



Office of the City Manager

CONSENT CALENDAR
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jennifer Louis, Chief of Police

Subject: Surveillance Technology Ordinance Submission for Berkeley City Jail Surveillance System

RECOMMENDATION

Adopt a Resolution:

1. Accepting the attached Surveillance Acquisition Report for the Berkeley City Jail Surveillance System, pursuant to Berkeley Municipal Code (B.M.C.) Chapter 2.99.
2. Accepting the attached Surveillance Use Policy: Use of Internal Video Surveillance System (BPD Policy 1306)

CURRENT SITUATION AND ITS EFFECTS

The internal surveillance camera system that is the subject of this request is part of a larger Public Safety Building (PSB) Detention Area Security System Renovation Project. The Berkeley Police Department, with support from the Public Works Department, is currently in the bidding phase of a project to replace the jail control panel and to upgrade and expand the surveillance camera system. Portions of this project are contingent upon City Council approval of both a Surveillance Acquisition Report and a Surveillance Use Policy, as required by Berkeley Municipal Code (BMC) Chapter 2.99. The attached resolution is limited to satisfying the requirements of BMC 2.99 by approving the Surveillance Acquisition Report and Surveillance Use Policy.

BACKGROUND

The Berkeley City Jail, located at 2100 Martin Luther King Jr. Way, was constructed in 2000. The jail is secured using a combination of a control panel, which controls the opening and closing of various entry/exit doors and cell doors, and a surveillance camera system. An operator in the control room monitors the safety of employees and detainees using this control panel system and the surveillance camera system. The current control panel system is 25 years-old, has exceeded its expected service life, and is now obsolete. Similarly, the surveillance camera system is composed of outdated analog and digital cameras, some over two decades old, with many areas of the jail lacking camera coverage. As part of a comprehensive redesign of the jail surveillance system, both the control panel and surveillance camera system require replacement.

The planned expansion will provide full recorded video coverage of the facility and integrate directly with the new control panel system. This resolution is intended to secure the required approvals under BMC 2.99, the City's Surveillance Technology Ordinance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identified environmental or climate impacts associated with the proposed project.

FISCAL IMPACTS OF RECOMMENDATION

This project was anticipated to originally cost \$500,000 and resources were made available to the Public Works Department in the FY2023 Capital Budget. However, due to extended project timelines, in order to implement the surveillance camera system, an additional \$250,000 is needed. Given the structural deficit in the General Fund, these resources are not immediately available and the Police Department will need to secure these funds before moving to the construction phase. Public Works will be bringing an item to Council to contract with a vendor following the Request for Proposal process.

RATIONALE FOR RECOMMENDATION

This Resolution will allow the Police Department to proceed with replacing the jail control panel and surveillance camera system. Integration of the upgraded surveillance camera system into the new control panel will enhance safety for both employees and detainees and ensure operational reliability within the Berkeley Jail facility.

ALTERNATIVE ACTIONS CONSIDERED

An alternative to approve the project would be to delay or forgo the replacement of the jail control panel and surveillance camera system. However, this option is not recommended due to significant operational and safety concerns. The current surveillance camera system lacks comprehensive coverage and relies on obsolete technology, limiting the Department's ability to effectively monitor detainee movement, respond to incidents, and ensure accountability. Gaps in video coverage may also expose the City to liability in the event of disputes or critical incidents. Delaying this project would prevent integration of modern surveillance capabilities into the new control panel system, undermining operational efficiency and delaying much needed infrastructure upgrades for the Berkeley Jail.

CONTACT PERSON

Chief Jennifer Louis (510) 981-5700

Attachments:

- 1: Resolution approving Surveillance Acquisition Report and Surveillance Use Policy for the Berkeley City Jail Surveillance System
- 2: BPD Policy 1306: Surveillance Use Policy: Use of Internal Video Surveillance System
- 3: Surveillance Acquisition Report: Berkeley City Jail Surveillance System

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

APPROVING SURVEILLANCE ACQUISITION REPORT AND SURVEILLANCE USE
POLICY FOR THE BERKELEY CITY JAIL SURVEILLANCE SYSTEM

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

WHEREAS, the Berkeley City Jail has been in operation at 2100 Martin Luther King Junior Blvd. since 2000; and

