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OAKLAND

2019 OCT 31 PM 1:07

# AGENDA REPORT

**TO:** Sabrina B. Landreth  
City Administrator

**FROM:** Anne Kirkpatrick  
Chief of Police

**SUBJECT:** Pursuit Mitigation System Privacy  
Policy

**DATE:** October 14, 2019

City Administrator Approval

Date:

10/31/19

## RECOMMENDATION

**Staff Recommends That The City Council Adopt A Resolution Approving The Oakland Police Department (OPD) Pursuit Mitigation System Use Policy And Surveillance Impact Report.**

## EXECUTIVE SUMMARY

Adoption of this resolution will approve OPD's The Pursuit Mitigation Trackers Use Policy And Surveillance Impact Report, as required by Oakland's Surveillance Technology Ordinance. Oakland's Privacy Advisory Commission (PAC) voted unanimously at the September 3, 2019 meeting to recommend that the City Council approve OPD's Pursuit Mitigation System Use Policy and Surveillance Impact Report for the Pursuit Mitigation System.

The Pursuit Mitigation Trackers, using Global Positioning Satellite (GPS) Tracking technology, offer officers a technology alternative to vehicle pursuits. Pursuit Mitigation trackers provide solutions for apprehending individuals who are involved in serious crimes or who purposely evade lawful commands to stop, while mitigating many of the risks inherent to police vehicle pursuits. StarChase, Inc. manufactures the system that OPD plans to purchase with prior approval from the City Council.

## BACKGROUND / LEGISLATIVE HISTORY

### *Pursuit Mitigation*

The Pursuit Mitigation System provided by StarChase, Inc., comprised of "StarChase GPS System," "StarChase Tag," and "Track System" is together a comprehensive system for pursuing suspect vehicles without high-speed pursuits. The pursuit management technology contains a miniature GPS tag and a launcher mounted in a police vehicle. A compressed-air launcher, mounted behind the grille of a police cruiser, uses a laser to target the fleeing vehicle. It deploys a GPS tag. Dispatch views location and movements of the tagged vehicle in real-time

Item: \_\_\_\_\_  
Public Safety Committee  
November 12, 2019

on a secure web-based mapping portal. Through the efficient use of technology, a high-speed chase is replaced with a safer interdiction technology.

The Pursuit Mitigation GPS Tag and Track Launcher System is comprised of a less-than-lethal, dual barrel GPS launcher which contains two GPS Tags (1 per barrel) mounted in the vehicle grille or on a push bumper. The launcher is equipped with compressed air and an eye-safe laser for assisting with targeting prior to launching the GPS Tag.

The system can be deployed both from the inside of the vehicle using the control panel as well as remotely outside the vehicle using a small key fob. Once the GPS Tag is launched, Dispatch, Line Supervisors and other personnel can view the location and movements of the "hot pursuit" vehicle in real-time on a secure, web-based mapping portal. In addition to accurate mapping, critical information including travel direction, speed and traffic activity is transmitted every five seconds allowing for visibility of suspect vehicle movements. An officer can therefore follow a vehicle when legally allowed for a pursuit without the inherent danger associated with a high speed vehicle chase.

### ***Oakland's Surveillance Ordinance***

Oakland's Surveillance Ordinance No.13489 C.M.S. adopted by the City Council on May 15, 2018 adds Chapter 9.64 to the Oakland Municipal Code (OMC) covering policy areas related to surveillance technology. OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology. Additionally, OMC Section 9.64.020.1 requires that, "Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030 city staff shall submit a surveillance impact report and surveillance use policy to the Privacy Advisory Commission (PAC) 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."

### **ANALYSIS AND POLICY ALTERNATIVES**

The Impact Use Report for the OPD Pursuit Mitigation System (see **Attachment A**) covers the following areas as required by the Surveillance Ordinance:

- Information describing the system and how it works;
- Purpose of the technology;
- Locations where, and Situations in which the technology may be used (along with area crime data);
- Privacy Impact of the technology;
- Mitigations to prevent privacy impacts;
- Data Types and Sources;
- Data Security;
- Costs;
- Third Party Dependence;
- Alternatives Considered; and
- Track Record of Other Entities; and

OPD' Pursuit Mitigation System Policy (see **Attachment B**) covers the following areas:

- Technology Description;
- Authorized Use
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting; and
- System training; and

The proposed purpose of the Pursuit Mitigation System is to track and ultimately capture a suspect vehicle (and occupant) when a vehicle pursuit event occurs. California Vehicle Code (CVC) 2800 states that it "is unlawful to willfully fail or refuse to comply with a lawful order, signal, or direction of a peace officer." CVC 2800.1 explains it's illegal to flee or attempt to elude a pursuing peace officer. CVC 2800.2 explains that such attempts to elude an officer can be a felony crime when the pursued vehicle is "driven in a willful or wanton disregard for the safety of persons or property."

Oakland Police Department (OPD) Departmental General Order (DGO) J-4 "Pursuit Driving" (**Attachment C**) defines a vehicle pursuit as "an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly and failing to yield to the officer's signal to stop." OPD policy reflects the understanding that vehicle pursuits are dangerous; therefore OPD J-4 only allows for vehicle pursuits under limited circumstances. Section J4 II.B. explains that, "Vehicle pursuits may only be initiated when there is reasonable suspicion to believe the suspect committed a violent forcible crime and/or a crime involving the use of a firearm, or probable cause that the suspect is in possession of a firearm." The specific list of "violent forcible crimes" from J-4 include:

- Murder;
- Manslaughter;
- Mayhem;
- Kidnapping;
- Robbery;
- Carjacking;
- Arson to an inhabited structure, inhabited property or that causes great bodily injury (GBI);
- Explode or ignite a destructive device or any explosive causing GBI or death;
- Use or possession of a weapon of mass destruction;
- Use of a firearm in the commission of a felony;
- Assault with a deadly weapon, firearm;
- Assault with a deadly weapon, other than a firearm (e.g. clearly using a vehicle as a weapon);
- Aggravated Battery with severe or great bodily injury; and
- Sexual Assault

Citizens sometimes become victims to pursuit-related events. High speed vehicle evasions and pursuits can lead to accidents, physical injuries and/or death of the fleeing motorist and/or innocent bystanders. There is no way to justify an injury or loss of life; however, the costs associated with pursuit-related litigation and settlements is in the millions, and the financial costs from damaged property, both in the city and for a police department can be extremely expensive.

Vehicles pursuits that result in vehicular collisions can also erode police-community relationships. A pursuit mitigation system with GPD trackers can help OPD accomplish the goal of tracking individuals in vehicles who choose to evade law enforcement - without dangerous vehicle pursuits.

OPD staff presented this technology to the PAC on two occasions, and the PAC voted unanimously at their September 5, 2019 meeting to recommend that the City Council approve OPD's Pursuit Management Technology Use Policy and Surveillance Impact Statement.

### **FISCAL IMPACT**

This is an informational report and has no fiscal impact.

### **PUBLIC OUTREACH / INTEREST**

No Public Outreach was conducted in the preparation of this report.

### **COORDINATION**

The Office of the City Attorney reviewed this report.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** There are no economic opportunities associated with this report.

***Environmental:*** There are no environmental opportunities associated with this report.

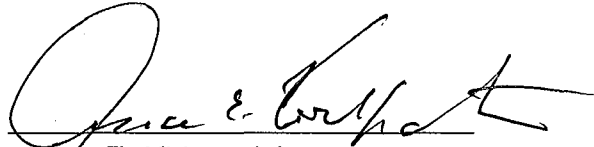
***Race and Equity:*** All Oakland residents and visitors have a right and an expectation of privacy. Additionally, OPD strives to ensure the public safety of all Oakland residents and visitors. OPD has developed its GLD System Policy with the goals of utilizing technology to mitigate the harm of gun violence while simultaneously mitigating privacy impacts.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Adopt A Resolution Approving The Oakland Police Department (OPD) Pursuit Mitigation System Use Policy And Surveillance Impact Report.

For questions regarding this report, please contact Bruce Stoffmacher, Management Assistant at 510-238-6976.

Respectfully submitted,



Anne E. Kirkpatrick  
Chief of Police  
Oakland Police Department

Reviewed by:  
Nishant Joshi, Captain  
OPD, Training Division

Phillip Best, Police Services Manager  
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Prepared by:  
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Attachments (3):

**A: Surveillance Impact Report for the OPD Pursuit Mitigation System**

**B: DGO I-22: OPD Pursuit Mitigation Use Policy**

**C: DGO J-4: Pursuit Driving**

# OAKLAND POLICE DEPARTMENT

## Pursuit Mitigation System Impact Use Report

### 1. Information Describing the Pursuit Mitigation System and How It Works

The Pursuit Mitigation System provided by StarChase, Inc., comprised of "StarChase GPS<sup>1</sup> System," "StarChase Tag," and "Track System" is together a less-than lethal GPS tracking system. The StarChase system is a pursuit management technology that contains a miniature GPS tag and a launcher mounted in a police vehicle. A compressed-air launcher, mounted behind the grille of a police cruiser, uses a laser to target the fleeing vehicle. It deploys a GPS tag. Dispatch views location and movements of the tagged vehicle in real-time on a secure web-based mapping portal. Through the efficient use of technology, a high-speed chase is replaced with a safer interdiction technology.

