



**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
REGULAR MEETING**

**Monday, July 21, 2025
10:30 AM**

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704
Teleconference Location – 5617 NW Jetty Ave, Lincoln City, OR 97367

Committee Members:

Councilmembers Rashi Kesarwani, Shoshana O’Keefe, and Brent Blackaby
Alternate: Mayor Adena Ishii

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1612503824> to access the meeting remotely. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 161 250 3824**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - May 8, 2025

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. **Rescission of the Police Equipment and Community Safety Ordinance From: Councilmember Humbert (Author), Councilmember O'Keefe (Co-Sponsor)**

Referred: June 2, 2025

Due: November 10, 2025

Recommendation: Adopt Ordinance No. xxxx-N.S. which rescinds Ordinance 7760-N.S. and adopt a resolution to rescind the Police Equipment and Community Safety Ordinance (enacted May 11, 2021) because the State-level reporting requirements mandated by California AB 481 already provide a comprehensive and sufficient framework for police equipment oversight.

Financial Implications: None

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

3. **Discussion Item: Potential funding mechanisms for financing EMBER program implementation**

From: Councilmember Blackaby

Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Committee Action Items

4. **Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP)**
From: Councilmember O'Keefe (Author)
Referred Date: June 9, 2025
Due Date: November 17, 2025
Recommendation: Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public. This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas. The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.
Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

5. **Discussion Item: Update on the Five-Year Infrastructure Plan and how it factors in with reduction of traffic violence**
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Items for Future Agendas

- **Requests by Committee Members to add items to the next agenda**

Adjournment

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*Written communications addressed to the Public Safety Committee and submitted to the City Clerk Department will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*



