



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** G. Harold Duffey  
Director, Oakland Public  
Works Department

**SUBJECT:** OPW Illegal Dumping Surveillance  
Camera Program – Privacy Policy &  
Deployment

**DATE:** December 20, 2021

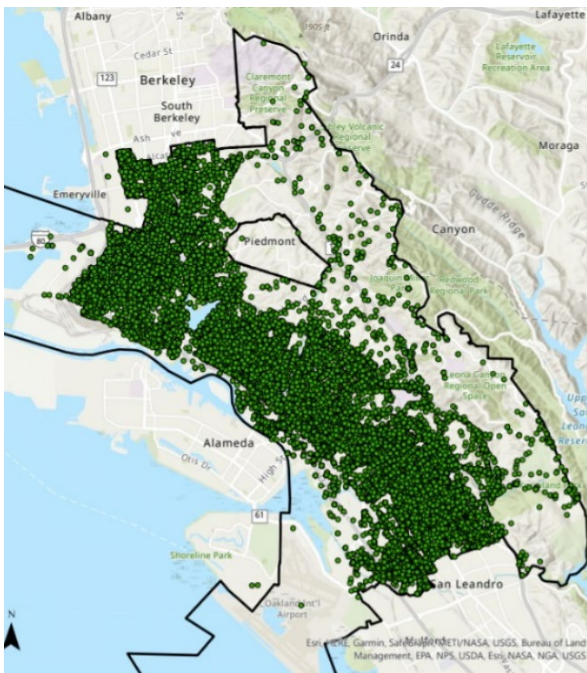
City Administrator Approval 

Date: Jan 6, 2022

## RECOMMENDATION

**Staff Recommends That City Council Adopt A Resolution Approving The Oakland Public Works (OPW) Illegal Dumping Surveillance Camera Program Use Policy And Surveillance Impact Report And The Deployment Of Portable Observation Device (POD) Surveillance Units At Known Dumping Hot Spots.**

## EXECUTIVE SUMMARY



*FY2020-21 Illegal Dumping Work Orders Completed by Keep Oakland Clean and Beautiful (KOCB)*

Illegal dumping is an epidemic in Oakland. According to Fiscal Year (FY) 2020-21 data from the Oakland Public Works (OPW) work management system, Cityworks, OPW crews removed **7,470 tons** of debris from Oakland city streets. The City is resolved to curb the widespread dumping by holding violators accountable. But as personnel necessary to enforce against dumping are limited, surveillance cameras offer the City a viable way to enhance/support the investigative work performed by OPW's four – soon to be six – Environmental Enforcement Officers (EEOs).

The goal of installing surveillance cameras near chronic dumping hot spots is to capture video evidence that identifies dumpers or produces supporting information needed to build credible cases for prosecution. Staff

City Council  
January 18, 2022

believes there will be an immediate mitigating effect on illegal dumping because the video evidence will lead to a notable increase in prosecutions and convictions. Dumpers must now re-evaluate their desire to dump against the higher risk of getting caught. Over time, surveillance cameras may serve as an ongoing, visual deterrent to potential dumpers after the surveillance program matures. Staff recommends City Council adopt the proposed resolution approving the OPW Illegal Dumping Surveillance Camera Program Use Policy and Surveillance Impact Report, and the immediate deployment of the Portable Observation Device (POD) surveillance cameras in the City's public right of way nearest known dumping hot spots.

### **BACKGROUND / LEGISLATIVE HISTORY**

To combat illegal dumping, the City has undertaken the following efforts:

#### **Litter Enforcement Officers Period – approx. 2001- 2011:**

From 2001 until 2011, OPW had a Litter Enforcement Program with eight (8) Litter Enforcement Officers (LEOs). The LEO's enforcement was bolstered by surveillance cameras purchased from a \$500,000 grant from the State of California. Surveillance cameras were installed at noted hot spots and monitored by the LEOs until July 2011, when the Enforcement Program was defunded, and the LEOs disbanded. The cameras were removed from the hot spots and re-purposed.

