



DEPARTMENTAL GENERAL ORDER

I-33: Vehicle (GPS) Tracker

Effective Date: DD MMM 26

Coordinator: Vehicle Tracker Coordinator, Ceasefire Division

The purpose of this policy is to establish guidelines for the Oakland Police Department's use of vehicle GPS tracking devices, for the purpose of furthering the department's mission and goals.

A. PURPOSE OF TECHNOLOGY

Vehicle GPS tracking technology supports Oakland Police Department investigations by assisting with the apprehension of wanted suspects, the recovery of vehicles, and the advancement of criminal investigations through the lawful collection of vehicle location data. When authorized, this technology allows investigators to identify patterns of movement and corroborate other investigative information. The use of this technology is intended to further legitimate law enforcement objectives while complying with applicable department, legal and constitutional requirements.

B. DESCRIPTION OF THE TECHNOLOGY

Vehicle GPS tracking technology consists of an electronic device that is attached to a vehicle pursuant to legal authorization and designed to collect location information over time. The device determines the vehicle's location using Global Positioning System satellites and transmits that information through a cellular or similar wireless network to a secure server maintained by the service provider. The device provides its own power and does not tap into the vehicle's on-board systems. Authorized OPD personnel may access the data through a secure software interface to review vehicle location, movement history, and associated date and time information.

The accuracy, frequency, and continuity of location reporting may vary based on environmental conditions, signal availability, device placement, and limitations inherent to satellite and wireless networks. Regardless of the vendor or platform used, all vehicle GPS tracking deployments by OPD are governed by the same legal standards, authorization requirements, departmental policies and city ordinances applicable to surveillance technologies.

C. AUTHORIZED USE

Vehicle GPS trackers may be used only as part of an active criminal investigation and only when authorized by a search warrant compliant with the California Electronic Communications Privacy Act (CalECPA), codified at California Penal Code section 1546 et seq. Any monitoring and retaining of data generated by a vehicle GPS tracking device requires a search warrant supported by probable cause and signed by a judge, in accordance with Penal Code section 1546.1. A tracking device search warrant shall specify a reasonable length of time that the device may be used, not to exceed 30 days from the date the warrant is issued, unless the court grants an extension for good cause.

Only OPD personnel assigned to, or directly assisting with, the specific investigation for which the vehicle GPS tracking device is authorized may access or utilize the technology. Access to vehicle GPS tracking data shall be limited to personnel with a legitimate right to know and a need to know based on their assigned investigative role. Monitoring, retaining, or reviewing data by personnel not assigned to or assisting with the investigation, or outside the scope of the authorized purpose, is prohibited.

Exigent installation of a vehicle GPS tracking device may occur only when the vehicle is located in a public place and exigent circumstances are present as defined by the California Electronic Communications Privacy Act (CalECPA).

Exigent circumstances are situations where there is an immediate danger of death or serious bodily injury to any person, or where delay in installing the device would risk the loss of critical investigative information related to such danger, consistent with Penal Code section 1546.1(c)(6).

Exigent installation requires approval from an OPD commander at the rank of lieutenant or above.

If a GPS tracker is installed in exigent circumstances, a post hoc search warrant must be sought as soon as practicable and no longer than “within three court days after obtaining the electronic information,” and must document the facts establishing probable cause and the exigent circumstances justifying the installation and any monitoring that occurred, pursuant to Penal Code section 1546.1(h). The Vehicle GPS Tracking Coordinator is to be notified of any exigent installations.

D. DATA COLLECTION

Vehicle GPS tracking technology collects location information associated with a vehicle, including geographic coordinates and corresponding date and time data. The device determines location through Global Positioning System satellites and transmits that information through a cellular or similar wireless network to a secure server maintained by the service provider. Authorized OPD personnel may access the data through a secure software platform to review historical and real time vehicle movement for investigative purposes.

The data collected is limited to vehicle location and movement information and does not capture audio, video or any form of communications.

E. DATA ACCESS

Access to live vehicle GPS tracking data is limited to OPD investigators or OPD personnel assisting with ongoing criminal investigations. Live location information may

be accessed only for legitimate law enforcement purposes and in a manner consistent with the scope of the applicable search warrant.

Historical vehicle GPS tracking data collected during the authorized period may be accessed by OPD investigators or OPD personnel assisting with ongoing criminal investigations for review and analysis. Historical data is made available through a secure electronic platform or other Department approved evidence management system such as Axon Evidence.com.

Vehicle GPS tracking data is not accessed, reviewed, or shared for purposes unrelated to lawful law enforcement activities. Any access or disclosure of GPS tracking data must comply with applicable law, court orders, and Department policy. Unauthorized access or use of vehicle GPS tracking data is prohibited.

F. DATA PROTECTION

Vehicle GPS tracking data is stored on the vendor's server during the period of active use. The coordinator shall ensure that the server and its content is properly protected according to best practice for cybersecurity. Access to the vendor portal is limited to OPD personnel using authorized accounts for investigative purposes related to an active criminal investigation.

