



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING UPDATES TO 1) THE OAKLAND POLICE DEPARTMENT (OPD) CRIMINALISTICS LABORATORY (CRIME LAB) DNA INSTRUMENTATION AND ANALYSIS SOFTWARE BIOMETRIC TECHNOLOGY USE POLICY AND (2) SURVEILLANCE IMPACT REPORT FOR ITS USE OF DNA INSTRUMENTATION, ANALYSIS AND SOFTWARE

WHEREAS, the advent of Deoxyribonucleic Acid (DNA) technology and automation equipment has revolutionized law enforcement’s ability to analyze biological evidence at a genetic level; and

WHEREAS, Oakland’s Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018 added 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, “[p]rior 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”; and

WHEREAS, OPD Crime Lab staff presented updates to its DNA Instrumentation and Analysis and Software and DNA Instrumentation Surveillance Use Policy (SUP or Policy, *Attachment A*) and Analysis Software Biometric Technology Surveillance Impact Report (SIR or Report, *Attachment B*) at the June 8, 2023 PAC meeting; and

WHEREAS, the updates included changes to the instrumentation detailed in the original use policy and defined the Information Technology Department’s role in data security and backups; and

WHEREAS, at this June meeting, the PAC voted by majority to recommend both the Policy (*Attachment A*) and Report (*Attachment B*) be approved as amended in the attachments; and

WHEREAS, the SUP (*Attachment A*) covers relevant areas required by OMC 9.64.030, including the following areas:

- Technology Description;
- Authorized Use;
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;
- Monitoring and Reporting;
- System Training; and

WHEREAS, the SIR (*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;
- Track Record of Other Entities; and

WHEREAS, the Crime Laboratory is a full-service forensic science laboratory accredited to ISO/IEC 17025:2017 (ISO) by the American National Standards Institute National Accreditation Board (ANAB); and

WHEREAS, the Crime Laboratory must adhere to all applicable accreditation standards and requirements to successfully maintain and renew accreditation every four years; and

WHEREAS, the Crime Laboratory has implemented validated methods across all its forensic disciplines; and

WHEREAS, those validated methods specify supplies, instrumentation, and other analytical conditions necessary to produce reliable results; and

WHEREAS, the Crime Laboratory's Forensic Biology Unit is required to adhere to the Federal Bureau of Investigation (FBI) DNA Quality Assurance Standards (QAS) in order to maintain access to the Combined DNA Index System (CODIS); and

WHEREAS, the FBI QAS requires the Forensic Biology Unit to use rigorously validated DNA typing methods that use specific quality-controlled reagents and instruments from specific vendors; and

WHEREAS, ANAB requires the Crime Laboratory to use only suitable external

providers of specific supplies, instruments, equipment, instrument service, equipment service, proficiency testing, and evidence collection kits to perform its casework using its validated methods; now therefore be it

RESOLVED: that City Council does hereby approve the updated OPD Crime Lab DNA Instrumentation and Analysis Software Biometric Technology Surveillance Use Policy (*Attachment A*); and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 9.64.030.2, the City Council approves City’s staffs updated Surveillance Impact Report for the DNA Instrumentation and Analysis and Software Surveillance Impact Report, as provided in (*Attachment B*); and be it

FURTHER RESOLVED: That pursuant to Oakland Municipal Code Section 9.64.040, the OPD Crime Lab is in compliance with the Surveillance Ordinance requirement for filing an annual report.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

– FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, and PRESIDENT BAS

AYES –
NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

Asha Reed
City Clerk and Clerk of the Council
of the City of Oakland, California