



## Privacy Advisory Commission

June 9, 2021 5:00 PM

Videoconference

### *Special Meeting Agenda*

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**Commission Members:** *District 1 Representative: Reem Suleiman, District 2 Representative: Chloe Brown, District 3 Representative: Brian Hofer, Chair, District 4 Representative: Lou Katz, District 5 Representative: Omar De La Cruz, District 6 Representative: Gina Tomlinson, District 7 Representative: Robert Oliver, Council At-Large Representative: Henry Gage III, Vice Chair* **Mayoral Representative:** *Heather Patterson*

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Pursuant to the Governor's Executive Order N-29020, all members of the Privacy Advisory Commission as well as City staff will join the meeting via phone/video conference and no teleconference locations are required.

#### **TO OBSERVE:**

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82249836320>

Or One tap mobile :

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Webinar ID: 822 4983 6320

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#### **TO COMMENT:**

1) To comment by Zoom video conference, you will be prompted to use the "Raise Your Hand" button to request to speak when Public Comment is being taken on the eligible Agenda item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

2) To comment by phone, you will be prompted to "Raise Your Hand" by pressing "\* 9" to request to speak when Public Comment is being taken on the eligible Agenda Item. You will then be unmuted, during your turn, and allowed to make public comments. After the allotted time, you will then be re-muted.

#### **ADDITIONAL INSTRUCTIONS:**

1) Instructions on how to join a meeting by video conference is available at: <https://support.zoom.us/hc/en-us/articles/201362193%20-%20Joining-a-Meeting#>

2) Instructions on how to join a meeting by phone are available at: <https://support.zoom.us/hc/en-us/articles/201362663%20Joining-a-meeting-by-phone>

3) Instructions on how to "Raise Your Hand" is available at: <https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-In-a-webinar>

1. Call to Order, determination of quorum
2. Open Forum/Public Comment
3. Surveillance Equipment Ordinance - OPD – presentation of Annual Reports – review and take possible action: ShotSpotter



## MEMORANDUM

**TO:** LeRonne Armstrong,  
Chief of Police

**FROM:** Trevelyan Jones, Captain,  
Ceasefire Section

**SUBJECT:** Gunshot Location Detection  
System (ShotSpotter) – 2020  
Annual Report

**DATE:** June 7, 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.

The PAC recommended adoption of OPD Department General Order (DGO) I-20: “Gunshot Location Detection System” at their October 3, 2019 meeting; the report was presented to the City Council on November 19, 2019 and adopted by the City Council via Resolution No. 87937 C.M.S. DGO I-20 requires that OPD provide an annual report to the Chief of Police, the Privacy Advisory Commission (PAC), and the City Council.

### **2020 Data Details**

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

*From the “Surveillance Impact Use Report for the Gunshot Location Detection System:”*

*Part 1 – How the System Works: “The GLD system sensors are designed to detect gunshots based on their acoustic signature (e.g. broad-frequency, impulsiveness and loudness). The utilization of multiple sensors at different distances from a gunshot sound allows the system not only to capture the sound but assign a probability that it is a gunshot and triangulate its precise location based on time difference of arrival. If the machine classifier in the “ShotSpotter Cloud” determines it is likely a gunshot based on computer-learning algorithms, the system will pull a short audio snippet from the sensors that detected it and send it to human analysts at the ShotSpotter Incident Review Center at its headquarters in Newark, CA. The analysts perform an auditory and visual assessment of the audio waveform to make a final determination as part of a two-phased classification process. If confirmed as a gunshot, an alert is published containing*

*information such as street address, number of rounds fired, and a short audio snippet of the gunfire event– all within 60 seconds of the trigger pull (29 seconds on average).”*

*From Section 2: Proposed Purpose: “The purpose of GLD is to enable OPD to provide a higher level of the service to the community related to shootings. The system detects, locates and alerts officers of virtually all gunshots in a coverage area in less than 60 seconds enabling officers to respond to and investigate gunshots incidents they would not have known about and to respond to them much more rapidly than waiting for a 911 call. Personnel can better respond to gunshot activity and respond to possible armed individuals as well as to possible gunshot victims through this important real-time data.”*

*ShotSpotter technology was used in the following ways/with the following outcomes in 2020:*

- *The number of times ShotSpotter technology was requested: ShotSpotter alerted OPD to 6,053 unique gunshot incidents from January 1 – December 31, 2020. Of those alerts, 5,507 (91%) were not called in by the community and OPD would not have known about them nor have been able to respond in a timely fashion. This information is based on an analysis of calls with 15 minutes and 300 feet of a ShotSpotter alert.*
- *123 shooting victims related to ShotSpotter alert notification, 22 of which were homicides and 101 were injured. OPD was able to provide and coordinate immediate emergency medical response to the 101 surviving shooting victims; OPD personnel believe that several of these victims survived the shootings specifically because of the quick response subsequent medical attention. In some instances, OPD and medical response occurred within less than two minutes of ShotSpotter activation.*
- *1,526 crime incident reports (26% of total activations)*
  - *1,395 (91%) were for firearm-related crimes (**Table 1** below categories these crime incidents), **Table 2** further below illustrates gun recoveries resulting from ShotSpotter activations.*
  - *131 (9%) were for non-firearm-related crimes.*
  - *1,170 (77%) of these incidents resulted in OPD Crime Lab requests for further firearm forensic analysis.*
- *ShotSpotter provided the following additional reports in relation to specific ShotSpotter activations:*
  - *Five detailed forensic reports*
  - *Expert witness and court preparation for eight cases*

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):

The following agencies have been provided log-in access to the ShotSpotter System for ongoing usage:

1. *OPD and the Oakland Housing Authority Police Department entered into a Memorandum of Understanding (MOU) in 2012, following City Council approval, to fund the initial ShotSpotter program in areas of the City and near OHA buildings*

- known for higher levels of gun shots. This MOU allows OPD to share access to the ShotSpotter cloud-based portal with OHA PD personnel (see **Attachment C**).*
- 2. Personnel from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) who participate in the Council-approved OPD-ATF Taskforce also have access to the ShotSpotter System.*
  - 3. Staff from the Oakland Unified School District (OUSD) Police Department (disbanded by vote of the OUSD School Board in 2020) were formerly provided access to OPD's ShotSpotter System.*

*These agencies have ongoing log-in access and do not make written requests for access.*

*Separate from ongoing login access, DGO I-20 provides rules for sharing ShotSpotter System data with outside agencies. Section C-3 of DGO I-20: "GUNSHOT LOCATION DETECTION SYSTEM" – "Releasing or Sharing GLD System Data," states:*

*"GLD system data may be shared only with other law enforcement or prosecutorial agencies based on a need to know or a right to know, or as otherwise required by law, using the following procedures:*

- 1. The agency makes a written request for the ShotSpotter data that includes:
  - a. The name of the requesting agency.*
  - b. The name of the individual making the request.*
  - c. The need for obtaining the information.**
- 2. The request is reviewed by the Bureau of Services Deputy Chief/ Deputy Director or designee and approved before the request is fulfilled.*
- 3. The approved request is retained on file and shall be included in the annual report.*

*OPD did not provide specific ShotSpotter data to outside law enforcement agencies in 2020. However, OPD investigators in the Criminal Investigations Division and or other sections of OPD such as the Ceasefire Section regularly communicate with personnel from other law enforcement agencies on interjurisdictional investigations; these forms of collaboration may involve discussions related to shootings where OPD became informed from ShotSpotter activations. ShotSpotter activations many times may lead to evidence gathering (e.g., finding bullet casings); OPD may share information about evidence (e.g., that bullet casings were found in a particular area at a particular time). OPD follows DGO I-20 policy for specific requests for ShotSpotter data.*

*OPD is currently developing protocols so that all personnel involved in investigations across OPD divisions know to create a log whenever ShotSpotter data requests are made, so that this information will be available for annual reports to the Privacy Advisory Commission.*

- 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 contracted with ShotSpotter to install GLD sensors in different areas (phases) in several parts of the city. The total coverage area for the current ShotSpotter system comprises 15.38 square miles or approximately 25 percent of the city. OPD has chosen to install the sensors in areas most prone to gunshots based upon historical data. Many areas in East and West Oakland now benefit from the GLD system.*

*Most sensors are placed approximately 30 feet above ground level to maximize sound triangulation to fixed structures (e.g., buildings); at this altitude, the sensors can only record limited street-level human voice sounds. Furthermore, ShotSpotter only retains the audio for one second prior to a gun shot, and one second after.*

