



MEMORANDUM

TO: Darren Allison,
Interim Chief of Police

FROM: Omar Daza-Quiroz, Lieutenant of Police
OPD, Bureau of Investigations

SUBJECT: Unmanned Aerial System (UAS
or Drone) – 2023 Annual Report

DATE: March 23, 2024

Background

Oakland Municipal Code (OMC) 9.64.040: Surveillance Technology “Oversight following City Council approval” requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for Privacy Advisory Commission (PAC). After review by the PAC, city staff shall submit the annual surveillance report to the City Council. The PAC shall recommend to the City Council that:

- The benefits to the community of the surveillance technology outweigh the costs and that civil liberties and civil rights are safeguarded.
- That use of the surveillance technology cease; or
- Propose modifications to the corresponding surveillance use policy that will resolve the concerns.

The PAC voted unanimously to recommend City Council adoption of OPD’s Departmental General Order (DGO) I-25: Unmanned Aerial System (UAS) Use Policy on May 14, 2020. The City Council adopted Resolution No. 88454 C.M.S. which approved OPD’s DGO I-25. OMC 9.64.040 requires that, after City Council approval, OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council.

Lieutenant Omar Daza-Quiroz is currently the UAS Program Coordinator and has been since 2022.

2023 Data Points

- A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

From the “Surveillance Impact Use Report for the Unmanned Aerial System (UAS)”

An Unmanned Aerial System (UAS) is an unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV) or drone, and all of the supporting or attached components designed for gathering information through imaging, recording, or any other means.

UAV are controlled from a remote-control unit (similar to a tablet computer). Wireless connectivity lets pilots view the UAV imagery from a birds-eye perspective. UAV pilots can leverage control unit applications to pre-program specific GPS coordinates and create an automated flight path for the drone. (This

is mainly conducted for mapping purposes or known preflight destinations. OPD has not utilized this feature as it does not have mapping software.)

UAV have cameras so the UAS pilot can view the aerial perspective. UAS proposed for use by OPD, and any other outside law enforcement agency, use secure digital (SD) memory cards to record image and video data; SD cards can be removed from UAV after flights to input into a computer for evidence uploading.

UAS technology was deployed in 2023 as follows:

In 2023 the OPD, with the assistance of outside law enforcement agencies, deployed UAS technology 219 (two hundred and nineteen) times. This is an increase of 87 (eighty-seven) deployments and missions from prior year 2022, which saw 132 (one hundred and thirty-two). OPD's UAS Program went live in March of 2022. Of the 132 deployments and missions in 2022_109 (one hundred and nine) deployments and missions were conducted by OPD and the remaining 23 (twenty-three) were conducted by Alameda County Sheriff's Office (ACSO) or neighboring agencies with UAS Programs. As stated in the 2022 Annual Report, at times ACSO will offer their services prior to being requested¹, or at times OPD UAS pilots are not on duty, unavailable or have insufficient resources (UAS fleet or personnel) to properly deploy. However, all agencies will only deploy if requested or approved by an OPD commander and if policy requirements are met.

OPD Electronic Services Unit (ESU) created a spreadsheet in 2022 to track and monitor all UAS deployments, including outside agency deployments. In 2022, Lieutenant O. Daza-Quiroz sent a department wide email mandating all commanders who deploy UAS to author documentation, similar to the protocol for use of the Emergency Rescue / Armored Vehicles. The process allowed for appropriate documentation. In 2023, commanders distributed Military Equipment Utilization (MEU) notifications via email when any militarized equipment was utilized, which included UAS deployments from OPD or outside agencies.

Table 1 below details OPD, ACSO, and other outside agencies deployments in 2023 and compares it to 2022 deployments.

Table 1: 2023 OPD & Outside Agency UAS Deployments

Incident Type	OPD	ACSO	Total	2022
Mass casualty incidents	0	0	0	0
Disaster management	0	0	0	1
Missing or lost persons	5	0	5	3
Hazardous material releases	0	0	0	0
Sideshow events	3	0	3	4
Rescue operations	3	0	3	5
Training	15	0	15	4
Barricaded suspects	48	1	49	23
Hostage situations	0	0	0	2
Armed suicidal persons	1	1*	1	0

¹ ACSO has access to OPD radio channels and can monitor; ACSO personnel at times can respond to a call for service.