The Pursuit Mitigation GPS Tag and Track Launcher System is comprised of a less-than-lethal, dual barrel GPS launcher which contains two GPS Tags (1 per barrel) mounted in the vehicle grille or on a push bumper. The launcher is equipped with compressed air and an eye-safe laser for assisting with targeting prior to launching the GPS Tag.

The system can be deployed both from the inside of the vehicle using the control panel as well as remotely outside the vehicle using a small key fob. Once the GPS Tag is launched, Dispatch, Line Supervisors and other personnel can view the location and movements of the "hot pursuit" vehicle in real-time on a secure, web-based mapping portal. In addition to accurate mapping, critical information including travel direction, speed and traffic activity is transmitted every 5 seconds allowing for visibility of suspect vehicle movements. StarChase integrates with existing CAD and AVL systems and is designed to allow credentialed user access to critical mapping for dispatch, 911 centers or patrol vehicle terminals.

### 2. Proposed Purpose

The proposed purpose of the Pursuit Mitigation System is to track and ultimately capture a suspect vehicle (and occupant) when a vehicle pursuit event occurs. California Vehicle Code (CVC) 2800 states that it "is unlawful to willfully fail or refuse to comply with a lawful order, signal, or direction of a peace officer." CVC 2800.1 explains it's illegal to flee or attempt to elude a

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<sup>1</sup> GPS = global positioning satellite system, used to pinpoint the location of an object on a map

pursuing peace officer. CVC 2800.2 explains that such attempts to elude an officer can be a felony crime when the pursued vehicle is "driven in a willful or wanton disregard for the safety of persons or property."

Oakland Police Department (OPD) Departmental General Order (DGO) J-4 "Pursuit Driving" defines a vehicle pursuit as "an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly and failing to yield to the officer's signal to stop<sup>2</sup>." OPD policy reflects the understanding that vehicle pursuits are dangerous; therefore OPD J-4 only allows for vehicle pursuits under limited circumstances. J4 II.B. explains that, "Vehicle pursuits may only be initiated when there is reasonable suspicion to believe the suspect committed a violent forcible crime and/or a crime involving the use of a firearm, or probable cause that the suspect is in possession of a firearm." The specific list of "violent forcible crimes" from J-4 include:

- Murder;
- Manslaughter;
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- Kidnapping;
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- Arson to an inhabited structure, inhabited property or that causes GBI;
- Explode or ignite a destructive device or any explosive causing GBI or death;
- Use or possession of a weapon of mass destruction;
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- Assault with a deadly weapon, firearm;
- Assault with a deadly weapon, other than a firearm (e.g. clearly using a vehicle as a weapon);
- Aggravated Battery with severe or great bodily injury; and
- Sexual Assault

Citizens sometimes become victims to pursuit-related events. High speed vehicle evasions and pursuits can lead accidents and physical injuries and/or death of the fleeing motorist and/or innocent bystanders. There is no way to justify an injury and / or loss of life; however, the costs associated with pursuit-related litigation and settlements is in the millions, and the financial

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costs from damaged property, both in the city and for a police department can be extremely expensive.

OPD's Office of the Inspector General (OIG) undertook a review of OPD's pursuit policy<sup>3</sup>, which was revised in August 2014, to limit the types of crimes for which officers could pursue a suspect(s) (so as to mitigate the significant risk to OPD and the public). The review found a significant drop in the number of pursuits<sup>4</sup> after the policy change, but little change in the rate of property damage and injuries - about a third of all pursuits result in property damage. The OIG report also finds that the percentage of injuries resulting from a vehicle pursuit have not fluctuated more than 3% from 2013 to 2017 - roughly 10% of all pursuits continue to result in injury. Additionally, the Office of the Oakland City Attorney's Fiscal Year 2017-18 Annual Report shows that the City has paid an average of over \$3 million dollars per year over five fiscal years between 2013 and 2018. OPD cannot currently determine the extent these vehicle accident payouts are connected to OPD pursuits. In terms of overall pursuit data, for 2017 there were a total of 65 vehicle pursuits; 105 in 2018; and 54 in 2019 as of August 16, 2019 (date of this Impact Use Report).

Vehicles pursuits that result in vehicular collisions can also erode police-community relationships. StarChase can help OPD accomplish the goal of tracking individuals in vehicles who choose to evade law enforcement - without dangerous vehicle pursuits.

### **3. Locations Where, and Situations in which the Pursuit Mitigation System may be deployed or utilized.**

The technology would be installed onto various patrol vehicles and would thus be deployed throughout the city. The technology is affixed to patrol vehicles but can be removed and re-affixed to new vehicles as patrol vehicles become decommissioned through extended use.

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<sup>3</sup> <http://www2.oaklandnet.com/oakca1/groups/police/documents/agenda/oak072028.pdf>

<sup>4</sup> The greatest decline in vehicle pursuits was for Level 3 pursuits, "a vehicle pursuit which does not result in injury or property damage, unless a pursuit intervention maneuver technique was utilized."



The following table presents Part 1 Crime Data for January 1-May 31 Year to Date (YTD).

Part 1 Crimes	YTD 2015	YTD 2016	YTD 2017	YTD 2018	YTD 2019	YTD % Change 2018 vs. 2019	5-Year YTD Average	YTD 2019 vs. 5-Year Average
Homicide 187(a)PC	35	19	25	22	31	41%	26	17%
Aggravated Assault	1,150	1,061	1,160	1,188	1,347	13%	1,181	14%
Rape	80	93	96	88	71	-19%	86	-17%
Robbery	1,388	1,180	1,161	1,021	1,053	3%	1,161	9%
Burglary	5,330	3,979	5,363	3,749	4,616	23%	4,607	0%
Vehicle Theft	3,200	3,359	3,144	2,633	2,551	-3%	2,977	-14%
Larceny	2,618	2,424	2,466	2,622	2,438	-7%	2,514	-3%
Arson	66	53	38	71	48	-32%	55	-13%

#### 4. Impact

Impacts to public privacy would result if the Pursuit Mitigation System was used indiscriminately to monitor vehicles disconnected from actual crime or suspected criminal activity. OPD is only proposing to use the system in the event where an actual motorist chooses to evade lawful attempts to stop the motorist, as defined in #2 "Proposed Purpose" above. Furthermore, the system only captures longitude and latitude data of the GPS tag – no data is captured pertaining to the actual vehicle or motorist.

#### 5. Mitigations

The Pursuit Mitigation System mapping portal uses encryption to prevent unauthorized users from accessing the system. The GPS data from the

StarChase GPS is securely transported to a secure StarChase server environment. The entire platform is FedRAMP<sup>5</sup> ready and access to systems are restricted by secure login and all connections are encrypted using 2048bit SSL encryption. In addition, the system is protected and monitored 24/365 by multiple layers of firewalls and security protocols. The system uses multi-factor authentication, whitelisted IPs and secure firewalls.

## **6. Data Types and Sources**

Data is collected from the GPS tag used in the Pursuit Mitigation System – latitude and longitude data. The data is collected and processed in its pure form without changes. Data processing is only utilized in the retrieval of information from the system's database used to store the raw data collected from the GPS assets. Captured data includes electronic signatures (radio frequencies, cellphone signals, network activity) as well as GPS location (latitude, longitude) data, vehicle speed, and battery life. These data sources are used only for capturing the tag location; cellphone signals are not monitored, and the contents cannot be determined.

## **7. Data Security**

The Pursuit Mitigation System data server environment serves as an encrypted host for all agency tracking data. Designated users have variable levels of direct access to data and event histories which are downloadable and can be stored on a secure server; only a limited number of StarChase employees within IT and Support as well as OPD personnel with system access.

The StarChase data trail provides historical evidence for any pursuit, interdiction event or chain of custody requirement. GPS information is stored in a secure and restricted environment in a secure Amazon Web Services (AWS) cloud platform. StarChase only shares data with the contract police agency (OPD) – there is no sharing with any outside entities.

StarChase uses both automated and human staff authentication. StarChase uses a third-party to conduct a security audit of the system and its data.

## **8. Costs**

StarChase will cost \$57,500 in one-time costs for 10 launcher systems (\$152,850 for 30 systems), each of which includes the interior console, two remove key fobs, and unlimited projectile GPS tags. This cost also includes 12 months of data mapping and access to secure web-based tag data

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<sup>5</sup> The Federal Risk and Authorization Management Program (FedRAMP) is a government-wide program that provides a standardized approach to security assessment, authorization, and continuous monitoring for cloud products and services.

connectivity and mapping. OPD hopes to purchase 30 systems initially as a pilot program. The ongoing support cost is approximately \$1,000 per system per year. Therefore, OPD expects an estimated cost of \$30,000 per year after the initial \$152,850 year one cost.

#### **9. Third Party**

ODP will be dependent upon StarChase LLC for the equipment and data platform associated with this tracking technology. StarChase as a private company uses a third-party to conduct a security audit of the system and its data.

