

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A DATA SHARING AGREEMENT (“AGREEMENT”) WITH THE BOARD OF TRUSTEES OF THE LELAND STANFORD UNIVERSITY (“STANFORD”) FOR THE OAKLAND POLICE DEPARTMENT TO SHARE POLICE DATA FOR RESEARCH ON POLICE-COMMUNITY INTERACTIONS WITH THE GOAL OF REDUCING DISPARITY AND IMPROVING POLICE-COMMUNITY RELATIONS

WHEREAS, the City of Oakland is in the “sustainability period” of the Negotiated Settlement Agreement (NSA) in *Delphine Allen v. City of Oakland*, Case No. C00-4599 WHO (N.D. Cal.); and

WHEREAS, the Court and Monitoring Team currently affirmatively monitor three NSA tasks related to internal investigations and consistency of discipline; and

WHEREAS, the City must continue to comply with the NSA per the City Charter once Court oversight ends; and

WHEREAS, in 2014, at the direction of the Compliance Director, the City partnered with Stanford University and Dr. Eberhardt and entered into an agreement for research purposes to help OPD leverage its stop data and Body Worn Camera (BWC) video footage (data) to manage risk and reduce racial disparity, resulting in a published report on police stops, searches, handcuffing and arrests, as well as fifty recommendations to improve police-community relations in Oakland, all of which have been implemented; and

WHEREAS, the ten-year collaboration between Stanford and the City has resulted in updated police policies and training, contributing to reduced disparity in police stops and compliance with the NSA; and

WHEREAS, at the September 2024 Case Management Conference, the Court highlighted the importance of the collaboration between OPD and Stanford, stating, “I want to credit [] the work of Dr. Eberhardt and her team from Stanford. They've done an outstanding job for the City. I hope OPD will continue to embrace them and their work. I understand they want to set up a data use agreement between Stanford and the City that would allow the Stanford team to continue conducting novel research on police community interactions without any financial cost to the City. I hope that's going to be finalized quickly”; and

WHEREAS, the proposed new data sharing agreement (Agreement) mentioned by the Court will include the sharing of video from body-worn cameras, which is considered “surveillance technology” as defined by OMC Section 9.64.010(11); and

WHEREAS, pursuant to OMC Section 9.64.030(1)(D), City Council approval is required for OPD to enter into a “written agreement with a non-city entity to share surveillance technology or the information it provides, including data sharing agreements”; and

WHEREAS, pursuant to OMC Section 9.64.030(2)(B), OPD must obtain the Privacy Advisory Commission’s review and recommendation before seeking City Council approval to enter into the proposed Agreement; and

WHEREAS, on November 20, 2024, the Privacy Advisory Commission reviewed the Agreement, and adopted a motion to recommend that the City Council approve the Agreement, provided that in Section 10.3, that the first sentence would be amended so that the word “collected” is replaced with the word “created; and

WHEREAS, the Agreement provides for the protection of confidential information, secure storage of OPD data, authorized access, and OPD review prior to publication of any research papers relying on non-public OPD data to ensure no confidential information is publicly disclosed; and

WHEREAS, the Agreement shall commence when signed by the Parties and shall continue for five years and can be extended upon mutual written agreement between the Parties; now, therefore, be it

RESOLVED: That the City Council has considered the recommendation of the Privacy Advisory Commission, and hereby determines that the benefits to the community from the sharing of BWC data pursuant to the Agreement outweigh the costs; that the proposed Agreement will safeguard civil liberties and civil rights; and that, in the City Council's judgment, no alternative with a lesser economic cost or impact on civil rights or civil liberties would be as effective; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into a data sharing agreement (Agreement) with the Board of Trustees of the Leland Stanford University (“Stanford”) for the Oakland Police Department to share police data for research on police-community interactions with the goal of reducing disparity and improving police-community relations; and be it

FURTHER RESOLVED: That the Agreement shall be amended, as recommended by the Privacy Advisory Commission, so that that in the first sentence in Section 10.3, the word “collected” is replaced with the word “created;” and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the Agreement 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 - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

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