**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

~~~~~  
I hereby certify that the agenda for this meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 17, 2025.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.



**BERKELEY CITY COUNCIL PUBLIC SAFETY COMMITTEE
SPECIAL MEETING MINUTES**

**Thursday, May 8, 2025
12:30 PM**

Cypress Room – 2180 Milvia Street, 1st Floor, Berkeley, CA 94704

Committee Members:

Councilmembers Rashi Kesarwani, Shoshana O’Keefe, and Brent Blackaby
Alternate: Mayor Adena Ishii

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MINUTES

Roll Call 12:31 p.m.

Present: Kesarwani, O'Keefe, Blackaby

Absent: None

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

- Minutes - March 24, 2025**
Action: M/S/C (Kesarwani/Blackaby) to approve the March 24, 2025 minutes.
Vote: All Ayes.

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

- Police Accountability Board Report: Fair and Impartial Policing Implementation**
(Item contains supplemental material)
From: Police Accountability Board
Referred: January 27, 2025
Due: June 16, 2025
Recommendation: Approve the following recommendations and instruct the Berkeley Police Department (BPD) and Police Accountability Board (PAB) to proceed with their implementation:
Recommendations to the Berkeley Police Department
 - Three-prong approach.
 - Definition of Low-Level Traffic Infractions: A definition consistent with SB 50 should be adopted.
 - Primary Collision Factors: This prong should specify the mode of the party at fault.
 - Community Reports: Under the category of "a variety of unsafe driving incidents," policies should be put in place that specify which calls for service will result in law enforcement action. That specification should be derived from an analysis of the 13% of calls from community members that resulted in a citation or arrest, as per the City Auditor's July 2021 report.
 - Community Caretaking: This prong needs more specificity, and its components should be based on Berkeley data rather than national statistics, as is done for Prong 1 (Primary Collision Factors). Specifically, the analysis should examine which other factors (non-PCFs) are highly associated with severe and

Committee Action Items

fatal collisions in Berkeley. The open-ended quality of this prong may contribute to more non-safety-related stops than is called for in the Council directive. If more specificity is not possible or feasible, this prong should be eliminated.

e. Reporting: Future BPD updates on FIP implementation should include statistical information enabling an analysis of the impact of the three-prong approach on reducing or eliminating stops for low-level offenses—a primary focus of the Council directive—in a manner that supports an overall assessment and an understanding of the approach’s impact on reducing racial disparities in traffic stops.

2. Evidence-based definition for stops of criminal suspects:

a. Establish an evidence-based definition for stops of criminal suspects.

b. Explain how precision-based policing, feedback loops, and accountability measures referenced in BPD FIP implementation updates relate to this recommendation and addresses the directive to establish an evidence-based definition for stopping criminal suspects.

3. Enhanced implicit bias training: Per the Council's directive, ensure that BPD personnel receive intensive annual training dedicated to implicit bias.

4. EIS: Pending the deployment of a new Early Intervention and Risk Management system, EIS audits should be focused on officers who are outliers on the variables stipulated in the Department’s EIS, with a particular focus on racial disparities in stops, arrests, and searches. A designated PAB Member should serve as an observer in this process, as has been informally agreed to. Future audit reports should include the scope of what was reviewed and a clear statement of findings within the confines of officer confidentiality.

5. Written consent searches: Future reporting to the council should include the number of consent searches conducted per reporting period and their effect on racial disparities in searches, compared to consent search numbers before implementation.

6. Warrantless searches of people on supervised release: Future FIP updates should identify the impact of the new BPD Policy 311.6 on the numbers of searches and arrests of people on probation and parole and the racial disparities in them.

7. Profiling by proxy: Future BPD updates should specify what instructions dispatchers are given on profiling by proxy, and any impact the instruction and corresponding Communications Manual amendments have had on racial disparities in departmental response to calls for service.

8. Business cards: Ensure that business cards are distributed as mandated by the Council directive.

9. Make resources on police-civilian encounters publicly available, such as through RAHEEM.org.

Committee Action Items

Recommendations to the Police Accountability Board

1. Scenario-based training: The 2021 Council specifically referred to the PAB oversight of the implementation of a scenario-based training component in the existing officer training required by the California Penal Code. This topic will be agendaized for discussion at a future PAB meeting, including the appropriateness of, and ability of the PAB to oversee departmental training.

2. Crisis Intervention Team (CIT): The 2021 Council item refers to the PAB accelerating CIT activity. This will be discussed in future PAB meetings.

Recommendations to the Berkeley City Council

