



DEPARTMENTAL GENERAL ORDER

**I-23: LIVE STREAM TRANSMITTER USE POLICY**

Effective Date:

Coordinator: Information Technology Unit, Bureau of Services Division

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**HANDHELD LIVESTREAM TRANSMITTER**

The purpose of this order is to establish Departmental policy and procedures for the use of Live Stream Transmitters.

**I. VALUE STATEMENT**

The protection of human life and the general safety of the public shall be the primary consideration when deciding to use handheld live stream cameras.

**II. DESCRIPTION OF THE TECHNOLOGY**

**A. Live Stream Transmitter Components**

Transmitters can send a wireless signal to a specific location such as the City's Emergency Operation Center (EOC).

**B. Purpose**

Live stream camera transmitters allow OPD to deploy a minimal level of police presence while providing critical situational awareness to OPD commanders. A small number of officers can monitor events and provide real-time footage to Command. This information helps OPD Command to make efficient deployment decisions.

OPD commanders need real time situational awareness to ensure public safety in public spaces. Real-time information regarding events (e.g. crowd management facilitation, coordinated response to catastrophic unplanned events) provides critical information for OPD commanders when making resource deployment decisions. Authorized personnel utilizing cameras with live-streaming transmitters can provide important situational awareness to OPD without the need to deploy many officers

**C. How the System Works**

Live stream transmitters support real-time transmission and remote live-stream viewing. Transmitters can use different formats (e.g. cellular 3G/4G LTE, WiFi, Ethernet, and Microwave). Transmitters can be connected to static single image digital video cameras. Transmitters allow the live-stream video to be viewed on a screen with the appropriate data connection and reception technology (receiver). The transmitters specifically transmit the stream to a receiver where the video can then be viewed.

**III. GENERAL GUIDELINES**

**A. Authorized Use**

There are different situations that can occur in the City of Oakland which will justify the use of live-stream transmitters. Large events with numerous people pose challenges to public safety. Live stream transmitters are authorized by an OPD commander (captain or above) when exigent circumstances exist – or when the City Administrator has authorized a partial or full activation of the City’s Emergency Operations Center (EOC) and a police Commander (captain or above) approves the use of the live-stream transmitters. The following use cases are examples where EOC full or partial activation may occur and where a commander may authorize the use of live-stream transmitters:

- Large gatherings of people on city streets (Special Events, as defined by the Oakland Municipal Code, which occur in public places);
- Sporting events;
- Large parades or festivals; and
- Natural disasters.
- Live stream transmitters shall only be deployed with authorizations from an incident commander (Captain or higher-rank).
- Personnel authorized to use live-stream cameras or access information collected through the use of such equipment shall be specifically trained in such technology and authorized by the Chief of Police or designee. Any sworn officer may utilize hand-held live-stream cameras with the approval of OPD’s Information Technology (IT) Unit Coordinator.

**B. Restricted Use**

1. Department members shall not use or allow others to use handheld live-stream transmitters, software or data for any uses not enumerated above in III.A.
2. Personnel shall not affix a handheld live-stream camera to any fixed structure and not remain present at the same location; livestream cameras shall not be used for any remote surveillance.
3. The handheld live-stream transmitter shall not be used to except when approved by a police commander (Captain or higher rank).
4. Protected Activity
  - a. "Protected Activity" means all rights including without limitation: speech, associations, conduct, and privacy rights including but not limited to expression, advocacy, association, or participation in expressive conduct to further any political or social opinion or religious belief as protected by the United States Constitution and/or the California Constitution and/or applicable statutes and regulations. The First Amendment does not permit government "to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action." *White v. Lee* (9th Cir. 2000) 227 F.3d 1214, 1227; *Brandenburg v. Ohio* (1969) 395 U.S.
  - b. In respect to honoring protected activity, live stream Transmitters Use Policy restricts the use of the technology as follows:
    - i. Live stream transmitters can only be used in conjunction with a full or partial EOC activation.
    - ii. For each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours. This statement (and the use itself) shall be included in the required Annual Report.

**C. Communications**

For clarity of communications, radio traffic should identify the units using such device as a “Video Team.” Video Teams are made up of two to three uniformed officers. An equipment officer (videographer) and security officers.

#### **IV. LIVE STREAM CAMERA DATA**

##### **A. Data Collection**

Live stream transmitters do not store data. Regular camera data, if the camera attached to a live stream transmitter is recording data, shall be uploaded onto a secure computer at the with user and email password protection, stored with OPD’s IT Unit within the Police Administration Building (PAB).

##### **B. Retention**

Handheld live stream cameras can send the digital stream wirelessly. The EOC does not record this data; data recorded by the handheld cameras is maintained by the OPD IT Unit within in the Bureau of Services (BOS). Personnel using live-stream cameras shall return them at the end of their shift to the IT Unit.

For data that is captured and used as evidence, such data shall be turned in and stored as evidence pursuant to existing policy. Otherwise, camera data will be destroyed after 30 days.

##### **C. Data Access**

OPD’s IT unit shall be responsible for the maintenance and storage of live-stream cameras. Members approved to access live-stream camera data under these guidelines are permitted to access the data for administrative (force investigation or citizen complaints) or criminal investigation purposes.

Live-stream camera data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

5. The agency makes a written request for the data that includes:
  - a. The name of the requesting agency.
  - b. The name of the individual making the request.
  - c. The basis of their need for and right to the information.

6. The request is reviewed by the Bureau of Services Deputy Chief/ Deputy Director or designee and approved before the request is fulfilled.
7. The approved request is retained on file, and incorporated into the annual report pursuant to Oakland Municipal Code Section 9.64.010 1.B.
8. A request from the public to access handheld camera data shall follow standard public records request protocols. The EOC does not record livestream camera footage.

**D. Third Party Data Sharing**

OPD currently uses TVU Networks-brand transmitters; however, no data is shared with TVU networks. Data is only transmitted from OPD equipment to the City's and/or OPD's EOC.

**E. Data Protection and Security**

All live-stream transmitters shall be housed and secured within the Police Administration Building only accessible to authorized personnel.

Live-stream camera data will be closely safeguarded and protected by both procedural and technological means. All live-stream cameras shall be housed and secured at the Police Administration Building only accessible by authorized personnel within IT Unit or lockers.

**V. LIVE STREAM TRANSMITTER ADMINISTRATION**

**A. System Coordinator / Administrator**

The Oakland Police Department will monitor its use of the live stream cameras to ensure the accuracy of the information collected and compliance with all applicable laws, including laws providing for process, and time period system audits.

The IT Coordinator, or other designated OPD personnel shall provide the Chief of Police, Privacy Advisory Commission, and City Council with an annual report that covers use of the technology during the previous year. The report shall include all report components compliant with Ordinance No. 13489 C.M.S.

The IT Unit Coordinator is responsible for ensuring systems and processes are in place for the proper collection, accuracy and retention of live-stream camera system data.

**B. Maintenance**

There is no data created by use of live stream camera transmission. The cameras transmitters encrypt data during transit to ensure the security and integrity of the data feed.

**C. Training**

The Training Section shall ensure that members receive department-approved training for those authorized to use or access live-stream cameras.

**D. Auditing and Oversight**

The Project Coordinator will be responsible for coordinating audits every year to assess system use. A summary of user access and use will be made part of an annual report to the City's Privacy Advisory Commission and City Council.

By Order of

Anne E. Kirkpatrick  
Chief of Police

Date Signed: