	For OIS BWC recordings are restricted to the investigators involved and supervisors.
<b>5</b>	Will members of the partner agency be able to identify ATF cases in the BWC system? How?	Yes. They will be labeled as such.
<b>6</b>	Does the agency require random or directed supervisory review/audit of officer videos for policy compliance or other issues? If so, will this include TFO recordings of ATF cases?	Yes and Yes.
<b>7</b>	Will non-law enforcement employees of the partner agency or municipality have access to ATF BWC recordings, e.g., IT? If so, are they CJIS-compliant (e.g., CJIS background checks)?	Yes and Yes.
<b>8</b>	Are officers allowed to make copies of BWC recordings, or must they obtain recordings from someone else within the agency?	Yes
<b>9</b>	Are officers allowed to possess copies of recordings outside the police facility, or retain possession of copies for personal use?	No.
<b>10</b>	Does the agency have a policy prohibiting sharing of recordings outside of law enforcement for non-official reasons?	Yes.
<b>11</b>	Does the agency have a policy prohibiting the posting of BWC recordings to the Internet, social media sites, or the media for non-official purposes?	Yes.
<b>12</b>	Does the agency have a policy prohibiting officers from wearing or using privately owned BWCs or any other non-issued BWC?	Yes, only issued body cameras are allowed.
<b>13</b>	Do any other law enforcement entities or personnel have direct access to recordings, e.g., prosecutor's office?	Yes, DA's office

<b>14</b>	<p>Does the partner agency investigate TFO-involved shootings (or other TFO-involved events involving death or serious injury), or is this done by another agency? If another agency:</p> <ul style="list-style-type: none"> <li>• Identify the agency.</li> <li>• Is there an agreement, policy, or protocol in place with the agency for handling these situations? If so, attach.</li> </ul>	<p>OPD and CPRA investigate, per Charter Sec. 604(f) and OMC 2.46.030.</p>
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<b>F. External Access to BWC Recordings</b>		
<b>1</b>	<p>How does the agency handle external requests for BWC recordings?</p> <ul style="list-style-type: none"> <li>• Criminal discovery, subpoenas?</li> <li>• Civil/administrative discovery, subpoenas?</li> <li>• Open record/freedom of information requests?</li> <li>• Media requests?</li> <li>• Union requests? Is there an agreement with the union regarding union disclosure of BWC recordings? If so, attach copy.</li> </ul>	<p>Discovery requests and subpoenas are processed in consultation with the City Attorney under applicable federal and state laws. Public records requests – including media and union requests – are processed in accordance with state and local laws, as well as DGO M-9.1, Public Records Access.</p>
<b>2</b>	<p>If the agency uses a 3<sup>rd</sup> party vendor to store recordings:</p> <ul style="list-style-type: none"> <li>• is security of or access to recordings addressed in the contract?</li> <li>• are background checks of vendor employees addressed in the contract?</li> </ul> <p>If so, attach copy.</p>	<p>Yes</p>
<b>3</b>	<p>How does the agency handle redaction of BWC recordings prior to public release?</p>	<p>OPD redacts BWC consistent with state and local laws.</p>

<b>A. State &amp; Local Legal Authority (cont.)</b>		
<b>Title</b>	<b>Cite</b>	<b>Comments</b>
Oakland Sunshine Ord.	O.M.C. 2.20.220.D	[attached]
	O.M.C. 9.64	Oakland Surveillance Technology law [attached]
	Oakland Reso. 90193 C.M.S.	City Records Retention Schedule [attached]
	Cal. Penal Code 832.18	State minimum standards re downloading, storage, retention and sharing of BWC.
AB 1506	Cal. Gov. Code 12525.3	Requires Cal DOJ to investigate peace officer OIS resulting in death of unarmed civilian.
SB 2	Cal. Penal Code 13510.8 et seq.	Requires reporting to state of "serious misconduct" including excessive or unreasonable force; investigating agency may inspect any physical or documentary evidence.





## CONTRACTS/AGREEMENTS/GRANTS TRACKING FORM

Received Date: \_\_\_\_\_

### Contracts and Compliance

This is your Work Order 16238 confirmation. Submitted on 12-07-2021

You have till the end of the business day to submit your documents to the office of Contracts and Compliance at 250 FHO Building, 3rd. Floor, Suite 3341.

**\*\* Please print this copy and attach to your document submittal. \*\***

(All Work Order submitted after 2:00 PM of a business day will be processed on the next work day)

#### Date Submitted

12-07-2021

Work Order Number - 16238

Contact Department - Police Department

Resolution Number - 88825

Contract Title - Axon Enterprise, Inc.

Recipient - Axon Enterprise, Inc.

Description - For Equipment and Related Support Services (BWC)

Amendment - No

Amendment No. - 0

Amended Contract Amount - \$8,192,525.00

Total Amount - \$8,192,525.00

Start Date - 01-01-2022

End Date - 12-31-2026

Due Date - 12-07-2021

#### Date Contract Signed -

Dec 10, 2021

When retrieving your signed contracts, please print your name and date at the bottom of this document and leave it with Contracts and Compliance.

#### Received By:

*Gaspar Montoya*

Dec 10, 2021

#### Received Date:

*Paula Pear*

Paula Pear (Dec 8, 2021 17:34 PST)

#### Initial Review By:

Dec 8, 2021

#### Date:

*Deborah Lusk-Barnes*



City of Oakland

## SCHEDULE T

### CONTRACT SUMMARY TRANSMITTAL\*

FOR USE BY ALL CITY AGENCIES AND DEPARTMENTS FOR PROCUREMENT, CONSTRUCTION AND PROFESSIONAL SERVICES CONTRACTS

1. Agency: Oakland Police Department Department: Police Information Technology
2. Project Name: Axon- Body Worn Camera (BWC) Project Amount: \$8,192,525.00
3. Budget / Funding: ( \*\* Multiple Funding Sources - Complete Additional Funding Section on Page 2 )  
Fund #: 1010 Org #: 106410 Account #: 54919 Project #: 1000008 Program #: PS01 Encumbrance Amount \$: \_\_\_\_\_
4. Project Manager / Responsible Employee Name: Lt. Joseph Turner  
Title: Research and Planning Section Phone: 510-238-4476 email: JTurner3@oaklandca.gov
5. Supervisor / Direct Report or Alternate Employee Contact:  
Name: Deputy Director, Kiona Suttle Phone: 510-238-6971 email: KSuttle@oaklandca.gov
6. Consultant / Contractor Name: Axon Enterprise- Ben Rubke, National Director  
Address: 17800 N. 85th Street, Scottsdale, AZ 85255 Phone: 415-314-9573 email: brubke@axon.com
7. Type of Contract (Mark X): Professional Service: ☐ Construction: ☐ Commodities: ☐ Technology: ☒
8. Statement of Contract Goal / Purpose: Body worn cameras, electronic control weapons, cloud storage for BWC storage system.
9. Actual or Estimated Notice To Proceed (NTP) Date: 01/01/2022 Estimated Completion Date: 12/31/2026
10. Resolution Number: 88825 Resolution Date: 09/21/2021
11. Location of the Contract Documents: OPD- 455 7th Street, Oakland, Ca. 94607 and City Clerk

**THIS PORTION MUST BE COMPLETED BY THE AGENCY / DEPARTMENT AND/OR THE PROJECT MANAGER**

Insert language below regarding the evaluation of performance and/or audit requirements. For example: This contract is subject to an independent audit initiated by the City of Oakland and/or this contract will be evaluated quarterly according to the deliverables defined below.

Please attach separate sheets if required.

Performance, Inspection, Fiscal Reporting and Audit Requirements	
Performance Evaluation:	
Inspection Requirement:	
Fiscal Reporting Requirement:	
Audit Requirement:	

Deliverables	Date Due	Completion Date	Responsible Source (Prime, Sub, Supplier, Other)	Performance
1				
2				
3				

City Representative: <u>Gaspar Montoya for Lt. Joseph Turner</u> <small>(Please Print)</small> City Representative Signature: <u><i>Gaspar Montoya</i></u>	Date: <u>12/1/2021</u>
City Clerk: <u>Nai Phan</u> <small>(Please Print)</small> City Clerk Signature: <u><i>Nai Phan</i></u> <small>Nai Phan (Dec 10, 2021 11:17 PST)</small>	Date: <u>Dec 10, 2021</u>

\* Must be attached to the signed Contract / Agreement and the First and Final (last) Payment Requests.

## CONTRACT SUMMARY TRANSMITTAL PROCEDURE

**Note:** This Contract Summary Transmittal form must be completed and attached to the signed Contract / Agreement

**Note:** Agency / Department - Project Managers are responsible and must ensure:

Contract Compliance and Employment Services performed the following:

- 1) Compliance Analysis
- 2) Equal Benefits Determination
- 3) Living Wage Determination



**Note:** Before submission of a Contract:

Schedule M (Part A and B) must be submitted to the City Attorney's Office for written approval

- 1) Consultant / Contractor must complete Schedule M – Part A
- 2) The City Agency / Department must complete Schedule M - Part B

**Note:** A photocopy of the completed Contract Summary Transmittal form must be attached to the first and final payment request:

- 1) Photocopy the front and back of the completed Contract Summary Transmittal form
- 2) Photocopy must be attached to the back-up documentation, on the first payment request and on the final payment request that is submitted to the Finance and Management Agency / Accounts Payable Section

Contract Transmittal Procedure	Date Received	Received Initials	Date Returned	Returned Initials
Contract: Send to the City Attorney's Office for First Review				
Contract: Send to the Consultant / Contractor				
Contract: Send to the City Attorney's Office for Final Signature	Dec 9, 2021	<u>T.S.</u> T.S.	Dec 9, 2021	<u>T.S.</u> T.S.
Contract: Send to the Agency / Department Fiscal Services to Encumber Funds				
Contract: Send to the Finance and Management Agency / Purchasing Division ***				
Contract: Send to the Agency / Department for Director's Signature				
Contract: Send to City Administrator's Office for Approval (for contracts over \$15,000)	Dec 10, 2021		Dec 10, 2021	
Contract: Send to City Clerk's Office	Dec 10, 2021	<u>NP</u> NP	Dec 10, 2021	<u>NP</u> NP

\*\*\* All Contracts are sent to the Finance and Management Agency / Purchasing Division to ensure the required Funds are encumbered

Funds that are not encumbered may result in a delayed payment to the Consultant and/or Contractor

### \*\*Additional Funding Section

Fund Number	Organization Number	Account Number	Project Number	Program Number	Encumbrance Amount



## DEPARTMENTAL GENERAL ORDER

### **I-15: BODY WORN CAMERA PROGRAM**

Effective Date: 19 DEC 23

Coordinator: Information Technology Unit

The Oakland Police Department (OPD) strives to use technology that promotes accountability, transparency, and public trust. OPD uses a Body Worn Camera (BWC) system to document the actions of sworn members during field operations. OPD seeks to balance the benefits provided by digital documentation with the privacy rights of individuals who may be recorded during legal and procedurally just public interactions.

The intent of this order is to set forth Departmental policy and procedure for the BWC system. OPD has adopted BWC technology because of its usefulness in capturing audio/video evidence and enhancing the Department's ability to conduct criminal investigations, administrative investigations, and review of police procedures and tactics. Failure to adhere to this policy will subject members to discipline.

#### **A. GENERAL PROVISIONS**

##### **A - 1. General Provisions**

The following provisions apply to the BWC program:

- All sworn members shall be assigned a BWC.
- All members assigned a BWC shall wear, carry, and use the BWC in accordance with the provisions of this order.
- All BWC files are the property of the Oakland Police Department.
- The OPD Information Technology Unit is designated as the Custodian of Records for all BWC data files.

##### **A - 2. Specific Prohibitions**

Members shall follow the expressed prohibitions regarding the BWC system:

- Unauthorized use, duplication, editing, and/or distribution of BWC files is prohibited.
- Members shall not delete any BWC file, except as specified in this policy.
- Members shall not remove, dismantle or tamper with any hardware or software component or part of the BWC.
- Members are prohibited from wearing or using personally owned video recording devices in place of, or in conjunction with, an assigned BWC.
- Members shall not intentionally use the BWC recording functions to record any personal conversation of, or between, another member without the recorded member's knowledge.
- Members shall not intentionally use the BWC to record in public or private locker rooms, changing rooms, restrooms, or medical or hospital

facilities, unless there is a legal right to record and a Departmental requirement to record.

- Members shall not intentionally use the BWC to record during any meetings with a Confidential Informant as defined in DGO O-04, *Informants*.

## **B. USE OF BWC**

### **B - 1. Wear Requirements**

Members are required to wear and use their BWC while working any uniformed field assignment. Members working non-field assignments (e.g., Criminal Investigation Division (CID), Training, or Internal Affairs Division (IAD)) shall wear and use the BWC if they go into the field in uniform or wearing uniform equipment (e.g., tac vest) for a law-enforcement assignment.

Uniformed assignments that are strictly ceremonial (e.g., assignments requiring Class A uniform) are exempt from BWC wear and use requirements.

### **B - 2. BWC Placement**

The position of the BWC may impact the clarity and sound of video files and could limit the quality of video and audio collected. Members required to **wear the BWC shall position and securely attach the BWC to the front of their uniform or uniform equipment**, as the primary recording location, to facilitate recording.

The BWC may be temporarily moved from the primary location to facilitate recording the encounter. This includes, but is not limited to, putting the BWC facing the rear of the patrol vehicle when a person is detained inside, setting the BWC in a static position to enhance safety or allow for distance from an engaged person, or moving the BWC to better focus on the key components of the incident.

Once the situation necessitating movement of the BWC has been resolved, the BWC shall be returned to the primary recording location as soon as practical.

### **B - 3. Carry Requirements**

Members working non-field assignments shall have their BWC easily accessible to them any time they go into the field for law enforcement assignments (e.g., to serve a search or arrest warrant), and activate it pursuant to section B-8, Required Activations.

### **B - 4. Undercover, Plainclothes, and Task Force Officer (TFO) Requirements**

Undercover or plainclothes members are not required to wear or carry a BWC unless they are wearing a police uniform or uniform equipment that identifies them as a law enforcement officers.

Officers deputized as federal task force officers (TFOs) shall follow the applicable Federal Law Enforcement agency guidelines for BWC use while conducting federal task force operations and investigations.

#### **B - 5. Function Check and Power On Prior to Shift**

Members utilizing a BWC shall test the BWC and have the BWC powered on in an allowed mode (see B-7, below) prior to every shift, to include ensuring that the BWC battery is fully charged.

If a member's camera is not functional, is not charged, or breaks during the shift, members shall – absent exigent circumstances – notify their supervisor, turn in a broken or non-functional camera, and be assigned a replacement camera by a supervisor or authorized user as soon as possible.

#### **B - 6. Signal Device Function Checks**

Members shall test all equipped signal devices (e.g., Axon Signal sidearm or Taser 7 Electronic Control Weapon [ECW]) prior to each shift to ensure the devices properly activate the BWC. All tests shall be conducted in a safe location and manner:

- Signal sidearm tests shall be done such that the firearm is partially removed from the holster only to the degree where the signal device recognizes the unholstered firearm; and
- Taser 7 ECW tests shall only be done on the safety switch signal trigger.

#### **B - 7. Allowed BWC Modes for Field Use**

Members shall have their BWC powered on while in the field. The following modes shall be used during fieldwork:

##### *Sleep Mode*

The BWC is in sleep mode when the camera is powered on and specifically switched to sleep mode. Sleep mode allows for immediate recording of events with the event button but does not have the 30-second buffer or automatic activation via signal technology.

Sleep mode is authorized for:

- Members who are at police or government facilities (e.g. Police Administration Building (PAB), Eastmont substation (EMM), transportation parking lot), if they are not in contact with detainees or arrestees;
- Members who are in the field on breaks (e.g., 908A and 908B) and are not in contact with detainees or arrestees;
- Members in non-uniformed assignments who are carrying a BWC in the field (refer to B-3), and
- At the direction of a commander or supervisor, including but not limited to debriefs or purely administrative functions.

##### *Ready Mode*

The BWC is in the ready mode when the camera is powered on and the 30-second buffer is active. Members shall have the BWC in ready mode while in the field unless sleep mode is authorized by this policy.

#### **B - 8. Body Worn Camera Activation Defined**

Activation is defined as initiating the audio and visual recording capabilities of the BWC, either by the member utilizing the event button or via automatic trigger (i.e. blue-tooth signal technology).

When the BWC is staged in Ready Mode it is passively recording video at all times. When the BWC is activated, it saves a video-only (no audio) clip of the 30-second period prior to activation.

#### **B - 9. Required Activation**

Members wearing a BWC shall activate it **prior to** participating in any of the following circumstances:

1. Contacts with a person to confirm or dispel a suspicion that the person may be involved in criminal activity as a suspect;
2. Detentions and arrests;
3. Actively searching<sup>1</sup> for a person or vehicle to detain or arrest them for criminal activity. Examples of actively searching include the following but are not limited to;
  - Searching a yard, building, or area for a criminal suspect;
  - Searching a nearby area after a crime has just been committed in hopes of detaining the suspect.
4. Assessment or evaluation for a psychiatric detention pursuant to Welfare and Institutions Code § 5150;
5. Engaging in or trailing a vehicle pursuit<sup>2</sup>, as defined in DGO J-04, *Pursuit Driving*;
6. Serving a search or arrest warrant;
7. Conducting any search of a person or property;
8. Escorting a detained or arrested person who is in custody at a police facility (e.g., from a patrol vehicle to an interview room or from the interview room to the restroom);
9. Transporting by vehicle any detained or arrested person (members working as the prisoner wagon transport officer may deactivate their BWC

<sup>1</sup> Actively searching does not include routine patrol or officers being on general alert for criminal suspects, BOLO vehicles, or hot sheet vehicles during their routine duties.

<sup>2</sup> DGO J-4, II A



during transport if they are transporting persons in the separate video-recorded prisoner wagon compartment);

10. Following incidents where a department member is involved in a vehicle collision while utilizing a department vehicle, the member is wearing or carrying a BWC, and it is practical and safe to do so
11. When conducting any photographic<sup>3</sup> or in-person<sup>4</sup> line-up that is not recorded by some other means (e.g., interview room camera system);
12. Whenever taking any enforcement action or when ordered to activate their BWC by a supervisor or commander during a crowd control situation in the City of Oakland<sup>5</sup> (Training Bulletin III-G).

#### **B - 10. Deactivation of the BWC**

**Prior to deactivating the BWC for any reason, members shall verbally note the reason they are deactivating the recording.**

Once activated pursuant to B-6, members shall not deactivate their BWC until one of the following occurs:

1. They determine that there is no person who is being investigated, detained, or arrested present (e.g., cold report, subject of a call for service gone on arrival);
2. They are no longer actively searching for the suspect or subject of the call for service, or the possibility of enforcement activity is unlikely;
3. Their involvement in the contact, detention, search, or arrest has concluded;
4. The contact, detention, or arrest becomes a hospital guard;
5. They receive an order from a higher-ranking member. That higher-ranking member shall note the reasoning for deactivation via Computer-aided Dispatch (CAD), their BWC, or report;
6. They are discussing administrative, tactical, or law enforcement sensitive information away from non-law enforcement personnel;
7. They are at a location where they are not likely to have interaction or a chance encounter with the suspect (e.g. outer perimeter post, traffic control post, etc.);

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<sup>3</sup> Reference [Training Bulletin I-T](#), *Double-Blind Sequential Photographic Line-Ups*

<sup>4</sup> Reference [DGO M-06](#), *Prisoner Lineups*

<sup>5</sup> Training Bulletin III-G Crowd Control Management

8. A pursuit has been terminated and the member performs the required terminating action as specified in DGO J-04 or notifies the Communications Division that they are back in service;
9. They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
10. They are meeting with an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

**If circumstances arise requiring re-activation members shall re-activate pursuant to B-8, above.**

#### **B - 11. When BWC Activation is Not Required**

BWC activation is not required under any of the following circumstances but is permitted:

- Members taking a report when available information indicates the suspect is not on scene;
- Members on a guard assignment at a police, medical, psychiatric, jail, or detention facility. Members shall assess the circumstances (e.g. suspect's demeanor/actions, spontaneous statements, etc.) of each guard assignment, on a continuing basis, to determine whether to discretionarily activate or de-activate their BWC;
- They are interviewing a prospective informant for the purpose of gathering intelligence. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy;
- They are interviewing an undercover officer. At the conclusion of the interview, the BWC shall be re-activated until no longer required by policy.