#### **Nuisance Division Period – approx. 2013- 2019:**

After the LEO program ended, illegal dumping enforcement moved to the CAO's Nuisance Division and City Attorney's Neighborhood Law Corps (NLC). Staff was tasked to issue Administrative Citations and Civil Penalties, negotiate fines, assess appeals, schedule Appeal Hearings, and coordinate community service for illegal dumping violators. Around the same period in late 2013, the City Council approved new provisions to the Oakland Municipal Code (OMC) for unlawful dumping enforcement, rewards for reporting program, and administrative penalties for dumping.

In January 2016, City Council authorized \$100k to be appropriated for a surveillance camera pilot. Four (4) systems were deployed in 2017 at three locations selected: two (2) systems at Maple Ave. & Montana St. – one northbound, one southbound; one (1) system at San Leandro Blvd. & 106th Ave., and one (1) system at West Grand between Wood St. & Willow St.

The camera systems' performance was inconsistent due to the large video files being transmitted as well as fluctuations in power and internet service at the sites. A different surveillance camera system that addresses these technical and environmental constraints was needed; one that also met privacy standards set forth by the new Surveillance Technology Ordinance and the newly appointed Privacy Advisory Commission (PAC).

### **Environmental Enforcement Unit Period – 2019 to Present**

As illegal dumping continued to grow, the City Council approved funding to establish a new enforcement unit in OPW to stop the dumping. On February 26, 2019, four (4) Environmental Enforcement Officers (EEOs) and one (1) Clean Community Supervisor were hired to form the Environmental Enforcement Unit (EEU). The EEU's sole charter is to enforce Oakland's illegal dumping municipal codes. In the Fall of 2019, as part of a City Administrator's Office reorganization, the Nuisance Division transferred the illegal dumping surveillance camera program and other illegal dumping enforcement functions to the EEU.

Staff worked with surveillance camera vendor Verkada in late 2020/early 2021 to vet the technology for PAC approval. At the August 5, 2021, PAC meeting, the Commission advised OPW that the Surveillance Technology Ordinance prohibits deployment of any surveillance camera equipment containing "facial recognition or facial recognition-like technologies." The PAC Chair directed staff to work with an ad hoc committee consisting of three PAC Commissioners to revise the proposal. Over the next two months, staff vetted several camera vendors before selecting Security Lines U.S. On December 2, 2021, the City's Privacy Advisory Commission unanimously approved OPW's proposed Use Policy (**Attachment A**) and Surveillance Impact Report (**Attachment B**) with the addition of three amendments (see Use Policy Amendments in **Attachment C**).

### **ANALYSIS AND POLICY ALTERNATIVES**

In accordance with the City's adopted Budget, City activities are structured to support the following priorities: 1) Holistic community safety; 2) Housing, economic, and cultural security; 3) Vibrant, sustainable infrastructure; 4) Responsive, trustworthy government. The proposed OPW Illegal Dumping Surveillance Camera Program furthers all of these City's priorities.

The Illegal Dumping Surveillance Camera Program was created in direct response to Oaklanders' fervent call for cleaner, safer streets. Staff believes the surveillance program will enhance the City's ability to catch and prosecute dumpers. With fewer bad actors dumping, OPW will be able to maintain cleaner City streets, thereby contributing to community safety and economics, and promoting more vibrant, sustainable streets and public spaces throughout Oakland.

The proposed resolution would authorize the City Administrator to direct staff to implement the OPW Illegal Dumping Surveillance Camera Program in accordance with the Use Policy. The program proposes the acquisition of Security Line U.S.'s POD Surveillance System and seeks to install the units near chronic dumping locations to capture video evidence that identifies dumpers or produces supporting information needed to build credible cases for prosecution.

