AGENDA REPORT

CITY OF OAKLAND

TO:	Edward D. Reiskin City Administrator	**FROM:**	Susan E Manheimer Chief of Police
SUBJECT:	OPD Forensic Logic CopLink Privacy Use Policy and Contract	**DATE:**	October 6, 2020

City Administrator Approval _[signature]_   Date: Oct 28, 2020

RECOMMENDATION

Staff Recommends That The City Council Adopt A Resolution:

(1) Approving The Oakland Police Department (OPD) Forensic Logic CopLink Surveillance Use Policy (SUP); And
2) Authorizing The City Administrator Or Designee To Enter Into A Three Year Contract With Forensic Logic, Inc., For The Period Of July 1, 2020 Through June 30, 2023, For One Hundred And Ninety Eight Thousand Dollars ($198,000) For The First Year, And Two Hundred Fifty Three Dollars ($253,000) Per Year For Years Two And Three, For A Total Contract Of Seven Hundred Four Thousand Dollars ($704,000), For Access To The CopLink Search And Analytics System And Related Network, Licensing, Technical Support, And Consulting Services; And
3) Waiving The City's Advertising/ Bidding And Request For Proposal Requirements For The Proposed Purchase.

EXECUTIVE SUMMARY

The proposed resolution will allow the Oakland Police Department (OPD) to enter into a three-year contract with Forensic Logic, Inc. for the continued use of the proprietary search system known as CopLink (formerly known as LEAP). The system connects critical OPD data systems as well as other local police agencies regionally and nationally. OPD officers have relied on this system since 2009 to quickly and effectively search for information related to suspects in real-time investigations – this report provides several examples of the ways that officers and investigators use CopLink regularly to solve violent crimes that occur in the City by quickly connecting otherwise unknown data links. Forensic Logic has also created a complex algorithm that allows for the efficient production of weekly crime reports; these reports are used regularly by the City Council, Office of the Mayor, and numerous neighborhood public safety groups. The Forensic Logic contract also provides for a variety of technical assistance to OPD.

OPD recommends that the City waive the competitive bidding requirements now, as with past contracts with Forensic Logic over 11 years, because CopLink is a unique system and constitutes the largest warehouse of law enforcement data nationally.

Oakland Municipal Code (OMC) 9.64 requires City Council approval for new and existing surveillance technology. OMC 9.64 also requires that city staff shall submit a surveillance impact report (SIR) and surveillance use policy (SUP) to the Privacy Advisory Commission (PAC) for its review. OPD presented draft versions of the SUP and SIR to the PAC at numerous PAC meetings: May 14, 2020; June 4, 2020; July 2, 2020; August 6, 2020; and September 3, 2020. OPD and Forensic Logic also met with PAC commissioners in an ad-hoc meeting on July 24, 2020 and held several conversations to facilitate dialogue in the effort to answer and address all outstanding PAC questions and concerns. OPD and Forensic Logic also provided a virtual demonstration of CopLink to the ad-hoc PAC commissioners so that they could see exactly how the system works.

The PAC commissioners expressed concern with OPD's use of CopLink. In particular, the PAC was concerned with how other police agencies use OPD data obtained via their own queries of CopLink; this report details the ways that local, regional and federal law enforcement can see and have come to rely upon access to OPD data – and how OPD can see other agency data through CopLink. The SIR provides extensive examples illustrating how crime crosses jurisdictional boundaries and how data sharing supports both OPD and other agency crime investigations. The SIR also details how some federal partners use their versions of CopLink with OPD data to support OPD gun tracing and human trafficking investigations.

Ultimately the PAC voted on September 3, 2020 to recommend a version of a OPD Forensic Logic contract that would only allow for Alameda County police agencies (and no federal partners) to have access to OPD data via CopLink.

Staff recommends that the City Council adopt the proposed resolution and reject the PAC motion (see **Attachment A**). The staff-recommended resolution will:
1. Approve the OPD Forensic Logic CopLink Surveillance Use Policy (SUP);
2. Authorize the City Administrator or designee to sign a new contract with Forensic Logic, for $198,000 (year 1) and $253,000 per year (years 2 and 3) for a total contract of $704,000); and
3. Waive the City's advertising / bidding and Request for Proposal (RFP) for the proposed purchase.