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

***Attachment A** to this report provides the geographic areas of the City of Oakland that comprise the three ShotSpotter “phases” or areas covered under the current OPD-ShotSpotter contract. These areas intersect with all five official OPD Police Areas with a focus on areas where gunfire has historically occurred with greater regularity. **Attachment B** to this report is a weekly public ShotSpotter Activation Report for the week of March 8-14, 2021; this later report highlights areas of Oakland where ShotSpotter alerts have most recently occurred.*

- 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:

*OPD reached out to Oakland Councilmembers to source possible community complaints. Councilmembers and their staff shared that they had not received any complaints in 2020; however, some Councilmembers and staff shared that members of the public are requesting greater ShotSpotter coverage into areas beyond the 15.36 square miles of current coverage (see #J below). OPD Office of Inspector General and Internal Affairs have not received any complaints regarding the ShotSpotter system in 2020. OPD is not aware of other complaints critical of the ShotSpotter system during 2020.*

*OPD is not able to provide the race of each person connected to each activation since shooting suspects are often unknown. Many times, there is data regarding the race of shooting victims or witnesses (may be self-reported); however, this data is not captured in the same system as ShotSpotter and the administrative burden (6,053 total 2020 activations) to constantly connect the two disparate datasets may overwhelm staff capacity. OPD therefore believes that gathering related race data is outweighed by the City's administrative burden.*

- 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:

*New officers and crime analysts are trained on the ShotSpotter System as part of police officer academies. Officers and analysts are provided direction that covers login, and how to use different views (e.g., time-period).*

*OPD officers have automatic access to ShotSpotter notifications when in patrol vehicles equipped with standard vehicle computers. ShotSpotter creates a log for every sign-in to their system, which includes the level of access the user has (admin view or dispatch view, which is notification only). OPD and ShotSpotter has verified that for 2020, all users who logged into the system were authorized users.*

- 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:

*Neither OPD, ShotSpotter, nor the city's IT Department are aware of any data breaches of ShotSpotter data or technology in 2020.*

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

**Table 1: ShotSpotter Activations Resulting in Incident Report for Firearm Crimes by Category**

<b>Cases by Firearm-Related Crime Type</b>	<b>No.</b>
Homicide	15
Assault with a Firearm	129
Shoot at an Occupied Home/Vehicle	85
Shoot at an Unoccupied Home/Vehicle	17
Negligent Discharge of a Firearm	977
Weapons Violations (including exhibit/draw)	166
Robbery with a Firearm	6
<b>Total Cases</b>	<b>1,395</b>

**Table 2: Firearm Recoveries in 2020 Connected to ShotSpotter Activations illustrate Guns Recovered**

Firearm-Related Crime Type	No.
Homicide	1
Assault with a Firearm	21
Shoot at an Occupied Home/Vehicle	3
Negligent Discharge of a Firearm	9
Weapons Violations (including exhibit/draw)	24
Battery	2
<b>Total Cases</b>	<b>60</b>

- 69 weapons seized.
  - Note: more than one firearm may be from the same incident.
- 525 incidents when advanced situational awareness was provided to responding patrol officers on their way to crime scenes in high danger situations that required specific approach tactics such as multiple shooters, high capacity or automatic weapons being used, and drive-by shootings.

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

*There were six (6) new ShotSpotter requests opened in 2020. Two are closed. Four are still open. There are ten total ShotSpotter Requests open as of the production of this 2020 data report.*

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:

*Total paid in 2020 was \$592,010 for 15.36 square miles of coverage. These fees encompass all services ShotSpotter currently provides to Oakland. There are no additional charges for meetings, reports, analysis and training. These funds come from OPD's General Purpose Fund.*

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

*OPD recognizes that DGO I-20, Section B.1 "Authorized Use" states: "Only OPD personnel shall be granted access to OPD's GLD System." Unfortunately, OPD and ShotSpotter personnel did not consider the Oakland-OHA Council-approved data sharing agreement when DGO I-20 was developed and recommended to the PAC and City Council. OPD believes that Council-approved data sharing and/or taskforce agreements are appropriate. Therefore, OPD is considering policy changes to DGO I-20 to better align the policy with actual procedures and Council-approved agreements.*



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 Trevelyan Jones, Captain, OPD, Ceasefire Section, at [tjones@oaklandca.gov](mailto:tjones@oaklandca.gov)