#### **B - 12. Discretionary Activation and De-Activation**

When not *required* to activate or *prohibited* from activation as described above (see B-9 – B-11), members may use their discretion when deciding to activate or de-activate their BWC.

#### **B - 13. Recording Statements with BWC**

Members are authorized to use the BWC to record statements in lieu of a written statement. BWC statements shall not be used to record statements from child abuse or sexual assault victims unless specifically exempted by Reporting Writing Manual S-01.

#### **B - 14. BWC Use Documentation**

Members are required to document all activations of their BWC, except for tests or accidental and false signal recordings. Documentation shall be made

in at least one of the following reports, as appropriate:

- Crime Report
- Consolidated Arrest Report or Juvenile Record
- Field Interview Report
- Computer-aided Dispatch (CAD) notes, or
- Use of Force Report.

**Delayed or non-activations of the BWC, when activation was required by policy, shall be documented in the appropriate report, and reported to the member's supervisor.**

#### **B - 15. Data Upload**

Members shall upload BWC data files (videos) at the end of and, if needed, during their shift to ensure storage capacity is not exceeded.

#### **B - 16. Annotation and Categorization of BWC Files**

All members shall annotate BWC data files (videos) daily, or, if not feasible, by the end of the member's next regularly scheduled workday. The following information shall be annotated on every BWC data file:

- Report number associated with the incident recorded (in the ID field); or
- Incident number (in the ID field if there is no report number associated with the incident being recorded)
- The category of the video using the appropriate retention category. See Appendix A for the Department's category and BWC file retention schedule.

If neither the report number nor the incident number exists, members may use the letters "NA" or leave the ID field blank.

Members are authorized to view their video in order to identify the file for annotation unless otherwise prohibited by policy.

During incidents that require exceptional resources or large-scale activation of Department members (e.g. natural disaster), the incident commander may approve delayed annotation of BWC files except in cases that require an investigative call-out. The incident commander shall document any such orders in the appropriate after-action report.

### **C. VIEWING OF BWC FILES**

#### **C - 1. Member Review of Their Own BWC Files**

Members are authorized to review their BWC recordings to properly identify the data files and, refresh their memory regarding an incident, or for any other work-related purpose, unless otherwise prohibited by policy.

Personnel viewing any video file shall document the reason for access in the "Notes" field of each video file viewed.

#### **C - 2. When Members are Prohibited from Reviewing BWC Files**

1. Members designated as involved in a Level 1 Investigation. Members who are involved in a Level 1 Investigation<sup>6</sup> are prohibited from reviewing their BWC files until the Level 1 investigator allows the review pursuant to section D-7.
2. Criminal Investigation of a Member. Personnel who are the subject of a criminal investigation may not view any audio/video recordings related to the incident except upon approval, as specified below, by the CID or Internal Affairs Division (IAD) Commander.
3. Administrative Investigation of a Member. Personnel having received notification (Complaint Notification Report [CNR]) from the IAD and who are considered to be a subject or witness officer, may not view any audio/video recordings related to the incident except upon approval, as specified below, by the IAD Commander.

**C - 3. Supervisor and Command Viewing of Subordinate BWC Files**

Unless prohibited under C-2, above, supervisors and commanders are authorized to review their own BWC video files, all video files of their subordinates' and, as necessary to complete required duties, any associated video files of non-subordinate members, unless otherwise prohibited by policy.

**C - 4. Review of BWC Files by Criminal Investigation Personnel**

Personnel assigned to CID or other investigatory units are authorized to view any BWC video file associated to their active or ongoing investigations, unless otherwise prohibited by policy.

Investigators conducting criminal investigations shall:

- Review the file to determine whether the BWC file is of evidentiary value and add categories to it as necessary to modify retention and/or access restrictions; and
- Notify the System Administrator to remove any access restriction when the criminal investigation is closed.

**C - 5. Use of BWC Files for Training**

Training staff is authorized to view BWC files regarding incidents which may serve as learning or teaching tool. A BWC file may be utilized as a training tool for individuals, specific units, or the Department as a whole. A recommendation to utilize a BWC file for such a purpose may come from any source.

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<sup>6</sup> Reference [BOI P&P 19-01](#), *Level 1 Investigations*

A person recommending utilizing a BWC file for training purposes shall submit the recommendation through the chain of command to the Training Section Commander.

The Training Section Commander shall review the recommendation and determine how best to utilize the BWC file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means.

## **D. ACCOUNTABILITY AND INTERNAL INVESTIGATION REVIEWS**

### **D - 1. Review Considerations for all Supervisor or Commander Reviews of BWC**

Supervisors and commanders have the ability to review their subordinates' [C-3 BWC recordings] during the course of normal supervision and have the obligation to review certain recordings pertaining to specific events. In addition to required assessments during other reviews, all BWC recording reviews by supervisors and commanders shall follow these guidelines:

1. Supervisor and command review of subordinate BWC recordings shall include an assessment of:
  - a. Officer performance and training needs;
  - b. Policy compliance, including compliance with the provisions of this policy; and
  - c. Consistency between written reports and video files.
2. When a member does not activate or de-activate their BWC as required by policy, supervisors and commanders shall determine if the delayed or non-activation was reasonable, based upon the circumstances.
3. If the supervisor or commander determines that the delay or non-activation was reasonable, they shall document the justification in the appropriate report. If no report is generated, this shall be documented in a Supervisory Notes File (SNF)<sup>7</sup> for the officer. The supervisor's commander shall be advised, and their (commander) name noted in the SNF.
4. Supervisors, commanders, and managers who discover Class II misconduct during the review of the BWC video, that does not indicate a pattern of misconduct, may address the Class II misconduct through non-disciplinary corrective action. Any Class II violations of this policy shall be documented by SNF in the member's file, with the SNF entry including

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<sup>7</sup> **Practice note (Dec 2022):** In the Department's VISION system, notes documenting a **reasonable** BWC delay or non-activation should use the SNF Category "Supervisory Observations" and the Type "N/A". Such notes that a delay or non-activation was reasonable do not constitute a pattern and should not be used for the purposes of discipline or misconduct investigation (refer to DGO M-03).

documentation that a review of the member's SNF was completed, and that the violation was not evidence of a pattern of misconduct<sup>8</sup>.

#### **D - 2. Supervisor Random Accountability Review**

In addition to other required video recording reviews, all supervisors shall conduct a random review of at least one BWC recording for each of their subordinates on a monthly basis. Supervisors shall ensure that each selected recording has a minimum length of ten (10) minutes or the longest video if there is no 10-minute video.

#### **D - 3. Supervisor Specified Incident Review**

In addition to other required video recording reviews, all supervisors shall conduct a review of relevant BWC recordings of the arresting officer(s) involving:

- 69 PC (Resist or Deter Peace or Executive Officer)
- 148 PC (Resist, Delay, or Obstruct Peace Officer); and
- 243(b) or (c) PC (Battery on Peace or Government Officer)

For the above arrests/incidents, supervisors shall at minimum review the BWC recordings of the primary arresting officer(s) and the officer(s) who were victims of the engaged person (if different), starting from the officer(s) initial interaction with the subject of the arrest until the arrestee has been controlled.

During incidents involving multiple officers, and absent a reported Use of Force, supervisors are not required to view all of the involved officer's BWC recordings where doing so would be redundant.

#### **D - 4. Force Investigation Review (Level 2-4 UOF)**

When investigating a Use of Force (UOF) categorized under Level 2 or Level 3, supervisors shall conduct a review of the pertinent section of BWC recordings for all members who are **witnesses to** or **involved in** the UOF.

When approving a UOF categorized under Level 4, supervisors shall conduct at least a review of the pertinent section of BWC recordings **of the specific member(s) who used force**, for the purpose of determining if the Use of Force was in compliance with department policy.

In circumstances where the BWC video of the specific member(s) who used force is not sufficient to determine compliance (e.g., BWC obscured, clear angle captured from other BWC, force-using member's BWC fell off or wasn't activated, etc.), then supervisors shall conduct sufficient BWC review to be able to determine if the force was in compliance with department policy.

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<sup>8</sup> Refer to DGO M-03 at III, A, 9.

BWC related to a documented Level 4 Type 32 Use of Force where Type 32 is the only force type is only required under certain circumstances; reference [Special Order 9208](#).

**D - 5. Vehicle Pursuit Investigation Review**

When investigating a Vehicle Pursuit, Supervisors shall conduct a review of the pertinent section of BWC recordings for all members who were involved in the pursuit as a pursuing unit (at any point during the pursuit). This review shall include the BWC recordings of members from the beginning of their involvement in the pursuit, until the termination of their involvement in the pursuit.

For involved members who were riding together in the same vehicle during the pursuit, the approving or investigating supervisor may review only one member's BWC footage if the footage is redundant.

**D - 6. Internal Investigation Review**

When completing an internal investigation, the assigned investigator shall at minimum review BWC footage that is pertinent to the investigation, and which provides evidentiary value or assists in completing the investigation.

**D - 7. Level 1 Investigation Review**

In the event of a Level 1 investigation (reference [BOI P&P 19-01](#), *Level 1 Investigations*), all BWC recordings shall be uploaded to evidence.com as soon as practical.

An involved or witness member's BWC shall be taken from them and secured by a supervisor, commander, or appropriate investigator, as necessary. The recordings shall be uploaded by personnel designated by the CID investigator.

After the recordings are uploaded, the CID investigator or designee shall turn the BWC into property until the CID and IAD Commander determine it may be released back to the member. The CID investigator shall ensure the chain of custody is documented in their report.

Personnel uploading secured BWC video files shall not view the files unless authorized by the CID investigator.

No personnel involved in or a witness to a Level 1 incident may view any BWC recordings prior to being interviewed by the appropriate investigative unit and receiving command approval.

Once a member's report(s) has been submitted and approved and/or the member has been interviewed by the appropriate investigator, the investigator may show the member his/her audio/video. This will occur prior to the conclusion of the interview process.



Personnel will be given the opportunity to provide additional information to supplement their statement and may be asked additional questions by the investigators.

**D - 8. Command Review (Level 2 or 3 Use of Force)**

Following the investigation of a Level 2 or Level 3 Use of Force by a supervisor, both the investigator's first level commander and the division commander shall conduct a review of the pertinent section of BWC recordings for all members who are witnesses to or involved in the UOF.

**D - 9. Auditing and Other Review**

OIA staff (when conducting audits), supervisors, commanders, active Field Training Officers (FTOs), and the FTO Coordinator are authorized to view BWC files to assist with the conduct of audits and inspections (OIA) or evaluate the performance of subordinate or trainee members unless otherwise prohibited by policy.

**E. COPYING OF BWC FILES**

**E - 1. Court and Judicial Proceeding BWC File Copies**

Personnel requiring a copy of BWC audio/video file(s) for court (e.g., for Traffic court, or a proceeding in a different county) shall contact their first line supervisor or their designated System Administrator (for non-patrol assignments). If the first line supervisor is unavailable, personnel shall contact any System Administrator. Any BWC copies not entered into evidence shall be returned to the first line supervisor or a System Administrator for destruction.

CID and other investigative personnel taking a case to the District Attorney (DA) for charging are responsible for obtaining copies of, and/or using the evidence.com secure sharing capability to share, all applicable BWC files for presentation to the DA.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Notes" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.

The person receiving the copy shall maintain the copy in a secure location until it is needed for court or custody is transferred to another person. Additionally, they shall document, as soon as practical, the name and/or position of the person receiving the copy in the "Notes" field of each video file.

The documentation of the chain of custody and responsibility to secure the copy shall transfer to the person receiving the copy until:

- The copy is received by non-Department personnel (e.g. District Attorney, City Attorney, Court Clerk, etc.);
- The copy is admitted into evidence; or
- The copy is returned to a system administrator for destruction.

#### **E - 2. Public Records Requests for BWC File Copies**

Public Records requests shall be accepted and processed, in accordance with the provisions of federal, state, local statutes and DGO M-09.1, Public Records Access, and forwarded to the Project Administrator.

Copies of BWC video files for release pursuant to a public records request, or as authorized by the Chief of Police or designee, shall be redacted as required by prevailing law and Department procedures prior to release.

#### **E - 3. Copying BWC Recordings for Reasons other than Court**

Members may make copies of BWC recordings to facilitate their review and accountability authorities and responsibilities, as set forth in Sections C and D of this order.

Prior to copying the BWC video file, members authorized to make copies shall document the reason for making the copy and the name of the person receiving the copy in the "Notes" field of each video file copied. If applicable, the name entry shall also include the person's rank and serial number.

Copies of BWC video files for internal use shall be maintained in the appropriate case file or a secure location. When the copy is no longer needed, it shall be returned to a system administrator for destruction. The system administrator shall make an entry in the "Notes" field of the video file that the copy was destroyed.

#### **E - 4. Prohibited Copies and File Sharing**

All personnel are prohibited from the following:

- Making unauthorized copies, digital and/or hard copies, of an original or copied BWC video file;
- Giving or showing copies of BWC video files to anyone without a lawful right to know and need to know, unless authorized by the Chief of Police or designee and;
- Posting or having another person post a copied BWC video file on any social media site or public site unless authorized by the Chief of Police or designee.

### **F. DELETION OF BWC FILES AND AUDIT LOGS**

#### **F - 1. Removal Requests for Accidental Recordings**

In the event of an unintended or inappropriate activation of the BWC where the resulting recording is of no investigative or evidentiary value, the respective member may request that the BWC file be deleted by submitting an email request to their first level commander with sufficient information to locate the BWC file. The first level commander shall approve or deny the request.

Approved requests shall be submitted to the Project Administrator at [BWC@oaklandca.gov](mailto:BWC@oaklandca.gov) and the Project Administrator or designee will delete the accidental recordings.

#### **F - 2. Data Retention and Scheduled Deletion of Files**

BWC files shall be retained for a period of two years unless it is required for:

1. A criminal investigation;
2. An administrative investigation;
3. Research;
4. Civil litigation;
5. Training; and/or
6. No recordings shall be deleted while any request for the recordings is pending, including but not limited to a public records request or litigation hold request

BWC files that are not flagged for retention for any of the above reasons will be automatically deleted by the File Management System's data retention processes, which are set and maintained by the Project Administrator or designee.

#### **F - 3. Access and Deletion Logs**

Audit logs of access, review, copying and deletion of BWC files shall be retained permanently.

### **G. ADMINISTRATIVE INFORMATION**

#### **G - 1. Project Administrator**

The Project Administrator is the commander over the Information Technology unit unless otherwise designated by the Chief of Police. The Project Administrator has oversight responsibilities that include, but are not limited to, the following:

- Document and track malfunctions and equipment failures;
- Policy and procedure review and evaluation;
- Ensure BWC files are secured and retained for the appropriate time period. Such security shall include FBI Criminal Justice Information Services

(CJIS) compliant safeguards that protect information from unauthorized access, including encryption and access control mechanisms.

- Ensure BWC files are reviewed and released in accordance with federal, state, local statutes, and Departmental General Order M-9.1, Public Records Access;
- Train the System Administrators to ensure consistency; and
- Establish policy and procedures for the replacement of non-functioning BWCs and the check-out of spare BWCs;
- The BWC Program Administrator shall provide the Chief of Police, Privacy Advisory Commission, and Public Safety Committee with an annual report that contains all components required by the Surveillance Technology Ordinance, as listed in Oakland Municipal Code 9.64.

#### **G - 2. System Administrators**

System Administrators shall be designated by the Bureau Commander for non-patrol assignments or the CID Commander for CID personnel. All Sergeants of Police assigned to the Bureau of Field Operations are System Administrators.

System Administrator responsibilities shall include, but are not limited to, the following:

- Ensure officers are assigned a fully functional BWC. Malfunctioning BWCs shall be replaced as soon as practical, in the manner specified by the Project Administrator;
- Refresher training for members as needed;
- Ensuring the return of damaged equipment to the Project Administrator;
- Making copies of BWC files for court or other authorized activities;
- Destruction of copied BWC files not admitted as evidence in court or no longer needed internally. System Administrators receiving a video file copy for destruction shall ensure the copy is destroyed and make an entry in the “Comments” field of the video file that the copy was destroyed.

#### **G - 3. Training**

The Training Section shall ensure that members receive department-approved training as needed for those who are assigned a BWC, and training regarding the process for uploading and downloading BWC data.


#### **G - 4. Description of the Technology BWCs**

The BWC is a combination camera and microphone that collects audio and video in a digital format.

#### **G - 5. Description of the Technology BWC File Management System**

The BWC system employed by OPD features BWC docking stations and an internet web interface for controlling how files are uploaded and archived. The interface allows for Internet Protocol restriction features to control the locations where the system can be accessed. These restrictions limit BWC video file access to only authorized OPD personnel. Videos that are tagged for any reason as part of an investigation are moved to separate folders where they cannot be deleted. The cloud-based archive system has built-in redundancy with multiple servers to ensure data integrity and CJIS compliance.

By order of

  
Darren Allison  
Acting Chief of Police

Date Signed: 11/21/23

**Appendix A**

<b>Category Name</b>	<b>Retention Period</b>	<b>Legal Retention Requirements</b>
Incident / Citizen Contact (No Crime)	2 yrs	Basic (set by policy DGO I-15)
Traffic / Bike / Ped Stop	2 yrs	Basic
Accidental / False Signal / Signal Testing	2 yrs or sooner if deleted per policy	Basic
Test / Vehicle Inspection	2 yrs or sooner if deleted per policy	Basic
Mental Health	2 yrs	Basic
Violent Felony / DOA	Indefinite	Statute of Limitations (SOL)
Misdemeanor Case (including report, statements, cite, or arrest)	2 yrs	SOL
Felony Case (including report, statements, cite, or arrest - no violent felonies or sex crimes)	3 yrs	SOL
Domestic Violence	5 yrs	SOL, prior action charging
Collision	5 yrs	13552 Traffic Collisions non-fatal is 5 years for reports - matching to keep digital evidence the same

Missing Person / Runaway	Indefinite	SOL (Possible homicide)
DUI	10 yrs	SOL, prior action charging
Sex Crimes	Indefinite	SOL
Vehicle Pursuit	5 yrs	Administrative SOL
Sergeants / Commanders Admin	2 yrs	Possible IA/DLI - intake/Sergeant/etc. to update category if so
IA/DLI	Indefinite	Administrative SOL
Never Delete	Indefinite	Administrative SOL
Use of Force - Levels 1 and 2	Indefinite	Administrative SOL
Use of Force - Levels 3 and 4	Indefinite	Administrative SOL
Felony - Filed by DA	20 yrs	SOL plus appeals
Homicide	Indefinite	SOL
Misdemeanor - Filed by DA	10 yrs	SOL plus appeals
Missing Person / Runaway - Returned (replace other missing person category)	2 yrs	Basic (cures possible homicide SOL of other Missing Person category)
Legal - OCA/Records/Authorized Users Only	Indefinite	City Attorney's Office (CAO) Order
Collision - 901C	Indefinite	CAO Order
Collision - Major Injury / Fatal	Indefinite	SOL
Training	2 yrs	Basic



## 2.20.220 - Non-exempt public information.

Notwithstanding any right or duty to withhold certain information under the California Public Records Act or other law, the following shall govern specific types of requests for documents and information:

- A. Drafts and Memoranda. No completed preliminary drafts or memoranda shall be exempt from disclosure under Government Code Section 6254(a) if said completed preliminary draft or memorandum has been retained in the ordinary course of business or pursuant to law or agency or department policy. Completed preliminary drafts and memoranda concerning contracts, memoranda of understanding or other matters subject to negotiation and pending a local body's approval need not be subject to disclosure until final action has been taken.
- B. Litigation Material. Unless otherwise privileged or made confidential by law, records of all communications between a local body's representatives and the adverse party shall be subject to public inspection and copying, including the text and terms of any settlement agreement, once the pending litigation has been settled or finally adjudicated.
- C. Personnel Information. None of the following shall be exempt from disclosure under Government Code Section 6254(c):
  - 1. Job pool information, to the extent such information is compiled for reporting purposes and does not permit the identification of any particular individual. Such job pool information may include the following:
    - a. Sex, age and ethnic group;
    - b. Years of graduate and undergraduate study, degree(s) and major or discipline;
    - c. Years of employment in the private and/or public sector;
    - d. Whether currently employed in the same position for another public agency;
    - e. Other non-identifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.
  - 2. The professional biography or curriculum vitae of every employee who has provided such information to the city, Redevelopment Agency or the Board of Port Commissioners excluding the home address, home telephone number, social security number, date of birth, and marital status of the employee.
  - 3. The job description of every employment classification.
  - 4. The exact gross salary and paid benefits available to every public employee.
  - 5. Any adopted memorandum of understanding between the city or Board of Port Commissioners and a recognized employee organization.

