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OAKLAND

APPROVED AS TO FORM AND LEGALITY

Amesh Sethi

CITY ATTORNEY'S OFFICE

AMENDED IN CITY COUNCIL
DECEMBER 16, 2025

OAKLAND CITY COUNCIL

RESOLUTION NO. 91008 C.M.S.

RESOLUTION: (1) APPROVING THE OAKLAND POLICE DEPARTMENT SURVEILLANCE USE POLICY "DGO I-32.1 - COMMUNITY SAFETY CAMERA SYSTEM" AND THE ACQUISITION OF SECURITY CAMERAS AND RELATED TECHNOLOGY; (2) AWARDED A TWO YEAR AGREEMENT TO FLOCK SAFETY FOR ACQUISITION OF AUTOMATED LICENSE PLATE READER AND PAN TILT ZOOM CAMERAS, OPERATING SYSTEM TECHNOLOGY, AND RELATED SERVICES AT A COST NOT TO EXCEED TWO-MILLION TWO-HUNDRED FIFTY-TWO THOUSAND FIVE-HUNDRED DOLLARS (\$2,252,500); AND (3) WAIVING THE COMPETITIVE MULTIPLE-STEP SOLICITATION PROCESS REQUIRED FOR THE ACQUISITION OF INFORMATION TECHNOLOGY SYSTEMS AND WAIVING THE LOCAL AND SMALL LOCAL BUSINESS ENTERPRISE PROGRAM REQUIREMENTS

WHEREAS, a Community Safety Camera (CS Camera system) is a fixed camera device, owned and/or controlled by the City of Oakland or a private/public entity, with the capability of live streaming and/or recording videographic data, where the owner/controller of the device and its associated data has explicitly provided authorization to the Oakland Police Department (OPD or Department) to access historical and/or live videographic data in the furtherance of a criminal investigation; and

WHEREAS, the Flock Operating System (FlockOS) is a cloud-based public safety platform designed to integrate and manage data from various sources, including video, automated license plate recognition (ALPR), and gunshot detection systems. It provides real-time investigative information and retrospective investigation capabilities to support the full spectrum of Departmental operations. FlockOS has a native Video Management System VMS platform but also is capable of integrating with outside VMS systems; and

WHEREAS, OPD accessed CS Camera Systems and associated VMS and Operating Systems are intended to deter criminal activity within specific public areas and enhance the Department's ability to address disruptive criminal activity within the community. These disruptive crimes include theft, vehicle theft, human trafficking, reckless driving, sideshow/takeovers, felony evasion, burglaries, robberies, shootings, and homicides; and

WHEREAS, many criminal investigations hinge upon the availability and quality of surveillance video as evidence that is later used in the prosecution of criminal cases. While physical surveillance may also accomplish these goals, it is limited due to the financial cost, the availability of resources, and the physical demands upon members of the Department; and

WHEREAS, CS Camera Systems have the capability of enhancing the Department's ability to address the types of criminal activity that are disruptive within the community while also acting as a resource multiplier within the Department; and

WHEREAS, intent of the Department in using this technology is to facilitate informed enforcement on those involved in specific disruptive criminal activities and to mitigate collateral impact upon the community; and

WHEREAS, on July 16, 2024, City Council adopted Resolution Number 90357 CMS, which authorized OPD to enter into agreements with the State of California and Flock Safety to acquire and use its current Automated License Plater Reader system; and

WHEREAS, under its current agreements with State of California and Flock Safety, OPD uses Flock Safety ALPR cameras owned by the State of California and provided to the City for its benefit; and

WHEREAS, OPD now seeks authority for (1) the City to purchase its own ALPR cameras directly from the Flock Safety to replace and/or upgrade the current set as provided by the State of California and (2) for the purchase of pan tilt zoom cameras that OPD would use for the CS Camera system); and

WHEREAS, Oakland's Surveillance Technology Ordinance (No.13489 C.M.S.), adopted by the City Council on May 15, 2018, and codified as Chapter 9.64 of the Oakland Municipal Code (OMC), sets forth rules and a public review process for the City of Oakland's (City) acquisition and use of new and existing Surveillance Technology; and

WHEREAS, OPD staff has followed the requirements set forth by the Surveillance Technology Ordinance, including drafting a Surveillance Use Policy for CS Camera Systems (DGO I-32.1 – Community Safety Camera System), and presenting that policy for feedback to the Privacy Advisory Commission (PAC); and

