

APPROVED AS TO FORM AND LEGALITY

Amadis Sotelo
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION ACCEPTING THE ANNUAL REPORT FOR THE CITY'S
GUNSHOT LOCATION DETECTION SYSTEM AND MAKING A
DETERMINATION REGARDING WHETHER THE CITY SHOULD
CONTINUE TO USE THIS TECHNOLOGY**

WHEREAS, Oakland Municipal Code (OMC) Chapter 9.64 (the Surveillance Technology Ordinance) regulates the City's use of surveillance technology and among other things requires that City Council must approve City staff's use of Surveillance Technology; and

WHEREAS, on November 19, 2019, via Resolution 87937 C.M.S., the City Council approved the Surveillance Use Policy for the City's Gunshot Location Detection System (also referred to as "ShotSpotter"), thereby authorizing the Oakland Policy Department (OPD) to use the Gunshot Detection System; and

WHEREAS, OMC Section 9.64.040 provides that following City Council's initial approval of Surveillance Technology, the following must occur for City staff to continue to use the technology:

- City staff submits an Annual Surveillance Report with information on subject surveillance technology program outcomes to the Privacy Advisory Commission (PAC);
- After review by the PAC, City staff submits the Annual Surveillance Report, and the PAC's recommendations, to the City Council;
- The PAC makes a recommendation to the City Council that the benefits to the community of the surveillance technology in question 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;

- Based upon information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC, the City Council makes a determination 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

WHEREAS, on April 4, 2024, City staff presented the Annual Surveillance Report for the Gunshot Location Detection System to the PAC; and

WHEREAS, at their April 4, 2024 meeting, after consideration of the Annual Surveillance Report for the Gunshot Location Detection System, the PAC made a recommendation for City Council to not approve the City's continuing use of the Gunshot Detection System, as follows: "the PAC recommends not to renew or extend the contract with ShotSpotter, which expires June 30, 2024, and that the approximately one point eight million (\$1,800,000) in future savings be directed towards a more effective and proven alternative with less impact to civil liberties that will improve public safety;"and

WHEREAS, City staff respectfully disagrees with the PAC's recommendation to discontinue the City's Gunshot Location Detection System and respectfully recommends that City Council uphold the approval of such technology based on the following considerations:

- gunshots are often not reported and the Gunshot Location Detection System aids OPD staff in the investigation of crimes where a gun is fired;
- in 2023, the Gunshot Location Detection System alerted the OPD to 8,318 unique gunshot incidents, 99% of which were not called in by the community and OPD would not have known about them nor have been able to respond in a timely fashion.
- the Gunshot Detection System has enabled OPD staff to find gunshot victims and render first aid immediately and call for Emergency Medical Services (EMS);
- it is likely that EMS would be delayed for gunshot victims should the Gunshot Detection System be discontinued;
- Oakland's Operation Ceasefire leverages Gunshot Location Detection System data to identify active gang/group conflicts, which enhances laser-like focus on those individuals at great risk of violence, for both preventative and proactive enforcement; now, therefore, be it

RESOLVED: That the City Council hereby accepts the Annual Surveillance Report (**Attachment A**) for the City's Gunshot Location Detection System; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.040.2, based upon the information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC referenced above and discussed in the Agenda Report accompanying this resolution, 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 upholds the authorization of the City Administrator to continue use of the Gunshot Location Detection System.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____

ASHA REED

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

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