



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION APPROVING THE OAKLAND PUBLIC WORKS (OPW) ILLEGAL DUMPING SURVEILLANCE CAMERA PROGRAM USE POLICY AND SURVEILLANCE IMPACT REPORT, AND THE DEPLOYMENT OF PORTABLE OBSERVATION DEVICE (POD) SURVEILLANCE CAMERAS AT KNOWN DUMPING HOT SPOTS

WHEREAS, Oakland's Surveillance Ordinance No.13489 C.M.S., adopted by the City Council on May 15, 2018, adds Chapter 9.64 to the Oakland Municipal Code (OMC) covering 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 states that, "Prior 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, the goal of installing surveillance cameras near chronic dumping hot spots is to capture video evidence that identifies dumpers or produces supporting information needed to build credible cases for prosecution; and

WHEREAS, staff believes there will be an immediate mitigating effect on illegal dumping because the video evidence will lead to a notable increase in prosecutions and convictions. And over time, surveillance cameras may serve as an ongoing, visual deterrent to potential dumpers after the surveillance program matures; and

WHEREAS, on August 5, 2021, OPW staff presented a Use Policy and Surveillance Impact Report for Verkada Surveillance Cameras, where the proposal was rejected due to the product's "facial recognition-like technology". The PAC Chair formed a PAC Ad Hoc Committee and directed staff to work with said Committee and return with a new or revised surveillance camera proposal; and

WHEREAS, through robust discussion and collaboration in PAC Ad Hoc sessions, OPW developed substantial privacy mitigations for a new surveillance product, the Portable Observation Device (POD), outlined below and in the report accompanying this resolution; and

WHEREAS, the POD is an all-in-one, portable, plug and play surveillance system that only requires 110v power to activate. It comes in two basic models. The i4POD-P/ i4POD-S has four (4) cameras; the i2POD has two (2) cameras. Both models include a digital video recorder, a cellular router and a Wi-Fi transmitter – all housed in an easy to move and mount enclosure; and

WHEREAS, OPW staff returned to the December 2, 2021, PAC meeting to present a new Use Policy and Surveillance Impact Report for Security Lines U.S.’s POD Surveillance System. The Use Policy covered key elements required by Surveillance Technology Ordinance, including:

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

WHEREAS, the Surveillance Impact Report covers the following areas:

- 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; and
- Track Record of Other Entities; and

WHEREAS, the PAC voted unanimously to recommend the City Council approve OPW’s Use Policy (*Attachment A*) and Surveillance Impact Report (*Attachment B*) with three amendments (*Attachment C*) and use POD surveillance cameras in the public right of way near illegal dumping hot spots; therefore be it

RESOLVED: that City Council does hereby approve the OPW Illegal Dumping Surveillance Camera Program Use Policy as provided in *Attachment A*, with amendments detailed in *Attachment C* accompanying this resolution; and be it

FURTHER RESOLVED: that City Council does hereby approve the OPW Surveillance Impact Report as provided in *Attachment B* to the report accompanying this resolution; and be it

FURTHER RESOLVED: that pursuant to OMC 9.64.020.2, City Council has considered the PAC’s recommendation to favor City Council authorization of the acquisition and use of the POD Surveillance Systems; and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above by City staff and addressed in the agenda report and surveillance impact report accompanying this resolution, the City Council finds that the benefits to the community from the use 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 authorizes the City Administrator or designee's acquisition and use of POD Surveillance Systems.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California