

CITY OF OAKLAND

2019 JAN 10 PM 4:17

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Anne E. Kirkpatrick
Chief of Police

SUBJECT: Unapproved Surveillance Technology
Usage Report

DATE: December 18, 2018

City Administrator Approval

Date:

1/19/19

RECOMMENDATION

Staff Recommends That City Council Receive An Informational Report From The Oakland Police Department With Information Regarding Usage of Unapproved Surveillance Technology.

EXECUTIVE SUMMARY

This report provides information concerning use of unapproved surveillance technology by the Oakland Police Department (OPD) as required by Oakland Municipal Code (OMC) 9.64.035. The report has already been provided to and accepted by the Oakland Privacy Advisory Commission (PAC).

BACKGROUND / LEGISLATIVE HISTORY

On May 15, 2018, City Council adopted the Surveillance and Community Safety Ordinance (No. 13489 C.M.S.). In accordance with this ordinance, OPD presented information on the use of unapproved surveillance technology at the November 1, 2018 regular PAC meeting and the November 26, 2018 special PAC meeting. The type of unapproved surveillance technology was Unmanned Aerial Surveillance (UAS or drone).

ANALYSIS AND POLICY ALTERNATIVES

OMC 9.64.035 Section 1 states that "City staff may temporarily acquire or use surveillance technology and the data derived from that use in a manner not expressly allowed by a Surveillance Use Policy in two types of circumstances without following the provisions of Section 9.64.030: (A) Exigent circumstances, and (B) a Large-scale event.

OMC 9.64.035 Section 2, D, states that "Following the end of the Exigent circumstances or Large-scale event, [City staff] report that acquisition or use to the PAC at their next respective meetings for discussion and/or possible recommendation to the City Council in accordance with the Sunshine Ordinance, the Brown Act, and City Administrator deadlines."

Item: _____
Public Safety Committee
January 15, 2019

In accordance with the above OMC sections, OPD use of unapproved surveillance technology (UAS) was reported to the November 1, 2018 PAC regular meeting. That report is provided as **Attachment A**. At the November 1, 2018 PAC meeting, the PAC requested the following information:

- The timeline of the deployment
- What the device recorded
- How long any resulting recording will be kept
- How the data was useful in arresting the suspect

OPD updated the original report to include the additional information. The updated report (**Attachment B**) was provided to the PAC at the special November 26, 2018 meeting.

FISCAL IMPACT

There is no immediate fiscal impact associated with this informational report. There was no cost to OPD or the City of Oakland for the unapproved surveillance technology equipment used on October 19, 2018.

PUBLIC OUTREACH / INTEREST

OPD staff presented **Attachment A** and **B** to the PAC at their November 1, 2018 and November 26, 2018 public meetings. No additional outreach was necessary.

COORDINATION

OPD Research and Planning worked with the OPD Intelligence Unit in the creation of this report.

SUSTAINABLE OPPORTUNITIES

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

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

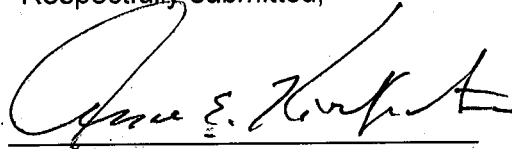
Social Equity: All members of the Oakland community benefit from a police department that is more transparent, more accountable, better trained, and governed by effective policy.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that City Council receive an Informational Report from the Oakland Police Department with information regarding Usage of Unapproved Surveillance Technology.

For questions regarding this report, please contact Timothy Birch, Police Services Manager, Office of the Chief of Police, Research and Planning at (510) 238-6443.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
Timothy Birch, Police Services Manager
OPD, Training Division, Research and Planning

Attachments (2):

- A – Report to Privacy Advisory Commission on Use of Unapproved Surveillance Technology under Exigent Circumstances
- B – Revised Report to Privacy Advisory Commission on Use of Unapproved Surveillance Technology under Exigent Circumstances



MEMORANDUM

TO: Privacy Advisory Commission **FROM:** Anne E. Kirkpatrick
SUBJECT: Use of Unapproved Surveillance Technology **DATE:** October 25, 2018
Under Exigent Circumstances

RECOMMENDATION

Receive information use of unapproved surveillance technology under exigent circumstances in accordance with Oakland Municipal Code (OMC) 9.64.035 and forward to the City Council.

EXECUTIVE SUMMARY

In accordance with OMC 9.64.035, the Oakland Police Department (OPD) used surveillance technology under exigent circumstances (the attempted murder of a police officer). The technology is Unmanned Aerial Surveillance (UAS or drone).

BASIS FOR EXIGENCY

On October 19, 2018, at 3:13 am, a uniformed OPD officer attempted to make contact with the occupants of a vehicle parked in the 2300 block of East 17th Street. One of the occupants ran from the vehicle and shot at the pursuing officer. The subject fled, the officer was uninjured, and a gun was recovered. The subject was identified and an arrest warrant obtained for attempted murder of a police officer. The subject was deemed an immediate and serious threat to public and officer safety.

DEVICE USE INFORMATION

The UAS detection equipment was provided by and operated by the Alameda County Sheriff's Office. The UAS was used to assist uniformed officers during the course of several yard searches for the wanted subject.

COMPLIANT USE

The following information on both technologies is required by OMC 9.64.035 and shows that they were 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.

Privacy Advisory Commission

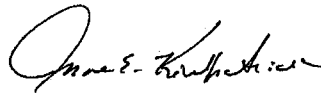
Use of Unapproved Surveillance Technology Under Exigent Circumstances

Date: October 25, 2018

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OPD never had possession of the UAS detection equipment; the Alameda County Sheriff's Office maintained possession of the equipment during the entire equipment usage period.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
Timothy Birch, Police Services Manager
Research and Planning Section
Training Division
OPD

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

ADDITIONAL INFORMATION

At the November 1, 2018 Privacy Advisory Commission (PAC) meeting, PAC members asked for additional information:

What was the timeline of the deployment?

The below times are for October 19, 2018.

- 3:13 am: Shooting incident occurred (attempted murder of an Oakland police officer)
- 3:20 am: Initial perimeter set to contain suspect(s)
- 4:30 am: SWAT (Special Weapons and Tactics) Team callout began
- 7:30 am: Yard search ended

The drones were used during the yard search for approximately two to three hours.

What did the UAS record?

The UAS recorded video of the area where it was deployed.

How long will such recordings be kept?

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

How was the data useful in arresting the suspect?

The suspect was not apprehended in the perimeter. He was later arrested at a different time and place. The UAS was useful in providing increased officer safety during the search for an individual who had already shot an officer. During the search, officers were able to see, in real time, danger zones, blind spots, and unknown areas prior to searching them.

Respectfully submitted,



Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

Prepared by:
Timothy Birch, Police Services Manager I
Research and Planning
Oakland Police Department