WHEREAS, OPD's Surveillance Use Policy for the CS Camera Systems, DGO) I-32.1: Community Safety Camera System (*Attachment A to the accompanying report*) covers relevant elements required by OMC 9.64.030, including the following areas: • Technology Description; • Authorized Use; • Use Restrictions; • Data Access, Data Collection and Retention of 30 days, and Security; • Monitoring and Reporting; and • System Training; and

WHEREAS, OPD staff presented the Surveillance Impact Report and Surveillance Use Policy changes in a revised draft for DGO I-32.1: Community Safety Camera System at the June 5th, July 3rd, September 4th, and October 2, 2025 PAC meetings; and

WHEREAS, during these meetings the PAC engaged in extensive discussion with OPD staff on topics including draft policy provisions on data sharing and auditing, draft contract language, and media reports regarding Flock Safety's camera systems used by local law enforcement in Colorado and other states and questions about whether Flock Safety would be able to comply with the City's Sanctuary Contracting ordinance for the proposed contract; and

WHEREAS, at the October 2, 2025 meeting, the PAC concluded discussions and pursuant to Oakland Municipal Code Section, voted (4 no- 2 yes) to recommend that the City Council *reject* OPD's proposed revised draft to DGO I-32.1; and

WHEREAS, while is respectful of the position of the PAC in voting to reject DGO I-32.1, OPD seeks City Council approval of DGO I-32.1 and approval to purchase a VMS/Operating System from the vendor Flock Safety (Flock); and

WHEREAS, the City Administrator requests City Council authorization to appropriate two million five hundred and twenty-five thousand dollars (\$2,525,000) of City funds for the purchase of a Flock Operating System to support the integration of Public/Private camera systems from the community and the continued use of the existing Flock ALPR system; and

WHEREAS, OPD requests the City Council to authorize the City Administrator to enter into a two (2) year contract with Flock safety, for the period starting at the contract signing, for one million one-hundred fifty-five thousand and five -hundred dollars (\$1,155,500) for the first year, and one-million ninety-seven thousand dollars (\$1,097,000) per year for year two, for a total amount not to exceed two-million two-hundred fifty-two thousand five-hundred dollars (\$2,252,500), for access to Flock operating system, Flock safety ALPR products (291 Flock Safety Falcon, 40 Flock Safety Condors), and related services; and

WHEREAS, the OPD conducted data analysis related to robberies, shootings, and homicides. The OPD Real-Time Operations Center (RTOC) identified commercial corridors as being significantly impacted by burglaries, robberies, shootings and homicides; and

WHEREAS, OPD recognizes that not all commercial corridors have access to surveillance camera infrastructure based on resources, and has sought the use of Department managed PTZ camera systems to supplement community owned/managed camera systems; and

WHEREAS, Oakland Municipal Code (OMC) Section 2.04.042.A requires that the City Administrator conduct a competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems; and

WHEREAS, OMC Section 2.04.042.D provides that the City Council may waive the competitive process upon a recommendation of the City Administrator and finding and determination by the City Council that it is in the best interests of the City to waive the solicitation processes; and

WHEREAS, staff recommends that it is in the best interests of the City to waive the competitive multiple-step solicitation process for the acquisition of any computerized or information technology systems for the following reasons: (1) Flock Safety already provides the current ALPR system used within Oakland by OPD; (2) Flock Safety systems are the most frequently used public safety support system in the Bay Area, supports a regional approach by local agencies to address violent and disruptive criminal activity; and (3) Flock Safety systems have the capability of generating automated audits of its use, which is will enable OPD to better track Surveillance Use Policy compliance pursuant to DGO I-32.1; and

WHEREAS, the Local/Small Local Business Enterprise (L/SLBE) Program, Ordinance No. 13647 C.M.S., requires a minimum fifty-percent (50%) participation for all professional service contracts valued at or over fifty thousand dollars (\$50,000) when there are at least three certified businesses listed in the industry, trade, or profession that constitutes a major category of work; and if at least three L/SLBEs are not certified, then the requirement is either waived, or the 50% requirement may be set at a percentage from 50 % to 0%, but not less than 20% if at least one L/SLBE is certified and available; and

WHEREAS, the City Council may, in its discretion, waive the requirements of the L/SLBE Program; and