#### **10. Alternatives Considered**

OPD does not currently have any GPS tracking system to use in conjunction with vehicle pursuits. Currently OPD must use officer-driven patrol vehicles to pursue motorists who chose not to stop during legally permissible police stops. The challenges of vehicle pursuits is outlined #2 "Proposed Purpose" above. Helicopter pursuits perform a similar role to vehicle pursuits. In fact, OPD uses helicopters when feasible in conjunction with vehicle pursuits. Helicopter use is integrated into OPD DGO J-4 for this reason – OPD ground units involved in vehicle pursuits must disengage from active pursuits upon notification by the helicopter unit of visual contact with a fleeing vehicle. However, OPD only possesses one functional helicopter. Additionally, the helicopter at times is non-operable. Therefore, OPD views helicopter usage as complimentary to ground vehicle pursuits – helicopters do not offer a realistic alternative to ground vehicle pursuits when the conditions warrant their usage. Therefore, the other "alternative" from acquiring this pursuit mitigation system would be to continue to use vehicles for pursuits according to current practices.

#### **11. Track Record of Other Entities**

StarChase is utilized by hundreds of law enforcement agencies. Cities in California include Bakersfield, Benicia, Brentwood, Fremont, Modesto, Tustin, Lafayette, Contra Costa County, Pittsburg, San Pablo, Martinez, Pinole, and Walnut Creek as well as the California Highway Patrol. Cities outside of California include Albuquerque, Austin, Denver, Kansas City, Houston, Orlando, and Spokane. Many agencies have reported that StarChase has allowed for the successful detection and arrest of suspects without dangerous high-speed vehicle pursuits. Examples include:

- California Highway Patrol (CHP) - Pittsburg police tried to stop a motorist in a truck that fled officers at high speed on June 4, 2019. The vehicle occupants did not stop after being asked to stop. Officers were deploy the GPS tag, which allowed a Contra Costa Sheriff's helicopter and a CHP

airplane to follow from above at a distance; CHP was able to later make an arrest.

- Greene County Sheriff (MO) - August 6, 2019, were able to use StarChase to apprehend a motorist driving the wrong way on a highway and causing two vehicle collisions.
- The Florida Highway Patrol used StarChase successfully on a chase in Pasco County, Florida. Officers were pursuing an aggravated assault suspect after determining that pursuit and other methods to stop the vehicle were too dangerous.
- Springfield, MO – Springfield, MO PD state that the StarChase tags have stuck to vehicles 93 percent of times used, and recovery rate is 100 percent when the tag is successfully stuck to a suspect vehicle. They also say that the tracker is less useful during rain and inclement weather.



## DEPARTMENTAL GENERAL ORDER

### I-22: PURSUIT MITIGATION SYSTEM

Effective Date: XX XX 19

Coordinator: Bureau of Field Operations

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**The protection of human life is the primary consideration when deciding to engage in a vehicle pursuit.** Vehicle pursuits may be necessary to apprehend dangerous criminals who evade police in an attempt to escape. However, vehicle pursuits are inherently dangerous, and OPD policy balances these interests by stating that pursuits “shall be terminated whenever the totality of circumstances known or which should be known to involved personnel during the pursuit indicate that the risks in continuing the pursuit reasonably appear to outweigh the risks resulting from terminating the pursuit.”

Pursuit Mitigation Trackers, using Global Positioning Satellite (GPS) Tracking technology, offer officers a technology alternative to vehicle pursuits. Pursuit Mitigation trackers provide solutions for apprehending individuals who are involved in serious crimes or who purposely evade lawful commands to stop, while mitigating many of the risks inherent to police vehicle pursuits.

#### A. DESCRIPTION OF THE TECHNOLOGY

##### A - 1. Pursuit Mitigation System and Components

“StarChase”, a private company, manufactures and supports its Pursuit Mitigation GPS Tag Tracking System. The “StarChase” system is a pursuit management technology that contains a miniature GPS tag and a launcher mounted in a police vehicle.

The GPS Tag and Track Launcher System are comprised of a less-than-lethal, dual barrel GPS launcher which contains two GPS Tags (1 per barrel) mounted in the vehicle grille or on a push bumper. The launcher is equipped with compressed air and an eye-safe laser for assisting with targeting before launching the GPS Tag.

##### A - 2. How the GPS Tag Works

The StarChase system allows an officer to remotely affix a GPS tag to a pursued (or about to be pursued) vehicle using an air pressure system to discharge the tag from the front of the StarChase equipped patrol car to the vehicle in front of it. Once the tracker is affixed, its location can be monitored by personnel using a computer with an internet connection (the battery of each tag lasts approximately eight hours).

The system can be deployed both from the inside of the vehicle using the control panel as well as remotely outside the vehicle using a small key fob. Once the GPS tag is launched, dispatch personnel, field supervisors, and other personnel can view the location and movements of the tagged vehicle in real-time on a secure, web-based mapping portal. In addition to accurate mapping, critical information including travel direction, speed, and traffic activity is

transmitted every 3-5 seconds allowing for visibility of suspect vehicle movements in near real- time.

## **B. GENERAL GUIDELINES**

### **B - 1. Communications**

For clarity of communications, radio traffic should identify the device as “StarChase”.

### **B - 2. Authorized Users**

StarChase equipment in the patrol vehicle will only be operated by officers who have been trained in its use. StarChase equipped vehicles will not be assigned to officers who are not trained on its use unless required by exigent circumstances.

### **B - 3. Authorized Uses**

The StarChase system may be utilized during the following situations:

1. To tag a vehicle which officers are pursuing as part of an authorized vehicle pursuit under DGO J-4;
2. If there is reasonable suspicion to believe the suspect committed a violent forcible crime and/or a crime involving the use of a firearm, or probable cause that the suspect is in possession of a firearm (pursuant OPD DGO J4 “Pursuit Driving” Section II “Engaging in a Vehicle Pursuit”);
3. If there is reasonable suspicion to believe the suspect in the vehicle committed any Part 1 felony<sup>1</sup>;
4. If the vehicle is operated by an individual believed to be driving under intoxication (DUI) pursuant to CVC 23152(a); or
5. A monitoring commander may authorize the deployment under exigent circumstances other than what is authorized in 1-4 above.

### **B - 4. Safety Considerations**

The StarChase operator shall evaluate all safety decisions related to the discharge of a StarChase tag before deployment. While supervisors may direct or approve the deployment of a StarChase equipped patrol car in pursuit and the discharge of a tag, safety decisions related to passing other involved vehicles and the actual deployment of the device will be evaluated by the operator before deployment. The safety of uninvolved persons, persons inside the pursued vehicle, and pursuing officers shall be considered. The following considerations are specifically included:

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<sup>1</sup> As defined by the FBI’s Uniform Crime Reporting (UCR) Program; The seven Part I offense classifications included the violent crimes of murder and nonnegligent manslaughter, rape (legacy & revised), robbery, and aggravated assault, and the property crimes of burglary, larceny-theft, and motor vehicle theft. By congressional mandate, arson was added as the eighth Part I offense category in 1979.

1. Whether the officer can safely maneuver close enough to the suspect vehicle to come within targeting range;
2. Whether the officer can safely pass other vehicles to get to the subject vehicle; and
3. Whether any circumstances would indicate the device would not work (e.g., weather conditions, suspect vehicle weaving, et cetera).

**B - 5. Deploying the StarChase During an Active Pursuit**

StarChase equipped patrol cars, with approval of a supervisor, are authorized to respond to authorized vehicle pursuits in progress for potential use of the device. When so doing, officers driving these cars shall obey the following directives:

1. Unless directed otherwise, the StarChase equipped vehicle will join the pursuit at the rear of authorized pursuing vehicles until cleared to pass;
2. Once a StarChase equipped vehicle joins a pursuit, it becomes an authorized unit as it relates to the number of authorized pursuing vehicles;
3. StarChase equipped vehicles may pass other pursuing vehicles only when deemed safe and only with specific permission from the unit to be passed. Permission is to be sought and acknowledged one vehicle at a time. Officers driving the StarChase equipped vehicle will identify which side of the overtaken vehicle they will pass;
4. StarChase tags will be deployed in accordance with training;
5. Once the StarChase tag has been successfully deployed, pursuing vehicles shall disengage from the pursuit of the vehicle by deactivating the emergency lights and siren and obeying all speed and traffic laws. After disengaging from the pursuit, members may trail the fleeing vehicle by responding to the direction of the StarChase monitor, with the intent of not being seen by the suspect and to facilitate the arrest or detention of the driver and/or occupants of the vehicle;
6. One member shall be designated as the StarChase Monitor, who will relay speed, direction, and location updates on the suspect vehicle via the radio. While ideally dispatch personnel, this can be any member with access to the StarChase system;
7. Officers will maintain constant communication with the StarChase Monitor for speed/direction/location updates of the suspect vehicle.
8. The Supervisor will coordinate with the StarChase Monitor to direct resources and officers to appropriate locations to apprehend the suspect.
9. No officer who is driving a moving patrol car will access the StarChase Monitor data as this creates an unnecessary hazard.

10. Vehicles equipped with StarChase should not be used to perform a Pursuit Intervention Technique (PIT).

**B - 6. Deploying the StarChase Prior to or to Mitigate a Possible Pursuit**

Officers may deploy the StarChase on a vehicle, when authorized under section B-3, before attempting to stop the vehicle. If the tag is properly affixed and transmitting, officers **shall not** pursue the car, but instead follow the steps outlined in B-5, 5-10, in order to safely detain the vehicle and its occupants.

Absent authorization to pursue a vehicle pursuant to DGO J-04, officers **shall not** engage in vehicle pursuits simply to get close enough to affix the StarChase GPS tag.