D.

Law Enforcement Information. The Oakland Police Services Agency shall cooperate with all members of the public making requests for law enforcement records and documents under the California Public Records Act or other applicable law. Records and documents exempt from disclosure under the California Records Act pertaining to any investigation, arrest or other law enforcement activity shall be disclosed to the public to the full extent permitted by law after the District Attorney or court determines that a prosecution will not be sought against the subject involved or the statute of limitations for filing charges has expired, whichever occurs first. Information may be redacted from such records and documents and withheld if, based upon the particular facts, the public interest in nondisclosure clearly outweighs the public interest in disclosure. Such redacted information may include:

- a. The names of juvenile witnesses or suspects;
    - b. Personal or otherwise private information related or unrelated to the investigation if disclosure would constitute an unwarranted invasion of privacy;
    - c. The identity of a confidential source;
    - d. Secret investigative techniques or procedures;
    - e. Information whose disclosure would endanger law enforcement personnel, a witness, or party to the investigation; or
    - f. Information whose disclosure would endanger the successful completion of an investigation where the prospect of enforcement proceedings is likely.
  2. The Oakland Police Services Agency shall maintain a record, which shall be a public record and which shall be separate from the personnel records of the agency, which reports the number of citizen complaints against law enforcement agencies or officers, the number and types of cases in which discipline is imposed and the nature of the discipline imposed. This record shall be maintained in a format which assures that the names and other identifying information of individual officers involved is not disclosed directly or indirectly.
- E. Contracts, Bids and Proposals. Contracts, contract bids, responses to requests for proposals and all other records of communications between the city, Redevelopment Agency and Board of Port Commissioners and individuals or business entities seeking contracts shall be open to inspection and copying following the contract award or acceptance of a contract offer. Nothing in this provision requires the disclosure of a person's net worth or other proprietary financial information submitted for qualification for a contract until and unless that person is awarded the contract. All bidders and contractors shall be advised that information covered by this subdivision will be made available to the public upon request.
- F. Budgets and Other Financial Information. The following shall not be exempt from disclosure:
1. Any proposed or adopted budget for the city, Redevelopment Agency and the Port Department, including any of their respective agencies, departments, programs, projects or other categories, which have been submitted to a majority of the members of the City

Council, Redevelopment Agency or Board of Port Commissioners or their standing committees.

2. All bills, claims, invoices, vouchers or other records of payment obligations, as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law.

(Ord. 12483 (part), 2003; Ord. 11957 § 00.23, 1997)

## Chapter 9.64 - REGULATIONS ON CITY'S ACQUISITION AND USE OF SURVEILLANCE TECHNOLOGY

## 9.64.010 - Definitions.

The following definitions apply to this Chapter.

1. "Annual Surveillance Report" means a written report concerning a specific surveillance technology that includes all the following:
  - A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology;
  - B. Whether and how often data acquired through the use of the surveillance technology was directly 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);
  - 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;
  - D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year;
  - 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;

- 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.

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;

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes;
  - I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates;
  - 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; and
  - K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request.
- 2. "Biometric Surveillance Technology" means any computer software that uses face recognition technology or other remote biometric recognition in real time or on a recording or photograph.
  - 3. "City" means any department, agency, bureau, and/or subordinate division of the City of Oakland as provided by Chapter 2.29 of the Oakland Municipal Code.
  - 4. "City Staff" means City personnel authorized by the City Administrator or designee to seek City Council approval of surveillance technology in conformance with this Chapter.
  - 5. "Continuing Agreement" means an agreement that automatically renews unless terminated by one (1) party.
  - 6. "Exigent Circumstances" means a law enforcement agency's good faith belief that an emergency involving danger of, or imminent threat of the destruction of evidence regarding, death or serious physical injury to any person requires the use of surveillance technology or the information it provides.
  - 7. "Face Recognition Technology" means an automated or semi-automated process that: (A) assists in identifying or verifying an individual based on an individual's face; or (B) identifies or logs characteristics of an individual's face, head, or body to infer emotion, associations, expressions, or the location of an individual.
  - 8. "Large-Scale Event" means an event attracting ten thousand (10,000) or more people with the potential to attract national media attention that provides a reasonable basis to anticipate that exigent circumstances may occur.
  - 9. "Other Remote Biometric Recognition" means: (A) an automated or semi-automated process that (i) assists in identifying an individual, capturing information about an individual, or otherwise generating or assisting in generating information about an individual based on physiological, biological, or behavioral characteristics ascertained from a distance; (ii) uses voice recognition technology; or (iii) identifies or logs such characteristics to infer emotion,

associations, activities, or the location of an individual; and (B) does not include identification based on fingerprints or palm prints that have been manually obtained during the course of a criminal investigation or detention.

10. "Personal Communication Device" means a mobile telephone, a personal digital assistant, a wireless capable tablet and a similar wireless two-way communications and/or portable internet accessing devices, whether procured or subsidized by a city entity or personally owned, that is used in the regular course of city business.
11. "Predictive Policing Technology" means computer algorithms that use preexisting data to forecast or predict places or times that have a high risk of crime, or individuals or groups who are likely to be connected to a crime. This definition does not include computer algorithms used solely to visualize, chart, or map past criminal activity (e.g. heat maps).
12. "Police Area" refers to each of the geographic districts assigned to a police commander and as such districts are amended from time to time.
13. "Surveillance" or "Surveil" means to observe or analyze the movements, behavior, data, or actions of individuals. Individuals include those whose identity can be revealed by license plate data when combined with any other record.
14. "Surveillance Technology" means any software, electronic device, system utilizing an electronic device, or similar technological tool used, designed, or primarily intended to collect, retain, analyze, process, or share audio, electronic, visual, location, thermal, olfactory, biometric, or similar information specifically associated with, or capable of being associated with, any individual or group. Examples of surveillance technology include, but is not limited to the following: cell site simulators (Stingrays); automatic license plate readers; gunshot detectors (ShotSpotter); facial recognition software; thermal imaging systems; body-worn cameras; social media analytics software; gait analysis software; video cameras that record audio or video, and transmit or can be remotely accessed. It also includes software designed to monitor social media services or forecast criminal activity or criminality, biometric identification hardware or software.

"Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, a surveillance technology as defined above:

- A. Routine office hardware, such as televisions, computers, credit card machines, badge readers, copy machines, and printers, that is in widespread use and will not be used for any surveillance or law enforcement functions;
- B. Parking Ticket Devices (PTDs);
- C. Manually-operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings;

- D. Surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles;
  - E. Manually-operated technological devices used primarily for internal municipal entity communications and are not designed to surreptitiously collect surveillance data, such as radios and email systems;
  - F. City databases that do not contain any data or other information collected, captured, recorded, retained, processed, intercepted, or analyzed by surveillance technology, including payroll, accounting, or other fiscal databases.
  - G. Medical equipment used to diagnose, treat, or prevent disease or injury.
  - H. Police department interview room cameras.
    - I. Police department case management and records management systems, including computer aided dispatch systems, and field-based reporting systems.
    - J. Police department early warning systems.
  - K. Personal communication devices that have not been modified beyond stock manufacturer capabilities in a manner described above, provided that any bundled face recognition technology is only used for the sole purpose of user authentication in the regular course of conducting City business.
  - L. Live scan machines (owned by Alameda County Sheriff but operated by Oakland Police personnel.)
15. "Surveillance Impact Report" means a publicly-released written report including at a minimum the following:
- A. Description: information describing the surveillance technology and how it works, including product descriptions and manuals from manufacturers;
  - B. Purpose: information on the proposed purposes(s) for the surveillance technology;
  - C. Location: the location(s) it may be deployed, using general descriptive terms, and crime statistics for any location(s);
  - D. Impact: an assessment of the technology's adopted use policy and whether it is adequate in protecting civil rights and liberties and whether the surveillance technology was used or deployed, intentionally or inadvertently, in a manner that is discriminatory, viewpoint-based, or biased via algorithm;
  - E. Mitigations: identify specific, affirmative technical and procedural measures that will be implemented to safeguard the public from each such impacts;
  - F. Data Types and Sources: a list of all types and sources of data to be collected, analyzed, or processed by the surveillance technology, including "open source" data, scores, reports, logic or algorithm used, and any additional information derived therefrom;



- G. Data Security: information about the steps that will be taken to ensure that adequate security measures are used to safeguard the data collected or generated by the technology from unauthorized access or disclosure;
  - H. Fiscal Cost: the fiscal costs for the surveillance technology, including initial purchase, personnel and other ongoing costs, operative or proposed contract, and any current or potential sources of funding;
  - I. Third Party Dependence: whether use or maintenance of the technology will require data gathered by the technology to be handled or stored by a third-party vendor on an ongoing basis;
  - J. Alternatives: a summary of all alternative methods (whether involving the use of a new technology or not) considered before deciding to use the proposed surveillance technology, including the costs and benefits associated with each alternative and an explanation of the reasons why each alternative is inadequate; and,
  - K. Track Record: a summary of the experience (if any) other entities, especially government entities, have had with the proposed technology, including, if available, quantitative information about the effectiveness of the proposed technology in achieving its stated purpose in other jurisdictions, and any known adverse information about the technology (such as unanticipated costs, failures, or civil rights and civil liberties abuses).
16. "Surveillance Use Policy" means a publicly-released and legally enforceable policy for use of the surveillance technology that at a minimum specifies the following:
- A. Purpose: the specific purpose(s) that the surveillance technology is intended to advance;
  - B. Authorized Use: the specific uses that are authorized, and the rules and processes required prior to such use;
  - C. Data Collection: the information that can be collected by the surveillance technology. Where applicable, list any data sources the technology will rely upon, including "open source" data;
  - D. Data Access: the category of individuals who can access or use the collected information, and the rules and processes required prior to access or use of the information;
  - E. Data Protection: the safeguards that protect information from unauthorized access, including encryption and access control mechanisms;
  - F. Data Retention: the time period, if any, for which information collected by the surveillance technology will be routinely retained, the reason such retention period is appropriate to further the purpose(s), the process by which the information is regularly deleted after that period lapses, and the specific conditions that must be met to retain information beyond that period;
  - G.

Public Access: how collected information can be accessed or used by members of the public, including criminal defendants;

- H. Third Party Data Sharing: if and how other city departments, bureaus, divisions, or non-city entities can access or use the information, including any required justification or legal standard necessary to do so and any obligations imposed on the recipient of the information;
  - I. Training: the training required for any individual authorized to use the surveillance technology or to access information collected by the surveillance technology, and the category of staff that will provide the training;
  - J. Auditing and Oversight: the mechanisms to ensure that the Surveillance Use Policy is followed, including internal personnel assigned to ensure compliance with the policy, internal recordkeeping of the use of the technology or access to information collected by the technology, technical measures to monitor for misuse, any independent person or entity with oversight authority, and the legally enforceable sanctions for violations of the policy; and
  - K. Maintenance: The mechanisms and procedures to ensure that the security and integrity of the surveillance technology and collected information will be maintained.
17. "Voice Recognition Technology" means the automated or semi-automated process that assists in identifying or verifying an individual based on the characteristics of an individual's voice.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13563, § 3, 9-17-2019; Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.020 - Privacy Advisory Commission (PAC) notification and review requirements.

1. PAC Notification Required Prior to City Solicitation of Funds and Proposals for Surveillance Technology.
  - A. City staff shall notify the Chair of the Privacy Advisory Commission prior to:
    1. Seeking or soliciting funds for new surveillance technology or to replace existing surveillance technology that has not been previously approved by the City Council pursuant to the requirements of this Chapter, including but not limited to applying for a grant; or,
    2. Soliciting proposals with a non-city entity to acquire, share or otherwise use surveillance technology or the information it provides.
  - B. Upon notification by city staff, the Chair of the Privacy Advisory Commission shall place the item on the agenda at the next Privacy Advisory Commission meeting for discussion and possible action. At this meeting, city staff shall inform the Privacy Advisory Commission of the need for the funds or equipment, or shall otherwise justify the action city staff will seek

Council approval for pursuant to 9.64.030. The Privacy Advisory Commission may make a recommendation to the City Council by voting its approval to proceed, object to the proposal, recommend that the city staff modify the proposal, or take no action.

- C. Should the Privacy Advisory Commission not make a recommendation pursuant to 9.64.020 1.B., City staff may proceed and seek Council approval of the proposed surveillance technology initiative pursuant to the requirements of Section 9.64.030.
2. PAC Review Required for New Surveillance Technology Before City Council Approval.
  - A. Prior to seeking City Council approval under Section 9.64.030, city staff shall submit a surveillance impact report and a surveillance use policy for the proposed new surveillance technology initiative to the Privacy Advisory Commission 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.
  - B. The Privacy Advisory Commission shall recommend that the City Council adopt, modify, or reject the proposed surveillance use policy. If the Privacy Advisory Commission proposes that the Surveillance Use Policy be modified, the Privacy Advisory Commission shall propose such modifications to city staff. City staff shall present such modifications to City Council when seeking City Council approval under Section 9.64.030.
  - C. Failure by the Privacy Advisory Commission to make its recommendation on the item within ninety (90) days of submission shall enable the city entity to proceed to the City Council for approval of the item.
3. PAC Review Requirements for Existing Surveillance Technology Before City Council Approval.
  - A. 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 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.
  - B. Prior to submitting the surveillance impact report and proposed surveillance use policy as described above, city staff shall present to the Privacy Advisory Commission a list of surveillance technology possessed and/or used by the city.
  - C. The Privacy Advisory Commission shall rank the items in order of potential impact to civil liberties.
  - D. Within sixty (60) days of the Privacy Advisory Commission's action in 9.64.020 3.C., city staff shall submit at least one (1) surveillance impact report and proposed surveillance use policy per month to the Privacy Advisory Commission for review, beginning with the highest-ranking items as determined by the Privacy Advisory Commission, and continuing thereafter each month until a policy has been submitted for each item on the list.

City staff, acting on behalf of a particular department, agency, bureau, or other subordinate division of the City, is not required to submit a new surveillance impact report and surveillance use policy, until the Privacy Advisory Commission has completed its recommendation and analysis on any outstanding surveillance technology that has been previously submitted from such department, agency, bureau, or other subordinate division of the City.

- E. Failure by the Privacy Advisory Commission to make its recommendation on any item within ninety (90) days of submission shall enable city staff to proceed to the City Council for approval of the item pursuant to Section 9.64.030.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

9.64.030. - City Council approval requirements for new and existing surveillance technology.

1. City staff must obtain City Council approval prior to any of the following:
  - A. Accepting state or federal funds or in-kind or other donations for surveillance technology, except for surveillance technology that has already been approved by City Council and for which a corresponding use policy is in effect;
  - B. Acquiring new surveillance technology, or replacing existing surveillance technology that has not been previously approved by the City Council pursuant to the requirements of this Chapter, including but not limited to procuring such technology without the exchange of monies or consideration;
  - C. Using new surveillance technology, or using existing surveillance technology or the information it provides for a purpose, in a manner, or in a location not previously approved by the City Council pursuant to the requirements of this Chapter. However, for surveillance technology that was acquired or was in use prior to enactment of this ordinance, such use may continue until the City Council votes to approve or reject the surveillance technology's corresponding surveillance use policy; or
  - D. Entering into a continuing agreement or written agreement with a non-city entity to acquire, share or otherwise use surveillance technology or the information it provides, including data sharing agreements.
  - E. Notwithstanding any other provision of this Section, nothing herein shall be construed to prevent, restrict or interfere with any person providing evidence or information derived from surveillance technology to a law enforcement agency for the purposes of conducting a criminal investigation or the law enforcement agency from receiving such evidence or information.
2. City Council Approval Process.
  - A.

After the PAC notification and review requirements in Section 9.64.020 have been met, city staff seeking City Council approval shall schedule for City Council consideration and approval of the proposed surveillance impact report and proposed surveillance use policy, and include Privacy Advisory Commission recommendations. City Council consideration and approval may only occur at a public meeting that has been noticed in conformance with the Oakland Sunshine Ordinance. City staff shall not unreasonably delay scheduling any item for City Council consideration and approval at the next earliest opportunity.

- B. The City Council shall only approve any action as provided in this Article after first considering the recommendation of the Privacy Advisory Commission, and subsequently making a determination that the benefits to the community of the surveillance technology outweigh the costs; that the proposal will safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective.
  - C. For approval of existing surveillance technology for which the Privacy Advisory Commission failed to make its recommendation within ninety (90) days of review as provided for under 9.64.020 3.E, if the City Council has not reviewed and approved such item within four (4) City Council meetings from when the item was initially scheduled for City Council consideration, the city shall cease its use of the surveillance technology until such review and approval occurs.
3. Surveillance Impact Reports and Surveillance Use Policies are Public Records. City staff shall make the Surveillance Impact Report and Surveillance Use Policy, as updated from time to time, available to the public as long as the city uses the surveillance technology in accordance with its request pursuant to Section 9.64.020 A.1.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.035 - Use of unapproved technology during exigent circumstances or large-scale event.

- 1. City staff may temporarily acquire or use surveillance technology and the data derived from that use in a manner not expressly allowed by a surveillance use policy in two (2) types of circumstances without following the provisions of Section 9.64.030: (A) exigent circumstances, and (B) a large-scale event.
- 2. If city staff acquires or uses a surveillance technology in the two (2) circumstances pursuant to subdivision 1., the city staff shall:
  - A. Use the surveillance technology to solely respond to the exigent circumstances or large-scale event.
  - B. Cease using the surveillance technology when the exigent circumstances or large scale event ends.
  - C.

Only keep and maintain data related to the exigent circumstances and dispose of any data that is not relevant to an ongoing investigation.

- D. Following the end of the exigent circumstances or large-scale event, report that acquisition or use to the PAC at their next respective meetings for discussion and/or possible recommendation to the City Council in accordance with the Sunshine Ordinance, the Brown Act, and City Administrator deadlines.
3. Any technology temporarily acquired in exigent circumstances or during a large-scale event shall be returned within seven (7) days following its acquisition, or when the exigent circumstances end, whichever is sooner, unless the technology is submitted to the City Council for approval pursuant to Section 9.64.030 and is approved. If the agency is unable to comply with the seven-day timeline, the agency shall notify the City Council, who may grant an extension.

(Ord. No. 13489, § 2, 5-15-2018)

#### 9.64.040 - Oversight following City Council approval.

1. By April 30<sup>th</sup> of each year, or no later than one (1) year after adoption of a Surveillance Use Policy, city staff must present a written annual surveillance report for Privacy Advisory Commission review for each approved surveillance technology item. If city staff is unable to meet the deadline, city staff shall notify the Privacy Advisory Commission in writing of staff's request to extend this period, and the reasons for that request. The Privacy Advisory Commission may grant a single extension of up to sixty (60) days to comply with this provision.
  - A. After review by the Privacy Advisory Commission, city staff shall submit the annual surveillance report to the City Council.
  - B. The Privacy Advisory Commission 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.
  - C. Failure by the Privacy Advisory Commission to make its recommendation on the item within ninety (90) days of submission shall enable the city entity to proceed to the City Council for approval of the annual surveillance report.
  - D. In addition to the above submission of any Annual Surveillance Report, city staff shall provide in its report to the City Council a summary of all requests for City Council approval pursuant to Section 9.64.030 and the pertinent Privacy Advisory Commission recommendation, including whether the City Council approved or rejected the proposal and/or required changes to a proposed surveillance use policy before approval.

2.

Based upon information provided in city staff's Annual Surveillance Report and after considering the recommendation of the Privacy Advisory Commission, the City Council shall re-visit its "cost benefit" analysis as provided in Section 9.64.030 2.B. and either uphold or set aside the previous determination. Should the City Council set aside its previous determination, the city's use of the surveillance technology must cease. Alternatively, City Council may require modifications to the Surveillance Use Policy that will resolve any deficiencies.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13489, § 2, 5-15-2018)

9.64.045 - Prohibition on City's acquisition and/or use of Biometric Surveillance Technology and Predictive Policing Technology.