Cameras will be placed Citywide, in public rights of way nearest to chronic dumping "hot spots". Hot spots often contain dumping where there is insufficient evidence connecting the dumped piles to dumpers and therefore are ideal for surveillance cameras. Public rights of way include but are not limited to City assets such as street light poles, traffic signal poles, and other public

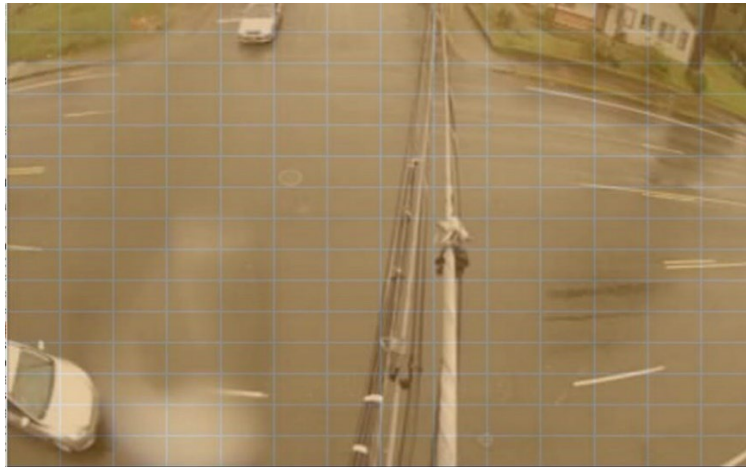
assets like bus stop shelters (through coordination with AC Transit), and City-installed wooden posts. The City may also explore installing POD units on private properties through local business/private resident partnerships.

Staff carefully considered the following race and equity questions when designing the OPW Illegal Dumping Surveillance Camera Program:

- 1) ***Who will benefit from the program?*** Oaklanders living and working in underserved, disadvantaged communities below Interstate 580, where illegal dumping is often concentrated, will benefit most from the OPW Illegal Dumping Surveillance Camera Program. Based on the prevalence of dumping, the first POD units deployed will be in this region. As more PODs are deployed, and as hot spots in underserved communities cool, other Oakland communities experiencing sporadic dumping will also benefit from the surveillance program.
- 2) ***Where will OPW/EEU install these cameras? How do you choose hot spots? Will I be told where the cameras will be deployed in my neighborhood?*** The EEU will rely on Cityworks data to identify the most chronic hot spots to deploy the POD units. Staff believes a data-driven approach is the best way to ensure cameras are not deployed in a discriminatory, viewpoint-based, or biased manner. Staff has generated a hotspot report to identify and prioritize the hottest dumping locations for the initial trial PODs to be deployed. Once dumping activity diminishes significantly or ceases altogether at one hotspot, the POD unit will be moved to the next hottest dumping location. Since the goal is to catch dumpers dumping, for practical enforcement purposes, the City will not provide public notice of surveillance locations prior to installing the PODs. The EEU staff will endeavor to safeguard the public's privacy rights as per the PAC-approved Use Policy (***Attachment A***), and as amended by the PAC in ***Attachment C***. Lastly, EEOs, through their ongoing community engagement, will be available to discuss a constituent's specific privacy concerns and bring back input/feedback to improve the program's effectiveness.
- 3) ***As an immigrant/ person of color/ person of a particular religious belief/ justice system-involved individual, etc., I'm concerned about my privacy. How will the City ensure my rights are respected?*** OPW recognizes that all people have an inalienable right to privacy and are committed to protecting and safeguarding this right. OPW staff went through an in-depth review process with the PAC Ad Hoc Committee, looking at privacy concerns of Black, Indigenous, People of Color (BIPOC), and other under-represented groups. Some specific policies put in place to mitigate concerns around surveillance cameras are:
  - Surveillance systems will be deployed to capture illegal dumping activities only. POD units will be installed in public rights of way (and potentially at local businesses and private properties through local business/ private resident partnerships) at or near known hot spots where chronic dumping occurs.