Respectfully submitted,

*Trevelyan Jones*

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Trevelyan Jones, Captain, OPD, Ceasefire Section

Reviewed by,  
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## Attachment A - Shot Spotter Coverage Areas

Phase I with red borders (Activated in 2006): 6.2 square miles

East Oakland: East of High Street to 106th Avenue

West Oakland: East of Highway 980 to Frontage Road

Phase II with blue borders (Activated in 2013): 6.4 square miles

East Oakland: West of High Street to Park Boulevard

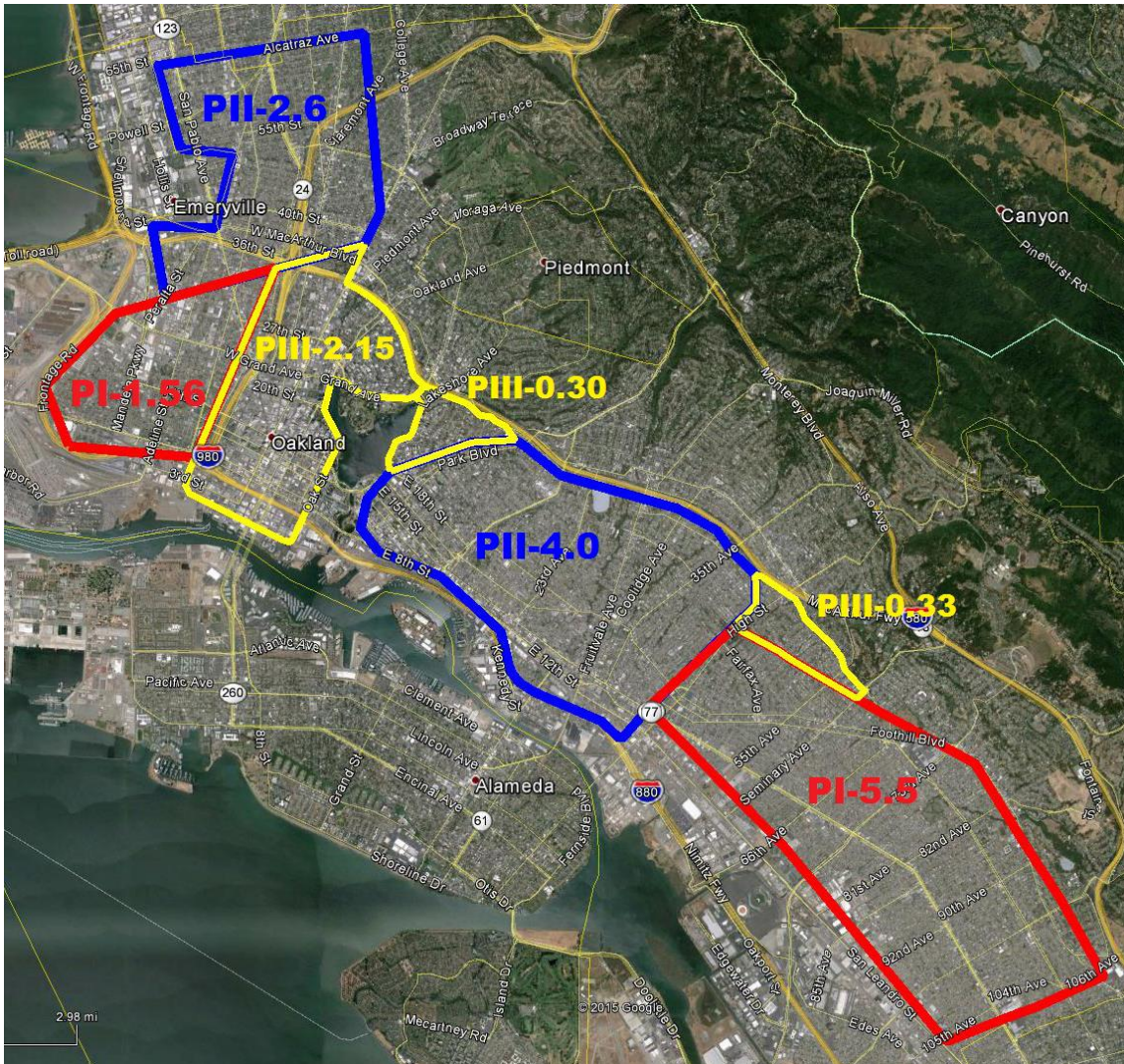
North Oakland: North of Highway 580 to Alcatraz Avenue

