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APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89000 C.M.S.

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**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,

**JAN 18 2022**

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS ~~8~~

NOES - ~~0~~

ABSENT - ~~0~~

ABSTENTION - ~~0~~

ATTEST:



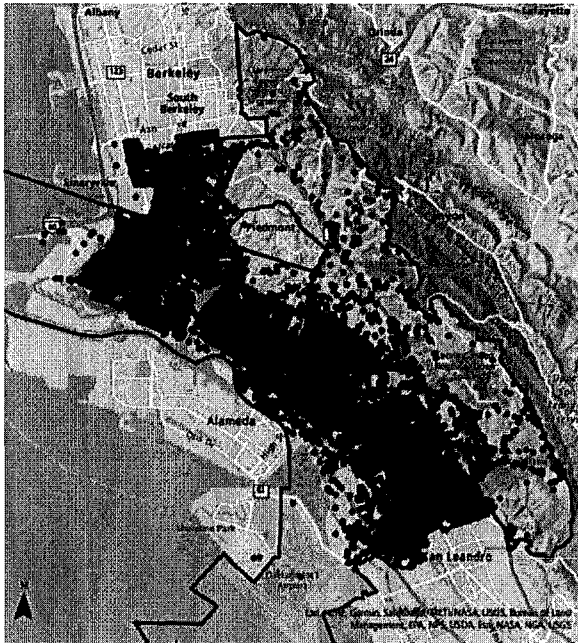
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City Clerk and Clerk of the Council of the  
City of Oakland, California

City of Oakland

Public Works Department Surveillance Technology Use Policy for Illegal Dumping  
Surveillance Cameras

A. Purpose



FY20-21 Illegal Dumping Work Orders Completed by KOCB

Illegal dumping is an epidemic in Oakland. The City is resolved to turn the tide on the widespread dumping by holding violators accountable. But as personnel necessary to deter dumping are limited, surveillance cameras offer the City a viable way to enhance/ support the investigative work performed by Oakland Public Works' (OPW's) four Environmental Enforcement Officers (EEOs). This Use Policy is for the operation of the POD – a surveillance system by Security Lines U.S.

The goal of installing POD units near chronic dumping hot spots is to capture video evidence that identifies dumpers or produces supporting information needed to build credible cases for prosecution.

Staff believes there will be an immediate chilling effect on illegal dumping once the City prosecutes more cases using video evidence. Dumpers will have to re-evaluate their desire to dump against the higher risk of getting caught. Over time, surveillance cameras may serve as an ongoing, visual deterrent to potential dumpers after the surveillance program matures.

B. Authorized Use

Authorized use of the POD surveillance system:

- surveilling illegal dumping activity in the City of Oakland

Absent a specific written waiver from affected property owners or current residents, City staff shall use the masking features to obscure areas not in the public right of way. A record of waivers shall be included in the annual report.

Only staff with a need to know and a right to know will have access to recordings captured by the POD system. See sections **D. Data Access**, and **H. Third Party Data Sharing**, for a list of individuals who will be authorized to access and/or view surveillance data.

### C. Data Collection

Data collection occurs inside a POD housing unit near chronic illegal dumping hot spots. Video captured from the cameras are recorded directly to the digital video recorder's (DVR's) hard drive (2 TB SATA). DVRs do not possess artificial intelligence (AI) or analytics such as facial recognition. The POD surveillance system does not connect to the Cloud.

### D. Data Access

There are three different levels of security to safeguard access to the video data.

1. Cellular router level: An authorized user's computer must be recognized by the cellular router ("Router") before s/he can gain access to the POD system. Personnel with "admin/super user" profiles will specify which computers' IP addresses the Router recognizes. A unique username/password is required to configure the Router.
2. Desktop software level: To interface with the POD system, proprietary POD software will be installed on an authorized user's computer. A unique username/password is required to access software. Different levels of POD access – view only, PTZ camera control, video search & download, and admin/super user access – may be assigned to different personnel by the admin/super user.
3. DVR level (for **optional** mobile phone application only): Each POD has its own DVR. To access a specific POD's recordings, a separate username/password is required to access the DVR associated with that POD. Like the desktop software, users may be added or removed and given different levels of access.

