



Office of the City Manager

REVISED AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: June 25, 2024

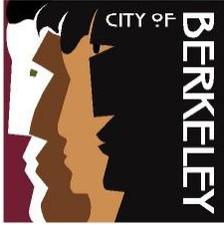
Item Number: 40

Item Description: **Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections; and Authorizing Additional External Fixed Video Surveillance Cameras**

Submitted by: Terrance Davis, Director of Public Works

There is a typographical error in the Public Works Acquisition Report. This version removes that error.

An additional attachment is added to the Council Report along with clarifying language.



Office of the City Manager

CONSENT CALENDAR

June 25, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Terrance Davis, Director of Public Works

Subject: Contract: Edgeworth Integration, LLC for Installation of Security Cameras at Council-Approved Intersections

RECOMMENDATION

Adopt a Resolution to authorize the City Manager to execute a contract with Edgeworth Integration, LLC, for the purchase and installation of external fixed video surveillance cameras at City Council approved locations for an amount not to exceed \$850,000 for a contract period through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Estimated one-time costs to purchase and install cameras are between \$44,000 to \$55,000 per intersection not including permit fees. This contract will also include ongoing maintenance and repairs for installed cameras which are anticipated to be \$15,000 per year.

Funding in the amount of \$600,000 is available in the FY 2024 baseline Public Works budget General Fund 011 (budget code: 011-54-624-694-0000-000-412-612990). Additional funds will be appropriated as approved by Council through the FY 2025 budget process.

CURRENT SITUATION AND ITS EFFECTS

On October 12, 2021, the City Council approved a budget referral for the installation of External Fixed Video Surveillance Cameras, prominent signage, and increased lighting in public right-of-way intersections experiencing a rise in violent crime. The referral approved installation of security cameras at the following ten intersections:

- University & 6th
- Ashby & 7th
- Ashby & Claremont
- Ashby & College
- Ashby & Sacramento
- Ashby & San Pablo

- Dwight & San Pablo
- Dwight & 7th
- University & San Pablo
- King & 62nd

On January 30th, 2024, Council approved of a budget referral for the installation of additional External Fixed Video Surveillance Cameras at the following intersections:

- Alcatraz & College
- Alcatraz & Adeline
- Alcatraz & Sacramento
- San Pablo & Gilman
- Woolsey & Telegraph
- Woolsey & Shattuck

This contract will provide for the installation of approved cameras prioritizing those approved in 2021. If funding remains after the installation of the first group of nine, the remaining funding would be prioritized to the cameras approved on January 30, 2024.

Public Works executed contract No. 32400010 on July 18, 2023, for the purchase and installation of a surveillance camera at the University & 6th intersection.

Cameras for this contract are compatible with those already in use at San Pablo Park under Contract Nos. 31900080 and 31900205 along with those deployed at University and 6th under Contract No. 32400010. Edgeworth Integration, LLC was the contractor for these projects. Beyond the initial purchase and installation, City of Berkeley's Public Works Department will support Edgeworth as needed for maintenance and repairs for the installed cameras.

For the sites approved by City Council on October 12, 2021, a Surveillance Acquisition Report for the security cameras and corresponding Surveillance Use Policy was submitted to the Police Accountability Board and thereafter the City Council approved the installation of those locations. Attached to this report is a Surveillance Acquisition Report for the security cameras and corresponding Surveillance Use Policy for the additional six locations approved by the City Council on January 30, 2024. On February 2, 2024, the Police Accountability Board was notified of City Council's intention of installing the cameras at these additional locations. The topic was included in their February 28, 2024, agenda. A final report (Attachment 2) dated March 1, 2024 was presented to the City Council for their consideration at the March 19, 2024, City Council meeting.

Security camera footage would be used pursuant to the use policy. The cameras are not intended for continuous surveillance purposes nor will contain License Plate Reader technology or software.

This supports the Strategic Plan Goal of creating a resilient, safe, connected, and prepared City.

