

OAKLAND POLICE DEPARTMENT

Surveillance Impact Report: Vehicle GPS Tracking Devices

A. Description:

Vehicle GPS tracking devices are electronic devices that are attached to vehicles. Once installed, the device collects location information associated with the vehicle by using Global Positioning System satellites and transmitting that information through a cellular or similar wireless network.

The data collected by the device consists of geographic coordinates and associated date and time information. The device provides its own power source and does not connect to or access the vehicle's onboard systems. Installation of the device does not interfere with the normal operation of the vehicle and does not require modification of vehicle components.

Vehicle GPS tracking devices are configured to report location data at intervals determined by investigative needs and technical limitations. The accuracy and frequency of reporting may vary based on environmental conditions, signal availability, and device placement. The technology does not capture audio, video, or the contents of communications.

B. Purpose:

The Oakland Police Department utilizes vehicle GPS tracking devices to further criminal investigations. Vehicle GPS tracking assists investigators with locating vehicles, identifying patterns of movement, corroborating other investigative information, and supporting the apprehension of wanted suspects.

The technology may be used to monitor vehicle movement in real time or to review historical location data when authorized by law. Vehicle GPS tracking is used in investigations where vehicle movement is relevant to establishing criminal activity or supporting other investigative leads.

C. Location:

Vehicle GPS tracking data is initially stored on the vendor's server and accessed through a web-based portal by authorized OPD personnel. The technology is not deployed as fixed infrastructure and is installed only on vehicles associated with authorized investigations.

When necessary for evidentiary purposes, vehicle GPS tracking data may be exported from the vendor platform and stored in a department approved evidence management system, such as Axon Evidence.com, or on a password protected physical medium.

D. Impact:

Vehicle GPS tracking involves the collection of location data over time, which can reveal patterns of movement associated with a vehicle. Location data may show where a vehicle travels, how frequently it visits certain locations, and the duration of stops. When reviewed over an extended period, this information can provide insight into an individual's habits, routines, or associations.

Continuous or repeated tracking increases the intrusiveness of the technology by allowing

investigators to reconstruct travel history and identify recurring locations. Location data may indirectly reveal sensitive information, such as frequent visits to residences, workplaces, or other locations associated with personal activities.

Vehicle GPS tracking may also incidentally collect information related to individuals other than the intended investigative target, including passengers or individuals who regularly interact with the tracked vehicle.

E. Mitigations:

The privacy impact of vehicle GPS tracking is mitigated through legal requirements and Department policy that limit when and how the technology may be used. The California Electronic Communications Privacy Act (CalECPA) requires law enforcement to obtain a search warrant supported by probable cause before monitoring or retaining vehicle GPS tracking data, except in narrowly defined exigent circumstances involving the danger of death or serious bodily injury. Any exigent use is subject to post hoc judicial review through a search warrant application that documents the facts giving rise to the emergency.

OPD policy further limits the scope of vehicle GPS tracking by restricting its use to active criminal investigations and requiring that tracking be authorized for a specific vehicle and defined time period. This limits OPD's ability to collect location data beyond what is relevant to the investigation. Access to GPS tracking data is limited to OPD investigators or OPD personnel assisting with ongoing criminal investigations.

Data retention requirements further mitigate privacy impact by limiting how long vehicle GPS tracking data is stored. Data that is not identified as relevant to a lawful investigation is deleted within thirty days of collection. GPS tracking data retained for evidentiary purposes is stored only for the duration of the associated criminal case and is deleted after adjudication of the court proceeding, including any right to appeal.

OPD also mitigates privacy impact through oversight and auditing. Use of vehicle GPS tracking technology is tracked by a designated coordinator, and aggregate usage information is included in reporting to the Privacy Advisory Commission and City Council as required by Oakland Municipal Code 9.64. Public reporting is limited to non-investigative information and does not include case specific or personally identifiable data.

F. Data Types and Sources:

Vehicle GPS tracking devices collect the following information:

Geographic location of the vehicle

Date and time associated with each location point

The data is generated by the GPS tracking device and transmitted through cellular or similar wireless networks to the vendor's server. The technology does not collect communications content, audio, video, or vehicle diagnostic data.

G. Data Security:

Vehicle GPS tracking data is accessed through the vendor platform using authorized OPD accounts. Access is limited to investigative purposes related to active criminal investigations.

When data is retained for evidentiary purposes, it is stored in Axon Evidence.com or on a password protected physical medium. Access to retained data is limited to authorized OPD personnel in accordance with Department policy.

H. Fiscal Cost:

OPD currently possesses twenty-one (21) GPS tracking devices serviced by 3si Security Systems (CovertTrack). The cost of the software and maintenance for each device is \$540 per device, totaling **\$11,340 a year.**

There is a one-time cost for a new/replacement tracking device at \$1095. Devices currently only need to be replaced when it is physically destroyed.

I. Third Party Dependence:

Vehicle GPS tracking relies on third party vendors to provide tracking devices, data transmission, and initial data storage. OPD controls access to the data and determines whether data is retained, deleted, or preserved for evidentiary purposes.

Third party vendors do not independently access or disseminate vehicle GPS tracking data collected for OPD investigations.

Vendors only provide technical support for the functionality of the trackers and the access portal.

J. Alternatives Considered:

Alternative investigative methods include physical surveillance, license plate reader data, or historical location records obtained through search warrants.

These alternatives may not provide the same level of real time or continuous location information and may be more resource intensive or less effective in time sensitive investigations.

ALTERNATIVE VENDORS CONSIDERED

OPD currently utilizes vendor services from 3si Security Systems (Covert Track). OPD purchased devices from Covert Track at a one-time cost. OPD has reviewed alternative vendors to see if there are better alternatives. However, each device is vendor-specific and switching to an alternative vendor would result in an additional cost to purchase all new devices. OPD is conducting on-going quotation of other vendors to ascertain if the fiscal cost of replacing all existing trackers is cheaper than continuing with 3si Security Systems.

The California Highway Patrol (CHP) utilizes a service called Code 5 Group, LLC. CHP is satisfied with the use of their service. The city of Concord utilizes TactiTrack for GPS tracking. They are satisfied with the service. The city of Daly City utilizes Special Services Group, LLC (Ensurity) for GPS tracking. They are satisfied with the use of this service. Most of the Bay Area agencies utilizes the same company as OPD, 3si Security System (Covert Track).

A review of these three companies were conducted. The trackers are all physically similar and there is no advantage with switching to another vendor. The web-based portals are also similar and none of these other vendors offers any additional data security. Fiscally, it is currently not worth switching vendors given the need to replace all existing OPD trackers.

K. Track Record:

Vehicle GPS tracking technology is commonly used by local, state, and federal law enforcement agencies as part of criminal investigations. The technology is primarily used in cases involving violent crime, organized criminal activity, and vehicle related offenses.

A number of local agencies utilize GPS tracking devices in their day-to-day operations.

The city of San Francisco does not maintain public stats to their usage but maintain that they only use it for criminal investigations.

The city of Concord also utilizes GPS tracking devices. They do not maintain a usage log but are satisfied in its usage for furthering their criminal investigations.

The City of San Leandro utilizes GPS tracking devices in their criminal investigations. They do not maintain a usage log but are satisfied in its usage for furthering their criminal investigations.

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