BACKGROUND / LEGISLATIVE HISTORY

Modern law enforcement agencies such as OPD need continuous access to various forms of crime data and data analysis tools to investigate and solve criminal cases. Forensic Logic, Inc. ("Forensic Logic") has supplied OPD with a variety of data tools since 2009, which have significantly aided OPD's crime fighting efforts.

Forensic Logic is a technology company that created a Software as a Service (SaaS) search engine that combines criminal justice information from various law enforcement systems owned and operated by agencies throughout the United States. Forensic Logic maintains a massive

and secure data warehouse within the Microsoft Azure Government Cloud. The technology allows for the incorporation and integration of disparate data sets from OPD as well as from other local, regional, state and federal law enforcement agencies. Core datasets include computer-aided dispatch (CAD) / record management system (RMS) crime incident data, as well as county arrest, booking, and jail records, from several thousand law enforcement agencies across the United States.

Legislative History

- On April 11, 2012, the City Council adopted Resolution No. 83819 C.M.S, which authorized: 1) a two-year contract with Forensic Logic, Inc., for the initial purchase of their LEAP Crime Analysis System, in an amount not to exceed $195,000; and 2) the waiving of the City's Request for Proposal/Qualifications (RFP/Q) requirements;
- On June 12, 2014, the City Council adopted Resolution No. 83819 C.M.S., which authorized: 1) a two-year contract extension with Forensic Logic, Inc., for the continued use of the LEAP Crime Analysis System, in an amount not to exceed $309,605; and 2) the waiving of the City's RFP/Q requirements;
- On July 5, 2016, the City Council adopted Resolution No. 86270 C.M.S., which authorized: 1) a one-year contract extension with Forensic Logic, Inc., for the period of July 1, 2016 through June 30, 2017, in the amount of Two Hundred and Twenty-Four Thousand, Three Hundred and Seventy-Five Dollars ($224,375), for the continued use of the LEAP Crime Analysis System; and 2) the waiving of the City's RFP/Q requirements;
- On June 20, 2017, the City Council Adopted Resolution No. 86801 C.M.S., which authorized a contract with Forensic Logic, Inc. for the period of July 1, 2017 through December 31, 2017, in an amount not to exceed one hundred twelve thousand one hundred eighty eight dollars ($112,188), for use of their LEAP Network suite of crime analysis applications, licensing, technical support, and consulting services; and 2) waiving the City's advertising/ bidding and request for proposal requirements for the proposed purchases;
- On December 18, 2017, the City Council adopted resolution No. 87002 C.M.S., which authorized a contract with Forensic Logic, Inc. for the period of January 1, 2018 through June 30, 2018, for a total not to exceed ninety-four thousand five hundred dollars ($94,500), for the continued use of the LEAP crime analysis system; and 2) the waiving of the city's RFP/Q requirements;
- On May 15, 2018, the City Council adopted resolution No. 87193 C.M.S., which authorized a contract with Forensic Logic, Inc. for the period of July 1, 2018 through June 30, 2020, for a total not to exceed $326,000, for the continued use of the LEAP crime analysis system; and 2) the waiving of the City's RFP/Q requirements.

ANALYSIS AND POLICY ALTERNATIVES

Part I: Forensic Logic CopLink Value for Law Enforcement

Forensic Logic provides three core services for OPD: 1) crime report production; 2) technical assistance; and 3) search.

Crime Report Production

Forensic Logic has built a complex algorithm that allows OPD crime analysts to produce various crime reports such as point in time year-to-date and year-to-year comparisons. The algorithm takes thousands of penal code types and organizes the data in a comprehensive manner to tabulate data into standard Federal Bureau of Investigation (FBI) Universal Crime Reporting Part One and Part Two crimes.

The OPD Crime Analysis Section housed in CID uses Forensic Logic's tools to produce weekly crime reports. These reports provide useful information about crime trends in easily consumable formats (year-to-date and year-to-year comparisons). The reports highlight key crime types such as robberies and burglaries. The reports break down citywide crime as well as into the five police areas. Quarterly crime reports are used for reports to the City Council. These reports are also used by Community Resource Officers (CROs) to present crime updates to Neighborhood Councils throughout the City. The technology allows for a streamlined process that would take OPD's Crime Analysis Unit days or weeks of additional time to compile the reports using only OPD-owned technology.

