



MEMORANDUM

TO: LeRonne Armstrong,
Chief of Police

FROM: Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

SUBJECT: Live stream transmitter–
2020 Annual Report

DATE: March 15, 2021

Background

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

- The benefits to the community of the surveillance technology 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.

Oakland Police Department (OPD) I-23: Live Stream Transmitter Use Policy governs OPD’s use of Live Stream Transmitters; the policy was approved by the City Council on April 21, 2020 through Resolution No. 88099 C.M.S., as well as OMC 9.64.040, requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council. The information provided below is compliant with the annual report policy requirements of OMC 9.64.040 and DGO I-23.

Sergeant Inez Ramirez is currently the Live Stream / Video Team Program Coordinator.

2020 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:

There were 11 requests in 2020. However, OPD only used the transmitters during seven incidents. In all these incidents, OPD utilized information such as open-source social media which indicated the likelihood of large gatherings with a potential for acts of violence and vandalism. The Report on Video Stream Usage August 28-29, 2020 report (shared with the PAC Chair and Chief Privacy Officer) shows that, “The organizer(s) posted language referring to “burning it down”. The recent protests and social media displaying similar language consistently resulted in acts of violence, vandalism, and scars on our downtown community. The “Report on Video Stream Usage: August 26, 2020” Report mentions that, “intelligence gathered from open-source social media indicated a large group of people were gathering for an anti-police protest in solidarity with protesters in Wisconsin. The social media posts spoke of violence on police officers and lighting fires in Oakland. Nationally, other agencies had seen days of violence starting on Aug 23, 2020 (the day of the

Wisconsin shooting¹). Since the George Floyd event, OPD has noted people coming to Oakland to mirror non-peaceful criminal behavior.”

- 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):

Seven (total times used); DGO I-11 does provide that OPD may share live stream data with other law enforcement agencies that have a right to know and a need to know¹, such as an inspector with the District Attorney’s Office. However, no live stream data would be downloaded, retained, or shared with different agencies. Video was streamed into the EOC/DOC. Any supporting agency inside the EOC would have viewed the live stream. No live stream video was saved/downloaded at the EOC/DOC. No live stream video was shared with other law enforcement agency, unless they viewed it live on the screen at the EOC/DOC.

- 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:

The transmitters are attached to video cameras which are handheld by officers monitoring the events.

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

The live stream transmitters were deployed in areas where the protests and marches occurred in parts of downtown Oakland.

- 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:

OPD is not aware of community complaints regarding the use of live stream transmitters in 2020; staff believes that the policy provides strong protocols for notification of use and transparency, that these protocols provide adequate civil rights and civil liberties protections.

- 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:

*OPD did not initially provide notice to the PAC Chair and Chief Privacy Officer (CPO) within the 72-hour rules set forth in DGO I-23. 2020 was the first full year in which OPD was using livestream transmitters with the newly adopted DGO I-23. Four deployment memos (see **Appendix A** below) were submitted to the PAC in September 2020, outlining the required*

¹ DGO I-23 explains that a right to know is the legal authority to receive information pursuant to a court order, statutory law, or case law.

use notifications between May-August 2020. These uses occurred during the 2020 global Coronavirus Pandemic, during very large events, where social media posts spoke of violence on police officers and lighting fires in Oakland. OPD has since developed better protocols to ensure PAC / CPO notifications occur within the 72-hour rule.

OPD is not aware of any other policy violations from use of the live stream transmitters. Usage for 2020 was reviewed/audited and no corrective actions were found to be needed. In 2019 there was also no corrective actions needed. Reviews of the usage confirm that video transmitted to the EOC and PAB was not recorded; therefore, there is zero data resulting from use. The technology only allowed real-time views of the hand-held video cameras.

- 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:

OPD is not aware of any data breaches.

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

See 2020 Quarterly Crowd Control Events (Attachments A-D).

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

There were no PRRs related to live stream transmitters in 2020.

- 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:

One hundred thirty thousand dollars (\$130,000) in one-time purchase cost. OPD upgraded the video streaming system that was originally purchased in 2011. This included camera equipment, transmitters, receivers and software licensing.