- The proposed POD system (both cameras and software) does not contain analytics that tracks the movement of individuals. The POD's DVR may be set to record based on motion detection via pixel changes to specified areas of a camera's field of view to minimize the public being unnecessarily recorded. The POD system may also mask or block out sections of a video image that fall outside of the targeted dumping areas so that images such as houses, sidewalks, schools, or places of worship, etc., can be made unviewable to all authorized users.

*Example of the grid showing available quadrants for activating motion-based recording*



- The additional bullet cameras used to capture license plate images do not use Artificial Intelligence to analyze license plate information. The authorized user will capture all license plate information manually (visually) and contact the City Attorney's Office (OCA) for DMV records. NOTE: Oakland Municipal Codes permit EEOs to cite both the dumper and the vehicle's owner used in a dumping incident. A robust appeal process is in place for individuals to appeal a citation if they feel they were cited in error.
- OPW will not purchase the additional equipment required to enable the POD's audio feature.
- OPW will retain and use license plate information and video footage strictly to enforce illegal dumping and will only forward footage with illegal dumping activities to the OCA, assigned Hearing Officer, OPD and/or Alameda County's District Attorney's Office for prosecution.
- OPW will report within 72 hours any Oakland Police Department (OPD) request for video recordings captured by POD units to the Chief Privacy Officer and PAC Chair. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next regularly scheduled meeting.

- Data containing illegal dumping activities will be saved to a secure folder by authorized KOCB staff only. Downloaded video recordings and license plate information will be purged once filed claims, pending litigations, and/or criminal investigations conclude.
- OPW will conduct annual audits of license plate information and video footage to ensure compliance with the destruction schedule and to verify that authorized users and administrators are following the Use Policy.

4) ***Is there public support for illegal dumping surveillance cameras? How can I provide my feedback?*** At various Public Works Committee Meetings, City Council Meetings, local community meetings, and at the December 2, 2021, PAC Meeting, members of the community expressed overwhelming support for using surveillance cameras to catch dumpers and stop illegal dumping. Additionally, the OPW Illegal Dumping Surveillance Camera Program was thoroughly vetted by the PAC's Ad Hoc Committee, whose members are all Oakland residents. The program was then brought before the full Commission and the general public, where it was approved unanimously.

After the program launches, EEU staff and EEOs will seek out feedback proactively from the public to gauge the program's effectiveness. Constituents may also submit feedback via email at: [EEOinfo@oaklandca.gov](mailto:EEOinfo@oaklandca.gov) or via voicemail at: (510) 238-3700.

The Use Policy specifies the use of Security Line U.S.'s POD Surveillance System. POD is an all-in-one, portable surveillance system with two basic models. The i4POD-P/ i4POD-S has four (4) cameras; the i2POD has two (2) cameras. Both models include a digital video recorder, a cellular router, and a wifi transmitter housed in an easy-to-move and mount enclosure. The POD is plug and play; the City needs only to supply 110v power to activate the system. Additional information regarding the POD Surveillance System can be found in the Use Policy (**Attachment A**) and Impact Report (**Attachment B**).

As part of the Illegal Dumping Surveillance Camera Program, cameras will be placed citywide in the public right of way nearest to chronic dumping "hot spots." Hot spots often contain dumping where there is insufficient evidence connecting the dumped piles to dumpers and therefore are ideal for surveillance cameras. Public rights of way include but are not limited to City assets such as street light poles, traffic signal poles, and other public assets like bus stop shelters (through coordination with AC Transit), and City-installed wooden posts. The City may also explore installing POD units on private properties through local business/private resident partnerships.

Initially, 10 POD units will be purchased and installed. The monitoring of the POD system and the reviewing/searching/downloading of video footage containing potentially enforceable illegal dumping activities will be performed by the EEU Analyst. If successful, as more POD units are deployed, the time required to perform job duties associated with the new surveillance program will require additional administrative personnel to support expanding administrative duties and assume portions of the Analyst's current job duties. The additional personnel will also lend

much-needed EEO clerical support to assist with entering and processing citations, which will allow the EEOs more time in the field.