The 2020 3rd Quarterly Crime Report (Figure 1 below) was produced by the OPD Crime Analysis Section with the assistance of Forensic Logic's algorithm. The report provides data on Type 1 crimes occurring in Oakland during the week of the first three quarters of 2020.

Figure 1: 3rd Quarter Crime Report 2020

OAKLAND POLICE DEPARTMENT
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Quarterly Crime Comparison — Citywide
First Three Quarters — 2020

Part 1 Crimes *All totals include attempts except homicides.*	Q1 2020	Q2 2020	Q3 2020	Percentage Change Q2 vs. Q3	3-Quarter Average	Q3 vs. 3-Quarter Average
Violent Crime Index (homicide, aggravated assault, rape, robbery)	1,453	1,424	1,438	1%	1,438	0%
Homicide – 187(a)PC	11	23	40	74%	25	62%
Homicide – All Other *	3	3	2	-33%	3	-25%
Aggravated Assault	684	838	878	5%	800	10%
Assault with a firearm – 245(a)(2)PC	69	114	147	29%	110	34%
Subtotal – Homicides + Firearm Assault	83	140	189	35%	137	38%
Shooting occupied home or vehicle – 246PC	77	84	112	33%	91	23%
Shooting unoccupied home or vehicle – 247(b)PC	30	51	62	22%	48	30%
Non-firearm aggravated assaults	508	589	557	-5%	551	1%
Rape	61	47	53	13%	54	-1%
Robbery	697	516	467	-9%	560	-17%
Firearm	208	145	152	5%	168	-10%
Knife	64	36	29	-19%	43	-33%
Strong-arm	337	207	194	-6%	246	-21%
Other dangerous weapon	18	18	23	28%	20	17%
Residential robbery – 212.5(a)PC	23	27	11	-59%	20	-46%
Carjacking – 215(a) PC	47	83	58	-30%	63	-7%
Burglary	3,579	1,908	1,623	-15%	2,370	-32%
Auto	2,993	1,095	1,086	-1%	1,725	-37%
Residential	362	305	299	-2%	322	-7%
Commercial	176	425	201	-53%	267	-25%
Other (includes boats, aircraft, and so on)	37	60	28	-53%	42	-33%
Unknown	11	23	9	-61%	14	-37%
Motor Vehicle Theft	1,943	2,437	2,209	-9%	2,196	1%
Larceny	1,888	1,540	1,190	-23%	1,539	-23%
Arson	36	54	49	-9%	46	6%
Total	8,902	7,366	6,511	-12%	7,593	-14%

THIS REPORT IS HIERARCHY BASED. CRIME TOTALS REFLECT ONE OFFENSE (THE MOST SEVERE) PER INCIDENT.

These statistics are drawn from the Oakland Police Dept. database. They are unaudited and not used to figure the crime numbers reported to the FBI's Uniform Crime Reporting (UCR) program. This report is run by the date the crimes occurred. Statistics can be affected by late reporting, the processing process, or the reclassification or unfounding of crimes. Because crime reporting and data entry can run behind, all crimes may not be recorded.

* Justified, accidental, fatal, or manslaughter by negligence. Traffic collision fatalities are not included in this report.
PNC = Percentage not calculated — *Percentage cannot be calculated.*
All data extracted via CopLink Analytics.

Technical Assistance

OPD has, in the past, solicited Forensic Logic technical expertise to integrate and tabulate data such as from OPD Field Based Reporting systems to analyze stop data. Forensic Logic has also assisted OPD with the following projects over the past few years:
   a. The development of the first OPD CompStat[1] weekly review using both interactive Google Earth maps and detailed Area maps and reports;
   b. The development of the first Stop Data search and analysis system employed by the Federal Monitors and used successfully by OPD to achieve many of the criteria required of Task 34 of the OPD Negotiated Settlement Agreement (NSA).
   c. The evaluation and analysis of OPD's reporting to the FBI of monthly UCR reports to confirm that incidents were reported correctly and in a timely manner; and
   d. The facilitation of the Forensic Logic search product for use on OPD mobile devices in the field.

CopLink Search

Data sharing of local law enforcement data collected from many agencies accrues benefits in combatting many types of crime, such as homicides and robberies. The collection of crime data also aids in combatting multi-jurisdictional crime including human trafficking, motor vehicle theft, and violent crime where criminal networks use firearms in the commission of crimes across geographies patrolled by multiple law enforcement agencies (**Attachment B** Surveillance Impact Report (SIR) provides several tables that showcase OPD officer use data as well as examples where CopLink provided valuable investigatory information). **Attachment B** also lists data on actual OPD CopLink search usage (unique searches by month, number of searches per officer per month).