At the conclusion of the investigation or monitoring period, vehicle GPS tracking data is either deleted from the vendor portal or preserved by exporting the data into a Department approved law enforcement evidence management system, such as Axon Evidence.com, when the data is needed for a criminal prosecution or other lawful purpose. When necessary, data may also be stored on a physical medium protected by a password to limit access. Data that is not needed for evidentiary or investigative purposes is deleted and not retained.

G. DATA RETENTION

Vehicle GPS tracking data that is not identified as relevant to a lawful criminal investigation is retained for no longer than thirty days from the date of collection and is deleted thereafter. This retention period applies to data stored on the vendor platform and is intended to limit the retention of location data that does not have an investigative or evidentiary purpose.

If vehicle GPS tracking data is determined to be relevant to a lawful criminal investigation, prosecution, or court proceeding, the data may be retained for the duration of the legal process. Such data is retained only while the associated criminal matter is pending and is deleted after full adjudication of the court proceeding, including any right to appeal. Data is not retained beyond this period unless otherwise required by law or court order.

H. PUBLIC ACCESS

Data that is collected and retained under this policy is considered a “law enforcement investigatory file” pursuant to Government Code § 7923.600(a) and shall be exempt from public disclosure. Members of the public may request data via public records request pursuant to applicable law regarding Public Records Requests as soon as the criminal or administrative investigations has concluded and/or adjudicated.

I. THIRD PARTY DATA SHARING

Vehicle GPS tracking data is not shared outside the Oakland Police Department absent proper legal authority. Any sharing of vehicle GPS tracking data with another law enforcement agency or prosecuting authority requires a CalECPA compliant search warrant, a court authorized sharing order, or a discovery requirement arising from a criminal prosecution. Informal requests or requests made without supporting legal documentation are not sufficient.

Any outside agency requesting vehicle GPS tracking data must submit a written request to OPD identifying the legal authority for the request and the investigative or prosecutorial need for the data. The request and OPD’s response shall be documented and retained in accordance with Department policy. When legally authorized, data is shared only to the extent permitted by the applicable warrant, court order, or discovery obligation and remains subject to the handling, retention, and protection requirements set forth in this policy.

J. TRAINING

OPD personnel utilizing vehicle GPS tracking technology should receive training on this policy and the legal requirements governing its use, including the California Electronic Communications Privacy Act (CalECPA) and related case law. Training should address lawful authorization requirements, limitations on use, access controls, and data retention obligations associated with vehicle GPS tracking.

OPD personnel responsible for installing, monitoring, or accessing vehicle GPS tracking data should receive training on the operational use of the technology and Department procedures related to its deployment and data handling. Supervisory personnel involved in approving or overseeing the use of vehicle GPS tracking technology should receive training sufficient to ensure compliance with this policy and applicable law.

The Vehicle GPS Tracking Coordinator is responsible for tracking training completion and maintaining associated training records.

K. AUDITING AND OVERSIGHT

The Vehicle GPS Tracking Coordinator is a sworn OPD sergeant assigned to Ceasefire or an equivalent street level enforcement unit designated by the Department. The Coordinator is responsible for tracking all uses of vehicle GPS trackers by OPD. This includes maintaining a record of each deployment, the associated investigation, the legal authority authorizing the use, and the duration of the tracking. The Coordinator ensures that each use of the technology is connected to a CalECPA compliant search warrant or a documented exigency warranting installation, followed by a post hoc search warrant.

The Vehicle GPS Tracking Coordinator reviews vehicle GPS tracking use to ensure compliance with this policy, applicable law, and court orders. This review includes confirming that access to live and historical data was limited to authorized OPD personnel and that data retention and deletion requirements were followed. Any identified issues or noncompliance are addressed through appropriate supervisory or administrative channels.

Information regarding vehicle GPS tracking use may be included in required reporting to the Privacy Advisory Commission and City Council in accordance with Oakland Municipal Code 9.64. This reporting may include aggregate usage information, audit results, and demographic data such as race information when required for reporting purposes. Publicly reportable information is limited to non-investigative data and does not include case specific or personally identifiable information.

L. MAINTENANCE

The Vehicle GPS Tracking Coordinator is responsible for ensuring that vehicle GPS tracking data is managed in accordance with the Data Protection and Data Retention sections of this policy. This includes ensuring that data stored on vendor platforms, physical media, or Department approved evidence management systems is handled consistently with policy requirements.

The Vehicle GPS Tracking Coordinator is also responsible for coordinating with the vendor, when necessary, to address technical issues related to the vehicle GPS tracking system. Maintenance of the tracking devices or associated software is limited to vendor supported processes and does not include modification of the technology by OPD personnel.

By Order of

James Beere
Chief of Police

Date Signed: