



MEMORANDUM

TO: Privacy Advisory Commission
SUBJECT: Use of Unapproved Surveillance Technology
Under Exigent Circumstances – August 5 and
August 7, 2020

FROM: Susan E. Manheimer
DATE: August 13, 2020

RECOMMENDATION

Receive an informational report regarding the use of unapproved surveillance technology under exigent circumstances in accordance with Oakland Municipal Code (OMC) 9.64.035.

EXECUTIVE SUMMARY

In accordance with OMC 9.64.035, the Oakland Police Department (OPD) used surveillance technology under exigent circumstances; the situations were a carjacking and in the context of barricaded shooting suspects. The technology is Unmanned Aerial System (UAS), commonly known as a drone.

BASIS FOR EXIGENCY

RD #20-038696
Incident: LOP200805001017
Location: 10400 Blk of Pippin Street, Oakland (Beat 33)

On August 5, 2020, at about 11:02 PM, OPD officers responded to the 10400 block of Pippin Street, in the City of Oakland, to assist the San Leandro Police Department (SLPD) on an Officer involved shooting (OIS). 10400 Block is in the City of Oakland and a residential area. Upon OPD's arrival, it was discovered the SLPD had been involved in a vehicle pursuit and foot pursuit of an armed subject, which led them to the Oakland residential neighborhood. During the incident, a SLPD officer discharged their firearm striking the suspect. The officers and medical personnel provided aid to the suspect, but the suspect succumbed to his injuries at the scene. The K-9 (dog) of the SLPD Officer ran from the scene during the OIS. The OPD Homicide and Officer Involved Shooting Team responded to the scene.

The OPD Homicide Commander requested ACSO UAS (Drone) deployment to assist with documentation of the crime scene and to locate the missing K-9 (dog). ACSO deployed (1) one UAS in the area to locate the missing SLPD's K-9 and photograph the scene and evidence. The missing SLPD K-9 was found over a mile away by a member of the public.

The utilization of the UAS was to assist the OPD Technician photograph the scene, which provided an overview for Homicide Investigators. Additionally, the UAS was utilized to locate the missing SLPD K-9 (dog). The photos obtained through the UAS were taken from a position the technician

could not get to. Furthermore, the scene was too large to get a view of all the items in the same photo.

ACSO captured numerous photographs and a video. Some of the evidence items captured were on the front driveway area of a residence as the suspect had run onto the property.

RD# 20-039029

Inc# Inc# LOP200807001206

Location 1500 92nd Av, Oakland, CA (Beat 34)

RD# 20-039029

On August 7th, 2020, at approximately 11:51PM, OPD officers responded to a report of a shooting in the area of 1500 92nd Ave, which is primarily a residential area. Officers arrived on scene and located an Oakland resident suffering from an apparent gunshot wound(s). The person succumbed to his injuries and was pronounced deceased on scene. A Homicide callout was initiated, and the investigators responded to begin the follow-up investigation into the circumstances surrounding the death. At this time, there have be no arrests made and the suspect(s) are still outstanding.

At the time of the shooting, there was no available OPD technician available to assist with photographs, scene diagrams, or evidence collection. OPD Command elected to utilize ACSO UAS to assist with photographs scene diagrams, and mapping. The scene stretched (3) three city blocks and there were over 180 pieces of evidence.

ACSO captured numerous photographs and a video. All the evidence items were captured on city streets and sidewalks. OPD collected and turned in the evidence after the ACSO UAS concluded with their assistance

DEVICE USE INFORMATION

The UAS detection equipment was provided by, and operated by the Alameda County Sheriff's Office (ACSO) – on August 5 and August 7, 2020 incidents.

Video Recorded

The UAS recorded video of the area where it was deployed. The UAS also captured photographs per the request of OPD Homicide Investigators.

Retention of Recordings

Per ACSO policy, the video recording and photographs will be maintained by ACSO for three years.

Usefulness in Homicide Investigation

The UAS was utilized in connection with the August 5, 2020 OIS incident. The UAS assisted in capturing photographs and video recording the scene. The This provided Homicide Investigators and the Officer Involving Shooting Team with an aerial view of the incident and also of photographs the OPD technician could not get to.

The UAS was utilized in connection with the August 7, 2020 homicide investigation. OPD Officers were investigating a homicide in the City of Oakland involving an Oakland resident. The UAS assisted photographing and video recording the scene. The area encompassed (3) three city blocks and over 180 pieces of evidence. There were no OPD technicians working, and the shooting scene stretched from one end of the block to the other end. The UAS assisted Homicide investigators with an aerial view and with photographs of the entire area.

COMPLIANT USE

The following information relating to helicopter and UAS is required by OMC 9.64.035, and shows that each technology was used in accordance with the OMC.

- A. The UAS detection equipment was used solely to respond to the exigency.
- B. Use of the UAS detection equipment ceased when the exigency ended.
- C. Only data related to the exigency was kept.
- D. This report is being provided to the Privacy Advisory Commission at its next meeting with a recommendation that it be forwarded to City Council.

OPD never had possession of the UAS detection equipment. ACSO maintained possession of the equipment during the entire equipment usage period.

Reviewed by:
Roland Holmgren, Deputy Chief
Bureau of Field Operations

Prepared by:
Omar Daza-Quiroz, Lieutenant
OPD, Bureau of Field Operations

Bruce Stoffmacher, Management Assistant
OPD, Training Division, Research and Planning Section