**B - 7. Restricted Uses**

The StarChase tag will not be deployed in the following situations unless the suspect poses a substantial risk to the public:

1. Situations that do not comply with Section B-3, **Authorized Uses**, above;
2. During heavy rain;
3. While driving on exceptionally rough terrain;
4. When the subject is on a motorcycle, trike, quad, saddled off-road vehicle, bicycle, or is a pedestrian; or
5. When pedestrians are between or very near the suspect vehicle and the StarChase equipped vehicle.

**B - 8. Reporting Requirements**

In addition to the normal pursuit reporting procedures, officers who use the StarChase system will report all tag deployments in the appropriate report.

**C. DATA MANAGEMENT**

**C - 1. Data Collection and Retention**

The StarChase system collects latitude, longitude, and – by inference over time – speed data of the GPS tag. StarChase does not collect any data related to the vehicle onto which the tag is affixed. StarChase will maintain OPD-specific data for two years; OPD will maintain in perpetuity GPS tag tracker data related to actual criminal investigations.

**C - 2. Data Access**

OPD personnel with a right and need to know will have access to log into the StarChase portal. OPD Internal Affairs will have access to system data to review compliance with policy in Internal Affairs investigations. The StarChase System Coordinator will be responsible for assigning specific login user and password credentials to those personnel with a need to access



StarChase data.

**C - 3. Data Security**

The StarChase data server environment serves as an encrypted host for all agency tracking data. Designated users have variable levels of direct access to data and event histories which are downloadable and can be stored on a secure server; only a limited number of StarChase employees within IT and Support as well as OPD personnel have system access.

The StarChase data trail provides historical evidence for any pursuit, interdiction event, or chain of custody requirement. The GPS information is stored in a secure and restricted environment in a secure cloud platform. StarChase only shares data with the contract police agency (OPD) and does not share OPD's data with any outside entities.

StarChase uses both automated and human staff authentication. StarChase uses an independent third-party company to conduct a security audit of the system and its data.

**C - 4. Data Protection**

StarChase will maintain all data on cloud servers with standard encryption technology. StarChase will only have access to the latitude and longitude (and associated vehicle speed) of GPS tag trackers. Only OPD will have data to connect tracked tags to vehicles and criminal cases. Additionally, all used tags shall be retained as evidence by OPD's system coordinator and Evidence Unit. Additionally, officers shall either photograph with a camera or their body-worn camera (BWC) the damage or lack of damage to the vehicle when recovering the tag.

**C - 5. Releasing or Sharing StarChase System Data**

StarChase does not share data with any outside agencies or companies.

OPD will consider sharing StarChase latitude and longitude data with other law enforcement or prosecutorial agencies for agencies for official law enforcement purposes or as otherwise permitted by law and/ or Department policies, using the following procedures:

1. The agency makes a written request for GPS tag tracker data that includes:
  - a. The name of the requesting agency.
  - b. The name of the individual making the request.
  - c. The intended purpose of obtaining the information.
2. The request is reviewed by the Chief of Police or designee and approved before the request is fulfilled.

3. The approved request is retained on file.

#### **D. PURSUIT MITIGATION SYSTEM ADMINISTRATION**

##### **D - 1. System Coordinator / Administrator**

The StarChase system coordinator will be responsible for collaborating with the Training Division to ensure that personnel with access to the system are properly trained. The system coordinator is responsible for ensuring that appropriate personnel have individual login and password credentials. The system coordinator is also responsible for annual system audits.

##### **D - 2. Training**

The Training Division shall ensure that members receive department-approved training for those authorized to use or access the StarChase System and shall maintain a record of all completed training.

Training requirements for employees authorized to use the StarChase System include completion of training by the System Coordinator or appropriate subject matter experts as designated by OPD. Such training shall include:

1. System design and functionality
2. Situations that affect system functionality
3. Applicable federal and state law
4. Applicable policy
5. Accessing data
6. Safeguarding password information and data
7. Sharing of data
8. Reporting breaches
9. Implementing post-breach procedures

Training updates are required annually.

##### **D - 3. Auditing and Oversight**

The System Coordinator will be responsible for coordinating audits every year to assess system use. A summary of user access and use will be made part of an annual report to the City's Privacy Advisory Commission and City Council.

By order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: \_\_\_\_\_



DEPARTMENTAL  
GENERAL  
ORDER

Effective Date  
25 Aug 14

J-4

Evaluation Coordinator:  
Training Section Commander

Index as

Evaluation Due Date:  
25 Feb 15

Pursuit Driving

Automatic Revision Cycle:  
3 Years

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## PURSUIT DRIVING

The purpose of this order is to establish Departmental policy and procedures for vehicle pursuits.

### I. VALUE STATEMENT

The protection of human life shall be the primary consideration when deciding to engage in a vehicle pursuit. Vehicle pursuits are inherently dangerous, but at times may be necessary to apprehend dangerous criminals who evade police in an attempt to escape. However, the decision to engage in a vehicle pursuit to immediately apprehend a fleeing suspect requires a careful weighing of the risks to the safety of officers, motorists, bystanders and the general public versus the benefit to public safety. Therefore, this policy only allows vehicle pursuits for violent forcible crimes and/or crimes involving the use or possession of firearms.

### II. ENGAGING IN A VEHICLE PURSUIT

#### A. What is a vehicle pursuit

A **Vehicle Pursuit** is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly and failing to yield to the officer's signal to stop.

#### B. When a pursuit may be initiated

Vehicle pursuits may only be initiated when there is **reasonable suspicion** to believe the suspect committed a violent forcible crime (See Appendix A) and/or a crime involving the use of a firearm, or **probable cause** that the suspect is in possession of a firearm.

A monitoring commander may authorize a pursuit for a crime not involving a violent forcible crime or firearms, under exigent circumstances, when the fleeing suspect's actions pose an immediate and serious threat to officers and the public. A pursuit report shall be completed and forwarded to the Department Safety Coordinator for all pursuits initiated under exigent circumstances and shall go before the Department Safety Committee for a full review to determine policy compliance.

C. When a pursuit must be terminated

Pursuits shall be terminated whenever the totality of circumstances known or which should be known to involved personnel during the pursuit indicate that the risks in continuing the pursuit reasonably appear to outweigh the risks resulting from terminating the pursuit.

### III. RISK FACTORS

Involved personnel shall consider all Risk Factors, in determining whether to initiate and continue a vehicle pursuit, including but not limited to:

1. The volume of vehicular and pedestrian traffic in the area;
2. Traffic conditions;
3. Location of pursuit;
4. Safety of the public in the area of the pursuit (e.g., the presence of children, the elderly or disabled, the proximity to hospital or school zones in the vicinity of the pursuit);
5. Safety of the pursuing officers;
6. Speeds of both officer and suspect vehicles;
7. Familiarity of the officer and supervisor with the area of the pursuit;
8. Road and weather conditions;
9. Time of day;
10. Quality of communications between the pursuing units, the Communications Section, and/or supervisor;
11. The performance capabilities of the police vehicle or the operation of the emergency lights and siren;

12. Availability of air or field support;
13. Whether the officer has a ride-along passenger with him/her;
14. Whether the suspect is known and can be apprehended at a later time;
15. Whether the suspect is known to be a juvenile;
16. When a non-suspect vehicle and/or pedestrian accident has occurred during a pursuit;
17. The safety of occupants in the fleeing vehicle;
18. The distance between the pursuit and fleeing vehicles is so great that further pursuit is futile; and
19. The pursued vehicle's location is no longer known.

#### IV. DUTIES OF INVOLVED PERSONNEL

“Involved personnel” refers to officers, supervisors and commanders who are involved in the pursuit of the fleeing suspect or making command and control decisions relative to the pursuit.

A supervisor or commander, who becomes engaged in the pursuit, shall relinquish his/her supervisory control to an uninvolved supervisor or commander as soon as reasonably practical.

A passenger officer in a pursuit vehicle is considered involved personnel and shall be held accountable for advising the driver whenever a pursuit should be terminated.

Involved personnel shall comply with all other policy requirements including the driving rules, notification and reporting requirements.

##### A. Initiating a pursuit

1. When initiating a pursuit, involved officers must ensure there is:
  - a. **Reasonable Suspicion** the pursuit is for a violent forcible crime and/or a crime involving the use of a firearm; or
  - b. **Probable Cause** that the suspect is in possession of a firearm.



2. All vehicle pursuits shall be conducted with red light and siren, as required by 21005 VC, and with due regard and caution for the safety of all persons using the highway, as required by 21056 VC.
3. During a pursuit, involved officers and monitoring supervisors/commanders shall continually consider the Risk Factors and whether the pursuit should be terminated in order to protect officers and the public from the risks associated with the pursuit. All involved personnel may be required to explain their decision making and analysis of the risk factors.

B. Terminating a vehicle pursuit

1. Vehicle Pursuits shall be terminated when, after evaluating the risk factors and the safety risks to officers and the public, the risks outweigh the benefits of immediately apprehending fleeing suspects.

Involved officers and monitoring supervisors/commanders are responsible for terminating a pursuit whenever the need to immediately apprehend a fleeing suspect is outweighed by the need to protect officers and the general public from harm.

