

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 91078 C.M.S.

RESOLUTION: (1) ACCEPTING THE ANNUAL REPORTS FOR THE FOLLOWING CITY OF OAKLAND POLICE DEPARTMENT SURVEILLANCE TECHNOLOGIES: (A) AUTOMATED LICENSE PLATE READERS; (B) CRIME LAB BIOMETRICS DNA ANALYSIS TECHNOLOGY; (C) FORWARD LOOKING INFRARED (FLIR); (D) LIVE STREAM TRANSMITTER; (E) UNMANNED AERIAL SYSTEM (UAS OR DRONE) ; (F) FORENSIC LOGIC COPLINK/CRIMETRACER SYSTEM; (G) PEN REGISTER; AND (2) MAKING A DETERMINATION REGARDING WHETHER THE CITY SHOULD CONTINUE TO USE EACH OF THESE TECHNOLOGIES

WHEREAS, Oakland Municipal Code (OMC) Chapter 9.64 (the Surveillance Technology Ordinance) regulates the City's use of surveillance technology and among other things requires that City Council must approve City staff's use of Surveillance Technology; and

WHEREAS, OMC Section 9.64.040 provides that following City Council's initial approval of Surveillance Technology, the following must occur for City staff to continue to use the technology:

- City staff submits an Annual Surveillance Report with information on subject surveillance technology program outcomes to the Privacy Advisory Commission (PAC);
- After review by the PAC, City staff submits the Annual Surveillance Report, and the PAC's recommendations, to the City Council;
- The PAC makes a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that 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;
- Based upon information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC, the City Council makes a determination 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

WHEREAS, on April 3, 2025, City staff presented the Annual Surveillance Report for the UAS/Drones to the PAC; and

WHEREAS, at their April 3, 2025 meeting, after consideration of the Annual Surveillance Report for UAS/Drones the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on April 3, 2025, City staff presented the Annual Surveillance Report for the FLIR to the PAC; and

WHEREAS, at their April 3, 2025 meeting, after consideration of the Annual Surveillance Report for FLIR, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on May 1, 2025, City staff presented the Annual Surveillance Report for the Crime Labs Biometrics to the PAC; and

WHEREAS, at their May 1, 2025 meeting, after consideration of the Annual Surveillance Report for the Crime Labs Biometrics, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on May 1, 2025, City staff presented the Annual Surveillance Report for the ALPR to the PAC; and

WHEREAS, at their May 1, 2025 meeting, after consideration of the Annual Surveillance Report for ALPR, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on September 4, 2025, October 2, 2025, and November 6, 2025, City staff presented the Annual Surveillance Report for the Forensic Logic Coplink/Crimetracer System to the PAC; and

WHEREAS, at their November 6, 2025 meeting, after consideration of the Annual Surveillance Report for Forensic Logic Coplink/Crimetracer System, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on September 4, 2025, City staff presented the Annual Surveillance Report for the Pen Register to the PAC; and

WHEREAS, at their September 4, 2025 meeting, after consideration of the Annual Surveillance Report Pen Register, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; and

WHEREAS, on June 5, 2025, City staff presented the Annual Surveillance Report for the Live Stream to the PAC; and

WHEREAS, at their June 5, 2025 meeting, after consideration of the Annual Surveillance Report for Live Stream, the PAC made a recommendation to the City Council that the benefits to the community of the surveillance technology in question outweigh the costs and that civil liberties and civil rights are safeguarded and to approve continued use of the technology; now, therefore, be it

RESOLVED: That the City Council hereby accepts the Annual Reports for following Surveillance technologies:

- (1) UAS/Drones (**Attachment A**)
- (2) FLIR (**Attachment B**)
- (3) Biometrics Crime Lab (**Attachment C**)
- (4) ALPR (**Attachment D**)
- (5) Forensic Logic Coplink/Crimetracer System (**Attachment E**)
- (6) Pen Register (**Attachment F**)
- (7) Livestream (**Attachment G**); and be it

FURTHER RESOLVED: That pursuant to OMC Section 9.64.040.2, based upon the information provided in City staff's Annual Surveillance Report and after considering the recommendation of the PAC referenced above and discussed in the Agenda Report accompanying this resolution, the City Council hereby finds that for each form of Surveillance Technology listed above, 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 upholds the authorization of the City Administrator to continue to use these forms of Surveillance Technology.

IN COUNCIL, OAKLAND, CALIFORNIA,

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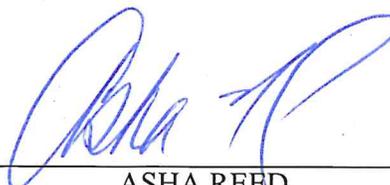
PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG, AND~~
PRESIDENT JENKINS - 5

NOES - 0
ABSENT - 0
ABSTENTION - 0

3 Excused - Brown, Gallo
and Ramachandran

ATTEST:



ASHA REED

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