Arrest of armed and/or dangerous persons	70	0	70	60
Scene documentation for evidentiary or investigation value	2	1	3	2
Operational pre-planning	0	0	0	0
Service of high-risk search and arrest warrants	71	0	71	22
Exigent circumstances	0	0	0	0
Total	219	1	220	132

**ACSO responded and deployed exterior drones and OPD deployed interior drones during same incident (RD#23-068166; US Marshalls and OPD conducted a surround on callout on a wanted suspect who had made known threats of suicide by cop. The suspect was not on scene and not arrested) Total deployments is 219, but due to one incident have both OPD and ACSO the total for 2023 shows to be 220.*

- B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

Two (2) deployments were conducted by outside agencies. Outside Law Enforcement Agencies (ACSO) assisted in two (2) UAS deployments in Oakland in 2022. Because of this, the UAS aircrafts that they used captured and stored data. These agencies provide OPD with the recordings and stored the information in their logs per their respective policy requirements. No outside entity made any requests to OPD to share any of OPD’s data acquired using OPDs UAS, nor did OPD share any data acquired through OPDs UAS with outside entities.

- C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to:

The technology was never installed upon fixed objects.

- D. Where applicable, a breakdown of where the surveillance technology was deployed geographically, by each police area in the relevant year

Table 2 below details the Police Areas where UAS were deployed in 2022.

Table 2: OPD UAS Deployment by Police Area

Deployment by Area	Total Deployments in 2022	Total Deployments in 2023
Area 1	21	39
Area 2	8	11
Area 3	21	30
Area 4	26	34

Area 5	27	39
Area 6	24	40
Outside City*	5	26
Total*	132	219

* Deployments outside the city consist of assistance provided by OPD UAS to local agencies, or provided to assist OPD enforcement activities that took place outside the city of Oakland.

- E. A summary of community complaints or concerns about the surveillance technology, and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties. The analysis shall also identify the race of each person that was subject to the technology's use. The Privacy Advisory Commission may waive this requirement upon making a determination that the probative value in gathering this information to evaluate the technology's impact on privacy interests is outweighed by the City's administrative burden in collecting or verifying this information and the potential greater invasiveness in capturing such data. If the Privacy Advisory Commission makes such a determination, written findings in support of the determination shall be included in the annual report submitted for City Council review

No community complaints or concerns were communicated to staff.

Table 3 below provides race data related to 2022 UAS deployments.

Table 3: Race of Detainees Connected to OPD UAS Deployments in 2022

	Race – Female 2022	Race – Female 2023	Race – Male 2022	Race – Male 2023
Black	27	74	81	104
Hispanic	16	36	42	95
Asian	0	7	13	17
White	4	4	4	12
Other	1	10	12	17
Total	48	131	152	245

OPD knows the race of detainees connected to UAS deployments. However, the race of all individuals involved in many UAS deployments is not known. There are cases such as armed and dangerous or barricaded suspects, where no suspect is ever discovered or detained. There could also be UAS uses for missing persons where the person's identity is not entirely known nor discovered. There was an increase in identifiable detainees by OPD UAS. This can be attributed to the increase in deployments or OPD pilots becoming more proficient in the utilization of UAS. This is only the second year of UAS documentation; thus the 2024 annual report can possibly shed light on these numbers.

F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information

The OPD Electronic Services Unit (ESU) maintained a list of all UAS deployment logs for record and tracking purposes. This list was reviewed periodically for accuracy and for assessment of any policy violations. All OPD commanders were directed to send communications to ESU for any UAS request or use – similar to OPD protocols for use of Emergency Rescue Vehicles (ERV) / Armored Suburban. No policy violations were found, and no corrective actions were warranted nor needed in 2023. There was also zero in 2022.

G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response.

There were no identifiable data breaches or unauthorized access during the year of 2023, similar to that of 2022.

H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes.

Similar to 2022, in reviewing the 2023 data associated with UAS deployments it was apparent that the unit has been effective at achieving safer outcomes for members of the community, officers, and those we have contacted during investigations.

During this review period OPD had 87 additional deployments and or missions from prior year, which totaled 219. Specific records were kept tracking the efficacy of those deployments with the following results:

- During a deployment, there was about a 70% chance of a subject being located. This is a 5% decrease from 2022 deployments, which saw 75%.
- Barricaded suspects, Arrest of armed and/or dangerous persons and Service of high-risk search and arrest warrants saw the highest deployments.
- In 2022, 140 subjects were located by the UAS. In 2023, this number increased to 276 subjects being located. Not all were arrested, but the increase in subject identification shows the importance of UAS deployment.
- 162 firearms were recovered in 2023, up from 65 firearms when UAS were deployed in 2022.
- All police areas (Area 1 – Area 6) saw a similar number of equal deployments and missions except for Area 2 which saw only 11. Area 2 is known to have fewer criminal activity.