Phase III with yellow borders (Activated in 2016): 2.78 square miles

Downtown Oakland: Jack London Square to about West MacArthur Boulevard

Cleveland Height area: East of Lake Merritt to Highway 580 & Park Boulevard

Maxwell Park: East of High Street to Highway 580 & Mills College

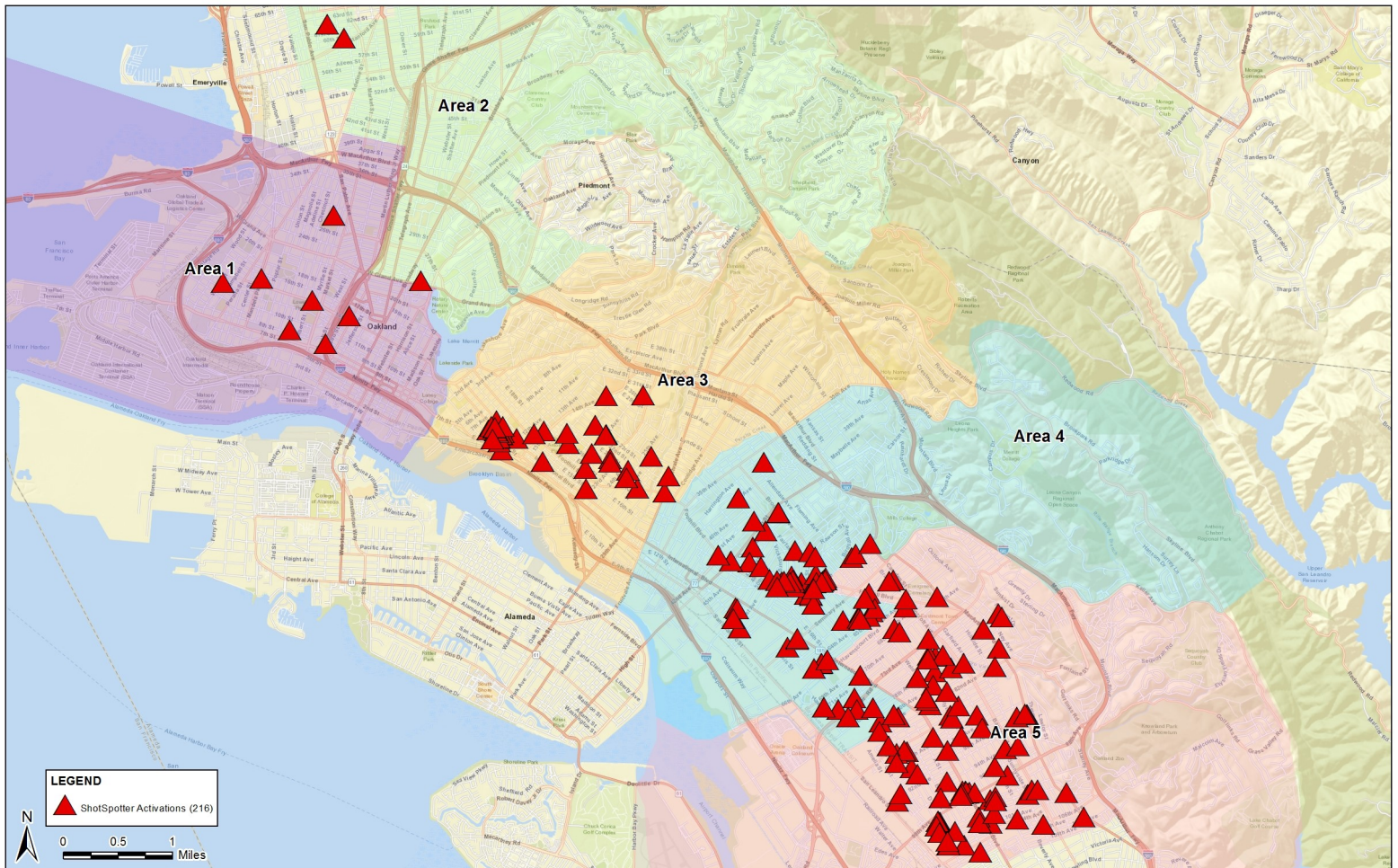






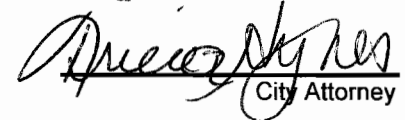
# Weekly ShotSpotter Activations Report — Citywide 08 Mar., – 14 Mar., 2021