WHEREAS, since Flock Safety is not based in Oakland and the proposed agreement with Flock Safety system will need to be completed within a shortened time span and will be used to upgrade the existing system provided by Flock Safety, City staff recommends waiver of L/SBE requirements; and

WHEREAS, the ability to renew and upgrade the existing Flock Safety systems will provide significant staff cost savings since the auditing capability of the new Flock Safety operating system will be automated as opposed to the limited manual auditing capability of the current system; and

WHEREAS, the City Administrator has determined that this contract is professional, scientific or technical and temporary in nature, and the performance of this contract shall not result in the loss of employment or salary by any person having permanent status in the competitive services; and

WHEREAS, California Civil Code Sections 1798.90.50–1798.90.55 (“SB 34”) prohibit state and local law enforcement agencies from sharing, transferring, granting access to, or otherwise making available ALPR information to federal agencies or out-of-state law enforcement agencies for any purpose, and require agencies to implement written policies, technical controls, audit mechanisms, and contractual safeguards ensuring full compliance with these prohibitions; and

WHEREAS, the California Attorney General’s 2023 ALPR Bulletin clarified that the term “public agency” under SB 34 excludes federal and out-of-state agencies entirely, and advises that ALPR or camera-derived information may not be shared with, accessed by, or made available to such entities directly or indirectly, including through vendor-managed platforms, regional networks, or cross-jurisdictional integrations; and

WHEREAS, the City of Oakland, consistent with SB 54 and its own “Sanctuary” policies, prohibits the use of City resources, including surveillance technologies, systems, or data, to support federal immigration enforcement; and

WHEREAS, compliance with SB 34, SB 54, OPD policies DGO 1-12: Automated License Plate Reader and the proposed DGO I-32.1 - Community Safety Camera System,” and Attorney General guidance provides that a contract for ALPR or camera technology include enforceable provisions mandating: (1) technical blocking of access to City data by any federal or out-of-state agency; (2) prohibition on vendor compliance with subpoenas or legal requests from such agencies unless reviewed by the City Attorney; (3) audit logs documenting all access attempts, including denied requests; (4) quarterly compliance reporting to the City; and (5) immediate notification to the City of any attempted or actual unauthorized access; and

WHEREAS, robust oversight of ALPR and camera systems, including detailed reporting, audits, and compliance mechanisms, is essential to ensuring transparency, protecting civil liberties, and maintaining public trust, and therefore such safeguards must be embedded in both departmental policy and contractual agreements; now, therefore be it

RESOLVED: That pursuant to OMC Section 9.64.020.2, for the considerations referenced above and in the agenda report accompanying this resolution and in the Surveillance Impact Report (*Attachment D*), the City Council hereby finds that notwithstanding the recommendation of the Privacy Advisory Commission to reject approval of DGO I-32.1: Community Safety Camera System; 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 approves DGO I-32.1: Community Safety Camera System (*Attachment A*) and the Surveillance Impact Report, and authorizes the City Administrator to acquire and use the proposed new ALPR cameras and pan tilt zoom cameras for the CS camera system; and be it

FURTHER RESOLVED: That DGO I-32.1: Community Safety Camera System (*Attachment A*), is approved with the following additional provisions:

- 1) That CS Camera data shall not be shared with other agencies for purposes of inquiry, investigation, or the criminalization of a person seeking reproductive or gender affirming care in California;
- 2) That CS Camera data shall not be shared with local or state agencies for the purpose of federal immigration enforcement;
- 3) That the CS Camera system may be used for environmental enforcement efforts to combat illegal dumping;
- 4) Two-Key Approval System – barring exigent circumstances, no sharing relationship, data-access grant, or modification of sharing permissions may occur unless approved through a two-key system consisting of:
 - a) the Chief Privacy Officer in the City Administrator’s Office; and
 - b) Oakland Police Department’s Information Technology Director;

- c) in the event of an exigent circumstance the City Administrator's Chief Privacy Officer will be informed 72 hours after the exigency ends, and should be reported out to the Privacy Commission at the next meeting; and be it

