


Jady Wong (Jul 10, 2024 15:36 PDT)
 CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO 1) APPROVE A SUBSCRIPTION WITH GLADIATOR FORENSICS TO ALLOW THE OAKLAND POLICE DEPARTMENT (OPD) TO FORENSICALLY COLLECT AND ANALYZE CALL DETAIL RECORD DATA AND PEN REGISTER DATA, FOR FIVE YEARS FROM THE EFFECTIVE DATE OF THE MOU AT A YEARLY COST OF APPROXIMATELY TWENTY-SEVEN THOUSAND DOLLARS, 2) APPROVE OPD'S PEN REGISTER, TRAP, AND TRACE POLICY USE POLICY, AND (3) APPROVE OPD'S CALL DETAIL RECORD ANALYTIC TOOLS POLICY.

WHEREAS, OPD has developed Departmental General Order I-11: Pen Register, General Order I-32 Call Detail Record Analytic Tools and accompanying impact report, and presented them to the Privacy Commission at the regularly scheduled Privacy Commission meeting on May 2, 2024 and June 6, 2024; and

WHEREAS, on June 6, 2024, the Privacy Commission voted to adopt Department General Order I-11 and I-32 and recommended that the City Council also adopt the Departmental General Order I-11 and I-32 and the accompanying impact report; and

WHEREAS, That the City Council recognizes the importance of updating and maintaining modern technology tools for law enforcement to effectively perform their duties, particularly in the areas of pen register and call detail record analysis; and be it

WHEREAS, That the City Council acknowledges the critical role that mobile technology and communication records play in contemporary society, necessitating advanced tools for tracking and analyzing call detail records and pen register data; and be it

WHEREAS, That the City Council authorizes the acquisition and implementation of updated call detail record analytic tools and pen register systems to enhance the Oakland Police Department's capabilities in investigating and solving crimes; and be it

WHEREAS, That the City Council directs the Oakland Police Department to continuously assess and report on the effectiveness and impact of the updated pen register and call detail record analytic tools, ensuring they meet the standards and requirements set forth in the Surveillance Ordinance and contribute to the successful resolution of criminal cases; and

WHEREAS, Oakland’s Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018 adds Chapter 9.64 to the Oakland Municipal Code (OMC), and covers policy areas related to surveillance technology; and

WHEREAS, OMC 9.64.030.1.C requires City Council approval for new and existing surveillance technology; additionally, OMC Section 9.64.020.1 requires that, “Prior to seeking City Council approval for existing city surveillance technology under Section 9.64.030, city staff shall submit a Surveillance Impact report and Surveillance Use Policy to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The surveillance impact report and surveillance use policy must address the specific subject matter specified for such reports as defined under 9.64.010”; now, therefore, be it

RESOLVED: That City Council approve the contract with Gladiator Forensic.
; and be it

FURTHER RESOLVED: That funding will be through the General Purpose Fund (1010), Information Technology Unit Org. (106410), Account (TBD), Project (1000008), and Program (TBD); and be it

FURTHER RESOLVED: That City Council shall adopt the pen register and call detail record analytic tool use policies and their accompanying impact report.

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