- A. Notwithstanding any other provision of this Chapter (9.64), it shall be unlawful for the City or any City staff to obtain, retain, request, access, or use:
  - 1. Biometric Surveillance Technology; or
  - 2. Predictive Policing Technology; or
  - 3. Information obtained from either Biometric Surveillance Technology or Predictive Policing Technology.
- B. Only surveillance technology that uses biometric information in a manner that meets the definition of Biometric Surveillance Technology, as provided in Section 9.64.010, shall be prohibited.
- C. City staff's inadvertent or unintentional receipt, access of, or use of any information obtained from Biometric Surveillance Technology or Predictive Policing Technology shall not be a violation of this Section 9.64.045 provided that:
  - 1. City staff did not request or solicit the receipt, access of, or use of such information; and
  - 2. City staff shall immediately destroy all copies of the information upon its discovery and shall not use the information for any purpose, unless retention or use of exculpatory evidence is required by law; and
  - 3. Upon discovery of such use, City staff logs such receipt, access, or use in a written report and submits such report at the next regularly scheduled meeting of the Privacy Advisory Commission for discussion and possible recommendation to the City Council. Such a report shall not include any personally identifiable information or other information the release of which is prohibited by law. In its report, City staff shall identify specific measures taken by the City to prevent the further transmission or use of any information inadvertently or unintentionally obtained through the use of such technologies; and
  - 4. After review by the Privacy Advisory Commission, city staff shall submit the report to the City Council.

(Ord. No. 13635, § 2, 1-12-2021; Ord. No. 13563, § 3, 9-17-2019)

9.64.050 - Enforcement.

1. Violations of this Article are subject to the following remedies:

- A. Any violation of this Article, or of a surveillance use policy promulgated under this Article, constitutes an injury and any person may institute proceedings for injunctive relief, declaratory relief, or writ of mandate in the Superior Court of the State of California to enforce this Article. An action instituted under this paragraph shall be brought against the respective city department, and the City of Oakland, and, if necessary to effectuate compliance with this Article or a surveillance use policy (including to expunge information unlawfully collected, retained, or shared thereunder), any other governmental agency with possession, custody, or control of data subject to this Article, to the extent permitted by law.
- B. Any person who has been subjected to a surveillance technology in violation of this Article, or about whom information has been obtained, retained, accessed, shared, or used in violation of this Article or of a surveillance use policy promulgated under this Article, may institute proceedings in the Superior Court of the State of California against the City of Oakland and shall be entitled to recover actual damages (but not less than liquidated damages of one thousand dollars (\$1,000.00) or one hundred dollars (\$100.00) per day for each day of violation, whichever is greater).
- C. A court shall award costs and reasonable attorneys' fees to the plaintiff who is the prevailing party in an action brought under paragraphs A. or B.
- D. Violations of this Article by a city employee shall result in consequences that may include retraining, suspension, or termination, subject to due process requirements and in accordance with any memorandums of understanding with employee bargaining units.

(Ord. No. 13489, § 2, 5-15-2018)

9.64.060 - Secrecy of surveillance technology.

It shall be unlawful for the city to enter into any surveillance-related contract or other agreement that conflicts with the provisions of this Article, and any conflicting provisions in such future contracts or agreements, including but not limited to non-disclosure agreements, shall be deemed void and legally unenforceable.

To the extent permitted by law, the city shall publicly disclose all of its surveillance-related contracts, including any and all related non-disclosure agreements, if any, regardless of any contract terms to the contrary.

(Ord. No. 13489, § 2, 5-15-2018)



#### 9.64.070 - Whistleblower protections.

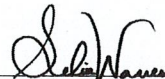
1. Neither the city nor anyone acting on behalf of the city may take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment, including but not limited to discriminating with respect to compensation, terms and conditions of employment, access to information, restrictions on due process rights, or civil or criminal liability, because:
  - A. The employee or applicant was perceived to, about to, or assisted in any lawful disclosure of information concerning the funding, acquisition, or use of a surveillance technology or surveillance data based upon a good faith belief that the disclosure evidenced a violation of this Article; or
  - B. The employee or applicant was perceived to, about to, or assisted or participated in any proceeding or action to carry out the purposes of this Article.
2. It shall be grounds for disciplinary action for a city employee or anyone else acting on behalf of the city to retaliate against another city employee or applicant who makes a good-faith complaint that there has been a failure to comply with any surveillance use policy or administrative instruction promulgated under this Article.
3. Any employee or applicant who is injured by a violation of this Section may institute a proceeding for monetary damages and injunctive relief against the city in any court of competent jurisdiction.

(Ord. No. 13489, § 2, 5-15-2018)

2024 APR -4 PM 4: 18

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 901930 C.M.S.

**RESOLUTION APPROVING A RECORDS RETENTION SCHEDULE FOR PREVIOUSLY OMITTED OAKLAND POLICE DEPARTMENT (OPD) AND COMMUNITY POLICE REVIEW AGENCY (CPRA) RECORDS AND OTHER ERRONEOUSLY OMITTED REVISIONS; MODIFYING TO THE EXTENT NECESSARY RESOLUTION NO. 90117 C.M.S. TO EXPRESSLY INCORPORATE THESE AMENDMENTS; AND REAFFIRMING THE AUTHORITY AND ROLE OF THE CITY CLERK TO 1) REVIEW AND APPROVE REQUESTS FOR THE DELETION AND/OR DESTRUCTION OF CITY RECORDS; AND 2) TO REVIEW AND AMEND THE RECORDS RETENTION SCHEDULE ON A PERIODIC BASIS WITHOUT RETURNING TO COUNCIL**

**WHEREAS**, on May 2, 2023, the City Council passed Resolution No. 89700 C.M.S. authorizing the City Clerk to retain a consultant to prepare a new records retention policy that updates and replaces the existing policy, which was last updated in 2003; and

**WHEREAS**, on February 20, 2024, the City Council passed Resolution No. 90117 C.M.S., which, among other things, approved a Records and Information Management Policy (Exhibit A to Council Resolution 90117 C.M.S.) and a Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.);

**WHEREAS**, the Records and Information Management Policy (Exhibit A to Council Resolution 90117 C.M.S.) provides direction to staff on the rules for managing records of the City of Oakland; and

**WHEREAS**, the Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.) identifies categories of records created or received by City departments and establishes retention periods for those records consistent with federal, state and local law and policy, and was prepared with input from and in consultation with City departments; and

**WHEREAS**, on February 20, 2024, the Council approved the Records Retention Schedule (Exhibit B to Council Resolution 90117 C.M.S.) except for the following categories relating to the Oakland Police Department (OPD) and Community Police Review Agency (CPRA): Record Nos. 9b, 14b, 45 through 47, 67, 71, 84 and 105-126. Record Nos. 5 and 12, which are generally applicable to all departments, were approved except as applicable to OPD records; and



**WHEREAS,** Council provided additional time for staff to further consult on the retention schedules for those categories with the expectation that a subsequent resolution would be brought back to Council addressing the omitted records; and

**WHEREAS,** the City Clerk now presents an updated Records Retention Schedule in consultation with the outside consultant, Office of the City Attorney, Office of the Inspector General, CPRA and OPD, which includes the previously omitted categories and additional erroneously omitted revisions; and

**WHEREAS,** future updates and changes to the Records Retention Schedule will be reviewed and approved by the City Clerk and the City Attorney in compliance with then-existing laws and policies; now, therefore, be it

**RESOLVED:** The Council hereby approves and adopts the attached updated Records Retention Schedule (Exhibit B-Updated) and, to the extent necessary, modifies City Council Resolution No. 90117, to expressly incorporate the amendments set forth in this updated Records Retention Schedule; and be it

**FURTHER RESOLVED:** That, the City Clerk, in collaboration with the Office of the City Attorney, is authorized to review and approve requests for the deletion and/or destruction of any City records prior to deletion and/or destruction of such records in accordance with City procedures; and be it

**FURTHER RESOLVED:** That the City Clerk in collaboration with the Office of the City Attorney, is authorized to review and amend the Records Retention Schedule on a periodic basis to make updates and changes in compliance with then-existing laws and policies without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA, **APR 16 2024**

PASSED BY THE FOLLOWING VOTE:

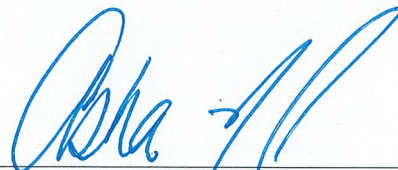
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

3343806v1/SW

# **EXHIBIT B-UPDATED**

## **[RECORDS RETENTION SCHEDULE]**

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CL = Closed    GU = Current Year    FR = Final Resolution    LA = Letter of Intent or Action    M = Month  
MA = Majority    MAINT = Maintained Records    PR = Permanent    S = Supported    Y = Year

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
001	<b>Accounts Payable and Receivable</b> Records and information related to the accounting of monies paid by or received by the City including payment for financial obligation.	Aging Reports Cash Records (cash count reports, cash flow book, information, cash disbursement, cash register, receipts, cash receipts) Check Listing Credit Memos Collections Donations Employee Expense Reports, Reimbursements Fees Paid Fees Received Form 1099 Form W-9 Invoices and Vouchers Purchasing Cards Expense Reconciliation/Allocations Reconciliations Refunds Taxes Paid Tax Revenue Received Tuition Reimbursements Utility Billing (registers, adjustments, deposit reports, payment subs)	All Departments	10Y	CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 28 CFR 31.6001-1(a)(2) - (CU+4Y) US - 29 CFR 97.42 - (3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y; 2Y)
002	<b>Agreements, Contracts and Leases - Goods and Services</b> Executed agreements, contracts, leases (which includes any type of contract, such as an agreement, franchise, or purchase order) and associated ancillary documents, between the City and other parties. Examples include: <ul style="list-style-type: none"><li>- Collective Bargaining Agreements</li><li>- Contractor Agreements</li><li>- Equipment Agreements</li><li>- Franchise Agreements</li><li>- Licensing Agreements</li><li>- Maintenance Agreements</li><li>- Memoranda of Agreement (MOA)</li><li>- Memoranda of Understanding (MOU)</li><li>- Professional Services Agreements</li><li>- Service Contracts</li></ul>	Addendums and Amendments Attachments / Exhibits Certificates of Insurance Concessions Contractor Agreements (updated annually, semi-annually) Disclosures Equipment Agreements Family Resources & Referral Agreements (annually) Instructor Agreements Letters of Understanding Maintenance Agreements Memoranda of Agreement (MOAs) Memoranda of Understanding (MOUs) - other than labor MOUs Professional Services Agreements Purchase Orders Statements of Work (SOWs) Warranties	All Departments	While Active+4Y	CA - CCP 337 - (4Y) CA - CCP 337.1 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.703 - (AC3Y) US - 48 CFR 4.705-1 - (4Y) US - 49 CFR 107.504 - (AC+2Y)
003	<b>Community Outreach, Media and Public Relations</b> Records and information regarding external-facing communications, advertising and press relations materials, including documentation of outreach activities/events held in cooperation or for the benefit of the local community.	Brochures, Flyers City FAQs Mailers Marketing Plans Media Packets, Releases, Kits PowerPoint Presentations for Council Members Public / Media Inquiries Public Outreach / Education guide Publications Produced by the City (newsletter, visitors guide) Publicity Files Seasonal Brochures Social Media Documentation Special Events Surveys Waivers of Liability	All Departments	4Y	CA - CCP 337 - (LA4Y) CA - GOV 34090 - (2Y)



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p style="text-align: center;"><b>AGREEMENTS USED IN LEGAL CITATIONS:</b>                      CL = Closed    CU = Current Year    FR = Forfeiture    LA = Limitation of Action    M = Month                      MA = Maturity    MAINT = Maintenance    PR = Permanent    S = Supervisor    T = Termination    Y = Year</p>				
004	Record Name and Description	Example Documents	Department/Office of Record	Retention
	<b>Department Administration</b> General internal administrative records of City departments, including: - Documentation of department internal activities - Routine department reports - Information captured on a log or a list - Correspondence, memos, notes and emails that do not require acknowledgment and do not pertain to another category - Department projects	<b>Example Documents</b> Certificate of Life Attestations Constituent Correspondence Department Administrative Documents (calendars, committees, goals, objectives, meeting agendas, meeting minutes, meeting tapes/recording, plans) Department Generated Routine Studies / Reports Employee Communication Letters (announcements, new programs, notices) In-House Committees / Employee Committees Log Books and Lists Recorded Messages for Non-English Speakers Routine Correspondence Shipping and Receiving Records Unsuccessful Grant Funding Applications	All Departments	2Y
005(a)	<b>External Audits</b> Records and information related to audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit done by a third party.	Annual Audit Reports Audit Files, Plans Auditors Reports Management Responses Recommendations Remediation Plans / Results	All Departments <b>except Police</b>	CL+6Y
005(b)	<b>External Audits</b> Records and information related to audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit done by a third party.	Annual Audit Reports Audit Files, Plans Auditors Reports Management Responses Recommendations Remediation Plans / Results	Police	CL+10Y*
006	<b>Grants Administration of Grants Issued To and Given by the City</b> Documents the application, evaluation, awarding, administration, monitoring, reporting, and status of grants and other funding sources in which the City receives or gives monies, as well as when the City serves only as pass-through for grant funds. Includes: - Federal grants - Local grants - State grants - Combined Federal, State, and Local grants - Regional grants and funding sources - Grant Funds awarded by the City	Applications (including project proposals) Award Notification Grant Administration Grant Evaluations Program Rules, Regulations, Procedures Property Taxes Funding Reports to Funding Agencies	All Departments	CL+5Y
<p>                         CA - GOV 945.6(a)(2) - (LA6M; LA2Y)                          CA - GOV 34090 - (2Y)                          Oakland Municipal Code 2.30.080 - (MAINT)                     </p> <p>                         CA - GOV 945.6(a)(2) - (LA6M; LA2Y)                          CA - GOV 8546.7 - (CL+3Y)                          CA - GOV 34090 - (2Y)                     </p> <p>                         CA - GOV 945.6(a)(2) - (LA6M; LA2Y)                          CA - GOV 8546.7 - (CL+3Y)                          CA - GOV 34090 - (2Y)                          *As required by Office of Inspector General                     </p> <p>                         CA - GOV 8546.7 - (CL+3Y)                          CA - GOV 34090 - (2Y)                          US - 2 CFR 200.334 - (CL+3Y)                          US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y)                          US - 28 CFR 97.42 - (3Y)                     </p> <p>                         Closed* = Closeout of Grant. Plus All Final Audit Reports Completed. If grant is in perpetuity, it never closes or retain per contract stipulation, whichever is longer.                          Unsuccessful applications are retained for 2 years.                          NOTE: If a grant requires longer retention, its specific requirements will take precedence.                     </p>				

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CA = California; CC = County Code; CU = Current Year; FR = Final Resolution; LA = Legislative Act; M = Month; MA = Majority; MIN = Minimum; PR = Permit; S = Supported; T = Title; U = Unofficial; V = Video; W = Week; Y = Year

	Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
007	<b>Historical Documents, Events, and Collections</b> Records and information documenting the history and significant milestones of the City as determined by the City Manager or City Clerk	Biographies of City Officials Census Information City Seal and Logo City Incorporation City Publications Demographics Elections ( <i>historic, significant</i> ) Executive, City Official Communications, Speeches, Videos Historic Districts Historical Events, Artifacts, Architecture, Designations, Projects Memorial Programs Picture Collections Publicity Photographs Registered Logos Significant News Clippings, Releases Sister City Program(s)	All Departments	Permanent*	CA - GOV 34090 - (2Y) *The decision about what is historical is up to the City to decide.
008	<b>Permits Issued</b> Documentation of permits issued by the City for the use of City property and facilities or for special activities within the City limits and are not long-term permits. <ul style="list-style-type: none"> <li>Alarms</li> <li>Block Parties</li> <li>Concealed Weapons</li> <li>Filing Permits</li> <li>Fire Code Permits</li> <li>Special Events</li> <li>Street Permits</li> <li>Tent Permits</li> <li>Transportation Permits (<i>oversize, overweight</i>)</li> <li>Tree Removals</li> </ul>	Applications Backup Documentation Fingerprints Renewals	All Departments	While Active+4Y*	CA - CCP 337 (4Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 12.36.090 - (PR) *Exception: Permits for removal of City Protected trees will be maintained in a permanent file
009(a)	<b>Policies, Procedures and Work Instructions</b> Documentation of Council policies and administrative documentation of City policies, procedures, and work instructions for all departments.	Directives General Orders Guidelines Handbooks Instructions Manuals Policies Procedures Retention Schedule Standards Work Instructions	All Departments except Police	S+2Y	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)
009(b)	<b>Policies, Procedures and Work Instructions</b> Documentation of Council policies and administrative documentation of City policies, procedures, and work instructions for the Police Department.	Directives General Orders Guidelines Handbooks Standards	Police	S+50 Years	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)
1010 of 194	<b>Procurement - Agreements and Contracts Not Awarded</b> Records and information utilized in solicitation of goods and services where the purchase order, contract or agreement was not awarded.	Bids, Exhibits ( <i>unaccepted, rejected, not awarded</i> ) Price Lists Quotations Requisitions Requests for Information ( <i>RFI</i> ) Requests for Proposal ( <i>RFP</i> ) Requests for Quote ( <i>RFQ</i> ) Scorecards Specifications	All Departments	CL+4Y	CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y)

**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>GL= Closed; GU= Current Year; FR= Final Resolution; LA= Limitation Action; M= Month; Y= Year; MA= Maturity; NAIT= Maintain Records; PR= Permanent; S= Superseded; T= Termination</p>				
Record ID	Record Name and Description	Example Documents	Department/Office of Record	Retention
011	<b>Public Notices</b> Records documenting compliance with laws requiring public notice of government activities, excluding agendas and legislative body-related documents. Subjects may include assessments, elections, land use changes, public meetings and hearings, sale of property, and others.	Affidavits of Mailing Affidavits of Posting Mandatory Publication/ Legal Notices Mandatory Act Lists and Notices Public Hearing Notices Vacancy Notices	All Departments	2Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
012	<b>Service Requests, Issues, and Complaints</b> Documentation regarding complaints and requests for service received by City departments.	Complaints and Inquiries Follow-up Investigations Issues Log OAK311 Work Requests Trouble Reports Work Orders	All Departments	2Y Complaints of misconduct by OPD go to OPD Internal Affairs.  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
013	<b>Strategic Planning</b> Records and information relating to financial planning.	Business Plans Consolidated Action Plans Financial Plans Forecasts Strategic Plans	All Departments	2Y  CA - GOV 34090 - (2Y)
014(a)	<b>Training Materials, Courses, Scheduling</b> Documentation regarding the content of courses and schedules for training offered to employees, officials and volunteers, including: - Ethics - Fire Extinguisher - First Aid/CPR - Privacy - Safety - Specialized Equipment - Records and Information Management - Sexual Harassment - Agenda Training	AB1234 Attendance Lists Employee Development Employee Training Files Presentation Materials PowerPoint Slide Decks Rosters Sign-in Sheets Testing Training Bulletins	All Departments except Police	CU+5Y  CA - 8 CCR 3203 - (1Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) US - 29 CFR 1602.14 - (AC+1Y)
014(b)	<b>Training Materials, Courses, Scheduling</b> Documentation regarding the content of courses and schedules for training offered to police officers including: - Ethics - First Aid/CPR - Privacy - Safety - Specialized Equipment - Records and Information Management - Sexual Harassment - Weapons Training	Attendance Lists	Police	CU+20 Years*  CA - 8 CCR 3203 - (1Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) US - 29 CFR 1602.14 - (AC+1Y)  *As required by Office of City Attorney and Office of Inspector General
015	<b>Volunteer Management</b> Records and information regarding the onboarding and management of departmental volunteer staffing.	Employee Development	All Departments	2Y  CA - GOV 34090 - (2Y)
016	<b>Legislative Administrative Records</b> Administrative documents associated with meetings and activities of the City's legislative bodies, as well as documentation of non-legislative commissions, committees and task forces.	Employee Training Files	All Departments	5Y  CA - CDP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code - 3.20.090 - (5Y)