BACKGROUND

A 2011 report¹ from The Urban Institute's Justice Policy Center noted that cameras can be an effective tool for preventing crimes and supporting investigations. These tools appear fiscally prudent both as tools for investigations, and with the installation and maintenance of security cameras being less costly than the costs associated with crimes that may take place without them. Moreover, an experiment conducted at the University of Twente in the Netherlands finds evidence that the presence of security cameras can encourage "prosocial" and "helping behavior" among bystanders.²

Berkeley's Police Department has been conducting Crime Prevention Through Environmental Design (CPTED) assessments for neighborhoods throughout the City over the past several years. These assessments include recommendations such as: increased lighting, maintenance of properties, landscaping and signage that can be used to deter criminal behavior.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified environmental or climate impacts associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

This Resolution will allow Public Works to execute the contract to start camera installation on Council-approved intersections. The installation of security cameras at select intersections has been a Council Directive since 2021. The initial ten locations selected for installation of cameras were approved in October 2021 and one has already been successfully installed.

On December 13th, 2021, Council approved an Amendment to FY 2022 Annual Appropriations Ordinance, which allocated \$1.3 million in funds towards the Surveillance Camera project. However, Public Works could not start fully on this project as the City had to develop and approve a Surveillance Camera Policy before work could begin. On June 13, 2023, Council approved Acquisition and Use Policies for External

¹ La Vigne, N. G., et al. (2011). Evaluating the use of public surveillance cameras for crime control and prevention. *Washington, DC: US Department of Justice, Office of Community Oriented Policing Services. Urban Institute, Justice Policy Center, 1-152.*

² Van Rompay, T. J., et al. (2009). The eye of the camera: Effects of security cameras on prosocial behavior. *Environment and Behavior, 41(1), 60-74.*

Fixed Video Surveillance Cameras and Unmanned Aerial System, which now allows Public Works to begin work on these installations.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Joy Brown, Operations Manager, Public Works, 510-981-6629

Michael Durbin, Police Captain, 510-981-5810

Jen Tate, Deputy Chief, 510-981-5760

Peni Basalusalu, Deputy Director, Public Works, 510-981-6485

Attachments:

- 1: Resolution – Contract: Edgeworth Integration, LLC for Purchase and Installation of External Fixed Video Surveillance Cameras at Council-Approved Locations
 - Exhibit A: Public Works Department Surveillance Acquisition Report
 - Exhibit B: Surveillance Use Policy – External Fixed Video Surveillance Cameras
- 2: March 1, 2024, Letter from the Police Accountability Board to the City Manager, Police Chief, and City Council

RESOLUTION NO. ##,###-N.S.

CONTRACT: EDGEWORTH INTEGRATION, LLC FOR PURCHASE AND
INSTALLATION OF EXTERNAL FIXED VIDEO SURVEILLANCE CAMERAS AT
COUNCIL-APPROVED LOCATIONS

WHEREAS, on March 13, 2018, City Council adopted Ordinance NO. 7,592-N.S., the Surveillance Technology Use and Community Safety Ordinance; and

WHEREAS, on October 16, 2018, City Council approved the installation of cameras in San Pablo Park, and

WHEREAS, on January 28, 2019, the City and Edgeworth Integration, LLC entered into Contract No. 31900080 for the purchase and installation of a video surveillance system at San Pablo Park; and

WHEREAS, on October 12, 2021, City Council adopted a budget referral for the purchase and installation of External Fixed Video Surveillance Cameras at ten City of Berkeley intersections; and

WHEREAS, on December 13th, 2021, Council approved Ordinance NO. 7,795-N.S. which amended the FY 2022 Annual Appropriations Ordinance NO. 7,779-N.S. and allocated \$1.3 million in funds towards the purchase and installation of Public Safety Surveillance Cameras at City Council approved locations; and

WHEREAS, on June 13, 2023, City Council adopted Resolution NO. 70,895-N.S., which approved the Acquisition and Use Policies for External Fixed Video Surveillance Cameras and Unmanned Aerial System; and

WHEREAS, Edgeworth Integration has been selected as the preferred vendor of Public Works; and

WHEREAS, \$600,000 in funding is available in the FY 2025 baseline Public Works budget General Fund 011; and

WHEREAS, additional funding will be procured through the FY 2025 budget process.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Council authorizes the City Manager to execute a contract with Edgeworth Integration, LLC for installation of External Fixed Video Surveillance Cameras at council-approved locations, for an amount not to exceed \$850,000 for a contract period through June 30, 2027.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that this action constitutes final approval.

Exhibits

A: Public Works Department Surveillance Acquisition Report

B: Surveillance Use Policy – External Fixed Video Surveillance Cameras

Public Works Department Surveillance Acquisition Report

SURVEILLANCE CAMERAS

A. DESCRIPTION

The Avigilon camera system consists of three main components: The camera, the server, and a remote information management system referred to as the Avigilon Control Center Client application (ACC).