2. The Communications Section shall be notified when a decision is made to terminate a pursuit. The pursuing unit(s) shall immediately:
  - a. Disengage the pursuit by turning off from the pursued vehicle's direction of travel or pulling to the curb<sup>1</sup>. Units **shall not** trail or parallel the previously-pursued vehicle;
  - b. Deactivate their emergency red lights and siren; and
  - c. Obey all speed and traffic laws.

Involved personnel shall comply with all other policy requirements including the driving, notification and reporting requirements.

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<sup>1</sup> Circumstances may occur where it is not possible to turn off from the pursued vehicle's direction of travel and/or it is unsafe to pull to the curb (e.g., on the freeway). Accordingly, members shall follow parts b and c of Section IV.B.2 above and seek: the next exit point from the roadway to turn off of the path or a safe location to pull to the curb.

**V. AUTHORIZED UNITS AND OFFICER RESPONSIBILITY**

Only two units shall be authorized to engage in a vehicle pursuit, unless additional units are approved by a supervisor or commander via radio or other communication.

The requirements of this policy apply equally to the driver and passenger officers of primary and secondary units.

**A. Primary Unit**

1. The officer(s) who initiates a pursuit is designated as the primary pursuit unit in control of the pursuit until control is relinquished to another unit or otherwise directed by a supervisor or commander.
  - a. The responsibility of the primary unit is to safely apprehend fleeing suspects without unnecessarily endangering the lives and safety of officers or the general public.
  - b. The primary unit shall make the initial decision to continue in a pursuit until a supervisor/commander authorizes or terminates the pursuit.
  - c. Communications Notification
2. Upon initiating a pursuit, the primary unit shall immediately, or as soon as reasonably practical, notify the dispatcher on a radio channel of:
  - a. Reasons for the pursuit and suspected or known law violations;
  - b. Description of the fleeing vehicle;
  - c. Number and description of occupants, if known; and
  - d. Continually report location, direction of travel, traffic conditions and speeds
3. Supervisory approval

The primary unit shall notify the immediate supervisor as soon as reasonably practical and obtain verbal approval for the pursuit. If immediate verbal approval is not given, the primary unit shall terminate the pursuit. In the event the immediate supervisor is not available, another supervisor may authorize the pursuit and assume the responsibility for supervising the pursuit.

4. Broadcast Progress

The primary unit shall be responsible for broadcasting the progress of the pursuit, unless relieved by a secondary unit, or if required to relinquish the responsibility to the secondary unit in order to concentrate on pursuit driving.

5. Driving requirements

The primary unit shall be required to:

- a. Activate the vehicle's emergency red lights and/or auxiliary lights;
- b. Continuously sound the siren as a warning to other drivers and pedestrians; and
- c. Maintain contact with the Communications Section.

B. Secondary Unit

The secondary unit shall notify the Communication Division and immediate supervisor or supervisor monitoring the pursuit immediately when responding or joining as the secondary unit.

1. The secondary unit shall meet the same driving requirements as specified for the primary unit above.
2. The secondary unit must remain a safe distance behind the primary unit unless authorized to assume the primary officer role or if the primary unit is unable to continue the pursuit.
3. The secondary unit also has a responsibility of assessing the pursuit and making a determination to continue or terminate the pursuit.
4. When practical, the secondary officer/unit shall assume responsibility of providing updates to the Communications Section when engaged in the pursuit.

C. Additional Units

1. A monitoring supervisor or commander may authorize more units to become engaged in the vehicle pursuit if warranted by the circumstances. The supervisor or commander must specifically state the number of additional units that are allowed to be in the pursuit.

2. Additional units shall meet all requirements specified for the secondary unit above.

D. Other Units

1. An unmarked unit may initiate or join a pursuit but shall disengage immediately when marked units become available and are in position to take over the pursuit. As soon as practical, the first marked unit becomes the primary pursuing unit.
2. A motorcycle unit may initiate a pursuit but shall disengage immediately when a marked unit joins the pursuit. Motorcycle units shall not continue or join in a pursuit as a cover unit due to the elevated risk involved.
3. Units transporting prisoners, victims, witnesses, civilians, an officer in the back seat without ability to exit the vehicle; or units with a civilian ride-along are prohibited from initiating, engaging or joining in a pursuit. This does not prohibit units with a civilian ride-along or an officer in the back seat without the ability to exit from trailing a pursuit (See Part VII. A "Trailing".)
4. Employees (non-sworn) are prohibited from initiating, engaging or joining in a vehicle pursuit.

**VI. DRIVING RULES, TACTICS AND TECHNIQUES**

The following rules and guidelines apply and involved officers and monitoring supervisors/commanders are required to adhere to these requirements:

- A. Vehicle pursuits are subject to the provisions of California Vehicle Code Sections 21055(a) /21056 and the requirements of this policy that involved personnel **(1) activate the vehicle's emergency red and/or auxiliary lights; and (2) continuously sound the siren as a warning to drivers and pedestrians.**
- B. A Code 3 response is governed by DGO J-4.1, EMERGENCY DRIVING REGULATIONS.
- C. Pursuit Intervention Maneuver (PIM) techniques
  1. PIM techniques shall only be used after receiving approval from a supervisor/commander or when exigent circumstances exist.

2. PIM techniques, as specified in Training Bulletin III-B.9, PURSUIT INTERVENTION MANEUVER TECHNIQUES, may be utilized in order to apprehend the suspect by bringing a pursuit to a safe conclusion and minimizing the risk to public safety and reducing property damage.
3. In determining whether to request and/or authorize the use of PIM techniques, the involved officers and the monitoring supervisor/commander shall continually consider: (a) the gravity of the offense and (b) the importance of and necessity for the immediate apprehension in relationship to public safety and the Risk Factors enumerated in this policy.

## VII. ROLE OF AUXILIARY/UNINVOLVED UNITS

Assisting units and uninvolved personnel shall comply with all policy requirements, including driving, notification and reporting requirements.

### A. Trailing

Trailing is the following of a pursuit and/or responding to the area of a pursuit. Trailing is conducted to provide assistance in the apprehension of a fleeing suspect, to provide information relative to the initiating crime or subsequent crimes, to assist in the recovery of any discarded evidence or to provide for the safety of those involved in or in the area of the pursuit. Although Trailing has a function of a vehicle pursuit (i.e. apprehension of a fleeing suspect), Trailing is not a vehicle pursuit because the officer is not signaling the driver to stop.

#### 1. Trailing with helicopter support

Upon notification by the helicopter unit of visual contact with the fleeing vehicle, all ground units, unless authorized to continue by a commander, **shall disengage from the pursuit of the vehicle by deactivating the emergency lights and siren and obeying all speed and traffic laws (Code 2 status.)** After disengaging from the pursuit, members may trail the fleeing vehicle by responding to the directions of the helicopter unit, **with the intent of not being seen by the suspect** and to facilitate the arrest or detention of the driver and/or occupants of the vehicle.

2. Trailing without helicopter support

**Trailing requires that units maintain sufficient distance from the pursuit units and/or the pursued vehicle by deactivating their emergency lights and siren and obeying all speed and traffic laws in order to clearly establish the absence of participation in the pursuit (Code 2 status.)**

3. Trailing to conduct Safety Measures or additional duties

Officers must obey all speed and traffic laws and drive in a non-emergency status (Code 2) when responding to the area of the pursuit to assist with evidence recovery, clearing intersections, traffic control or with duties involved in the termination of the pursuit, unless emergency response (Code 3) is authorized by a supervisor or commander.

Upon arrival at an intersection along the pursuit path, uninvolved units shall activate their emergency lights and siren, as necessary, to alert and safely clear vehicular and pedestrian traffic from the pursuit path.

4. Trailing may be done by:
  - a. The primary or secondary units who relinquish control of the pursuit to another unit, the helicopter unit or other jurisdiction;
  - b. Uninvolved Area Officers;
  - c. Adjacent<sup>2</sup> Area Officers; or
  - d. Non-Adjacent<sup>2</sup> Area Officers with supervisory approval.
5. Trailing outside of the city requires supervisory or command approval.

B. Area and Adjacent Area Officers

Trailing should be conducted primarily by officers assigned to the Area or Adjacent Area to the pursuit.

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<sup>2</sup> Adjacent Area is defined as sharing a border with the Area where the pursuit is occurring. Non-Adjacent Area is defined as not sharing a border with the Area where the pursuit is occurring.

C. Non-Adjacent Area Officers

Officers assigned to the Non-Adjacent Areas to the pursuit should remain in their assigned area and should not become involved in the pursuit unless directed by a supervisor.

**VIII. SUPERVISORY AND COMMAND RESPONSIBILITY**

A. Supervisors and commanders shall provide appropriate levels of supervision and command and control at all times during a vehicle pursuit.

1. A supervisor/commander shall monitor the pursuit via radio transmissions and maintain control of the pursuit through clear directives and communications with involved officers and relevant personnel.
2. Upon notification of a pursuit, the supervisor or commander shall assume command, control, and responsibility of the pursuit and shall verbally authorize or terminate the pursuit.
3. The immediate supervisor of the primary unit shall have primary responsibility for supervising and monitoring the pursuit. In the event the immediate supervisor is unavailable, the pursuit may be authorized and monitored by the following:
  - a. Supervisor from the same Area;
  - b. Another field supervisor (i.e., adjacent Area supervisor, specialized unit supervisor, etc.);
  - c. Area Commander or other commander; or
  - d. Communications Section Sergeant/Commander

The monitoring supervisor, if not the immediate supervisor, shall complete the Pursuit Report.