ShotSpotter Activations	Weekly Total	YTD 2020	YTD 2021	YTD % Change 2020 vs. 2021
Citywide	216	763	1,967	158%
Area 1	7	67	179	167%
Area 2	3	29	62	114%
Area 3	38	158	364	130%
Area 4	77	197	502	155%
Area 5	91	312	860	176%



All data sourced via ShotSpotter Insight.

Produced by the Oakland Police Dept. Crime Analysis Unit.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND**OAKLAND CITY COUNCIL**  
City Attorney2012 NOV 15 RESOLUTION No. 84119 C.M.S.**RESOLUTION:**

**AUTHORIZING THE CITY ADMINISTRATOR OR HER DESIGNEE TO**

**1) ENTER INTO AN MOU WITH THE OAKLAND HOUSING AUTHORITY (OHA) TO ESTABLISH AND DEFINE THE WORKING RELATIONSHIP AND SHARED RESPONSIBILITIES BETWEEN THE OAKLAND POLICE DEPARTMENT (OPD) AND THE OAKLAND HOUSING AUTHORITY POLICE DEPARTMENT (OHAPD). 2) ACCEPT \$150,000 FROM OHAPD FOR THE OPD FOR A JOINT PLANNED EXPANSION OF SHOTSPOTTER (SST) AND FOR OHAPD TO HAVE ACCESS TO THE SYSTEM AND ITS DATA**

**WHEREAS**, in November 2002, OHA ended its contractual agreement with the OPD, appointing from within the department an OHAPD Chief of Police. Currently, the OHAPD has its own Chief of Police, 2 lieutenants, 6 sergeants, 25 police officers, 8 police service aides, and a communications/records supervisor. In addition to the 34 sworn staff members the Department has 10 reserve police officers; and

**WHEREAS**, the primary purpose of the MOU is to establish that the OPD has concurrent jurisdiction with that of the OHAPD, that OPD has primary jurisdiction throughout the City of Oakland, and that OHAPD serves as a supplemental resource. It is understood that the OPD is the primary law enforcement agency in the City of Oakland and has primary policing responsibilities in all instances; and

**WHEREAS**, the OHAPD's physical jurisdiction encompasses a combination of real properties owned, or under the control of the Oakland Housing Authority (OHA) contained in the City of Oakland. This includes 7 family residential developments, 5 senior citizen developments, and 267 scattered sites. In addition, OHA owns a number of administrative and maintenance facilities throughout the City of Oakland.

**WHEREAS**, in an effort to improve public safety and partner in innovative ways to address gun violence, the OHAPD has agreed to share the cost of the SST system and the fees associated with the expansion of the system and ongoing maintenance. The OHAPD will have access to the data and alerts generated by SST in the City of Oakland for its partnership and financial support of \$150,000 now, therefore be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to enter into a MOU with the OHAPD that outlines the responsibilities of policing in the City of Oakland and to accept \$150,000 from OHAPD to offset cost of the expansion of the ShotSpotter system and continued maintenance of the system; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is hereby authorized to complete all required negotiations, certifications, assurances, and documentation required to accept, modify, extend and/or amend the proposed MOU with OHAPD and a copy of the fully executed agreement shall be placed on file with the Office of the City Clerk; and be it

**FINALLY RESOLVED:** That the City Attorney shall review and approve said proposed MOU with OHAPD, as to form and legality.

DEC 4 2012

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

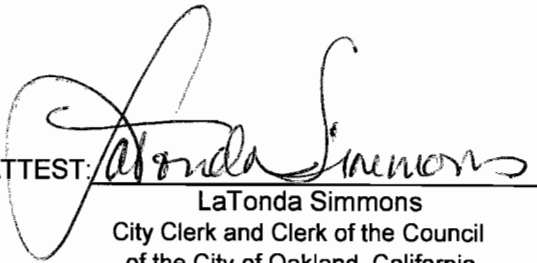
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brunner - 1

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California