OPD relies upon Forensic Logic's LEAP Search (being recreated and rebranded as CopLink) tool for daily investigative operations. Forensic Logic is the largest custodian of state and local law enforcement data in the country. OPD patrol officers and officers assigned to crime reduction teams and Ceasefire need real-time information related to specific criminal investigations. Forensic Logic's CopLink provides these officers with an unparalleled tool because only in CopLink can officers find a wealth of local and regional information.

Search queries can include partial license plates, nicknames, person descriptions and locational information. LEAP Search also integrates with numerous OPD data systems, including CAD / RMS, the ShotSpotter System for locating locations of gunshots, the Field Based Reporting (FBR) module, and license plate readers (LPR). OPD officers can search license plate information from other agencies, but OPD by policy does not allow other agencies to search OPD license plate reader information.

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[1] COMPSTAT (short for COMPare STATistics)—is a combination of management, philosophy, and organizational management tools for police departments. CompStat offers a dynamic approach to crime reduction, quality of life improvement, and personnel and resource management, whereby police department executives identify spikes in crimes using comparative statistics and address those spikes through the use of data-driven enforcement.

Many local, regional, state and federal law enforcement agencies use CopLink, including those of the cities of Berkeley, Hayward, San Leandro, San Francisco, Stockton, and Richmond, as well as Bay Area Rapid Transit (BART). The CopLink system connects data sources from various police agencies into one database with quick and useful search functions. Officers would need to spend days each time they had information requests if they had to individually contact different police agencies for specific information queries. Watch commanders often expect officers to conduct initial search queries based upon initial information before the commanders arrive on the scene – LEAP/CopLink searches have become an integral part of field officers' standard operating procedures.

CopLink: Critical Tool for Crime Investigations

Criminal Investigation Division (CID) investigators use LEAP/CopLink daily and run the majority of their cases through the search portal to look for suspects or any leads. The following examples highlight some of the many ways LEAP / CopLink is used many times every day by both CID investigators as well as by patrol officers and officers assigned to special units:

- An officer assigned to OPD's Ceasefire Strategy[2] was provided a nickname for a suspect, but was not provided any further identifying information. The officer conducted a query of the nickname in CopLink and due to the uniqueness of the nickname was able to determine her identity from a human-trafficking investigation. The nickname apparently was the alias that she used during that arrest. The officer conducted additional queries using the suspect's true name and found numerous contacts between her and the primary shooting suspect. The large majority of these contacts were from the Las Vegas, NV metro area.
- There was a shooting in January 2020 in West Oakland. An incorrect telephone number was entered into OPD's CAD. The investigator was able to find a witness in CopLink using different variations of the witness' name; this search led to a good telephone number from a report she filed the previous year. The officer called this witness and she provided useful information which led to a charge in the case.
- An officer who was investigating a violence against woman crime found a suspect who was also linked to a similar prior crime; the officer was able to contact the victim from the previous crime, obtain testimony and provide a level of evidence that so far had not occurred. The OPD officer was able to combine data from the cases to further the investigation of each case.
- One Special Victims Section investigator conservatively estimates solving 25 missing persons cases over several years by using CopLink to find connections between local crimes connected to suspects in various jurisdictions.
- A homicide investigator was able to recently identify the suspect with one name to a legal name and as suspect in recent homicide, now charged by the District Attorney Office; this officer confirms using LEAP / CopLink on almost every homicide investigation over several years.
- An officer was able to obtain information to help identify a suspect and connect him with other crimes that would otherwise be unknown to OPD.
- A firearm assault and shooting case ended in an arrest and charge, as video footage showed a unique SUV; officers used CopLink to search for the SUV using descriptive terms, this query led to an address and search warrant.

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[2] https://www.oaklandca.gov/topics/oaklands-ceasefire-strategy

Regional Intersectionality and Cross-Jurisdictional Collaboration.

