

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

---

**RESOLUTION: (1) APPROVING THE OAKLAND POLICE DEPARTMENT SURVEILLANCE USE POLICY “DGO I-32.1 – COMMUNITY SAFETY CAMERA SYSTEM” AND THE ACQUISITION OF SECURITY CAMERAS AND RELATED TECHNOLOGY; (2) AWARDING A TWO YEAR AGREEMENT TO FLOCK SAFETY FOR ACQUISITION OF AUTOMATED LICENSE PLATE READER AND PAN TILT ZOOM CAMERAS, OPERATING SYSTEM TECHNOLOGY, AND RELATED SERVICES AT A COST NOT TO EXCEED TWO-MILLION TWO-HUNDRED FIFTY-TWO THOUSAND FIVE-HUNDRED DOLLARS (\$2,252,500); AND (3) WAIVING THE COMPETITIVE MULTIPLE-STEP SOLICITATION PROCESS REQUIRED FOR THE ACQUISITION OF INFORMATION TECHNOLOGY SYSTEMS AND WAIVING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS**

**WHEREAS**, a Community Safety Camera (CS Camera system) is a fixed camera device, owned and/or controlled by the City of Oakland or a private/public entity, with the capability of live streaming and/or recording videographic data, where the owner/controller of the device and its associated data has explicitly provided authorization to the Oakland Police Department (OPD or Department) to access historical and/or live videographic data in the furtherance of a criminal investigation; and

**WHEREAS**, the Flock Operating System (FlockOS) is a cloud-based public safety platform designed to integrate and manage data from various sources, including video, automated license plate recognition (ALPR), and gunshot detection systems. It provides real-time investigative information and retrospective investigation capabilities to support the full spectrum of Departmental operations. FlockOS has a native Video Management System VMS platform but also is capable of integrating with outside VMS systems; and

**WHEREAS**, OPD accessed CS Camera Systems and associated VMS and Operating Systems are intended to deter criminal activity within specific public areas and enhance the Department's ability to address disruptive criminal activity within the community. These disruptive crimes include theft, vehicle theft, human trafficking, reckless driving, sideshow/takeovers, felony evasion, burglaries, robberies, shootings, and homicides; and

**WHEREAS**, many criminal investigations hinge upon the availability and quality of surveillance video as evidence that is later used in the prosecution of criminal cases. While physical surveillance may also accomplish these goals, it is limited due to the financial cost, the availability of resources, and the physical demands upon members of the Department; and

**WHEREAS**, CS Camera Systems have the capability of enhancing the Department's ability to address the types of criminal activity that are disruptive within the community while also acting as a resource multiplier within the Department; and

**WHEREAS**, intent of the Department in using this technology is to facilitate informed enforcement on those involved in specific disruptive criminal activities and to mitigate collateral impact upon the community; and

**WHEREAS**, on July 16, 2024, City Council adopted Resolution Number 90357 CMS, which authorized OPD to enter into agreements with the State of California and Flock Safety to acquire and use its current Automated License Plater Reader system; and

**WHEREAS**, under its current agreements with State of California and Flock Safety, OPD uses Flock Safety ALPR cameras owned by the State of California and provided to the City for its benefit; and

**WHEREAS**, OPD now seeks authority for (1) the City to purchase its own ALPR cameras directly from the Flock Safety to replace and/or upgrade the current set as provided by the State of California and (2) for the purchase of pan tilt zoom cameras that OPD would use for the CS Camera system); and

**WHEREAS**, Oakland's Surveillance Technology Ordinance (No.13489 C.M.S.), adopted by the City Council on May 15, 2018, and codified as Chapter 9.64 of the Oakland Municipal Code (OMC), sets forth rules and a public review process for the City of Oakland's (City) acquisition and use of new and existing Surveillance Technology; and

**WHEREAS**, OPD staff has followed the requirements set forth by the Surveillance Technology Ordinance, including drafting a Surveillance Use Policy for CS Camera Systems (DGO I-32.1 – Community Safety Camera System), and presenting that policy for feedback to the Privacy Advisory Commission (PAC); and

**WHEREAS**, OPD's Surveillance Use Policy for the CS Camera Systems, DGO) I-32.1: Community Safety Camera System (*Attachment A to the accompanying report*) covers relevant elements required by OMC 9.64.030, including the following areas: • Technology Description; • Authorized Use; • Use Restrictions; • Data Access, Data Collection and Retention of 30 days, and Security; • Monitoring and Reporting; and • System Training; and

**WHEREAS**, OPD staff presented the Surveillance Impact Report and Surveillance Use Policy changes in a revised draft for DGO I-32.1: Community Safety Camera System at the June 5<sup>th</sup>, July 3<sup>rd</sup>, September 4<sup>th</sup>, and October 2, 2025 PAC meetings; and

**WHEREAS**, during these meetings the PAC engaged in extensive discussion with OPD staff on topics including draft policy provisions on data sharing and auditing, draft contract language, and media reports regarding Flock Safety's camera systems used by local law enforcement in Colorado and other states and questions about whether Flock Safety would be able to comply with the City's Sanctuary Contracting ordinance for the proposed contract; and