WHEREAS, Renovation and redesign of the Jail Control Panel and Surveillance System in the Jail has become necessary due to obsolescence of the existing system; and

WHEREAS, the Berkeley Police Department in collaboration with City of Berkeley Public Works undertook a PSB Detention Area Security System Renovation Project; and

WHEREAS, the Surveillance Technology Use and Community Safety Ordinance requires Council review and approval of a Surveillance Acquisition Report describing the proposed surveillance technology; and

WHEREAS, the Surveillance Technology Use and Community Safety Ordinance requires Council review and approval of a Surveillance Use Policy for the proposed surveillance technology; and

WHEREAS, the Berkeley Police Department has submitted the required Surveillance Acquisition Report and Surveillance Use Policy required by the Ordinance; and

WHEREAS, \$500,000 has been transferred to Public Works 501 Capital Improvement Fund in support of the PSB Detention Area Security System Renovation Project; and

WHEREAS, additional funding will be requested in the FY 2026 budget process; and

WHEREAS, the Council reviewed these documents has considered and balanced the City's interest in protecting public safety with its interest in protecting the privacy and civil rights of its community members; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Council approves of the Surveillance Acquisition Report Berkeley City Jail Surveillance System and Surveillance Use Policy 1306 and hereby approves of the acquisition and use of this surveillance technology in the Berkeley City Jail.

Surveillance Use Policy: Use of Internal and External Video Surveillance Systems Policy 1306

PURPOSE

This policy provides guidance for the use of City of Berkeley internal and external fixed video and audio security cameras by the Berkeley Police Department.

This policy only applies to fixed, overt, marked internal and external video surveillance systems utilized by the BPD in and on its facilities. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the BPD. Department personnel shall adhere to the requirements covered in this policy.

This Surveillance Use Policy is legally enforceable pursuant to BMC 2.99.

ACCESS AND USE OF RECORDINGS

Only BPD members who have received training on this policy and have been granted access by an authorized administrator may access security camera data. This data may only be accessed to further a legitimate use purpose, as listed in this Policy.

Recordings may be accessed, reviewed, and used by authorized BPD personnel for specific criminal investigations and administrative purposes, for the following purposes:

- a. To enhance security and safety for detainees and staff.
- b. To support the enforcement of City and Police Department policies and procedures.
- c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
- d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

Unauthorized recording, viewing, reproduction, dissemination, or retention of recorded surveillance footage is strictly prohibited.

PROHIBITED USES OF THE SECURITY SYSTEM

The following uses of the security camera system are strictly prohibited:

- a. Unauthorized recording, viewing, reproduction, dissemination, or retention of surveillance footage.
- b. Intentional use of cameras to invade individual privacy or to observe areas where a reasonable expectation of privacy exists.
- c. Use of cameras in a discriminatory or unequal manner, including targeting individuals based on protected characteristics such as race, ethnicity, national origin, religion, disability, gender, or sexual orientation.
- d. Use of cameras to harass, intimidate or discriminate against any individual or group.

- e. Sharing of surveillance footage or related data with federal immigration enforcement authorities for immigration enforcement, in accordance with the Berkeley Police Department's Immigration Law Policy.

DATA COLLECTION

The cameras will film and store video and audio on encrypted servers. License plate and facial recognition data hardware is not installed on the cameras. The cameras and storage devices shall be wholly owned and operated/maintained by the City of Berkeley.

DATA ACCESS

Access to security cameras data shall be limited to authorized BPD personnel for the purposes described in this policy. Technical assistance may be provided by authorized personnel from the Public Works Department and Department of Information Technology as necessary. Information may also be shared in accordance with the third-party data sharing provisions outlined below.

BPD members seeking access to the video surveillance system shall obtain the approval of the Support Services Captain, or their designee.

Supervisors should monitor camera access and usage to ensure compliance with this policy, all other applicable department policies, and applicable laws. Supervisors should ensure that all access and use is properly documented.

DATA PROTECTION

All data transferred from the cameras and the servers shall be encrypted. Only authorized BPD personnel shall have access to data for the legitimate uses identified in this policy.

All system access including system log-in, access duration, and data access points is trackable and reportable by the authorized system administrator within the Public Works Department. All relevant recordings that are accessed or utilized will be collected in accordance with BPD Policy 802 (Property and Evidence) and retained pursuant to BPD Policy 804 (Records Maintenance and Release).