In 2022 60 of the deployments were for persons who were considered armed and/or dangerous. The number of deployments remained somewhat constant in 2023 and increased by 10 (ten) to 70 (seventy). Because of the ability to deploy UAS, responding emergency personnel were better able to create an environment of de-escalation. Absent the UAS, officers would typically resort to calling out the Entry Team, deploying a canine, or physically clearing the area with a search team for the subject(s). All of these options have potential for chance encounters resulting in the possibility of force escalation. These options decrease safety for the officers and the subjects of our contacts.

Barricaded Suspects, Service of Search Warrants and Arrest Warrants and Training saw the highest percentage of increases. The deployment for 'Training' can be attributed to OPD increasing it's training to bi-monthly and practicing more due to an increase in deployments. At this time, I have not compared all barricaded suspects, service of search warrants and arrest warrants from 2022 to 2023. However, ESU will monitor this to determine if 2024 increases exponentially.

A sample below outlines just a few of the successful UAS deployments that provided officers increased safety and conditions for de-escalation:

1. *ESU was working Mobile Field Force for New Years weekend events. Large gathering of sideshow occurred where multiple vehicles were driving recklessly, going opposite directions of traffic and endangering citizens lives. UAV was deployed as sideshow was being contained by ground units. UAV assisted in identifying vehicles utilized during sideshow. (RD#23-000114)*
2. *Officers responded to a report of multiple gunshots heard in the area. Officers recognized the location from the previous incident. Officers were advised by a neighbor that the person at this location was seen shooting guns. Officers observed a suspect exiting the location while wearing a bullet proof vest, who was then detained. Security sweep was conducted utilizing interior drone and 16 firearms and over 100 spent casings were located. (RD#23-001708)*
3. *OPD responded to a suspicious vehicle call. When units arrived, they observed a subject asleep in the vehicle with a handgun on the dashboard. UAV was deployed to get a visual inside the vehicle to see if any additional suspects were inside as all the rear windows were heavily tinted. Suspect was arrested without incident. (RD#23-003697)*
4. *Officers responded to a report of a domestic violence incident where the suspect was seen shooting a firearm. A surround and callout protocol was initiated. Interior drone was deployed, and units cleared the residence. Exterior drone then was deployed as units were checking the backyard. The exterior drone was able to capture the subject hiding in the neighboring yard. The subject was safely taken into custody. (RD#23-005871)*
5. *Officers observed an occupied 10851CVC (stolen vehicle) at Hlgh St and International Blvd. One suspect fled the vehicle and ran into an adjacent yard and rooftops. UAV's were requested to locate suspect, who was on the rooftop of nearby buildings. (RD#23-012613)*
6. *Ceasefire conducted a high risk stop on a 215 PC (Carjacking) Suspect vehicle containing five occupants. One occupant fled from the vehicle and entered the rear yards of nearby homes. Drone was approved and deployed to assist with search for suspect. Suspect was located and apprehended in yard. (RD#23-025623)*
7. *211/215 (robbery and carjacking) armed (with rifle) suspects fled from officers into the yards and into residence. One suspect exited the residence, another suspect was located in attic/crawl space inside residence utilizing the interior drone. (RD#23-032712)*
8. *VCOC units assisted the ATF in conducting a high-risk search warrant service for a subject wanted in multi-state firearm trafficking offenses. An exterior drone used during the incident which tracked the subject fleeing through the yards. The flightpath was put out on the radio which directed officers to intercept him w/o incident. (RD#23-044136)*

As UAS deployments increase in response to demands from calls for service, the OPD expects continuous positive outcomes from the use of this technology.

I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates.

There was zero UAS PRR request in 2023, as opposed to only one in 2022 (PRR 22-3024)

J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year

The UAS unit currently has fifteen (15) members (2022 had ten). These members engage in 240 hours of training annually to ensure compliance with Department policy and FAA regulations. The member's training is conducted during their regular scheduled shifts minimizing costs. Adjusting for top rate salary, the training is estimated to cost \$241,200 for 2024 and will be paid for by the Department.

K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request.

In 2023 there were slight modifications to the DGO I-25 due to Assembly Bill (AB) 481 which required California law enforcement agencies to obtain approval of a Military Equipment Use Policy. City of Oakland Police Commission and OPD reviewed the policy and provided minor edits and additions. The Police Commission and Public Safety approved the changes.

OPD is committed to providing the best services to our community while being transparent and instilling procedural justice through daily police activity. This report is in compliance with these OPD commitments. OPD hopes that this report helps to strengthen our trust within the Oakland community.

Respectfully submitted,

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