



City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION APPROVING THE OAKLAND POLICE DEPARTMENT (OPD) UNMANNED AERIAL SYSTEMS (UAS) SURVEILLANCE USE POLICY

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), and covers 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 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 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, OPD personnel believe that the safe and privacy-informed use of UAS will provide a critical tool that promotes information gathering and officer safety in the pursuit of greater public safety in Oakland; and

WHEREAS, OPD staff presented a draft UAS Surveillance Use Policy “Department General Order (DGO) I-25: Unmanned Aerial Systems” and the Surveillance Impact Report (SIR, *Attachment A* to the accompanying report) to the PAC at multiple PAC meetings: January 8, 2020; February 6, 2020; March 5, 2020; and

WHEREAS, the DGO I-25 covers several relevant areas required by OMC 9.64.030, including the following area

- Technology Description;
- Authorized Use;
- Use Restrictions;
- Data Access, Data Collection and Retention, and Security;

- Monitoring and Reporting; and
- System Training; and

WHEREAS, the SIR 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; and

WHEREAS, through robust discussion at the PAC meetings as well as through ad-hoc meetings between OPD personnel and PAC Commissioners, OPD has developed substantial privacy mitigations outlined in the report accompanying this resolution; and

WHEREAS, the PAC voted unanimously at the May 14, 2020 meeting to recommend that the City Council approve OPD's UAS SUP DGO I-25 – version seven (*Attachment B*) in connection with the SIR (*Attachment A*); therefore, be it

RESOLVED: that City Council does hereby approve the OPD UAS SUP DGO I-25 (*Attachment B*) 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 OPD UAS; 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 SIR (*Attachment A*) accompanying this resolution, the City Council 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's acquisition and use of the UAS in accordance with OPD DGO I-25: Unmanned Aerial System (UAS).

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

ASHA REED

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