

Amadis Sotelo
Amadis Sotelo (Feb 10, 2025 14:08 PST)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT'S (OPD) THROW PHONE POLICY IN ORDER FOR OPD TO ACQUIRE AND USE THE LETS THROW PHONE TECHNOLOGY

WHEREAS, the Surveillance Technology Ordinance (codified in relevant part at Oakland Municipal Code Section 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 (SIR) and Surveillance Use Policy (SUP) to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The SIR and SUP must address the specific subject matter specified for such reports as defined under 9.64.010"; and

WHEREAS, OPD is prohibited from acquiring any new Surveillance Technology, based on the requirements of OMC 9.64, until a SUP and SIR are reviewed by the PAC and approved by the City Council; and **WHEREAS**, the Oakland Police Department (OPD) has drafted Departmental General Order I-29: LETS Enforcement Technology Systems (LETS)-Throw Phone Policy (a SUP) and an accompanying SIR, and presented these items to the PAC for feedback at regularly scheduled PAC meetings on October 3, 2024 and November 20, 2024; and

WHEREAS, on November 20, 2024, the PAC voted unanimously to recommend that the City Council approve OPD's draft Departmental General Order I-29 and the accompanying SIR for LETS hostage throw phone; and

WHEREAS, the SIR LETS throw phone (**Attachment B**) covers the following areas as required by the Surveillance Ordinance: • Information describing the system and how it works; • Purpose of the technology; • Locations where, and Situations in which the technology may be used; • Privacy Impact of the technology; • Mitigations to prevent privacy impacts; • Data Types and Sources; • Data Security; • Costs; • Third Party Dependence; • Alternatives Considered; and

- Track Record of Other Entities; and

WHEREAS, the amended DGO I-29: LETS throw phone (**Attachment A**) covers relevant areas required of a Surveillance Use Policy as required by OMC 9.64.030, including: • Technology Description; • Authorized Use; • Use Restrictions; • Data Access, Data Collection and Retention, and Security; • Monitoring and Reporting; • System Training; and • the FLIR camera system; now, therefore, be it

WHEREAS, funding will be available through General-Purpose Fund (1010), Org. (101110), Account (53117), and Project (1000008).

RESOLVED: That City Council hereby adopts and approves OPD’s amended Departmental General Order I-29: LETS throw phone (AMC) Use Policy, as a Surveillance Use Policy (**Attachment A** as noted above) and approves the accompanying Surveillance Impact Report (**Attachment B**, as noted above); and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above and in the Agenda Report (Agenda Report) and Surveillance Impact Report accompanying this resolution, and after considering the recommendation of the PAC referenced above and discussed in the Agenda Report, the City Council hereby finds 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 authorizes the City Administrator or designee to acquire and use a LETS throw phone.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION

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