The first component, the Avigilon camera, is a device that incorporates a video recording from an image. The cameras are affixed to City of Berkeley-owned infrastructure including utility poles on City streets and parks. The cameras provide protection to indoor and outdoor spaces with high-resolution images of up to 5 Mega Pixel, a wide field of view, and efficient bandwidth management in a compact design without compromising building aesthetics. Although license plate and facial recognition hardware is available, neither was purchased or installed. Without the hardware, these features cannot be activated. Audio is a standard feature of the camera, but will remain deactivated by the authorized administrators of the system.

The second component of the system is the server. Once the Avigilon camera captures the imagery, a local device, called a server, functions as a repository for the data. Servers are physically secured on City property and video recordings are protected within the City's network. Servers are designed to store recorded events in real time for secure retrieval and analysis. Recorded videos are transferred from the server's storage into an information management system, Avigilon Control Center (ACC) application.¹

The third component is the Avigilon Control Center Client application (ACC) which streamlines data management and allows users to access videos on one secure platform. The ACC software provides various levels of analytics to sort stored videos faster and is a standard feature. These include pixel motion detection of vehicles and people. Vehicular characteristics are searchable by vehicle type and color. Personal characteristics are searchable by gender (gender is a binary search, female of male), hair color, age, and upper and lower body clothing color. Authorized users of the system can only access data stored on a server through the ACC application. The ACC application is located on the server and accessed solely through the City's secured intranet by protected login and password. The application does not allow the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

B. PURPOSE

The cameras shall only record video images and not sound. Recorded images may be used and video surveillance may be monitored for the following purposes:

- (a) To support specific and active criminal or administrative investigations.
- (b) To support serious traffic-related investigations.
- (c) To support police misconduct investigations, and
- (d) To respond to and review critical incidents or natural disaster.

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040AB839

C. LOCATION

Surveillance cameras encompassed by this report, are located at, or will be installed at, the following locations.

Future Projects:

- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street
- Alcatraz & College
- Alcatraz & Adeline
- Alcatraz & Sacramento
- San Pablo & Gilman
- Woolsey & Telegraph
- Woolsey & Shattuck

Additional intersections as approved by City Council.

Completed Projects:

- San Pablo Park
- City of Berkeley Marina
- 6th Street at University Avenue

D. IMPACT

The primary intent of these cameras is to deter and address crime in the City of Berkeley. The Public Works Department will work to ensure that the video recordings are secured and only accessible to authorized personnel. The right to maintain someone's anonymity versus the need to collect information to maintain public safety is of paramount concern. The Department recognizes that all people have a right to privacy and is committed to protecting and safeguarding civil rights by adhering to the strictest requirements concerning the release of video recordings. There should not

be any impact on anyone's civil liberties or civil rights. The camera system lacks the hardware to conduct license plate reader or facial recognition technology. Audio is a standard feature of the cameras, but will remain deactivated by the authorized administrators of the system. Staff is explicitly prohibited from using any facial recognition technology as outlined in BMC 2.99.

The Public Works Department will ensure responsible data management, transparency, and accountability including the posting of video surveillance notices.

E. MITIGATION

In order to minimize violations of privacy, data shall be maintained in a secure, non-public accessible location, such locations require specialized system access including a dedicated password and log in. Data will be obtained or released in accordance with the use policy. Data will not be used to unlawfully discriminate against people based on race, ethnicity, political opinions, religious or philosophical beliefs, trade union membership, gender identity, disability status, sexual orientation or activity, or genetic and/or biometric data. Additionally, the Department will not use the camera surveillance system to scan footage and identify individuals based on any of the categories listed in the preceding sentence.

Employees are prohibited from retaining, duplicating, or distributing video recordings except for departmental business purposes in accordance with the use policy.

F. DATA TYPES AND SOURCES

The surveillance camera system's use is limited to capturing non-audio, video recordings on affixed City buildings, including utility poles on streets and within park boundaries. The Camera Surveillance system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users on the ACC application. As video images are recorded, the ACC application automatically stamps the video with the current date/time and the camera's identity.

