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OAKLAND

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APPROVED AS TO FORM AND LEGALITY



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89335 C.M.S.

RESOLUTION 1) APPROVING THE OAKLAND POLICE DEPARTMENT (OPD) CRIME ANALYSIS SOFTWARE SURVEILLANCE USE POLICY (SUP) AND SURVEILLANCE IMPACT REPORT (SIR); 2) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A THREE YEAR CONTRACT WITH CENTRAL SQUARE TECHNOLOGIES, LLC FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2024 FOR A TOTAL COST NOT TO EXCEED ONE HUNDRED FORTY SIX THOUSAND FOUR HUNDRED TWENTY NINE DOLLARS (\$146,429), WITH TWO OPTIONAL ONE-YEAR EXTENSIONS AT A COST NOT TO EXCEED FORTY THREE THOUSAND SIX HUNDRED EIGHTY EIGHT DOLLARS (\$43,688) IN YEAR FOUR (FIRST ONE-YEAR OPTION) AND FORTY FIVE THOUSAND EIGHT HUNDRED SEVENTY TWO DOLLARS (\$45,872) IN YEAR FIVE (SECOND ONE-YEAR OPTION), FOR A TOTAL CONTRACT NOT TO EXCEED TWO HUNDRED THIRTY FIVE THOUSAND NINE HUNDRED EIGHTY NINE DOLLARS (\$235,989), FOR A TOTAL PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2026; AND 3) WAIVING THE CITY'S ADVERTISING/ BIDDING AND REQUEST FOR PROPOSAL REQUIREMENTS FOR THE PROPOSED PURCHASE.

WHEREAS, crime that occurs each year in Oakland can be analyzed by dedicated crime analysts, who decipher patterns and help OPD undertake proactive approaches to crime deterrence; and

WHEREAS, data-driven analysis is one of the hallmarks of modern policing as police departments need geographical analytic technology to illuminate crime trends and undercover actionable information for crime investigations; and

WHEREAS, the City Council approved a contract with TriTech Software Systems on September 10, 2018 via Resolution No. 87002 C.M.S., and later TriTech was acquired by Central Square Technologies, LLC ("CentralSquare"); and

WHEREAS, on June 22, 2020, the City formally consented to CentralSquare's acquisition of TriTech and, as the contract requires, memorialized the assignment of the contract to Central Square making CentralSquare the contracting entity with the City going forward; and

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), and covers 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 Department General Order (DGO) I 29: Crime Analysis Software as its Surveillance Use Policy (SUP) as well as a draft Surveillance Impact Report (SIR) at the PAC meeting on March 3, 2022; at this meeting commissioners were able to ask questions and make comments and suggestions; and

WHEREAS, OPD and PAC commissioners later held an ad-hoc meeting with the Central Square Technology provider to further explain how the software works with OPD processes; and

WHEREAS, the SIR (*Attachment A* to the accompanying 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;
- 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, DGO I 29: Crime Analysis Software (*Attachment B* to the accompanying report) covers relevant areas required by OMC 9.64.030, including the following areas:

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

WHEREAS, OPD is prohibited from acquiring any new surveillance technology, as defined by OMC 9.64, until a SUP and SIR are reviewed by the PAC and approved by the City Council; and

WHEREAS, OPD staff presented a revised SIR and SUP (DGO I29: Crime Analysis Software) to the PAC for their May 5, 2022, and at this meeting the commissioners voted unanimously to recommend that the City Council approve revised SIR and SUP (DGO I29: Crime Analysis Software); and

WHEREAS, Oakland Municipal Code Section 2.04.020.B requires City Council approval of contracts for technology-related professional products and/or for technology-related professional services in excess of \$250,000; and

WHEREAS, Oakland Municipal Code Section 2.04.051.B. permits the City Council to waive the request for proposal/qualifications (RFP/Q) requirements upon a finding that it is in the best interest of the City to do so; and

WHEREAS, CentralSquare products uniquely support OPD crime analysis needs as they offer connections to the City's geographic information system for interdepartmental data and provide the public facing crimemapping.com which the City has used since 2008; and furthermore CentralSquare staff are prepared to support OPD as a new records management system in integrated into OPD data systems; and

WHEREAS, the City Council finds and determines that the services provided pursuant to the contracts authorized hereunder are of a professional, scientific or technical nature and are temporary; and

WHEREAS, the awarding of these contracts will not result in the loss of salary or employment by any person having permanent status in the competitive service; now, therefore be it

RESOLVED: That City Council does hereby approve the Crime Analysis Software Surveillance Impact Report (*Attachment A* to the accompanying report) and Surveillance Use Policy DGO I 29: Crime Analysis Software (*Attachment B* to the accompanying report); and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above by and in the agenda report, the City Council finds that the benefits to the community of the surveillance technology outweigh the costs (cost-benefit determination); that the proposal will safeguard civil liberties and civil rights, and that no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and so authorizes the City Administrator acquisition and use crime analysis software in accordance with OPD DGO I-29: Crime Analysis Software; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into a three year contract with Central Square Technologies, LLC for the period of January 1, 2022 through December 31, 2024 for a total cost not to exceed one hundred forty six thousand four hundred twenty nine dollars (\$146,429), with two optional one-year extensions at a cost not to exceed forty three thousand six hundred eighty eight dollars (\$43,688) in year four (first one-

year option) and forty five thousand eight hundred seventy two dollars (\$45,872) in year five, for a total contract not to exceed two hundred thirty five thousand nine hundred eighty nine dollars (\$235,989), for a total period of January 1, 2022 through December 31, 2026; and be it

FURTHER RESOLVED: that funds for this service and maintenance contract will be allocated from the General-Purpose Fund (1010), Information Technology Unit Org. (106410), project to be determined Administrative Project (1000008), Agency-wide Administrative Program (PS01); and be it

FURTHER RESOLVED: That the City Council finds that pursuant to Oakland Municipal Code sections 2.04.051.1.5 and 2.04.051.B, for the reasons stated above and in the City Administrator's report accompanying this resolution, that it is in the best interests of the City to waive the advertising and bidding requirements and the request for proposal/qualification (RFP/Q) process for the Central Square Technologies, LLC contract; and be it

FURTHER RESOLVED: That the City Council waives the Local and Small Local Business Enterprise Program (L/SLB) Provisions for the proposed contract with Central Square Technologies, LLC; and be it

FURTHER RESOLVED: that in accordance with Article IV, Section 401(6) of the City Charter, the City Attorney's Office shall review and approve all contracts authorized by this resolution as to form and legality before execution, and a copy of each fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~MM~~, GALLO, KALB, ~~MM~~, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 6

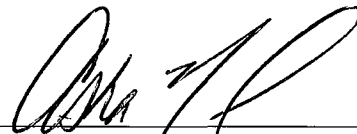
NOES - 0

ABSENT - 0

ABSTENTION - 0

2 Excused - Pike & Kaplan

ATTEST:



ASHA REED

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