CIVIL LIBERTIES AND RIGHTS PROTECTION

The Berkeley Police Department is committed to efficient utilization of its resources and services in its public safety endeavors. The Department also recognizes the need to protect ownership and control over shared information and to protect the privacy and civil liberties of the public, in accordance with federal and state law. Provisions of this policy, including data access, protection, retention, public access, and third-party data sharing serve to protect against any unauthorized use of video and audio security camera data. These procedures ensure that surveillance data is not used in any manner that would violate or infringe upon anyone's civil rights or liberties, including but not limited to actions that may result in disparate or adverse impacts on any communities or groups.

DATA RETENTION

The video and audio security camera system will retain recordings in accordance with our Records Maintenance and Release and Property and Evidence policies. Recordings of incidents involving use of force by a police officer, a detention, arrest, or those relevant to a formal or informal complaint shall be retained for a minimum of two years and one month. Recordings relating to court cases and personnel complaints 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. Recordings

associated with administrative or civil proceedings shall be maintained until the matter is fully adjudicated, and then deleted consistent with the Department policy, and any applicable court orders. All other data will be automatically deleted after the retention period by the System Administrator from the Public Works Department.

Any recording identified as evidence in a criminal proceeding shall be copied to an appropriate storage medium and booked into evidence in accordance with current BPD evidence procedures.

PUBLIC ACCESS

Requests for recordings from members of the public or the media shall be processed pursuant to the California Public Records Act and the Records Maintenance and Release policy.

Recordings that are the subject of a court order or subpoena shall be processed in accordance with the Records Maintenance and Release policy and any applicable legal requirements.

THIRD-PARTY DATA-SHARING

Requests for recordings from other law enforcement agencies shall be referred to the Support Services Captain or their designee and may only be released if they serve a legitimate California law enforcement purpose.

Data collected from the security camera system may be shared with:

- The District Attorney's Office for use as evidence in accordance with law governing criminal prosecution, in accordance with laws governing evidence;
- Other law enforcement personnel actively engaged in an active criminal investigation;
- Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

TRAINING

All department members authorized to operate or access the security camera system shall receive appropriate training. Training should include guidance on the use of cameras, associated software, review of this and other relevant BPD policies and procedures, Applicable federal and state laws regarding the use of video surveillance and privacy protections.

AUDITING AND OVERSIGHT

The security camera system 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 purposes. System audits will be conducted by the Office of Strategic Planning and Accountability on a regular basis.

BPD will enforce against prohibited uses of this policy pursuant to the Personnel Complaints policy or other applicable law or policy.

The audit shall be documented in the form of an internal memorandum to the Chief of Police. The memorandum shall include any data inconsistencies or errors found and outline corrective actions taken. After review by the Chief of Police and/or their designee, the memorandum and any associated documentation shall be placed into the Department's annual report submitted to the City Council in compliance with BMC Section 2.99.020(2), published on the City of Berkeley website, and retained within the Office of Strategic Planning and Accountability.

MAINTENANCE

It shall be the responsibility of the Public Works Department to facilitate and coordinate any updates and required maintenance to ensure continued operation and compliance with this policy.

Surveillance Acquisition Report: Berkeley City Jail Surveillance System

This report is submitted in accordance with Berkeley Municipal Code (BMC) Chapter 2.99 concerning the Acquisition and Use of Surveillance Technology. The Berkeley Police Department is updating the existing Berkeley City Jail Surveillance System.

1. Description (BMC 2.99.020(3)(a))

The Avigilon camera system consists of three main components: the camera, the server, and a remote information management system known 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 within the City of Berkeley Public Safety Building, specifically in the Berkeley Jail hallways and detention cells. Existing cameras in the Jail will be updated, and additional cameras will be installed to enhance safety and coverage. Audio is a standard feature of the camera and will be enabled.



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 within the Jail facility and video recordings are stored securely within the City's network. These servers are designed to store footage in real time for later retrieval and analysis. Data is transferred from the server into an information management system, Avigilon Control Center (ACC) application.¹

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

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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. 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 credentials and password. The application does not allow users or administrators, the authorized administrator or system users to alter, manipulate, or edit any of the footage recorded by the server.