- *Attachment C* shows how OPD queries of CopLink data result in useful leads from other police agencies with the top results coming from:
    o   Hayward Police Department (4,027 results over one-year 2019-20 period);
    o   Fresno Police Department (3,474 results over one-year 2019-20 period);
    o   San Leandro Police Department (3,080 results over one-year 2019-20 period);
    o   Stockton Police Department (1,526 results over one-year 2019-20 period); and
    o   Berkeley Police Department (1,108 results over one-year 2019-20 period).
- *Attachment D* shows how other police department queries of CopLink data result in useful leads from OPD data, with top results coming from:
    o   Alameda County DA's Office (6,314 results over one-year 2019-20 period);
    o   US Bureau of Alcohol, Tobacco, Firearms and Explosives (3,063 results over one-year 2019-20 period);
    o   San Francisco Police Department (2,234 results over one-year 2019-20 period);
    o   San Leandro Police Department (2,088 results over one-year 2019-20 period);
    o   Clovis Police Department (1,796 results over one-year 2019-20 period).
    o   Fresno Police Department (1,458 results over one-year 2019-20 period);
    o   Oakland Housing Police Department (1,453 results over one-year 2019-20 period);
    o   Fremont Police Department (1,265 results over one-year 2019-20 period);
    o   Hayward Police Department (1,031 results over one-year 2019-20 period);
    o   Berkeley Police Department (1,785 results over one-year 2019-20 period); and
    o   San Jose Police Department (642 results over one-year 2019-20 period); and
- OPD arrested a man for several weapons law violations related to a separate Oakland, CA strong-arm robbery and a Stockton, CA assault with a firearm incident in the weeks prior to the arrest that resulted in the issuance of an emergency protective order in Stockton CA for the victim of the assault after review of prior incidents recorded by OPD.
- An investigation conducted by Anaheim PD led to the arrest for murder of two Southern California residents from leads generated by field contacts, robbery, assault and narcotics incident reports reported in records management systems available in Forensic Logic originating from - OPD, Orange County SO, Anaheim PD, Santa Ana PD, San Leandro PD, Garden Grove PD, and San Jose PD.
- A CID investigator was able to identify a suspect using CopLink in a serious sexual assault case and connect the suspect to two additional reports where he is listed as suspect of similar sexual predatory acts – San Leandro PD and Hayward PD were also able to connect the same suspect to their cases using CopLink.
- An OPD Ceasefire Strategy-assigned officer was investigating a gun shooting case. He only had a nickname of a related person, but due to the uniqueness of the nickname, the officer was able to determine her identity from a trafficking related investigation – it appears that the nickname was the alias that the woman used during that arrest. The officer continued with CopLink queries using the suspect's true name and found numerous contacts between her, and the primary shooting suspect; a large majority of these contacts were from the Las Vegas Metro area.
- On a callout, an officer was able to connect a Los Angeles-based sexual assault victim to a local missing persons case.
- A recent CopLink Search revealed the suspect vehicle involved in a recent East Oakland robbery also involved in one in City of San Francisco. The investigator could collaborate

with SFPD and ultimately write an arrest warrant.

Part II: Oakland Privacy Advisory Commission (PAC) Review of CopLink

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), and covers policy areas related to surveillance technology. OMC 9.64 requires City Council approval for 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, *Attachment B*) and Surveillance Use Policy (SUP, *Attachment C*) o 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."

The SIR (*Attachment B)* covers the following areas as required by the Surveillance 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;
* Third Party Dependence;
* Alternatives Considered; and
* Track Record of Other Entities.

DGO I-24: FORENSIC LOGIC COPLINK SUP (*Attachment C)* covers relevant areas required by OMC 9.64.030, including the following:
* Technology Description;
* Authorized Use;
* Use Restrictions;
* Data Access, Data Collection and Retention, and Security;
* Monitoring and Reporting; and
* System Training; and

OPD staff presented a draft Department General Order (DGO) I-24: Forensic Logic CopLink as its Surveillance Use Policy (SUP) as well as a draft Surveillance Impact Report (SIR) at the May 14, 2020 PAC meeting. The PAC commissioners expressed concern with OPD's use of CopLink in several categories; OPD adjusted its SUP and SIR to address several concerns. The one area of concern where OPD and the PAC could not find mutually acceptable policy language concerns how OPD data is shared through CopLink.

How would other agencies use OPD data from queries from their own use of CopLink + How Does CopLink Support OPD Gun Tracing Efforts and Human Trafficking Prevention Efforts?

One of the reasons the PAC expressed concern about law enforcement agencies seeing OPD data – most of which is available to agencies by other means (via more cumbersome processes) – is a concern that other agencies would share data (e.g., arrest records) with the United States Immigrations, Customs and Enforcement (ICE) Agency. However, the SIR (**Attachment B**) explains in detail that Forensic Logic has created technical mitigations to ensure that cities in California and elsewhere can use Forensic Logic CopLink while complying with SB54[3] (Law Enforcement: Sharing Data, October 2017, De León) and similar sanctuary city laws. Forensic Logic allows participating agencies to elect how their agency-generated data is shared within the Forensic Logic CopLink system.

This system does not apply to Oakland since Oakland data is never available to any U.S. Department of Homeland Security agencies – or to other federal agencies OPD may in the future specify.

OPD and Forensic Logic staff have provided the PAC with a complete list of every local, county, state and federal agency with access to OPD data through CopLink. Furthermore, OPD's Criminal Investigation Division (CID) provided numerous examples in the SIR (**Attachment C**) that show how CopLink helps OPD and other local agencies collaborate on local violent crimes. In the revised SIR, CID added additional examples of how federal agencies in particular use their CopLink accounts to access OPD data that directly support investigations into major crimes occurring in Oakland and/or having a nexus to crime in Oakland:

- OPD relies on several partnerships with local and federal agencies for regular ongoing support with investigations into serious violent crime. OPD is part of a Council-approved partnership with the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), focusing in particular on firearms-related felonies. The ATF San Francisco Field Division has two units with personnel who have access to CopLink. These units are the Crime Gun Enforcement Team (CGET) in Oakland, CA and the Crime Gun Intelligence Center (CGIC) in Dublin, CA. The CGET is an investigative unit comprised of ATF Special Agents and state/local Task Force Officers focused on the investigation and prosecution of suspects related to violent crime, specifically gun violence, in the Alameda County and Contra Costa County areas (also includes Vallejo). The CGIC is comprised of ATF Special Agents and Intelligence Research Specialists focused on the analysis of gun violence and National Integrated Ballistic Information Network (NIBIN) leads for the entire San Francisco Field Division, which covers Northern California and Nevada.
- Many of the shootings investigated by CGIC and CGET unfortunately occur within the City of Oakland. CopLink allows quick access to information related to these shooting events, which is vital to determining the viability of leads based on ballistic testing. The analysis of these leads along with the partnership between the ATF CGIC, CGET and the OPD CGIC allows investigators from both OPD and ATF to conduct investigations aimed at both solving shootings as well as perfecting cases on violent offenders to decrease the volume of violent crime in the area. CopLink is also utilized to identify suspects and their criminal associates, vehicles, and residences. This type of search is important in both conducting investigations into these violent criminals, but also in locating and arresting them once charges have been filed.
- CopLink is used daily by ATF personnel to access OPD reports and the reports of other agencies in the area. Information is used for criminal investigations and the analysis of

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[3] https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB54

violent crime only. The CGET, as the primary ATF user of LEAP, only conducts investigations related to firearm violence, illegal firearm possession by violent offenders, and the trafficking of firearms to gangs and/or other persons likely to be engaged in violence. No other federal agency is a part of the CGET or has access to CopLink through ATF. Without CopLink, it would be virtually impossible to analyze NIBIN leads, which often incorporate numerous crime guns and numerous jurisdictions outside of OPD. Without the quick access CopLink provides, it would take countless officer hours to ascertain details, which lead to the identification of shooters, as well as the prosecution of individuals for those shootings. Without this information, many violent crime investigations in the Oakland area would not only take much longer, but would be less likely to come to fruition due to the volume of violent crime in the city.

- There are FBI personnel working at the Police Administration Building (PAB) as part of the Council-approved FBI Safe Streets Taskforce. Through this partnership, both OPD-assigned officers and FBI personnel collaborate on investigations using separate firewall-protected computer networks for computer-related research - OPD personnel and FBI personnel utilize separate CopLink accounts. The FBI and OPD personnel use CopLink daily to investigate violent sexual offenders as part of support for OPD's Special Victims Section (focusing on human and sexual trafficking crimes). These types of crimes do not conform to city borders and investigators need access to data for a larger geographic area.