The City of Oakland has sole access to POD video data. Vendor Security Lines U.S. cannot access nor control POD units installed by their clients. The POD surveillance system does not connect to the Cloud. Furthermore, OPW will assign "occasional, as-needed" users with view only access, while select Environmental Enforcement Unit personnel will be granted view and PTZ control access, as well as clearance to search and download video footage. Finally, OPW will limit admin/super user access with the ability to add/delete users to two OPW personnel.

Individuals authorized to access and/or view surveillance camera information include:

Oakland Public Works –

- KOCB Operations Manager, who oversees the EEU, will be able to add/delete users and will be granted admin/super user access.
- OPW Bureau of Environment's Administrative Services Manager, who oversees the Illegal Dumping Surveillance Camera Use Policy, will be able to add/delete users and be given admin/super user access.

## Attachment A

- Environmental Enforcement Unit (EEU) Supervisor and EEU Administrative Analyst, who will be tasked with checking cameras for illegal dumping activities and remote monitoring the POD units, will be given access to view video, control PTZ cameras, as well as search and download video evidence. EEU Supervisor and EEU Administrative Analyst will not have the ability to add or delete users.
- EEOs who investigate illegal dumping cases will be viewing and handling select video clips to gather and package evidence for the OCA. Security access to the POD system may be granted based on operational needs.

### E. Data Protection

Since its introduction in 2009, the POD surveillance system has never been hacked. POD DVRs are Linux-based. Downloaded video is encrypted. Video recordings cannot be played using standard video players (e.g. Windows Media Player). Please refer to section **D. Data Access** for the multi-level security measures required to access POD systems.

### F. Data Retention

There are 2 ways video data are retained.

1. **DVR hard drive:** The POD DVR records video to the hard drive housed inside the POD unit. The hard drive automatically over-writes the oldest recordings. Routine video recordings not downloaded will be purged automatically and permanently by the DVR every 14 days, when new video is saved on top of the oldest recordings.
2. **Downloaded video:** Video will only be downloaded when it contains adequate evidence of illegal dumping to warrant possible enforcement actions. An authorized user will download the video clips via the POD desktop software to a secure OPW folder. Downloaded recordings will be purged once filed claims, pending litigation, and/or criminal investigations and prosecutions conclude.

### G. Public Access

Except where prohibited or limited by law, the public may access the City's video data through public records requests. However, prior to the release of any information to a surveillance-related public records request, staff will consult with the City Attorney's Office for review and guidance.

**H. Third Party Data Sharing**

There is no third-party data sharing with the POD surveillance system. The vendor cannot access the City's video data through the POD software. Computers with IP addresses entered by the City's admin/super user are the only computers permitted to access the PODs. (See section **D. Data Access**) The POD surveillance system does not connect to the Cloud.

Other City departments or non-City entities that may view or use POD video recordings are:

City Attorney's Office (OCA) –

- Assigned City Attorney staff in OCA's Litigation Division will view select video clips 1) to ascertain the viability of the video evidence, and 2) to work up a case to initiate legal actions to prosecute the dumper for violations of the Oakland Municipal Code. Security access to the POD system is not required.

Administrative Hearing Officer –

- Assigned Administrative Hearing Officer may view select video clips in the course of adjudicating illegal dumping cases via the City's administrative hearings (due process hearings for violators that appeal the City's determinations on violations). Security access to the POD system is not required.