1. Establish metrics to assess the success of implementing FIP directives.

Currently, the BPD appears to be focused entirely on policy, and on tests of bias, as evidenced in its recently published Annual Report. The PAB has focused instead on outcomes, addressing the key question of whether racial disparities have decreased in any of the areas subject to FIP directives.

2. Eliminate reporting requirements for recommendations that the PAB ascertains have been fully implemented.

3. Require BPD to report biannually on:

a. Traffic stops by each prong of their 3-prong framework and by race within each prong.

b. Stop, search, and arrest data by probation/parole status and race.

c. Calls for service by the race of the reporter and reportee.

Financial Implications: See report

Contact: Hansel Aguilar, Commission Secretary, (510) 981-4950

Action: 1 speaker. M/S/C (Blackaby/Kesarwani) to send item to City Council with a qualified positive recommendation highlighting the refined actions agreed upon by PAB and BPD as captured in their joint letter, and to close the Fair and Impartial Policing (FIP) Task Force referral from the February 23, 2021 City Council meeting, with the understanding that the specific recommendations in that referral have been completed, although work on fair and impartial policing will continue.

Vote: All Ayes.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

3. Discussion Item: Update on the Five-Year Infrastructure Plan and how it factors in with reduction of traffic violence

From: Councilmember Tregub

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Items for Future Agendas

- Discussion Item: Potential funding mechanisms for financing EMBER program implementation

Action: M/S/C (Blackaby/O'Keefe) to add future agenda item

Vote: All Ayes

Adjournment

Action: M/S/C (Kesarwani /O'Keefe) to adjourn the meeting

Vote: All Ayes

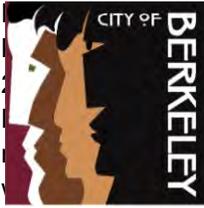
Adjourned at 12:53 p.m.

I hereby certify that the foregoing is a true and correct record of the Public Safety Committee meeting held on May 8, 2025.

Wendy Sorensen, Assistant City Clerk

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Councilmember
District 8
t, 5th Floor
04
berkeley.info
rt.com

ACTION CALENDAR

June 17, 2025

To: Honorable Mayor and City Councilmembers
From: Councilmember Mark Humbert (Author) and Councilmember Shoshana O’Keefe (Co-sponsor)
Subject: Rescission of the Police Equipment and Community Safety Ordinance

RECOMMENDATION

Adopt Ordinance No. xxxx-N.S. which rescinds Ordinance 7760-N.S. and A-adopt a resolution to rescind the Police Equipment and Community Safety Ordinance (~~Ord. 7760-NS~~, enacted May 11, 2021) because the State-level reporting requirements mandated by California AB 481 already provide a comprehensive and sufficient framework for police equipment oversight.

CURRENT SITUATION AND ITS EFFECTS

The City currently operates under a local ordinance that imposes specific reporting and oversight requirements on police equipment. Five months after the enactment of this ordinance, state law under California AB 481 established a uniform reporting framework that fully meets the oversight objectives originally intended by the local ordinance. This overlap has led to duplicative reporting that unnecessarily burdens City staff, reduces officer availability, and complicates administration.

BACKGROUND

The Police Equipment and Community Safety Ordinance, adopted on May 11, 2021, aimed to strengthen local oversight, transparency, and accountability in the use of police equipment. However, soon after its adoption, the state enacted AB 481, which established a standardized statewide reporting framework for police equipment across the state. Under AB 481, BPD must annually report:

1. A summary of how military equipment was used and for what purpose;
2. Any complaints or concerns received about such equipment;
3. Results of internal audits, any violations of the equipment use policy, and corrective actions taken;
4. Total annual costs for each equipment type, including acquisition, maintenance, and funding sources for the following year;
5. The quantity of each type of military equipment currently held; and
6. Any planned acquisitions and their quantities for the upcoming year.

Rescission of the Police Equipment and Community Safety Ordinance ~~CONSENT-ACTION~~ CALENDAR: June 17 26, 2025

While AB 481 excludes certain items such as batons and Oleoresin Capsicum (OC) spray, their use is already documented under BPD's Use of Force Policy and made public via the City's Transparency Hub, maintaining public accountability. As a result, the local ordinance has become redundant—duplicating state requirements, consuming staff resources, and complicating administrative processes without adding meaningful oversight.

PROPOSED CHANGES AND REASONING

It is proposed that the Police Equipment and Community Safety Ordinance be rescinded in favor of adhering solely to the State-mandated reporting requirements established by AB 481. Eliminating the local ordinance will streamline reporting and remove redundant administrative requirements. This change will allow City staff to focus on higher-priority operational matters while maintaining robust oversight and transparency. The State law already incorporates the necessary reporting elements and even extends its scope to include additional equipment categories not specifically covered under the local ordinance, making the local requirements duplicative and unnecessary. In essence, the proposed rescission reflects a practical alignment with State law, ensuring that local practices do not impose additional burdens where a comprehensive framework already exists.