2. Purpose (BMC 2.99.020(3)(b))

The security cameras will be utilized for the following business purposes:

- a. To monitor detainee activity to enhance security and safety for detainees and staff.
- b. To support the enforcement of City and Police Department policies and procedures.
- c. To prevent, deter, and identify illegal activity in Berkeley Police Department facilities, including the jail.
- d. To document interactions involving City employees, detainees, or other individuals to safeguard all parties and address any potential misconduct.

3. Location (BMC 2.99.020(3)(c))

Security cameras encompassed by this report are inside the Berkeley Police Department Jail Facility, located at 2100 Martin Luther King Jr. Way, Berkeley CA 94704 (Public Safety Building).

4. Impact (BMC 2.99.020(3)(d))

The primary purpose of the cameras is described in Section 2, above. The Berkeley Jail and Public Works Department will work to ensure that the video recordings are secured and only accessible to authorized personnel (namely, authorized Jail personnel and managers trained on the uses and data security components of the camera). The Department recognizes the balance between safety and privacy rights

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in custodial settings. While detainees have a reduced expectation of privacy, the Berkeley Police Department is committed to safeguarding civil liberties and limiting access to recordings as required by law. The camera system lacks the hardware for facial recognition technology. Audio is a standard feature of the cameras and will be enabled to enhance safety.

The Berkeley Police Department Support Services Captain and Public Works Department will ensure responsible data management, transparency, and accountability, including the posting of video surveillance notices within the facility.

5. Mitigation (BMC 2.99.020(3)(e))

A comprehensive Surveillance Use Policy specific to this technology is included, outlining authorized uses, data handling, retention, and oversight, consistent with BMC 2.99.020(4). To minimize privacy risks, all recorded data will be stored in secure, non-publicly accessible locations. Access to the system is restricted to authorized personnel through secure login credentials managed by the City. Audit trails are automatically generated to log all system access and activity.

Data will not be used to unlawfully discriminate based on protected characteristics. Additionally, recordings will not be scanned, searched, or analyzed for the purpose of identifying individuals based on any such characteristics. Use of facial recognition technology is explicitly prohibited.

Employees are prohibited from retaining, duplicating, or distributing recordings except for legitimate law enforcement or administrative purposes as outlined in the Department's Surveillance Use Policy.

The camera system complies with applicable laws including BMC Chapter 2.99 related to surveillance data handling. Signage will be posted to provide notice of surveillance operations within the facility.

6. Data Types and Sources (BMC 2.99.020(3)(f))

The camera system's use is limited to capturing video and audio recordings affixed within the Berkeley Jail. The camera system collects video recordings in high-resolution imagery that is stored securely on a local server and accessible by authorized users through 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.

7. Data Security (BMC 2.99.020(3)(g))

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

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data access points are accessible and trackable by the Berkeley Jail and Public Works authorized administrator. The application prohibits the authorized administrator and users from altering, manipulating, tampering with, or editing video recordings.

The Public Works Director or their designee shall appoint a member of the department as the authorized administrator to coordinate the use and maintenance of the camera system and the storage of recordings, including:

1. Establishing a system for downloading, storing, and securing recordings.
2. Designating personnel 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 audit trails of all system 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, username, and activity occurring during each video recording file access.

8. Fiscal Impact (BMC 2.99.020(3)(h))

Costs (fixed and ongoing) for the purchase and installation of the cameras are below. All camera servers are owned and maintained by the City of Berkeley.

Purchase and Installation Costs: \$250,000.00. The annual anticipated maintenance and other ongoing costs, including compliance and other reporting and oversight requirements, is approx. \$15,000.

9. Third Party Dependence and Access (BMC 2.99.020(3)(i))

Camera data is accessed by a secure network login and password and stored on servers located in the Jail and maintained by the Department of Information Technology. No third party has access to stored data. However, the ACC platform is a proprietary technology which requires all the components (camera, software, and server) to be part of the Avigilon suite.

10. Alternatives (BMC 2.99.020(3)(j))

Elect not to upgrade the existing camera system and forgo the added safety and coverage benefits provided by the new cameras.

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11. Experience of Other Entities (BMC 2.99.020(3)(k))

Security camera systems are standard in jail facilities throughout California and the United States. They are widely used to maintain staff and detainee safety and to ensure accountability within the custodial setting.