Oakland Police Department (OPD)/ Alameda County District Attorney's (DA's) Office –

- In the event POD cameras capture illegal dumping of the scale and/or nature that warrant criminal investigations, EEU staff may share select video clips with OPD and/or the DA's Office for further illegal dumping investigatory and enforcement actions. Security access to the POD system is not required.
- In the event POD cameras capture general illegal activity that reasonably appears to constitute "violent forcible crimes" as defined by OPD's Departmental General Order J-04 – Pursuit Driving Appendix A, Paragraph H: "Violent Forcible Crime," Environmental Enforcement Unit (EEU) staff shall promptly download the relevant video footage, forward said recording to OPD for possible investigatory and enforcement action, and log the incident. This log shall be incorporated into the annual report required by O.M.C. [Oakland Municipal Code] 9.64.040
- OPW shall report within 72 hours any Oakland Police Department (OPD) request for video recordings captured by POD units to the Chief Privacy Officer and Privacy Advisory Commission (PAC) Chair. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next regularly scheduled meeting.

# Attachment A

## I. Training

Training is available in video tutorials and written formats on vendor Security Lines U.S.'s website in a members-only area. One on one remote training is available. The Administrative Services Manager in OPW's Bureau of Environment shall conduct training with authorized POD users. Training will include reading this Use Policy and reviewing operational procedures required to adhere to the Policy.

## J. Auditing and Oversight

The Administrative Services Manager in OPW's Bureau of Environment shall conduct annual assessments to ensure authorized users comply with the Use Policy.

All POD user and device activity are logged. Designated admin/super users can access and view audit logs at the camera level. The audit log tracks system access and ties each action to a user for events such as:

- User Log-ins/ Log-outs by IP address
- User Management (add, edit, delete users; settings imported/exported)

The audit log also tracks device specific events such as:

- Recordings stopped and started
- Reboots
- Power On
- Time syncs

*Example of audit log.*





## **Attachment A**

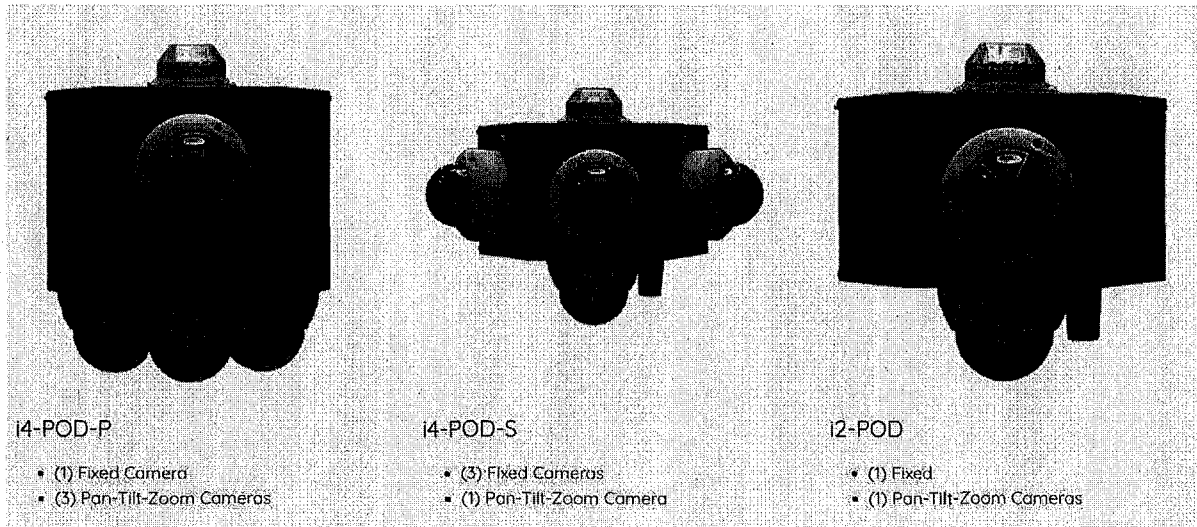
### **K. Maintenance**

Security Lines U.S. offers but does not require a maintenance contract. The POD's simple, rugged design requires minimal maintenance. Vendor and existing client testimonials suggest that maintenance, when required, constituted the occasional replacement of a hard drive or camera cover, which most client organizations service themselves.

City of Oakland

**Public Works Department Surveillance Impact Report for Illegal Dumping  
Surveillance Cameras**

**A. Description:**



The POD is an all-in-one, portable surveillance system. 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 wifi transmitter – all housed in an easy-to-move and mount enclosure. The POD is plug and play; the City needs only to supply 110v power to activate system.

i4POD-P and i4POD-S with 4 cameras:

- One (1) or three (3) stationary cameras with a 160-degree wide view.
- One (1) or three (3) pan/tilt/zoom cameras (PTZs) that offer 360 degrees view and zoom at 12x optical and 10x digital to enable flexibility to capture exactly what the user wants to see.

i2POD with 2 cameras:

- One (1) stationary camera with a 160-degree wide view.
- One (1) PTZ camera that pans and tilts 360 degrees and zooms at 12x optical and 10x digital to enable flexibility to view exactly what the user wants to see.

Additional “bullet” camera: An additional bullet camera is used to enhance the ability to view license plates clearly. Bullet cameras do not store license plate information. There is no AI, no analytics, and no retention of license plate information in databases. All license plate information will be captured manually (visually) by the authorized user and sent to the City Attorney’s Office (OCA) to obtain DMV records.

Digital video recorder (DVR): The POD DVR records video to a 2TB hard drive. It also streams encrypted video to the user using the POD desktop software, browser or

## Attachment B

smartphone app. Video footage can be viewed live, searched, played back, and downloaded via cellular or wifi connection.

Cellular router: Router uses internet service providers (ISPs) for connectivity, enabling users to access DVR and all other functions remotely.

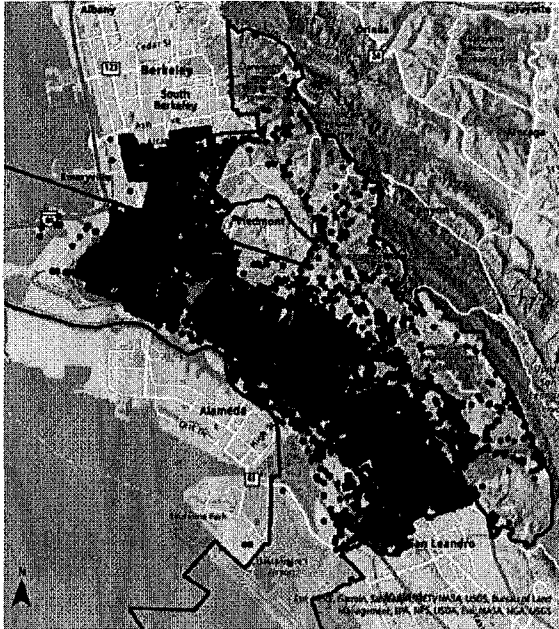
Wifi transmitter: Wifi transmitter sends a wireless signal similar to a home or office router. It offers secondary access to a DVR and all its functions if a cellular signal is unavailable or if the video is too large to transmit via cellular. User will drive up to a POD and connect an authorized laptop to the wifi signal, as one would at home or



office.

IR Floodlight: Infrared lighting will be used to enhance video image capture in low/poor lighting locations. The IR Floodlight can illuminate an area like a floodlight that only the camera can detect.

**B. Purpose:**



Illegal dumping is an epidemic in Oakland. The City is resolved to turn the tide on the widespread dumping by holding violators accountable. But as personnel necessary to deter dumping are limited, surveillance cameras offer the City a viable way to enhance/ support the investigative work performed by Oakland Public Works' (OPW's) four Environmental Enforcement Officers (EEOs). This Use Policy is for the operation of the POD – a surveillance system by Security Lines U.S.

The goal of installing POD units near chronic dumping hot spots is to capture video evidence that identifies dumpers or produces supporting information needed to build

*FY20-21 Illegal Dumping Work Orders Completed by KOCB*  
credible cases for prosecution. Staff believes there will be an immediate chilling effect on illegal dumping once the City prosecutes more cases using video evidence. Dumpers will have to re-evaluate their desire to dump against the higher risk of getting caught. Over time, surveillance cameras may serve as an ongoing, visual deterrent to potential dumpers after the surveillance program matures.