The Oakland Police Department (OPD) will use funding from the 2017 JAG local allocation to fund technology upgrades (new computers and gunshot locator system cameras), and Department-wide training. OPD will use funding from the 2018 JAG local allocation to purchase equipment upgrades (portable high-definition video streaming technology and related software and helicopter maintenance), and to fund Community Police Academy training as well as other Department-wide training.

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

No requests for 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 as well as the reporting requirements of Resolution 86585 C.M.S. OPD hopes that this report helps to strengthen our trust within the Oakland community.

Respectfully submitted,

Drennon Lindsey, Deputy Chief
OPD, Bureau of Investigations

Reviewed by,
Randell Wingate, Captain
OPD, Support Operations Section

Prepared by:
Inez Ramirez, Sergeant
OPD, Bureau of Services, Information Technology Unit

Bruce Stoffmacher, Legislation and Privacy Manager
OPD, Research and Planning Unit

Attachments (1)
Appendix A: 2020 Video Stream Deployment Memos

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: May - June, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the George Floyd event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-026713

- **Date of Incident:** 30 MAY 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-026817

- **Date of Incident:** 31 MAY 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027034

- **Date of Incident:** 01 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027193

- **Date of Incident:** 02 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

RD# or Incident #: 20-027341

- **Date of Incident:** 03 JUN 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 2 video streams

The nationwide protests that started on May 29, 2020 was the most devastating crowd control event in the history of Oakland. The George Floyd video created outrage with countless numbers of people locally, nationally, and globally. OPD officers and professional staff share in this outrage. OPD Command had very limited time to plan for protests once it became clear that large protests were likely to occur; OPD lacked specific intelligence signaling likely protests until late afternoon on May 28th; there is no Video Team request for the first evening of protests on 29 May 20.

The protests in late May and early June occurred somewhat continuously over several days; for this reason, the usage dates are included above and described here with one narrative. The usage continued until large protest activity ceased on 4 Jun 20. Captain Wingate requested the use of the video teams each day. The full activation of the Emergency Operations Center (EOC) was ordered by the City Administrator during this entire operational period.

The devastation which occurred on 29 May 20 justified the use of video teams on subsequent evenings. The downtown area had over 15,000 people massed in about three different clusters. The largest cluster occurred at 8th and Broadway; people in this area posted on social media the intent to burn down OPD's main Police Administration Building at 455 7th Street. Several other police department buildings nationwide had been set on fire. OPD was on a full deployment and had to call mutual aid before the sun went down.

Throughout the night Oakland was looted, burned, and destroyed by the unruly and very violent crowds. OPD and the several hundred personnel from outside police agencies were extremely outnumbered. Additionally, OPD was responding to the murder of a Federal Security Agent (which occurred at the Federal Building blocks from City Hall), burning businesses, and widespread acts of looting.

The use of the live stream video teams on the above listed nights was necessary to provide commanders with real time situational information. It is important to note the incredibly difficult task of commanding and controlling outside agencies in the field assisting OPD. When a directive is given by the Incident Commander, the most rapid way to ensure the message is clear and being executed is to see the officers in the field carrying out these directives. The average operational period would have up to 900 officers in Oakland participating in crowd management and addressing criminal activity.

The Video Teams were only used from a distance to capture the totality of the crowd size, activity, officer posture, and field supervision.

Randell Wingate
Captain of Police
Support Operations Division
Oakland Police Department

Inez Ramirez III
Sergeant of Police
Bureau of Services Administration
Oakland Police Department

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: July 25, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-036638
Date of Incident: 25 JUL 20
Type of Event: Protest
Was EOC/DOC activated: YES

Basis for Use: Video Teams were requested by Captain Wingate on 23 JUL 20, after analysis of this event. The intelligence gathered from open source social media outlets indicated a large group of people were gathering on 25 Jul 20, to commit acts of violence and vandalism. The group planned to start the protest with shield training. This activity is indicative of known agitator groups who hijack large peaceful protests. The shield training indicates a greater expectation – if not intent - for a violent intent.