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>LEGISLATION USED IN LEGAL CITATIONS:</b>            CL = Closed, CU = Current Year, FR = Final Resolution, LA = Limitation Action, M = Month, U = Unfiled (Program Assistant), T = Termination, S = Suspended, MA = Majority, MAINT = Main In Records, PR = Preparation, S = Suspended</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>017</b> <b>Animal Care - Care and Service of Animals</b> Records that document the care, feeding, adoption, fostering or destruction of animals under the care of the City's Animal Care Facility.	Presentation Materials	Animal Services	4Y	CA - CCP 340(c) - (LA1Y) CA - CCP 337 - (LA4Y) CA - FAC 32003 - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 12231 - (MAINT) CA - PEN 597.1(d) - (3Y)
<b>018</b> <b>Children's Accountability Oversight</b> Records and information regarding the services of the Children's Accountability Initiatives that are created by the Children's Accountability Officer	PowerPoint Slide Decks	City Administrator	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>019</b> <b>City Administrator Project Administration</b> Records and information received or created for implementing and/or monitoring the implementation of a project. When a project becomes a part of the normal operations, the records belong to the operations.  Types of Special Projects: - ADA Projects - Lead Settlement - Transformative Climate Communities (TCC) Grant Oversight - Sugar Sweetened Beverage Distribution Tax (SSBT) - ECAP/Sustainability	Rosters	City Administrator	CL+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>020</b> <b>Organization Charts</b> Documents that depict the departmental and reporting structure of the City government.	Sign-in Sheets	City Administrator	While Active+6Y	CA - GOV 34090 - (2Y)
<b>021</b> <b>Legislative Records - Audio/Video Records</b> Audio and video recordings of City Council, Commissions, Boards, City Committees and Redevelopment Successor Agency and their governing boards.	Testing	City Administrator City Clerk	Permanent	CA - GOV 34090.7 - (90D) CA - GOV 54953.5(b) - (30D) Oakland Municipal Code 2.20.160(B) - (4Y)
<b>022</b> <b>Legislative and Advisory Body Records</b> Records of all action taken by City legislative and advisory bodies, including City Council, Oversight Board, Successor Agency, Redevelopment Agency, Planning Commission, City Boards and Commissions, Task Forces, Committees, and Subcommittees taken during public and closed session meetings and are subject to the rules of the Brown Act.	Training Bulletins	City Administrator City Clerk Public Ethics Commission	Permanent	CA - GOV 34090(e) - (PR)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p style="text-align: center;"><b>LEGEND</b></p> <p>CL = Closed; CU = Current Year; FR = Final Resolution; LA = Limitation on Action; M = Month; Y = Year</p> <p>MA = Maturity; MAINT = Maintenance; PR = Permanent; S = Suspended; T = Termination; Y = Calendar Year</p>				
<p style="text-align: center;"><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>CA = California; CCP = California Civil Procedure; CCRP = California Civil Rights Project; CCRP-PR = California Civil Rights Project - Permanent; CCRP-S = California Civil Rights Project - Suspended; CCRP-T = California Civil Rights Project - Termination; CCRP-Y = California Civil Rights Project - Year</p>				
Record ID	Record Name and Description	Example Documents	Department/Office of Record	Retention
023	<p><b>Business Licenses and Permits</b></p> <p>Records and information documenting the issuance of City business licenses and business permits. Includes, but is not limited to, permits for the following types of businesses:</p> <ul style="list-style-type: none"> <li>- Airports</li> <li>- Auctions and auctioneers</li> <li>- Bingo</li> <li>- Business Tax Certificates</li> <li>- Cabarets</li> <li>- Cannabis sales</li> <li>- Carnivals</li> <li>- Dance halls</li> <li>- Firearms dealers</li> <li>- Massage establishments and massage therapists</li> <li>- Miniature golf courses</li> <li>- Pawnbrokers and second-hand sellers</li> <li>- Poolrooms, bowling alleys and skating rinks</li> <li>- Private patrol services</li> <li>- Taxis and other for-hire vehicles (cabs, drivers)</li> <li>- Theaters</li> <li>- Tow trucks</li> </ul>	<p>Annual Business Tax Certificates Applications*</p> <p>Business Tax (applications, fees, financial history, reports)</p> <p>Special Licenses (pesticides, applicators, painting)</p>	City Administrator Finance	While Active+6Y*
024	<p><b>Business Continuity Records - Facilities and Emergency Operations</b></p> <p>All documentation for dealing with preparation for and responses to emergencies, disasters and/or system failures in the City. Includes the Emergency Operations Center.</p>	<p>Business Continuity Plans</p> <p>Damage Assessment</p> <p>Disaster Recovery Plan and Case History Plan</p> <p>Emergency Contact Lists, Employee Lists, Roster of Workers</p> <p>Emergency Evacuation Procedures</p> <p>Emergency Operations Center</p> <p>Emergency Operations Plan</p> <p>Emergency Preparedness</p> <p>Emergency Response</p> <p>Evacuation Plans</p> <p>Fire Prevention Plan</p> <p>Telephone Trees</p> <p>Volunteer Lists</p>	City Administrator Fire Police	While Active+2Y
025(a)	<p><b>Routine Legal Advice and Opinions</b></p> <p>Memoranda containing legal advice and/or opinions prepared by the City Attorney.</p>	<p>Legal Memorandum</p> <p>Attorney Opinions</p>	City Attorney	While Active+2Y
025(b)	<p><b>Significant/Notable Advice and Opinions</b></p> <p>Memoranda containing legal advice and/or opinions prepared by the City Attorney.</p>	<p>Legal Memorandum</p> <p>Attorney Opinions</p>	City Attorney	Permanent
026	<p><b>Public Information Requests</b></p> <p>Records requested by the public, required for provision to the public, and related inquiries.</p>	<p>Collection Lists</p> <p>Formal Public Records Requests</p> <p>Inquiries</p> <p>Public Records Requests</p>	City Attorney	Permanent

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS: GL = Closed; CUP = Current Year; FR = Final Resolution; LA = Limitation of Action; M = Month; U = Life (of program, asset); MA = Maturity; MAINT = Maintenance; PR = Permanent; S = Superseded; T = Termination; Y = Year				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>027</b> <b>Routine Litigation and Third Party Claims</b> Records generated for or related to routine cases or action before a judicial, arbitral, or administrative officer or body	Claims Complaints Court Orders Discovery Exhibits Judgments Pleadings Related Correspondence Settlement Agreements Subpoenas (for civil subpoenas and criminal subpoenas) Third Party Claims	City Attorney	FR+10Y	CA - 2 GCR 11013 - (FR+2Y) CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 338.1 - (LA5Y) CA - GOV 911.2 - (LA6M; LA1Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - RTC 19704 - (LA6Y) CA - UIC 1132 - (LA5Y) US - 28 USC 6531 - (LA6Y) US - 26 USC 6532 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626(d) - (LA300D) US - 42 USC 2000e-5(e) - (LA180D) US - 42 USC 2000e-5(f) - (LA180D)
<b>028</b> <b>Settlement Agreements</b> Records and information regarding the final settlement in an action between the City and another party.	Agreement Court Rulings/Decisions	City Attorney	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y)
<b>029</b> <b>Significant/Notable Litigation</b> Records generated for or related to significant cases or action before a judicial, arbitral, or administrative officer or body.	Claims Complaints Court Orders Discovery Exhibits Judgments Pleadings Related Correspondence Settlement Agreements Subpoenas (for civil subpoenas and criminal subpoenas) Third Party Claims	City Attorney	Permanent	CA - 2 GCR 11013 - (FR+2Y) CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - CCP 338.1 - (LA5Y) CA - GOV 911.2 - (LA6M; LA1Y) CA - GOV 945.6(a)(2) - (LA8M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 5410 - (LA5Y) CA - RTC 19704 - (LA6Y) CA - UIC 1132 - (LA5Y) US - 28 USC 6531 - (LA6Y) US - 26 USC 6532 - (LA2Y) US - 29 USC 255 - (LA2Y) US - 29 USC 626(d) - (LA300D) US - 42 USC 2000e-5(e) - (LA180D) US - 42 USC 2000e-5(f) - (LA180D)
<b>030</b> <b>Property Claims by the City</b> Records detailing claims lodged by the City for damages to City property.	Accident/Incident Reports Actuarial Reports Annual Audit of Open Claims Appraisals Claims By the City Closing Letters Damage Estimate Reports Supporting Documentation Insurance Claims, Appraisals, Reports Investigations	City Attorney Human Resources	Final Resolution+4Y	CA - CCP 337 - (LA4Y) CA - CCP 338.1 - (LA4Y) CA - GOV 34090 - (2Y)



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

**ACRONYMS USED IN LEGAL CITATIONS**

CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation of Action  
MA = Maturity    MAINT = Maintaining Records    PR = Permanent    S = Superseded or  
T = Termination    Y = Year    M = Month

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
031	<b>Audits, Official - Internal and Administration</b> Records and information related to internal performance audits and administration of auditing activities, including reviewing and documenting operational, compliance, or financial information created as a part of an audit.	Annual/Audit Reports Audit Files, Plans Audit Schedules Audit Worksheets Auditors Reports Improvement Plans Investigations/Workpapers Management Responses Observations Recommendations Remediation Plans / Results Responses	City Auditor	Audit Closure+6Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.517 - (AC+3Y) US - 26 USC 6531 - (LA6Y)
032	<b>Election Records - Administrative Files</b> Documentation of the administration of City elections as well as the submission and processing of initiatives, referenda, recalls, or ballot measures, excluding petitions.	Ballot Measure (arguments for/against, full text, rebuttals, impartial analyses) City Attorney Opinion Election Correspondence Election Results Research Notes	City Clerk	4Y	CA - GOV 34090 - (2Y) CA - GOV 81009 (f) (g) - (4Y), (2Y)
033	<b>Election Records - Initiative, Recall, or Referendum Petitions</b> Petitions for initiative, referendum, or recall, whether successful or not.	Petitions (Initiatives, recall or referendum)	City Clerk	8M	CA - ELEC 17200 - (8 Months) CA - ELEC 17400 - (8 Months)
034	<b>FPPC Forms - Mandated Reporting</b> Forms mandated by state law related to receipt and redistribution of gifts and honoraria, ceremonial roles, and holding of multiple positions for certain employees, elected or appointed officials, or consultants.	Form 801 Form 802 Form 803 Form 804 Form 805 Form 806	City Clerk	7Y	CA - GOV 34090 - (2Y) CA - GOV 81009(e) - (7Y)
035	<b>FPPC Forms - Statements of Economic Interest</b> Statements of economic interest mandated by state law for certain employees, elected or appointed officials, or consultants.	Form 700	City Clerk	Term+7Y	CA - GOV 34090 - (2Y) CA - GOV 81009 (e) - (7Y) *Term = Term of Office, Term of Service or Termination of Employment
036	<b>Records, Information Management</b> Documentation of the compliance with Records and Information Management policy and procedures.	Certificates of Destruction Inactive Records Storage Information Lists of Stored / Destroyed Records Records Transfers (to storage, to other depts, )	City Clerk	10Y	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y)
037	<b>Public Meeting Speaker Requests</b> Cards or similar records submitted by public attendees at City Council and Commission sessions who wish to speak during the session.	Speaker Requests	City Clerk	6 Months	
038	<b>Final Budget</b> Records and information relating to final approved City budgets.	Final Budget Document Gann Limit Annual Review	City Clerk Finance	2 years	CA - GOV 34090 - (2Y)
039	<b>Election Records - Candidates Not Elected</b> Campaign statements and election documentation for candidates who are not elected.	Campaign Statements Nomination Papers	City Clerk Public Ethics Commission	5Y	CA - ELEC 17100(a) - (T+4Y) CA - GOV 81009(b) - (5Y) CA - GOV 84616(b) - (4Y)
040	<b>Election Records - Committee Campaign Forms</b> Campaign statements for Political Action Committees, General Purpose Committees and all other FPPC campaign reports, Oakland-specific campaign reports, public financing reports and forms, and other statements not specified in Record #s 034 & 035.	FPPC Series 400 Forms OCRA Forms Public Financing Vouchers Public Financing Reimbursement Claims	City Clerk Public Ethics Commission	7Y	CA - GOV 81009(e) - (7Y)

**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Letter of Appreciation    M = Month            MA = Maturity    MAINT = Maintenance    PA = Permanent    S = Suspended    T = Termination    Y = Year</p>				
<p><b>Record Name and Description</b></p>				
<p><b>Example Documents</b></p>				
<p><b>Department/Office of Record</b></p>				
<p><b>Retention</b></p>				
<p><b>Legal Citations and Comments</b></p>				
041	<p><b>Election Records - Officeholders, Candidates Elected, and Supporting Committees</b>            Campaign statements and election documentation for candidates who are elected or appointed to City offices, their controlled and supporting committees, and officeholders.</p>	<p>Campaign Statements (candidates, candidates-controlled committees, primarily-formed committees in support, officeholders)            Nomination Papers</p>	<p>City Clerk            Public Ethics Commission</p>	<p>Permanent</p> <p>CA - ELEC 17100(a) - (T+4Y)            CA - GOV 31009(b) - (PR)</p>
042	<p><b>Elected Officials Administrative Records</b>            Records and information regarding administration of the activities and work of the Oakland City Council and other elected City officials.</p>	<p>Chron Files            Constituent Correspondence            Presentations            Projects            Social Media Postings            Special Events            Travel Schedules</p>	<p>City Council Office</p>	<p>2Y</p> <p>CA - GOV 945.6(a)(2) - (LA&amp;M; LA2Y)            CA - GOV 34090 - (2Y)</p>
043	<p><b>Economic Development Programs and Services</b>            Records and information documenting the City's economic development programs and redevelopment successor programs including marketing, events and customer relationships management.</p>	<p>Adult and Youth Training Program Documents            Business Incentive Programs (grants, funding)            Business Recruitment Programs            Climate Action Plan            Community Activities            Demographics            Economic Development Programs            Economic Development Strategy            Emergency Funding            Job Connect and Listings            Job Fairs and Recruitment            Marketing (website)            On-the-Job Training for Adults and Youth            Outreach            Signage and Facade Program            Workforce Investment Grant Agreements            Workforce Statistics and Data</p>	<p>City Council Office            Economic &amp; Workforce Development</p>	<p>While Active+4Y</p> <p>CA - CCP 337 - (LA4)            CA - GOV 945.6(a)(2) - (LA&amp;M; LA2Y)            CA - GOV 34090 - (2Y)            US - 2 CFR 200.334 - (CL+3Y)            US - 24 CFR 570.502 - (CL+4Y)</p>
044	<p><b>Redevelopment/Successor Agency Official Reports</b>            Official reports issued by the former Oakland Redevelopment Agency or the Successor agency to the Oakland Redevelopment Agency.</p>	<p>Administrative Budgets            Annual Report to State            Bond Expenditure Agreement            Bond Spending Plan, Amendments            Compensation Agreements with Taxing Entities            Due Diligence Reviews            Enforceable Obligation Payment Schedule (EOPS)            Excess Bond Proceeds            Housing Asset Inventories            ORSA Formation Documents            Oversight Board Formation Documentation            Prior Period Adjustment Records            Recognized Obligation Payment Schedule (ROPS)            Reports            Resolutions            State Controllers Report            State Department of Finance Determination Letter            Statement of Indebtedness            Successor Agency Property Management Plans</p>	<p>City Council Office            Economic &amp; Workforce Development            Finance Department</p>	<p>Bond Payoff+2Y</p> <p>CA - GOV 34090 - (2Y)            CA - HSC 34177(n) - (1Y)            US - 24 CFR 570.502 - (CL+4Y)</p>
045	<p><b>Police Review Activity Reporting</b>            Records and information documenting the disclosures, reporting and investigations of the Community Police Review Agency.</p>	<p>Annual Report            Disclosures            Special Projects            Statistical Reports</p>	<p>Community Police Review Agency</p>	<p>CL+20Y*</p> <p>CA - GOV 945.6(a)(2) - (LA&amp;M; LA2Y)            CA - GOV 34090 - (2Y)            CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct)            CA - PEN 832.5(b) - (15Y, where there is a sustained finding of misconduct)            *As required by Office of Inspector General</p>



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS/ABBREVIATIONS				
<p> <b>CR</b> = Closed    <b>CU</b> = Current    <b>ER</b> = Final Resolution    <b>CA</b> = Cancellation/Action    <b>MA</b> = Maturity    <b>MAINT</b> = Maintenance    <b>PR</b> = Permanent    <b>S</b> = Suspended    <b>T</b> = Termination    <b>Y</b> = Year  <b>CL</b> = Classification    <b>LA</b> = Law    <b>LA6M</b> = 6 Months    <b>LA10Y</b> = 10 Years    <b>LA15Y</b> = 15 Years    <b>LA20Y</b> = 20 Years    <b>LA25Y</b> = 25 Years    <b>LA30Y</b> = 30 Years    <b>LA35Y</b> = 35 Years    <b>LA40Y</b> = 40 Years    <b>LA45Y</b> = 45 Years    <b>LA50Y</b> = 50 Years    <b>LA55Y</b> = 55 Years    <b>LA60Y</b> = 60 Years    <b>LA65Y</b> = 65 Years    <b>LA70Y</b> = 70 Years    <b>LA75Y</b> = 75 Years    <b>LA80Y</b> = 80 Years    <b>LA85Y</b> = 85 Years    <b>LA90Y</b> = 90 Years    <b>LA95Y</b> = 95 Years    <b>LA100Y</b> = 100 Years </p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>046</b> <b>Complaints, Internal Investigations - No Sustained Finding of Misconduct</b> Documentation of complaints received, formal inquiries and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where this is no sustained finding of misconduct	Internal Investigations - Citizen Complaints Internal Investigations - Departmental Complaints and Informal Complaints	Community Police Review Agency Police	CL+20Y	CA - EVID 1045 - (AC+5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (5Y, where there is not a sustained finding of misconduct) CA - VEH 2547 - (3Y) *As required by Office of Inspector General
<b>047</b> <b>Complaints, Internal Investigations - Sustained Finding of Misconduct</b> Documentation of complaints received, formal inquiries and investigations, including those by Internal Affairs, involving Police department employees (excludes officer involved shootings) where this is a sustained finding of misconduct	Internal Investigations - Citizen Complaints Internal Investigations - Departmental Complaints and Informal Complaints	Community Police Review Agency Police	CL+20Y	CA - EVID 1045 - (AC+5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) CA - PEN 801.5 - (4Y) CA - PEN 832.5(b) - (15Y, where there is a sustained finding of misconduct) CA - VEH 2547 - (3Y) *As required by Office of Inspector General
<b>048</b> <b>Cultural Development Program Funding</b> Documents and funding related to the programs, awards and activities for the benefit of local nonprofit arts and cultural organizations.	Applications Art Loans and Submittals Awards Community Garden Events and Programs	Economic & Workforce Development	6Y	CA - CCP 337 - (LA4Y) CA - CCP 338(c)(3)(A) - (LA6Y) CA - GOV 34090 - (2Y)
<b>049</b> <b>Agreements, Contracts and Leases - Construction, Infrastructure, and Real Property</b> Executed agreements and contracts for acquisition of modifications to, or disposal of real property, including construction services, as well as associated ancillary documents, between the City and other parties. Examples include: - Acquisition Agreements - Contractor Construction Agreements - Professional Services Agreements - Property Improvement Contracts - Personal Property Sales Agreements - Subdivision Improvement Agreements (SIAs)	Addendums and Amendments Attachments/Exhibits Awarded Bids Performance Bonds Certificates of Insurance Dislosures Letters of Intent Private Land Development Bond Purchase Orders Specifications Statements of Work (SOWs) Storm Water Maintenance Agreements (SWMAs) Supplemental Subdivision Improvement Agreements (SSIAAs) Warranties Wastewater Agreements	Economic & Workforce Development Housing & Community Development Public Works	Permanent	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 3546.7 - (CL+3Y) CA - GOV 34090(a) - (PR) US - 2 CFR 200.334 - (CL+3Y) US - 29 CFR 516.5 - (3Y) US - 48 CFR 4.705-1 - (4Y)
<b>050</b> <b>Civil Rights and Employment Investigations</b> Records and information documenting complaints, investigations, mediation, and counseling regarding civil rights and employment violations. Includes: - Civil Rights Violations - Discrimination and Harassment - Sexual Harassment - EEOC Complaints	Closure Letters Coaching and Counseling Records Complaints Compliance Audits Mediation Records Reports Training Records	Employment Investigations & Civil Rights Compliance	FR+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12965 - (LA1Y; LA2Y) CA - GOV 34090 - (2Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation of Action    M = Month            MA = Maturity    MAINT = Maintain Records    PR = Permanent    S = Supervised    T = Termination    Y = Year</p>					
Record ID	Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
051	<b>Bank Account Information</b> Records and information related to banking authorities, activities, transactions and correspondence. This category includes reconciliations.	Bank Account Administration Bank Statements (all agencies) Check Copies Checks, Canceled Check Registers, Journals Corrections/Returns/Adjustments Credit Card/Merchant Activity Statements Deposit Permits, Deposits Electronic Banking Transactions Reconciliations Signature Cards Transfers Treasurer Receipts	Finance	20Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y) US - 48 CFR 4.705-1 - (4Y)
052	<b>Debt Administration</b> Records and information relating to City financing and debt activities.	Amortization Schedules Arbitrage Reports Bond Documents and Reports (continuing disclosures, bond rating reports, official statements, transcripts, requisitions) Bond RFP/RFQ Loans/Master Leases (debt state loans) Payment History/Schedules/Trustee statements	Finance	Maturity+10Y	CA - CCP 336a - (LA6Y) CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) * Maturity includes cancellation and redemption
053	<b>Financial Reporting - Annual, Periodic</b> Annual and periodic financial reports, whether required by regulations or generated to track financial transactions and achievements by the City.	ACFR Workpapers Payroll Reports (FRA, RMT, CMA 457 accounts, Material/deferred compensation) Revenue/Expenditures Reports Treasurer's Report Workers Compensation Reports	Finance	10Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CU+1Y) US - 26 USC 6531 - (LA6Y)
054	<b>Financial Reporting - Official</b> Official financial reports of the City.	Annual Report of Financial Transactions To State Annual State Controller Filings Audited Financial Statements CalPERS Reports and Retirement Plans State Controller's Report U.S. Equal Employment Opportunity Commission (EEOC) Reports	Finance	10Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 1.1461-2 - (CU+1Y) US - 26 USC 6531 - (LA6Y)
055	<b>Fixed Assets</b> Records and information related to the ownership, transfer, acquisition, disposition, capital leased, or improvement of fixed assets owned by or used by the City.	Acquisitions Amortization Asset Retirement Records Capital Asset Records Capital Improvements Depreciation Schedules Dispositions Equipment Rental/Usage Reports Fixed Asset Ledger Fixed Asset Reports Fixed/Capital Asset Accounting Possessory Interest Valuation Information	Finance	Life+10Y	CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y) US - 26 USC 6631 - (LA6Y) * Life of Asset