G. DATA SECURITY

External users will not have access to the ACC application. The authorized administrator and designated staff will have access to video recordings. To gain system access, staff must obtain approval from system management. Authorized users will access the ACC application via a single sign-on and password administered by Information Technology. All system access including system log-in, access duration, and data access points is accessible and reportable by the Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering, or editing video recordings.

The Public Works Director or his/her designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the Surveillance Camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing of recordings.
2. Designating persons responsible for downloading recorded data.
3. Establishing a maintenance system to ensure the working order of surveillance cameras.

4. Monitoring the system to prevent tampering, deleting, and copying recordings.
5. Working in alignment with the State of California record retention policy, AB 839 to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
6. Maintaining an audit trail record for all access to video recording files, wherein access information for each file is logged using a secure log-in system. The ACC application associates an audit trail record with each user access information, thereby logging the date, time, user name, and activity occurring during each video recording file access.

H. FISCAL COST

Costs for future projects listed in Section C of this report are unknown at this time. Future costs will depend on additional maintenance, equipment, and parts. Ongoing costs include associated staff time relative to the system administrator's role of administering and maintaining the surveillance camera program. All cameras are purchased and wholly owned and operated by City of Berkeley.

Initial Purchase Costs:

For the future projects identified above, they are anticipated to cost between \$36,000 and \$55,000 per location.

San Pablo Park: \$64,829.46 – 1 server and 21 camera views

Marina: \$106,620.14 – 2 servers and 45 camera views

6th and University: \$36,346.30 – 1 server and 360° camera views

Ongoing Costs:

Personnel, maintenance, and other ongoing costs, including compliance and other reporting and oversight requirements - \$15,000.00 per year.

I. THIRD PARTY DEPENDENCE AND ACCESS

All Camera Surveillance data is accessed by a secure network login and password and stored on servers maintained by the Department of Information Technology. There is no third-party dependence or external access to information other than the ACC is a proprietary technology which requires all the components to be Avigilon.

J. ALTERNATIVES

The City can decide to rely on traditional policing techniques as a method for addressing crime such as deploying sworn officers.

There is a broad consensus – among the community– that surveillance cameras can be an important tool for deterring criminal activities.

K. EXPERIENCE OF OTHER ENTITIES

Neighboring cities including San Francisco, Oakland, and San Jose have adopted the use of Surveillance Cameras as a tool for reducing crime on city streets and parks. Many cities have

developed their own usage policies which may include standards for use, data retention standards, and system controls.

External Fixed Video Surveillance Cameras

351.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of City of Berkeley external fixed video surveillance cameras by the Berkeley Police Department (BPD).

This policy only applies to fixed, overt, marked external video surveillance systems utilized by the BPD. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department, as authorized by the City Council for use by other City Departments. BPD Personnel shall adhere to the requirements for External Fixed Video Surveillance Cameras covered in this policy as well as the corresponding Surveillance Use Policy -1304.

351.2 POLICY

The Berkeley Police Department utilizes a video surveillance system to enhance its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance safety and security in public areas. As specified by this policy, cameras may be placed in strategic locations throughout the City to record, deter, and solve crimes, to help the City safeguard against potential threats to the public, and to help manage emergency response situations during natural and human-made disasters, among other uses specified in Section 351.3.1.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

351.3 OPERATIONAL GUIDELINES

Only City Council-approved video surveillance equipment shall be utilized. BPD members authorized to review video surveillance may only record and review public areas and public activities where no reasonable expectation of privacy exists and pursuant to Section 351.3.1. The City Manager shall obtain Council approval of any proposed additional locations for the placement and use of video surveillance technology.

351.3.1 PLACEMENT REVIEW AND MONITORING

Camera placement will only occur in locations approved by the City Council and will be guided by this policy and the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the Chief of Police should confer with other affected City departments when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation or other obstructions, should also be evaluated when determining placement.

Camera placement includes existing cameras such as those located at San Pablo Park, the Berkeley Marina, and cameras placed in Council identified and approved intersections throughout the City, and potential future camera locations as approved by City Council.