OPD and Forensic Logic staff have also provided examples in which CopLink utilizes strong security features; the SIR (*Attachment B*) Impact and Mitigations Sections explain in technical terms how CopLink complies with industry FBI Criminal Justice Information Systems (CJIS) certifications and standards; in this regard, the system has very high security protocols in place to ensure data security. The SIR also explains that every keystroke completed by any OPD member is permanently recorded for security and auditing purposes, and that Forensic Logic is prepared to support OPD in its OMC 9.64 annual reporting requirements.

OPD and PAC: Different Recommendations for How OPD Can Use CopLink

OPD presented updated drafts of its SUP and SIR at the May 14, 2020; June 4, 2020; July 2, 2020; August 6, 2020; and September 3, 2020 PAC meetings. OPD and Forensic Logic also met with PAC commissioners in an ad-hoc meeting on July 24, 2020 and held several conversations to facilitate dialogue in the effort to answer and address all outstanding PAC questions and concerns. OPD and Forensic Logic also provided a virtual demonstration of CopLink to the ad-hoc PAC commissioners so that they could see exactly how the system works. A CopLink User Manual was also provided to outline all CopLink features. However, despite the many reasons OPD and Forensic Logic provided to substantiate the value of other agencies accessing OPD data via CopLink, the PAC voted at the September 3, 2020 meeting to limit CopLink such that only Alameda County agencies and no other regional, state, or federal agencies may see OPD data (see *Attachment A* for full PAC motion incorporated into the resolution to adopt the SUP).

The PAC voted at their September 3, 2020 meeting that the DGO I-24: Forensic Logic CopLink SUP (*Attachment C*) contain language that restricts OPD data sharing with only local Alameda County agencies. Staff sees several problems with the PAC September 3 motion:

- Motion: *"OPD owns all data and any information derived from such data;"* OPD already

owns data in its own systems (e.g. CAD/RMS, field-based reporting). This motion is problematic. OPD already owns the data it produces as the originating agency. However, CopLink does allow that other agencies such as Berkeley Police Department can run queries, and a query result may include OPD data. In another hypothetical example, if a Stockton PD query resulted in a link chart between Stockton PD and OPD data, Stockton PD would own the underlying data from one portion of the chart, and OPD would own the underlying data. OPD may not have knowledge of when other agency queries result in OPD record data. For the most part, such data are also public records.

- Motion: *"The vendor shall make a customized version of its software available to OPD, allowing only for crime report production and search as stated in the proposed policy's authorized uses. OPD may use Forensic Logic to search its own records and those of any third parties. OPD's data shall not be made available via the Forensic Logic platform to any third parties, except for entities located within Alameda County."* For the reasons stated above, staff does not recommend this motion as it would significantly curtail the value for OPD as well as for law enforcement partners:
    - o Local gun-tracing efforts (see pages 9,10 above) would be stymied as ATF partners could no longer see any OPD data in their CopLink queries;
    - o Human Trafficking investigations (see page 10) would be stymied as the FBI could no longer query OPD data in collaboration on local trafficking investigations;
    - o The PAC justified their motion in part by stating that other agencies would be able to call OPD records to obtain the same type of data. However, as pointed out to PAC Commissioners, if OPD data does not populate search queries, then the results seen in Attachments C and D would never materialize – other agency personnel would never see the data to know to ask the OPD Records Division for data in the first place. Secondly, even if other agencies were aware of OPD data which they could not see in CopLink, the PAC incorrectly assumes that these agencies, also facing staff capacity issues, would always have the time to contact OPD Records and ask for related records to be sent to them. Furthermore, the PAC appeared unmoved by OPD's argument that such records requests would overburden OPD staff who are already struggling to handle the large number of Public Records Requests from members of the public and the media.

- Motion: *"Termination for convenience and/or immediate termination for material breaches, to include: If Forensic Logic provides any additional features to OPD beyond the two above approved uses (and features needed to support the functionality of the approved uses), absent future council approval."* This motion means that OPD must return to the PAC and City Council for any additional feature not explicitly detailed in the current SUP and SIR; Forensic Logic is a software as a service (SAAS) technology company and may develop new features that complement current crime chart creation and/or search functionality. SAAS companies often times release new features to its user base; requesting PAC approval prior to release of new functionality would be extremely challenging. Additionally, creating a custom version of a standard product could also entail significant additional development and ongoing operational costs incurred by Forensic Logic for which OPD would be asked to reimburse.

