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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90366 C.M.S.

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT'S (OPD) RECENTLY UPDATED SURVEILLANCE USE POLICY (SUP) AND SURVEILLANCE IMPACT REPORT (SIR) IN ORDER FOR OPD TO CONTINUE USE OF ROBOTS AND POLE CAMERAS

WHEREAS, the Surveillance Technology Ordinance, codified in relevant part at Oakland Municipal Code Section (OMC) 9.64.030.1.C, requires City Council approval for City staff to use new and existing surveillance technology; additionally, OMC Section 9.64.020.1 requires 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 (SIR) and Surveillance Use Policy (SUP) to the Privacy Advisory Commission (PAC) for its review at a regularly noticed meeting. The SIR and SUP must address the specific subject matter specified for such reports as defined under 9.64.010"; and

WHEREAS, for certain types of Surveillance Technology, Government Code Section 7070 and Oakland Municipal Code Chapter 9.65 require a separate approval process from what the Surveillance Technology Ordinance requires in order for the Oakland Police Department (OPD) to acquire and use Militarized equipment (the Military equipment approval process); and

WHEREAS, OPD has drafted Departmental General Order I-26 Remote Controlled Ground System (Robots) and Pole Cameras Use Policy (a SUP) and an accompanying SIR

WHEREAS, on March 31, 2023 pursuant to the Military equipment approval process, the Oakland City Council, approved OPD's Departmental General Order I-26 (Robot and Pole Camera use policy) by adopting Ordinance Number 13731 CMS; and

WHEREAS, in January 2024, the City Council authorized a settlement (Settlement Agreement) of the lawsuit *Secure Justice/Hofer v. City of Oakland*, which requires among other things requires that the Remote Controlled Ground System (Robots) and Pole Cameras Use Policy be submitted to the Privacy Advisory Commission for feedback; and

WHEREAS, pursuant to the Settlement Agreement and Surveillance Technology Ordinance, OPD has revised the Remote Controlled Ground System (Robots) and Pole Cameras use policy and presented it to the PAC for their feedback; and

WHEREAS, on March 7, 2024, the PAC voted unanimously to recommend that

the City Council approve OPD's amended Remote Controlled Ground System (Robots) and Pole Cameras use policy (Departmental General Order I-26) and the accompanying SIR; and

WHEREAS, the SIR for the Remote Controlled Ground System (Robots) and Pole Cameras **Attachment B**) covers the following areas as required by the Surveillance Technology 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; • Complaint Procedures and Community Outreach; • Third Party Dependence; • Alternatives Considered; and • Track Record of Other Entities; and

WHEREAS, the amended DGO I-26: Remote Controlled Ground System (Robots) and Pole Cameras policy (**Attachment A**) covers relevant areas required of a Surveillance Use Policy as required by OMC Section 9.64.030, including the following areas: • Value Statement; • Technology Description; • Purpose; • Authorized Use; • Deployment Authorization and Logs; • Detachable Tools; • Privacy Considerations; • Use Restrictions; • Data Collection, Retention, Access, Storage/Access/Security, Sharing, Public Access, Protection and Security; • Monitoring and Reporting; and • System Training; now, therefore, be it

RESOLVED: That City Council hereby approves OPD's amended Departmental General Order I-26: Remote Controlled Ground System (Robots) and Pole Cameras Use Policy, as a Surveillance Use Policy (**Attachment A**, as noted above) and also approves the accompanying Surveillance Impact Report (**Attachment B**, as noted above); and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.020.2, for the reasons referenced above and in the agenda report and in the Surveillance Impact 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 authorizes the City Administrator or designee to acquire and/or use Remote Controlled Ground System (Robots) and Pole Cameras.

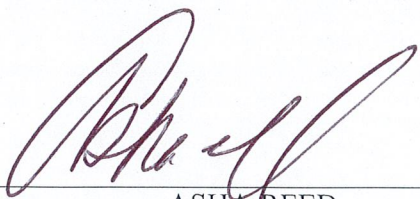
IN COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:

JUL 16 2024

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

ATTEST:



ASHA REED

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