FURTHER RESOLVED: That the City Administrator is authorized to enter into a two (2) year contract with Flock safety, for the period starting at the contract signing, for one million one-hundred fifty-five thousand and five -hundred dollars (\$1,155,500) for the first year, and one-million ninety-seven thousand dollars (\$1,097,000) for year two, for a total amount not to exceed two-million two-hundred fifty-two thousand five-hundred dollars (\$2,252,500), for purchase and access to the Flock operating system, Flock safety products (291 FLOCK Safety Falcon cameras, 40 Flock Safety Condors PTZ cameras), and related services and the City Administrator shall include the following provisions to the contract with Flock safety:

1. Flock shall not ever enable a "National Lookup" feature capability for the City to access or be enabled by any law enforcement entity;
 - a. Flock will not reintroduce this option into the software; will not allow a toggle-on switch to be reintroduced to the software available in California and will maintain the hard-code removal of the "National Lookup" feature.
2. Flock will not enable the sharing or accessing of data across state lines
3. Providing for Liquidated Damages in the event the Contractor causes unauthorized sharing of data, up to \$200,000, measured by the cost of unauthorized sharing of data and estimated cost per records affected and based on the IBM Cost of a Data Breach Report of 2025;
4. Flock to provide Real-Time Alerts - the Vendor shall automatically notify both approvers if:
 - (a) the vendor grants any new agency access;
 - (b) the vendor changes any sharing settings;
 - (c) any unauthorized agency attempts to run a query.
5. Flock to conduct a Quarterly Certification - each quarter, the Vendor shall submit a certification, signed under penalty of perjury, attesting that:
 - (a) no federal or out-of-state user accessed or attempted to access Oakland data;
 - (b) Oakland data is not discoverable in any national or multi-state system;
 - (c) all access logs delivered to the City are complete and unaltered; and be it

FURTHER RESOLVED: That the City Council intends that no ALPR or camera-derived information collected by the City, its contractors, or its partner agencies shall be shared with, accessed by, or used by any federal or out-of-state law enforcement agency, directly or indirectly, unless such action is required by a federal judicial warrant or court order, and that all City systems and vendor platforms must be configured and operated in a manner that technically and contractually enforces this requirement; and be it

FURTHER RESOLVED: That funding for the proposed purchase for Fiscal Year 2025/2026 will be available through the General-Purpose Fund (1010), Organization (106410),

Project (1000008), Account (54919), with future years being budgeted via the General-Purpose Fund; and be it

FURTHER RESOLVED: That for the reasons stated above and in the agenda report accompanying this Resolution, the City Council hereby finds and determines that it is in the best interests of the City to waive the multi-step solicitation processes pursuant to Oakland Municipal Code section 2.04.042.D, and, to the extent necessary and for good cause shown, the City's Local/Small Local Business Enterprise program requirements, and so waives these requirements for the proposed IT agreement with Flock Safety; and be it

FURTHER RESOLVED: That the City Administrator or designee is authorized to conduct all negotiations, applications, agreements, extensions and related actions consistent with the purposes of this Resolution, except for increasing the dollar amount, without returning to Council; and be it

FURTHER RESOLVED: This agreement will expire in December 2027. Should the Oakland Police Department want to continue contracting for the services contemplated by this resolution it shall conduct a Request for Proposal (RFP) process for vendors that can provide ALPR capacity and facilitate the CS Camera system sharing with Oakland Police Department. Such new RFP process shall be conducted, and a vendor selected within the two-year time frame of the agreement with Flock; and be it

FURTHER RESOLVED: The City Council requests that the City Auditor conduct an independent compliance audit of the system's data security, and compliance with the data sharing protocol, and to ensure that data is not being shared with federal immigration enforcement. The independent compliance audits shall take place at month 4, 10, 16 and 22 of the 2-year contract with Flock; and be it

FURTHER RESOLVED: That in accordance with Article IV, Section 401(6) of the City Charter, the City Attorney's Office shall review and approve all contracts authorized by this resolution as to form and legality before execution, and a copy of each fully executed agreement shall be placed on file with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 16 2025

PASSED BY THE FOLLOWING VOTE:

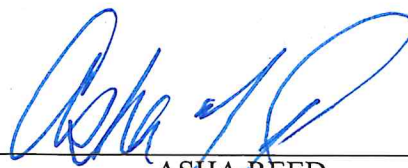
AYES - BROWN, ~~FIFE~~, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND
PRESIDENT JENKINS - 7

1 NOES - Fife

ABSENT - 8

ABSTENTION - 8

ATTEST:


ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

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