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p align="center"><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>CL = Closed - CU = Current Year - FR = Final Resolution - LA = Litigation and Action - LI = Life (Program/Process) - M = Month - MA = Maturity - (MAINT) = Maintenance - PR = Permanent - S = Superseded - T = Termination - Y = Year</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<p>056</p> <p><b>General Ledger, Journal Entries, Budget Adjustments</b></p> <p>Records and information related to the transfer of charges between accounts and summaries of account information, including year end summaries of general ledger transactions.</p>	<p>Account Ledgers</p> <p>Balance Sheets</p> <p>Budget Adjustments</p> <p>Cash Journal Entries</p> <p>Chart of Accounts</p> <p>Downloads / Data Exports</p> <p>Expenditure Reports</p> <p>General Ledger</p> <p>Journal Entries and Backup Documentation</p> <p>Revenue</p> <p>Sub-Ledgers</p> <p>Summary Reports</p> <p>Trial Balance</p> <p>Year-End / Account Detail History Report</p>	Finance	10Y	<p>CA - GOV 34090 - (2Y)</p> <p>US - 26 CFR 31.6001-1(e)(2) - (CU+4Y)</p> <p>US - 26 USC 6531 - (LA6Y)</p>
<p>057</p> <p><b>Investments and Treasury</b></p> <p>Records and information relating to City investment activities.</p>	<p>Certificates of Deposit (CDs)</p> <p>Financial Investment Planning</p> <p>Investment Reporting and Portfolio Management</p> <p>Investment Reports</p> <p>Local Agency Investment Fund (LAIF)</p> <p>Quarterly Investment Report</p> <p>Security Instruments</p> <p>Third Party Trustee Account Statements</p>	Finance	Maturity+6Y	<p>CA - CCP 336 - (LA5Y)</p> <p>CA - CCP 337 - (LA1Y)</p> <p>CA - CCP 338 - (LA3Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 85467 - (CL+3Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>• Maturity includes cancellation and redemption</p>
<p>058</p> <p><b>Payroll</b></p> <p>Records and information related to the accounting of payroll earnings, deductions, and issuance. This also includes records and information reflecting all earnings and benefits paid to each employee, including:</p> <ul style="list-style-type: none"> <li>- Name, address, SSN</li> <li>- Total amount and date of payments</li> <li>- Period of service covered for each</li> <li>- Withholding</li> <li>- Tax collected</li> </ul>	<p>Benefit Payments</p> <p>Deduction Authorizations, Registers, Reports</p> <p>Deferred Compensation</p> <p>Employee Master Lists, Addresses</p> <p>Extra Help Reports</p> <p>Federal and State Tax</p> <p>P.E.R.S. Reporting</p> <p>Payroll Checks, Copies, Stub Reports</p> <p>Payroll Certifications, Controls, Earnings</p> <p>Payroll Taxes</p> <p>Processing Reports, Reports to Government</p> <p>Salary Schedules</p> <p>Timekeeping Records (attendance sheets, leave slips, overtime slips, Telestaff payroll reports, timecards, out of class forms/reports, extra help requests)</p> <p>W-2, W-4</p> <p>Wage Rate Tables</p>	Finance	20Y	<p>CA - 2 CCR 570.5 - (5Y)</p> <p>CA - 2 CCR 571(b)(1)(E) - (5Y)</p> <p>CA - 8 CCR 11040(7) - (3Y)</p> <p>CA - 22 CCR 1085-2 (c) - (CU+4Y)</p> <p>CA - GOV 12946 - (4Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>CA - LAB 226a - (3Y)</p> <p>CA - LAB 1174(d) - (3Y)</p> <p>CA - LAB 1197.5 - (LA2Y, LA3Y)</p> <p>CA - UIC 1132 - (LA3Y)</p> <p>US - 26 CFR 31.6001-1(e)(2) - (CU+4)</p> <p>US - 26 USC 6531 - (LA6Y)</p> <p>US - 29 CFR 516.5 - (3Y)</p> <p>US - 29 CFR 516.6 - (2Y)</p> <p>US - 29 CFR 1620.32 - (2Y)</p> <p>US - 29 CFR 1627.3(a) - (3Y)</p> <p>US - 29 USC 436 - (5Y)</p> <p>US - 48 CFR 4.705-2 - (4Y; 2Y)</p>
<p>059</p> <p><b>Procurement - Purchasing and Requisitioning - Awarded</b></p> <p>Records and information created during the process of gathering information and awarding purchase orders or contracts for goods and services, including the terms and conditions under which vendors will provide those goods or services.</p>	<p>Bids</p> <p>Bonds</p> <p>Change Orders</p> <p>Compliance with City Purchasing Requirements</p> <p>Evaluation Sheets</p> <p>Exhibits</p> <p>Notices of Intent (to award, to bid)</p> <p>Price Lists</p> <p>Proof of Insurance Certificates</p> <p>Proposals</p> <p>Purchase Orders</p> <p>Quotations</p> <p>Receiving Reports</p> <p>Requests for Proposal (RFP)</p> <p>Requests for Qualifications (RFQ)</p> <p>Specifications</p>	Finance	CL+4Y	<p>CA - CCP 337 - (LA4Y)</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y)</p> <p>CA - GOV 85467 - (CL+3Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>US - 21 CFR 200.334 - (CL+3Y)</p> <p>US - 29 CFR 516.5 - (3Y)</p> <p>US - 48 CFR 4.703 - (AC3Y)</p> <p>US - 48 CFR 4.705-1 - (4Y)</p> <p>US - 49 CFR 107.504 - (AC+2Y)</p> <p>Oakland Municipal Code 2.23.050 - (MAINT)</p>

**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b>            CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation of Action    M = Month            MA = Maturity    MAINT = Maintenance    PER = Permanent    S = Supervised    T = Termination    Y = Year</p>					
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
060	<b>Unclaimed Funds</b> Records and information pertaining to unclaimed or outstanding checks not cashed by recipient.	Uncashed Checks Unclaimed Funds	Finance	10Y	CA - CCP 1513 - (3Y) CA - GOV 34090 - (2Y) US - Uniform Unclaimed Property Act (2016), Section 404 - (10Y)
061	<b>Funding Districts</b> Records and information documenting the formation and operations of the City's funding districts, including those for: - Business Improvement Districts (BIDS) - Fire Prevention - Infrastructure Finance Districts (IFDS, EIFDS) - Maintenance - Transit - Street Lighting - Landscaping - Open Space - Mello Roos - Parking	Continuing Disclosures Debt Reporting District Formation Documents	Finance Public Works	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090(a) - (PR) CA - GOV 60201 - (PR)
062	<b>Budget and Financial Planning</b> Records and information regarding the development of District, agency, assessment district, special district, council, commission or departmental budgets and plans.	Budget Planning Documents Capital Improvement Program Budget document, reports Five-Year Plans Program / Initiative Plans Revenue/Expenditure Reports Trial Balance/Balance Sheets (Finals)	Finance	6Y	CA - GOV 34090 - (2Y)
063	<b>Fire Academy and Volunteers</b> Records and information documenting the activities of the City-run Fire academy and any volunteer programs.	Applications Course Syllabus Reports Testing Materials	Fire	4Y	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) CA - State Fire Training Procedures Manual 5.1.1(A) - (4Y) CA - State Fire Training Procedures Manual 5.1.1(B) - (4Y)
064	<b>Fire Investigations</b> Records and information associated with arson investigations.	Evidence Files Fire Origin and Cause Investigation Reports Investigations Photographs	Fire	Permanent	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 800 - (LA6Y) CA - PEN 801 - (LA3Y)
065	<b>Fire Prevention Inspections and Programs</b> Records and information associated with the Fire Department programs and inspections of facilities and undeveloped parcels for vegetation management.	Commercial Facility Files Fire Education Inspection Reports Lien and Cost Recovery Information Residential or Lot Files	Fire	LP+5Y	CA - California Fire Code, 104.6 - (5Y or Life of Structure or Activity, whichever is longer) CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y) - Life of Structure or Activity
066	<b>Station Activity Records</b> Records and information created and maintained by the department for activities at the fire station.	Equipment and station maintenance logs Fire Incident Logs Station Logs	Fire	2Y	CA - GOV 945.6(a)(2) - (LA6M, LA2Y) CA - GOV 34090 - (2Y)

**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p align="center"><b>ACRONYMS USED IN LEGAL CITATIONS</b></p> <p>           GL = Closed    CU = Current Year    FR = Final Resolution    EA = Limitation on Action    M = Month            MA = Maturity    MAINT = Maintenance    PR = Permanent    S = Superseded    Y = Year         </p>					
Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
067	<b>Incident Reports</b> Records and information associated with department responses to fires and emergency incidents, including medical emergencies.	Death Declarations Emergency Medical Services Forms Emergency Services False Alarm Reports Hazardous Waste Spills Incident Reports Investigation Reports Mandated Reporting: Child Abuse, Elder Abuse Patient Care Reports (PCRs) / Refusal of Treatment/Release of Liability Forms Strike Team Records Suspicious Activity Reports (SARs)	Fire Police	10Y	CA - California Fire Code: 104.6 - (5Y) CA - 13 CCR 1100.7 - (3Y) CA - 22 CCR 100170 (MAINT) CA - 22 CCR 100171 (e) - (MAINT) CA - CCP 340.5 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 11191 - (3Y) *PCRs for minors must be retained for AC+7Y or until the minor reaches the Age of Majority Status (18Y) whichever is longer.
068	<b>Application, System Development and Maintenance</b> Technical documentation related to development and management of City technology processes, applications, or systems, as well as conversions, changes or modifications to existing applications or systems.	Business, Functional Requirements Change Requests Data Element Attribute Reports Data Migration Documentation Database Dictionary / Schema End User Documentation, User Manuals Hardware Configurations Intranet Joint Dispatch Center Network Circuits Inventories Network/Equipment Control Support Documentation Police and Fire Dispatch Source Code System Documentation (codebooks, record layouts, reference guides, schematics, specifications) System, Application Maintenance Documentation (hardware/operating system requirements, monitoring logs, operating manuals) Telecommunications System (telephones, voicemail) Websites	Fire Police Information Technology	L*+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *Life of Application.
069	<b>Fire Equipment</b> Records and information associated with fire protection and emergency response equipment.	<b>Apparatus and Maintenance Records</b> Certification/Binder Equipment Checks Inventories (apparatus, equipment, fixture)	Fire Public Works	L*+2Y	CA - 8 CCR 3203(b)(1) - (1Y) CA - GOV 34090 - (2Y) US - 29 CFR 1910.157 (Life of extinguisher) * Life of Equipment
070	<b>Hazardous Waste, Monitoring and Remediation</b> Planning, monitoring and contingency/emergency action plans for hazardous waste, emergency and spill response, natural and exposure emergencies, notifications and response; environmental action plans and supporting documentation; hazardous communications plans, including labeling, MSDS controls, training programs and procedures.	Emergency Response Programs Employee Hazardous Chemical Exposure Hazardous Material Incident Reports Hazardous Substances Shipping Manifests Hazardous Waste Material Safety Data Sheets (MSDS) Proposition 65 Monitoring Site Mitigation Toxic Substance Inventory	Fire Public Works	While Active+30Y	CA - 8 CCR 3204(d) - (CL+30Y) CA - 22 CCR 66262.40 - (3Y) CA - 22 CCR 66263.22 - (3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25160.8(c)(3)(D) - (AC+3Y) US - 29 CFR 1910.1020 - (CL+30Y)
071	<b>Fire and Police Routine Dispatch Telephone and Radio Communications Records</b> Routine daily recording of telephone communications and all radio communications relating to the operations of the department.	Audio Telephone Recordings Audio Radio Recordings 911 Call Recordings Logs Dispatch Activity Logs	Fire Police	100D*	CA - GOV 34090.6 - (Routine Audio: 100D) * Exception: If recordings are evidence in any criminal prosecution, claims filed, potential claims or any pending litigation, they shall be preserved for 100 days after the conclusion of the court action.



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>AGONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed    CU = Current Year    ER = Eminent Domain    LA = Limitation on Action    LI = Lease (for program cases)    M = Month            MA = Month    MAINT = Maintenance    PR = Permanent    S = Superseded    T = Termination    Y = Year</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
072 Community Development Block Grant Project Files Records and information of CDBG projects.	Applications Awards CDBG District Documents CDBG Grant Agreements Project Files	Housing & Community Development	CL+5Y	CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7) - (CL+4Y)
073 <b>Housing Assistance Programs</b> Records and information regarding programs that provide housing and/or housing assistance to those in need including: - Access improvement program (AIP) - Covid relief financial assistance - Displaced tenant relocation - Emergency home repair program (EHRP) - Emergency rental assistance - Eviction moratorium (and phase-out) - Home maintenance & improvement program (HMIP) - Lead-safe improvement program (LSIP) - PHA Housing Choice Voucher Program - Rental adjustment program (RAP)	Applications Citizen Participation Plans Complaints Fee Schedules Public Hearing Records (Petitions, Responses, Decisions) Shelter Records	Housing & Community Development	CL+5Y	CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA&M: LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 5514 - (5Y) US - 24 CFR 91.105(b) - (5Y) US - 24 CFR 92.508 - (CL+5Y) US - 24 CFR 570.490(a) - (CL+3Y) US - 24 CFR 570.502(a)(7) - (CL+4Y) US - 24 CFR 884.214 - (3Y) US - 24 CFR 908.101 - (3Y) US - 24 CFR 982.156 - (AC+3Y) US - 29 CFR 97.42 - (3Y)
074 <b>Housing Financing Files</b> Records and information regarding programs that provide assistance to home purchasers and home owners, including: - Accessory dwelling unit loan program (ADULP) - Acquisition Conversion to Affordable Housing (ACAH) - Affordable housing new construction loan program - Homebuyer mortgage assistance program (MAP) - Homeless Assistance - Homekey Program - Pre-development loan program - Residential rehabilitation loans	Affordability Agreements Applications Commitment Letters Deeds of Trust Escrow Instructions Estoppel Certificates Grant Agreements Intercreditor Agreements Lender Title Insurance Policies Loan Agreements Measure KK Implementation Records Measure U Implementation Records Monitoring Files Notices of Funding Availability (NOFAs) Promissory Notes Regulatory Agreements Settlement Statements Subordination Agreements Title Reports Underwriting Guidelines	Housing & Community Development	CL+5Y*	CA - 25 CCR 7721 - (MAINT) CA - GOV 945.6(a)(2) - (LA&M: LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 5514 - (5Y) US - 24 CFR 92.508 - (CL+5Y) US - 24 CFR 908.101 - (AC+3Y) US - 29 CFR 97.42 - (3Y)  * Closes when Loan is Fully Paid

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS:

CL = Ceased GU = Current Year  
FR = Final Resolution LA = Limitation Action  
MA = Maturity MAUT = Main Unit S = Superseded  
T = Termination Y = Year

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
075	<b>Real Estate and Economic Development Transactions</b> Records and information related to the ownership, acquisition, disposition, transfer of, lease of, infrastructure and facilities including grant deeds, owned by or used by the City.	Acquisitions Appraisals Attachments Buildings Capital Improvements Disposition and Development Agreements (DDAs) Easements Escrow Instructions Exclusive Negotiating Agreements (ENAs) Grant Deeds Ground Leases Housing Authority Owned Properties Lease Disposition and Development Agreements (DDAs) Leases Letters of Intent Letters of Interest License Agreements Possessory Interest Purchase and Sales Agreements Real Estate Property Agreements Right of Way Subdivision Improvement Agreements (SIAs) Term Sheets Title Insurance Policies Valuation Information	Housing & Community Development EWD Real Estate Division	Permanent	CA - CCP 315 - (LA10Y) CA - CCP 337 - (LA4Y) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090(e) - (FR) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y)
076	<b>Benefit Plans and Programs</b> Benefit Plans established to provide employee benefits and associated administrative documents.	COBRA Rates, Records, Histories Employee Benefit Plans (e.g. medical, dental, vision, EAP, FMLA, etc.) Group Insurance Cost Data Retirement Plans Summary Plan Descriptions	Human Resources	L+6Y	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) US - 29 CFR 1627.3(b)(2) - (T+1Y) US - 29 CFR 4007.10(a)(1) - (6Y) US - 29 CFR 4041.5 - (L+6Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (T+1Y) US - 29 USC 1113 - (LA6Y) US - 29 USC 1451 - (LA6Y) * Life of Plan or Benefit
077	<b>Employee Benefit Files</b> Employee election (selection), enrollment or termination forms and related correspondence, including transmissions to carriers of additions, changes, claims and deletions (includes employee medical records subject to HIPAA requirements).	Benefits Files, Enrollments, Appeals Beneficiary Designations Death Claims/Life Event Documents Disability Claims Employment Status Changes (authorizations, terminations, confirmations, status changes, coverage changes) Flexible Spending Enrollment Life Insurance Notification Letters(EO) Premium Information Required Benefits Reporting Retirement Supplemental Forms	Human Resources	While Active+6Y	CA - 22 CCR 1085-2 - (CU+4Y) CA - GOV 12946 - (AC+4Y) CA - GOV 34090 - (2Y) US - 26 CFR 301.6501 - (CU+3Y) US - 29 CFR 516.6 - (2Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (AC+2Y) US - 29 CFR 1602.32 - (3Y) US - 29 CFR 4007.10 - (6Y) US - 29 USC 1027 - (6Y) US - 29 USC 1059 - (T+1Y)
178	<b>Labor Relations Grievances</b> Documentation related to labor grievances filed under current collective bargaining agreements.	Grievance Files/Commission Hearing Grievance/Hearing Logs Union Grievances	Human Resources	FR+4Y	CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 12960 - (LA3Y) CA - GOV 12965 - (LA2Y) CA - GOV 34090 - (2Y) US - 26 CFR 31.6001-1(e)(2) - (CU+4Y) US - 29 CFR 1602.31 - (CL+2Y) US - 29 USC 255 - (LA2Y)

## CITY OF OAKLAND

## DS RETENTION SCH

GL = Closed    CU = Current Year    PR = Final Resolution    LA = Limitation of Action  
MA = Maturity    MAINT = Mainline Records    PR = Permanent    S = Supersede