B. The duties of the monitoring supervisor include consideration of the following factors in making supervisory decisions related to the pursuit:

1. The supervisor/commander reasonably believes that the pursuing unit has:
  - a. Reasonable suspicion the pursuit involves a violent forcible crime and/or a crime involving the use of a firearm; or

- b. Probable cause that the suspect is in possession of a firearm;
  2. The pursuit is justified based on an evaluation of the Risk Factors;
  3. Proper type and number of units are involved in the pursuit;
  4. Available aircraft has been requested;
  5. Proper communication protocols and radio channel are used;
  6. Affected agencies are being notified;
  7. The decision to request an outside agency's assistance;
  8. The decision to grant assistance in response to the request of an outside agency conducting its own vehicle pursuit; and
  9. The decision whether or not to terminate the pursuit.
- C. The monitoring supervisor of the pursuing officer shall have the primary responsibility for supervising the pursuit and evaluating the risk factors in deciding whether a pursuit should continue. If the pursuing officer's immediate supervisor is unavailable, another supervisor or commander may assume primary supervisory responsibility and transmit that decision.
1. Upon making a decision to terminate or continue a pursuit, the supervisor shall communicate it to the pursuing units.
  2. If practical, a supervisor/commander shall not be actively involved in a pursuit.
- D. The supervisor/commander shall proceed to the termination point of the pursuit and direct the actions of field personnel unless relieved by a higher ranking officer.
- E. Accountability
- Supervisor/commanders shall be held equally accountable for authorizing the continuation of a pursuit.
1. Involved officers and the approving supervisor/commander shall be held accountable for the continuation of a pursuit they knew or reasonably should know violates policy.



2. Upon termination of the pursuit the supervisor shall, when operationally feasible, debrief the pursuit with those members involved in the pursuit.

## **IX. PURSUITS INTO OTHER JURISDICTIONS**

- A. When a pursuit extends into the jurisdiction of another law enforcement agency, the monitoring supervisor or commander shall determine whether to terminate or relinquish the pursuit. In making this determination, the following factors, in addition to the Risk Factors, shall be considered:
  1. Whether involved OPD officers are familiar with the area;
  2. The distance involved;
  3. Communication limitations; and
  4. Whether the pursuit can be assumed by another agency.
- B. The involved officers or supervisor/commander shall request the Communications Section notify the other jurisdiction of the pursuit.
- C. The involved officer or supervisor/commander shall inform the Communications Section if assistance from another agency will likely be needed.
- D. If it is determined that the pursuit is to be relinquished to another agency, the request shall be clearly relayed by the Communications Section to that agency and confirmation of acceptance of the pursuit shall be obtained before the pursuit is relinquished. Mere notification to another agency of a pursuit in progress shall not constitute a request to join or transfer responsibilities for the pursuit.
- E. When a pursuit is terminated, the involved officers, supervisor or commander shall immediately notify the Communications Section who shall broadcast to all involved personnel, pursuit units and auxiliary units to abandon the pursuit. This information shall also be immediately relayed to any other involved agency.
- F. When a pursuit is taken over by another agency, the officer engaged in the initial pursuit shall proceed, if practical and with supervisor or command approval, to the termination point in Code 2 status to provide information which may be required for the arrest.

- G. The control and management of a scene which terminates in another agency's jurisdiction is the responsibility of that agency. Any officer at the termination point shall coordinate their actions with the other agency and update the appropriate OPD supervisor/commander as necessary

**X. OUTSIDE AGENCY PURSUITS WITHIN THE CITY OF OAKLAND**

At times outside agencies will initiate a vehicle pursuit within the City of Oakland or continue a pursuit that started elsewhere into Oakland city limits. The policy of the department in responding to outside agency pursuits occurring within city limits is as follows:

- A. The Department may participate in outside agency pursuits occurring in Oakland only when the pursuit meets OPD Department Policy criteria for a pursuit.
- B. The outside agency must formally request the involvement of OPD; notification that a pursuit is in progress and in Oakland does not constitute a formal request.
- C. Only authorized personnel at the level of sergeant or commander may approve OPD's participation in an outside agency pursuit.
- D. The notification of the decision to decline or accept the outside agency's request to join and/or take over control of their pursuit shall be relayed by the Communications Section.
- E. In determining whether to approve OPD's participation and the nature of OPD's participation, the following factors shall be considered:
  - 1. Whether OPD should take over the pursuit or engage as a secondary unit;
  - 2. Evaluate the Risk Factors (Part II);
  - 3. Whether the outside agency already has two (2) or more vehicles involved in the pursuit; and
  - 4. Whether there is adequate communications between the outside agency and OPD units.
- F. Upon authorization of OPD's involvement in the outside agency pursuit, the authorizing sergeant or commander shall designate the units authorized to engage in the pursuit and inform the designated units of the specific role authorized.

- G. Authorized units/involved officers shall comply with the provisions of this order when participating in a pursuit involving an outside agency.
- H. If necessary, the monitoring supervisor/commander shall direct an appropriate number of units to the vicinity/direction of flight of the pursuit in an appropriate response mode to assist the outside agency, but not to become actively involved in the pursuit.
- I. OPD has the primary responsibility for the control, coordination and management of all police personnel at the termination point, inside Oakland city limits, of an outside agency pursuit that was joined or taken over by OPD.
- J. The involved officers and monitoring supervisor/commander shall continually consider the gravity of the offense and the importance of and necessity for the immediate apprehension in relationship to public safety and Risk Factors (Part II) in determining whether to terminate engagement or assistance in the pursuit. If a decision is made to terminate OPD participation in an outside agency's pursuit, involved personnel shall notify the Communications Section. The Communication Section shall then notify the outside agency.
- K. Nothing in this policy prohibits officers in the area of the pursuit, when not authorized to join and/or take over an outside agency pursuit within the City of Oakland, from providing traffic control measures to protect other drivers or pedestrians.

#### **XI. HELICOPTER SUPPORT**

- A. The Helicopter Unit shall respond, when practical, to the scene of a pursuit to assist and coordinate ground activities.
- B. When visual contact with a pursuit is made, the helicopter unit shall notify the Communications Section.
- C. Upon notification by the helicopter unit of visual contact with the fleeing vehicle, all ground units shall disengage from the pursuit of the vehicle by **deactivating the emergency lights and siren and obey all speed and traffic laws**. After disengaging from the pursuit, members may trail the fleeing vehicle by responding to the direction of the helicopter unit, **with the intent of not being seen by the suspect** and to facilitate the arrest or detention of the driver and/or occupants of the vehicle (See Part VII. A "Trailing".)

A Commander, under exigent circumstance, may authorize ground units to not disengage and continue in direct pursuit. When this occurs a pursuit report shall be completed and forwarded to the Department Safety Coordinator and shall go before the Department Safety Committee for a full review to determine policy compliance.

- D. In order to assist ground units, the helicopter unit shall be used for, but not limited to:
1. Identify and broadcast the direction of flight and the number of ground units trailing or involved in a pursuit;
  2. Advise trailing or pursuing officers and the monitoring supervisor/commander of potential hazards/safety risks to be considered in continuing or terminating a pursuit;
  3. Facilitate coordination of ground units for arrest procedures;
  4. Video record the pursuit and the post-pursuit activity, when available; and
  5. Provide information on risk factors to be evaluated in deciding whether the pursuit should be continued or terminated.
- E. Supervisors or Commanders may terminate the entire pursuit, including helicopter support, and shall notify the Communications Section. Upon notification of such termination members shall comply with policy requirements for terminating a vehicle pursuit, as specified in Part IV.B, and the helicopter unit shall return to normal service.
- F. A Supervisor or Commander may utilize the helicopter, if available, to continue observing the direction of flight of the fleeing vehicle/suspect after the pursuit has been terminated to facilitate coordination of ground units for arrest procedures.
- G. A Supervisor or Commander may authorize ground units to re-engage in a pursuit should the helicopter unit be redirected or circumstances arise that restrict or prevent the helicopter unit from safely continuing.

## **XII. POST PURSUIT APPREHENSION**

Applicable Department policies relevant to the apprehension of outstanding suspects following the end of a vehicle pursuit include but are not limited to:

- TB III-B.9, High-Risk Vehicle Stops;

- TB III-Z, Gaining The Advantage Over A Suspect In A Foot Pursuit;
- DGO K-3, Use Of Force; and
- DGO K-5, Tactical Operations Team

### **XIII. REPORTING REQUIREMENTS**

#### **A. State Reporting Requirement**

California Vehicle Code Section 14602.1 requires that every local law enforcement agency complete a California Highway Patrol (CHP) report concerning a police pursuit, and forward to the CHP. A CHP 187A form is not required for a "Non-Response Pursuit" (see Parts G and H of this Section.)