Alternatives to the POD Surveillance System and the OPW Illegal Dumping Surveillance Camera Program are:

- **Status Quo** – Do not deploy surveillance cameras. There will not be any financial outlay for surveillance cameras. However, illegal dumping abatement costs (over \$5.6M in FY20-21) will likely continue to rise precipitously if the City continues operation as is. The City will need to answer to constituents demanding the City take decisive action against dumpers. The City will continue to struggle with addressing dumping.
- **Sting Operations with OPD** – Request assistance from OPD to conduct sting operations at chronic hot spots to catch dumpers in the act. This is not a viable solution because: 1) it is cost-prohibitive, and 2) OPW has been advised OPD does not have the resources to assist with illegal dumping enforcement due to higher priority crimes.
- **Hire More EEOs** – Bring on more EEOs to patrol hot spots and catch dumpers. While the EEU will have seven (7) full-time EEOs by early FY22-23, the City would need to hire substantially more EEOs given the magnitude of the dumping problem. This is not a viable long-term solution because: 1) it will be cost-prohibitive to hire enough EEOs to provide adequate coverage of areas prone to chronic dumping; 2) more EEOs do not necessarily translate to greater success in catching dumpers if there is insufficient evidence to prosecute. Without supporting evidence, the only way an EEOs can catch a dumping violator is to witness the individual in the act of dumping.

## **FISCAL IMPACT**

In FY2021-22, the City spent over \$12M in illegal dumping abatement. Although POD cameras are not the cure-all to Oakland's dumping problem, they will play a vital role in enhancing EEOs' investigative/enforcement efforts and enabling the City to prosecute more dumpers successfully. Even a slight reduction in illegal dumping activities at known hot spots will translate to thousands of taxpayers' dollars saved and improved health and vitality for Oakland residents, visitors, and neighborhood businesses alike. Furthermore, the OMC allows the City to fine dumpers up to \$1000 per day, plus recover City abatement and prosecution costs.

The i2POD, i4POD-S, and i4POD-P are priced at \$5495, \$7195, and \$7995, respectively. Installation will be performed by OPW staff but can also be installed by the vendor for a one-time fee. There are no mandatory annual maintenance service fees or initial per-camera licensing fees. Ongoing cost consists of monthly cellular service.

Funding to purchase the initial ten (10) trial POD units is available in the approved FY2021-23 Biennial Budget in FUND 1720, ORG 30674, PROJECT #1005964. Monitoring will be done by existing staff. Following a successful trial, staff aims to acquire additional POD units and hire

one (1) Full Time Equivalent (FTE) Administrative Assistant II through the FY22-23 Midcycle Budget Development process.

### **PUBLIC INTEREST**

At various Public Works Committee Meetings, City Council Meetings, local community meetings, and most recently at the December 2, 2021, PAC Meeting, members of the community expressed overwhelming support for the use of surveillance cameras to catch dumpers and to stop illegal dumping.

The PAC's Ad Hoc Committee thoroughly vetted the OPW Illegal Dumping Surveillance Camera Program prior to its introduction to the full Commission and the general public. In two ad hoc working sessions leading up to the December PAC meeting, OPW staff gathered valuable input and recommendations on how to mitigate Oaklanders' privacy concerns surrounding the use of surveillance cameras.

### **COORDINATION**

Staff worked closely with the PAC Ad Hoc Committee in drafting the Use Policy (***Attachment A***) and Impact Report (***Attachment B***) for the OPW Illegal Dumping Surveillance Camera Program. Economic Workforce Development – Nuisance Abatement Division, Budget Bureau, and City Attorney's Office reviewed and coordinated this agenda report and resolution.