Current City Council approved locations:

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

- 6th Street at University Avenue
- San Pablo Avenue at University Avenue
- 7th Street at Dwight Way
- San Pablo Avenue at Dwight Way
- 7th Street at Ashby Avenue
- San Pablo Avenue at Ashby Avenue
- Sacramento Street at Ashby Avenue
- College Avenue at Ashby Avenue
- Claremont Avenue at Ashby Avenue
- 62nd Street at King Street

The cameras shall only record video images and not sound. Recorded images pursuant to Section 351.5 may be accessed, reviewed, and used for specific criminal or BPD administrative investigations and video surveillance may be accessed and reviewed by authorized BPD personnel for the following purposes:

- (a) To support specific and active criminal investigations.
- (b) To support serious traffic-related investigations.
- (c) To support police misconduct investigations, and
- (d) To respond to and review critical incidents or natural disasters.

Unauthorized recording, viewing, reproduction, dissemination, or retention of video footage is prohibited.

351.3.2 FIXED CAMERA MARKINGS

All public areas monitored by video surveillance equipment shall be marked in a conspicuous manner with unobstructed signs to inform the public that the area is under police surveillance.

351.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department is prohibited from integrating or accessing system capabilities of the video surveillance system with other systems, such as gunshot detection, automated license plate recognition, facial recognition and other video-based analytical systems.

351.4 VIDEO SUPERVISION

Access to video surveillance camera data shall be limited to Berkeley Police Department (BPD) personnel utilizing the camera database for uses authorized above, with technical assistance from Public Works Department and Department of Information Technology personnel. Information may be shared in accordance with Sections 351.6 or 1304.9 below. BPD members seeking access to the camera system shall obtain the approval of the Investigations Division Captain, or their designee.

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

Supervisors should monitor video surveillance access and usage to ensure BPD members are complying with this policy, other applicable department policy, and applicable laws. Supervisors should ensure such use and access is appropriately documented.

351.4.1 VIDEO LOG

No one without authorization will be allowed to login and view the recordings. Access to the data must be obtained through the Public Works Department according to this policy and published regulations that limit access and use of data by Public Works and other City Departments and personnel. All system access including system log-in, access duration, and data access points is accessible and reportable and shall be documented by the Public Works Department's authorized administrator. Those who are authorized and login should automatically trigger the audit trail function to ensure compliance with the guidelines and policy. This is further outlined in Section 1304.4 of the Surveillance Use Policy.

351.4.2 PROHIBITED ACTIVITY

Video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Video surveillance systems shall not be used in an unequal or discriminatory manner and shall not target protected individual characteristics including, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.

Video surveillance equipment shall not be used to harass, intimidate or discriminate against any individual or group.

Video surveillance systems and recordings are subject to the Berkeley Police Department's Immigration Law Policy, and hence may not be shared with federal immigration enforcement officials.

351.5 STORAGE AND RETENTION OF MEDIA

Video surveillance recordings are not government records pursuant to California Government Code 34090 in and of themselves. Except as otherwise permitted in this section, video surveillance recordings shall be purged within one hundred and eighty (180) days of recording. Recordings of incidents involving use of force by a police officer or involving, detentions, arrests, or recordings relevant to a formal or informal complaint against a sworn police officer shall be retained for a minimum of two years and one month. Recordings relating to court cases and complaints against BPD sworn officers that are being adjudicated will be manually deleted at the same time other evidence associated with the case is purged in line with the Department's evidence retention policy. Any recordings related to a police misconduct investigation shall be maintained until such matter is fully adjudicated, at which time it shall be deleted in line with the Department's evidence retention policy, and any applicable orders from the court.

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

Any recordings needed as evidence in a criminal or police misconduct proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

351.5.1 EVIDENTIARY INTEGRITY

All media downloaded and retained pursuant to this Policy shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

351.6 RELEASE OF VIDEO IMAGES

Data collected and used in a police report shall be made available to the public in accordance with department policy and applicable state or federal law, also referenced in Policy 1304.8.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records pursuant to Policy 804.

Requests for recorded video from other law enforcement agencies shall be referred to the Investigations Division Captain, or their designee for release in accordance with this policy and must be related to a specific active criminal investigation.

Requests for recorded video from the Office of Director of Police Accountability and Police Accountability Board shall be referred to the Investigations Division Captain, or their designee, for release in accordance with Charter Article XVIII, Section 25, Subdivision (20)(a).

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

351.7 VIDEO SURVEILLANCE AUDIT

The video surveillance software generates a site log each time the system is accessed. The site log is broken down by server, device, user or general access. The site log is kept on the server for two years and is exportable for reporting. System audits will be conducted by the Professional Standards Bureau's Audit and Inspections Sergeant on a regular basis, at least biennial.