**C. Location:**

Cameras will be placed Citywide, in public rights of way nearest to chronic dumping “hot spots”. Hot spots often contain dumping where there is insufficient evidence connecting the dumped piles to dumpers and therefore are ideal for surveillance cameras. Public rights of way include but are not limited to City assets such as street light poles, traffic signal poles, and other public assets like bus stop shelters (through coordination with AC Transit), and City-installed wooden posts. The City may also explore installing POD units on private properties through local business/private resident partnerships.

The POD's tamper-proof housing unit will be installed using simple mounting straps. Installations will be performed by Keep Oakland Clean & Beautiful (KOCB) staff. Preliminary plans are for the City to deploy POD systems in phases based on initial trial use, available funding, and Cityworks data tracking the effectiveness of surveillance cameras at chronic hot spots.

**D. Impact:**

OPW recognizes that all people have an inalienable right to privacy and are committed to protecting and safeguarding this right.

## Attachment B

OPW does not seek to track the movement of individuals. However, OPW understands that the public may be concerned that the surveillance, retention, and analysis of video information over time could potentially be used to generate a detailed profile of an individual's movement or be abused for other inappropriate purposes.

Specifically, OPW recognizes the following public concerns:

- **Identity capture.** The public may be concerned that the cameras will capture personally identifiable information without notice or consent. And although POD surveillance cameras do not independently generate information that identifies vehicle occupants, license plate information can be used to determine the registered owner. In addition, vehicle occupants or immediate surroundings (including addresses) may be pictured. As a result, it is possible that individuals with access to this data could do additional research to identify the individual.
- **Misidentification.** The public may be concerned that individuals may be misidentified as the person driving a vehicle and is doing the dumping. This could lead to government actions against such individuals in error.
- **Activity monitoring.** The public may be concerned that the cameras' data will enable individuals' behaviors to be revealed to and/or monitored by OPW or other government agencies, their partners or affiliates, companies interested in targeted marketing, and/or the public. Such concerns may include basic information about when individuals are in certain locations, as well as fears of what government or individuals may infer from this data (i.e., marital fidelity, religious observance, or political activity). Although video recordings and license plate numbers are gathered from public places, this could conflict with an individual's expectation of locational privacy.

### E. Mitigations:

OPW will take multiple steps to mitigate privacy concerns:

- OPW will use the POD surveillance system in accordance with the proposed *Illegal Dumping Surveillance Cameras Use Policy* (attached), as well as all applicable laws, policies, and administrative instructions.
- OPW will not use or deploy the POD system in a discriminatory, viewpoint-based, or biased manner.
- **Surveillance systems will be deployed for the purpose of capturing illegal dumping activities only.** POD units will be installed in public rights of way (and potentially at local businesses and private properties through local business/

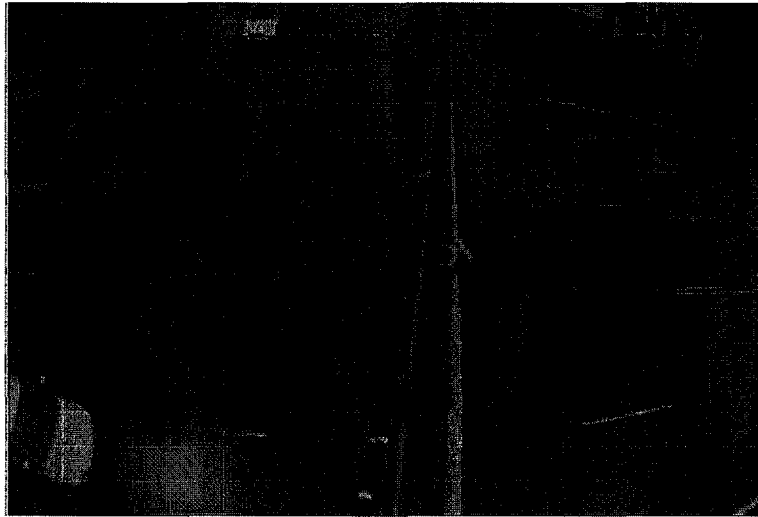
## Attachment B

private resident partnerships) at or near known hot spots where chronic dumping occurs.