RATIONALE FOR RECOMMENDATION

The recommendation to rescind the Police Equipment and Community Safety Ordinance is based on the recognition that California AB 481 provides an adequate, statewide reporting framework that meets the intended goals of transparency and accountability. Maintaining both the local ordinance and the state law creates redundancy that diverts valuable City resources from more pressing priorities. Aligning with the State-mandated reporting not only simplifies administrative procedures but also ensures consistency across jurisdictions. This approach supports effective governance by reducing unnecessary duplication, enhancing operational efficiency, and reinforcing the City's commitment to progressive policy that is both practical and fiscally responsible. Relying on the State-mandated reporting ensures that BPD collects and publishes data that will allow them to compare their work with other agencies, support transparency and balance oversight with fiscal responsibility, administrative burden and best allocation of limited personnel resources. The City will continue to make information about police equipment and use of force publicly available, ensuring that rescinding the ordinance does not reduce public transparency or oversight.

FISCAL IMPACTS

No significant additional expenditures are anticipated as a result of these revisions. The changes are expected to generate significant administrative efficiencies and may yield cost savings that can be redirected to other operational public safety needs.

CONTACT INFORMATION

Councilmember Mark Humbert
mhumbert@berkeleyca.gov

Rescission of the Police Equipment and Community Safety Ordinance ~~CONSENT ACTION~~ CALENDAR: June 17 ~~26~~, 2025

ATTACHMENTS

1. Resolution
2. Ordinance

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

Resolution Rescinding the Police Equipment and Community Safety Ordinance

WHEREAS, on May 11, 2021, the City Council adopted the Police Equipment and Community Safety Ordinance (Ord. 7760-NS) to enhance local oversight, transparency, and accountability in the management of police equipment; and

WHEREAS, on October 1, 2021, California AB 481 was enacted, establishing a comprehensive statewide reporting framework for police equipment that fully satisfies the oversight objectives originally intended by the local ordinance; and

WHEREAS, maintaining both the local ordinance and the State-mandated reporting requirements results in duplicative reporting efforts that unnecessarily burden City staff and complicate administrative processes; and

WHEREAS, rescinding the Police Equipment and Community Safety Ordinance will streamline reporting processes, eliminate redundant administrative tasks, and allow City staff to focus on higher-priority operational matters while maintaining robust oversight and transparency; and

WHEREAS, the reporting framework mandated by AB 481 incorporates all necessary oversight elements and extends coverage to additional equipment categories not specifically addressed in the local ordinance, thereby rendering the local requirements superfluous; and

WHEREAS, rescinding the local ordinance in favor of the State-mandated reporting framework supports effective governance, enhances operational efficiency, and reinforces the City's commitment to progressive and fiscally responsible policy;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that:

1. The Police Equipment and Community Safety Ordinance (Ord. 7760-NS, enacted May 11, 2021) is hereby rescinded in its entirety.
2. The City shall adhere solely to the reporting requirements mandated by California AB 481 for police equipment oversight.

ORDINANCE NO. X,XXX-N.S.
RESCINDING ORDINANCE 7760-N.S. POLICE EQUIPMENT AND COMMUNITY SAFETY
ORDINANCE

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings and Purpose

- A. On May 11, 2021, the City Council adopted Ordinance No. 7760-NS, the Police Equipment and Community Safety Ordinance, to enhance local oversight, transparency, and accountability in the management of police equipment.
- B. On October 1, 2021, the State of California enacted Assembly Bill 481 (AB 481), establishing a comprehensive statewide framework for police equipment reporting and oversight.
- C. The State-mandated requirements of AB 481 satisfies the objectives originally intended by the City's local ordinance, while also extending oversight to additional categories of equipment not addressed by Ordinance No. 7760-NS.
- D. The continued implementation of both the local ordinance and the State-mandated reporting requirements has resulted in duplicative administrative burdens and inefficiencies for City staff.
- E. Rescinding Ordinance No. 7760-NS will streamline the City's reporting processes, eliminate redundant tasks, and enable staff to focus on higher-priority operational responsibilities, while maintaining robust public transparency and accountability under State law.
- F. The City Council finds that rescission of Ordinance No. 7760-NS is consistent with the City's goals of effective governance, operational efficiency, and fiscally responsible policymaking.

Section 2. Rescission

Ordinance No. 7760-NS, known as the Police Equipment and Community Safety Ordinance, is hereby rescinded in its entirety.

Section 3. Compliance with State Law

The City of Berkeley shall comply with all applicable provisions of California Assembly Bill 481 and any subsequent amendments thereto governing the acquisition, funding, use, and reporting of police equipment.

Section 4. Effective Date

