



Peace and Justice
Commission

01b
Special Meeting Item

ACTION CALENDAR
May 7, 2026
(Continued from April 21, 2026)

To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Pastor Dwayne Phillips, Chairperson, Peace and Justice Commission
Subject: Social Justice Implications of contracts with the Immigration Data Broker,
Flock Safety

RECOMMENDATION

Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

SUMMARY

The Peace and Justice Commission recommends applying a social justice lens to policing decisions that could have a significant impact on the lives of Berkeley's residents and visitors, including disparate impact on marginalized, low-income, disabled, elder, and community members of color.

It is the Commission's perspective that human rights must be prioritized above administrative convenience. The Commission further finds that in an era of great polarization, it is essential to build bridges among disparate constituencies, listen to people with differing perspectives, and create solutions that serve all the people in Berkeley.

Cancel Flock Safety contracts for public surveillance images and video footage, and do not sign any new contracts with Flock for stationary cameras or for drones such as First Responder by Drone, due to Flock's repeated sharing of such data with immigration authorities, and the inherent risk of exposure of "cloud-based" storage to Trump administration access.

FISCAL IMPACTS OF RECOMMENDATION

No significant fiscal impacts on the City.

CURRENT SITUATION AND ITS EFFECTS

An outcry is growing around the Bay, as well as nationally, against municipalities contracting with Flock Safety.

Currently, Berkeley contracts with Flock for 52 Automated License Plate Reader cameras. In late 2025, the BPD asked the City to approve adding fixed cameras and drones. A steady drip of revelations prompted opposition from Sanctuary City advocates and civil libertarians, and the proposal was temporarily pulled, but the BPD has repeated calls for its approval.

On March 9, 2026, the Peace and Justice Commission passed the following motion:

M/S/C: Lippman/Morizawa: Approve a Policy approving the following actions with regard to safeguards for Berkeley's surveillance-derived images and footage:

Cancel Berkeley's Flock Safety contracts for public surveillance images and video footage, due to Flock's repeated sharing of such data with immigration authorities, and the inherent exposure of "cloud-based" storage to Trump administration access.

Ayes: Commissioners Weisberg, Marasovic, Fink, Mencher, Taylor, Lee, Sani, Morizawa, Lippman, McNeil and Press

Noes: Commissioner Elias

Abstain: Commissioners Phillips and Yasavul

Absent: Commissioner Cassidy

Excused: None

BACKGROUND

The following jurisdictions or companies have recently canceled contracts with Flock:

- Ring (owned by Amazon) as of February 12 2026.¹
- In 2025: Austin, Denver, Evanston and Oak Park, Illinois, and Scarsdale, New York
- In 2026: Flagstaff (Arizona), Oak Park (Illinois), Cambridge (Massachusetts), and Olympia (Washington), City of Santa Cruz in January 2026.

¹ Tuohy, "Ring cancels its partnership with Flock Safety after surveillance backlash," *The Verge*, Feb. 12 2026, <https://www.cnn.com/2026/02/13/tech/amazon-ring-flock-partnership-ice> and <https://www.theverge.com/news/878447/ring-flock-partnership-canceled#comments>

- Mountain View, as of February 2026. The city suspended its ALPR cameras “after discovering that federal and out-of-state agencies accessed city data without authorization.”²
- The Alameda County Board of Supervisors has delayed consideration of adding Flock cameras due to its concerns over data sharing with federal agencies, particularly ICE.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

Here are some of the disclosures that caused Berkeley’s pullback:

- *Indirect ICE access via cooperating departments:* In May 2025, *404 Media* broke the news that “Local police around the country are performing lookups in Flock’s AI-powered ALPR system for ‘immigration’ related searches and as part of other ICE investigations, giving federal law enforcement side-door access to a tool that it currently does not have a formal contract for.”³
- *Flock misrepresentations to Berkeley about ICE pilot program:* While Flock told Berkeley it was not sharing data with federal agencies, it had an undisclosed pilot program with Homeland Security that “allowed CBP and Homeland Security Investigations (HSI) to regularly search more than 80,000 Flock ALPR cameras.”⁴
- *FISA subpoenas are secret, making appeal virtually impossible:* Foreign Intelligence Surveillance Act (FISA) warrants or subpoenas are a special kind of judicial order. All the judges are appointed by the Chief Justice. The proceedings are secret, as are the subpoenas themselves, to the extent that it is a felony to disclose them. There is virtually no way around compliance with the FISA warrant because we will never know about it.⁵