#### **B. Level 1 – Supervisor/Commander Responsibilities**

1. If a vehicle pursuit within the City of Oakland results in a death or injury likely to cause death, the assigned supervisor/commander shall:
  - a. Ensure medical assistance is summoned;
  - b. Respond to the scene;
  - c. Ensure the scene is secured;
  - d. Ensure a Crime Scene Security Log is maintained to record the time and identifying information of all persons entering and exiting the scene, to include:
    - 1) Department personnel;
    - 2) Medical personnel;
    - 3) Fire Department unit number and personnel; and
    - 4) Other persons.
  - e. Ensure the Crime Scene Security Log is delivered to the appropriate investigator (criminal and/or traffic) for inclusion in the investigative case file;
  - f. Ensure the Area Commander is notified and briefed of the incident;

- g. Ensure the Fatal Accident Standby Team (FAST) is notified;
- h. Ensure the Internal Affairs Division (IAD) is notified;
- i. Ensure the Homicide Section is notified and briefed of the incident, if OPD personnel are involved in the pursuit;
- j. Ensure involved and witness personnel have been separated and advised that communication is prohibited;
- k. Attempt to obtain and document a Public Safety Statement, to include:
  - 1) A verbal account from involved personnel to help determine the general circumstances of the incident;
  - 2) Assess the need for resources and notifications;
  - 3) Help set the perimeter;
  - 4) Locate injured persons;
  - 5) Determine the nature of the evidence to seek;
  - 6) Identify the number of suspects involved;
  - 7) Identify the number of suspects outstanding; and
  - 8) The supervisor shall not ask the involved personnel to provide a step-by-step narrative of the incident or to provide a motive for their actions.
- 2. Coordinate the apprehension of the suspect, if still outstanding;
- 3. Coordinate the preliminary investigation with Departmental investigators including but not limited to:
  - a. Identifying involved and witness personnel;
  - b. Ensuring the preservation of evidence; and
  - c. Identifying other witnesses
- 4. Assist Traffic investigators to ensure proper statements are taken;

5. Respond to the location of a witness who has declined to give a statement or has refused to give witness identification information when requested by a member or employee. The outcome shall be documented in the member's Supplemental Report after the supervisor has talked to the witness;
  6. Separate and prohibit communication between involved and witness personnel;
  7. Ensure involved personnel limit any discussion of the incident to information necessary:
    - a. For a Public Safety Statement;
    - b. To assist in the investigation; or
    - c. Leading to the apprehension of the suspect.
  8. Ensure personnel complete a Supplemental Report who were on scene at the time of the incident (not including involved or witness personnel) or were assigned to assist at the scene;
  9. Offense/Supplemental Reports shall be prepared independently without discussing the details of the incident with other personnel on scene. Group reporting and interviewing is prohibited;
  10. Contact and provide the IAD investigator with complaint information, if notified of an allegation of misconduct.
- C. Level 2 – Primary Officer Reporting Responsibilities
1. Complete an offense report and other documentation, as required, to document the details of the pursuit<sup>3</sup>; and
  2. Submit the completed offense report and other documentation to his/her supervisor for review.
- D. Level 2 – Supervisor/Commander Responsibilities
1. For Level 2 vehicle pursuits, the supervisor/commander shall:
    - a. Ensure medical assistance is summoned, if necessary;

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<sup>3</sup> See Part XV, IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7 CVC

- b. Respond to the termination point of the pursuit;
- c. Ensure the scene is secured;
- d. Coordinate the apprehension of the suspect, if still outstanding;
- e. Ensure the on-duty Area Commander or Watch Commander is notified and briefed of the incident;
- f. Ensure involved and witness personnel, outside agency personnel and private person witnesses are identified;
- g. Designate personnel to prepare a vehicle collision report, if required;
- h. In the event of a collision involving a police vehicle, conduct a separate, personal interview with involved and witness personnel including, if necessary, a written statement;
- i. Ensure the suspect is admonished and an attempt is made to take a statement, when possible. A suspect shall not be admonished in any case in which there is a Criminal Investigation Division (CID) callout unless an approved exception exists as specified in RWM S-01, STATEMENTS;
- j. Contact and provide the Communications Section with the required pursuit information for entry on the Pursuit Tracking Log;
- k. By the end of the reporting supervisor's next scheduled work day, send a copy of the Pursuit Report face sheet to BFO Admin for tracking purposes; and
- l. Within seven (7) calendar days of the pursuit, the reporting supervisor/commander shall:
  - 1) Review the Offense Report and other documentation;
  - 2) Complete the appropriate Pursuit Report for each incident;
  - 3) The narrative of the Pursuit Report shall include but not limited to the following:



- a) A brief summary of the pursuit including the events that led to engaging in the pursuit;
  - b) Document any discrepancies of interviews (or statements) of non-personnel and personnel witnesses;
  - c) Based on the analysis of the facts revealed by the investigation, make a determination as to whether the pursuit was in compliance with Departmental policy;
  - d) Document any relevant training issues revealed by the investigation; and
  - e) Analysis of relevant evidence including PDRD video.
2. Endorse (signature required) the Pursuit Review Tracking Sheet (TF-3257).
  3. Prepare a Pursuit Report packet to include:
    - a. Original Pursuit Report (TF-3051);
    - b. Original signed Pursuit Review Tracking Sheet (TF-3257);
    - c. Copy of CHP 187A form;
    - d. Copy of Collision Report;
    - e. Copy of Radio purge;
    - f. Copy of the electronic recording file (PDRD), if available, or that a request for a copy is documented;
    - g. Photographs, if available;
    - h. Copy of any statements, if taken;
    - i. Copy of Offense Report; and
    - j. Ancillary documents.

4. Prepare and forward the original CHP 187A report to the Department Safety Coordinator;
  5. Maintain a copy of the Pursuit Report for his/her file for one (1) year from the date of the pursuit; and
  6. Forward the Pursuit Report packet for review through the appropriate chain-of-review.<sup>4</sup>
- E. Level 3 – Primary Officer Reporting Responsibilities
1. Complete an offense report and/or other documentation, as required, to document the details of the pursuit; and
  2. Submit the completed offense report and/or other documentation to his/her supervisor for review by the end of tour of duty.
- F. Level 3 - Supervisor/Commander Responsibilities
- For Level 3 pursuits, the supervisor/commander shall:
1. Respond to the termination point of the pursuit;
  2. Review the Offense Report and/or other documentation;
  3. Contact and provide the Communications Section with the required pursuit information for entry on the Pursuit Tracking Log;
  4. Prepare and forward the original CHP 187A report to the Department Safety Coordinator;
  5. Prepare and endorse (signature required) a Pursuit Review Tracking Sheet (TF-3257); and
  6. Forward the Pursuit Review Tracking Sheet, Offense Report and a copy of the CHP 187A through the appropriate chain-of-review within seven (7) calendar days of the pursuit.

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<sup>4</sup> For the purpose of this order, the appropriate chain-of-review shall be through the first level-commander under which the involved officer was working during that tour of duty when the pursuit occurred.

G. Non-Response Pursuit – Primary Officer Reporting Responsibilities

In all cases, where an officer attempts to stop a violator and the violator flees or fails to stop and the officer makes no attempt to keep up with or pursue the violator, the incident shall be deemed a “Non-Response Pursuit.”

The primary officer shall:

1. Complete offense report and/or other documentation, as required, to document the details of why the vehicle stop was attempted; and

NOTE: For the majority of Non-Response Pursuits, the most appropriate documentation to complete is an FI/Stop Data Report, which is required per DGO M-19 and RWM R-1.

The completion of a Crime Report for 2800.1, in addition to the FI/Stop Data Report, is not required unless a member desires further follow-up on the incident such as: the member knows or has the ability to positively identify the driver and is attempting to have him/her charged with the crime or the member is seeking to have the vehicle impounded as specified in TB III-E.5.

2. Notify his/her supervisor of the Non-Response Pursuit.

H. Non-Response Pursuit Supervisor/Commander Responsibilities

For all Non-Response pursuits the supervisor or commander shall:

1. Review the Offense Report and/or other documentation; and
2. Contact and provide the Communications Section with the required information for entry on the Pursuit Tracking Log (TF-3283b). No CHP 187A or pursuit report is required.

I. BFO Admin Responsibilities

Upon receipt of a Pursuit Report packet, BFO Admin shall:

1. Shall ensure the original CHP 187A form was forwarded to the Training Section by the supervisor completing the report;
2. Forward a copy of the Level 2 Pursuit Report packet to the Department Safety Coordinator;
3. Forward original Pursuit Report packets to the Training Section;

4. Maintain a spreadsheet tracking information obtained from the Pursuit Report packets; and
5. Maintain statistics regarding "Non-Response Pursuits" logged.

J. Training Section Responsibilities

Upon receipt of a Pursuit Report packet, the Training Section shall:

1. Assign a Pursuit Number to the incident;
2. Enter information into the Department Pursuit Database;
3. For any pursuit received from the Department Safety Coordinator with an "out of compliance" finding, forward to an IAD Intake Officer for creation of an IAD case to track discipline; and
4. Maintain pursuit documentation for a period of five (5) years.

K. Communications Section Responsibilities

Upon notification of a pursuit or non-response pursuit from a supervisor/commander, Communications Section personnel shall:

1. Enter the pursuit information provided on the Pursuit Tracking Log (TF-3283b).
2. Forward a copy of the Pursuit Tracking Log to BFO Admin on a daily basis after 0600 via email ([BFOadmin@oaklandnet.com](mailto:BFOadmin@oaklandnet.com)).