This amendment shall become effective 30 days after adoption of this ordinance.

Section 5. Posting, Filing, and Publication Requirements

Rescission of the Police Equipment and Community Safety Ordinance ~~CONSENT-ACTION~~ CALENDAR: June 17 ~~26~~, 2025

Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



No Material
Available for
this Item

There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley Public Safety Policy Committee Webpage:

<https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-public-safety>



To: Honorable Mayor and Members of the City Council
 From: Councilmember Shoshana O'Keefe (Author)
 Subject: Residents Oppose Broadcasting Obnoxious Cacophony Out in Public (ROBOCOP)

RECOMMENDATION

Refer to the City Manager a request that the City Attorney draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit in certain circumstances the installation and use of motion-activated surveillance devices that emit artificial or pre-recorded sound—including alarms, sirens, or voice recordings—in response to the presence or motion of persons in the public right-of-way or on private property that is open to the public.

This prohibition shall apply to such devices when installed in the public right-of-way or on private property when triggered by motion in the public right-of-way, and when the sound emitted is audible in public areas.

The prohibition shall not apply to conventional burglar alarms that activate only in response to unauthorized entry or tampering.

SUMMARY STATEMENT

This item refers to the City Manager a request to amend Berkeley Municipal Code Chapter 13.40, Community Noise, to prohibit the installation and use of fixed security cameras or surveillance devices in the public right-of-way or on private property that emit arterial or pre-recorded sound into the public realm and neighboring residential properties.

In recent months, community members submitted multiple complaints regarding a new class of noise-generating surveillance devices installed on private property and aimed toward the public right-of-way. Specifically, residents living near the CVS at 1451 Shattuck Avenue reported being repeatedly disturbed by automated announcements triggered by motion.

While these systems may be marketed as deterrents to nuisance behavior, they have created a new kind of public nuisance – disturbing the peace, disrupting sleep, and transforming neighborhood sidewalks into sites of relentless audio warnings. Under today's decibel-and-duration thresholds (e.g. 65 dBA for up to 30 minutes per hour) and the exemptions for interior or bona fide emergency alarms, these short, motion-triggered voice announcements – often under 10 seconds at a time do not meet the threshold of 'noise disturbance.' However, these repeated and unpredictable loud noises create a significant disturbance in the surrounding

environment and are similarly detrimental to public health, welfare, safety, and quality of life to people in the area.

This item aims to close a gap in the City's noise regulations by prohibiting the installation of audio-enabled surveillance devices that are either in the public right-of-way or affixed to private property but triggered by movement in the public right-of-way, that emit persistent, automated, and blaring noise into the public realm, and undermine the peaceful nature of Berkeley's neighborhoods.

BACKGROUND

Berkeley has long recognized the importance of protecting residents from excessive and intrusive noise. The City's Community Noise Ordinance, BMC Chapter 13.40, establishes that noise can be detrimental to public health, safety, welfare, and overall quality of life, and that every person is entitled to an environment free from disturbing and unnecessary sound.

Prompted by multiple complaints from neighbors about such a device recently installed at the CVS at 1451 Shattuck Avenue, this referral aims to address an emerging class of noise disturbances. Residents reported being subjected to loud, repetitive announcements from the automated surveillance system – including warnings that the area is under video monitoring and aggressive pre-recorded messages directed at pedestrians walking by. Of the two types of announcements reported, one, stating “for your safety, this parking lot is being recorded” occurred at regular intervals of around every 30 minutes. The other occurred during all times of the day and night, and was triggered by motion in public areas, specifically on the sidewalk along Shattuck Ave. It reportedly instructed residents to “leave the area immediately or the police will be called.”

These pre-recorded messages could be heard from hundreds of feet away, including inside homes with closed windows. With announcements occurring at all hours, including late at night and early in the morning, many nearby residents reported interrupted sleep or disruption to work and other activities. While the stated intent of such systems is to deter unwanted behavior on private property, their impact on surrounding homes and public spaces has created new concerns about noise, privacy and equity. Residents have likened the experience to living under constant surveillance, with automated messages and flashing lights eroding neighborhood livability and creating a hostile, dystopian atmosphere.

At present, these devices are not clearly regulated under existing provisions of the City's noise ordinance. Neither the City, nor the Berkeley Police Department approved the installation of this device. However, Berkeley's residents are not the first to be impacted by these types of devices