² Macasero, “Mountain View scraps ALPR cameras,” *East Bay Times*, https://edition.pagesuite.com/popovers/dynamic_article_popover.aspx?guid=9cf98443-ecf6-4fce-998a-35b5366da2cc&appcode=EAS596&eguid=d51113c7-7521-47a5-96dd-1a1a1dd26689&pnum=4#

³ Koebler, “ICE Taps into Nationwide AI-Enabled Camera Network Data Shows,” *404 Media*, May 27 2025, <https://www.404media.co/ice-taps-into-nationwide-ai-enabled-camera-network-data-shows/>

⁴ Koebler, “CBP Had Access to More than 80,000 Flock AI Cameras Nationwide,” *404 Media*, Aug. 25, 2025, <https://www.404media.co/cbp-had-access-to-more-than-80-000-flock-ai-cameras-nationwide/>

⁵ Kitt Saginor, “Surveillance in Berkeley -- and more coming?” Feb. 2026. “If Flock receives a FISA warrant, it may not inform the City of Berkeley. If the Berkeley police chief receives the warrant, it may not inform the mayor or the city council. The penalty is up to five years in prison and a \$10,000 fine.” <https://tinyurl.com/4ynbyrs9>

- *Judicial subpoenas will trump Berkeley's protective policies:* Chief Louis has stated that “We, not Flock, own the data. And Flock commits to not turning over the data. We will not give immigration records—unless they are subpoenaed. Then we will check with the city attorney.” Unfortunately, this argument is not reassuring. It is predictable that compliance with a judicial order would be found to be mandatory by the city attorney.

The Chief's position does not recognize the abrogation of normal constitutional order that has taken place. The only way Berkeley can prevent sharing data with ICE is to not hold the data in the first place, and certainly not to store it outside of the BPD's direct control, especially not with a company already tainted with collaboration with ICE.

Flock Safety is one of a number of companies, including also Palantir, Google, Meta, and Reddit, that work with ICE to “conglomerate” technology to “monitor people's online activity and potentially hack into phones...combining government and commercial data to identify real-time locations for individuals they are pursuing.”⁶

Berkeley now has the opportunity to opt out of this authoritarian venture. The Sanctuary City Contracting Ordinance (SCCO) states that the City shall not “enter into a...contract with any Person or Entity that provides an Immigration Authority with ‘Data Broker’ services.” Flock Safety acts as a Data Broker to DHS.

Berkeley's contract with Flock Safety states specifically that a failure on Flock's part “to comply with the SCCO shall constitute a material breach of the Contract and the City Manager may terminate [the] Contract and bar the Contractor from bidding on future contracts for five years.” There is also a fine of up to \$1,000 for a misdemeanor violation of the SCCO for withholding information about supplying data to ICE.⁷

ALTERNATIVE ACTIONS CONSIDERED

The commission considered suggesting alternative surveillance vendors, but opted to focus on the issue of Flock's incompatibility with Berkeley's values.

CITY MANAGER

The City Manager recommendation on this matter can be found in the City Manager Report entitled Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority from the March 24, 2026 City Council meeting. Given that the item from March 24 was not concluded and is currently being scheduled to come back to City Council, the City

⁶ Frenkel and Krolik, “How ICE Already Knows Who Minneapolis Protesters Are,” *New York Times*, Jan. 30, 2026, <https://www.nytimes.com/2026/01/30/technology/tech-ice-facial-recognition-palantir.html>

⁷ City of Berkeley Sanctuary City Compliance Statement, berkeleyca.gov/sites/default/files/2022-02/SanctuaryCityComplianceCertification.pdf

Manager recommends taking no action on it at this time in advance of it returning to the Council.

CONTACT PERSON

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