



MEMORANDUM

TO: Floyd Mitchell,
Chief of Police

FROM: Brandon Mart, Police Officer,
SOD, Air Support Unit

SUBJECT: Forward Looking Infrared
(FLIR)-2024
Annual Report

DATE: MARCH 12, 2025

Background

Oakland Municipal Code (OMC) 9.64.040: Oversight Following City Council Approval requires that for each approved surveillance technology item, city staff must present a written annual surveillance report for the Privacy Advisory Commission (PAC). After review by PAC, city staff shall submit the annual surveillance report to City Council. The PAC shall recommend to City Council that:

- The benefits to the community of the surveillance technology outweigh the costs, and civil liberties and civil rights are safeguarded.
- That use of the surveillance technology cease; or
- Propose modifications to the corresponding surveillance use policy that will resolve the concerns.

The PAC recommended adoption of the OPD Department General Order (DGO) I-29: "Aircraft Mounted Camera (AMC) use policy" at their September 7, 2023 meeting; the report was presented to the City Council on December 5, 2023 and adopted by the City Council via Resolution No. 89995 C.M.S. DGO I-29 requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council.

2023 Annual Report Details

- A. A description of how the surveillance technology was used, including the type and quantity of data gathered or analyzed by the technology:

The technology was used solely for training purposes during the past year. The Air support unit trained four new flight observers who received initial training on the operation of both the color camera and FLIR camera on the OPD helicopters. The training took place near the Oakland Zoo. No data was recorded or retained during these training instances in accordance with DGO I-29.

- B. Whether and how often data acquired through the use of the surveillance technology was shared with outside entities, the name of any recipient entity, the type(s) of data disclosed, under what legal standard(s) the information was disclosed, and the justification for the disclosure(s):

No outside agencies received data from the use of the surveillance technology.

- C. Where applicable, a breakdown of what physical objects the surveillance technology hardware was installed upon; using general descriptive terms so as not to reveal the

specific location of such hardware; for surveillance technology software, a breakdown of what data sources the surveillance technology was applied to:

OPD has two patrol helicopters which are equipped with a FLIR 8500 camera. These cameras have been utilized by those helicopters for the past decade. The cameras are able to obtain live video and record video concurrently. These recordings are subject to the restrictions and retention of DGO I-29.

- D. Where applicable, a breakdown of where the surveillance technology was deployed geographically by each police area in the relevant year:

The camera was used solely for training purposes during the past year in District 6 near the Oakland Zoo by Flight Observers undergoing initial training.

- E. A summary of community complaints or concerns about the surveillance technology and an analysis of the technology's adopted use policy and whether it is adequate in protecting civil rights and civil liberties. The analysis shall also identify the race of each person that was subject to the technology's use. The Privacy Advisory Commission may waive this requirement upon making a determination that the probative value in gathering this information to evaluate the technology's impact on privacy interests is outweighed by the City's administrative burden in collecting or verifying this information and the potential greater invasiveness in capturing such data. If the Privacy Advisory Commission makes such a determination, written findings in support of the determination shall be included in the annual report submitted for City Council review.

No community complaints or concerns were communicated to staff.

- F. The results of any internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response unless the release of such information is prohibited by law, including but not limited to confidential personnel file information:

All officers assigned to the Air Support Unit who have access to the technology were provided training on the requirements and policy associated with DGO I-29. Because no recordings were made during the 2024 year, no possible access to stored data by unauthorized persons is possible.

A compliance check of the activations during the previous year show that no improper use of the AMC was found to have occurred.

- G. Information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response:

There were no identifiable data breaches or unauthorized access during the year of 2024.

- H. Information, including crime statistics, that helps the community assess whether the surveillance technology has been effective at achieving its identified purposes:

The cameras were used solely for training purposes during the last year. The policy was primarily developed for the implementation of a new camera on a fixed wing aircraft that has not been purchased.

I. Statistics and information about public records act requests regarding the relevant subject surveillance technology, including response rates:

There have been no PRA requests regarding the Air Unit Cameras since the approval of DGO I-29 in 2023.

J. Total annual costs for the surveillance technology, including personnel and other ongoing costs, and what source of funding will fund the technology in the coming year:

The equipment is owned outright by the department/city and has no ongoing operating cost other than the cost to operate the helicopters themselves. The cameras are no longer serviced by the manufacturer and any issues that may arise in the future regarding their functionality will likely require replacement at a cost TBD.

K. Any requested modifications to the Surveillance Use Policy and a detailed basis for the request:

No requests for policy changes at this time.

OPD is committed to providing the best services to our community while being transparent and instilling procedural justice through daily police activity. This report is compliance with these OPD commitments. OPD hopes that this report helps to strengthen our trust within the Oakland community.

For any questions with this report, please contact Brandon Mart, Officer, OPD, Air Support Unit, at bmart@oaklandca.gov

Respectfully submitted,

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OPD, Office of Chief of Police

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