– residents in cities like Seattle and Washington DC have also reported feeling threatened by these “intrusive” and advanced security systems.¹²

This referral seeks to initiate a review and amendment of BMC Chapter 13.40 to ensure that Berkeley’s policies address these emerging trends in surveillance technology and uphold the City’s values of peace, dignity and fairness.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Berkeley’s Community Noise Ordinance (BMC Chapter 13.40) outlines the City’s framework for regulating sound levels and identifies noise pollutants as a public health and welfare issue. Specifically, Section 13.40.010, Purpose and Intent, establishes the City’s position:

“Certain sound levels and vibrations are detrimental to the public health, welfare, safety, and quality of life, and are contrary to the public interest; Every person is entitled to an environment in which the noise is not detrimental to their life, quality of life, health, or enjoyment of property.”

The ordinance goes on to state that:

“The public health, comfort, convenience, safety, welfare, prosperity, peace, and quiet of the City and its inhabitants will be promoted by maintaining quiet in those areas which exhibit low sound levels and by reducing noise in those areas within the City where sound levels are above acceptable values.” (BMC Section 13.40.010, Ord. 7122-NS § 1, 2009; Ord. 5500-NS)

Although the ordinance provides broad authority to regulate offensive and excessive sound, it does not currently address the growing use of motion-activated security devices that emit loud, repetitive, artificial sound from private property into public space. Under current law, the sporadic nature of these types of announcements may not cumulatively meet the required noise threshold. Neighbors reported that the device emitted several notifications within an hour, but likely did not exceed the 30-minute exterior noise requirement, as described in the ordinance.

This referral proposes amending the ordinance to explicitly prohibit the types of devices that project sound into the public right-of-way and/or adjacent properties, and are triggered by routine, lawful activity.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmember Shoshana O’Keefe discussed the ordinance with City Attorney, Farimah Brown, and the City Manager, Paul Buddenhagen. The City Attorney expressed interest in amending

¹ Dowling, J. (2022, May 27). *Neighbor calls new talking security camera outside Queen Anne CVS “intrusive.”* FOX 13 Seattle. <https://www.fox13seattle.com/news/uptown-resident-calls-new-talking-security-camera-outside-cvs-intrusive>

² Crabtree, E. (2024, July 13). *CVS shopper shocked at new “police robot” anti-theft measure.* The US Sun. <https://www.the-sun.com/news/11911844/cvs-shopper-shocked-new-anti-theft-measure/>

the Berkeley Municipal Code Chapter 13.40 to expressly forbid the installation and use of automated amplified sound equipment when it is triggered by movement in the public right-of-way and emits repeated, blaring noise that can be disruptive to those in the public realm.

RATIONALE FOR RECOMMENDATION

This ordinance would protect the health and welfare of residents by preventing disturbing and excessive noise from artificial surveillance devices in the public realm and private dwellings. The existing Berkeley Municipal Code (13.40.010) already establishes that:

- Certain sound levels are detrimental to the quality of life;
- Individual are entitled to an environment free of disruptive noise;
- Offensive and excessive noise negatively affect the peace and comfort of the community.

This item aligns with Berkeley's goals of maintaining vibrant, safe, and peaceful neighborhoods, and ensures technology used for private surveillance does not come at the expense of the broader public welfare.

IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This referral requests the City Manager to instruct the City Attorney to draft amendments to Berkeley Municipal Code Chapter 13.40, Community Noise, to address the use of automated, amplified and motion-activated security systems installed in the public right-of-way or on private property that can be triggered by people on public property, and impact public space.

Specifically, this item asks the City Manager and City Attorney to:

- Add a new prohibition on motion-activated and audio-enabled surveillance devices that are triggered by movement in public areas, while being mindful of any potential First Amendment issues.
- Create a tailored exemption for private intrusion/burglar alarms monitored exterior sensors that activate only in response to unauthorized entry or tampering.

Once draft language is adopted by the Council, implementation and enforcement would be carried out through existing procedures outlined in the City's noise ordinance. Administration would likely be managed by the Health, Housing, and Community Services (HHCS) Department, with possible support from the Berkeley Police Department, particularly for after-hours or repeated violations.

ENVIRONMENTAL SUSTAINABILITY

This item has no direct environmental impact.

FISCAL IMPACTS

No significant fiscal impact expected. Staff time may be required for enforcement given the potential updates to noise enforcement protocols.

CONTACT

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No Material
Available for
this Item

There is no material for this item.

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The City of Berkeley Public Safety Policy Committee Webpage:

<https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-public-safety>