- The proposed POD system (i.e., cameras and software) does not contain analytics that tracks the movement of individuals. The POD's DVR may be set to record based on motion detection via pixel changes to specified areas of a camera's field of vision to minimize the public being unnecessarily recorded. The POD system can also mask or blackout sections of a video image that fall outside of the targeted dumping areas so that images such as houses, sidewalks, etc., can be made unviewable to all authorized users.

## Attachment B

*Example of how the City can select specific areas to activate motion-based recording.*



- Bullet cameras do not use AI to analyze license plate information. The authorized user will capture all license plate information manually (visually) and be referred to the City Attorney's Office (OCA) for DMV records. NOTE: Oakland Municipal Codes permit EEOs to cite both the dumper and the vehicle's owner used in a dumping incident. A robust appeal process is in place for individuals to appeal a citation if they feel they were cited in error.
- OPW will not purchase the additional equipment required to enable the POD's audio feature.
- OPW will limit admin/superuser access to add/delete users and/or change user access to two (2) OPW Managers.
- Routine video recordings not downloaded will be purged automatically and permanently by the DVR every 14 days when new video is saved over the oldest recordings.
- OPW will retain and use license plate information and video footage strictly for the enforcement of illegal dumping and will only forward footage containing illegal dumping activities to the OCA, assigned Hearing Officer, OPD and/or Alameda County's District Attorney's Office for prosecution.
- Data containing illegal dumping activities will be saved to a secure folder by authorized KOCB staff only. Downloaded video recordings and license plate

## Attachment B

information will be purged once filed claims, pending litigations, and/or criminal investigations conclude.

- OPW will conduct annual audits of license plate information and video footage to ensure compliance with the destruction schedule and verify that authorized users and administrators follow the Use Policy.
- OPW shall report within 72 hours any Oakland Police Department (OPD) request for video recordings captured by POD units to the Chief Privacy Officer and Privacy Advisory Commission (PAC) Chair. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next regularly scheduled meeting.
- OPW will seek the Privacy Advisory Commission's review and recommendation prior to making changes to the POD's use.

### F. Data Types and Sources:

- Image, video recordings
- License plate information as visible in video recordings
- Audit logs

### G. Data Security:

*Per Public Works Department Surveillance Technology Use Policy for Illegal Dumping Surveillance Cameras...*

Data Access – There are three different levels of security to safeguard access to video data.

1. Cellular router level: The cellular router ("Router") must recognize an authorized user's computer before s/he can gain access to the POD system. Personnel with "admin/superuser" profiles will specify which computers' IP addresses the Router recognizes. A unique username/password is required to configure the Router.
2. Desktop software level: To interface with the POD system, proprietary POD software will be installed on an authorized user's computer. A unique username/password is required to access the software. Different levels of POD access – view only, PTZ camera control, video search & download, and admin/superuser access – may be assigned to different personnel by the admin/superuser.



## Attachment B

3. DVR level (for **optional** mobile phone application only): Each POD has its own DVR. To access a specific POD's recordings, a separate username/password is required to access the DVR associated with that POD. Like the desktop software, users may be added or removed and given different levels of access.

The City of Oakland has sole access to POD video data. Vendor Security Lines U.S. cannot access nor control POD units installed by their clients. The POD surveillance system does not connect to the Cloud. Furthermore, OPW will assign "occasional, as-needed" users with view-only access, while select Environmental Enforcement Unit personnel will be granted view and PTZ control access, as well as clearance to search and download the video footage. Finally, OPW will limit admin/superuser access with the ability to add/delete users to two OPW personnel.

