

Priscilla Agnes

 City Attorney

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 OFFICE OF THE CITY CLERK
 OAKLAND

OAKLAND CITY COUNCIL

2019 NOV -7 PM 2: 54

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT (OPD) GUNSHOT LOCATION DETECTION (GLD) USE POLICY AND SURVEILLANCE IMPACT REPORT

WHEREAS, Oakland's Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018, adds Chapter 9.64 to the Oakland Municipal Code (OMC) covering policy areas related to surveillance technology; and

WHEREAS, OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology. Additionally, OMC Section 9.64.020.1 requires that, "Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030 city staff shall submit a surveillance impact report and surveillance use policy to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The surveillance impact report and surveillance use policy must address the specific subject matter specified for such reports as defined under 9.64.010,"; and

WHEREAS, OPD staff presented a draft GLD Use Policy and Surveillance Impact Report to the PAC at their August 1, 2019 meeting; the policy covers several relevant areas required by OPD as well as the Surveillance Ordinance, including the following area:

- Technology Description;
- Authorized Use;
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting; and
- System Training; and

WHEREAS, the Surveillance Impact Report covers the following areas as required by the Surveillance Ordinance:

- Information describing the system and how it works;
- Purpose of the technology;

- Locations where, and Situations in which the technology may be used (along with area crime data);
- Privacy Impact of the technology;
- Mitigations to prevent privacy impacts;
- Data Types and Sources;
- Data Security;
- Costs;
- Third Party Dependence;
- Alternatives Considered; and
- Track Record of Other Entities; and

WHEREAS, through robust discussion and collaboration, OPD has developed substantial privacy mitigations outlined in the report accompanying this resolution; and

WHEREAS, OPD staff again presented a revised GLD Use Policy and Surveillance Impact Report to the PAC on October 3, 2019, and at this meeting, after another robust discussion between PAC commissioners and OPD staff, the PAC voted unanimously to recommend that the City Council approve OPD's GLD System Use Policy and GLD Surveillance Impact Report, with agreed upon changes to releasing to Sharing GLD System Data and Monitoring and Reporting procedures; therefore be it

RESOLVED: that City Council does hereby approve the OPD Gunshot Location Detection System Use Policy and Surveillance Impact Report for the Gunshot Location Detection System; and be it

FURTHER RESOLVED: that the Council considered the recommendations of the Privacy Advisory Commission on the GDL technology and finds that the benefits to the community of the GDL outweighs the costs, will safeguard the civil liberties and civil rights of the community and no alternatives would be as effective; and be it

FURTHER RESOLVED: That the MOU authorized by this resolution shall be approved as to form and legality before execution, and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR,
THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California