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OAKLAND

2018 SEP 12 PM 4:44

# AGENDA REPORT

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

**FROM:** Anne E. Kirkpatrick  
Chief of Police

**SUBJECT:** Unapproved Surveillance Technology  
Usage Report – 2018 Warriors  
Celebration

**DATE:** August 29, 2018

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City Administrator Approval

Date:

9/11/18

## RECOMMENDATION

**Staff Recommends That The Public Safety Committee 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 July 9, 2018 PAC meeting.

## 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  
September 25, 2018

In accordance with the above OMC sections, OPD use of unapproved surveillance technology was reported to the July 9, 2018 Privacy Advisory Commission. That report is provided as **Attachment A**.

As provided in **Attachment A**, OPD used unapproved surveillance technology for the June 12, 2018 Warriors Celebration. This event was a large-scale event as addressed in OMC 9.64.035. The video cameras that were provided by the Northern California Regional Intelligence Center (NCRIC) for the Warriors Celebration were activated on Tuesday, June 12 at 8:00 am. These cameras were taken down on Thursday, June 14. There was no cost to OPD or the City of Oakland for the unapproved surveillance technology equipment used for the 2018 Warriors Celebration.

### **FISCAL IMPACT**

There is no immediate fiscal impact associated with this informational report.

### **PUBLIC OUTREACH / INTEREST**

OPD staff presented **Attachment A** to the Privacy Advisory Commission at their July 9, 2018 public meeting.

### **COORDINATION**

OPD Research and Planning worked with Criminal Investigations Division and Support Operations 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 The Public Safety Committee 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 (1):

A – Report to Privacy Advisory Commission on Use of Unapproved Surveillance Technology During Large-Scale Event (2018 Warriors Celebration)

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## MEMORANDUM

**TO:** Privacy Advisory Commission **FROM:** Anne E. Kirkpatrick  
**SUBJECT:** Use of Unapproved Surveillance Technology **DATE:** June 29, 2018  
During Large-Scale Event (2018 Warriors  
Celebration)

### RECOMMENDATION

Receive information use of two unapproved surveillance technologies at a large-scale event 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 two types of surveillance technology at a large-scale event (the 2018 Golden State Warriors Championship Celebration). The technologies are detection of Unmanned Aerial Surveillance (UAS or drone) devices and video cameras.

### DEVICE USE INFORMATION

#### *UAS Detection*

The UAS detection equipment was provided by and operated by two vendors: Airspace Mobile Trailer and DJI (Da-Jiang Innovations) Aeroscope Mobile Unit. The objective of use of this technology was detection and mitigation of UAS devices in use around the 2018 Warriors Celebration. The public safety concern was that of a potential risk of a drone attack, unsafe behavior, flight over uninvolved people, and interference with local air traffic (including the OPD helicopter, the California Highway Patrol helicopter, and the California Highway Patrol airplane).

A layered detection approach was used with Airspace antennas deployed in three locations for direction finding. A DJI Aeroscope mobile unit was integrated with the Airspace mobile commander center. Additional Aeroscope mobile units were deployed on a rooftop to improve range and detection.

The UAS detection equipment detected over 20 drones. Mitigation was limited to officers on the ground locating drone operators and advising them to land. In three instances, OPD personnel contacted individuals who were apparently operating UAVs over areas designated for the Warriors Celebration. In two of the instances, OPD observed operators using their UAVs in violation of U.S. Code CFA Part 107: No Flight over People Not Participating in the Operation. In both instances, the operator was informed of the violation and immediately complied with the OPD request by landing the UAVs. In the third instance, OPD did not observe the operator flying the device. In that instance, OPD personnel asked the operator to refrain from launching the drone over the mass of uninvolved people around the operator.

No other drone operators were contacted during the parade. No citations were issued, and no drones were confiscated.

*Video Cameras*

Five fixed pan, tilt, zoom video cameras with live feeds were used. An additional video camera with recording capabilities was also used. None of the devices had night vision or facial or gait-recognition capabilities. The cameras were provided by the Northern California Regional Intelligence Center (NCRIC). The cameras were set up on Monday, June 11 (the day before the event) and taken down on Thursday, June 14 (two days after the event). The cameras were turned off immediately following the Warriors Celebration. Because there were no incidents, NCRIC purged the collected data when the cameras were taken down.

**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.

*UAS Detection*

- A. The UAS detection equipment was used solely to respond to the large-scale event.
- B. Use of the UAS detection equipment ceased when the large-scale event ended.
- C. Only data related to the large-scale event 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.

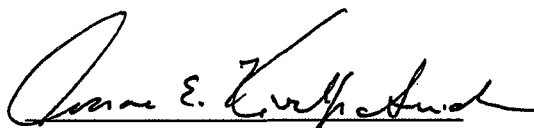
OPD never maintained possession of the UAS detection equipment; the vendors maintained possession of the equipment during the entire equipment usage period.

*Video Cameras*

- A. The video cameras were used solely to respond to the large-scale event.
- B. Use of the video cameras ceased when the large-scale event ended.
- C. All data was purged at the end of the event.
- 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.

The video cameras were immediately returned to the supplier upon completion of the large-scale event.

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