



Brent Blackaby
Councilmember District 6

SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: March 24, 2026

Item Number: #26

Item Description: **Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority**

Submitted by: Councilmember Blackaby

Recommending requirements for the Flock Safety Master Services Agreement (MSA) and a referral to the City Manager for additional BPD reporting during implementation and early months of operation.



Brent Blackaby
Councilmember District 6

ACTION CALENDAR
March 24, 2026

To: Honorable Mayor and Members of the City Council
From: Councilmember Blackaby
Subject: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority

RECOMMENDATION

Adopt additional requirements to the Flock Safety Master Services Agreement (MSA) to reduce the risk of unauthorized data sharing, increase accountability of Flock around system performance and data privacy, and maximize contract flexibility for the City.

In addition, make a referral to the City Manager for more frequent BPD Public Safety Technology program reports to maximize oversight during implementation and reduce the chances of long-undetected data breaches.

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

Before executing the Flock Safety Master Services Agreement (MSA), the following requirements should be added to the MSA:

1. Increase the penalty Flock pays if they cause an unauthorized sharing, from \$75,000 to \$150,000 per violation. (FLOCK GROUP INC. AMENDMENT, p.89)
2. Allow the City of Berkeley to terminate the MSA for convenience at any time.
3. Ensure contract is structured for annual payments instead of paying in full up-front for the life of the contract; if City decides to terminate the contract early, no subsequent future payments will be made.

More frequent BPD Public Safety Technology program reports should also take place as off-agenda memos from City Manager to City Council that can be moved to Action Calendar during Council meetings:

1. Quarterly reports until installation is complete, including but not limited to:

- a. Update on installation progress and timeline for each component including Unmanned Aerial Systems, Community Video Streams, fixed cameras, ALPRs, Flock Nova software, and Real-Time Information Center (RTIC)
 - b. Early results for any components that go live before full system is operational
 - c. Any issues or concerns that arise during installation
2. Monthly reports once the system is in use, for the first six months of operation, including but not limited to:
- a. Early results and performance evaluation of each component
 - b. Any issues or concerns observed
 - c. Proposed solutions or fixes
 - d. Short case-studies or synopses of major cases supported using the new technology
3. Thereafter, align with existing practices for auditing and reporting on ALPR technology
- a. Include audits for all RTIC surveillance components as part of the existing biennial (2x/year) audit process for ALPRs, shared with PAB within 30 days of completion of each audit
 - b. Include review of all RTIC surveillance components in the Annual Surveillance Technology report.

BACKGROUND

Public Safety Technology plays a critical role in supporting the Berkeley Police Department's investigations, enhancing officer safety, and strengthening overall public safety. However, Flock's documented unauthorized sharing of surveillance data underscores the need for more robust safeguards in the Master Services Agreement, as well as enhanced program reporting, to ensure full transparency and informed oversight as we move forward with this contract.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

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