L. Fatal Accident Scene Team (FAST) Responsibilities

For Level 1 pursuits, the FAST shall conduct the fatal accident investigation in accordance with established procedures.

M. Internal Affairs Division (IAD) Responsibilities

1. For Level 1 pursuits, IAD shall conduct a Vehicle Pursuit Related Death (VPRD) investigation and prepare the Vehicle Pursuit Related Death Report in accordance to established procedures.
2. IAD Investigators shall also contact the Communications Section to place the pursuit on the Pursuit Tracking Log.

N. Homicide Responsibilities

For Level 1 pursuits, Homicide investigator shall conduct interviews in accordance with established policy and procedures.

**XIV. IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7(a) CVC**

CVC section 14602.7(a) allows officers to obtain a warrant to remove vehicles that are used in violation of CVC §§ 2800.1 2800.2, 2800.3 or 23103 and impound them for 30 days. See Training Bulletin III-E.5, IMPOUNDING VEHICLES UNDER AUTHORITY 14602.7(a) CVC for policy and procedures.

**XV. DEPARTMENTAL SAFETY COORDINATOR/COMMITTEE**

A. The Departmental Safety Coordinator shall:

1. Forward original CHP 187A forms to the CHP; and
2. Advise the Safety Committee Chairperson of pursuit incidents requiring review by the Department Safety Committee;
3. Review all pursuits, Level 2 & 3 Pursuits, for compliance with OPD policy, training recommendations and/or liability issues. Prepare and forward a quarterly report of all pursuits to the Safety Committee Chairperson and the Chief of Police. The quarterly report shall minimally include:
  - a. The number of pursuits for the quarter;
  - b. The number of pursuits resulting in a collision and/or an injury;
  - c. The number of reports found in compliance or out of compliance; and
  - d. Any patterns/trends identified.

B. The members of the Departmental Safety Committee shall review all Level 2 & 3 pursuits for compliance with OPD policy, training recommendations, and/or liability issues.

C. Any Departmental Safety Committee member may refer any pursuit to a Department Safety Committee full review.

A full Department Safety Committee review requires a presentation from the investigating supervisor and subject members involved in the pursuit to the Department Safety Committee.

NOTE: The Office of Inspector General shall conduct a yearly audit to ensure pursuits are being reviewed in accordance with this policy.

- D. The Departmental Safety Committee Chairperson or designee shall convene the Departmental Safety Committee for a full board review, to review the following pursuit reports in accordance with the provisions of DGO J-4 Pursuit DRIVING, DGO J-4.1 EMERGENCY DRIVING, DGO G-4, DEPARTMENTAL SAFETY:
1. A pursuit resulting in injury;
  2. Departmental vehicle damage; and
  3. At the request of any supervisor, commander, the Departmental Safety Coordinator, or any member of the Departmental Safety Committee, who has reviewed the Pursuit Report packet, to address Departmental training and/or tactical issues that cannot be handled at his or her level of supervision/command.
  4. A full Department Safety Committee review requires a presentation from the investigating supervisor and subject members involved in the pursuit to the Department Safety Committee.
- E. The Chief of Police may direct a full board review of any pursuit.
- F. The Departmental Safety Committee Chairperson or designee shall forward all pursuits found "out of compliance" to the Internal Affairs Division to initiate the discipline process.

## **XVI. TRAINING REQUIREMENTS<sup>5</sup>**

- A. Members are required to attend annual training on vehicle pursuits, Departmental policy and procedures and as required by Vehicle Code Section 17004.7(c) and Police Officers' Standards and Training Guidelines (Penal Code 13519.8.)
- B. Members shall certify in writing that they have received all required training and have read and understand the provisions of this policy.

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<sup>5</sup> Per SB 719; VC Section 17004.7 (b)(1) and (2)

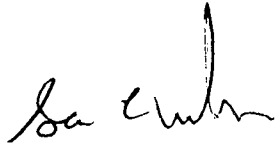
DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

J-4

Effective Date  
25 Aug 14

- C. The Training Section shall be responsible for collecting, tracking and maintaining required training records.

By order of



Sean Whent  
Chief of Police

Date Signed: 8-25-14

**APPENDIX A**

**DEFINITIONS AND TERMINOLOGY**

A. Vehicle Pursuit

A **Vehicle Pursuit** is an event involving one or more law enforcement officers attempting to apprehend a suspected or actual violator of the law in a motor vehicle while the driver is using evasive tactics, such as high speed driving, driving off a highway or turning suddenly but failing to yield to the officer's signal to stop.

B. Non-Response Pursuit

A **Non-Response Pursuit** is when an officer attempts to stop a vehicle and the violator flees or fails to stop and the officer does not respond to the driver's action, making no attempt to keep up with or pursue the vehicle. A Non-Response Pursuit is not a vehicle pursuit.

C. Serious Bodily Injury (SBI)

Serious bodily injury means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

D. Great Bodily Injury (GBI)

Great bodily injury means a significant or substantial physical injury.

E. Pursuit Intervention Maneuvers (PIM)

One or more authorized techniques designed to terminate a Vehicle Pursuit in a safe and prudent manner.

F. Officer

For the purpose of this order, the term "officer" shall include sworn and reserve officers, sergeants, and commanders.

G. Involved Officer

Driver or passenger of a police vehicle engaged in vehicle pursuit.



H. Violent Forcible Crime

For purposes of this policy, a Violent Forcible Crime is defined as the **commission or attempted commission of:**

1. Murder;
2. Manslaughter;
3. Mayhem
4. Kidnapping;
5. Robbery;
6. Carjacking;
7. Arson to an inhabited structure, inhabited property or that causes GBI;
8. Explode or ignite a destructive device or any explosive causing GBI or death;
9. Use or possession of a weapon of mass destruction;
10. Use of a firearm in the commission of a felony;
11. Assault with a deadly weapon, firearm;
12. Assault with a deadly weapon, other than a firearm\*, with SBI/GBI;

\* The use of a motor vehicle to solely flee a scene or enforcement action does not meet the criteria for this part unless there is a clearly articulable intentional act by the driver to use the vehicle as a weapon.

13. Aggravated Battery with SBI/GBI; and
14. Any of the following sexual assaults committed against a person's will by means of force, violence, duress, menace, fear of immediate and unlawful bodily injury on the person or another, or in concert:
  - a. Rape;
  - b. Sodomy;
  - c. Oral Copulation;
  - d. Lewd Act on a Child under the age of 14; or
  - e. Sexual penetration

I. Unmarked vehicle

Any non-black and white police vehicle displaying distinctive markings including "Oakland Police" lettering, the Department insignia and a vehicle number. The Department does not have any "semi-marked" vehicles.

J. Level 1 Pursuit

1. A vehicle pursuit that results in death or serious injury likely to cause death;  
or
2. A Level 2 pursuit raised to a Level 1 by a supervisor or commander.

K. Level 2 Pursuit

A vehicle pursuit which involves injury or property damage and/or whenever a PIM was utilized shall be a Level 2 Pursuit Report.

L. Level 3 Pursuit

A vehicle pursuit which does not result in injury or property damage, unless a PIM technique was utilized.

2018 OCT 31 PM 6:07 OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

Introduced by Councilmember

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**RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT (OPD) PURSUIT MITIGATION SYSTEM USE POLICY AND SURVEILLANCE IMPACT REPORT**

**WHEREAS**, Oakland's Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018 adds Chapter 9.64 to the Oakland Municipal Code (OMC) covering policy areas related to surveillance technology; and

**WHEREAS**, OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology. Additionally, OMC Section 9.64.020.1 requires that, "Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030 city staff shall submit a surveillance impact report and surveillance use policy to the Privacy Advisory Commission (PAC) 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," and

**WHEREAS**, Pursuit Mitigation Trackers, using Global Positioning Satellite (GPS) Tracking technology, offer officers a technology alternative to vehicle pursuits; pursuit Mitigation trackers provide solutions for apprehending individuals who are involved in serious crimes or who purposely evade lawful commands to stop, while mitigating many of the risks inherent to police vehicle pursuits; and

**WHEREAS**, the GPS Tag and Track Launcher System are comprised of a less-than-lethal, dual barrel GPS launcher which contains two GPS Tags (1 per barrel) mounted in the vehicle grille or on a push bumper. The launcher is equipped with compressed air and an eye-safe laser for assisting with targeting before launching the GPS Tag; and

**WHEREAS**, the Impact Use Report covers the following areas as required by the Surveillance Ordinance:

- Information describing the system and how it works;
- Purpose of the technology;

- Locations where, and Situations in which the technology may be used (along with area crime data);
- Privacy Impact of the technology;
- Mitigations to prevent privacy impacts;
- Data Types and Sources;
- Data Security;
- Costs;
- Third Party Dependence;
- Alternatives Considered; and
- Track Record of Other Entities; and

**WHEREAS**, the Pursuit Mitigation System Policy covers the following areas:

- Technology Description;
- Authorized Use
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting; and
- System raining; and

**WHEREAS**, OPD staff presented this technology to the PAC on two occasions, and the PAC voted unanimously at their September 5, 2019 meeting to recommend that the City Council approve OPD's Pursuit Management Technology Policy and Impact Use Statement; therefore be it

**RESOLVED**: that City Council does hereby approve the OPD Pursuit Mitigation System Use Policy and Surveillance Impact Report for the Gunshot Location Detection System.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California