Individuals authorized to access and/or view surveillance camera information include:

Oakland Public Works –

- KOCB Operations Manager, who oversees the EEU, will be able to add/delete users and will be granted admin/superuser access.
- OPW Bureau of Environment's Administrative Services Manager, who oversees the Illegal Dumping Surveillance Camera Use Policy, will be able to add/delete users and be given admin/superuser access.
- Environmental Enforcement Unit (EEU) Supervisor and EEU Administrative Analyst, who will be tasked with checking cameras for illegal dumping activities and remote monitoring the POD units, will be given access to view video, control PTZ cameras, as well as search and download video evidence. EEU Supervisor and EEU Administrative Analyst will not have the ability to add or delete users.
- EEOs who investigate illegal dumping cases will be viewing and handling select video clips to gather and package evidence for the OCA. Security access to the POD system may be granted based on operational needs.

Data Protection – Since its introduction in 2009, the POD surveillance system has never been hacked. POD DVRs are Linux-based. Downloaded video is encrypted. Video recordings cannot be played using standard video players (e.g., Windows Media Player). Please refer to "*Data Access*" for the multi-level security measures required to access POD systems.

Data Retention – There are 2 ways video data are retained.

1. DVR hard drive: The POD DVR records video to the hard drive housed inside the POD unit. The hard drive automatically overwrites the oldest recordings. Routine

## Attachment B

video recordings not downloaded will be purged automatically and permanently by the DVR every 14 days, when new video is saved on top of the oldest recordings.

2. Downloaded video: Video will only be downloaded when it contains adequate evidence of illegal dumping to warrant possible enforcement actions. An authorized user will download the video clips via the POD desktop software to a secure OPW folder. Downloaded recordings will be purged once filed claims, pending litigations, and/or criminal investigations conclude.

Public Access – Except where prohibited or limited by law, the public may access the City's video data through public records requests. However, prior to the release of any information to a surveillance-related public records request, staff will consult with the City Attorney's Office for review and guidance.

Third-Party Data Sharing – There is no third-party data sharing with the POD surveillance system. The vendor cannot access the City's video data through the POD software. Computers with IP addresses entered by the City's admin/superuser are the only computers permitted to access the PODs. (See "Data Access") The POD Surveillance System does not connect to the Cloud.

Other City departments or non-City entities that may view or use POD video recordings are:

*City Attorney's Office (OCA) –*

- Assigned City Attorney in OCA's Litigation Unit will view select video clips 1) to ascertain the viability of the video evidence, and 2) to work up a case to initiate legal actions to prosecute the dumper for violations of the Oakland Municipal Code. Security access to the POD system is not required.

*Administrative Hearing Officer –*

- Assigned Administrative Hearing Officer may view select video clips in the course of adjudicating illegal dumping cases. Security access to the POD system is not required.

*Oakland Police Department (OPD) / Alameda County District Attorney's (DA's) Office –*

- In the event POD cameras capture illegal dumping of the scale and/or nature that warrant criminal investigations, EEU staff may share select video clips with OPD and/or the DA's Office for further illegal dumping investigatory and enforcement actions. Security access to the POD system is not required.

H. **Fiscal Cost:**

The i2POD, i4POD-S, and i4POD-P are priced at \$5,495, \$7,195, and \$7,995, respectively. Installation will be performed by KOCB staff but can also be installed by the vendor for a one-time fee. There are no mandatory annual maintenance service fees or initial per-camera licensing fees. Ongoing cost consists of monthly cellular service.

The monitoring of the POD system and the reviewing/searching/downloading of video footage containing potentially enforceable illegal dumping activities will be performed by the EEU's Analyst. Time required to perform job duties associated with the new surveillance cameras will likely necessitate one additional administrative personnel to assume portions of the Analyst's current job duties.

