

2026 APR 16 AM08:40
FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 91122 C.M.S.

RESOLUTION:

(1) AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH CELLEBRITE, INC. FOR THE PROVISION OF UNIVERSAL FORENSIC EXTRACTION DEVICES AND RELATED SERVICES FOR THE OAKLAND POLICE DEPARTMENT, FOR A CONTRACT AMOUNT NOT TO EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS (\$140,000) FOR THE PERIOD JULY 1, 2026, TO JUNE 30, 2027;

(2) WAIVING THE COMPETITIVE MULTISTEP SOLICITATION PROCESS AND THE LOCAL/SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS; AND

(3) ACCEPTING THE 2024 CELLEBRITE ANNUAL REPORT AND MAKING A DETERMINATION REGARDING WHETHER THE CITY SHOULD CONTINUE TO USE THIS TECHNOLOGY.

WHEREAS, OPD developed Departmental General Order I-30: Universal Forensic Extraction Device and accompanying impact report, and presented them to the Privacy Commission at the regularly scheduled Privacy Commission meeting on November 2, 2023; and December 7, 2023; and

WHEREAS, on December 7, 2023, the Privacy Commission voted unanimously to adopt Department General Order I-30 and recommended that the City Council also adopt the Departmental General Order I-30 and the accompanying impact report; and

WHEREAS, in March 2024, the City Council approved a resolution (C.M.S. 90161) adopting OPD's Universal Forensic Extraction Device (UFED) Use Policy (DGO I-30) and accompanying Surveillance Impact Report; and

WHEREAS, Oakland Municipal Code (OMC) Chapter 9.64 (the Surveillance Technology Ordinance) regulates the City's use of surveillance technology and among other things requires that City Council must approve City staff's use of Surveillance Technology; and

WHEREAS, OMC Section 9.64.040 provides that following City Council's initial approval of Surveillance Technology, the following must occur for City staff to continue to use the technology:

- City staff submits an Annual Surveillance Report with information on subject surveillance technology program outcomes to the Privacy Advisory Commission (PAC);
- After review by the PAC, City staff submits the Annual Surveillance Report, and the PAC's recommendations, to the City Council;
- The PAC makes a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded; that use of the surveillance technology cease; or propose modifications to the corresponding surveillance use policy that will resolve the concerns;
- Based upon information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC, the City Council makes a determination 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

WHEREAS, on September 4, 2025, City staff presented the Annual Surveillance Report for Cellebrite to the PAC; and

WHEREAS, PAC made a determination that the benefits to the community of the Cellebrite technology outweigh the costs and approved it to be forwarded to Council at PAC on September 4, 2025; and

WHEREAS, the advancement of mobile technology and the rise of social media has led to the mobile device being a vital accessory; and

WHEREAS, universal forensic extraction device (UFED) is designed to extract electronic information stored on mobile devices; and

WHEREAS, OPD currently uses Cellebrite Universal Forensic Extraction Device (UFED), and the Cellebrite Physical Analyzer in the forensic analysis of mobile devices for their investigations; and

WHEREAS, since acquiring the updated Cellebrite device in July 2024, OPD has dramatically expanded its digital evidence capabilities; and

WHEREAS, in 2025, OPD utilized the technology over 600 times, and has already conducted approximately 200 extractions in 2026 to date; and

WHEREAS, sufficient funds are included in the Fiscal Year 2025-2027 Biennial Adopted Budget and available through Fund (2255) Measure NN - Community Violence & Emergency Response Act of 2024, Org. (108630) Ceasefire, Account (54919) Services Miscellaneous

Contract, Project (1008060) Measure NN - OPD Operations, and Program (TBD) To Be Determined; and

WHEREAS, the City Administrator will ensure that any contracts awarded pursuant to this resolution are of a professional and temporary nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive civil service; and

WHEREAS, OMC Section 2.04.042(B) requires the City Administrator to conduct a multi-step proposal solicitation process before selecting a vendor or procuring Information Technology ("IT) systems, software or hardware and OMC Section 2.04.042D allows the City Council to waive the proposal solicitation requirements upon a finding by the Council that it is in the best interest of the City to do so; and

WHEREAS, the City Council may waive the City's Local/Small Local Business Enterprise Program (L/SLBE) requirements pursuant to Part I of Oakland's L/SLBE Program guidelines (Ordinance NO. 13647 C.M.S.); and

WHEREAS, the City Administrator recommends waiving the competitive multi-step solicitation process and the L/SLBE requirements and awarding a contract to Cellebrite, Inc. because it is the only vendor with technology that can effectively extract the majority of the phones OPD encounters; now therefore be it

RESOLVED: That the City Council hereby awards a Professional Services IT Agreement to Cellebrite, Inc. in an amount not to exceed \$140,000 for the period July 1, 2026, to June 30, 2027; and be it

FURTHER RESOLVED: That for the reasons stated herein and in the report that accompanies this Resolution, the City Council finds it is in the best interest of the City to waive the competitive multi-step selection requirements for this agreement and so waives the requirements; and be it

FURTHER RESOLVED: That the City Council hereby accepts the Cellebrite Annual Surveillance Report; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.040.2, based upon the information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC referenced above and discussed in the Agenda Report accompanying this resolution, the City Council hereby finds that for each form of Surveillance Technology listed above, 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 upholds the authorization of the City Administrator to continue to use these forms of Surveillance Technology; and be it

FURTHER RESOLVED: That pursuant to Oakland's L/SLBE Program guidelines adopted pursuant to Ordinance No. 13647 C.M.S., the City Council hereby waives the L/SLBE Program participation requirements as necessary for the agreement described herein.

FURTHER RESOLVED: That the City Administrator is authorized to conduct all negotiations, applications, agreements, extensions and related actions consistent with the purposes of this Resolution, except for increasing the dollar amount, without returning to Council.

IN COUNCIL, OAKLAND, CALIFORNIA, PASSED BY THE FOLLOWING VOTE: **MAY - 5 2026**

AYES - BROWN, ~~FIFE~~, GALLO, HOUSTON, ~~RAMACHANDRAN~~, UNGER, WANG, AND PRESIDENT JENKINS - *6 Ayes*

NOES - ABSENT - ABSTENTION -

2
Fife, Ramachandran
Excused

ATTEST:



ASHA REED

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

3461461v1/JL