



MEMORANDUM

TO: Privacy Advisory Commission
FROM: Anne E. Kirkpatrick

SUBJECT: Use of Unapproved Surveillance Technology
Under Exigent Circumstances – January 6 and
7, 2020
DATE: February 3, 2020

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 (home invasion robbery). The technology is Unmanned Aerial System (UAS), commonly known as a drone.

BASIS FOR EXIGENCY

January 6, 2020
RD #20-000897
Incident #LOP200106000070

On January 6, 2020, at about 3:52am, OPD Officers responded to 2722 Adeline Street on a report of a burglary in progress at a warehouse. Upon their arrival OPD officers located one (1) suspect, armed with a pistol, in the parking lot; officers were able to arrest this suspect. The suspect then advised that two (2) additional suspects were still inside the warehouse. Through their preliminary investigation, it was discovered that the warehouse was an illegal marijuana grow house. The security company, who was streaming live video from outside mounted cameras on the warehouse, advised that the suspects were armed with firearms. OPD elected to use UAS to gain an aerial view of the warehouse and location without compromising officer safety. The UAS aerial reconnaissance assisted in determining the overview outlook. The onsite commander requested the Tactical Operations Team from OPD's Special Operations Division; the warehouse was fortified, and the tactical operators breached through the skylights and used the UAS to gain a view of the interior of the warehouse. The operation finished at 4:00pm. The suspects were not located in the warehouse and it was determined the suspects had fled prior to OPD arrival.

January 7, 2020
RD #20-000450

On January 7, 2020, at about 5:00am, OPD Tactical Operations Team officers responded to 2646 62nd Ave to execute a pre-planned search warrant search stemming from a Ceasefire investigation.

Privacy Advisory Commission

Use of Unapproved Surveillance Technology Under Exigent Circumstances

Date: February 3, 2020

Page 2

The suspects had outstanding arrest warrants; they were known gang members (based on a variety of data from past criminal activity). These individuals were also known to carry firearms and known to conduct burglaries and robbery takeovers.

The Tactical Operations Team surrounded the residence and contacted the occupants. The UAS assisted in using a light to light up a side of the residence where it was difficult for officers to gain safe views to ensure officer security. The suspects were ordered outside, detained without incident, and taken into custody.

DEVICE USE INFORMATION

The UAS detection equipment was provided by, and operated by the Alameda County Sheriff's Office (ACSO) – both for the January 6, 2020 and January 7, 2020 incidents.

Video Recorded

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

Retention of Recordings

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

Usefulness in Arresting Suspect/s

The UAS was not used in connection with the one arrest on January 6, 2020 near the marijuana grow house burglary; the UAS was used to find additional suspects believed to be inside a building. UAS helped OPD safety determine that there were no other suspects at the location.

UAS was utilized in connection with the January 7, 2020 pre-planned search warrant search and arrest. The UAS provided much-needed real-time intelligence.

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.

Respectfully submitted,

Anne E. Kirkpatrick
Chief of Police
Oakland Police Department

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

Philip Best, Police Services Manager
OPD, Training Division, Research and Planning Section

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

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