Funding to purchase the trial POD units is available in the FY21-23 Approved Budget in ORGs 30674/30676.

I. **Third-Party Dependence:**

Cellular service provided by the City's ISP(s). The POD Surveillance System does not connect to the Cloud.

J. **Alternatives:**

**Status Quo** - Do not deploy surveillance cameras. There will not be any financial outlay for surveillance cameras. However, illegal dumping abatement costs (over \$5.6M in annual expenditure for FY20-21) will likely continue to rise precipitously if the City continues operation as is. The City will need to answer to the constituents demanding the City take decisive action against dumpers. The City will continue to struggle with addressing dumping at chronic hot spots.

**Sting Operations with OPD** - Request assistance from OPD to conduct sting operations at chronic hot spots to catch dumpers in the act. This is not a viable solution because: 1) it is cost-prohibitive; 2) OPW has been advised on multiple occasions OPD does not have the resources to assist with illegal dumping enforcement due to higher priority crimes; 3) the Mayor and CAO may likely not support allocating sworn officers to illegal dumping enforcement.

**Hire More EEOs** - Bring on more EEOs to patrol hot spots and catch dumpers. Funding to hire three additional EEOs is in place for FY22-23. Nevertheless, this is not a viable long-term solution because: 1) it will be cost-prohibitive to hire enough EEOs to provide adequate coverage of areas prone to chronic dumping; 2) more EEOs do not necessarily translate to greater success in catching dumpers if there is insufficient evidence to prosecute. Without supporting evidence, the only way an EEOs can catch a dumping violator is to witness the individual in the act of dumping.

### K. Track Record:

San Leandro, Sacramento, Fremont, Alameda, Livermore, and Milpitas are just a few of the regional municipalities using the POD surveillance system. In October 2021, OPW staff solicited product reviews from the City of Alameda and the City of Livermore. Both cities gave full endorsements for the product. Key features of the POD system that garnered positive reviews were:

- Tamper-proof housing unit: weather-tested, near-indestructible casing
- Easy set-up: system only requires 110v power, mounting bracket, and mounting straps to install
- Mobile: easy to move a unit to other locations
- Reliability: minimal downtime with stable cellular service
- Minimal maintenance: simple design makes for minimal maintenance
- Simple to use
- Clean, crisp video images

Neither Security Line U.S. nor the POD system has experienced any data breach since its introduction in 2009.

## Attachment C

### Attachment C: PAC Amendments to Use Policy for Illegal Dumping Surveillance Cameras

On December 2, 2021, the City's Privacy Advisory Commission unanimously approved OPW's proposed use of surveillance cameras in the public right of way near illegal dumping hot spots with the following three amendments to the Use Policy (**Attachment A**):

- 1) Repeat in the Use Policy, the following reporting clause from the Impact Statement, Section E. Mitigations:

*OPW shall report within 72 hours any Oakland Police Department (OPD) request for video recordings captured by POD units to the Chief Privacy Officer and Privacy Advisory Commission (PAC) Chair. OPD's request will describe the nature of the investigation for which the video data is being requested. This information will be reported to the PAC at its next regularly scheduled meeting.*

- 2) In the Use Policy, under Third-Party Data Sharing: include the following Approved Policy as presented at the meeting:

*In the event POD cameras capture general illegal activity that reasonably appears to constitute "violent forcible crimes" as defined by OPD's Departmental General Order J-04 – Pursuit Driving Appendix A, Paragraph H: "Violent Forcible Crime," Environmental Enforcement Unit (EEU) staff shall promptly download the relevant video footage, forward said recording to OPD for possible investigatory and enforcement action, and log the incident. This log shall be incorporated into the annual report required by O.M.C. [Oakland Municipal Code] 9.64.040*

- 3) In the Use Policy, under Authorized Uses: include the following Approved Policy as presented at the meeting:

*Absent a specific written waiver from affected property owners or current residents, City staff shall use the masking features to obscure areas not in the public right of way. A record of waivers shall be included in the annual report.*