**WHEREAS**, at the October 2, 2025 meeting, the PAC concluded discussions and pursuant to Oakland Municipal Code Section, voted (4 no- 2 yes) to recommend that the City Council *reject* OPD's proposed revised draft to DGO I-32.1; and

**WHEREAS**, while is respectful of the position of the PAC in voting to reject DGO I-32.1, OPD seeks City Council approval of DGO I-32.1 and approval to purchase a VMS/Operating System from the vendor Flock Safety (Flock); and

**WHEREAS**, the City Administrator requests City Council authorization to appropriate two million five hundred and twenty-five thousand dollars (\$2,525,000) of City funds for the purchase of a Flock Operating System to support the integration of Public/Private camera systems from the community and the continued use of the existing Flock ALPR system; and

**WHEREAS**, OPD requests the City Council to authorize the City Administrator to enter into a two (2) year contract with Flock safety, for the period starting at the contract signing, for one million one-hundred fifty-five thousand and five -hundred dollars (\$1,155,500) for the first year, and one-million ninety-seven thousand dollars (\$1,097,000) per year for year two, for a total amount not to exceed two-million two-hundred fifty-two thousand five-hundred dollars (\$2,252,500), for access to Flock operating system, Flock safety ALPR products (291 Flock Safety Falcon, 40 Flock Safety Condors), and related services; and

**WHEREAS**, the OPD conducted data analysis related to robberies, shootings, and homicides. The OPD Real-Time Operations Center (RTOC) identified commercial corridors as being significantly impacted by burglaries, robberies, shootings and homicides; and

**WHEREAS**, OPD recognizes that not all commercial corridors have access to surveillance camera infrastructure based on resources, and has sought the use of Department managed PTZ camera systems to supplement community owned/managed camera systems; and

**WHEREAS**, Oakland Municipal Code (OMC) Section 2.04.042.A requires that the City Administrator conduct a competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems; and

**WHEREAS**, OMC Section 2.04.042.D provides that the City Council may waive the competitive process upon a recommendation of the City Administrator and finding and determination by the City Council that it is in the best interests of the City to waive the solicitation processes; and

**WHEREAS**, staff recommends that it is in the best interests of the City to waive the competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems for the following reasons: (1) Flock Safety already provides the current ALPR system used within Oakland by OPD; (2) Flock Safety systems are the most frequently used public safety support system in the Bay Area, supports a regional approach by local agencies to address violent and disruptive criminal activity; and (3) Flock Safety systems have the capability of generating automated audits of its use, which will enable OPD to better track Surveillance Use Policy compliance pursuant to DGO I-32.1; and

**WHEREAS**, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available; and

**WHEREAS**, the City Council may, in its discretion, waive the requirements of the L/SLBE Program; and

**WHEREAS**, since Flock Safety is not based in Oakland and the proposed agreement with Flock Safety system will need to be completed within a shortened time span and will be used to upgrade the existing system provided by Flock Safety, City staff recommends waiver of L/SBE requirements; and

**WHEREAS**, the ability to renew and upgrade the existing Flock Safety systems will provide significant staff cost savings since the auditing capability of the new Flock Safety operating system will be automated as opposed to the limited manual auditing capability of the current system; and

**WHEREAS**, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature, and the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now, therefore be it

**RESOLVED:** That pursuant to OMC Section 9.64.020.2, for the considerations referenced above and in the agenda report accompanying this resolution and in the Surveillance Impact Report (**Attachment D**), the City Council hereby finds that notwithstanding the recommendation of the Privacy Advisory Commission to reject approval of DGO I-32.1: Community Safety Camera System; 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 approves DGO I-32.1: Community Safety Camera System (**Attachment A**) and the Surveillance Impact Report, and authorizes the City Administrator to acquire and use the proposed new ALPR cameras and pan tilt zoom cameras for the CS camera system; and be it

**FURTHER RESOLVED:** That the City Administrator is authorized to enter into a two (2) year contract with Flock safety, for the period starting at the contract signing, for one million one-hundred fifty-five thousand and five -hundred dollars (\$1,155,500) for the first year, and one-million ninety-seven thousand dollars (\$1,097,000) for year two, for a total amount not to exceed two-million two-hundred fifty-two thousand five-hundred dollars (\$2,252,500), for purchase and access to the Flock operating system, Flock safety products (291 FLOCK Safety Falcon cameras, 40 Flock Safety Condors PTZ cameras), and related services; and be it

**FURTHER RESOLVED:** That funding for the proposed purchase for Fiscal Year 2025/2026 will be available through the General-Purpose Fund (1010), Organization (106410), Project (1000008), Account (54919), with future years being budgeted via the General-Purpose Fund; and be it

**FURTHER RESOLVED:** That for the reasons stated above and in the agenda report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multi-step solicitation processes pursuant to Oakland Municipal Code section 2.04.042.D, and, to the extent necessary and for good cause shown, the City's Local/Small Local Business Enterprise program requirements, and so waives these requirements for the proposed IT agreement with Flock Safety; and be it

**FURTHER RESOLVED:** That the City Administrator or designee 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; 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND  
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

3443251/AS