The use of the live stream transmitters met the DGO requirements as the EOC was placed in operation by the City Administrator and the crowd size was predicted to be large enough to make command and control difficult. The late starting protest also reduced the Air Unit's usefulness and flight duration capacity. The Air Unit (helicopter) provides one of the only means OPD Command possesses for real-time information regarding crowd size and activity. Two video streams were provided by the Video Teams to the EOC.

The Video teams were effectively used to monitor officer conduct, supervision, crowd size, crowd activity, and for real time situational awareness. There were no political speakers and the crowd was not willing to communicate with OPD.

Number of Video Streams provide to EOC/DOC: 2 video streams

Randell Wingate
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Oakland Police Department

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Oakland Police Department

CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: August 26, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-042337
Date of Incident: 26 AUG 20
Type of Event: Protest
Was EOC/DOC activated: YES

Basis for Use: Video Teams were requested by Captain Wingate on 25 Aug 20, after analysis of the upcoming protest event - intelligence gathered from open source social media indicated a large group of people were gathering for an anti-police protest in solidarity with protesters in Wisconsin. The social media posts spoke of violence on police officers and lighting fires in Oakland. Nationally, other agencies had seen days of violence starting on Aug 23, 2020 (the day of the Wisconsin shooting¹). Since the George Floyd event, OPD has noted people coming to Oakland to mirror non-peaceful criminal behavior.

The use of the live stream transmitter met the DGO requirements as the EOC was placed in full operation by the City Administrator and the crowd size was predicted to be large enough to make command and control difficult. The California wildfires impacted the air quality and Air Unit visibility. The Air Unit is also used as a tool to give updates on crowd size and activity. The single Video Team was used to send real time images to the EOC.

The Video team was effectively used to monitor officer conduct, supervision, crowd size, crowd activity, and for real time situational awareness.

¹ In the August 23, 2020 incident, Kenosha PD officers shot Jacob Blake, an African American male seven times related to a domestic dispute call for service; the event was captured on phone video by a bystander.

Number of Video Streams provide to EOC/DOC: 1 video stream

Randell Wingate
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CITY OF OAKLAND

Memorandum

ATTN: Director Joe Devries
FROM: Captain Randell Wingate
DATE: September 23, 2020
RE: Report on Video Stream Usage: August 28-29, 2020

This memorandum summarizes the use of Live Stream Transmitters by the Oakland Police Department (OPD), in support of the specified event.

Departmental General Order (DGO) I-23: Live Stream Transmitter Use Policy requires that for each use of live stream transmitters, OPD shall articulate the facts and circumstances surrounding the use in a written statement filed with the Chief Privacy Officer and/or Chair of the Privacy Advisory Commission within 72 hours.

RD# or Incident #: 20-042759

- **Date of Incident:** 28 AUG 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 3 video streams

RD# or Incident #: 20-042912

- **Date of Incident:** 29 AUG 20
- **Type of Event:** Protest
- **Was EOC/DOC activated:** YES
- **Number of Video Streams provide to EOC/DOC:** 3 video streams

Basis for Use: Video Teams were requested by Captain Wingate on 27 Aug 20, after analysis of the event (28 Aug 20). The intelligence gathered from open source social media outlets indicated a large group of people were gathering on 28 Aug 20, to commit acts of violence and vandalism. The organizer(s) posted language referring to “burning it down”. The recent protests and social media displaying similar language consistently resulted in acts of violence, vandalism, and scars on our downtown community.

The use of the live stream met the DGO requirements as the EOC was placed in operation by the City Administrator and the crowd size was predicted to be large enough to render oversight and control difficult. The late evening start time reduced the Air Unit’s (helicopter) flight duration. The Air Unit provides practically the only means of achieving active crowd size and activity information. Three video streams were provided

by the Video Teams to the EOC. The Video teams were effectively used to monitor officer conduct, supervision, crowd size, and crowd activity. OPD could not identify political speakers nor anyone willing to communicate with OPD.

The event for 28 Aug 20, ended with social media posts calling all protesters back for the night of 29 Aug 20. This created a second request for the video teams for this event. The information gathered from public sources again justified live transmitter use for upcoming protests; crowd size was again anticipated to be large enough to make command and control very difficult. The video teams were effective in gaining real time information on the officers' posture, crowd activity, crowd size, effectiveness of the filed supervision, and need for police presence.

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