BPD will enforce against prohibited uses of the cameras pursuant to Policy 1010, Personnel Complaints or other applicable law or policy. The City Manager shall enforce against any prohibited use of cameras and/or access to data by other City of Berkeley personnel.

The audit shall be documented in the form an internal department memorandum to the Chief of Police. The memorandum shall include any data errors found so that such errors can be corrected. After review by the Chief of Police, the memorandum and any associated documentation shall be published on the City of Berkeley website in an appropriate location, and retained within the Professional Standards Bureau.

Berkeley Police Department

Law Enforcement Services Manual

External Fixed Video Surveillance Cameras

351.8 TRAINING

All department members authorized to operate or access video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, associated software, and review of relevant policies and procedures, including this policy, as well as review of relevant City of Berkeley laws and regulations. Training should also address state and federal law related to the use of video surveillance equipment and privacy. All relevant recordings that are utilized will be collected pursuant to Policy 802, Property and Evidence, and retained pursuant to Policy 804 Records and Maintenance.

351.9 MAINTENANCE

It shall be the responsibility of the Public Works Director to facilitate and coordinate any updates and required maintenance, with access limited to that detailed in the City Manager's promulgated policies.



John “Chip” Moore, Chair
Police Accountability Board
jomoore@berkeleyca.gov

March 01, 2024

VIA ELECTRONIC MAIL

To: Dee Williams-Ridley, City Manager Chief Jennifer Louis
City Manager’s Office Berkeley Police Department
2180 Milvia Street, 5th Floor 2100 Martin Luther King Jr. Way
Berkeley, CA 94704 Berkeley, CA 94704

Re: Concerns Regarding the Proposed Acquisition of Surveillance Cameras

Dear City Manager Dee Williams-Ridley and Chief Louis,

The Police Accountability Board (PAB) writes to respond to the referral pursuant to Berkeley Municipal Code (BMC) 2.99 - Acquisition and Use of Surveillance Technology for additional fixed security cameras. The PAB has concerns regarding the proposed acquisition and deployment of additional surveillance cameras within the City of Berkeley. The PAB’s apprehensions are the lack of a data-driven justification for and evaluation of this crime intervention measure and the continued involvement of the PAB in the acquisition and use of surveillance technology as per BMC 2.99.

- 1. RECOMMENDATION:** We urge the BPD and CMO to articulate a clear, evidence-based rationale for the deployment of additional surveillance cameras, supported by tangible data on their impact and effectiveness in enhancing public safety, prior to expansion.

Necessity for Data-Driven Justification:

Moreover, the PAB emphasizes the importance of a robust, data-driven analysis to justify the need for enhanced surveillance at specific locations. The Berkeley Police Department (BPD) and City Manager's Office (CMO) should provide clear, empirical evidence supporting the efficacy of surveillance cameras in crime prevention and investigation within the city. Such analysis should consider:

- historical data on the current surveillance program's impact;
- metrics for evaluating success;
- metrics for deciding camera locations; and
- projected outcomes of the proposed expansion.

2. **RECOMMENDATION:** To fortify trust and uphold legal standards, BPD and CMO must follow BMC 2.99's mandated processes to ensure transparency and community involvement in surveillance technology acquisition decision-making in all acquisitions moving forward.

Compliance with BMC 2.99 and Legal Implications:

This ordinance mandates a thorough review and approval process for the use of surveillance technology, designed to safeguard the privacy and rights of community members. Given the history of litigation in similar contexts, it is imperative the City adheres to the ordinance's stipulations at all times to mitigate the risk of future legal complications.

In light of these considerations, the PAB respectfully requests a detailed response to the concerns raised herein, namely, data-tracking and success metrics behind the proposed camera expansion and the measures taken to ensure compliance with BMC 2.99. We believe that a transparent, evidence-based approach to public safety initiatives is essential to maintain the trust and welfare of our community.

Thank you for your attention to these matters. We look forward to your prompt response.

Sincerely,



John "Chip" Moore, Chair
Police Accountability Board

cc: **Via Email Only**
Honorable Mayor Arreguin and Members of the City Council
Mark Numainville, City Clerk
Farimah Brown, City Attorney
Police Accountability Board

REFERENCES:

- 2011 URBAN INSTITUTE REPORT
<https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-w0614-pub.pdf>