



MEMORANDUM

TO: LeRonne Armstrong,
Chief of Police

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

SUBJECT: Unmanned Aerial System (UAS
or Drone) – 2021 Annual Report

DATE: March 9, 2022

Background

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

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

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 Daza-Quiroz is currently the UAS Program Coordinator.

2021 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)), and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means.

*UAS are controlled from a remote-control unit (similar to a tablet computer).
Wireless connectivity lets pilots view the UAV its surroundings 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.

UAS have cameras so the UAS pilot can view the aerial perspective. UAS proposed for use by OPD and/or the Alameda County Sheriff's Office use secure digital (SD) memory cards to record image and video data; SD cards can be removed from UAS after flights to input into a computer for evidence.

UAS technology was used in the following ways/with the following outcomes in 2021:

Fifty-One (52) uses. Currently, OPD has no ownership of UAS's. All deployments and missions are conducted by the Alameda County Sheriff's Office (ACSO) or neighboring agencies with UAS Programs. In 2021, ACSO, and San Leandro Police Department (SLPD) responded to OPD requests. ACSO at times monitors radio channels and will respond prior to being requested¹. However, all agencies will only deploy if requested by an OPD commander and if policy requirements are met. OPD ESU has created a spreadsheet to track and monitor outside agency deployments. Lt. O. Daza-Quiroz sent a department wide email mandating all commanders who deploy drones to author documentation, similar to the protocol for use of the Emergency Rescue / Armored Vehicles. This process has allowed for appropriate documentation.

Table 1 below details the deployments of ACSO Drones in 2021 in the City of Oakland

Table 1: 2021 ACSO OPD Drone Deployments

Incident Type	Number
Mass casualty incidents	0
Disaster management	0
Missing or lost persons	3
Hazardous material releases	1
Sideshow events	4
Rescue operations	1
Training	0
Barricaded suspects	13
Hostage situations	0
Armed suicidal persons	1
Arrest of armed and/or dangerous persons	21
Scene documentation for evidentiary or investigation value	7
Operational pre-planning	1
Service of high-risk search and arrest warrants	0
Exigent circumstances	0
Total	52

Additionally, there were six incidents where ACSO responded and did not deploy. Reasons noted for these 'non-deployments were: inclement weather and suspect(s) already detained prior to arrival.

¹ ACSO has access to OPD radio channels and can monitor; ACSO personnel at times can respond to a call for service.

- 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):

(52) Fifty-Two. Outside Law Enforcement Agencies have access to UAS technology, and both provides OPD with the recordings and stores the information in their logs per their respective policy requirements.

- 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 2021.

Table 2: OPD UAS Deployment by Police Area

Deployment by Area	Total Deployments
Area 1	9
Area 2	5
Area 3	9
Area 4	8
Area 5	17
Citywide	4*
Total*	52

** There were four deployments for Sideshow which were not documented as a specific area; the sideshow activity involved moving vehicles and involved multiple police areas.*

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

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

Table 3 below provides race data related to 2021 UAS deployments.

Table 3: Race of Detainees Connected to OPD UAS Deployments in 2021

	Race – Female	Race - Male	Total
Black	2	18	20
Hispanic	0	5	5
Asian	2	1	3
White	1	1	2
Other	0	1	1
Total			31

OPD knows the race of detainees connected to UAS deployments. However, the race of individuals involved in many UAS deployments is not known. There are cases such as 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.

- 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 Surveillance 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 were directed to send communications to ESU for any UAS request or use – similar to OPD protocols for use of Emergency Rescue / Armored Vehicles. No policy violations were found, and no corrective actions were warranted nor needed in 2021.

- 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.

OPD is not aware of any data breaches; ACSO has confirmed that they have not discovered any data breaches

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

Table 4 below provides 2021 Part 1 Crime Data. This data illustrates the high levels of both violent crime and property crimes that occur in Oakland including for the 2021 year. UAS deployments connect to this citywide data in several ways. For example, barricaded suspect incidents are related to several types of crimes listed below. Similarly, arrest of

armed and dangerous suspects, and crime scene documentation also relate to this citywide crime data.

Table 4: 2021 OPD Type 1 Crime Data

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

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

There were two public records requests (PRR) opened in 2020 that have not been closed as of December 31, 2021, relating to drones:

- 20-3056; and
- 20-6466.

OPD's Records Division is still processing these two PRRs in 2021 and into 2022 because the full information request in each case is very broad and extends beyond the one technology or specific uses.

- 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

(\$0.00) Zero. OPD did not incur any maintenance, licensing, or training costs.

- 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.

Respectfully submitted,

Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

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