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS				
CL - Closed    CU - Current Year    PR - Final Resolution    LA - Litigation on Action MA - Maturity    MAINT - Maintain Records    PR - Permanent    S - Suspended TF - Termination    Y - Year    M - Month				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>085(a) Background Checks - Personnel Not Hired</b> All documentation related to background checks for Applicants and unpaid volunteers that were not hired.	LiveScan Forms	Human Resources	4Y	CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) NOTE: Background checks for personnel hired are part of the personnel file.
<b>085(b) Background Checks - Personnel Not Hired</b> All documentation related to background checks for Applicants and unpaid volunteers that were not hired.	LiveScan Forms	Police	20Y*	CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 12946 - (4Y) CA - GOV 34090 - (2Y) NOTE: Background checks for personnel hired are part of the personnel file. *As required by Office of City Attorney and Office of Inspector General
<b>086(a) Personnel Files</b> All documents related to paid employees (full and part-time), seasonal workers, and interns including but not limited to: - selection/hiring - assignments - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation - individual's training records	Applications, Applicant Reference Verifications Awards, Rewards, Commendations, Certificates Background Checks, Investigations, LiveScan Forms - candidates hired Complaints and Disciplinary Actions Drivers License Data Employee Policy Acknowledgements Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Leave of Absence Documentation, FMLA Oaths of Office Performance Evaluations, Reviews or PIPs Recognition	Human Resources <b>Except</b>  Police	Termination+5Y	CA - 2 GCR 11013 - (AC+2) CA - 8 GCR 11040(7) - (3Y) CA - 22 GCR 10852 - (CU+4Y) CA - GOV 945.6(a)(2) - (LAGM; LA2Y) CA - GOV 31050 - (T+5Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 5323(2b) - (5Y) CA - LAB 432.3 - (TE+3Y) CA - LAB 1198.5(c)(1) - (T+3Y) CA - LAB 2810.8 - (T+3Y) CA - VEH 1808.1(c) - (1Y) US - 29 CFR 825.500(b) - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (T+2Y) US - 29 CFR 1627.3 - (T+1Y) US - 29 USC 1059 - (T+1Y) US - 41 CFR 60-1.12(a) - (2Y) US - 41 CFR 60-1.12(b) - (2Y) US - 49 CFR 40.333 - (5Y) US - 49 CFR 382.401(b)(1) - (1Y; if negative, 5Y if positive)



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS				
CL = Closed	CU = Current Year	FR = Final Resolution	LA = Limitation Action	MA = Motion
MA = Motion	MAINT = Maintenance	PR = Permit/Action	S = Suspended	Y = Year
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>086(b)</b> <b>Personnel Files</b> All documents related to paid employees (full and part-time), seasonal workers, and interns including but not limited to: - selection/hiring - assignments - promotion - demotion - transfer - layoff / recall / out-placement - termination / discharge / resignation - pay rates / other terms of compensation - individual's training records	Applications, Applicant Reference Verifications Awards, Rewards, Commendations, Certificates Background Checks, Investigations, LiveScan Forms - candidates hired Complaints and Disciplinary Actions Drivers License Data Employee Policy Acknowledgements Individual Employee Agreements, Contracts (copies) Individual Education, Development, Training Records Investigations Job Offer Letters Leave of Absence Documentation, FMLA Oaths of Office Performance Evaluations, Reviews or PIPs Recognition	Police	Termination+20Y*  *As required by Office of the City Attorney and Office of Inspector General	CA - 2 CCR 11013 - (AC+2) CA - 8 CCR 11040(7) - (3Y) CA - 22 CCR 1085-2 - (CU+4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 3105(f) - (T+5Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 12950.1 - (2Y) CA - GOV 34090 - (2Y) CA - GOV 53235.2(b) - (5Y) CA - GOV 53237.2(b) - (5Y) CA - LAB 432.3 - (TE+3Y) CA - LAB 1198.5(c)(1) - (T+3Y) CA - LAB 2810.8 - (T+3Y) CA - VEH 1808.1(c) - (1Y) US - 29 CFR 825.500(b) - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.30 - (3Y) US - 29 CFR 1602.31 - (T+2Y) US - 29 CFR 1627.3 - (T+1Y) US - 29 USC 1059 - (T+1Y) US - 41 CFR 60-1.12 (a) - (2Y) US - 41 CFR 60-741.80 - (2Y) US - 49 CFR 40.333 - (5Y) US - 49 CFR 382.401(b)(1) - (1Y, if negative; 5Y if positive)
<b>087</b> <b>Employee Hazardous Exposure and Worker Compensation Records</b> Documents pertaining to work-related injuries and related medical records of City employees, including exposure to hazardous substances and chemicals	Exposure Files Exposure Monitoring Field Exposure Workers Compensation	Human Resources Public Works	Termination+30Y	CA - 8 CCR 3204(d) - (T+30Y) CA - 8 CCR 10102 - (Injury+5Y or Closed+1Y) CA - 8 CCR 14300.33 - (5Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12946 - (4Y; T+4Y) CA - GOV 34090 - (2Y) CA - 29 CFR 1904.33 - (CU+5Y) US - 29 CFR 1910.95(m)(3)(i) - (T) US - 29 CFR 1910.1020 - (T+30Y)
<b>088</b> <b>Employee Health &amp; Safety</b> Documents related to the Injury Illness Prevention Program (IIPP), the protection of employee health and safety, and drug screening.  NOTE: May include employee medical information subject to HIPAA requirements.	Accident (Injury or Illness) Investigation Reports ADA Compliance and Reasonable Accommodation Bloodborne Pathogen/Exposure Control Plan Certifications Drug Screenings Emergency Action Plans Employee Safety Training Records Ergonomic Evaluations Health and Safety Bulletins Instructor Agreements Lockout Tagout New Hire Health & Safety Orientation Checklist Forms Public Access Defibrillation Reports (Unsafe Conditions, Hazards, Hazard Correction) Reviews Safety Committee (employee suggestions and responses, safety letters/memos, meeting minutes) Safety Inspections	Human Resources	6Y	CA - 8 CCR 3203(b)(1) - (1Y) CA - 8 CCR 5157 - (1Y) CA - 8 CCR 10102 - (Injury+5Y or Closed+1Y) CA - 8 CCR 14300.33 - (CU+5Y) CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - LAB 6401.7 - (MAINT) CA - LAB 6409.6 - (3Y) US - 29 CFR 1602.14 - (AC+1Y) US - 29 CFR 1602.31 - (AC+2Y) US - 29 CFR 1904.33 - (5Y) US - 49 CFR 382.401(b)(1) - (5Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

ACRONYMS USED IN LEGAL CITATIONS

CL = Closed    GB = Current Year    FR = Final Resolution    LA = Limitation on Action    E = Life (of program asset)    M = Month  
MA = Maturity    MAINT = Maintenance    PR = Permanent    S = Supervised    T = Termination    Y = Year

Record Name and Description		Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
089	<b>Human Services Programs</b> Records and information documenting the services and programs of the Human Services Department: - Aging & Adult Services - Child and Youth Services - Community Cabin Program - Community Homelessness Services - Head Start and Early Learning - Paratransit Services - Supportive Financial Services	Applications Case Files, including Medical Files Family Records (confidential) Homelessness Voucher Records Needs for Seniors Records Participation Metrics Program Files Reports Schedules Teacher Records Video Recordings of Events Waiters	Human Services	While Active+7Y	CA - BPC 2919 - (AC+7Y; Adults; Age of Majority+7Y; Minors) CA - BPC 4960.49 - (AC+7Y; Adults; Age of Majority+7Y; Minors) CA - BPC 4993 - (AC+7Y; Adults; Age of Majority+7Y; Minors) CA - CCP 335.1 - (LA2Y) CA - CCP 337 - (LA4Y) CA - CCP 340.15 - (LA3Y) CA - CCP 340.5 - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 5514 - (5Y) US - 24 CFR 908.101 - (3Y) US - 24 CFR 982.156 - (EXP+3Y)
090	<b>Asset Management, Maintenance</b> Records related to the management and maintenance of City assets, including equipment, fleet vehicles, parks, real property and infrastructure assets.	Air Quality Permits Calibration Records Equipment Certifications Irrigation (parks, public green space) Landscaping Maintenance and Repair Work Orders Maintenance Inspection Reports (equipment, facilities, trees) Maintenance Reports (buildings, equipment, streets, sidewalks) Parking Lots Pool Chemical Readings Streets (alleys, highways) Tree Service / Tree Requests Vehicles / Fleet (automobiles, buses, trucks, forklifts, etc.)	Human Services Public Works Transportation	L+5Y	CA - 3 CCR 6824(g) - (2Y) CA - 22 CCR 65523(e) - (2Y) CA - 22 CCR 66266.130(c)(5) - (3Y) CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 4216.2(f) - (3Y) CA - GOV 34090 - (2Y) CA - HSC 25250.18(b) - (3Y) CA - VEH 34505.5(c) - (2Y) * Life of Asset
091	<b>Business Continuity Records - Computing Equipment and Network Operations</b> All documentation for dealing with preparation for and responses to emergencies, disasters and/or system failures for City computing resources.	Business Continuity Plans Disaster Recovery Plan Emergency Response	Information Technology	S+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
092	<b>Technology Help Desk, Access and Security</b> Records and technical documentation of internal controls and system security. Includes data / information security breaches, notifications, and supporting documentation.	Access Requests Annual Database & System Security Reviews Audit Trail Files Automated Logs Change Management Case Files Computer Usage Files Data Breaches (notifications, reports, responses) Data Sets, Extracted Data Summaries Firewall Hardcopy Publication, Printouts of Report Data Security Access (buildings, doors, systems) Special Access Approvals Trouble Tickets User Reports (summary, system) User Access Records (passwords, security logs, user accounts, log-in files, data entry logs, accounts) User Incident, Response Files	Information Technology	3Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - CIV 1798.27 - (3Y)
093	<b>Operational Maps</b> Informal maps and geographical information pertaining to City operations and services.	Sewer TV Surveys Street Sweeping Tree Trimming Trash Pick-up	Information Technology, Public Works	2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

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Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
094	Inspector General - Closed Case Reviews Records and information regarding the findings and decisions of the Inspector General after review of Police and Community Police Review Agency closed cases.	Recommendations and Findings Reports Review Notes	Inspector General	CL+20Y*
095	Inspector General Program Records Records and information regarding the routine monitoring and assessment of the Community Police Review Agency and Police Department's activity.	Annual Reports Audits Risk Assessments Surveys Work Plans	Inspector General	CL+20Y*
096	Library Records related to the operation and maintenance of the City's public Library.	Accession Records Circulation Records Correspondence and Communication (with patrons, with Friends of the Library) Outreach Overdue Records Patron Requests Reports	Library	While Active+2Y
097	Appointments to Boards and Commissions Staff records related to appointments and membership made by authorized elected officials to councils, committees, boards, and commissions.	Applications (appointed, unsuccessful) Interview Notes Letters of Appointment Letters of Recommendation Oaths of Office Resumes	Mayor	Term of Office+2Y
098	Parks and Recreation Facility Rentals Records and information documenting rental arrangements for the City's parks and recreational facilities, including: - Dunsmuir Hellman Historic Estate - Jack London Aquatic Center - Joaquin Miller Community Center - Lake Merritt Sailboat House - Lakeside Park Garden Center - Leona Lodge - Morcom Rose Garden - Sequoia Lodge	Facility Rentals (use applications - approved and unapproved, permits, reservation books, insurance certificates, users, reports)	Parks, Recreation & Youth Development	While Active+4Y
099	Parks and Recreation Programs and Services Records and information documenting the City's parks and recreational programs and services.	Applications Day Care Program/Class/Leagues Program/Event Evaluations Recreation Schedules Registrations Forms Reservations and Waivers Special Events Sports Team Rosters Summer Camp Withdrawal Forms	Parks, Recreation & Youth Development	While Active+4Y
				CA - CCP 337 - (LA4Y) CA - 22 CCR 65523 - (2Y) CA - 22 CCR 101221 - (AG-3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)



CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p><b>ACRONYMS USED IN LEGAL CITATIONS</b>            CL = Closed, CU = Current Year, FR = Final Report, LA = Limitation of Action, MA = Maturity, MAIN = Main Records, PR = Permanent, S = Superseded, T = Termination, Y = Year</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>100</b> <b>Planning and Zoning Services</b> Records and information pertaining to the activities of the planning division, including zoning. Includes Discretionary Entitlement records (hearing required).	Administrative Meeting Minutes, Decisions Appeals CEQA Documents Design Review Development Agreements Development Plan Entitlements (administrative, planning) General Plan Home Occupancy Permits Land Use Permits, Studies Master Plans and Specific Plans Planned Development (PD) Planning Review Case Files (notices, neighbor letters, plans, blueprints) Variances Zoning, Rezoning and Map Amendments	Planning & Building	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 12981 - (1Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)
<b>101</b> <b>Code Compliance and Enforcement</b> Records and information documenting compliance with City codes, including violations and hearings.	Citations Compliance with Conditions of Approval Hearings Illegal Dumping Inspections / Enforcement (business, residential) Investigations Notices of Noncompliance Notices of Violation Photographs	Planning and Building Public Works	While Active+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (2Y) NOTE: Records for repeat offenders may be retained longer to document a history of violations
<b>102</b> <b>Building Plans, Building Permits, Appeals and Decisions</b> Records and information documenting the building services provided by the City regulating private property.	Alternate Materials and Methods of Construction Appeals Building Inspections Building Permits (issued, active, history) Building Plans - Commercial & Residential Certificates of Occupancy Design and Construction Standards Developer Fee's and Waivers Modifications and Related Tests	Planning and Building	Permanent	CA - CBC 107.5 - (Completion+180D) CA - CRC 106.5 - (Completion+180D) CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)* Oakland Municipal Code 15.04.2.325 - (MAINT) Oakland Municipal Code 15.04.2.330 - (MAINT) Oakland Municipal Code 15.04.2.335 - (MAINT) * Life of Building
<b>103</b> <b>Real Property Maps and Drawings</b> Final maps and geographical information pertaining to City properties.	Aerial Photos Assessor's Parcel Maps Annexations Benchmarks Building Site Determination Center Line Files Drainage Flood Hazard Boundary Maps (FHBMs) Geographic Information System (GIS) Grading Plan Drawings Improvement Plans: Drawings Lot Line Adjustments Parcel Mergers Parcels, Plats Record of Survey Maps Rights of Way Sphere of Influence Street Address Files Subdivisions Tentative Maps Tracts	Planning and Building Public Works	Permanent	CA - CCP 337.15 - (LA10Y) CA - GOV 34090(a) - (PR) CA - HSC 19850 - (LI)* US - 44 CFR 60.3 - (MAINT) * Life of Building, Asset or Facility

**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>                      CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation of Action    LI = Life (non-program assets)    M = Month                      MA = Maturity    MAIN = Main    PK = Permanent    S = Suspended    T = Termination    Y = Year</p>				
	<b>Record Name and Description</b>	<b>Example Documents</b>	<b>Department/Office of Record</b>	<b>Retention</b>
104	<b>Encroachments</b> Records documenting encroachments upon City property, or by the City on the property of others that are not stored in a project file.	Certificates of Compliance Encroachment Permits	Planning and Building Public Works Transportation	While Active+10Y  CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 34090 - (2Y)
105	<b>Case Files - Felonies, Excluding Murder/Homicide, Capital Offenses, Crimes of Sexual Violence, Child Abuse, Elder Abuse, and Violations of Public Trust</b> Records, crime reports and evidence associated with felony violations of laws, excluding homicide and capital violations, crimes of sexual violence, child abuse, elder abuse, embezzlement of public funds, or falsification of public documents. Includes felony hit-and-run traffic accidents and driving under the influence (DUI) cases.	Case Files Reports	Police	CL+10Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 800 - (LA3Y) CA - PEN 801 - (LA3Y) CA - PEN 801.1(b) - (LA10Y) CA - PEN 851.8 - (SEAL&DESTROY) CA - Law Enforcement Evidence and Property Management Guide  * Provided there are not outstanding warrants, deaths, and it is not classified under PC §800 and 290 and HSC §11850, Statute of limitations is 2 years
106	<b>Criminal Registrations - Gangs</b> Records for those required to register as a gang violence offender.	Registrations	Police	5Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 186.32 - (5Y)
107	<b>Criminal Registrations - Juvenile Arsonists</b> Records for those juveniles required to register as arsonists.	Registrations	Police	Age 25 or SEAL+5Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 457.1(d) - (Upon reaching age of 25 or when records are sealed) CA - WIC 781 - (SEAL+5Y)
108	<b>Criminal Registrations - Sex Offenders, Adult Arsonists</b> Records for those required to register as sex offenders or arsonists.	Registrations	Police	L+2Y  CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 290 - (Life of Offender) CA - PEN 290.008(d) - (5Y; 10Y) CA - PEN 457.1(b)(2) - (Life of Arsonist)  * LI = Life of the offender or arsonist
109	<b>Logs of Access or Deletion of Data for Body-Worn Cameras</b> Documentation of when and by whom access to or deletion of data from body-worn cameras takes place.	Logs of Access or Deletion	Police	Permanent  CA - GOV 34090 - (2Y) CA - PEN 832.18(b)(5)(E) - (PR)
110	<b>Police - General Administrative Records</b> Records of general community support activities and administrative records received and/or generated in the routine course of law enforcement activities and not associated with a case number.	Activity Reports Crime Statistics and Reporting Daily Bulletins Extradition Files (out of state) False Alarm Reports Incident Logs LiveScan Research (for non-city organizations) Peace Officer Traffic Stops Report Refund Letters Ride-Along Program Records Tow Notifications and Reports Traffic Information Reports Uniform Crime Reporting Vehicle Release Documents Waiver Letters	Police	While Active+3Y  CA - 11 CCR 999.228(j) - (3Y) CA - 11 CCR 999.229(a) - (3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - CCP 339 - (LA2Y) CA - GOV 34090 - (2Y) CA - GOV 12525.5 - (CU+1Y)

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p style="text-align: center;"><b>AGREEMENT USED IN LEGAL CITATIONS</b></p> <p>CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation on Action    L = Life (in program - asset)    M = Month MA = Material    MAIN = Main    PR = Permanent    S = Suspended    T = Termination    Y = Year</p>				
Record Name and Description		Example Documents	Department/Office of Record	Retention
111	<b>Police Case Files - Dead Bodies</b> Records, crime reports and evidence associated with investigations of dead bodies, whether by natural causes or found.	Reports Statements	Police	CL+2Y
112	<b>Police Case Files - Domestic Violence</b> Records, crime reports and evidence associated with investigations and served protective orders for domestic violence.	Criminal Protective Orders Reports Restraining Orders Statements	Police	CL+20Y*
113	<b>Police Case Files - Felony Murder/Homicide, Capital Offenses, Child Abuse, Elder Abuse, Sex Crimes and Violations of Public Trust</b> Records, crime reports and evidence associated with capital felony violations of laws, including homicide, child abuse, elder abuse, sex crimes, embezzlement of public funds, or falsification of public documents.	Case Files Reports	Police	Permanent
114	<b>Police Case Files - Misdemeanors, Infractions, Bicycle and Pedestrian Stops</b> Records, crime reports and evidence of misdemeanors and infractions, including traffic incidents, bicycle stops, pedestrian stops, and parking/moving citations and appeals.	Case Files Field Contact Records Reports	Police	2Y*
115	<b>Police Case Files - Missing Persons, Protective Custody and Runaways</b> Records, crime reports and evidence associated with missing persons and runaways.	Case Files Reports	Police	CL+2Y
116	<b>Police Case Files - Officer Use of Force</b> All use of force records, crime reports and evidence associated with criminal cases dealing with officer involved shootings and any other types of use of force.	Case Files Reports	Police	Permanent
182				
017	<b>Police Case Files - Sealing of Records</b> Records of court orders or other valid legal requests to seal records and the underlying case files.	Case Files Reports	Police	SEAL+3Y
194				
		<p><b>Legal Citations and Comments</b></p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) * Case remains active until body has been identified and cause of death determined. If determination is made that the death was a homicide, records are recategorized as "Felony Murder/Homicide" case files</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 13710 - (MAINT) *As required by Office of the City Attorney</p> <p>CA - COP 340.1 - (Longer of Plaintiff's Age of Majority+8Y or Discovery of Injury+3Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) No limitation on commencement of action; PC §261, 286, 288, 288.5, 289, 289.5, and 799</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 802 - (LA1Y) CA - VEH 2547 - (3Y) * Provided there are no outstanding warrants, deaths, and it is not classified under PC §800 &amp; 290 and H&amp;S §11850; Statute of Limitations is 2 years</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) * Case remains active until solved or person is found</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 799 - (PR) CA - PEN 832.18 - (2Y) CA - PEN 832.5 - (5Y, where there is not a sustained finding of misconduct; 15Y where was a sustained finding of misconduct) *As required by the Office of the City Attorney and Office of Inspector General</p> <p>CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - PEN 851.8 - (SEAL+3Y) CA - PEN 851.90 - (MAINT) CA - WIC 781.5(a) - (SEAL+3Y) *SEAL = Date Records Sealed</p>		