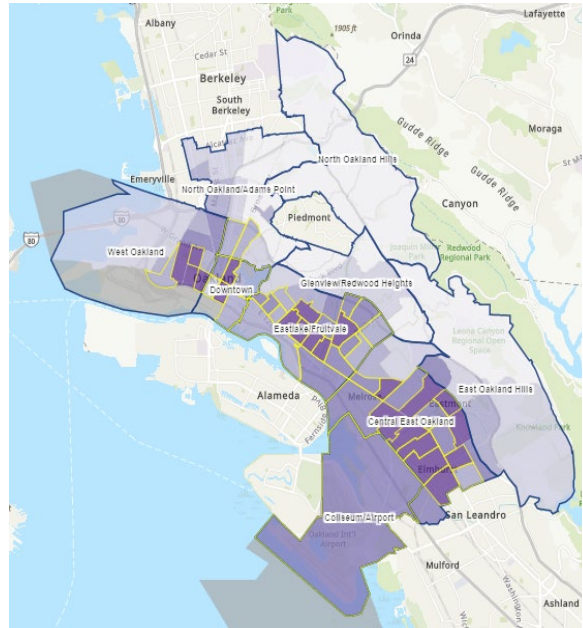
### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** City staff recognizes abatement is not the solution to illegal dumping. In FY2021-22 alone, the City spent over \$12M to abate debris dumped on Oakland city streets. Although POD cameras are not the cure-all to Oakland's dumping problem, they will play a vital role in enhancing EEOs' investigative/enforcement efforts and enabling the City to prosecute more dumpers successfully. Finally, cleaner streets will promote a safer, healthier, pedestrian-friendly environment that encourages shopping and recreating in Oakland, which will benefit neighborhood businesses.

***Environmental:*** Illegal dumping is a crime against the environment. Chemicals and toxic compounds from unwanted household cleaners, motor oil, materials from broken furniture, mattresses, and appliances, not to mention biohazardous and commercial waste, can readily leach into soil or be washed into storm drains, contaminating Oakland's waterways and harming wildlife. Debris can clog storm drains and culverts, causing flooding. Large garbage piles increase the likelihood of fires. At a minimum, dump piles serve as an ideal breeding ground for mosquitoes, flies, rats, and other disease-carrying vermin. With the passage of this resolution, EEOs will leverage video recordings to investigate individuals who continue to dump on City streets and hold them accountable for their crimes against the environment.



**Race & Equity:** Clean streets – ones free of used household goods and clothing, broken furniture, and appliances, biohazardous and/or commercial waste – will have a measurably positive effect on the health and safety of Oaklanders, especially for those living and working in historically underserved and disadvantaged communities below Interstate 580 where illegal dumping is concentrated, and chronic hot spots are most prevalent. With the passage of this resolution, the City Council will continue its commitment to invest City resources into traditionally underserved and racially marginalized neighborhoods. Through the use of surveillance cameras at illegal dumping hot spots, the City will increase enforcement to keep underprivileged communities clean.



Oakland's Priority Neighborhoods (Source: OakDOT Geographic Equity Toolbox)

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That City Council Adopt A Resolution Approving The Oakland Public Works (OPW) Illegal Dumping Surveillance Camera Program Use Policy And Surveillance Impact Report, And The Deployment Of POD Surveillance Units At Known Dumping Hot Spots.

For questions regarding this report, please contact Victoria Chak, Administrative Services Manager at (510) 615-5446.

Respectfully submitted,



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G. HAROLD DUFFEY  
Director, Oakland Public Works

Reviewed by:  
Frank Foster, Acting Assistant Director  
Oakland Public Works – Bureau of Environment

Prepared by:  
Victoria Chak, Administrative Services Manager  
Oakland Public Works – Bureau of Environment

Attachments (3):

- A: Use Policy for Illegal Dumping Surveillance Cameras
- B: Impact Report for Illegal Dumping Surveillance Cameras
- C: PAC Amendments to Use Policy for Illegal Dumping Surveillance Cameras