A restricted version of CopLink will both require greater technical customizations and modifications on the part of Forensic Logic to accomplish bespoke data flows, and provide less utility to OPD for the reasons stated above. Staff therefore recommend that the City Council approve the CopLink Use Policy as defined in the resolution accompanying this report and reject the PAC motion (**Attachment A**).

Part III: Waiver of the City's Competitive Bidding Process For A New OPD Forensic Logic CopLink Contract

Forensic Logic, Inc. has been providing consulting and technical services to the City of Oakland since 2009, including but not limited to access to their "Law Enforcement Analysis Portal" more commonly known as "LEAP" (now known as CopLink). Forensic Logic, Inc. purchased "CopLink," a public safety information sharing platform formerly owned by IBM, and has since integrated LEAP with CopLink into a merged system rebranded as "CopLink." The legislative history section earlier in this report outlines the twelve-year history of OPD-Forensic Logic Contracts, each with a connected waiver of the City's competitive bidding requirements.

OMC Section 2.04.051.B. permits the City Council to waive the request for proposal/qualifications (RFP/Q) requirements upon a finding that it is in the best interest of the City to do so. Staff recommends that it is in the best interests of the City to waive the RFP/Q process because Forensic is the sole developer and operator of the CopLink Search System. which offers a unique form of critical data analysis to OPD – staff would also have to undertake significant organization and technical changes to change crime report support providers.

FISCAL IMPACT

Table 1 below details the costs of the crime analysis software staff recommendation. No additional funds are required for this contract. $188,006 in funds are available in OPD's General-Purpose Fund (1010) to pay for the first year of a proposed three-year contract (July 1, 2020 through June 30, 2023). OPD will identify funds of $456,700 for contract years two and three (July 1, 2021-June 30, 2023) in the next biannual budget.

Table 1: Forensic Logic, Inc. CopLink Cost: July 1, 2020 – June 30, 2023

Year 1 Cost (July 1, 2020 to June 30, 2021)	$198,000
Year 2 Cost (July 1, 2021 to June 30, 2022)	$253,000
Year 3 Cost (July 1, 2022 to June 30, 2023)	$253,000
Total	**$704,000**

Funds will be allocated from the General-Purpose Fund (1010), Information Technology Unit Org. (106410), Contract Services Account (54919), Administrative Project (1000008), Agency-wide Administrative Program (PS01).

PUBLIC OUTREACH / INTEREST

OPD presented the proposed Forensic Logic Contract to the Oakland Privacy Advisory Commission at multiple public meetings: May 14, 2020; June 4, 2020; July 2, 2020; August 6, 2020; and September 3, 2020.

COORDINATION

The Budget Bureau and the Office of the City Attorney were consulted on the development of this report and accompanying resolution.

SUSTAINABLE OPPORTUNITIES

Economic: The City of Oakland can more readily attract economic activity in a safer city. Crime analysis software and technology helps OPD to fight crime and make the City more attractive for economic activity.

Environmental: There are no environmental issues associated with this report.

Race and Social Equity: All Oakland residents and visitors benefit from better crime analysis that leads to reduced crime levels, particularly in communities that face greater exposure to violent crime.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Adopt A Resolution 1) Approving The Oakland Police Department (OPD) Forensic Logic CopLink Surveillance Use Policy (SUP); 2) Authorizing The City Administrator Or Designee To Enter Into A Three Year Contract With Forensic Logic, Inc., For The Period Of July 1, 2020 Through June 30, 2023, For One Hundred And Ninety Eight Thousand Dollars ($198,000) For The First Year, And Two Hundred Fifty Three Dollars ($253,000) Per Year For Years Two And Three, For A Total Contract Of Seven Hundred Four Thousand Dollars ($704,000), For Access To The CopLink Search And Analytics System And Related Network, Licensing, Technical Support, And Consulting Services; And 3) Waiving The City's Advertising/ Bidding And Request For Proposal Requirements For The Proposed Purchase.

For questions concerning this report, please contact Roland Holmgren, Deputy Chief, OPD, Bureau of Field Operations I, at (510) 238-4486.

Respectfully submitted,

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Attachments (5)
A: PAC-recommended Resolution for Forensic Logic CopLink Contract and Use Policy Adoption
B*: Forensic Logic SIR*
C: *DGO I-24: Forensic Logic CopLink SUP*
D: *Other Agency data that OPD officers selected to review*
E: *Agencies that Selected OPD detail incident data to review in CopLink*