CITY OF OAKLAND  
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Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
118	Police Case Files - Stolen Property Records, crime reports and evidence associated with stolen property.	Case Files Reports	Police	CL+20Y**
119	Police Case Files - Traffic Collisions - Fatal Records, crime reports and evidence associated with traffic collisions involving fatalities.	Case Files Reports	Police	Permanent
120	Police Community Programs Records and information regarding community activities and programs managed by the Police Department.	Cadets Citizens Academy Explorers	Police	CL+5Y
121	Police Laboratory Records Records and information regarding the testing and laboratory results performed during investigations of a crime.	Equipment Records Laboratory Results Reports	Police	10Y
122	Police Routine Video Records Recordings of routine video monitoring, to include time and date of video, location of video and other related information.	Body Cam Drone Recordings	Police	Defer to current OPD policy
123	Police Shooting Range Records and information regarding the shooting range managed by the City's Police Department.	Sign-In Sheets	Police	2Y
124	Police Academy Records Records and information generated or received in the recruitment of new police officers and training records of the Police Academy	Accreditation Records Attendance Course Work and Grades Recruitment Letters Training Schedules	Police	20Y*
125	Seized or Unclaimed Property Records Records documenting tracking and management of physical property seized by the Police department, or collected by the Police department but unclaimed, and not assigned to a case number or considered as evidence in a criminal investigation.	Evidence Files Inventory Reports Logs - Sign in	Police	2Y

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Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>126</b> <b>Police K-9 and Equestrian Records</b> Records documenting the acquisition, assignment and care of the Police Department's K-9 and equestrian units.	Animal Acquisition Records Animal Medical Records Assignment and Ownership Records Training Records	Police	LI*+10Y	CA - CCP 335.1 - (LA2Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *LI = life of the animal
<b>127</b> <b>Lobbyist Registration and Activity Disclosure</b> Registration records and reports disclosing lobbyist activity required by the Lobbyist Registration Act.	Lobbyist Quarterly Activity Reports Lobbyist Registration Lobbyist Registration Termination Training Records	Public Ethics Commission	While Active+5Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8548.7 - (CI+3Y) CA - GOV 34090 - (2Y) CA - GOV 86106 - (2Y) CA - GOV 86110 - (MAINT) CA - GOV 86116.5 - (1Y) US - 11 CFR 102.96 - (3Y) US - 11 CFR 104.14(b) - (3Y) Oakland Municipal Code 3.20.080 - (5Y)
<b>128</b> <b>Public Ethics Commission Investigations</b> Records and information documenting complaints, investigations, mediation, settlements and administrative hearings regarding violations within the Public Ethics Commission's jurisdiction. Includes: - Government Ethics Act Violations - Oakland Campaign Reform Act Violations - Lobbyist Registration Act Violations - Limited Public Financing Act Violations - Fair Elections Act Violations - Sunshine Act Violations - Other miscellaneous provisions of the City Charter and OMC (e.g. Chapter 2.24, 2.45) giving jurisdiction to the PEC to investigate certain types of violations	Complaints Dismissal, Warning and Advisory Letters Evidence Used in Support of any of the Above Final Settlement Agreements Hearing Officer Findings and Recommendations Investigative Reports Investigation Summaries Legal Analysis Memoranda Preliminary Review Memoranda Probable Cause Reports Request For Settlement Authority Memoranda	Public Ethics Commission	FR+5Y	CA - CCP 337 - (LA4Y) CA - CCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 1092(b) - (LA4Y) CA - GOV 34090 - (2Y) CA - PEN 801 - (LA3Y) CA - PEN 802 - (LA1Y) Oakland Municipal Code 2.28.080(6) - (LA4Y) Oakland Municipal Code 3.15.190(A) - (LA5Y)
<b>129</b> <b>Building, Property Management</b> Records and information regarding the structure of City buildings.	As-Built Blueprints Construction Records Electrical Wiring Schematics Floor Plans Property Inventory Utility Consumption Tracking	Public Works	LI*+10Y	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (LI)* *LI = Life of Building or Facility
<b>130</b> <b>Fuel Management</b> Records related to the purchase, storage, tracking and management of fuel for City vehicles.	California Air Resources Board Certificate Fuel Card Authorizations Fuel Pump Maintenance and Testing Fuel Reports, Billing Reports, Journals, Fuel Tickets Fuel Tank Integrity Testing Fuel Tank Maintenance (aboveground, below ground) Storage Tanks - above and below ground	Public Works	LI*+5Y	CA - 23 CCR 2712 - (LI)* CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GC 34090 - (2Y) CA - HSC 25283.5(a)(3) - (MAINT) CA - HSC 25285 - (5Y) CA - HSC 25292(b)(4) - (1Y) CA - HSC 25293 - (MAINT) *LI = Life of Tank
<b>131</b> <b>Security, Access Operations</b> Records and information regarding physical access controls and protection for City buildings and facilities.	Access Controls Access Reports Badge Lists Daily/Activity Logs Facility Key Lists Key Cards Security Camera Footage Transaction Logs	Public Works	2Y*	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - GOV 34090.6 - (Routine Video 1Y) *Exception: 1) Records that are evidence in any civil or criminal litigation or 3rd party claim shall be preserved pursuant to any litigation hold notice or to 100 days after the conclusion of the court proceeding if no such hold; 2) routine building security recordings may be purged after one year with written consent of the City Attorney

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T=Termination Y=Year

U=Life of program/asset  
M=Month  
Y=Year

AGRONYMS USED IN LEGAL CITATIONS

Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
132 Storm Drainage Management Records and information documenting the operations and maintenance of the City's storm drains, pump stations and drainage ditches.	Drainage Ditches Pump Stations Storm Drains	Public Works	5Y	CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 40 CFR 122.41(f) - (3Y)
133 Water, Sewer and Solid Waste Records and information associated with the maintenance of sewers, storm drains, waste, water, and land use.	Backflow Prevention Environmental Conservation Programs Flood Control (plans, SS/S) Inventory (equipment, materials, meters, pipes) Irrigation (management, plans, SS/ID) Pollution Control Permits Sewer System Storm Drains Storm Water Monitoring Underground Service Alerts (USA) Waste Water (lab groups, reports to state) Water Runoff Testing Weight Tickets	Public Works	While Active+5Y	CA - CCP 338 - (LA3Y) CA - CCP 338.1 - (LA5Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) CA - HSC 25244.19 - (4Y) CA - HSC 25244.20 - (4Y) US - 40 CFR 122.21(p) - (5Y) US - 40 CFR 122.41(f) - (5Y) US - 40 CFR 122.44(f)(4) - (3Y)
134 Facility Maintenance and Inspection Records Reports of inspections of maintenance performed on City facilities and infrastructure including: - Buildings - Equipment - Janitorial - Parks - Streets - Sidewalks - Storm Drains - Streetlights - Traffic Signals - Trees	Air Quality Inspections Backflow Inspections Elevator Certificates Equipment Inspections Graffiti Removal Facility Inspections Inspections Inventory of City Trees Logs Playground Inspections Reports Staffing Schedules Street Striping and Signing Tree Trimming Schedules Traffic signal repairs and maintenance	Public Works Transportation	4Y	CA - 22 CCR 65523 - (2Y) CA - CCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 4216.2(f) - (3Y) CA - GOV 34090 - (2Y)
135 Capital Project Files Records and information related to the administration, analysis, design, development, planning, construction and maintenance of public works, Capital Improvement (CIP) and Engineering & Capital Projects for City facilities and infrastructure. Includes projects funded from various sources including bonds, grants, capital improvement and general fund.	Assessments Capacity (water, wastewater) Fees Certificates of Compliance/Notice of Non-Compliance Daily Inspections and Progress Meetings E.I.R./Notice of Determination, Categorical Exemptions Encroachment Permits, Certificates Field Inspections, Closures Final Improvement Plans/As-Built Plans NPDES Permits Photos/Pictures Project Plans and Schedules, Insurance, Permits Real Estate Appraisals Reports (Geotechnical, Soil, Drainage, Stormwater, Sewer, and Traffic) Specifications, Calculations, Change Orders Studies and Surveys Underground Utilities Maps	Public Works	Permanent	CA - CCP 337.1 - (LA4Y) CA - CCP 337.15 - (LA10Y) CA - 14 CCR 15095 - (Reasonable) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 8546.7 - (CL+3Y) CA - GOV 34090 - (2Y) CA - HSC 19850 - (U) US - 2 CFR 200.334 - (CL+3Y) US - 24 CFR 92.508(G) - (AC+5Y) US - 24 CFR 570.502(a)(7)(i)(A) - (AC+4Y) US - 29 CFR 97.42(b) - (AC+3Y) *U = Life of Building, Asset or Facility
136 Race and Equity Program Records Records and information regarding the services and support provided by the office of Race and Equity.	Advice Memos Correspondence Reports Statistics and Indicators	Race and Equity	While Active+3Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) US - 29 CFR 1602.31 - (CL+2Y) US - 29 CFR 1607.4 - (MAINT) US - 41 CFR 80.1-12 (a) - (2Y) US - 41 CFR 80-741.44 - (3Y) US - 41 CFR 80-741.80 - (2Y)



**CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE**

<p><b>ACRONYMS USED IN LEGAL CITATIONS:</b>            CL = Closed, CU = Current Year, FR = Final Resolution, LA = Limitation on Action, M = Month, Y = Year            MA = Maturity, MAINT = Maintenance, PR = Proration, S = Suspended, T = Termination, Y = Year</p>				
Record Name and Description	Example Documents	Department/Office of Record	Retention	Legal Citations and Comments
<b>137</b> <b>Traffic and Transportation Design and Planning</b> Records and information of activities impacting City streets and traffic, as well as transportation projects and efforts to manage traffic circulation and plan for upcoming improvements, including studies and surveys.	Bicycle and Pedestrian Program City Street Projects (potholes) Highway Corridors Impact Studies Parking Plans Rights-of-Way Signs, Signals and Street Markings Speed Surveys Street/Highway Studies/Surveys Street Name Changes Streetscape Services Temporary Street Closures Traffic Counts Traffic Management Plans Transportation Planning	Transportation	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>138</b> <b>Transportation Traffic Safety and Enforcement</b> Records and information regarding the safety and control of streets and parking meters. Includes: • Parking enforcement • Vehicle abatement from private property	Citations Hearing of Appeals Parking Meters Collections	Transportation	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>139</b> <b>Violence Prevention Program Records</b> Records and information regarding the services and programs offered by the City for Violence Prevention. • Community Healing and Restoration • Life Coaching, Adult and Youth • Family Support, Hospital Response and Relocation • Gender-Based Violence Response • Gun Violence Response • Youth Diversion • School-site Violence and Prevention Teams • Violence Interruption Services	Coaching Records Diversion Records Evaluations Reports Response Records Strategic Plans	Violence Prevention	While Active+3Y	CA - GCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>140</b> <b>Small and Disadvantaged Business and Supplier Files</b> Records and information of small and disadvantaged businesses and suppliers to all City organizations created or retained in the purchasing or acquisition of goods and services.	Small and Disadvantaged Contractors - Vendor List Vendor Applications, Profiles Vendor Packets	Workplace and Employment Standards	While Active+2Y	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>141</b> <b>Small Business Inclusion Enforcement</b> Records and information generated or received by the City to monitor the inclusion of small and disadvantaged businesses in City projects and programs.	Applications Certificates to Businesses Fees and Penalties Project Files Reports	Workplace and Employment Standards	While Active+4Y	CA - GCP 337 - (LA4Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y)
<b>142</b> <b>Workplace Claims and Complaints</b> Records and information regarding any labor complaints against the City or a City business.	Investigations Letters and Correspondence Living Wage Complaints, Hearings, Determinations and Findings MOUs	Workplace and Employment Standards	FR+4Y	CA - GCP 337 - (LA4Y) CA - GCP 338 - (LA3Y) CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) Oakland Municipal Code 2.28.060 - (MAINT)
<b>143</b> <b>Police - Internal Affairs Records</b> Records and information received or created in the investigation of a police officer misconduct completed by the Police Department.	Case File	Police	Permanent	CA - GOV 945.6(a)(2) - (LA6M; LA2Y) CA - GOV 34090 - (2Y) *As required by Office of City Attorney

CITY OF OAKLAND  
RECORDS RETENTION SCHEDULE

<p>ACRONYMS USED IN LEGAL CITATIONS</p> <p>CL = Closed    CU = Current Year    FR = Final Resolution    LA = Limitation on Action    M = Month</p> <p>MA = Maturity    MAINT = Maintain Records    PR = Permanent    S = Superseded    T = Termination    Y = Year</p>				
Record Number	Record Name and Description	Example Documents	Department/Office of Record	Retention
144	<p>Case Files - Officer Vehicle Pursuits</p> <p>Records and information regarding the officers vehicle pursuits.</p>		Police	CL+20Y*
				<p>CA - GOV 945.6(a)(2) - (LA&amp;M; LA2Y)</p> <p>CA - GOV 34090 - (2Y)</p> <p>CA - PEN 800 - (LA6Y)</p> <p>CA - PEN 801 - (LA3Y)</p> <p>CA - PEN 801.1(b) - (LA10Y)</p> <p>CA - PEN 851.8 - (SEAL&amp;DESTROY)</p> <p>*As requested by Office of Inspector General</p>



## MEMORANDUM

**TO:** Floyd Mitchell,  
Chief of Police

**FROM:** Brandon Mart, Police Officer,  
SOD, Air Support Unit

**SUBJECT:** Forward Looking Infrared  
(FLIR)-2024  
Annual Report

**DATE:** MARCH 12, 2025

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### **Background**

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

- The benefits to the community of the surveillance technology outweigh the costs, and 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.

The PAC recommended adoption of the OPD Department General Order (DGO) I-29: "Aircraft Mounted Camera (AMC) use policy" at their September 7, 2023 meeting; the report was presented to the City Council on December 5, 2023 and adopted by the City Council via Resolution No. 89995 C.M.S. DGO I-29 requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council.

### **2023 Annual Report Details**

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

The technology was used solely for training purposes during the past year. The Air support unit trained four new flight observers who received initial training on the operation of both the color camera and FLIR camera on the OPD helicopters. The training took place near the Oakland Zoo. No data was recorded or retained during these training instances in accordance with DGO I-29.

- 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):

No outside agencies received data from the use of the surveillance technology.

- 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:

OPD has two patrol helicopters which are equipped with a FLIR 8500 camera. These cameras have been utilized by those helicopters for the past decade. The cameras are able to obtain live video and record video concurrently. These recordings are subject to the restrictions and retention of DGO I-29.

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

The camera was used solely for training purposes during the past year in District 6 near the Oakland Zoo by Flight Observers undergoing initial training.

- 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.

No community complaints or concerns were communicated to staff.

- 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:

All officers assigned to the Air Support Unit who have access to the technology were provided training on the requirements and policy associated with DGO I-29. Because no recordings were made during the 2024 year, no possible access to stored data by unauthorized persons is possible.

A compliance check of the activations during the previous year show that no improper use of the AMC was found to have occurred.

- 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:

There were no identifiable data breaches or unauthorized access during the year of 2024.

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

The cameras were used solely for training purposes during the last year. The policy was primarily developed for the implementation of a new camera on a fixed wing aircraft that has not been purchased.

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

There have been no PRA requests regarding the Air Unit Cameras since the approval of DGO I-29 in 2023.

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:

The equipment is owned outright by the department/city and has no ongoing operating cost other than the cost to operate the helicopters themselves. The cameras are no longer serviced by the manufacturer and any issues that may arise in the future regarding their functionality will likely require replacement at a cost TBD.

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

No requests for policy 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.

For any questions with this report, please contact Brandon Mart, Officer, OPD, Air Support Unit, at [bmart@oaklandca.gov](mailto:bmart@oaklandca.gov)

Respectfully submitted,

Floyd Mitchell, Chief of Police,  
OPD, Office of Chief of Police

Casey Johnson, Deputy Chief  
OPD, Bureau of Field Operations 2

Reviewed by,  
Omar Daza-Quiroz, Acting Captain  
OPD, Electronic Support Unit (ESU)

Prepared by:  
Brandon Mart, Police Officer

Tracey Jones, Police Services Manager  
OPD, Research and Planning Unit



# *Annual Report*

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**TO: Privacy Advisory Commission**

**FROM: Felicia Verdin**  
**Assistant to the City**  
**Administrator**

**SUBJECT: Implementing, Tracking  
and Reporting Ordinance  
N.O. 13540 C.M.S. - Sanctuary  
City Contracting and Investment  
Ordinance**

**DATE: March 28, 2025**

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## **Executive Summary**

The Sanctuary City Contracting and Investment Ordinance (Ordinance N.O. 13540 CMS) was adopted by the City Council in June 2019 and requires that by April 1 of each year, the City Administrator shall certify compliance with this ordinance by preparing a written report. By May 1 of each year, the City Administrator shall submit to the Privacy Advisory Commission a written, public report regarding compliance with Sections 2.23.030 and 2.23.040 over the previous calendar year.

At minimum, this report must (1) specify the steps taken to ensure implementation and compliance with Sections 2.23.030 and 2.23.040, (2) disclose process issues, and (3) detail actions taken to cure any process deficiencies. After receiving the recommendation of the Privacy Advisory Commission, if any, the City Administrator shall schedule and submit the written report to the City Council for review and adoption.

## **Background**

The Sanctuary City Contracting and Investment Ordinance prohibits the City from contracting with any person or entity that provides the United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection (CBP), or Department of Health and Human Services Office of Refugee Resettlement (HHS/ORR) with any “Data Broker”, “Extreme Vetting”, or “Detention Facilities” services unless the City Council makes a specific determination that no reasonable alternative exists. The ordinance also prohibits the City from investing in any of these companies and requires the City to include notice of these prohibitions in any Requests for Proposals (RFPs), Requests for Qualifications (RFQs), and any construction or other contracting bids.

As is the case in many government entities, the City uses its existing competitive (non-construction services) procurement processes to require compliance with federal, state and local mandates relative to the use of public funds in the purchase of goods and service. For example,

in the late 1980's the City adopted a policy to prohibit doing business with entities that also contract with companies involved in nuclear arms proliferation. In 2013, the City took a stand against contractors doing business with the State of Arizona due to its adoption of legislation that unfairly targeted persons of Hispanic decent in routine traffic stops.

The Sanctuary City Contracting and Investment Ordinance is a response to efforts implemented during the previous presidential administration by ICE, including its efforts to target Sanctuary Cities with stepped up enforcement efforts and the impact those efforts have had on the Oakland community. There has been strong local interest in these types of ICE raids and deportations both politically and in the media, however, ICE has taken much more drastic steps to gather data on individuals that could ultimately be far more impactful.

### **Ensuring Compliance**

#### *"Schedule I"*

The Sanctuary City Contracting and Investment Ordinance (Ordinance N.O. 13540 CMS) is promulgated through "Schedule I" as attached. Any entity wishing to contract with the City of Oakland must self-certify with the Schedule I that they do not have any contracts with ICE, CBP, or HHS/ORR. The Schedule I is submitted along with other contract schedules to the Department of Workplace and Employment Standards (DWES). Staff forward copies of all received Schedule I's to the Deputy City Administrator. If any contractor cannot self-certify, then a further review of the proposed contract will occur to determine if there are grounds for a waiver.

During the reporting period:

There were no City of Oakland contractors who declined to sign the Schedule I and seek a waiver.

#### *Disclosure of Process Issues*

There were no negative process issues during this reporting period and based on past performance, staff believe the disclosure process is working well.

#### *Actions Taken to Cure Deficiencies*

There were no identified deficiencies in this reporting period to cure.

#### *Investment Prohibitions*

Previously, staff provided the list of prohibited contractors to the Department of Finance to ensure no new investments are made in any of these firms moving forward. As noted during the development of the ordinance, most of the City's investments are in bonds and there are strict guidelines on how a municipality can invest its dollars. Department of Finance agreed to check

the list of prohibited entities on a semi-annual basis. The Department reported that in the year 2024, no investments in the prohibited entities were made.

Respectfully submitted,

Felicia Verdin  
Assistant to the City Administrator

For questions, please contact Felicia Verdin, at (510) 238-3128 or Joe DeVries, Deputy City Administrator at 510-238-3083.