



AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: LeRonne L. Armstrong
Chief of Police

SUBJECT: OPD ShotSpotter Contract
Supplemental Report

DATE: June 10, 2021

City Administrator
Approval

Date Jun 10, 2021

RECOMMENDATION

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) Regarding The OPD ShotSpotter Contract.

REASON FOR THE SUPPLEMENTAL REPORT

The City's Surveillance Ordinance No.13489 C.M.S. enshrined in Oakland Municipal Code (OMC) 9.64 "Regulations on City's Acquisition and Use of Surveillance Technology" requires a review of City surveillance technologies. In December 2019, ShotSpotter received a unanimous recommendation from the Oakland Privacy Advisory Commission (PAC) that the City Council adopt the OPD GLD privacy policies.

OMC 9.64.040 requires that a written annual surveillance report be presented to the PAC and City Council following adoption of the technology's Use Policy. The 2020 ShotSpotter Annual Report was presented to the PAC at their May 6, June 3, and Special June 9 meetings. OPD revised the annual report presented to the May 6 and June 3 meetings to better address concerns of the PAC, as well as to better comply with all report requirements enshrined in OMC 9.64. The PAC voted unanimously at the June 9 meeting to accept the OPD 2020 Annual ShotSpotter Report (see **Attachment A**) with several findings (see **Attachment B**).

The PAC findings (**Attachment B**) are that the report does not sufficiently demonstrate: 1) how staff are trained to understand the ShotSpotter Use Policy; 2) a nexus between ShotSpotter and arrests or convictions; 3) how use policy audits are conducted; and 4) how sharing of ShotSpotter-derived information is logged with third parties. However, the PAC findings do acknowledge that the ShotSpotter 2020 Annual Report does illustrate many benefits including finding 123 shooting victims, where no community member reported the shooting; that the OPD response to ShotSpotter activations allowed at times for immediate medical response that likely saved several lives; and that 69 firearms were discovered and seized directly due to ShotSpotter activations.

The PAC findings also provide a mathematical formula that divides the cost of the technology by the number of shooting victims, as well as weapons seized vs total technology cost. OPD does

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not concur with this analysis: OPD believes the analysis does not include the value to OPD of 6,053 ShotSpotter notifications where OPD was able to respond to shootings, find evidence and support crime fighting and investigations in many ways that are not directly connected to shooting victims and/or quantifiable arrests. Furthermore, the PAC's mathematical analysis may be construed as putting a low and restrictive monetary value on the lives of shooting victims. The analysis may also be construed in a narrow manner that does not fully realize the connections of guns seized to other investigations.

The PAC report findings also waive the requirements of an analysis of race of individuals subject to the use of such technology, as follows:

Waiver of O.M.C. 9.64.010 1 E – analysis of race

The PAC hereby waives the requirement that an analysis of the race of individuals subject to the use of such technology. Although some competing products presently capture such information, and ShotSpotter in the future may do so as well, at present OPD would have to somehow find each individual and either confirm their race themselves or ask individuals to self-identify. The probative value of such an exercise is less than the administrative burden, and it presents an unwarranted invasiveness into the individual's privacy interests. The Ordinance allows the PAC to unilaterally waive this obligation.

The PAC's full motion, as illustrated in Attachment B is as follows:

- *The PAC recommends that the City Council accept this annual report and find that the benefits of using the ShotSpotter technology, which includes the provision of medical care to victims, outweighs the potential negative impact to our civil liberties and the cost of the technology.*
- *The PAC further recommends that the City Council direct the City Administrator to direct OPD to immediately develop audit protocols for each piece of surveillance technology, in addition to protocols to track the use (and any benefits) of each piece of surveillance technology.*

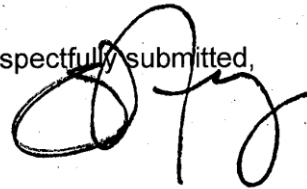
OPD personnel appreciate the oversight provided by the PAC Commissioners to ensure that annual reports align with all OMC 9.64 requirements. OPD recognizes the challenges of tracking the use of surveillance technology, especially technology that is used daily by different OPD personnel. OPD will continue to develop protocols to best track the use of technology to document their use and to produce robust annual reports.

ACTION REQUESTED OF THE FINANCE AND MANAGEMENT COMMITTEE

Staff Recommends That The City Council Receive This Supplemental Report From The Oakland Police Department (OPD) Regarding The OPD ShotSpotter Contract.

For questions regarding this report, please contact Drennon Lindsey, Deputy Chief, Bureau of Investigations at dlindsey@oaklandca.gov.

Respectfully submitted,



LeRonne L. Armstrong
Chief of Police
Oakland Police Department

Reviewed by:
Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

Prepared by:
Bruce Stoffmacher, Legislation and Privacy Manager
OPD, Research and Planning Manager